



**Report of the Chief Planning Officer**

**SOUTH AND WEST PLANS PANEL**

**Date: 31st October 2024**

**Subject: 23/07393/FU - Conversion of Newall Church Hall to form 2 dwellings and residential development of land to the rear for 4 dwellings with associated greenspace, landscaping and infrastructure. Newall Church Hall, Newall Carr Road, Otley, LS21 2AF**

**APPLICANT**

B Houldsworth & Sons Ltd

**DATE VALID**

07.12.2023

**TARGET DATE**

01.02.2024

**Electoral Wards Affected:**

**Otley and Yeadon**

Yes

Ward Members consulted

(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

**RECOMMENDATION: REFUSE PLANNING PERMSSION for the following reasons:**

**Reason 1: Loss of designated are of natural greenspace**

The Local Planning Authority considers that, by reason of the development of a designated area of natural greenspace, the proposed development will result in the loss of and harm to a protected site of intrinsic wildlife and greenspace value. The development is therefore contrary to Policy H2, G6 and G9 of the Leeds Core Strategy, Policy GP5 of the Saved Unitary Development Plan Review 2006, Otley Neighbourhood Plan and the adopted Site Allocations Plan.

**Reason 2: Impact on setting of non-designated heritage asset**

The Local Planning Authority considers that, by reason of its inappropriate design and layout, the proposed development will have a negative impact on the setting of Newall Church Hall, a non-designated heritage asset. As such, the proposed development is contrary to Policy H2, P10 and P11 of the Leeds Core Strategy, Policy GP5 of the Saved Unitary Development Plan Review 2006 and Policy BE8 of the Otley Neighbourhood Plan.

## EXECUTIVE SUMMARY

1. The application was considered at Plans Panel on 3rd October 2024. The Panel resolved not to accept the officer recommendation to approve the proposals subject to the imposition of relevant conditions. Members were minded to refuse the Application for the five provisional reasons listed below. In accordance with the Planning Code of Good Practice (paragraphs 6.3.2 – 6.3.4) it was resolved to defer the Application to another meeting to further test and consider the proposed reasons for refusal.
2. This report responds to the provisional reasons formulated by the Plans Panel for refusing permission. The report includes officer advice on the merits of each reason proposed and refers to relevant evidence as appropriate. The report advises Members of the robustness of the reasons proposed together with any associated risks (including costs awards).
3. Members are requested to consider the further information and resolve how it wishes to determine the application. Members should ensure they clearly identify and understand the planning reasons leading to this conclusion. These reasons must be given before the vote and shall be recorded. The Officer recommendation above arises from the further advice below.
4. The Panels provisional reasons for refusal were based upon the 5 concerns raised in respect of the following:
  1. Development resulting in the loss of a designated area of natural green space contrary to Policy G6 of the Core Strategy.
  2. Loss of the site would impact negatively on wildlife.
  3. Inadequate biodiversity mitigation measures proposed
  4. The negative impact of the proposal on non-designated heritage asset.
  5. The unacceptable impacts on archaeology within the site
5. **With regards Panel Member concerns 1 and 2 above**, in assessing the concerns raised by Plans Panel in formulating the reasons for refusal it is considered that Panel member concerns 1 and 2 can form a single reason for refusal as the negative impact the development of the site is considered to have on wildlife is a direct impact from the loss of a designated area of natural greenspace. This will form refusal reason 1. The suggested reason for refusal for Members to consider is set out below:

### Reason 1: Loss of designated are of natural greenspace

The Local Planning Authority considers that, by reason of the development of a designated area of natural greenspace, the proposed development will result in the loss of and harm to a protected site of intrinsic wildlife and greenspace value. The development is therefore contrary to Policy H2, G6 and G9 of the Leeds Core Strategy, Policy GP5 of the Saved Unitary Development Plan Review 2006, Otley Neighbourhood Plan and the adopted Site Allocations

6. **With regards Panel Member concern 3** that inadequate biodiversity mitigation measures were proposed Members are advised that a reason for refusal on these grounds would be difficult to substantiate given the application demonstrated that the development would provide measures to provide biodiversity net gain as required by Policy G9 of the Core Strategy. It is important to reiterate that, as the application was submitted prior to 12<sup>th</sup> February 2024 the development is not required to meet the minimum of 10 percent uplift in biodiversity improvements. Member's attention is brought to paragraphs 102 to 106 of the original Panel Report (extract below which fully explains the position with regards Biodiversity Net Gain. In light of this it is recommended that 'Inadequate biodiversity mitigation measures proposed' should not form a reason for refusal as the application complies with policy requirements.

*"Policy G9 of the Core Strategy requires that there is an overall biodiversity net gain within development proposals proportionate to the scale of the development. ONP Policy GE2 requires development within or adjacent to Local Green Infrastructure to include measures to enhance or extend it. ONP Policy GE5 supports development within the Extended Leeds Habitat Network that demonstrate there will be an overall biodiversity net gain, including positive contribution to the network through habitat protection, enhancement and creation; the enhancement of existing wildlife habitats and new areas and opportunities for wildlife via design; and no significant adverse impact on the integrity and connectivity of the network.*

*As the application was submitted prior to 12th February 2024 the development is exempt from specific Biodiversity Net Gain requirements. However, as previously discussed, the proposed landscaping scheme will provide new native tree, scrub and hedgerow planting which is identified will provide an enhancement and extension to the Extended Leeds Habitat Network along the southern, western and eastern boundaries. Overall, it is anticipated that tree losses to facilitate the development will be offset by the provision of 15 new native broadleaved trees, which complies with local policy regarding replacement tree provision.*

*In addition, further off-site landscaping is proposed, with the addition of 15 native broadleaved trees to the immediate south of the application site, which will increase tree provision in the neighbourhood area, offering further landscape and ecological enhancements. These benefits could be secured through a condition or legal agreement.*

*The BNG assessment results in a positive on-site gain therefore in compliance with Core Strategy Policy G9 and ONP Policy GE5.*

*In summary, it is considered that the landscape and biodiversity net gain proposals and ecological benefits comply with ONP Policies GE2, GE5 and GE8 and Core Strategy Policy G9. "*

7. **With regards Panel Member concern 4** the following reason for refusal is suggested to reflect Member's concerns with the negative impact of the proposal will have on Newall

Church Hall as a non-designated heritage asset. For clarity this will form reason for refusal 2.

Reason 2: Impact on setting of non-designated heritage asset

The Local Planning Authority considers that, by reason of its inappropriate design and layout, the proposed development will have a negative impact on the setting of Newall Church Hall, a non-designated heritage asset. As such, the proposed development is contrary to Policy H2, P10 and P11 of the Leeds Core Strategy, Policy GP5 of the Saved Unitary Development Plan Review 2006 and Policy BE8 of the Otley Neighbourhood Plan.

8. **With regards Panel Member concern 5** Members are advised that reason the unacceptable impacts on archaeology within the site - would be difficult to substantiate should the decision to refuse planning permission be subsequently appealed by the applicant. Members attention is drawn to paragraphs 88, 89, 90 and 91 of the original Panel report where the report advised that:-

*“Newall Church Hall and the wider site is located on the side of the former Newall Hall. The site therefore has the potential to contain archaeological remains or features that require identifying, recording and, if of historical significance, preserving. During discussion and comments on the application Ward Members have raised this as a significant issue. As a result, further discussion has taken place with the applicant and the West Yorkshire Archaeological Advisory Service (WYAAS) to agree a scope of works required prior to the commencement of any development of the site.*

*Consideration has also been given to whether the archaeological investigation should be carried out prior to the determination of the application. The WYAAS have advised that, while it is always preferable for works to be carried out prior to determination, as the potential for archaeological remains is low to moderate and the significance of any remains is as yet undetermined but again is likely to be low to moderate, the conditioning of the investigation to be carried out prior to the commencement of development is appropriate in this case.*

*Following this discussion that applicant has provided a ‘Written Scheme of Investigation for Archaeological Evaluation (WSI)’ which agrees the scope of works that is required to be carried out. This scheme has identified the possible archaeological features on the site and advise the location of 3 trenches required to carry out an appropriate investigation of the site.*

*The WYAAS have reviewed this document and have confirmed that the WSI is acceptable for evaluation and can be approved. Depending on the results of the evaluation further archaeological mitigation works may be required.”*

6. Given a ‘Written Scheme of Investigation for Archaeological Evaluation’ has been out the applicant at the request of West Yorkshire Archaeological Advisory Service that this document and the proposed archaeological survey work this proposal has been confirmed as acceptable by WYAAS subject to this being carried out prior to

the commencement of development, a refusal on the grounds of harmful would, as advised, be difficult to substantiate. In light of this it is recommended 'the unacceptable impacts on archaeology within the site' does not form a reason for refusal

7. Members are advised that, following the resolution at Plan Panel on 3<sup>rd</sup> October, the applicant's agent has provided a written response to the concerns raised by the Members and has advised that it is the intention to appeal the decision and make a claim for an 'award of costs' to the Planning Inspectorate.
8. A copy of the original Panel report is attached for Member's information.
9. In conclusion, Officers are of the opinion provisional reasons 1,2 and 4 (merged as two refusal reasons) can demonstrably support the refusal of the application.

## **10. Recommendation**

It is recommended that the application be refused on the defensible grounds of reasons 1 and 2 at the head of the report.



## Report of the Chief Planning Officer

### SOUTH AND WEST PLANS PANEL

Date: 3<sup>rd</sup> October 2024

**Subject: 23/07393/FU - Conversion of Newall Church Hall to form 2 dwellings and residential development of land to the rear for 4 dwellings with associated greenspace, landscaping and infrastructure. Newall Church Hall, Newall Carr Road, Otley, LS21 2AF**

**APPLICANT**

B Houldworth & Sons Ltd

**DATE VALID**

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**TARGET DATE**

01.02.2024

**Electoral Wards Affected:**

**Otley and Yeadon**

Yes Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

**RECOMMENDATION:**

**Defer and delegate approval, subject to the following conditions, to enable completion of the advertisement period of the application as a departure from the Development Plan:**

**Conditions**

1. Time limit on outline permission
2. Development to accord with approved plans
3. External materials to be approved
4. Surfacing materials to be approved
5. Boundary treatments to be approved
6. Permitted development rights for extensions and alterations removed
6. Construction Method Statement to be approved
7. Highway lighting scheme to be submitted
8. Visibility splays provided
7. Vehicle areas to be laid out
8. Off site highway works to be carried out
8. Bin storage to be provided

9. Electric vehicle charging points to be provided
10. Landscape scheme to be approved
11. Landscape scheme to be carried out
12. Preservation of existing trees and hedges
13. Protection of existing trees and hedges
14. Biodiversity net gain plan to be submitted
15. Imported soil tests to be approved
16. Phase 1 and 2 contamination reports to be submitted
16. Unexpected contamination to be reported
17. Drainage details to be submitted
18. Conversion of Newall Church Hall to be completed prior to first occupation of new build dwellings

## **INTRODUCTION**

1. This application is brought to Plans Panel in accordance with the scheme of delegation. The development involves the development of an area protected natural greenspace as allocated in the Site Allocations Plan, as a result the development is contrary to the Development Plan.

## **PROPOSAL:**

2. The application is for the conversion of Newall Church Hall to form 2 dwellings and residential development of land to the rear for 4 dwellings with associated greenspace, landscaping and infrastructure.
3. The proposed residential development comprises a mix of 2, 3 and 4 bedroom dwellings in the following mix.
  - 2 x 2 bed dwellings within the existing Church Hall;
  - 2 x 3 bed detached dwellings); and,
  - 2 x 4 bed semi-detached dwellings
4. The conversion of the Church Hall proposes limited alterations to the building largely limited to the insertion of a first floor to create bedroom accommodation together with the addition of a number of conservation roof lights on both the north and south roof planes. Garden space is provided to both dwellings to the south and east of the building. Four parking spaces are provided beyond the garden space.
5. The two detached dwellings are located within the centre of the site with the front elevations facing north and the rear elevation south with views over the adjacent park and across to Otley Chevin. The dwellings are designed with front and rear gables with ridge lines that run north/south and east/west. The dwellings are to be constructed from stone and natural slate. Fenestration detailing includes a projecting bay window to the side and heads and sills to all windows.
6. The two semi-detached properties are located in the eastern portion of the site with the front elevation facing west over the development site. The design includes gable elements with a roof ridge running east/west linked with a large roof with a ridge running north/south. A secondary gable is located on the southern elevation affording views over the adjacent park. The dwellings are to be constructed from stone and natural slate. Fenestration detailing includes heads and sills to all windows.
7. The layout of the development includes two parking spaces for all properties with an additional visitor space. Cycle storage are provided for the properties without garages. EV charging points are provided for all properties. All existing stone boundary walls are

to be retained with mixed native hedging located on all public fronting boundaries. Fencing is limited to boundaries between the rear boundaries of the 4 new build dwellings.

## **SITE AND SURROUNDINGS**

8. The application site is located off Newall Carr Road in Otley, immediately north of Newall Carr Road children's park and greenspace . The land lies immediately east of Newall Carr Road and comprises the existing Newall Hall building, with pedestrian access off Newall Carr Road.
9. Newall Hall is a single storey stone building with a a large roof pitch. The building was constructed as a Sunday school in circa 1927 and subsequently as a church hall. The quality of the building and local significance is sufficient to be considered a non-designated heritage asset.
10. The area to the rear of the Church Hall is designated within the Site Allocations Plan as an area of natural green space (G771). The adjacent park (G772) is designated as an area of protected green space.
11. A stone wall forms the western boundary to the footpath on Newall Carr Road. Boundary treatment on the eastern and southern boundaries comprises a mix of trees and low boundary stone walling. The rear boundaries of existing semi-detached properties on The Crescent form the northern boundary. The boundary treatment mainly comprises close boarded fencing.
12. The site is located in a predominantly residential area that has a mixed architectural and spatial character, comprising semi detached two storey properties to the north on Newall Carr Road and The Crescent, and a mixture of detached two storey and detached dormer bungalows to the north west off Croft House Drive. Prince Henrys Grammar School lies to the immediate south of the local greenspace and park off Newall Carr Road. The school playing fields lie to the immediate east of the Site and the main school buildings to the south east of the Site.
13. The Site is north of the River Wharfe and within walking distance to Otley town centre which contains a range of local services and shops. Wharfedale Hospital lies a short distance away to the north west of the Site.

## **RELEVANT PLANNING HISTORY:**

### Newall Church Hall:

PREAPP/17/00718 - 10 semi-detached houses including access and parking – Advice given.

PREAPP/18/00512 - Demolish existing church hall and construction of 10 dwellings – Advice given

23/00202/FU - Demolition of Newall Church Hall and development of 8 semi-detached dwellings with associated greenspace and landscaping – Withdrawn



PREAPP/23/00216 - Conversion of Newall Hall to form two apartments and the development of four dwellings – Advice given

Land at Ash Grove:

21/10180/OT - Outline application for residential development of two dwellings – Refused and dismissed at appeal

**HISTORY OF NEGOTIATIONS**

14. As illustrated in the planning history for the site there has been a number of proposals for the development of this site since 2017. Initial responses advised that the redevelopment of the site would unlikely be supported given the loss of designated greenspace and the harm that would result from the demolition of Newall Church Hall which is considered to be a non-designated heritage asset.
15. A planning application was submitted in 2023 for the development of the site including the demolition of the Church Hall. Officers advised that the demolition of the Church Hall would not be supported though further discussion for the redevelopment of the site which included the retention of the Church Hall could be discussed through a pre-application in light of the recent appeal decision at the Land at Ash Grove site. The application was withdrawn and a further pre-application enquiry submitted.
16. Following consideration of the plans submitted in support of the pre-application and after discussions with Ward Members a full response was provided to the applicant. This concluded that:

*“It is the position of the Local Planning Authority that the site remains a protected area of natural greenspace within the SAP and any development that results in its loss will be contrary to the policies within the Development Plan.*

*The recent Ash Grove appeal decision is a material consideration in assessing applications which relate to the and appeal site though its reasonable for the Council to afford less weight to the decision on other greenspace sites.*

*Any future planning applications for the development of this site will be considered against all material planning considerations including the recent appeal decision. Officers will have to conclude whether on their own or together the material considerations are sufficient (or not) in their opinion to outweigh any conflict with G6.*

*The overall conclusion needs to weigh up the merits of the whole development and other material considerations not related to greenspace are still sufficient to outweigh the loss of this area of protected natural greenspace.*

*With regards to the planning balance the loss of the protected natural greenspace within the Otley and Yeadon ward, where there is an identified deficiency, weighs significantly against the development. The surplus created by the inclusion of Otley Plantation is given only minimal weight as this area is located outside both the Ward and, significantly, the Leeds administrative area.*

*It is however noted that there are some qualitative elements to the scheme that weigh in favour of the development. Firstly, any development that retains the Church Hall and in which it is sensitively converted would weigh in favour of development. Secondly, It is also accepted that the Otley Neighbourhood Plan did not designate this area as*

*greenspace as it was considered that it did not meet landscape, recreation and accessibility criteria for doing so*

*Overall, in the event of a further planning application being submitted for the development of this site it reasonable to advise that, given the above and the considerable local concern for the loss of this area of natural greenspace, it is unlikely that this will be supported by Leeds City Council.*

*If an application is pursued it as advised that emphasis should be given to developing an exceptionally high-quality scheme that clearly would outweigh this presumption against development resulting in the loss of the greenspace.”*

17. As part of negotiations of the current application, the layout of the development and the design of the detached properties have been amended. The detached properties have been redesigned to reflect the design and form the semi-detached properties given the form and design of these properties are considered appropriate for this site. The design of these properties as submitted was considered incoherent, with a contemporary additions with no apparent design justification. The orientation and position of these properties have been relocated in order to create a stronger street scene and to afford these properties views over the adjacent park and beyond this Otley Chevin.
18. The two, four-bay car ports were omitted from the scheme as these were considered unnecessary and harmful to the appearance of the development. Attached garages have been provided on the two detached properties.
19. The landscaping has been amended to better define and provided improved areas of garden spaces to all properties. Hedge boundary treatment has been included to provide additional screening to the existing stone walls without the need for close boarded fencing throughout the site.

#### **PUBLIC/LOCAL RESPONSE:**

20. Otley Town Council: Objection: Given the location, the vehicular entrance is potentially dangerous; it will require a Traffic Regulation Order to move the vehicles already parked there resulting in a net loss of on street parking; the house design is poor and uninspired; the dwellings will be built on the site of Newall Old Hall and before a decision is taken the Town Council ask that a full archaeological exploration of the whole site be carried out; the Neighbourhood Plan lists Newall Church Hall as a Community facility which should be protected: in the Leeds Local Plan the space at the back is protected green space.
21. Ward Councillors: While the retention and reuse of the existing Church Hall is to be welcomed we (Cllr Ryk Downes and Cllr Sandy Lay) have reservations regarding the wider development.

These concerns include (in no particular order), There is little reference to Newall Old Hall which was on this site (The Otley Museum has in their collection a number of photographs showing the original building) along with associated structures and topographical features. The application mentions these but given the importance of the building within the Newall area we feel there should be a full archaeological exploration of the site.

Landscaping around the proposed new build is poor and that in the wider area seems to include land outside the developers control. There seems to be little or no biodiversity

net gain proposed, the original site was covered in naturalised grass and shrubs but this was removed by the developer.

The area to the rear of the hall is designated as green space in the Leeds SAP. It is recognised by the City Council that within the Leeds Council ward which includes Otley there is a shortage of green space. The Councillors do not accept the premise that an area of green belt in an adjacent authority and some distance from this site can be used as mitigation against the loss of local green space.

The house styles and layout are uninspired.

There are a number of highways concerns regarding the entrance to the site. Traffic traveling north have limited visibility an issue which should be addressed. To create appropriate sight lines at the entrance a number of parked vehicles (neighbours and visitors to the hospital/school will have to be displaced by a traffic regulation order. These will leak onto neighbouring residential estates. Any development should address this.

For the above reasons we cannot support this development.

22. Ward Councillors: Notwithstanding the new plans the ward Councillors still regard the construction of houses in local plan green space to be contrary to Council policy and should be resisted.

We also have concerns as to the accuracy of the Archaeological report. In particular where it refers to Newall Old Hall. It fails to mention the 1840 map which clearly shows the hall in this location but does not show some of the roadside buildings described in the 1849 map. It also fails to evidence the photographic record which clearly shows the hall. Given this is the documented site of a medieval tower house the proposed archaeological works are inadequate and the development, if allowed will destroy the site.

23. Fifteen letters of representation have been received on the originally submitted and subsequently amended scheme raising the following concerns:

- The development will be detrimental to highway safety with insufficient sight lines and impact on other nearby road junctions.
- The development will impact on pedestrian safety close to the site
- The development will displace existing on street parking on Newall Carr Road to surrounding streets.
- The development will potentially impact on drainage and flooding locally.
- The loss of the use of the community building will impact the community and should be retained for community use.
- There will be issues of noise and nuisance from vehicular movements associated with the development.
- The development will result in overlooking of properties on The Crescent.
- The development will impact on the outlook from properties on The Crescent.
- The removal of trees will be harmful to biodiversity.
- Mature trees should be retained on the site.
- Additional houses will result in further strain on schools and health services.
- The siting of the refuse store is too close to neighbouring properties.
- The use of materials on the dwellings does not reflect the surrounding properties.
- The development will result in the loss of green space.
- Consideration should be given to the archaeological significance of the site.

- The development does not provide any affordable housing.

24. One letter of support has been received as the development will provide good quality family housing in a small housing development.

### **CONSULTATION RESPONSES:**

25. Historic England: No comment – the application does not meet the relevant statutory provision requiring comment from Historic England

26. Environmental Studies – Transport Strategy: No objection. Environmental Studies have been consulted on this application due to its proximity to the road network. On examination of Defra's strategic noise maps and the layout and orientation of the proposed dwellings, noise from road traffic is unlikely to be of a level that would require specific measures over and above standard building elements. Therefore, in this case we do not require an acoustic assessment to be submitted.

27. West Yorkshire Archaeology Advisory Service: It is recommended that an archaeological evaluation comprising trial trenches is undertaken to assess the site's archaeological potential, in particular the nature of feature D (Geophysical Survey figure 6 shows its location). To identify if the feature was a building, and, if possible, to determine its date and function. Ideally this evaluation should take place prior to the determination of the application to allow an appropriate archaeological response to be developed should significant remains be present. The programme of archaeological works should be secured by placing an appropriate condition on any grant of planning consent awarded by LCC.

28. Highway Services: No objections. Highway Services have commented on the scheme and have raised no objections to the development of the site for 6 dwellings subject to conditions covering off site highway works, visibility spaces, lighting scheme, construction management, bin and waste storage provision, laying out of hard surfaced areas and provision of electric vehicle charging point.

29. Flood Risk Management: The application site is located within Flood Zone 1 and there have been no records of any recent flooding within the property or adjacent areas. An initial review has also identified that there are no known flood risks which require specific mitigation and would impact on the proposed development.

The drainage proposals shown in AMA Flood Risk Summary and Drainage Strategy dated November 2023 are satisfactory to FRM. Surface water discharge from the development is restricted to 3 l/s for storm events upto the 1 in 100 year return period with climate change allowance. Consent to connect to the culverted watercourse is to be sought from LCC. A construction phase drainage plan is required to ensure the adjacent area is protected from flooding and pollution while site is being built.

30. Contaminated Land: Based on the available information, a minimum of a Phase 1 Desk Study report is required. Depending on the outcome of the Phase 1 Desk Study, a Phase 2 (Site Investigation) Report and Remediation Statement may also be required.

It would be preferable to receive the requested information prior to recommending conditions, however should the planning officer be minded to grant permission or have insufficient time to obtain the requested information please use the relevant Conditions and Directions which will allow for appropriate documentation to be submitted

31. Sport England: Concerns raised regarding the potential conflict between the residential development and adjacent park. Consideration should be given to the a ball strike risk assessment to be carried out.

## **PLANNING POLICIES:**

### Development Plan

#### The Development Plan

32. Section 38(6) of the Planning and Compulsory Purchase Act states that for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (as amended 2019), those policies saved from the Leeds Unitary Development Plan Review (2006), the Aire Valley Leeds Area Action Plan (2017), the Natural Resources and Waste Local Plan (as amended 2015), the Site Allocations Plan (as amended 2024) and any made Neighbourhood plan.

33. The following Core Strategy policies are considered most relevant:

- Spatial Policy 1: location of development.
- Policy H2: New housing on unallocated sites.
- Policy H4: Housing Mix
- Policy H9: Minimum Space Standards
- Policy H10: Accessible Housing Standards
- P10: Design.
- P11 - Conservation
- P12: Landscape
- T2: Accessibility and highway safety.
- Policy G1: Greenspace
- Policy G6: Protected greenspace
- Policy G9 - biodiversity improvements
- Policy P9: Community facilities
- EN2 – Sustainable design and construction.

34. The following saved policies within the UDP are considered most relevant to the Determination of this application:

- GP5 - Development proposals should resolve detailed planning considerations.
- BD5 – New development and protection of amenity.
- LD1 – Protection of vegetation.

35. The following policies from the **Natural Resources and Waste Local DPD** are relevant to this development proposal:

Policy Land 1: Contamination  
Policy Land 2: Development and trees  
Policy Water 1: Water efficiency

Policy Water 6: Flood Risk Assessments  
Policy Water7: Surface water management

36. The following Supplementary Planning Policy documents are relevant:

- Neighbourhoods for Living.
- Street Design Guide.
- Building for Tomorrow Today: Sustainable Design and Construction.

#### Neighbourhood Plan

37. Otley Neighbourhood Plan

Policy H1: Housing development on non-allocated sites  
Policy GE2: Local Green Infrastructure  
Policy GE5: Protection and Improvement of Biodiversity  
Policy GE8: Development and Replacement Trees  
Policy BE8: Protection and enhancement of non-designated heritage assets  
Policy CF1: Protection and Enhancement of Community Facilities

#### National Planning Policy and Guidance

##### National Planning Policy Framework

38. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004). The National Planning Policy Framework is an important material consideration in planning decisions.

##### National Planning Practice Guidance

39. The Planning Practice Guidance (PPG) provides commentary on the application of policies within the NPPF. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary; relevant to planning and to the development to be permitted; enforceable; precise and reasonable in all other respects.

#### **CLIMATE EMERGENCY:**

40. The Council declared a climate emergency on the 27<sup>th</sup> March 2019 in response to the UN's report on Climate Change.

The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.

As part of the Council's Best City Ambition, the Council seeks to deliver a low-carbon and affordable transport network, as well as protecting nature and enhancing habitats for wildlife. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

#### **PUBLIC SECTOR EQUALITY DUTY:**

41. The Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. Taking into account all known factors and considerations, the requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community has been fully taken into account in the consideration of the planning application to date and at the time of making the recommendation in this report.

In this instance it is considered that the proposals do not raise any specific implications in these respects and therefore it is not considered that a full Equality, Diversity, Cohesion and Integration Impact Assessment (EDCI) is required.

#### **MAIN ISSUES**

1. Principle of development
2. Design and character
3. Residential Amenity
4. Highway Safety and Parking
5. Other material planning issues
6. Local representation
7. Conclusions

#### **APPRAISAL**

##### Principle of development

42. With regards to the principle of whether the addition of six properties on this site is acceptable Policy H2 is the relevant policy. This states that:

*"New housing development will be acceptable in principle on non-allocated land, providing that:*

- (i) *The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development,*
- (ii) *For developments of 5 or more dwellings the location should accord with the Accessibility Standards in Table 2 of Appendix 3"*

43. As the site located within a predominantly residential area with good access to public transport and local services the location of the site is considered to be appropriately sustainable therefore meeting the requirements of the first part of Policy H2.

44. However, Policy H2 also states that:

*“Greenfield land:*

- a) Should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, or makes a valuable contribution to the visual, historic and/or spatial character of an area,*
- b) or b) May be developed if it concerns a piece of designated green space found to be surplus to requirements by the Open Space, Sport and Recreation Assessment.*

45. The application site is predominantly greenfield and therefore it is essential to assess whether the site is of in light of this, it is essential to assess whether the intrinsic or spatial value of the site is of a quality that requires preserving and whether, as designated greenspace the site is deemed surplus to requirements.

46. As the proposed development is on land that is designated as Green Space in the Development Plan. Site Allocations Plan, 2019 (typology “natural”). Designated greenspace the site is protected by policy G6 of the Core Strategy (As amended 2019). Policy G6 of the Core Strategy States:

*“Green space (including open space and pedestrian corridors in the City Centre) will be protected from development unless one of the following criteria is met:*

- i. There is an adequate supply of accessible green space/open space within the analysis area and the development site offers no potential for use as an alternative deficient open space type, as illustrated in the Leeds Open Space, Sport and Recreation Assessment; or*
- ii. The green space/open space is replaced by an area of at least equal size, accessibility and quality in the same locality; or*
- iii. Where supported by evidence and in the delivery of wider planning benefits, redevelopment proposals demonstrate a clear relationship to improvements of existing green space quality in the same locality “*

47. In assessing the development against the criteria of Policy G6 a recent appeal decision for residential development on as designated area of natural greenspace in Otley is material to the consideration of this application. A proposal for two houses on a designated area of natural greenspace at Land at Ash Grove was refused planning permission and subsequently appealed by the applicant. While this appeal was dismissed by the Inspector, comments and justification made by the Inspector had implications for the potential future development of areas of natural greenspace within Otley. The Local Planning Authority and local Ward Members had concerns regarding this decision, particularly with regards the potentially implications for justifying the development of other areas of natural greenspace within the Otley and Yeadon Ward. As such, legal advice and discussion with senior officers took place to establish Council’s position to ensure a clear and consistent approach for future proposals for the redevelopment of natural green space sites.

48. With reference to G6(i) the Analysis Area in assessing Surplus and Deficiencies for Green Space in this case is the Otley and Yeadon Ward. When assessed against this measure Green Space is in deficiency within the Analysis Area and therefore the proposal to develop the site is contrary to Policy G6 .

49. In considering the Land at Ash Grove appeal the Inspector agreed with this position stating that:



*, '....the greenspace policies of the SAP and CS were formulated by LCC based on evidence from their own local authority area at the time. This is clear from the Site Allocations Plan Green Space Background Paper 2017 (GBP) which informed the SAP. The analysis area for considering proposals against the policy should therefore be taken to be land within the LCC administrative area, and more specifically the ward area, which in this case is that of Otley and Yeadon. This means that, notwithstanding the allocations contained within the ONP, there remains a deficit of natural greenspace in the analysis area. Accordingly, the proposal fails to accord with Policy G6 of the CS.'*

50. The Otley Neighbourhood Plan (ONP) (made in November 2021) further identifies 'Local Greenspace' designations.

51. The ONP does not identify the application site as a 'local green space', the reasons why this is the case will be considered, however it is important to note this does not remove the Local Plan designation under Policy G1 of the SAP which continues to carry full weight. The two policies are mutually compatible and 'Local Green spaces' are additional too, not replacements of, designated land. In other words, by virtue of the ONP not considering this site as a 'local greenspace' this does not supersede the SAP designation.

52. It is necessary to consider the latest position and include 'local greenspace' designations when assessing surpluses and deficiencies. However, the position on considering the additions of ONP 'local greenspaces' into surpluses and deficiencies is complicated by the position that the ONP extends into a small area of Harrogate, outside of Leeds district. The land outside the Leeds District Boundary contains an area of Natural Green Space known "Otley Plantation" which is identified in the ONP as 'local greenspace'. If "Otley Plantation" is added to the Analysis Area, then there becomes a surplus when measured against G6 (i). Without "Otley Plantation" there is still a deficit.

53. It should be noted that the Green Area (Otley Plantation) lies beyond some housing that is also in the ONP but outside the Leeds Area and not in the Leeds administrative area. The LPA do not calculate land supply for other uses outside of the Leeds District boundary.

54. However, in considering the Appeal (App/N4720/W/22/330444) for the Land at Ash Grove site, the Inspector's reasoned that:

*'... the fact that the ONP allocates natural greenspace within its plan area is a consideration that requires weighing against the conflict with the development plan that I have identified. In particular, it is pertinent that Otley Town Council determined that a larger area than the parish, encompassing areas of land within HBC, should be defined as the Neighbourhood Area for the ONP. This was on the grounds that these areas are clearly part of the urban expansion of Otley and their inclusion provided a more sensible boundary for planning purposes. Having consciously identified such a boundary and included Otley Plantation within it as greenspace of an appropriate quality, it would be remiss to choose to disregard that site in making an assessment of the greenspace provision in Otley'*

55. As stated earlier it is accepted that the Inspector placed material weight on a) the ONP site (Otley Plantation) being included and b) the site (Otley Plantation) being included in the calculation. However, the Council maintains that the weight that is given should be limited as the site is outside the district as identified above.

56. The advice is that the Land at Ash Grove appeal decision is a material consideration in assessing applications which relate to the appeal site and its reasonable for the Council to afford less weight to the decision on other greenspace sites such as the site subject to the application. The appeal decision needs to be weighed up along with other material planning considerations.
57. As such, it is essential that the proposal for the development of this site is considered against all material planning considerations including the recent appeal decision. In reaching a decision it will need to be concluded whether on their own or together the material considerations are sufficient (or not) to outweigh any conflict with G6. The overall conclusion needs to weigh up the merits of the whole development and other material considerations not related to greenspace are still sufficient to outweigh the loss of this area of protected natural greenspace.
58. Given the above, when assessing the development against G6, it is clear that the Site Allocations Plan protects the site from development unless a specific list of requirements that justify its loss of met. In this case, as there is a deficit of greenspace in the Otley and Yeadon Ward and the development does not fully meet any of the three policy criteria which would enable the setting aside the protection the policy provides the development is contrary to Policy G6. This weighs significantly against the development.
59. With regards to the Otley Neighbourhood Plan, this document allocates areas of local greenspace taking a different approach to the evidence boundary. This takes defines a Neighbourhood Area for the purposes of the Plan and, in doing so, includes an area within Harrogate Borough Council. As discussed, this results in Otley Plantation being included within the Neighbourhood Area results in a surplus of natural greenspace. When assessing the quantitative provision of natural greenspace within Otley and Yeadon the allocation of Otley Plantation needs to be given weight in reaching a decision as a material consideration.
60. As well as a quantitative analysis, a quantitative approach it is also important to assess the specific benefits of the area of natural greenspace. The Inspector for the Land at Ash Grove appeal advised that:

*“the site was considered for allocation as local greenspace in the ONP but the surveyor recommendation was not to proceed to allocation. Within this recommendation was an assessment that the site has no local or community value, no landscape value, no recreational value and no known historical value. It is also relatively small in size and situated to the end of two private roads, with no public access rights across it and few views of it from the public domain. As a result of these factors, it makes only a limited contribution to greenspace provision in Otley.”*

61. In assessing the qualitative benefits of the application site a similar conclusion can be reached. The site was also considered for allocation as local greenspace in the Otley Neighbourhood plan but the surveyor recommendation was also not to proceed to allocation.

<b>Newall Parish Church Hall Field</b>	
Location	As green space G771 Newall Carr Road.
Size	0.34 ha
Adjacent to existing properties?	Yes - Church Hall and adjacent houses on Newall Carr Road and houses on The Crescent to the north of site.
Local or community value	No evident practical value, other than as a wild amenity area to look out on
Landscape value	No in sense that not easily visible from the road and neglected appearance in being heavily overgrown.
Historical value	None known
Recreational value	Little evident though appears used as a shortcut by schoolchildren to housing on Newall estate
Wildlife or green infrastructure value	Local only - some natural regeneration provides some habitat value being bordered by managed grassland in PHGS playing field to east and Newall green play space to south. Within Local Green Infrastructure.

Summary Assessment/Basis of Recommendation	Site has some limited wildlife/infrastructure value but does not meet any other criteria.
Recommendation	<b>Not designate as Local Green Space</b>

62. The above table summarises the surveyor's assessment of the area of greenspace and reaching the conclusion that its quality and accessibility was such that it did not meet enough of the criteria to warrant being designated as Local Green Space. Weight needs to be given the qualitative value of the site in reaching a decision.

63. In assessing the loss of the greenspace against the Core Strategy and Otley Neighbourhood Plan there is a degree of tension, though not direct conflict, between the greenspace policies of the two documents. The development is contrary to Policy G6 of the Core Strategy given the deficit of greenspace in the Otley and Yeadon Ward. The Otley Neighbourhood Plan approach to designating Local Greenspace results in a small surplus of greenspace. More significantly though, the ONP assessed the site and did not proceed to designation given the lack of community, recreational and landscape value and only limited wildlife value the site offered.

64. To summarise, any consideration of the development of this site and needs to weigh up the following issues in reaching a decision on the application:

- Compliance or otherwise with Core Strategy policy G6 which carries full weight
- The Otley Neighbourhood Plan (ONP) insofar as it relates to the Leeds Boundary will carry full weight
- Other material consideration including but not limited to:
  - o ONP insofar as it falls within Harrogate district.
  - o Appeal decision
  - o Design and heritage
  - o Highway Safety issues
  - o Any other material planning issues

65. The report will go on to consider all other material planning issues relevant to the proposal before weighing up all the issues as part of the planning balance in order to reach a recommendation.

### Design and character

66. In considering the appropriateness of the design and scale of proposed dwelling it is important to consider the design of the development in isolation together with how it will

sit within its immediate and wider site context including the impact on the appearance and setting of Newall Church Hall which is considered to be a non-designated heritage asset.

67. Looking at each element of the development in isolation it is considered that the works proposed for the conversion of the Church Hall together with the design and detailing are of appropriate quality responding positively to the traditional materials and vernacular of Otley.
68. The conversion of the Church Hall only involves minimal alteration to the external envelope of the building with the alternations largely limited to the insertion of conservation roof lights to the north and south roof planes to provide windows to the new first floor accommodation to be located within the roof space. A new floor is to be inserted splitting the existing double height space with this cutting across the ground floor windows. The glazing of the windows is to altered to provide screening to the new floor. This work is considered sympathetic to the building as the internal space does not have any specific special character such that the subdivisions together with the modest external alterations will ensure that the historic character and external fabric of the building is preserved.
69. The two detached properties (1 and 2) within the centre of the site are well designed dwellings with traditional pitch roofs, gables, projecting bay windows, stone walls, slate roof and stone heads and sills ensuring good quality dwellings which pick up on the traditional vernacular of Otley.
70. The same applies to the two semi-detached properties (3 and 4) located in the eastern portion of the site. These area also well designed dwellings with traditional pitch roofs, gables, stone walls, slate roof and stone heads and sills appropriate for this setting.
71. The layout of the development is well considered. Vehicular access is located to the north of the site allowing the retention of the Church Hall. The access requires only alterations to the part of the site fronting Newall Carr Road such that the majority of the historic stone wall is retained ensuring the historic setting of the Church Hall when viewed from the highway is preserved.
72. Garden space and parking area is located to the rear/east of the Church Hall providing important separation between the retained building and new dwellings on the site. The detached properties (1 and 2) are designed and sited to ensure an attracting an active frontage onto the new access road into the site.
73. The semi-detached properties (3 and 4) provide an attractive terminus to the site with the attractive and well-detailed front elevations being prominent when accessing the site. The design and siting of properties 1 to 4, all fronting the new road, will ensure that a well-designed street scape will be created by the development.
74. Consideration has also been given to how the development will be viewed from the public park to the south. The rear elevations of the detached properties (1 and 2) have been designed such they have a comparable design quality and primacy as the elevations fronting the new access road. The semi-detached property closest to the park (property 3) has been designed with an active side elevation with a projecting gable facing the park ensuring that this property also make a positive contribution to views from the park. In addition the, low stone wall forming the boundary between the site and the park is to be retained with a native hedge being planting to provide additional screening between the two sites. It is considered that the design approach

taking will result development that will enhance the setting of the Church Hall and the wider appearance of the site when viewed from the public park.

75. The layout and landscaping of the site proposes the retention of all stone walls and the planting of native hedges. The use of fencing is limited with its only use in gardens where there they will not be seen from public vantage points.
76. In summary, it is considered that the proposed development constitutes a good quality and well-designed small-scale residential development which enhances the appearance of the site, preserves the character and setting of Newall Church Hall and responds positively to its wider residential context. As such, the development is considered to be compliant with policy P10 and P11 of the Leeds Core Strategy, GP5, BD5 and P10 of the Saved Unitary Development Plan Review (2006) and Otley Neighbourhood Plan.

#### Residential amenity

77. It is important that the impact the development will have on the amenity of the occupants of nearby properties is fully considered. The properties that will be most directly impacted on by the development are those on The Crescent as these are located to the north of the development site there is the potential for the dwelling to overshadow habitable rooms and private outdoor amenity space and certain parts of the day.
78. However, the nearest dwelling facing the properties on The Crescent is located approximately 30 metres from the main rear elevations of the neighbouring properties, in excess of the 21 metres minimum as advised in the Neighbourhoods for Living SPG to ensure levels of privacy are maintained. This degree of separation is also sufficient to ensure that no issues of overshadowing, dominance or loss of outlook to the properties on The Crescent. It is noted that the development will change the view of form these properties, which is currently over a natural area of greenspace and public park to Otley Chevin beyond. However, given the degree of separation and the spaces between the proposed properties, while this view will change, views of the public park and Otley Chevin will be retained.
79. Property 4 to the east of the site is located relatively close to 15 The Crescent and therefore consideration needs to be given to the impact on this specific property. While property 4 will be located to the south of 15 The Crescent a distance of approximately 4 metres is retained to the shared boundary. This degree of separation will ensure that no harmful overshadowing or dominance will occur with any additional overshadowing largely falling on the roof or the existing outbuilding to the side of 15 The Crescent rather than on private garden space. Property 4 has no habitable room windows to the side to ensure no overlooking or loss of privacy to the occupants of 15 The Crescent will occur.
80. The development proposes an access road to be located to the north of Newall Church Hall adjacent to 31 Newall Carr Road. It is inevitable that introduction of a new access road will increase the noise from disturbance from vehicular movements. However as, the development is for 6 additional dwellings and landscape screening will be retained on the boundary, it is not anticipated that noise and nuisance will result from additional vehicular movements will result in harm to the amenity of the occupants of 31 Newall Carr Road.
81. With regards to the amenity offered to the future occupants of the proposed development, good quality private amenity space is provided to the side and rear of all properties and the level and quality of the internal accommodation together with the

attractive open outlook over the public park will ensure that the occupants will benefit from a good quality living environment.

82. Overall, it is considered that the proposed development responds sympathetically to the amenity of neighbouring residents ensuring that any impact will not result in significant harm to residential amenity locally. As such the proposed development is considered to comply with policy GP5 of the Saved Unitary Development Review (2006), P10 of Leeds Core Strategy, Otley Neighbourhood Plan and the guidance within the Neighbourhoods for Living SPG.

### Highway Safety and Parking

83. With regards to highway safety and parking, the proposed development provides two parking off street parking spaces per property which is considered sufficient off-street car parking for the development. Adequate space for vehicles to turn within the site to ensure they can exit the site in a forward gear is provided. As such, it is considered that the development will not contribute to additional on street parking pressures or wider highway safety issues.

84. A new private access to the north of the church is proposed at 4.8m width for the first 10m. Visibility of 2.0m x 45m is shown. The measured x-distance is acceptable in this case owing to the lightly trafficked use of the proposed access and the recorded average speeds on Newall Carr Road at 25mph. The proposed access is at raised point on the road and the visibility in the vertical curve to Newall Carr Road is not compromised.

85. The internal road is shown 4.0m wide, which is acceptable. An 8.7m long fire tender has been tracked and can get to within 45m of all front doors. A refuse collection point is shown within 25m of the highway.

86. A revised HSS has been submitted in support of the planning application (7th May 2024). It should be noted that the double yellow lines to protect the site access (as indicatively shown on plan AMA-20795-SK014) will be subject to TRO and should be secured by condition. In terms of trip generation, it is accepted that the proposed development would not result in a severe impact on the capacity and operation of the highway network during the peak hours.

87. An S278 agreement would be needed to create a new access. The existing pedestrian guard rails in front of the church should be removed (and returned to the depot).

88. In light of the above, it is considered that the development complies with policy GP5 of the Saved Unitary Development Plan Review (2006) and T2 of the Leeds Core Strategy.

### Other Material Planning Issues

#### Community Asset

89. Whilst the site is not designated for a specific land use and redevelopment would enable previously developed land to be reused and provide new housing (the existing use of the building as a Church Hall is a community use).

90. Policy P9 of the Core Strategy is an important consideration in protecting existing community uses *“Where proposals for development would result in the loss of an*

*existing facility or service, satisfactory alternative provision should be made elsewhere within the community if a sufficient level of need is identified”.*

91. Policy CF1 of the Otley Neighbourhood Plan provides further policy protection to community facilities, stating:

*“Development which would result in the loss of any of the following community facilities, as shown on The Neighbourhood Plan Map and detailed in Appendix 9, must provide alternative equivalent facilities that are equally accessible to existing users, wherever a sufficient level of continuing community need is identified..... vii. Social and entertainment... Where it can be demonstrated that operation of the existing facility is no longer viable, following the marketing of the facility for at least one year, loss of community facilities will be supported. Development which would improve or add to the facilities listed above will be supported.”*

92. The applicant has provided details of the how the vacant Church Hall has been marketed. The Site has been the subject of a marketing campaign since August 2021. The marketing information has indicates that there limited interest in re-using the existing building, with no appropriate offers received during the marketing period. The current state of the building is now in a condition that investment in the fabric of the building to bring the building back into a useable state. The marketing campaign has illustrates a lack of interest for the continued use of Newall Church Hall for community purposes and it is therefore considered the principle of the loss of Newall Hall for a community use. Given the Church Hall has remained vacant for since and that the property has been marketed for a period in excess of the requirement of Policy CF1 the change of use of the building to a non-community use can now be considered.

#### Non-designated heritage asset

93. Newall Church Hall has both architectural merit and local historical significance and it for these reason it is considered to be a non-designated heritage. The development involves the retention and sympathetic conversion of the Newall Church Hall. The retention of the building, conversion to two residential dwellings and incorporation into the wider development of the site is considered to be a meaningful benefit of the scheme. It is however recommended that the works are conversion of the building are condition to ensure that this is carried out and completed prior to the first occupation of the new build dwellings in order to ensure this benefit is secured.

94. It is however important to note that the conversion of the Church Hall is not enabling development in that the new build development is not required to enable or cross fund the works to the Church Hall. Residential conversion or other uses for the building could come forward independently from the development of area of natural green space and no evidence has been provided that residential development is required to make the reuse of the Church Hall viable.

#### Archaeology

95. Newall Church Hall and the wider site is located on the side of the former Newall Hall. The site therefore has the potential to contain archaeological remains or features that require identifying, recording and, if of historical significance, preserving. During discussion and comments on the application Ward Members have raised this as a significant issue. As a result, further discussion has taken place with the applicant and the West Yorkshire Archaeological Advisory Service (WYASS) to agree a scope of works required prior to the commencement of any development of the site.

96. Following this discussion that applicant has provided a 'Written Scheme of Investigation for Archaeological Evaluation (WSI)' which agrees the scope of works that is required to be carried out. This scheme has identified the possible archaeological features on the site and advise the location of 3 trenches required to carry out an appropriate investigation of the site.
97. The WYAAS have reviewed this document and have confirmed that the WSI is acceptable for evaluation and can be approved. Depending on the results of the evaluation further archaeological mitigation works may be required.
98. Consideration has also been given to whether the archaeological investigation should be carried out prior to the determination of the application. The WYAAS have advised that, while it is always preferable for works to be carried out prior to determination, as the potential for archaeological remains is low to moderate and the significance of any remains is as yet undetermined but again is likely to be low to moderate, the conditioning of the investigation to be carried out prior to the commencement of development is appropriate in this case.

#### Tree and Landscaping

99. There are a number of important mature trees on the boundaries of the site particularly on the boundary with the public park. These trees are a positive feature of both the setting of the site and wider street scene contributing significantly to the character of this the site and wider area. The development has been designed and layout amended to ensure that these trees are retained and that the layout does not require encroachment Root Protection Areas of these trees and sufficient distance is retained to the trees to ensure that there will be no future conflict between the dwellings and mature trees that may result in future pressure to thin or remove these trees.
100. The Church Hall is sited close to the boundary such that there mature trees located closer to the converted properties than is ideal. However, given windows to habitable rooms are located on both the north and south side of the building and garden space is located to the east and west as well as the south of the building it is considered that any conflict with the trees from overshadowing and leaf drop is not so significant as to warrant resisting the conversion of the building to residential use.
101. The development of the site requires 4 trees to be removed (T3, T7, T24 and T29). Trees T7, T24 and T29 are all low value category C trees. One tree to be removed falls within category B. These trees removed from the northern boundary of the site, primarily to facilitate the construction of the access drive. Two trees at the entrance to the site have fallen during stormy weather since the submission of the planning application. The Arboricultural Impact Assessment assessed these trees as U category and recommended these trees ,T1 (which is Dead) and T2, , are removed regardless of the development proposals. The landscape scheme proposes replacement trees at more than three to one ratio providing an appropriate number of replacement trees which also contribute to a good quality soft landscaping scheme across the site.

#### Biodiversity net gain

102. Policy G9 of the Core Strategy requires that there is an overall biodiversity net gain within development proposals proportionate to the scale of the development. ONP Policy GE2 requires development within or adjacent to Local Green Infrastructure to include measures to enhance or extend it. ONP Policy GE5 supports development within the Extended Leeds Habitat Network that demonstrate there will be an overall biodiversity net gain, including positive contribution to the network through habitat



protection, enhancement and creation; the enhancement of existing wildlife habitats and new areas and opportunities for wildlife via design; and no significant adverse impact on the integrity and connectivity of the network.

103. As the application was submitted prior to 12th February 2024 the development is exempt from specific Biodiversity Net Gain requirements. However, as previously discussed, the proposed landscaping scheme will provide new native tree, scrub and hedgerow planting which is identified will provide an enhancement and extension to the Extended Leeds Habitat Network along the southern, western and eastern boundaries. Overall, it is anticipated that tree losses to facilitate the development will be offset by the provision of 15 new native broadleaved trees, which complies with local policy regarding replacement tree provision.
104. In addition, further off-site landscaping is proposed, with the addition of 15 native broadleaved trees to the immediate south of the application site, which will increase tree provision in the neighbourhood area, offering further landscape and ecological enhancements. These benefits could be secured through a condition or legal agreement.
105. The BNG assessment results in a positive on-site gain therefore in compliance with Core Strategy Policy G9 and ONP Policy GE5.
106. In summary, it is considered that the landscape and biodiversity net gain proposals and ecological benefits comply with ONP Policies GE2, GE5 and GE8 and Core Strategy Policy G9.

#### Local representation

107. It is noted that a number of letters of representation have been received raising a number of concerns regarding the impact the development will have on local character, landscape and wildlife, residential amenity, archaeology, highway safety, parking, and pedestrian safety the loss of community facility and the wider impact additional residential development will have on the local community. These issues, together with all other material planning issues raised, have been fully considered in assessing the application with alterations to the design and scale being made to address these impacts.

#### **CONCLUSION**

108. In reaching a decision on the proposal it is essential to consider all the material planning issues weighing each up to reach a decision on the planning balance. In this case there are a number of key material issues that need to be given due weight in reaching that decision.
109. As previously listed in the report these key issues are as follows:
- Compliance or otherwise with Core Strategy policy G6 which carries full weight
  - The Otley Neighbourhood Plan (ONP) insofar as it relates to the Leeds Boundary will carry full weight
  - Other material consideration including but not limited to:
    - o ONP insofar as it falls within Harrogate district.
    - o Appeal decision
    - o Design and heritage
    - o Highway Safety issues
    - o Any other material planning issues

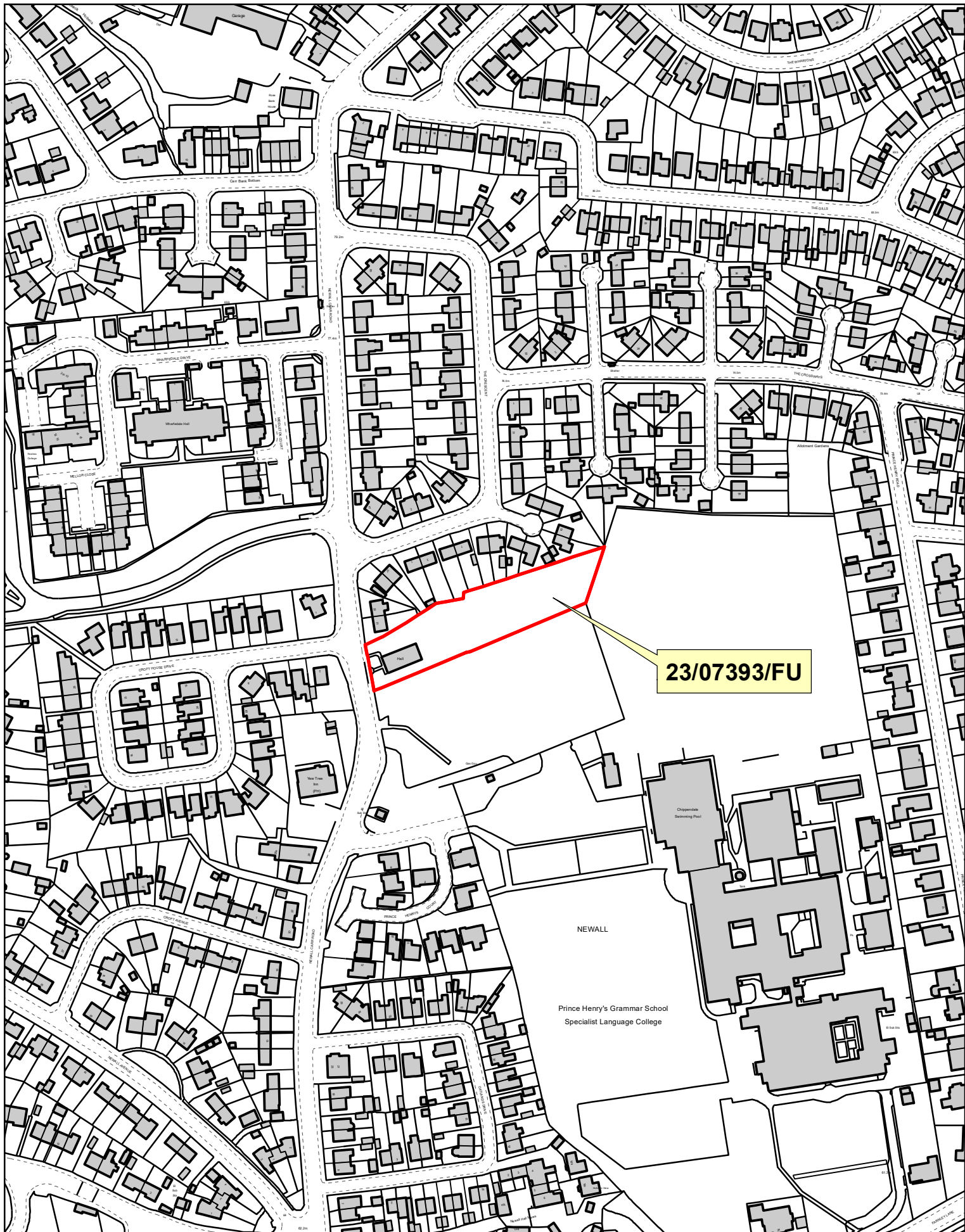
110. With regards to Policy G6 of the Core Strategy it is clear that the development fails to accord with this policy given that the development will result in the loss of a site designated as natural greenspace. As there is a deficit of this typology of greenspace in the Otley and Yeadon Ward the development does not meet any of the three criteria justifying the loss of the green space. This weighs significantly against the development.
111. The Otley Neighbourhood Plan designates areas of local green space within the plan area. It is notable that in the process of adopting the plan the application site was considered for designation. However, through a qualitative analysis of the site it was considered that site did not meet the range of criteria justifying its designation as local green space and therefore did not come forward as one of the areas of designated areas of local greenspace within the plan. As the site as not designated an area of local green space following this qualitative analysis this weighs in favour of allowing the site to be developed for residential development.
112. In assessing quantum of greenspace based on the Otley Neighbourhood Plan area this shows a surplus, rather than a deficit, of the natural greenspace. The Neighbourhood Plan area includes areas which form the logical boundary to Otley for the purposes of the ONP but fall outside of the Leeds City Council administrative area. The 'Otley Plantation' to the north east of Otley has been designated local greenspace within the ONP and when this is taking into consideration across the boundary of the plan then this results in a surplus of natural green space within this area. As it is the inclusion of a site within Otley Neighbourhood Plan boundary but outside the Leeds City Council administrative area it is appropriate to give this less weight. However, the surplus of natural green space within the Otley Neighbourhood Plan does weigh in favour of allowing the redevelopment of this site.
113. The development results in the loss of a protected community facility which weighs against development. However, as the building has been vacant for a period of time and has been marketed for a period in excess of a year the loss is not contrary to Core Strategy or Otley Neighbourhood Plan policy.
114. The development involves the retention of and sympathetic conversion of Newall Church Hall within the development. As Newall Church Hall has architectural merit and is important historic building within the local community, its retention, and particularly its sympathetic conversion as part of the wider development of the site is considered to weigh in favour of the development.
115. The development provides six new dwellings with a mix of 2, 3 and 4 bedrooms within a well-designed high-quality development which is considered to enhance the appearance of the site and provide a comprehensive soft landscape scheme including a number of replacement and additional trees. The creation of high-quality small scale residential development within an existing residential area of Otley with convenient access to Otley Town Centre together with a range of community facilities is considered to weigh in favour of the development.
116. In summary, it is clear that a decision to allow the development of this site is very much a matter of planning balance for the council as planning decision-maker. Significant weight needs to be given the site's designation of as natural green space within the Site Allocation Plan and protection from development from Policy G6 of the Leeds Core Strategy. However, given the benefits laid out above and justification within the report it is considered that, in this specific case on this specific site, the harm resulting from the loss of this area of natural greenspace is outweighed by the benefits

that this well-designed, small scale residential development provides. As such, it is recommended that, on balance, planning permission should be granted subject to conditions.

**Background Papers:**

Certificate of ownership: signed by applicant.

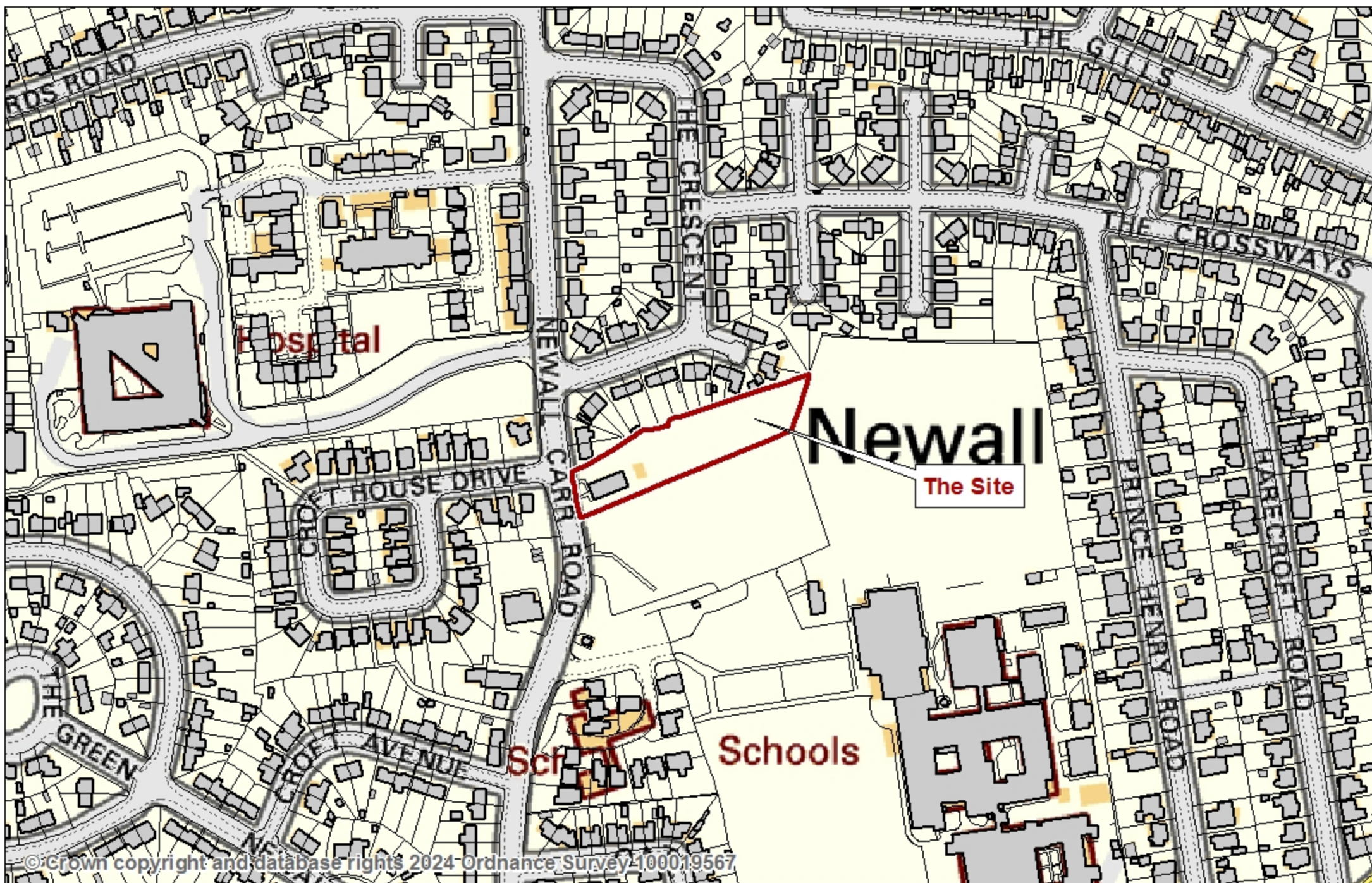
Planning application file.



23/07393/FU

# SOUTH AND WEST PLANS PANEL







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# PLANS PANEL PRESENTATION

SCALE 1:2500

