



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 28th September 2023

Subject: 21/04988/RM – Reserved Matters application for 57 dwellings including provision of Public Open Space and associated infrastructure, relating to scale, layout appearance and landscaping pursuant to Outline Application 17/02068/OT at Land South of Pool Road, Pool in Wharfedale

APPLICANT

Taylor
Wimpey UK
Limited

DATE VALID

04/06/2021

TARGET DATE

28/10/2022

Electoral Wards Affected:

Adel & Wharfedale

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity
Community Cohesion
Narrowing the Gap

RECOMMENDATION: RECOMMENDATION: GRANT planning permission subject to the conditions set out below (with amendments or addition to the same as deemed appropriate):

1. Approved plans list
2. Material samples (walling, roofing, hardstanding and boundary treatments)
3. Window and door materials and finish
4. Verge and rainwater goods details
5. Details of electric substation design
6. PD rights removed: Roof additions (Class B)
7. PD rights removed: means of enclosure (fences etc)
8. Landscape management plan
9. No removal of trees March to August (protect active bird nesting)
10. Site levels information (existing and proposed) including finished floor levels
11. Details of any retaining walls and landscape mounds
12. Full details of biodiversity features and management plan.
13. Full details of detention basin including design, levels, access/ hardstanding and enclosures

14. Details of drystone walls
15. Access in perpetuity church close (residents, bins, farming vehicles and emergency services)
16. Approved vehicular access
17. Maximum access gradient
18. Maximum driveway gradient
19. Vehicle space to be laid out
20. Grass verge and shared footway/ cycle widths
21. Technical approvals of structures (drainage basin)
22. Hedge heights / visibility
23. Mitigation measures in line with Noise Impact Assessment (whole house ventilation to dwellings closest to the A659)

INTRODUCTION:

1. The application is presented to South and West Plans Panel as a joint referral request has been received from Cllr B Anderson and Cllr C Anderson. The request states *“Concerns around the layout, design (including building materials to be used) and impact on the Conservation area and not totally satisfying the previous Inspector’s refusal. This development should be a flagship/marquee development at one of the major entrances to Pool village. The development will be seen, not just from Pool Road, but from the A660 at upper Old Pool Bank as it looks down into the valley, hence fitting in with what is there already and providing a visually attractive development”*.
2. Given that the proposal concerns an application within the Members Ward which they represent and that the Ward Members consider that the development would have a significant effect on the Ward, it is considered that one of the exceptions, as set out in the Officer Delegation Scheme, is met and it is appropriate to report the application to Plans Panel for determination.
3. The application has been twin-tracked by the applicants, meaning that the Council currently have two identical Reserved Matters planning applications under consideration (21/04988/RM & 21/04989/RM). Please note that only one of these applications is subject to the Panel request and is under consideration at this Panel Meeting. It is the applicant’s intention to withdraw the remaining application, subject to planning permission being granted for 21/04988/RM. The main rationale for twin-tracking the applications is to ensure that the outline consent (17/02068/OT), does not time expire.

BACKGROUND

4. Outline planning permission was granted on appeal (LPA Reference 17/02068/OT, Appeal Reference APP/N4720/W/17/3187334) in June 2018 and established the principle of residential development at the site alongside the detailed means of access to the site from Pool Road. The application site was formerly part of a larger site which was designated as protected area of search (PAS) land under policy N34 of the Leeds Unitary Development Plan (UDP) in 2001 and in the UDP Review in 2006 (PAS designation now deleted). This outline permission was granted at a time when Leeds City Council could not demonstrate a 5-year housing land supply. The appeal was subject to an unsuccessful attempt by the Council to quash the decision in the High Court in 2019. The outline consent was granted subject to 16 planning conditions. A large amount of these conditions are required to be formally

discharged prior to the commencement of the development. At this moment in time none of these conditions on the outline permission have been discharged. The applicant has also not formally requested that the discharge of these conditions is considered under this Reserved Matters application.

5. A Reserved Matters planning application (19/02959/RM) was previously submitted in May 2019 on the site. This application was refused by Leeds City Council in November 2019 for 5 reasons (1. Outline Matters, 2. Access, 3. Appearance and Scale inc conservation area, 4. Landscaping, 5. Layout). This decision was subject to a dismissed planning appeal (APP/N4720/W/20/3252189) determined in March 2021 following an appeal hearing. However, the Inspector only upheld one of the reasons for refusal which related to appearance, concluding that *“the design of the proposal would fail to respect or contribute to the local distinctiveness of Pool and the CA and would thus fail to preserve or enhance the character and appearance of the CA. Consequently, the development would conflict with CSSR policies P10, P11, P12 and G1, saved UPD policies GP5 and LD1 that seek to protect the character and appearance of the area including the historic environment”*.
6. These two appeal decisions have been appended to this report (Appendix 1 and 2)

PROPOSALS:

7. The application relates to the determination of the reserved matters of access matters at the site (other than the detailed means of access to the site from Pool Road), appearance, landscaping, layout and scale pursuant to Outline Application 17/02068/OT.
8. The reserved matters submission details a residential development of 57 dwellings consisting of a mix of 18 two-bedroom houses, 18 three-bedroom houses and 21-four-bedroom houses. The houses will be arranged in a mix of detached and semi-detached houses of two storey scale. The houses will be constructed in a mixture of natural stone, half natural stone / half white render (frontage) and half red brick / half white render (frontage) units with a low-profile Cedral artificial slate across all of the roofs. The windows are to be Pebble grey - RAL 7032 finish.
9. The proposal will provide for 20 affordable houses in a mix of 12 two-bedroom houses, 6 three-bedroom houses and 2 four-bedroom houses.
10. The site is served by vehicular access from Pool Road with a main spine road proposed along the western edge of the site which will be constructed to the appropriate standard to serve as part of a future bypass to the western side of Pool-In-Wharfedale. The site is intersected by an existing access road running from east to west which will be, in part, diverted as part of the proposed layout.
11. The site will include public areas of green space to the northern and southern parts of the site with a central public green space. A new detention basin and underground storage tank are proposed to the northern-western part of the site.
12. A landscape and biodiversity buffer zone are proposed to run outside the site along its western edge. This buffer zone is also proposed to accommodate a cycle and pedestrian pathway which will form part of the future Wharfedale Greenway route. Part of this buffer zone falls within an area of land accommodating an underground high pressure gas pipeline.

SITE AND SURROUNDINGS:

13. The application site is a greenfield site which lies to the south of Pool Road (A659), to the west of Church Close and is situated on the edge of the village of Pool-in-Wharfedale. Beyond Pool Road to the north of the site is the River Wharfe. Agricultural land falls to the west and south of the site. The site is bordered by existing residential properties to the east.
14. The site is made up of (parts of) two agricultural fields intersected by an access road running from east to west which serves a cluster of buildings at Pool House Farm to the west of the site. The site measures 3.2 hectares in area and slopes down from south to north. The northern part of the site is also situated on a higher land level than the neighbouring dwellings to the east.
15. The north-west part of the site which lies to the west of the proposed access road and containing the proposed drainage basin lies within the Green Belt.
16. The boundary of the Pool-in-Wharfedale Conservation Area abuts the northern and eastern edges of the site. The adjacent character areas of the Conservation Area, as outlined in the Pool-in-Wharfedale Conservation Area Appraisal and Management Plan (adopted September 2009), include a number of listed buildings/structures and positive buildings.
17. The application site was formally part of a larger site which was designated as PAS land under policy N34 of the Leeds UDP in 2001 and in the UDP Review in 2006. This policy was deleted upon adoption of the Council's Site Allocations Plans. The Site Allocations Plan, adopted earlier in 2019, however has retained this broad function and allocates the site, alongside neighbouring land to the south, as safeguarded land (SAP reference HG3-5).

HISTORY OF NEGOTIATIONS:

18. During the course of the planning application the scheme has been amended, with the key changes as follows:
 - Removal of the Ashenford house-type due the unfavoured internal configuration and lack of natural surveillance
 - Footpaths moved to the eastern side of the street, in order to directly serve more properties
 - Enhanced landscaping proposals across the site including additional street tree planting.
 - Housetypes designs have been amended to deliver stronger vertical alignment within the openings and improved window proportions and detailing.
 - Improvements and rationalisation of the palette of building materials and the creation of character areas within the site.
 - Addition of chimneys to the majority of dwellings and improvements to the design of the chimneys which are now more reflective of the surrounding area.
19. The applicants have also participated in a design-led meeting with the Design Officer. The meeting took the form of an informal workshop and discussed urban design principles, place making, appearance of buildings, quality of spaces, thresholds, wayfinding, long distance views and fenestration patterns amongst

others. This meeting led to design improvements across the site especially in terms of front-to-back design consistency, detailing, solid to void ratios, window alignment and materials.

20. It should be noted that the applicants and Planning Officer met with Councillor B Anderson in September 2023 to help progress the application. Whilst no formal changes have been proposed following these discussions, the meeting was nevertheless useful and provided some points of clarity between parties.

RELEVANT PLANNING HISTORY:

Planning application summary

21. **21/04989/RM** - Reserved Matters application for 57 dwellings including provision of Public Open Space and associated infrastructure, relating to scale, layout appearance and landscaping pursuant to Outline Application 17/02068/OT (Pending Consideration - Twin tracked application)
- 19/02959/RM** - Reserved Matters application for 57 dwellings, relating to scale, layout, appearance and landscaping pursuant to Outline Application (17/02068/OT) (Refused - Nov 2019) *Appeal Dismissed - March 2021*
- 17/02068/OT** - Outline Application for residential development with means of access (Refused – 2017) *Appeal Allowed – June 2018*
22. These previous and pending applications are described in more detail in paragraphs 1-6 above.
23. Prior to the aforementioned planning applications, the applicant submitted pre-application enquiries to the Council in February 2014 (LPA Reference PREAPP/14/00201) and December 2016 (LPA Reference PREAPP/16/00713). The 2014 enquiry included details of a scheme for up to 70 houses at the appeal site alongside works to create an access road (which would have potential to form part of a future bypass to the west of Pool-In-Wharfedale) and landscaped areas outside the application site on Green Belt land to the west of the site. The 2016 enquiry included details of a scheme for up to 80 dwellings at the appeal site with the appellant seeking highways advice on the proposal. The current reserved matters application has not been the subject of any pre-application discussions with the Council.

PUBLIC/LOCAL RESPONSES:

24. The application has been publicised as a major development affecting the character of a conservation area by site notices which were posted around the site and area on 13th July 2021, and again on 28th September 2022 in relation to revisions to the scheme. A newspaper notice was also published in the Yorkshire Evening Post on 14th July 2021.
25. As a result of this publicity, a total of 28 letters of objection have been received. The objections have been duly considered by officers who have sought to address these local concerns which can be summarised as relating to the following issues:

- Impact on the character and appearance of the conservation area

- Materials
- Chimneys
- General design not fitting in with the surroundings
- Layout / linear design not in keeping
- Boundary treatments
- Impact on the amenity of residents
 - Overlooking / privacy
 - Noise and disturbance from use of garden areas
- Flooding / Drainage inc presence of a drainage ditch along the east side of the site and existing drainage and flood issues
- Greenspace / lack of play area
- Layout of the affordable units
- The developments lack of conformity with the planning conditions of the outline consent
 - Proposal does not comply with the by-pass requirements of the outline permission (Condition 9)
 - Proposal does not comply with condition 5 of the outline consent in relation to the quantum of development which should be restricted to 55 properties.
 - No details in relation to condition 11 (highway improvement works)
 - No details in relation to condition 13 (floodlight and streetlighting)
- Impact during the construction phase / access to properties
- Relationship with the gas pipeline easement / safety hazard
- Land levels
- Highway safety
- Traffic congestion
- Parking provision
- Maintenance of Church Close
- Refuse collection
- Unsustainable location
- Impact on air quality
- There should be no building on the Green Belt
- Impact of new footpath to the north east corner of the site
- Impact on protected species / insufficient ecological assessment
- Impacts on trees / vegetation
- Insufficient landscaping
- Building houses in Pool will not help the housing crisis given the likely asking prices
- Overshadowing impacts from new planting
- Implications of the Aireborough Neighbourhood Development Forum vs Leeds City Council high court decision / setting a legal precedent
- Impacts on views

26. One general comment has also been received from a neighbouring occupant. The letter states 'I would support this development only if it were to include a section of dedicated pedestrian and cycle transit access from Church Lane/Close through to the A659. This will remove the need to travel via the busy and often congested junction at the petrol station and, by redirecting pedestrians and cyclists it will encourage active travel. This will also help to ease congestion at the junction for other vehicles and therefore help to reduce emissions'.

27. Pool Parish Council object to the proposed development raising the following concerns:

- Overshadowing
- Impact on the conservation area
- Conflict with Neighbourhood Plan requirements 'new houses built adjacent to the conservation area must reflect the style and materials of that part of the village'.
- Concerns expressed regarding the proposed footpath onto the estate from the corner outside number 55 Church Close and 19 Manor Crescent. This path will destroy the wildlife friendly thicket developed and cared for by residents.
- A secure barrier is essential to ensure that motorists do not use Church Close as an access route to and from the new estate
- Concerns in relation to the Wharfedale Greenway and implications with the Gas main
- Concerns regarding flooding and drainage and that the Flood Risk Management comments have not been adhered to.

28. Leeds Civic Trust have objected to the application for the following reasons:

- Considers the layout to be unimaginative, giving no sense of a village feeling, and wish to see the layout adapted to enhance the character of the community
- Particular points where we had the most concern are plots 1-3 and 22-23 which are sandwiched between a main road (potentially a main route through the village) and a service road, which we feel will not be a satisfactory environment for the residents
- Plots 24-27 and 52-57 appear to have their front doors off the main road, with parking in the rear gardens, which will either result in visitors and deliveries parking on the main road, or the rear gardens being the main point of entry to the properties with resultant lack of defensible space. A similar lack of defensible space is seen with plots 47-49, where the only garden is to the front, albeit with fencing.
- House type Ashenford has just a hall and WC at the front ground floor, and is shown as runs of eight houses (6-13) and six houses (52-57), giving significant gaps in the residents' ability to perform natural surveillance, especially important in the case of the former because they are opposite a remote parking cluster shielded from their respective houses by stone walls
- In general, some of the house types appear to have very mean sized windows, and the layout is not optimised to take advantage of the long-distance views
- While we appreciate the green corridor to Church Close, and like the pocket park in application much play is made of the improved green approach to the village along Pool Road from Otley. Yet this land is outside the red line boundary, and some is within the easement for the gas pipeline, and we have concerns that a full landscaping of this prominent edge to open countryside will not be achievable with the layout proposed

29. Ward Members: As previously stated, a joint referral panel request has been received from Cllr B Anderson and Cllr C Anderson. The request states *"Concerns around the layout, design (including building materials to be used) and impact on the Conservation area and not totally satisfying the previous Inspector's refusal. This development should be a flagship/marquee development at one of the major entrances to Pool village. The development will be seen, not just from Pool Road, but from the A660 at upper Old Pool Bank as it looks down into the valley, hence fitting in with what is there already and providing a visually attractive development"*.

CONSULTATION RESPONSES:

30. Conservation Officer: Some improvements have been secured but previously raised issues have not been addressed. The proposed development would have a negative impact on the setting of the conservation area and would fail to preserve or enhance its character or appearance. This harm should be weighed against the public benefits the development would deliver in line with National Planning Policy Framework para 202. Para 206 is also relevant stating that new development within the setting of heritage assets should look for opportunities to enhance or better reveal their significance.

In particular concerns, are raised in relation to layout, design (house types and styles), detailing, materials, boundary treatment, landscaping and conflict with the Conservation Area Appraisal and Management Plan.

31. Design Team: In terms of design and layout, this iteration has largely addressed the majority of the concerns; including the incorporation of character areas defined by materials and elevational composition. The roof materials remain a concern, in particular the grey eternit interlocking concrete tile (in lieu of natural slate); also plastic verge tiles will not be acceptable if they are being proposed. Recommend standard conditions pertaining especially to materials, surfacing, boundary treatments, the waiting area around the proposed drystone wall and detailing.
32. Highways: The proposals are acceptable in highways terms, subject to conditions.
33. Landscape Officer: Comments raised in relation to soft landscaping, public open space and trees.

Soft landscaping: Some of the proposed tree species are of columnar/fastigiated form which should be justified

Public open space: The proposed 57 dwellings are mostly intended to be family homes and children living in this new neighbourhood should be provided with opportunities to play close to where they live without having to cross the busy A658.

Trees: The approach of retaining and protecting the majority of existing trees is supported. There are some issues with the arboricultural information: Construction impacts of plot 47 on the Root Protection Areas (RPAs) of T14, T15, T16 have not been assessed. At least 5m working space is expected to be required for foundation excavation and access of plot 47 which otherwise will damage the RPAs of these three trees. New hard surfacing is proposed within the RPA T19 which will damage the root system; this has not been assessed.

34. Nature Officer: The Reserved Matters layout is not in-line with the illustrative masterplan of the outline permission, the key issues are:
- 5 metre landscaped buffer to the east boundary not shown.
 - Area labeled No 9 on the Landscape Masterplan (outline – needs to be wildflower meadow)
 - Offsite landscaping - 0.33ha. proposed trees and native scrub along the western boundary are outside of the red line but the Inspector stated (para. 42) the landscaping along the western boundary could be dealt with subsequently by condition

- No planting is currently proposed along this boundary as per the RMs. Without this off-site landscaping the scheme does have an adverse impact on the character and appearance of the area.
- Full details of specifications/how the creation of biodiversity features will be implemented, together with a management plan for ongoing maintenance to maintain the biodiversity interest are required.

35. Flood Risk Management: Comments made as follows:

- Generally, FRM accept the proposed calculations and location and size of the detention basin.
- It is noted that no information regarding the location of any permeable paving to achieve the required water quality treatment is provided. This will need to be dealt with in the future discharge of the outline drainage condition.
- The drainage plan makes reference to piping of an existing ditch which is not acceptable under the current planning policy N39B and as this impacts on the site layout further justification and a plan showing the extent and alternative options which do not include piping of the watercourse shall be provided.
- The drainage calculations should be to FEH 2013, however as the calculations are only supplied to demonstrate the sizing of the detention basin, these do not need to be revised at this stage.
- Written proof of agreement from the adjacent land owner where the off site sewer is to be laid shall be provided.
- The allowance for climate change should be revised to 45% in line with the current requirements.

36. Contaminated Land Team: It is understood that conditions were applied at appeal on the original application (17/02068/OT) and this will be automatically carried onto this planning application. However, should the Planning Officer be minded doing so, it may be appropriate to apply updated standard conditions.

37. Environmental Studies (Transport Strategy): Agree with the methodology and findings of Tetra tech's report and concur that with the recommended mitigation (whole house ventilation to houses closest to the A659) then acceptable noise levels should be attained throughout the site.

38. Influencing Travel Behaviour Team: Comments received requesting a revised Travel Plan.

39. Yorkshire Water: No objections.

40. Health and Safety Executive (HSE): "Do Not Advise Against"; consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

41. Northern Gas Networks : Currently object to the proposal, given its relationship with the nearby East Bierley – Pannal gas pipeline. Latest comments state it has become apparent that the proposed development would probably be in contravention to the new H-type area imposed by the recent IGEM TD1 ed6. Although the building proximity distance is 3m, the population corridor is 352m which covers most of the if not all of the development. In order for NGN to remove our objection we would need a satisfactory Quantitative Risk Assessment completing.

RELEVANT PLANNING POLICIES:

42. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises of the Core Strategy as amended by the Core Strategy Selective Review (2019), Site Allocations Plan (2019), Natural Resources and Waste Local Plan (NRWLP) (2013) including revised policies Minerals 13 and 14 (2015), Aire Valley Area Action Plan (2017), saved policies of the UDPR (2006) and any made Neighbourhood Plan.
43. With regard to the site's location in a Conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also key. This states that in the exercise, with respect to any buildings or other land in a conservation area of any functions under the Planning Acts, that special attention shall be had to the desirability of preserving or enhancing the character or appearance of that area.

Local Planning Policy:

Core Strategy as amended (2019)

44. The following Core Strategy (CS) policies are relevant:
- General Policy – Sustainable Development and the NPPF
 - Spatial Policy 1 Location of development
 - Spatial Policy 6: The Housing Requirement and Allocation of Housing Land
 - Spatial Policy 7: Distribution of Housing Land and Allocations Policy
 - Spatial Policy 10 – Green Belt
 - Spatial Policy 11 – Transport Infrastructure Investment Priorities
 - Spatial Policy 13 – Strategic Green Infrastructure
 - Policy H1 – Managed Release of Sites
 - Policy H2 New Housing Development on Non Allocated Site
 - Policy H3 Density of Residential Development
 - Policy H4 Housing Mix
 - Policy H5 – Affordable Housing
 - Policy H8 – Housing for Independent Living
 - Policy H9 – Minimum Space Standards
 - Policy H10 – Accessible Housing Standards
 - Policy P10 - Design
 - Policy P11 – Conservation
 - Policy P12 - Landscape
 - Policy T1 – Transport Management
 - Policy T2 - Accessibility requirements and new development
 - Policy G1 – Enhancing and Extending Green Infrastructure
 - Policy G2 – Creation of Tree Cover
 - Policy G3 – Standards for Open Space, Sport and Recreation
 - Policy G4 – New Greenspace Provision
 - Policy G8 - Protection of Important Species and Habitats
 - Policy G9 - Biodiversity Improvements
 - Policy EN1 - Climate Change and carbon dioxide reduction
 - Policy EN2 - Sustainable design and construction
 - Policy EN5 - Managing flood risk
 - Policy EN8 - Electric Vehicle Charging Infrastructure

- Policy ID1 - Implementation and Delivery Mechanisms
- Policy ID2 - Planning Obligations and Developer Contributions

Unitary Development Plan Review (2006)

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

- Policy GP1 - Land use and the Proposals Map
- Policy GP5 - General planning considerations
- Policy BD5 - Amenity and new Buildings
- Policy LD1 - Seeks to ensure that development is adequately landscaped
- Policy LD2 - New and altered roads
- Policy N19 - Development in and Adjacent to Conservation Areas
- Policy N24 - Development Proposals Next to Green Belt
- Policy N25 – Landscaping and site boundaries
- Policy N33 - Development in the Green Belt
- Policy N37A - Development in the Countryside
- Policy N39A - Sustainable Drainage Systems

Natural Resources and Waste DPD

46. The Natural Resources and Waste Local Plan (NRWLP) sets out where land is needed to enable the City to manage resources, e.g., minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. The most relevant policies from NRWLP are as follows:

- General Policy 1: Support for Sustainable Developments
- Policy AIR 1: The Management of Air Quality through Development
- Policy WATER 1: Water Efficiency
- Policy WATER 2: Protection of Water Quality
- Policy WATER 3: Functional Flood Plain
- Policy WATER 4: Development in Flood Risk Areas
- Policy WATER 6: Flood Risk Assessments
- Policy WATER 7: Surface Water Run-Off and incorporation of SUDs
- Policy LAND 1: Contaminated Land
- Policy LAND 2: Development and Trees including conservation and new planting

Site Allocations Plan (SAP)

47. With respect to the Site Allocations Plan (SAP) (adopted in July 2019), following a statutory challenge, Policy HG2, so far as it relates to sites which immediately before the adoption of the SAP were within the Green Belt, has been remitted to the Secretary of State. The ongoing remittal is at an advanced stage, with public comments on the main modifications proposed having closed in late January 2022. The Inspector will take these representations into account before issuing final conclusions. However, at this stage, it remains that Policy HG2 is to be treated as not adopted. All other policies within the SAP remain adopted and should be afforded full weight.

48. The most relevant policies from the SAP are outlined below and are not affected by the statutory challenge, such that this remains adopted and should be afforded full weight:

HG3 – Safeguarded Land (HG3-5)

Supplementary Planning Guidance / Documents:

49.

- Pool-in-Wharfedale Conservation Area and Management Plan (2009)
- Transport SPD (2023)
- Neighbourhoods for Living SPG (2003)
- Neighbourhoods For Living Memoranda to 3rd Edition (2015)
- Guideline Distances from Development to Trees (2011)
- Accessible Leeds SPD (2016)

Emerging Policy

Draft Pool-in-Wharfedale Neighbourhood Plan

50. The site lies within the Pool-in-Wharfedale Neighbourhood Area. The Pool-in-Wharfedale Parish Council are currently producing a Neighbourhood Plan for the Neighbourhood Area. The plan is still in draft form and it has yet to be submitted for Independent Examination (expected later this year).
51. Weight to be attached to Neighbourhood Plans is judged in accordance with Paragraph 48 of the NPPF. Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
52. Consequently, at this moment in time only limited weight can be attributed to the emerging policies, given the remaining key processes (Submission and Referendum) which still need to be undertaken prior to the Plan being made and forming part of the Leeds Development Plan.

National Planning Policy Framework (NPPF) - 2023

53. 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 to ensure the delivery of sustainable development through the planning system and to promote good design, but all to the extent that it is relevant, proportionate and necessary. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.
54. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

The closer the policies in the plan to the policies in the NPPF, the greater the weight they may be given.

55. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to note that achieving sustainable development means that the planning system has three overarching objectives - economic, social and environmental objectives – which are interdependent and need to be pursued in mutually supportive ways.
56. Paragraph 10 sets out that at the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 states that decision taking this means approving development proposals that accord with an up-to-date development plan without delay. Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
57. Paragraph 48 sets out that in decision taking local planning authorities may give weight to relevant policies in emerging plans according to the stage of its preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.
58. Section 5 of the NPPF is entitled ‘Delivering a sufficient supply of homes’. Paragraph 73 sets out that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing.
59. Section 8 of the NPPF is entitled ‘Promoting healthy and safe communities’ and sets out at paragraph 92 that planning decisions should aim to achieve healthy, inclusive and safe places including encouraging layouts that would encourage walking and cycling.
60. Section 9 of the NPPF is entitled ‘Promoting sustainable transport’ and sets out at paragraph 104 that transport issues should be considered from the earliest stage of development proposals including opportunities to promote walking, cycling and public transport.
61. Paragraph 111 states the development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
62. Section 11 of the NPPF is entitled ‘Making effective use of land’ and at paragraph 119 sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.
63. Section 12 of the NPPF is entitled ‘Achieving well-designed places’ and at paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 126 goes on to state that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
64. Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

65. Section 13 of the NPPF is entitled protecting Green Belt land, setting out the great importance which the Government attaches to Green Belts. The section goes on to outline (Paragraph 147) how proposals affecting the Green Belt should be viewed and determined as part of the planning decision-making process.
66. Section 14 of the NPPF is entitled 'Meeting the challenge of climate change, flooding and coastal change and at paragraph 152 sets out that the planning system should support the transition to a low carbon future in a changing climate.
67. Section 15 of the NPPF is entitled 'Conserving and enhancing the natural environment'. Paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment including through minimising impacts and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
68. Section 16 of the NPPF is entitled 'Conserving and enhancing the historic environment'. Paragraph 189 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate their significance, so that they can be enjoyed for the contribution to the quality of life of existing and future generations. Paragraph 197 states in determining applications LPAs should take account of a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

National Planning Practice Guidance

69. The National Planning Practice Guidance (NPPG) offers guidance in addition to the NPPF. The NPPG advises that reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application (i.e. that can be 'reserved' for later determination). These reserved matters are defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as:
 - 'Access' – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
 - 'Appearance' – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
 - 'Landscaping' – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
 - 'Layout' – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

- 'Scale' – the height, width and length of each building proposed within the development in relation to its surroundings.

MAIN ISSUES:

- Compliance with the outline consent
- Appearance and Scale
- Landscaping
- Layout
- Other Matters
- Consideration of representations

APPRAISAL:

Compliance with the Outline Consent

70. The outline planning consent (LPA Reference 17/02068/OT, Appeal Reference APP/N4720/W/17/3187334, granted on appeal in June 2018) forms the appropriate starting point for the consideration of the current reserved matters proposal.
71. The outline consent established the principle of residential development at the site alongside the detailed means of access to the site from Pool Road. At outline stage all matters that went to the heart of the permission including highway safety, flood risk, impact upon local and strategic infrastructure were assessed and were found to be acceptable with some of the details reserved and to be considered via planning conditions or secured within the accompanying S106 agreement. The current reserved matters application seeks the determination of the reserved matters of other access matters at the site, appearance, landscaping, layout and scale in relation to the outline planning permission granted at the site.
72. The S106 Legal Agreement attached to the outline consent secured the following contributions:
- Bus stop improvement contribution (£20,000)
 - Bus stop improvement works to stop 104664 (new shelter and real time passenger information inc 10 years maintenance)
 - Residential Travel Plan Fund (£495 per dwelling)
 - Travel Plan monitoring fee (to be agreed)
 - Fluid Dynamics Modelling Work contribution - Air Quality (£5,500)

All of these monetary contributions are index linked from the date of the S106 agreement (30.05.2018)

73. The S106 agreement also specified the requirements for affordable housing (35% provision – 40% lower quartile affordable and 60% lower decile affordable units), the provision of a cycle and pedestrian route and green space provision (in line with Policy G4 of the Core Strategy) including Green Space maintenance.
74. There is a benefit of discharging conditions through the reserved matters process as it allows detailed matters to be aligned where there is a crossover of considerations or where detailed matters required by a condition are also fundamental to the

consideration of a reserved matters scheme. In addition, it would clearly be unwise to seek to agree a reserved matters scheme that would breach a condition attached to the outline consent. However, in this instance the applicant is not seeking to formally discharge any of the outline conditions within this Reserved Matters application, other than conditions 1 and 2 (Relating to the extent of reserved matters and time limits to submit applications for reserved matters approval). This is the same approach which was taken within the dismissed Reserved Matters application (19/02959/RM).

75. It should be noted that the layout of the proposed development is very similar to the previously dismissed Reserved Matters appeal (19/02959/RM), with the main changes to the development being design-led and seeking to overcome the Inspector's single reason for refusal which related to appearance, with the Inspector concluding that *"the design of the proposal would fail to respect or contribute to the local distinctiveness of Pool and the CA and would thus fail to preserve or enhance the character and appearance of the CA. Consequently, the development would conflict with CSSR policies P10, P11, P12 and G1, saved UPD policies GP5 and LD1 that seek to protect the character and appearance of the area including the historic environment"*.
76. The key planning issues in relation to the relationship between the outline permission and the current Reserved Matters application are considered below:

Quantum of development (No of units)

77. Planning Condition 5 of the outline consent states *'No greater quantity of housing shall be built than that which would be expected (using the same methodology) to give rise to traffic generated by the development no greater than that forecast for 55 dwellings in Table 9 of Mr Benison's Proof of evidence dated April 2018 (reference 22519/04-18/5863)'*.
78. Paragraph 101 of the outline appeal decision also stated *'If limited to dwellings, the economic impetus would encourage the production of the most profitable size of unit within the 55 maximum number whereas I am conscious of the evidence of the former Chair of the Neighbourhood Planning Steering Group that the early stages of the Neighbourhood Planning Process for Pool had identified through consultation with the community a need for small starter homes and small homes for older residents. The form of the condition I have adopted would allow for a larger number of small homes generating the same amount of traffic as 55 larger dwellings'*.
79. It is noted that the current proposals relate to 57 units which would exceed the headline 55 dwelling reference within condition 5. However, the quantum of development (57 units) and the mix of units is identical to those proposed within the previous Reserved Matter appeal (19/02959/RM). Within this appeal decision (paragraph 3), the Inspectors states *'As a result of information submitted in support of the appeal, the Council confirmed that they are satisfied that the appeal scheme is in compliance with the provisions of Condition 5 and as such has withdrawn the reason for refusal related to Condition 5 of the outline permission'*. The Inspector raised no other concerns in this regard.
80. Essentially, as the overall number of bedrooms is proposed to decrease to 174, compared to the 188 projected at outline, the traffic generation associated with 57 dwellings will not be greater than that forecasted at the outline stage. The TS report

provided a comparison of traffic generation for 57 dwellings, based on peak hour traffic survey undertaken at a residential settlement off Swallow Drive. A total of 209 dwellings were surveyed, with a total of 762 bedrooms (ratio of 3.65 bedrooms per dwelling). The calculated trip rate resulted in traffic generation of 34 two-way vehicular trips during the AM and PM peak hours. This is not greater than 38 and 39 two-way vehicular trips originally calculated at the outline stage for the respective peak hours.

81. Consequently, it is considered that the proposed development is not in breach of condition 5 of the outline consent.

Wharfedale Greenway

82. The Wharfedale Greenway is a proposed walking, cycling, and horse-riding route along the Wharfe valley which when built would link Pool-in-Wharfedale, Otley, Burley-in-Wharfedale, Ilkley, Addingham, and onwards to Bolton Abbey and the Yorkshire Dales.
83. The outline consent included a planning condition (Condition 10) in relation the Wharfedale Greenway stating *'No development shall commence until details of a cycle and pedestrian route through the site suitable to form part of the Wharfedale Greenway proposals have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No dwelling shall be occupied until the cycle and pedestrian route has been completed and made available for use. The pedestrian and cycle route shall thereafter be retained for its intended purpose'*.
84. The Local Authority sought to refuse the previous Reserved Matters application (19/02959/RM) on the basis that the detailed proposals did not meet the requirements of condition 10 of the outline consent. However, this issue was considered by the Planning Inspector within the dismissed Reserved Matters appeal. Within the appeal decision the Inspector states within paragraphs 6-9:

Condition 10

6. Condition 10 controls the details and provision of the Wharfedale Greenway route (WGR). The appellant is not seeking the approval of these details at this time and as such the acceptability or otherwise of the details of the GWR as shown on the submitted plans is not a matter for consideration at this appeal.

7. The submitted plans demonstrate that a route could be provided that fulfils the most basic requirements of the WGR controlled by condition 10, that is creating a link suitable to form part of the WGR.

8. On this basis, while the Council and third-party representations have made clear that, in their view, the detail of the proposals are not acceptable, the appeal scheme is nonetheless in broad compliance with the outline planning permission in this respect.

9. I therefore find that the appeal scheme is consistent with the outline planning permission, with particular regards to condition 10 relating to the WGR. Therefore in this respect the appeal scheme is not contrary to policies SP13, P10, T2 and G1 of the Core Strategy (as amended by the Core Strategy selective Review 2019) (the CSSR) and saved Policies GP5,

LD1 and LD2 of the Leeds Unitary Development Plan (Review 2006) (the UDP) which, amongst other matters, collectively seek to the provision of green infrastructure, access and recreation facilities’.

85. The current proposals are very similar to those assessed by the Inspector in relation to link points for the Wharfedale Greenway route. Consequently, whilst the Local Authority and members of the public / Councillors may maintain concerns in relation to the acceptability of the detailed elements of the Greenway, in light of the previous Inspector’s comments there is no justification to refuse the application in this regard given that the proposal fulfils the most basic requirements of the WGR controlled by condition 10 of the outline consent. The detailed design of the Greenway route within the site is subject to the submission of further details to discharge the condition on the outline consent.

The Future Bypass

86. The scheme submitted shows broad details of a main spine road running along the western edge of the site which, subject to further detail, would be suitable to form part of a future bypass of Pool-in-Wharfedale. Whilst full details of the spine road would still need to come forward to discharge condition number 9 attached to the outline permission, the scheme as submitted does not raise any fundamental concerns in this respect at this stage.
87. Notably this element of the proposal is also very similar to the proposals considered under the previous Reserved Matters appeal within which the Inspector raised no concerns.

Buffer Planning Land and Scheme

88. At the outline stage it was agreed that a buffer planting scheme to be positioned outside of the application site along its western edge would be required. This buffer planting would perform a number of important functions including (1) providing for ecological features to support and encourage wildlife (in part to mitigate harm through the loss of existing land and introduction of development which would be harmful to wildlife), (2) would provide for an attractive landscaped setting important for visual amenity and character, (3) would ensure that the wider development did not impact significantly on important long distance views which would lead to harm to the character of the Pool-in-Wharfedale Conservation Area, (4) would provide a necessary buffer between hard development and the Green Belt land beyond, and (5) would help to tackle air pollution and climate change.
89. The buffer planting land required to deliver a buffer planting scheme and the agreement of the planting scheme itself were agreed through a section 106 agreement which was signed by the applicant.
90. The Council considers that the buffer planting scheme is both crucial to mitigating against harmful impacts which would be created from the development and crucial to allowing the development to meet necessary policy requirements. During the previous reserved matters appeal the Council put forward concerns regarding this landscape buffer, in particular in relation to its location outside of the red line boundary. The Inspector considered this issue within paragraphs 41 and 42 of the Reserved Matters appeal decision stating:

41. *'The submitted plans show that outside of the western boundary of the appeal site, adjacent to the proposed WGR, additional planting in the form of landscaping and buffer planting would be provided. This planting and landscaping would provide screening to the built development including the appeal scheme.'*

42. *'The proposed landscaping and planting would not be located inside the appeal site. Indeed, adjacent to the western boundary of the spine road there is very little space for any planting or landscaping. However, on the basis of the evidence before me I am satisfied that a suitably worded condition could be attached to any permission resulting from this appeal to control the detail and provision of appropriate planting and landscaping.'*

91. The submitted scheme is very similar to the appeal scheme in this regard. Whilst, the Inspector considered that a planning condition could be attached to a Reserved Matters permission in this regard, given that this land lies outside of the red line boundary Officers do not consider that this would be an appropriate approach. Notwithstanding this, the S106 agreement attached to the outline consent specifies the requirement for the buffer planting. In particular it states that development cannot commence until a buffer planting scheme has been submitted to and approved in writing by the Council. The provisions within the S106 agreement are considered to provide sufficient certainty in relation to the provision of the landscape buffer.

Relationship with the gas pipeline

92. The proposal is situated close to a major gas pipeline (East Bierley – Pannal gas pipeline), which lies close to the western boundary of the site. Northern Gas Networks have objected to the current proposals given its relationship to gas pipeline.
93. The relationship with this pipeline, is an issue which was considered at outline stage with the Appeal Inspector for the outline consent attaching a condition in this regard. Part ix of condition 14 which related to a construction method statement requires:
- '(ix) Compliance with the Northern Gas Networks's publication Safe working in the vicinity of Northern Gas Networks high pressure gas pipelines and associated installations in relation to the East Bierley – Pannel High Pressure Pipeline'.*
94. In addition, paragraph 108 of the outline consent's appeal decision states *'A consultation response from Northern Gas Networks discloses the existence of a High Pressure Pipeline in close proximity to the site. In the interests of construction safety an appropriate additional clause (ix) in the condition (14) requiring a Construction Method Statement is necessary.'*
95. The Local Authority has encouraged the applicants to undertake further work in this regard to ensure that the proposal does not harm the pipeline or cause an undue risk to the new residents. However, the applicants are seeking to provide this through the discharge of condition process. Whilst, the Council does not favour this approach, it is a matter which has essentially been dealt with at outline permission stage, and no development will be able to commence until the relevant condition of the Outline permission has been discharged.
96. In addition, the HSE who are the statutory consultee in relation to health and safety matters have also not objected to the proposed development. The development will

also have to adhere to any other requirements under different legislation in terms of working in close proximity to the pipeline.

Appearance and Scale

97. The PPG defines:

Appearance as “The aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture”.

Scale as “The height, width and length of each building proposed within the development in relation to its surroundings”.

98. The application falls outside but abuts the boundary of the Pool-in-Wharfedale Conservation Area. The site is a previously undeveloped (greenfield) site which falls within the countryside and outside the settlement boundary of the village of Pool. The site falls within the Wharfe Valley and Chevin Ridge Key Corridor and is designated as Strategic Green Infrastructure. The majority of the site also abuts the Green Belt boundary with a modest part of the site encroaching into the Green Belt to the north-western corner.
99. Core Strategy P11 requires the conservation and enhancement of the historic environment, including townscapes and landscapes. Saved UDP policy N19 requires new buildings within or adjacent to Conservation Areas to preserve or enhance the character or appearance of the area by ensuring appropriate siting of buildings, through the use of appropriate design and materials, and through careful attention to boundary treatments and landscaping.
100. The Pool-In-Wharfedale Conservation Area Appraisal and Management Plan sets out detailed heritage guidance in relation to the Pool-In-Wharfedale Conservation Area. The document notes that the special interest of Pool-In-Wharfedale comes with its retention of an idyllic rural location which is defined by its landscape setting and geographical surroundings. The document goes on to note that views around the Wharfe Valley of expansive and open countryside enable Pool-In-Wharfedale to retain significant independence from its surroundings. One of the main issues identified for development proposals is to protect important views both towards and away from the Conservation Area.
101. In addition to the above Core Strategy policy P10 requires new buildings and spaces to be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. The policy requires developments to respect and enhance existing landscapes, waterscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting. A number of key principles for development proposals are identified and require, amongst other things, good design and layout, the protection and enhancement of historic and natural assets including views, and, protecting amenity.
102. As previously outlined the former Reserved Matters scheme was dismissed at appeal due to its design and impact on the adjacent conservation area. The key extracts of the Inspector’s appeal decision area as follows:

21. The CA's special interest is defined in the Council's Conservation Area Appraisal and Management Plan (CAAMP) as its retention of an idyllic rural location which is defined by its landscape setting and geographical surroundings. Views around the Wharfe valley of expansive and open countryside enable Pool to retain significant independence from its surroundings. This independence and the strong core of historic structures help establish Pool's identity and special interest. My site visit confirmed that this is the case.

22. The CAAMP specifically identifies that inappropriate development outside of the CA affecting important views both towards and away from the CA can have a negative impact on the CA. While the site already benefits from outline planning permission, at the Hearing the Council identified a number of aspects of the appeal scheme, including dormer windows and 2½ storey properties being features not commonly found in the local area, that would harm the CA.

25. However, the submitted plans show that the resultant development consisting of a significant mix of house types and styles that are not readily found in the adjacent areas of the settlement is of an overall design that fundamentally fails to reflect or incorporate into the development the local distinctiveness of the adjacent settlement, including the CA.

26. Furthermore, the appellant has provided a plan specifying the materials to be used in the development and requested that these be included as a condition on any resulting planning permission. The proposed materials, in particular 'palette 2' were not commonly found in the local area, the use of inappropriate materials would harm character and appearance of the area including the CA.

27. At my site visit I spent some time in the wider settlement and my observations confirmed that, while there are some limited examples and elements of the use of materials that are not dissimilar to that proposed by the appellant, nonetheless I find that the proposed materials are not reflective of the character and appearance of the local area.

28. The proposal would therefore in my view make a negative contribution to the overall quality of the area and would not sit well close to the boundary of the CA in a prominent location in particular where the views into the CA contribute to the significance of the CA.

29. The Framework is clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The development plan policies similarly set clear design principles and expect development to deliver good design which reflects the local area.

24. For the reasons given, I conclude that the design of the proposal would fail to respect or contribute to the local distinctiveness of Pool and the CA and would thus fail to preserve or enhance the character and appearance of the CA.

31. Consequently, the development would conflict with CSSR policies P10, P11, P12 and G1, saved UPD policies GP5 and LD1 that seek to protect the character and appearance of the area including the historic environment'.

103. The applicants have sought to overcome these concerns within the revised submission.

104. Firstly, in terms of materials the previous Reserved Matters incorporated a mix of Palette 1 (Walls: Buff brick – Village Harvest, Roofs: Grey concrete tile roof – Russell slate grey) and Palette 2 (Walls: Artificial Stone – Marshalls Cromwell, Roofs: Grey concrete tile roof – Russell). These materials were not representative of the adjacent

conservation area or the wider settlement of Pool and the Inspector rightly considered these materials to be unacceptable, raising particular concern with Palette 2.

105. The current proposals seek to utilise a mixture of natural stone, white render and red brick with a low-profile Cedral artificial slate across all of the roofs. In particular, the three most northerly dwellings which lie at the gateway to the site from Pool Road will be constructed wholly of natural stone. The remaining dwellings within the northern section, as well the most northerly dwellings within the southern section (overlooking Church Close), will be constructed of half natural stone / half white render (to the front), with stone quoins and detailing. Whilst the remaining dwellings to the southern section of the site will be constructed of half red brick / half white render (to the front) with a stone string course and detailing.
106. This mix of the proposed materials are considered to be characteristic of the adjacent conservation area. The surrounding properties which face the Shell Petrol Station on Pool Road are predominantly a mix of red brick and render. Whilst predominantly natural stone properties align the eastern side of the northern section of site, render is still apparent to some of the dwellings side elevations. The neighbouring dwellings to the east of the southern section of the site are of more limited architectural merit (whilst still falling within the conservation area). These dwellings are constructed either of wholly red brick or wholly white render, whilst a significant amount also contain concrete tile roofs. Given this surrounding context the proposed walling materials are considered to be acceptable and will assist in placemaking and ensuring that the development is sympathetic to the conservation area. Whilst a greater proportion of natural stone would have been preferable, the proposed materials are still typical of the adjacent conservation and are a vast improvement on the previously proposed materials.
107. The proposed boundary treatments also reflect this palette of materials in prominent locations, alongside hedging and estate railings. Whilst it is noted that some of the boundary walls are tall the landscaping will help to soften the appearance of the structures. Timber fencing is restricted to more discreet locations, generally to the rear of dwelling, which is considered on balance to be acceptable.
108. The site is visible from some long-range views to the south, in particular from Leeds Road. The proposed use of a low-profile grey roofing material and chimneys will help the development assimilate into the adjacent settlement, along the proposed landscaping which will mitigate any harm further. Given the distance of these views, it is not considered that the proposal will appear out of character with the surrounding context.
109. The previous Reserved Matters Inspector also raised concerns in relation to some of the house types and styles, particularly referencing the proposed two and a half storey properties which incorporated dormer windows. This house type (Braxton) has been removed from the proposed development, with all the proposed house types been of typical two storey scale which is appropriate and responds well to the surrounding context.
110. There has also been a minor reduction in the number of house types proposed. Whilst 8 different house types are still proposed, they form a cohesive package of dwellings which relate well to one another creating a consistent character across the development. The dwellings also incorporate design features which are responsive to the conservation area including bay windows, window style, material split proportions and dressed openings. The vast majority of dwelling also incorporate

chimneys which provide important vertical articulation and are an important characteristic of the conservation area.

111. The Byford/Kingdale house type is a hybrid semi-detached dwelling form to respond to its corner plot location. Nevertheless, this form of dwelling is similar to the end terraced properties found within the adjacent Church Close development.
112. All of the house types also present well-ordered elevations which address the street and provide strong vertical and horizontal alignment and front-to-back consistency. This represents a marked improvement to the previously dismissed Reserved Matters appeal scheme.
113. The comments and concerns from the Conservation Area Officer are noted; however it is considered that the proposal represents a significant improvement on the previously refused scheme and in light of the Inspector's previous comments the appearance and scale of the development is considered to comply with policy, represents an appropriate response to the wider context and the development is acceptable in this regard.

Landscaping

114. The PPG defines:

Landscaping – “The treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features”.

115. Firstly, the north-west corner of the site lies within the Green Belt. A drainage basin and landscaping are proposed within this area.
116. The previous Reserved Matters scheme was similar in this regard. Within the associated appeal decision (paragraph 33), the Inspector states:

‘33. With regards the drainage basin, this part of the appeal site lies within the Green Belt but it is accepted that this use would not be an inappropriate use of land within the Green Belt. At the hearing the appellant detailed that while this green area would exist, the use of this area is as a drainage basin predominates and as such the use is appropriate in the Green Belt. Based on the evidence before me I find no substantive reason to conclude otherwise.’
117. These conclusions are applicable to the current scheme and it is not considered that the proposals will be detrimental to local or national Green Belt policy.
118. In terms of public open space the proposal has a very similar layout to the previously dismissed Reserved Matters scheme, incorporating four main parcels of green space split across the site. The Council previously objected to this green space offer on the basis of inadequate overall provision (based on higher pre CSSR Policy G4 requirements) and the disaggregated nature of the spaces, amongst other concerns.
119. The Inspector considered these concerns within their Inspectors report and concluded:

'34. There was some discussion at the hearing with regard the overall quantum of POS required to be delivered as part of the appeal scheme. It is detailed in the Statement of Common Ground that Policy G4 of the CSSR results in a POS requirement for the appeal scheme of 2520sqm. This is a considerable reduction in the requirement of the now replaced Policy G4 of the old Core Strategy (CS) that was effective at the time that the outline planning permission was granted. The Council has sought to link the requirement for POS to Policy G4 of the CS via the legal obligation that accompanied the outline application.

35. The Development Plan, as it stands at this time, includes Policy G4 of the CSSR. Policy G4 of the old CS has been withdrawn and as such no longer forms part of the Development Plan. Therefore, whether or not the Legal Obligation that accompanied the outline planning permission indicates otherwise, the policy relevant to the determination of this appeal is Policy G4 of the CSSR. The enforcement of any legal agreement is a separate matter to the determination of this appeal scheme.

36. Submissions by both the Council and the appellant confirms that the appeal scheme would provide some 4400sqm of POS, dependent upon which areas are included in the calculation. On the basis of the evidence before me I am satisfied that the appeal scheme would meet the quantitative requirements of Policy G4 of the CSSR.

37. In support of the appeal, the appellant's Landscape Statement and Design Statement confirms that "all homes are within an 80m distance of an area of POS" and that each "POS parcel" has functionality, referring to the incorporation of existing trees and hedgerows and "an integrated network of green infrastructure".

38. The submitted plans show that with the exception of the green space to the entrance of the appeal site the POS created by the appeal scheme would be relatively small and fragmented or otherwise transected by paths limiting the usability of the space by future residents. To the eastern boundary of the site, the POS appears to largely relate to the crown spread of the adjacent trees and hedges rather than forming part of a clear overall concept. While this approach this does appear to create adequate separation distances between dwellings and trees the relationship of the POS with the adjacent residential properties is show as being poor, in particular with regards overlooking and natural surveillance.

43. To conclude this main issue, for the reasons detailed previously I have found that the appeal scheme would provide an adequate quantity of POS and while the plans lack a clear overall concept I find that on balance the appeal scheme is not contrary to Policies SP13, P10, P12, G1 and G4 of the CSSR, saved policies GP5 of the UPD that seek to control the provision of new green space and landscaping'.

120. Given the similarity to the previous scheme and in light of the Inspector's comments the provision of green space within the scheme, is considered, on balance to be acceptable.
121. The Landscape Officer's comments in relation to a desire for formal children's play facilities are noted. However, this aspiration / requirement has not been captured within the Outline consent or associated S106 Agreement. Furthermore, the scheme is also situated close to an existing high quality equipped play area which lies on the

opposite site of the A658 to the Shell Garage and is approximately 165 metres from the front of the site.

122. The existing site is formed of open fields with tree / vegetation cover limited to the edges of the site, in particular to the eastern boundary. The proposals seek to retain this existing landscaping which is a positive element of the scheme. Whilst a few pinch points exist with existing trees as outlined by the Landscape Officer, the layout and relationship to trees is very similar to the Reserved Matters dismissed appeal proposals with the Inspector finding no significant concerns in this regard.
123. The proposals are supplemented by a range of new planting proposals which will soften the edges of the scheme and help integrate it into the landscaped setting of the site, whilst also providing biodiversity benefits. In particular, the majority of dwellings incorporate landscaped front gardens which helps to prevent long runs of frontage parking. The proposals also incorporate tree-lined streets as required by the NPPF. The presence of the landscaping buffer to the western side of the site (outside of the red line), has previously been considered within the 'outline matters' section of the report, but nevertheless this will provide a good landscape buffer to the site and its countryside setting.
124. In terms of ecology, the scheme replicates the measures previously agreed in the Statement of Common Ground between the Applicant and Council during the Reserved Matters appeal. These include integrated bat boxes, tree mounted bat boxes, integrated bird boxes, tree mounted bird boxes, the provision of hedgehog highways and bee bricks. The Inspector concluded in paragraph 40 of the previous Reserved Matters appeal that *'On the basis of the evidence before me I am satisfied that the proposed scheme will not have an adverse impact on ecology and in particular bats'*. These conclusions are applicable to the current scheme.
125. Overall, the proposed landscaping proposals are considered to represent a modest improvement on the previously considered Reserved Matters application and are considered, to be acceptable in line with Policy requirements.

Layout

126. The PPG defines:

Layout – “The way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development”.

127. The proposed layout is very similar to the layout which was considered during the Reserved Matters appeal. Notably, the development is setback from Pool Road and displays good pedestrian permeability linking areas of the site to the surrounding settlement, whilst being well overlooked. The scheme in general benefits from strong / rationalised building lines and attention has also been paid to the entrances of the site to create pleasant gateways into the site.
128. The development is also considered to demonstrate appropriate space about dwellings. Whilst some areas exist which display tighter spacings, this variation is representative of the varying grain of the surrounding area. The proposed affordable units are adequately spread across the site and will not result in large clusters of affordable homes which Policy H5 seeks (in part) to avoid.

129. In terms of living conditions, the NPPF (paragraph 130), states decisions should ensure that developments create a “high standard of amenity for existing and future users”. New residential development should look to provide a good level of amenity for future occupiers. This includes providing living accommodation which is of an appropriate size, offers appropriate outlook, gives good daylight and sunlight penetration, protects privacy and ensures an appropriate juxtaposition of rooms both within a property and with neighbouring properties to prevent general noise and disturbance issues. This also includes providing good quality outdoor amenity areas for the enjoyment of occupiers.
130. The proposal was previously considered to be acceptable in this regard by the Reserved Matters appeal Inspector. Whilst some of the separation distances between new dwellings within the site are slightly substandard, these are largely off-set relationships, and the dwellings are generally well laid out in relation to one another to prevent any significant amenity concerns. The garden sizes are also generally reasonable and in broad compliance with the Neighbourhoods For Living SPG and are sufficient to protect the living conditions of future occupiers.
131. It should be noted that the Outline consent pre-dates the selective review of the Core Strategy (2019) which brought in Policy H9 of Core Strategy relating to Minimum Space Standards. Accordingly, compliance with Policy H9 is not a matter for this Reserved Matters application. Notwithstanding this, the dwellings themselves provide good sized floor areas and layouts which provide living accommodation which is of an appropriate size, offers appropriate outlook, gives good daylight and sunlight penetration, protects privacy and ensures an appropriate juxtaposition of rooms.
132. In relation to the developments relationship with neighbouring properties within the existing settlement, it is noted that the northern part of the site is situated on a higher land level than the adjacent dwellings to the east. Nevertheless, the layout generally provides greater separation distances to these properties than the previous Reserved Matters appeal scheme which the Inspector considered to be acceptable in this regard. Notwithstanding this, the proposed revisions within this application bring the rear elevation of Plot 5 closer to the eastern boundary of the site (10.15 metres). However, the proposal does not directly face the neighbouring dwelling, instead facing the garden area. The existing boundary hedge between the properties (to be retained) is considered to adequately screen any overlooking at ground floor level. In relation to the first floor rear windows these will be situated in an elevated position and will serve bedrooms. The Neighbourhoods For Living SPD advised that bedroom windows (secondary windows) should be situated at least 7.5 metres from boundaries. Even taking into account the changes in land levels this separation distance is considered to be acceptable to prevent a loss of privacy to the neighbouring occupants.
133. The central part of the site is separated from the adjacent dwellings to the north by open space which provides a significant spatial buffer. The dwellings within the southern section of the site also have an off-set relationship with the existing adjacent dwellings and the layout consequently does not give rise to any significant overshadowing, loss of light or overdominance concerns in line with the requirements of policies P10 of the Core Strategy, GP5 of the UDPR and guidance contained within the NPPF and supplementary planning documents.
134. In terms of the proposed highways layout the dwellings setback from the spine road are very similar to the those considered during the Reserved Matters appeals, which

the Inspector considered to in paragraph 48 of the appeal decision to be acceptable. There is no justification to take a different view in this regard for this application.

135. It is noted that the main internal parts of the development are only served by a footway on one side of the highway. Whilst this is substandard, and concerns were raised in this regard at the Reserved Matters appeal, the Inspector found this layout to be acceptable. The current proposals seek to move these footway from the west side of the carriageway to the east, which is considered to be an improvement in highway safety terms as the footway will directly serve more properties.
136. Parking provision is proposed in accordance with the Council's guidance with sufficient off-street spaces proposed to prevent any significant instances of on-street car parking. Frontage parking is limited across the development with a large amount of the parking absorbed off-street to the front and sides of dwellings, which will help ensure that the streets appear uncluttered.
137. Overall, in light of the Inspectors pervious comments the layout of the development is considered to comply with the relevant policy requirements.

Other Matters

138. It is noted that consultees and third parties have raised concerns in relation to a number of other areas. However, the scope of such applications is limited to the matters reserved at outline stage. Notably, in this instance the outline consent was granted prior to the Core Strategy Selective Review, which brought in a selection of new and revised policy requirements such as in relation to climate change adaption (Policies EN1 and EN2), Minimum space standards (policy H9) and accessible housing (policy H10). In addition, no biodiversity net gain requirement was stipulated within the outline consent. Given that these are principle matters which were not conditioned as part of the outline consent or provided for within the associated S106 Agreement these matters cannot be considered as part of this planning application.
139. Notwithstanding this, the applicants have stated that they are providing 39 no. of the proposed properties meet M4(2) 'adaptable and accessible' standard. This equates to a total of 69% of the proposed dwellings on site and far exceeds the 30% requirement of Policy H10.
140. Other matters were also considered as part of the outline consent and are subject to a separate discharge process. These include Travel Plan requirements, refuse collection, EVCP provision, Bypass provision, land contamination, drainage and sewage schemes, off-site highway works, construction management scheme (inc construction working hours) and safe working in the vicinity of the gas pipeline.
141. The proposed housing mix meets the requirements of Policy H4 of the Core Strategy. A mix of affordable home sizes is also proposed aligning with the requirements of Policy H5 of the Core Strategy.

Representations

142. As previously mentioned, a total of 28 letters of objection have been received. The letters raise the following issues which have been addressed below:
 - Impact on the character and appearance of the conservation area
 - Materials
 - *This issue has been covered within the appraisal above*

- Chimneys
 - *This issue has been covered within the appraisal above*
- General design not fitting in with the surroundings
 - *This issue has been covered within the appraisal above*
- Layout / linear design not in keeping
 - *The previous Reserved Matters appeal Inspector did not raise any concerns in relation to layout. Given the similarities with the previous appeal scheme the same conclusions are drawn here.*
- Boundary treatments
 - *This issue has been covered within the appraisal above*
- Impact on the amenity of residents
 - Overlooking / privacy
 - *This issue has been covered within the appraisal above*
 - Noise and disturbance from use of garden areas
 - *An adjacent C3 use and in particular the use of the garden areas adjacent to neighbouring properties, is not considered to give raise to any significant noise and disturbance issues for neighbouring occupants, given the nature of the use will be compatible with the surrounding context and outline consent has already been granted for a C3 use on the site.*
- Flooding / Drainage inc presence of a drainage ditch along the east side of the site and existing drainage and flood issues
 - *This issue has been covered within the appraisal above, notably drainage and flooding issues are subject to a separate discharge of condition process linked to the outline permission.*
- Greenspace / lack of play area
 - *This issue has been covered within the appraisal above*
- Layout of the affordable units
 - *This issue has been covered within the appraisal above*
- The developments lack of conformity with the planning conditions of the outline consent
 - Proposal does not comply with the by-pass requirements of the outline permission (Condition 9)
 - *This issue has been covered within the appraisal above*
 - Proposal does not comply with condition 5 of the outline consent in relation to the quantum of development which should be restricted to 55 properties.
 - *This issue has been covered within the appraisal above*
 - No details in relation to condition 11 (highway improvement works)
 - *These details are subject to a separate discharge of planning condition process and will be considered in due course.*
 - No details in relation to condition 13 (floodlight and streetlighting)
 - *These details are subject to a separate discharge of planning condition process and will be considered in due course.*
- Impact during the construction phase / access to properties
 - *The outline consent contained a planning condition (condition 14), which detailed the need for a Construction Method Statement to be approved prior to development commencing, which will help to mitigate the construction impacts. A separate planning condition will be attached to this approval requiring access to the existing dwellings adjacent to the site to be retained during the construction phase.*
- Relationship with the gas pipeline easement / safety hazard

- *This issue has been covered within the appraisal above*
- Land levels
 - *The land levels within the site and adjacent to the site have been considered when assessing the impact of the proposals. A planning condition requiring final land levels (and existing) will also be attached to the permission.*
- Highway safety
 - *This issue has been covered within the appraisal above*
- Traffic congestion
 - *Impacts in relation to the volume of traffic from the proposed development were considered at Outline stage and were considered to be acceptable by the Inspector, subject to planning conditions which required improvement works to the junction of the A658 and A659.*
- Parking provision
 - *This issue has been covered within the appraisal above*
- Maintenance of Church Close
 - *The section of Church Close which lies within the site is in private ownership and its maintenance will be subject to the existing provisions*
- Refuse collection
 - *This issue is subject to separate consent under the planning condition discharge process*
- Unsustainable location
 - *The sustainability of the location for residential development was considered at outline stage and is not a matter for this current Reserved Matters application.*
- Impact on air quality
 - *Air quality matters were considered at the outline consent where the Inspector determined that the development would be acceptable in this regard. The outline consent and associated S106 agreement also required a contribution to fund research into air quality issues in Pool*
- There should be no building on the Green Belt
 - *No buildings are proposed within the parts of the site which lie within the Green Belt*
- Impact of new footpath to the north east corner of the site
 - *The proposed footpath link is set-away from the neighbouring dwellings and is not considered to give rise to any amenity concerns*
- Impact on protected species / insufficient ecological assessment
 - *This issue has been covered within the appraisal above*
- Impacts on trees / vegetation
 - *This issue has been covered within the appraisal above*
- Insufficient landscaping
 - *This issue has been covered within the appraisal above*
- Building houses in Pool will not help the housing crisis given the likely asking prices
 - *This is not a material planning consideration for this application as it lies outside of the scope of matters which were reserved for consideration.*
- Overshadowing impacts from new planting

- *The new planting is important from a visual amenity and biodiversity perspective. The new planting is not considered to result in any significant overshadowing of neighbouring properties.*
- Implications of the Aireborough Neighbourhood Development Forum vs Leeds City Council high court decision / setting a legal precedent
 - *This decision relates to the Site Allocations Plan and Green Belt matters and is not relevant to this planning application.*
- Impacts on views
 - *Impact on private views is not a material planning consideration*

143. One general comment has also been received from a neighbouring occupant. The letter states 'I would support this development only if it were to include a section of dedicated pedestrian and cycle transit access from Church Lane/Close through to the A659. This will remove the need to travel via the busy and often congested junction at the petrol station and, by redirecting pedestrians and cyclists it will encourage active travel. This will also help to ease congestion at the junction for other vehicles and therefore help to reduce emissions'.

In response, the scheme will provide pedestrian and cycle connectivity through to Church Close, albeit this will not be in the form of dedicated separate access for its entirety.

144. Pool Parish Council object to the proposed development raising the following concerns:

- Overshadowing
 - *This issue has been covered within the appraisal above*
- Impact on the conservation area
 - *This issue has been covered within the appraisal above*
- Conflict with Neighbourhood Plan requirements 'new houses built adjacent to the conservation area must reflect the style and materials of that part of the village'.
 - *The weight to be attached to the emerging Neighbouring Plan has been detailed within the Policy section of this report. Notwithstanding this, the style and materials of the development are considered to be reflective of this part of the village*
- Concerns expressed regarding the proposed footpath onto the estate from the corner outside number 55 Church Close and 19 Manor Crescent. This path will destroy the wildlife friendly thicket developed and cared for by residents.
 - *The route of the footpath has been amended since submission to avoid the thicket*
- A secure barrier is essential to ensure that motorists do not use Church Close as an access route to and from the new estate
 - *Given the layout of the proposed development a barrier is not required to prevent vehicular access through the estate onto Church Close*
- Concerns in relation to the Wharfedale Greenway and implications with the Gas main
 - *These issues have been covered within the appraisal above*
- Concerns regarding flooding and drainage and that the Flood Risk Management comments have not been adhered to.
 - *This issue has been covered within the appraisal above and are matters subject to a separate discharge of condition process.*

145. Leeds Civic Trust have objected to the application for the following reasons:

- Considers the layout to be unimaginative, giving no sense of a village feeling, and wish to see the layout adapted to enhance the character of the community
 - *The previous Reserved Matters appeal Inspector did not raise any concerns in relation to layout. Given the similarities with the previous appeal scheme the same conclusions are drawn here.*
- Particular points where we had the most concern are plots 1-3 and 22-23 which are sandwiched between a main road (potentially a main route through the village) and a service road, which we feel will not be a satisfactory environment for the residents
 - *The previous Reserved Matters appeal Inspector did not raise any concerns in relation to layout. Given the similarities with the previous appeal scheme the same conclusions are drawn here.*
- Plots 24-27 and 52-57 appear to have their front doors off the main road, with parking in the rear gardens, which will either result in visitors and deliveries parking on the main road, or the rear gardens being the main point of entry to the properties with resultant lack of defensible space. A similar lack of defensible space is seen with plots 47-49, where the only garden is to the front, albeit with fencing.
 - *The previous Reserved Matters appeal Inspector did not raise any concerns in relation to layout. Given the similarities with the previous appeal scheme the same conclusions are drawn here.*
- House type Ashenford has just a hall and WC at the front ground floor, and is shown as runs of eight houses (6-13) and six houses (52-57), giving significant gaps in the residents' ability to perform natural surveillance, especially important in the case of the former because they are opposite a remote parking cluster shielded from their respective houses by stone walls
 - *The Ashenford housetype, does not form part of the final housetype package proposed within the site*
- In general, some of the house types appear to have very mean sized windows, and the layout is not optimised to take advantage of the long-distance views
 - *The proportions and positioning of windows have been improved through the course of the application and are now considered to be acceptable. The impacts on long range views have been considered within the appraisal above.*
- While we appreciate the green corridor to Church Close, and like the pocket park in application much play is made of the improved green approach to the village along Pool Road from Otley. Yet this land is outside the red line boundary, and some is within the easement for the gas pipeline, and we have concerns that a full landscaping of this prominent edge to open countryside will not be achievable with the layout proposed
 - *The buffer planting proposal have been considered within the appraisal above.*

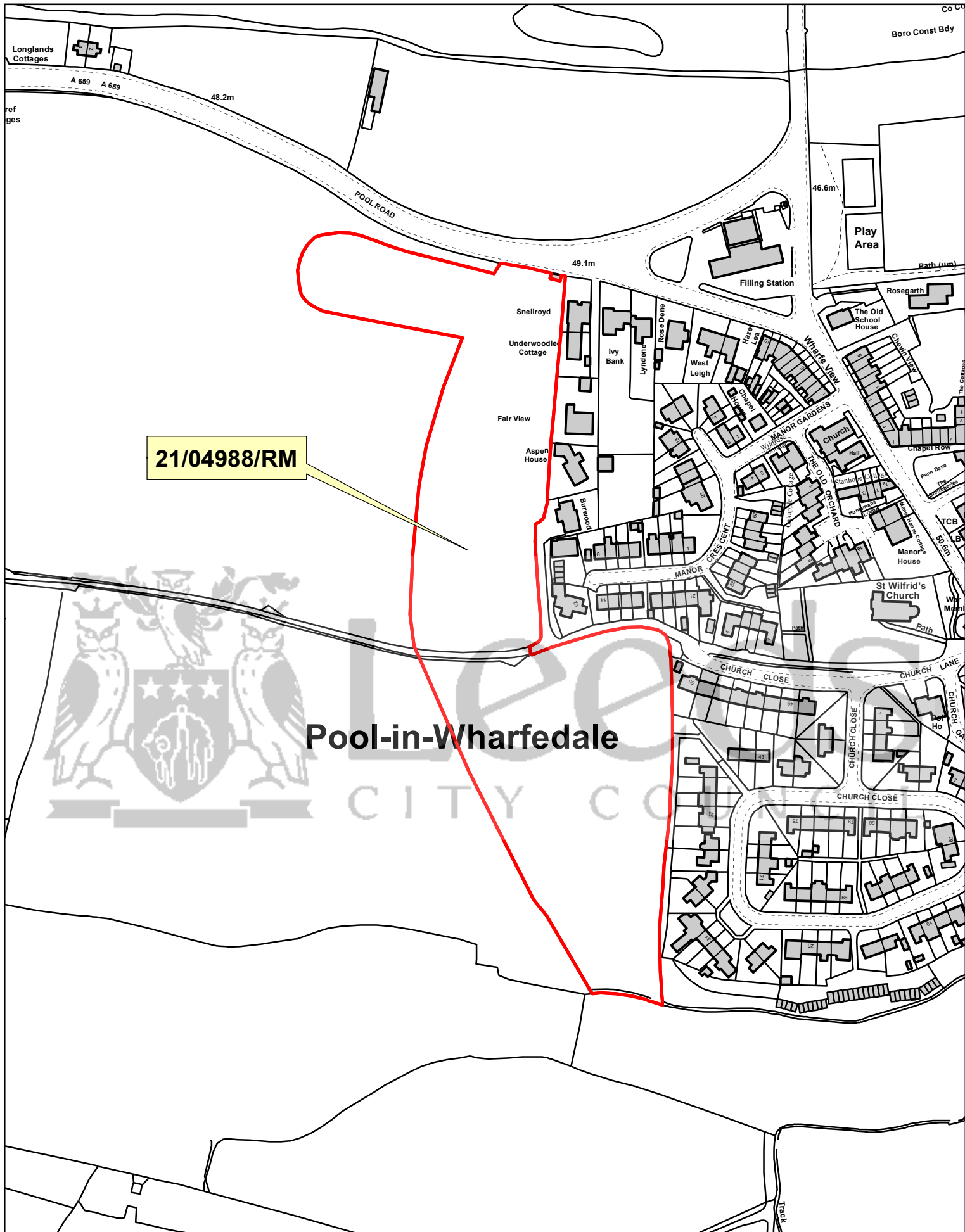
146. Ward Members: As previously stated, a joint referral panel request has been received from Cllr B Anderson and Cllr C Anderson. The request states “Concerns around the layout, design (including building materials to be used) and impact on the Conservation area and not totally satisfying the previous Inspector’s refusal. This development should be a flagship/marquee development at one of the major entrances to Pool village. The development will be seen, not just from Pool Road, but from the A660 at upper Old Pool Bank as it looks down into the valley, hence fitting in with what is there already and providing a visually attractive development”.

During meetings and further correspondence Cllr B Anderson has also put forward concerns in relation to the relationship with the gas pipeline, impact on neighbours / separation distances, the buffer planting area and flooding/drainage.

In response these issues have been considered within the appraisal above.

CONCLUSIONS:

147. The proposal is considered to represent a significant improvement in terms of appearance and scale, and is considered to overcome the previous reason for the dismissed appeal. The scheme is largely similar to the previous appeal scheme in other regards. The scheme will also provide 57 new dwellings including 20 affordable properties. The contribution of these units to the housing supply is a material consideration weighing in favour of the scheme. Likewise, the provision of new publicly accessible green spaces and landscaping attracts positive weight.
148. Consequently, when considered as a whole the development is considered acceptable and meets the requirements of those policies of the Development Plan relevant to the consideration of the reserved matters. As such the application is acceptable and is recommended for approval, subject to the recommended planning conditions (and amendment to or addition of others which the Chief Planning Officer in his discretion deems appropriate).



21/04988/RM

Pool-in-Wharfedale

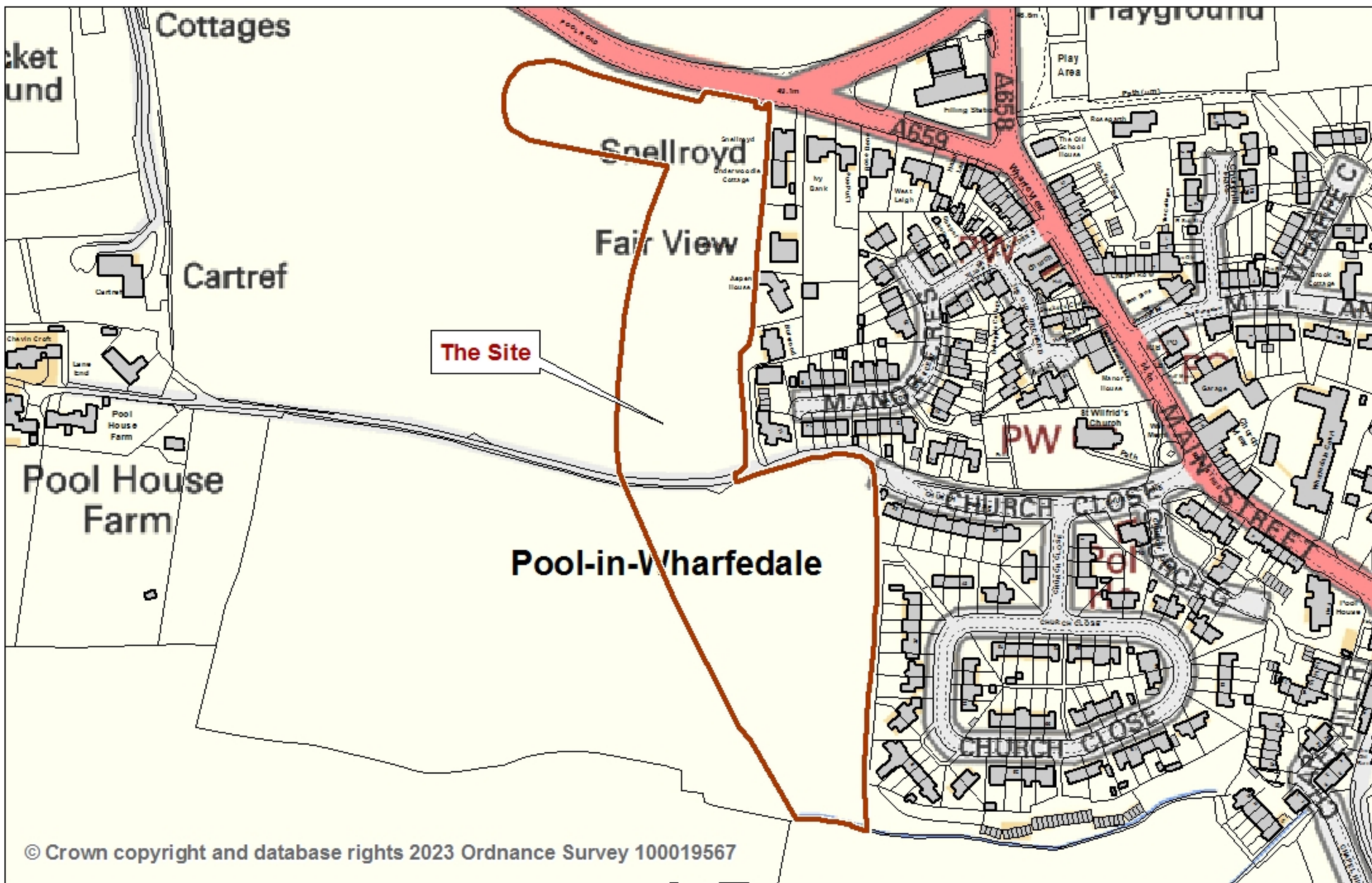
SOUTH AND WEST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/2500







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PLANS PANEL PRESENTATION

SCALE 1:5500





Appeal Decision

Hearing Held on 22 September 2020

Site visit made on 25 September 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2021

Appeal Ref: APP/N4720/W/20/3252189

Land south of Pool Road, Pool in Wharfedale, Leeds

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Taylor Wimpey UK Limited against the decision of Leeds City Council.
 - The application Ref 19/02959/RM, dated 9 May 2019, was refused by notice dated 11 November 2019.
 - The development proposed is described as "Reserved Matters application for 57 dwellings, relating to scale, layout, appearance and landscaping pursuant to Outline Application (17/02068/OT)".
-

Decision

1. The appeal is dismissed.

Application for costs

2. Prior to the Hearing an application for costs was made by Leeds City Council against Taylor Wimpey UK Limited. This application is the subject of a separate Decision.

Procedural Matters

3. As a result of information submitted in support of the appeal, the Council confirmed that they are satisfied that the appeal scheme is in compliance with the provisions of Condition 5 and as such has withdrawn the reason for refusal related to Condition 5 of the outline permission.
4. The appeal site already benefits from outline planning permission by virtue of a successful appeal¹. Therefore, planning permission has already been granted and the acceptability of the specific reserved matters only are subject of this appeal.

Main Issues

5. The main issues are:
 - i. Whether the details of the reserved matters are consistent with the outline planning permission, with particular regards to condition 10 relating to the "Wharfedale Greenway route".

¹ APP/N4720/W/17/3187334

- ii. The effect of the proposed development on highway safety, with particular regards to car parking provision and pedestrian and cycle routes.
- iii. The effect of the proposed development on the character and appearance of the area, including the adjacent Pool-in-Wharfedale Conservation Area.
- iv. Whether the proposed development would provide adequate landscaping, with particular reference to the protection of existing trees, local ecology and creation of open space.
- v. Whether the proposed development would provide acceptable living conditions for future occupiers, with particular reference to the arrangement of the dwellings on the site.

Reasons

Condition 10

6. Condition 10 controls the details and provision of the Wharfedale Greenway route (WGR). The appellant is not seeking the approval of these details at this time and as such the acceptability or otherwise of the details of the GWR as shown on the submitted plans is not a matter for consideration at this appeal.
7. The submitted plans demonstrate that a route could be provided that fulfils the most basic requirements of the WGR controlled by condition 10, that is creating a link suitable to form part of the WGR.
8. On this basis, while the Council and third-party representations have made clear that, in their view, the detail of the proposals are not acceptable, the appeal scheme is nonetheless in broad compliance with the outline planning permission in this respect.
9. I therefore find that the appeal scheme is consistent with the outline planning permission, with particular regards to condition 10 relating to the WGR. Therefore in this respect the appeal scheme is not contrary to policies SP13, P10, T2 and G1 of the Core Strategy (as amended by the Core Strategy selective Review 2019) (the CSSR) and saved Policies GP5, LD1 and LD2 of the Leeds Unitary Development Plan (Review 2006) (the UDP) which, amongst other matters, collectively seek to the provision of green infrastructure, access and recreation facilities.

Highway safety

10. As a result of information submitted in support of the appeal, it was stated at the hearing that the Council is satisfied that sufficient visitor car parking is provided within the scheme. Furthermore, it was also stated at the hearing that the Council is satisfied that the dimensions of the proposed driveways are satisfactory. On the basis of the evidence before me I see no substantive reason to disagree.
11. Turning to outstanding matters of dispute, the submitted plans show that properties to the eastern side of the proposed development do not benefit from a footpath directly to the front of the properties. Paragraph 3.136 of the Leeds City Council Street Design Guide Supplementary Planning Document (the SPD) details that "Minimum footway (and footpath) widths should normally be 2 metres to either side of the carriageway although in certain situations one

- footway may be acceptable if there is no likelihood of pedestrians utilising a second footway”.
12. Furthermore, the accompanying text box to paragraph 3.31 vi) confirms that a “2m minimum designated pedestrian route (usually on both sides of road)” is to be provided on sharded surface streets, such as those proposed here.
 13. The SPD does not set out a detailed criteria or other considerations for exceptions to these detailed standards. Nonetheless, the appellants Highways & Transport Appeal Statement, Optima Highways and Transportation Consultancy Ltd (7 May 2020) table 4.2 confirms that there would be a total of 39 vehicle trips at the PM peak (1700-1800) for all 55 dwellings, this is significantly below the up to 100 vehicles referred to in the table titled ‘type 3a: shared space streets of the SPD.
 14. The appellant has referred to a number of developments where pavements, of a similar configuration to that shown on the submitted plans, have been accepted by the Council. In turn, the Council have referred to other developments that support their case. I have not been provided with all of the details of these developments, they are nonetheless material considerations but in the absence of substantive details I only afford them little weight.
 15. For the reasons detailed previously I find that on balance I am satisfied that the pavement provision proposed in the appeal scheme will be satisfactory and does not harm highway safety.
 16. Turning to the connection that links the site to Church Close, I note that for a distance of approximately 60m along Church Close pedestrians would not benefit from appropriate pavement provision. The submitted plans show that the route would also be used by Church Close residents’ vehicles and cyclists, horse riders and other users of the WGR. After the hearing closed the appellant submitted a legal obligation that would provide an improved point of access removing this conflict, the details of which could be controlled by a suitably worded condition attached to any approval resulting from this appeal.
 17. I therefore find that the appeal scheme as it stands would not cause harm to highway safety and is not therefore contrary to CSSR policies SP13, P10, T2, G1, saved UDP policies GP5, LD1, LD2, and the guidance contained within the Council's Neighbourhoods for Living SPG, Street Design Guide SPD, Parking SPD, and Accessible Leeds SPD that collectively seek to provide a safe environment for all residents with particular regards to highway safety.

Character and appearance, including the Conservation Area.

18. The proposed housing is located in a prominent position near to the entrance to the settlement. CSSR Policy SP13 designates the appeal site as Strategic Green Infrastructure and the site is within Wharfe Valley and Chevin Ridge Key Corridor. CS Policy P10 requires new buildings and spaces to be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. The policy requires developments to respect and enhance existing landscapes, waterscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting.
19. The site is outside of but abuts both the designated Green Belt and the Pool-in-Wharfedale Conservation Area (the CA). CSSR Policy P11 requires the conservation and enhancement of the historic environment, including

- townscapes and landscapes. Saved UDP policy N19 requires new buildings within or adjacent to Conservation Areas to preserve or enhance the character or appearance of the area by ensuring appropriate siting of buildings, through the use of appropriate design and materials, and through careful attention to boundary treatments and landscaping
20. Paragraph 200 of the National Planning Policy Framework (the Framework) states that proposals that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset should be treated favourably. The Glossary to the Framework defines the setting of a heritage asset as the surroundings in which it is experienced. Consequently, whether the significance of the conservation area would be affected by development outside it is a material consideration.
 21. The CA's special interest is defined in the Council's Conservation Area Appraisal and Management Plan (CAAMP) as its retention of an idyllic rural location which is defined by its landscape setting and geographical surroundings. Views around the Wharfe valley of expansive and open countryside enable Pool to retain significant independence from its surroundings. This independence and the strong core of historic structures help establish Pool's identity and special interest. My site visit confirmed that this is the case.
 22. The CAAMP specifically identifies that inappropriate development outside of the CA affecting important views both towards and away from the CA can have a negative impact on the CA. While the site already benefits from outline planning permission, at the Hearing the Council identified a number of aspects of the appeal scheme, including dormer windows and 2½ storey properties being features not commonly found in the local area, that would harm the CA.
 23. The appellant's Design Statement details that the proposed development has been designed to reflect the predominant character, architectural vernacular and design of the neighbouring development to the site. I note that the appeal scheme does comply with some aspects of the Development Plan, including some elements of the Council's Design Guidance².
 24. The appellant has submitted report³ with the appeal, undertaking a detailed analysis study of the surrounding area. I note that this was not submitted with the application but has been produced since the application was determined. The report conclusions include that "the layout, density and urban grain of the proposals are not out of character with the local area".
 25. However, the submitted plans show that the resultant development consisting of a significant mix of house types and styles that are not readily found in the adjacent areas of the settlement is of an overall design that fundamentally fails to reflect or incorporate into the development the local distinctiveness of the adjacent settlement, including the CA.
 26. Furthermore, the appellant has provided a plan⁴ specifying the materials to be used in the development and requested that these be included as a condition on any resulting planning permission. The proposed materials, in particular

² Neighbourhoods for Living SPG, Greening the Built Edge SPG, Street Design Guide SPD, Greening the Built Edge SPG

³ Land South of Pool Road, Pool in Wharfedale – Contextual Analysis Study – (31795) May 2020, Barton Willmore

⁴ Materials Layout - dwg.no. 1702.ML, dated 18.09.19

- 'palette 2' were not commonly found in the local area, the use of inappropriate materials would harm character and appearance of the area including the CA.
27. At my site visit I spent some time in the wider settlement and my observations confirmed that, while there are some limited examples and elements of the use of materials that are not dissimilar to that proposed by the appellant, nonetheless I find that the proposed materials are not reflective of the character and appearance of the local area.
 28. The proposal would therefore in my view make a negative contribution to the overall quality of the area and would not sit well close to the boundary of the CA in a prominent location in particular where the views into the CA contribute to the significance of the CA.
 29. The Framework is clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The development plan policies similarly set clear design principles and expect development to deliver good design which reflects the local area.
 30. For the reasons given, I conclude that the design of the proposal would fail to respect or contribute to the local distinctiveness of Pool and the CA and would thus fail to preserve or enhance the character and appearance of the CA.
 31. Consequently, the development would conflict with CSSR policies P10, P11, P12 and G1, saved UPD policies GP5 and LD1 that seek to protect the character and appearance of the area including the historic environment.

Landscaping

32. The submitted plans show that the appeal scheme incorporates a number of distinct areas of green space, including an area identified as a drainage basin, a larger central greenspace and smaller elements of greenspace throughout the site. With the exception of the former, these areas would be provided as Public Open Space (POS).
33. With regards the drainage basin, this part of the appeal site lies within the Green Belt but it is accepted that this use would not be an inappropriate use of land within the Green Belt. At the hearing the appellant detailed that while this green area would exist, the use of this area is as a drainage basin predominates and as such the use is appropriate in the Green Belt. Based on the evidence before me I find no substantive reason to conclude otherwise.
34. There was some discussion at the hearing with regard the overall quantum of POS required to be delivered as part of the appeal scheme. It is detailed in the Statement of Common Ground that Policy G4 of the CSSR results in a POS requirement for the appeal scheme of 2520sqm. This is a considerable reduction in the requirement of the now replaced Policy G4 of the old Core Strategy (CS) that was effective at the time that the outline planning permission was granted. The Council has sought to link the requirement for POS to Policy G4 of the CS via the legal obligation that accompanied the outline application.
35. The Development Plan, as it stands at this time, includes Policy G4 of the CSSR. Policy G4 of the old CS has been withdrawn and as such no longer forms part of the Development Plan. Therefore, whether or not the Legal Obligation

- that accompanied the outline planning permission indicates otherwise, the policy relevant to the determination of this appeal is Policy G4 of the CSSR. The enforcement of any legal agreement is a separate matter to the determination of this appeal scheme.
36. Submissions by both the Council and the appellant confirms that the appeal scheme would provide some 4400sqm of POS, dependent upon which areas are included in the calculation. On the basis of the evidence before me I am satisfied that the appeal scheme would meet the quantitative requirements of Policy G4 of the CSSR.
 37. In support of the appeal, the appellant's Landscape Statement and Design Statement confirms that "all homes are within an 80m distance of an area of POS" and that each "POS parcel" has functionality, referring to the incorporation of existing trees and hedgerows and "an integrated network of green infrastructure".
 38. The submitted plans show that with the exception of the green space to the entrance of the appeal site the POS created by the appeal scheme would be relatively small and fragmented or otherwise transected by paths limiting the usability of the space by future residents. To the eastern boundary of the site, the POS appears to largely relate to the crown spread of the adjacent trees and hedges rather than forming part of a clear overall concept. While this approach this does appear to create adequate separation distances between dwellings and trees the relationship of the POS with the adjacent residential properties is show as being poor, in particular with regards overlooking and natural surveillance.
 39. Turning to ecology, and in particular Bats, the appellant identifies a number of benefits to bats including bat boxes and the retention and improvement of foraging routes, concluding that the "overall net impact upon bats is therefore predicted to be positive".
 40. At the Hearing the Council confirmed that additional information provided by the appellant did provide some comfort. In particular, clarification was offered with regards the location of many of the boundary trees and hedgerows as being outside of the appeal site and thus at a reduced risk of removal or pruning as a result of the appeal scheme. On the basis of the evidence before me I am satisfied that the proposed scheme will not have an adverse impact on ecology and in particular bats.
 41. The submitted plans show that outside of the western boundary of the appeal site, adjacent to the proposed WGR, additional planting in the form of landscaping and buffer planting would be provided. This planting and landscaping would provide screening to the built development including the appeal scheme.
 42. The proposed landscaping and planting would not be located inside the appeal site. Indeed, adjacent to the western boundary of the spine road there is very little space for any planting or landscaping. However, on the basis of the evidence before me I am satisfied that a suitably worded condition could be attached to any permission resulting from this appeal to control the detail and provision of appropriate planting and landscaping.

43. To conclude this main issue, for the reasons detailed previously I have found that the appeal scheme would provide an adequate quantity of POS and while the plans lack a clear overall concept I find that on balance the appeal scheme is not contrary to Policies SP13, P10, P12 G1 and G4 of the CSSR, saved policies GP5 of the UPD that seek to control the provision of new green space and landscaping.

Living Conditions

44. The Neighbourhoods for Living Supplementary Planning Guidance (NfL SPG) sets specific standards for separation distances between properties and for outside garden space for residential gardens. While it is acknowledged by the Council that the appeal scheme broadly complies with the relevant guidance, plot numbers 38, 44 and 4 have been identified by the Council as falling short of the guidance.
45. The NfL SPG requires a 10.5m minimum distance from the house to the rear boundary treatment for garden space. With regards Plot 38, the appellant details that the garden depth is some 12m long at its maximum and 7.5m at its minimum. The garden of plot 44 is similarly set at an angle resulting in distances of approximately 22m at its maximum and 7.5m at its minimum. Based on the evidence before me it is clear that the minimum depth of the rear gardens do fall short of that detailed in the NfL SPG. Nonetheless, I find that the gardens of plot 38 and 44 are overall of a sufficient depth and size to be in broad compliance with the NfL SPG and are sufficient to protect the living conditions of future occupiers.
46. Turning to the back-to-back distance of plot 38, the appellant submits that this is 28m and the back-to-side distance to plot 36 is 12.5m. the diagram after paragraph 4.72 of the Design Statement (May 2020) (the DS) shows that the detailed back to back distance is very much a best case figure. However, the submitted plans show that as a result of the orientation of the proposed dwellings, the separation distance would be sufficient to protect the privacy of future occupiers in broad compliance with the NfL SPG.
47. Plot 4 is identified by the Council as being too close to the neighbouring property, Underwoodlee Cottage to the east. The submitted plans show that the rear of the property on plot 4 would look towards the rear garden of Underwoodlee Cottage separated by the retention of the existing hedge. The rear garden of Underwoodlee Cottage is small, and all of the garden would be in view from plot 4. However, the diagram after paragraph 4.74 of the appellants DS details that the separation distance is 16m. I find that this separation distance is sufficient to protect the living conditions of the residents of Underwoodlee Cottage and future residents of the appeal scheme.
48. Turning to the proposed properties fronting the main spine road. The appellant's statement of case, paragraph 4.74, acknowledges that the relevant front gardens are "in the region of 3-4m" but that the dwellings are "set back from the spine road by 8-9m". The appellant's approach to the relationship of residential dwellings and the spine road, described in the Statement of Case as the creation of a clear frontage and enclosure to the streetscene with a landscaping to the spine road appears reasonable. I therefore find that, on balance, the separation distances and garden layouts are sufficient in this respect to protect the living conditions of future occupiers.

49. At the hearing there was some discussion with regards the effect of air quality on the living conditions of future occupiers of the proposed properties, with particular regards to the use of the main road in the site as a bypass. I have no substantive evidence before me regarding the impact of the proposed road use on future residents of the appeal scheme and in any event the bypass scheme does not form part of the appeal scheme. As such, I find that it has not been demonstrated that the appeal scheme would not provide satisfactory air quality for future residents.
50. To conclude this main issue, for the reasons detailed previously I find that the appeal scheme would provide acceptable living conditions for future occupiers, with particular reference to the arrangement of the dwellings on the site. The appeal scheme is therefore not contrary to CSSR policies SP13, P10, T2 and G1, saved UPD policies BD5, GP5, LD1 and LD2 and the guidance set out in Neighbourhoods for Living SPG, Greening the Built Edge SPG, Street Design Guide SPD, Greening the Built Edge SPG.

Other matters

51. The appeal site ready benefits from planning permission and this appeal scheme would provide 57 homes, including 20 affordable dwellings. The contribution of the houses in the appeal scheme towards the housing land supply in the area is a material consideration that weighs in favour of the appeal scheme.
52. In granting the outline planning permission in respect of this site the Inspector⁵ found that the Council could not demonstrate a 5-year housing land supply. The appellant's planning statement⁶ that accompanied the application to Leeds City Council detailed a number of other decisions⁷ where it was concluded that the Council could not demonstrate a 5-year housing land supply. I have not been provided with all of the details of these appeals or the circumstances in which led to their determination. I have no substantive evidence before me regarding the current housing land supply situation. As such it has not been demonstrated that the Council cannot demonstrate a 5-year housing land supply at this time and in respect of this appeal.
53. I note that the appeal scheme would have a direct on-site work force of 20 construction jobs at any one time and that there is a commitment to employ local labour and to provide training opportunities for young people.

Planning Balance

54. The Government's objective is to significantly boost the supply of housing and the proposal would provide 57 homes, including 20 affordable dwellings, in a location with access to existing services. Given the scale of the proposal the provision of the additional housing attracts some weight. The scheme would also result in the development of the spine road of a standard to serve as a future bypass of Pool and create local employment opportunities.
55. Conversely, the proposed development would harm the character and appearance of the area, including the adjacent Pool-in-Wharfedale

⁵ APP/N4720/W/17/3187334 -18 June 2018

⁶ Planning Statement – Johnson Mowat 8 May 2019

⁷ APP/N4720/W/17/3186216 – 14 December 2018; APP/N4720/W/18/3198312 –11 February 2019; APP/N4720/W/18/3200471 –11 February 2019; APP/N4720/W/18/3203770 - 13 March 2019.

Conservation Area. These matters attract significant weight and outweigh the benefits associated with the proposed development.

56. The proposal would therefore conflict with the Development Plan and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

57. For the reasons outlined above, I conclude that the appeal should be dismissed.

Mark Brooker

INSPECTOR



Appeal Decision

Inquiry Held on 15-18 and 22-23 May 2018

Site visit made on 14 May 2018

by P W Clark MA MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 18 June 2018

Appeal Ref: APP/N4720/W/17/3187334

Land south of Pool Road, Pool in Wharfedale, Leeds

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Taylor Wimpey UK Limited against the decision of Leeds City Council.
 - The application Ref 17/02068/OT, dated 29 March 2017, was refused by notice dated 27 June 2017.
 - The development proposed is up to 70 dwellings with means of access and associated works.
-

Decision

1. The appeal is allowed and outline planning permission is granted for residential development with means of access at Land south of Pool Road, Pool in Wharfedale, Leeds in accordance with the terms of the application, Ref 17/02068/OT, dated 29 March 2017, subject to the sixteen conditions which are appended to this decision letter.

Procedural matters

2. The application is made in outline with only details of the access from Pool Road submitted for approval. Details of other means of access, appearance, landscaping, layout and scale are reserved for later consideration in the event of the appeal succeeding.
3. Although the application was made in the terms set out above, the Council's determination used a different description; "residential development with means of access". The courts have held that a permission is not limited by the description of what was applied for but only by a specific condition and so, with the agreement of the parties, the council's description is used in considering this appeal. Consideration was given, during the Inquiry, to the necessity of a condition limiting the quantity of development in the event of the appeal succeeding.
4. An informal, unaccompanied, site visit was made on 14th May before the Inquiry opened. By the end of the Inquiry, there were no outstanding matters of controversy which could be resolved by means of a further site visit and so, with the agreement of the parties, no further formal site visit was made.
5. In their evidence and submissions, the parties made reference to a considerable number of appeal and judicial decisions. Although I have taken

these into account, I have not specifically referenced all of them in my decision. Where my decision is consistent with those references, it is for the reasons stated in this decision. Where it differs from those references, my decision is taken for the reasons stated in this decision. As it has turned out, I find that this decision does not turn on many of the points at issue in those debates and so I do not refer to them but that could not have been known prior to the conclusion of the Inquiry and a detached reflection on the evidence.

6. Although the Inquiry sat on the days indicated above, it was held open afterwards to allow for the receipt of closing submissions in writing from both parties and for the submission of three completed planning obligations. The Inquiry was closed on 13 June 2018 following the receipt of those documents.

Main Issues

7. Part of the site lies within the Green Belt but it is accepted that the use of that part of the site for a drainage basin would not be an inappropriate use of land within the Green Belt. There is no suggestion of such a limitation being secured by condition but the Council's development plan policies on the use of land within the Green Belt would apply in any event to any reserved matters application. The Inquiry proceeded on that understanding.
8. The Council's fourth reason for refusal concerned character, heritage, green infrastructure, landscaping, amenity spaces, ecology and drainage. Most of these would be controlled through reserved matters in the event of the appeal being allowed but, in any event, the parties agreed before the Inquiry commenced that the Council would not pursue this reason for refusal if a satisfactory condition could be devised which would operate in effect to limit the quantum of development. Both parties offered draft conditions which were considered during the Inquiry. There remain seven main issues in this appeal:
 - Whether the proposal would prejudice the development of a wider area of land
 - Whether the proposal would fulfil the economic and social roles of sustainable development in terms of the provision of infrastructure and accessible local services
 - The effect of the proposal on highway safety
 - The effect of the proposal on air quality
 - The effect of the proposal on housing land supply
 - Whether the proposal would undermine the plan-making process by predetermining a decision about the scale, location or phasing of new development in an emerging local plan
 - The balance between any adverse impacts and the benefits of the proposal

Reasons

Prejudice a wider development

9. In the currently extant Unitary Development Plan the site is allocated (as part of a more extensive Protected Area of Search, or PAS) for longer-term

development needs beyond the Review Plan period (which ran to 2016). Other than postponing the date of implementation to beyond 2028 the emerging SAP does not currently propose to change that in substance, although there is a change of terminology from Protected Area of Search (PAS) to Safeguarded Land (SL). In addition, the currently submitted version of the emerging SAP proposes to designate a large area to the west of the site as one of a number of Broad Locations which, (apparently unlike SL designations¹) are expected to contribute to the total housing supply envisaged in table 1 of the submitted plan for years 12- 16 of the plan, the same period as that envisaged for allowing the development of Safeguarded Land.

10. So, it is clear that, whether one looks at the current adopted development plan, or the emerging SAP, the site forms part of a wider area of potential development. Although the development plan policy quoted in the reasons for refusal (N34) limits development to temporary uses which would not prejudice the possibility of long term development, neither it, nor any other policy quoted in the reasons for refusal require development on one piece of land not to prejudice development on an adjacent piece of land; the principle is simply one of good planning practice.
11. There are two aspects to the Council's concern that the development proposed would prejudice the development of these wider areas. One is that, as paragraphs 19.1.5 and 19.2.8 of the adopted UDP make clear, the area designated as PAS to the south and west of Pool, including the site, includes land required for a possible west of Pool bypass which would be funded from the possible housing development. The other concern is that if the needs for primary school education arising from the development of this site were met in isolation, it would reduce and undermine the critical mass of education need deriving from the rest of the wider site necessary to support the provision of an additional school but that the education needs of the rest of the PAS land and Broader Location land could not otherwise be met easily.
12. As stated in Mr Platten's supplementary proof of evidence for the Council, delivery of part of the new western bypass adjacent to the appeal site could be secured by appropriately worded planning conditions, supplemented by a s106 planning obligation. I agree. A condition (9) can require the construction of the access road within the site which would form part of the bypass.
13. A Unilateral Undertaking is submitted which provides for land at the access to the site which may be required for future highway works to complete the bypass to be safeguarded for twenty years and offered to the Council for a nominal sum. It also requires the developer to permit, without charge, a connection from the access road to the adjoining PAS and/or Broader Location lands.
14. These provisions are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind and so I am satisfied that they would meet CIL regulation 122. There is no question of any financial payment towards the bypass contributing to a pooling of contributions and so regulation 123 of the CIL regulations would not be contravened.

¹ Paragraph 3.7.9b of the submitted SAP calculates the housing supply of the Outer North West Housing Market Character Area by reference to identified sites, housing allocations and broad locations, excluding Safeguarded Land

15. Evidence submitted to the Inquiry and not challenged shows that the primary school needs likely to arise from this proposed development could be accommodated without any expansion of Pool Church of England (CofE) Primary School. I deduce therefore that its contribution (through the CIL levy) to funds for school expansion could be banked for future use in a more comprehensive expansion of school facilities to serve Pool.
16. Unchallenged evidence also shows that the full development of all parts of the PAS and Broader Location lands around Pool would not provide the critical mass necessary to justify an entire new school and would only support the expansion of the existing Pool CofE Primary School to 1.5 – 2 Forms of Entry (FE). In theory such an expansion could be fitted onto the existing site but, if the site constraints which the Council has identified were to prevent this, then the relocation of the school (as countenanced in paragraph 5.52 of Kathryn Holloway's proof for the Council) onto the remaining parts of the PAS land or the Broader Location would not be prejudiced by the development of the appeal site. In either event, the contribution to the CIL levy from the site would contribute to any comprehensive solution.
17. I therefore conclude that neither of the Council's concerns would be substantiated. The development proposed would not prejudice the wider development of the area.

Sustainable development in terms of infrastructure and local services

(i) Environmental role

18. There are three dimensions to sustainable development; economic, social and environmental. The environmental dimension is concerned with protecting and enhancing our natural, built and historic environment. For the Council, Mr Platten's supplementary proof of evidence confirms that subject to a planning condition restricting the quantum of development, the Council's fourth reason for refusal, which deals with character, heritage and green infrastructure objectives, landscaping and amenity spaces, ecology and drainage, is not being pursued. Conditions are discussed later in this decision letter.
19. I conclude that with those conditions (5, 6, 10, 12, 13 and 16) in place supplementing the requirements of reserved matters submissions the proposal would be capable of complying and would not conflict with saved UDP policy GP5 which requires development proposals to resolve detailed planning considerations. Accordingly, I need only discuss the economic and social aspects of sustainable development in this section of my decision letter.

(ii) Economic role

20. The economic role of sustainable development contributes to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and also by identifying and coordinating development requirements including the provision of infrastructure. Government policy is to encourage the effective use of land by reusing land that has been previously developed. This site is a greenfield site and so is not of the government's preferred type but, as noted in the Council's adopted Core Strategy paragraph 4.4.4, the delivery of the strategy will entail the use of brownfield and greenfield land, so it is an acceptable type of land for development.

21. It has been allocated in the Council's UDP and is proposed to be allocated in the emerging SAP as PAS or as Safeguarded Land (SL) for development at some future date, so it has been recognised as being in the right place for that purpose. Although the term "key location identified as sustainable extensions to the relevant settlement" which is used in the Core Strategy is not used in the UDP or the emerging SAP, the site is within land variously termed PAS or SL lying adjacent to, and thereby extending Pool. The village is identified as a smaller settlement within table 1 of the Core Strategy. Smaller settlements will contribute to development needs according to section (i) of Core Strategy policy SP1. It can thus be fairly identified as an extension to a relevant settlement within the terms of Core Strategy policy SP1 (ii) which sets out the priority for identifying land for development.
22. Paragraph 4.6.15 of the Core Strategy advises that the emphasis of the overall approach to the release of land is to achieve opportunities for housing growth in sustainable locations, linked to the Settlement Hierarchy, whilst respecting local character and distinctiveness. Within that context, it is anticipated that a modest amount of urban extension land should be found adjoining Smaller Settlements. Whether looked at in terms of the UDP, the Core Strategy or the emerging SAP, I find that it is clearly identified as the right place for development. I consider whether it is the right time for development when considering its effects on housing land supply in a later section of this decision letter.
23. I now turn to consider the infrastructure element of the economic dimension of sustainable development. The Council's third reason for refusal lists those which it considers necessary; affordable housing, education, greenspace, off-site highway and drainage infrastructure, public transport, travel planning measures, air quality measures and cycle and pedestrian connections.
24. Contributions to education provision through CIL and the provision of part of a bypass for Pool through a combination of conditions and a Unilateral Undertaking have already been noted. A s106 agreement in respect of other matters has been reached and is submitted. It provides for affordable housing in accordance with the Council's policies, greenspace in accordance with the requirements of Core Strategy policy G4, public transport improvement works, a contribution to the Council's Residential Travel Plan Fund, a contribution to fund research into air quality issues in Pool and a cycle and pedestrian route. These provisions can be supplemented by conditions (4, 8 and 11) requiring off-site highway improvement works at both the White Hart and Triangle junctions at each end of the village and by a detailed travel plan.
25. I concur with the parties that all these provisions are necessary to make the development acceptable in planning terms, directly related to the development, fairly and reasonably related to it in scale and kind and sufficient to meet the Council's objections set out in its third reason for refusal. It would therefore comply with Core Strategy policy ID2. There is no suggestion that any other development will add contributions to those in this agreement so there is no likelihood of contravening the pooling restrictions applied to such contributions.
26. I am therefore satisfied that the section 106 agreement complies with the CIL regulations and conclude that it will help ensure that the development contributes to the economic dimension of sustainable development. It would comply with Core Strategy policies H5 which requires the provision of

affordable housing, G4 which requires the provision of open space, T1 which amongst other matters supports the provision of tailored interactive information and travel planning measures and T2 which amongst other matters also requires travel plans and requires new infrastructure to ensure that there is adequate provision for access from the highway network by public transport and for cyclists and pedestrians.

27. A further Unilateral Undertaking is submitted in response to the Council's request for a financial contribution towards an improvement of the junction of the A658 and A660 roads at the Dyneley Arms, a kilometre or so south of the village. This junction is already operating at well over its capacity at peak hours and so queues of up to 100 vehicles on two arms of the junction then occur. Even without the development, these are predicted to increase to 120-145 vehicles by 2022.
28. The effects of additional traffic on overloaded junctions produce exaggerated congestion effects. Even so, the effects of the proposal on queue lengths at this junction are expected to be no more than an additional 6 (am) or 13 (pm)² vehicles on the worst affected arm of the junction, increasing delay to each vehicle on that arm by 46 seconds on average. A Statement of Common Ground on Highway and Transport Matters was submitted during the Inquiry (Inquiry Document 12). It confirms the agreement of both parties that the appeal site will not have a severe impact on this junction when considering severity in terms of NPPF paragraph 32.
29. Nevertheless, it would not be imperceptible and so I have sympathy with the view that the development should mitigate its own effects. However, the basis on which the contribution sought by the Council (£3,000 per dwelling) is calculated, explained in Inquiry document 16, involves identifying congested junctions within the whole of the Leeds district that are likely to be made more congested by developments allocated in the emerging SAP and the (now adopted) Aire Valley Local Area Action Plan (AVLAAP), estimating the sum total of costs of improvement works to those junctions, making an assumption as to the proportion of those costs which should be attributed to the cumulative effect of the developments identified and dividing that cost by the number of dwellings likely to be produced by those developments to arrive at a figure rounded down to £3,000 per dwelling. It is anything but directly related to the development being considered in this appeal even if it were to be regarded as fairly and reasonably related in scale and kind to the development by virtue of being expressed as a charge per dwelling.
30. Moreover, as Inquiry document 16 confirms, the West Yorkshire Combined Authority has approved in principle enough capital to fund substantial implementation of a junction improvement scheme at Dyneley Arms, although a significant scheme cannot be delivered within the funding envelope. The Council intends to develop short term measures to enhance capacity at the junction with a more comprehensive scheme to follow. But none of these schemes has been designed to such a degree that their features or costs could be divulged to the Inquiry. Nor is there any information to show what proportion of that cost would be directly related to the development, or fairly or reasonably related in scale or kind.

² The Council's closing speech says 17

31. I must therefore conclude that the Unilateral Undertaking in respect of a contribution to the Dyneley Arms junction improvement scheme does not comply with the CIL regulations and that I can take no account of it. Inquiry Document 16 asserts the Council's view that without the contribution towards the junction improvement, the appeal site in conjunction with other existing sites in the Plan would have a severe residual cumulative impact that is not being mitigated but that is contradicted by table 2 appended to that document which indicates that for the Dyneley Arms junction no sites are identified having either direct or cumulative impact.
32. In relation to the impact of the appeal site on its own, I am left with the agreement reached by both parties in the Statement of Common Ground on Highway and Transport Matters (Inquiry Document 12) that the appeal site will not have a severe impact on this junction when considering severity in terms of NPPF paragraph 32. Accordingly, the absence of a contribution to improving the infrastructure of this junction is not a reason to dismiss the appeal or to find that it does not sufficiently contribute to the economic dimension of sustainable development.
- (iii) *Social role*
33. The social role of sustainable development supports strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. I deal with this matter in a later section of my decision. It also involves creating a high quality built environment (an issue to be considered in this case as reserved matters), with accessible local services that reflect the community's needs and support its health, social and cultural well-being. It is to that last point, of accessible local services, that I now turn.
34. Core Strategy Table 1 recognises Pool in Wharfedale as a Smaller Settlement and it is shown as such on Core Strategy Map 3: Settlement Hierarchy. Core Strategy policy SP1(i) recognises that Smaller Settlements will contribute to development needs. It is therefore a relevant settlement which falls within the terms of Core Strategy policy SP1(ii)(c) prioritising land for development. As paragraph 4.1.6 of the Core Strategy remarks in justifying its policies, by concentrating growth according to the Settlement Hierarchy, development will occur in the most sustainable locations.
35. Nevertheless, Core Strategy paragraph 4.1.13 does warn that Smaller Settlements generally only provide a basic service level. Moreover, this can change over time so it is not unreasonable to check on the degree to which development located as an extension to Pool would be able to provide accessible local services.
36. The kind of local services to which people are likely to need access are described in paragraphs 37 and 38 of the NPPF; employment, shopping, leisure, education and other activities. Where practical, key facilities such as primary schools and local shops should be located within walking distance of most properties.
37. In terms of employment, little or no information is provided of facilities in Pool. Although I could see on my site visit that there are local businesses, I have no reason to disbelieve the general presumption that the majority of residents of the proposed development would need to travel to find work. Based on table 5 of Mr Benison's proof of evidence, it was asserted that 69% of people would be

likely to work in Leeds, 11.3% in Bradford, 7.6% in Harrogate and smaller percentages elsewhere. It was argued that the frequency and duration of journeys by bus to these locations was such that this proposal would not be located where the need to travel would be minimised and the use of sustainable transport modes can be maximised, as sought by paragraph 34 of the NPPF.

38. However, it transpired that the figures for Mr Benison's table 5 are based on entire local authority areas. That for Leeds includes the entire Leeds district, encompassing Pool itself, as well as other more local settlements. A more refined analysis (Inquiry document 22) shows that, based on last census records, about 15.8% of people might be expected to work in Leeds City, 1% in Bradford City and a similar percentage in Harrogate. Reasonable percentages might be expected to work in and around Pool itself including the nearby Leeds Bradford Airport (7.7%) and Otley (4.2%) but it is clear from the figures that about 50% of residents are likely to find work in a more diffuse pattern within the Leeds district, outside the city itself.
39. In this light, the duration and relative infrequency of bus journeys to Leeds city centre becomes a less acute consideration. Whilst not meeting the standards of accessibility to employment for housing development set out in Table 2 of Appendix 3 of the Leeds Core Strategy adopted in November 2014 (a five minute walk to a bus stop offering a 15 minute interval service to the city centres of Leeds, Bradford or Wakefield), there is no suggestion that the accessibility indicator (the number and size of employment facilities within a 40 minute journey time) would not be met by the network of bus services currently serving Pool, described in table 3 of Mr Benison's Update Note relating to accessibility matters.
40. A primary school is within walking distance, albeit that part of the way is along somewhat narrow footpaths besides main roads. Without in any way decrying concerns for children's safety, I have no reason to believe that these walking routes would be any less acceptable to serve the needs of the development than they currently are to serve the existing population of Pool. The school's capacity to accommodate the needs of primary school children arising from the development itself has already been discussed. The accessibility requirements for primary education are therefore met.
41. For access to secondary education, four public buses an hour are provided from a bus stop adjacent to the site to Otley, about 3 km away, where there is a secondary school. In any event School buses are provided between Pool and the secondary school in Otley. Although this would not meet the accessibility standards set out in the Core Strategy (which require direct access by frequent bus services to the city centres of Leeds, Bradford and Wakefield) it does not suggest that the need for secondary school children to travel would not be minimised or that their use of sustainable transport modes could not be maximised.
42. Local shopping facilities are provided by three outlets in Pool; a pharmacy, a Post Office/General store and a mini-market at the local petrol filling station. All are within walking distances of the site and provide for day to day needs. More major retail facilities and a doctor's surgery would be found in Otley or further afield. Four public buses an hour are provided from a bus stop adjacent to the site to Otley. Although this is not defined as a major public transport

interchange, and so does not meet the defined Core Strategy accessibility standards it nevertheless offers connections to other bus routes.

43. Pool is also provided with recreational and spiritual needs. There is a children's playground, recreation ground and riverside walks within walking distance of the site. There is a sports and social club and a village hall. It also has two churches and a public house.
44. Opportunities to maximise sustainable transport solutions will vary from urban to rural areas, as NPPF paragraph 29 observes. Although Pool does not meet the accessibility standards of the Core Strategy and so the appeal proposal would not comply with Core Strategy policy H2 (ii) which applies them, its current facilities and public transport provision do not lead me to any conclusion other than that reached by the Core Strategy policy SP1, namely that as a Small Settlement within the defined settlement hierarchy it is a sustainable settlement capable of providing the social role of sustainable development. It would therefore comply with that part of Core Strategy policy H2 (i) which provides that new housing development will be acceptable in principle on non-allocated land provided that the number of dwellings does not exceed the capacity of educational and health infrastructure.

(iv) Conclusion

45. In terms of the economic and social roles of sustainable development I find that the infrastructure and services which would be available to this development would be satisfactory. It would comply with Core Strategy policies SP1 which sets out the priority for identifying land for development, G4 requiring greenspace, H2(i) providing for new housing on non-allocated land, H5 requiring the provision of affordable housing, T1 and T2 securing travel facilities and ID2 requiring developer contributions to infrastructure.

Highway safety

46. Main Street Pool carries the combined traffic flows of the north-south A658 and the east-west A659 roads. At peak hours it operates close to or above its theoretical capacity. In places it has narrow footways, less than the width recommended for new construction in Manual for Streets (MfS) or Inclusive Mobility. These would be used in places as parts of walking routes to school by children living in the proposed development.
47. All risk of accidents on the highway is of concern yet the safety of the routes to school is accepted for existing residents of Pool. The Council's Conservation Area Appraisal and Management Plan records that streets are well used by pedestrians but there are no records of personal injury accidents involving children as pedestrians. Neither party claims that the accident records demonstrate a safety record out of the ordinary or result from the fact that the highway was not constructed to modern standards. Consequently, I do not consider that the concern amounts to a reason to dismiss this appeal.
48. The quantity of traffic likely to be generated by the development is not high in relation to the traffic these main roads already carry but, because Main Street in particular is nearly at capacity, the capacity of its junctions, with Pool Road at the north of the village and with Arthington Lane at the south of the village is particularly sensitive to the volume of traffic likely to be generated by the

- development. I have already considered the implications of the development on a third junction, at Dyneley Arms, further to the south of the village.
49. The appeal proposal includes an adjustment to the western end of the triangular junction with Pool Road at the northern end of the village in order to maintain a suitable and safe operating distance between that junction and the site access. This alteration can be secured by condition (4).
50. During the progress of the appeal, the parties reached agreement that if the quantity of development was restricted, the appeal site would not have a severe adverse effect on any of the three components of the triangular junction at the north end of the village and that there are improvement options available for the Arthington Lane junction at the southern end of the village which would not only mitigate the adverse effect of the development proposed but would offer material betterment. The implementation of an appropriate improvement scheme can be secured by condition (11).
51. With those three conditions in place ((4) to require the proposed improvement to the triangular junction to be implemented, (5) to limit the quantity of development to a level which would be likely to generate no more traffic than could be accommodated and (11) to require the implementation of an appropriate scheme of improvement at the Arthington Lane junction), I conclude that the proposal would not have an unacceptable effect on highway safety. It would comply with those parts of Core Strategy policy T2 which require new infrastructure to ensure adequate provision for access which will not create or materially add to problems of safety, environment or efficiency on the highway network and with that part of UDP policy GP5 which requires development proposals to seek to avoid problems of highway congestion amongst other matters and to maximise highway safety.

Air quality

52. The high traffic levels within Pool's Main Street have led to concentrations of Nitrogen Dioxide (NO₂) exceeding the annual objective level. An Air Quality Management Area has been declared. Increased congestion would be likely to lead to correspondingly increased concentrations of air pollution. The sensitivity of congestion levels to small increases in traffic has already been noted and the necessity of limiting the quantity of traffic likely to be generated by the development and moderating its effects by improvement of the junction at Arthington Lane also noted.
53. However, whichever version of the junction improvement scheme at Arthington Lane is eventually adopted, both are expected to improve traffic flow and so reduce air pollution. Unchallenged evidence submitted to the Inquiry (Document 19) shows that this would lead to moderate or negligible deterioration in NO₂ concentrations at two of the worst affected locations within the village but improved conditions at a greater number of the worst locations and to negligible adverse impacts at locations less affected. Overall, provided the quantity of development is limited and it includes the Arthington Lane junction improvement, both of which can be secured by conditions (5) and (11), the effect of the development on the AQMA is expected to result in a net decrease in annual mean concentrations of NO₂.
54. Furthermore, additional mitigation measures including electric vehicle charging provision for each dwelling, implementation of a Travel Plan and a financial

contribution to research into the characteristics of airflow within the AQMA would be provided, which can be secured either by conditions (7) and (8) or, as previously noted, a planning obligation.

55. I conclude that the effects of the proposal on air quality would be acceptable. It would comply with that part of UDP policy GP5 which requires development proposals to avoid pollution, amongst other matters.

Housing Land Supply

56. As already noted, the provision of housing required to meet the needs of present and future generations is a component of the social role of sustainable development. It is therefore a benefit of the proposal. The only point of controversy in this appeal is the significance of that benefit.
57. Judgment, in paragraph 60 of *Phides Estates (Overseas) Ltd v SSCLG [2015] EWHC 827 (Admin)* explains; "Naturally, the weight given to a proposal's benefit in increasing the supply of housing will vary from case to case. It will depend, for example, on the extent of the shortfall, how long the deficit is likely to persist, what steps the authority could readily take to reduce it, and how much of it the development would meet. So the decision maker must establish not only whether there is a shortfall but also how big it is, and how significant".
58. Much effort was expended, both before and during the Inquiry, in trying to establish the facts of these matters in precise detail. In a Statement of Common Ground dated 27 April 2018 the Council accepts that it is unable to demonstrate a 5-year housing land supply. Its housing requirement for the five years 1 April 2018 to 31 March 2023 was stated as 35,971 dwellings. Against this figure the Council claimed a supply equivalent to 4.42 years. The appellant's assessment was 2.55 years. The parties continued to discuss the difference both before and during the Inquiry.
59. By 21 May 2018, after the presentation and cross-examination of the Council's case, the Council submitted Inquiry Document 17(iii) summarising the position reached. Because of continuing shortfalls in delivery, the five-year requirement had increased to 36,412 dwellings against which the Council claimed an identified supply of 32,020, equivalent to 4.4 years. The appellant had conceded an increased assessment of 2.95 years.
60. During the presentation and cross-examination of the appellant's case, further concessions of the deliverability of about 408 additional dwellings were made but that would only bring the appellant's assessment up to about 3 years' deliverable supply. By the end of the Inquiry, the parties still differed in their assessment of housing land supply by about 1.4 years.
61. Both parties assembled their assessments of Housing Land Supply on a site by site basis, the Council reportedly applying an algorithm for delivery of times from application to permission, from permission to start on site and for build-out rates based on local research, modified by information received from developers and landowners in response to specific enquiries. But, it was established that its algorithm was more appropriate to conventional low rise housing than to the kind of city-centre flatted redevelopment scheme on which its supply was increasingly relying. These tend to deliver their homes in bulk towards the end of a build out period on completion of each multiple-dwelling block as a whole, rather than as a continuous flow throughout the build-out

- period. And, although the Council applied a lapse rate to allow for the fact that a remarkably high proportion of permissions are never taken up, it did not apply a factor to account for developers' optimism bias on timings, a clear example of which was evident during the Inquiry, nor did it apply a factor to allow for the inherent uncertainty of events over a five-year period blowing its predictions off course, causing delay rather than lapse.
62. For these reasons and notwithstanding the efforts being made to accelerate housing supply, I am not convinced that the Council's assessment of its five-year housing land supply provides a realistic prospect that the quantity of housing envisaged will be delivered on the identified sites within five years. That does not mean that I unquestioningly accept the appellant's figures which in places reject the realistic prospect of delivery on sites allocated within the recently adopted Aire Valley Area Action Plan despite the conclusion reached by the Inspector who examined that Plan that the scale and mix of housing proposed by the Plan is justified and there is a reasonable prospect for its effective delivery over the plan period³.
63. I therefore conclude that, for the purposes of this Inquiry, the current housing land supply is somewhere between 3 and 4.4 years of the current annual requirement, probably tending towards the lower end of that range. The current shortfall in the currently identified five-year housing land supply is somewhere between four and a half thousand and fourteen and a half thousand dwellings in round terms. The current proposal would make hardly a dent in that but the size of the shortfall enhances the value of any contribution, however small. In that sense, the housing is required now, a finding which completes the assessment of the appeal proposal's contribution to the economic role of sustainable development; it would be at the right time.
64. Other measures offer an equally effective way of measuring the benefit. For example, it may be presumed that a development of the size proposed would be delivered, from commencement, within a single year. The size of the Council's current five-year housing requirement is not a matter of dispute; it is set out in SOCG paragraph 6.14 and updated in Inquiry Document 17(iii). From that, an annual requirement may be calculated. The proportionate contribution of the proposal to that annual requirement may be calculated and so, the benefit of the proposal may be measured as a proportion of the undisputed requirement, rather than as a proportion of a disputed shortfall. It represents about 0.75% of the annual housing requirement.
65. In a local context its significance is greater. Leeds district is a large area. Paragraph 4.6.17 of the Core Strategy records that through the SHMA Partnership, Housing Market Characteristic Areas (HMCAs) are identified which reflect functional sub-markets. Core Strategy Spatial Policy 7 allocates 2,000 (3%) of its total 66,000 housing requirement to the Outer North West HMCA which includes Pool.
66. Paragraphs 5.29 and 5.30 (2nd occurrence) of Kathryn Holloway's proof for the Council records that the emerging SAP proposes to allocate six sites for housing development of 1037 units within the Outer North West HMCA and that an additional 596 units will result from completions and sites under construction or committed post 2012. Those figures sum to 1633, leaving a shortfall of 367 in the local HMCA.

³ Inspector's report, paragraphs 51-63

67. The table in paragraph 7.2 of Matthew Brook's proof for the Council records different figures; allocations amounting to 1690 and Broad Locations amounting to 65, totalling 1755, leaving a shortfall of 245 in the local HMCA. The submitted SAP itself in paragraphs 3.7.6-3.7.8 records figures different again; 1146 completed, under construction or committed but not started since 2012, leaving a residual target of 854 units; proposed allocations (in three phases) 609, leaving a shortfall of 245.
68. Whichever figures are correct the proposal would not be insignificant in that local context. It would represent about 8% of what is proposed to be allocated as a five-year supply in the emerging SAP, or about 2.75% of the Core Strategy's allocation to the HMCA for the entire plan period. It would make good about 20-25% of the shortfall in the emerging SAP allocations for the HMCA.
69. The proposal also offers affordable housing. Although this would be no greater than the quantity sought by Core Strategy policy H5, development plan policies are not just concerned with mitigating adverse impact; they are also concerned with securing benefits. So, although the proposal would do no more than comply with policy, it represents a benefit nonetheless. The emerging development plan proposes to make no allocation of affordable housing in Pool yet as Joanna Rowling, a local resident, Vice Chair of the Parish Councillor and former Chair of the Neighbourhood Planning Steering Group, testified in response to a question, the lack of affordable housing locally is a very serious problem.
70. I conclude that the above paragraphs identify the significance of the benefit of the provision of housing; small but highly valued in the context of the shortfall in the identified five-year housing land supply; 0.75% of Leeds's annual housing requirement; about 27.5% of the annual housing requirement for the local HMCA; the likely only source of new affordable housing in Pool.

Other matters

71. The site adjoins the Pool-in-Wharfedale Conservation Area. Its special interest is defined in the Council's Conservation Area Appraisal and Management Plan (CAAMP) as its retention of an idyllic rural location which is defined by its landscape setting and geographical surroundings. Views around the Wharfe valley of expansive and open countryside enable Pool to retain significant independence from its surroundings. This independence and the strong core of historic structures help establish Pool's identity and special interest. My site visit confirms the accuracy of this analysis.
72. One of the issues identified in the CAAMP is that inappropriate development affecting important views both towards and away from the Conservation Area can have a negative impact. This is one of the other matters raised by local residents. But the CAAMP notes that no one structure or view dominates, rather that the views towards the northern and southern slopes of the Wharfe Valley and the variation of landscape views they bring are most noticeable. It follows that the indications of views on the spatial analysis map of the Conservation Area included in the CAAMP are diagrammatic and typical rather than representative of actual views to be protected.
73. So, although one of the arrows indicative of views out of the Conservation Area crosses the site, that should not be taken to mean that it should not be

developed; other similar arrows similarly cross areas of Pool that have been laid out with developments. The views of the southern slopes of the Wharfe Valley would continue to be seen from within the development, just as they are from within existing development.

74. Likewise, the view from the high ground at the top of Pool Bank is of a village set within a landscape. The development would enlarge that village by a small amount; it would not change the essence of the view. I therefore conclude that, subject to consideration of detailed matters, the significance of the heritage asset which comprises the Conservation Area would not be harmed by the principle of the development proposed.

Prematurity

75. In the Council's Unitary Development Plan (Review 2006), adopted in 2006, largely saved in 2009 and not superseded, the justificatory text to policy N34 explains that the site was allocated (as a Protected Area of Search, or PAS) for longer-term development needs beyond the Review Plan period (which ran to 2016). In other words, now is the time envisaged for its potential development.
76. The policy itself is not so time-limited (and so the proposals contravene it) but it envisages the possibility of long-term development of the land. Its adoption preceded the publication of the NPPF but it is consistent with the advice of NPPF paragraph 85 in making it clear that the safeguarded land was not allocated for development to take place during the currency of the policy.
77. The allocation in itself demonstrates that, for the purposes of that development plan document at least (whether time-expired or not), the scale and location of the development would be appropriate at some point in time (subject to a comprehensive review in the next plan, again anticipating the advice of NPPF paragraph 85). The only remaining question is the timing of that point (i.e, the phasing of development). The NPPF advises that planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development. That review is still under examination so the condition referred to in the NPPF has not yet been met.
78. The emerging Site Allocations Plan (SAP) which is expected to replace UDP policy N34 in due course is currently part-way through its examination. This is expected to resume hearings on housing allocations in July 2018. In its currently submitted form, the SAP does not convert this PAS into a housing allocation.
79. Instead, it proposes to bring forward other sites for development including some which are presently designated as Green Belt and, with a change in terminology, it effectively proposes to roll forward the existing PAS site as part of a reserve of potential sites for longer term development post 2028 as Safeguarded Land (SL) (policy HG3, site HG3-5).
80. The proposals of the emerging SAP are a matter of current controversy. Clearly, to allow this appeal now would prejudge the outcome of that controversy, at least in respect of this site. But National Guidance advises that arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the

- benefits, taking the policies in the Framework and any other material considerations into account.
81. That advice is similar to what is sometimes called the “tilted balance” of NPPF paragraph 14.
 82. From the conclusions I have reached, it is clear that the practical adverse effects of the development itself would be limited to the consequences of Pool, as a Small Settlement, lacking the full degree of accessibility sought by Core Strategy policy H2(ii) as a result of which the need to travel might not be fully minimised and the use of sustainable transport modes might not be fully maximised. Some quantification of these effects can be seen in table 4 of Mr Howe’s evidence for the Council which shows significantly less use of walking and buses and significantly more use of the car as a driver for the journey to work than the average for Leeds as a whole. In the case of the development, these adverse effects would be reduced to the extent that the required Travel Plan is effective.
 83. The other potential adverse effect of the appeal proposal is that of prematurity itself, consideration of which returns us to the “tilted balance”. However, Guidance offers the alternative of two criteria by which to judge whether the adverse effects of granting planning permission would significantly and demonstrably outweigh the benefits.
 84. One of those criteria is that the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area. There were different views expressed at the Inquiry of whether the stage currently reached by the emerging SAP is advanced or not but I understand Guidance to mean that the emerging plan should be sufficiently advanced to be not yet formally part of the development plan, ie that the examining Inspector’s Main Modifications have been published, so that it is reasonably clear what final form the plan would take, even though it has not been finalised or formally adopted. That is not the case here. The plan is advanced but not sufficiently advanced that decision on this appeal made now would so undermine the plan as to justify a refusal of permission.
 85. The other criterion is that the development proposed is so substantial, or its cumulative effect would be so significant that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan. The SAP overall proposes to allocate sites for development to address the Core Strategy requirement of 4,700 dwellings per annum. In that context, the proposal, whether for 70 dwellings as originally envisaged, or for 55 as currently envisaged, would be insubstantial. Even within the context of the Outer North West Housing Market Character area, the SAP proposes to allocate 609 dwellings towards the remaining Core Strategy target of 854. The proposal would not be insignificant in that context but, at about 8% of what is proposed to be allocated for a five-year supply, would not be so substantial as to make up the difference or undermine the process.
 86. I therefore conclude that although the proposal would clearly prejudice the outcome of the examination of the SAP in relation to proposed policy HG3 intended to apply to the appeal site, that Plan is not yet at such an advanced stage that the prejudice should cause the appeal to be dismissed. Nor is the development so substantial that to grant permission would be so significant as

to undermine the plan-making process. Against these two considerations must be balanced its benefits summarised in the final section of this decision.

87. My judgment is that the two adverse effects are not so great that they would significantly and demonstrably outweigh the benefits, even taking into account the injunction in paragraph 85 of the NPPF that planning permission for the permanent development of safeguarded land should only be granted following a Local Plan Review which proposes the development. The emerging plan has not yet concluded. Consequently, the suitability of the site for development and its phasing may be reviewed and considered on its own merits through this appeal decision in the light of the circumstances now prevailing.
88. This leads me to a final conclusion in terms of the expectations of UDP paragraph 5.4.9, which envisages development of the land in the longer term but not during the Review Plan period. The phasing of the allocations in policy H3 of that plan ran to 2016. The appeal proposal therefore falls within the period for development envisaged in the justification for policy N34. The effect of policy N34, read with its justification, is to safeguard land to allow for potential development within the period now obtaining. It follows that a decision on this appeal made now would not be premature. I contrast this finding with the circumstances of appeal decision APP/D2320/W/17/3173275 where the Inspector concluded against the release of the site within the plan period when the Framework explicitly directs otherwise. That is not the case here where, although the plan remains extant, the plan period envisaged for safeguarding has now passed.

The planning balance

89. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
90. In this case I have found that although the proposal would clearly prejudice the outcome of the examination of the SAP in relation to proposed policy HG3 intended to apply to the appeal site, that Plan is not yet at such an advanced stage that the prejudice should cause the appeal to be dismissed. Nor is the development so substantial that to grant permission would be so significant as to undermine the plan-making process. In the light of the justificatory text envisaging the possibility of phasing development after 2016, the proposal's conflict with the restriction of development in UDP policy N34 is of little consequence and the suitability of the site for development and its phasing should be reviewed and considered on its own merits in the light of the circumstances now prevailing.⁴
91. I have found that the development proposed would not prejudice the wider development of the area. There does not appear to be any development plan policy which requires that; it would simply be good planning practice.
92. The absence of a contribution to improving the infrastructure of the Dyneley Arms junction is not a reason to dismiss the appeal or to find that it does not

⁴ A considerable amount of Inquiry time was spent, with reference to numerous appeal decisions and precedents, debating whether the UDP and its policy N34 was out of date or time expired. My understanding is that the courts have held that even if a policy in a development plan is out of date, or the development plan itself is out of date, the policy remains part of the statutory development plan until superseded and so forms part of the starting point for taking a decision. That is how I have treated it in this appeal.

sufficiently contribute to the economic dimension of sustainable development. The failure to comply with the accessibility standards required by policy H2(ii) does not prevent me from reaching the conclusion that as a Small Settlement within the defined settlement hierarchy Pool is a sustainable settlement capable of providing the social role of sustainable development. With those limited qualifications, the development would exhibit the three dimensions of sustainable development, complying in the process with the relevant parts of saved UDP policy GP5 and Core Strategy policies SP1, G4, ID2, H2(i), H5, T1 and T2.

93. The proposal would not have an unacceptable effect on highway safety and would have an acceptable effect on air quality. It would comply with the relevant parts of Core Strategy policy T2 and UDP policy GP5.
94. The benefits of housing provision would be small but highly valued in the context of the shortfall in the identified five-year housing land supply, minimal in relation to Leeds's annual housing requirement; considerable in relation to the annual housing requirement for the local HMCA and invaluable as the likely only source of further affordable housing in Pool.
95. There are other benefits to be taken into account. These include the (temporary) benefits of jobs created during the construction of the development, the ongoing benefit of additional household expenditure in the local economy and the provision of part of a bypass for Pool.
96. The benefits of the last are hard to quantify. Clearly, Pool would benefit enormously from the provision of a bypass. But a half-finished bypass is of little use to anybody. Its full benefits would only be realised if it were to be completed so a discount rate applicable to future benefits must be applied to its partial provision now. In response to a direct question I was informed that there is currently no prospect of any further development likely to lead to its completion. In recognition of that fact, the Council has asked for its option to acquire the land on this appeal site needed for the completion of the bypass to be extended to twenty years. It follows that the benefit of this development's contribution to the bypass must be discounted to a rather small consideration.
97. There are conflicts with elements of the development plan, UDP policy N34 and Core Strategy policy H2(ii), but these are more formal than substantive in nature. Taking the development plan as a whole, and subject to conditions, I find this a sustainable development that largely accords with the development plan. As such, it should be approved without delay.

Conditions

98. The parties suggested 32 conditions in the event of the appeal being allowed. I have considered these in the light of Guidance and the model conditions appended to the otherwise superseded Circular 11/95, *the Use of Conditions in Planning Permissions*, preferring the wording of the latter where appropriate. Some have already been discussed in the body of this decision letter. Others would duplicate the requirements for the submission of reserved matters and so I have not applied them.
99. Conditions 1-3 are required by statute. The need for conditions 4 and 5 has been discussed earlier. I have formulated condition 5 to be limited to the traffic generated by the equivalent of 55 dwellings rather than a limit to 55

dwellingings because I am conscious that the limitation is necessary in relation to traffic generation, and because dwelling is an imprecise term which could range from a studio flat to multiple-bedroomed mansions with vastly different characteristics of traffic generation.

100. For the Council, Mr Platten argued for a limitation on the number of dwellingings in consideration of the effects of development on views to and from the Pool-in-Wharfedale Conservation Area, on bats, on trees and hedges which needed to be preserved or planted, and on the character and appearance of the Wharfe Valley and Chevin Ridge Key Corridor within which the development would sit and the effects of the Council's requirements for amenity space and provision for the Wharfedale Greenway proposals. I have no doubt that consideration of these matters when details of reserved matters are submitted would, in practice, limit the number of dwellingings which could be provided on site but there is no direct link between these considerations and any particular number of dwellingings which can be identified in advance.
101. If limited to dwellingings, the economic impetus would encourage the production of the most profitable size of unit within the 55 maximum number whereas I am conscious of the evidence of the former Chair of the Neighbourhood Planning Steering Group that the early stages of the Neighbourhood Planning Process for Pool had identified through consultation with the community a need for small starter homes and small homes for older residents. The form of the condition I have adopted would allow for a larger number of small homes generating the same amount of traffic as 55 larger dwellingings.
102. I have not imposed suggested conditions requiring samples of materials or details of ground levels or boundaries or a landscape management plan because, until reserved matters applications are submitted, I do not know that these conditions would be necessary but I have included a condition (6) requiring details of bin and cycle storage facilities in part to comply with Core Strategy T2(v) but also because such facilities would not necessarily be submitted as a reserved matter. Because drainage details would not be required as a reserved matter but are needed to be considered by the Council as part of its reasons for not pursuing its fourth reason for refusal, a condition (16) is necessary. There is no evidence of the need for an archaeological investigation so I have not imposed a condition requiring one.
103. The submitted Travel Plan had details specific to the illustrative layout originally submitted with the application. It also did not specify the use to which the Travel Fund Contribution included within the s106 agreement would be put. For those reasons, a condition (8) requires a new Travel Plan to be submitted.
104. The tree survey report submitted with the application does not make firm recommendations for removal or retention of trees and hedgerows on arboricultural grounds. By contrast, the submitted ecological impact assessment, at section 6.3, does make recommendations on ecological grounds. Although landscaping is a reserved matter, details of new landscaping would not necessarily identify trees and hedgerows to be retained but, as there are trees and hedgerow which the Council has indicated it would wish to see retained, condition (12) is necessary to ensure that it has the opportunity to do so. When the details required by that condition are

submitted, it would then be appropriate for the Council to consider whether a further condition would be necessary limiting the dates within which hedgerow removal may take place. Until the developer's intentions are known, it would be premature for me to do so.

105. The ecological impact assessment submitted with the scheme makes recommendations for the retention or creation of landscape features but as landscaping is a reserved matter, no specific condition is necessary in furtherance of the recommendations because, when reserved matters details are submitted, they can be evaluated by reference to the assessment's recommendations and development plan policy. The assessment does not make recommendations for additional ecological features that would not form part of a landscaping scheme and so the additional condition sought to require details of proposed bird nesting and bat roosting facilities appears unjustified. It is however necessary to require by condition (13) that details of a lighting scheme be submitted for approval so that its effects on bats may be considered, along with other matters.
106. A condition (14) requiring a Construction Method Statement is necessary because the construction of the site would be serviced directly from a main road. Council officers have identified a risk of contamination from agricultural chemicals and the appellant's submitted Phase 1 Geoenvironmental report recommends that soil samples be recovered for chemical analysis so an appropriate condition (15) is required.
107. A consultation response from Yorkshire Water claims that part of the public sewer network crosses the site. A condition is sought to provide a protected strip free from development along the centre line of the sewer which is identified in paragraph 4.1 and Appendix C of the appellant's Utilities Report submitted with the application. Since layout is a reserved matter, it is not necessary to impose this condition at this stage but the matter should be noted by the developer and the local planning authority for consideration when reserved matters of layout are being prepared or considered.
108. A consultation response from Northern Gas Networks discloses the existence of a High Pressure Pipeline in close proximity to the site. In the interests of construction safety an appropriate additional clause (ix) in the condition (14) requiring a Construction Method Statement is necessary.

P. W. Clark

Inspector

Conditions

- 1) Details of the access (in addition to that shown on drawing 22518_08_020_01.1), appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The access from Pool Road onto the development hereby permitted shall be carried out in accordance with the following approved plan: 22518_08_020_01.1. No dwelling shall be occupied until the alterations to the junction between the two arms of Pool Road shown on drawing 22518_08_020_01.1 have been completed.
- 5) No greater quantity of housing shall be built than that which would be expected (using the same methodology) to give rise to traffic generated by the development no greater than that forecast for 55 dwellings in Table 9 of Mr Benison's Proof of evidence dated April 2018 (reference 22519/04-18/5863).
- 6) Development shall not commence until details of proposed refuse collection and storage facilities and facilities for bicycle and/or motorcycle storage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No dwelling shall be occupied until its facilities have been completed and made available for use. The facilities shall thereafter be retained for their intended use.
- 7) Construction of the dwellings shall not commence until details of Electric Vehicle Charging Points to be provided have been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to first occupation of any dwelling. The Electric Vehicle Charging Points shall thereafter be retained for their intended use.
- 8) Notwithstanding the Travel Plan submitted with the application, no dwelling shall be occupied until a revised Travel Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details which shall thereafter be retained in operation.
- 9) No development shall commence until details of a road connecting the southern perimeter of the site with the approved access to the site and suitable to form part of a future bypass of Pool in Wharfedale have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No dwelling shall be occupied until the road has been completed and made available for use. The road shall thereafter be retained for its intended purpose.

- 10) No development shall commence until details of a cycle and pedestrian route through the site suitable to form part of the Wharfedale Greenway proposals have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No dwelling shall be occupied until the cycle and pedestrian route has been completed and made available for use. The pedestrian and cycle route shall thereafter be retained for its intended purpose.
- 11) No dwelling shall be occupied until improvement works to the junction of the A658 and A659 at Main Street and Arthington Lane have been carried out in accordance with either of the options described in the Update Note Relating to Highway Matters by Mr Benison dated May 2018, reference 22518/05-18/5863.
- 12) No site clearance, preparatory work or development shall take place until details of existing trees and hedges which are to be retained and of their protection during construction (the tree protection plan) shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within five years from the date of the first occupation of the final dwelling to be completed, other than in accordance with the approved plans and details, without the prior written approval of the local planning authority. If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the local planning authority.
- 13) Details of any floodlighting or street lighting shall be submitted to and approved in writing by the local planning authority before any dwelling is occupied. Development shall be carried out in accordance with the approved details.
- 14) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - (i) the parking of vehicles of site operatives and visitors;
 - (ii) loading and unloading of plant and materials;
 - (iii) storage of plant and materials used in constructing the development;
 - (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (v) wheel washing facilities;
 - (vi) measures to control the emission of dust and dirt during construction;
 - (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;

- (viii) delivery, demolition and construction working hours.
- (ix) Compliance with the Northern Gas Networks's publication Safe working in the vicinity of Northern Gas Networks high pressure gas pipelines and associated installations in relation to the East Bierley - Pannel High Pressure Pipeline

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 15) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to the local planning authority on completion of the remediation. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority on completion of the remediation.
- 16) No development shall commence until details of both foul and surface water drainage shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details which shall thereafter be retained in operational condition. No dwelling shall be occupied until its foul and surface water drainage has been completed and made available for use.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Juan Lopez	of Counsel
He called	
Paul McGrath	Planning Manager, Leeds City Council
Kathryn Holloway	Team Leader, Leeds City Council
BA(Hons) BPI (Hons)	
James Howe BEng	Divisional Manager, WSP
MCIHT CMILT	
Matthew Brook	Principal Planner, Leeds City Council
BA(Hons) MA MRTPI	
Ryan Platten BA MPI	Principal Planning Officer, Leeds City Council
MRTPI	

(Andrew Thickett (LCC Highways) spoke in the discussion on conditions)

FOR THE APPELLANT:

Richard Sagar	Partner, Walker Morris Solicitors LLP
He called	
Neil Benison BSC(Hons)	Associate Director, Mewies Engineering
IEng MICE	Consultants
Rosie James BSc PIEMA	Associate Director Mewies Engineering
	Consultants
Mark Johnson MRICS	Managing Director, Johnson Mowat
MRTPI	

(further experts provided written evidence but were not required to appear for cross-examination)

INTERESTED PERSONS:

Amanda Phillips	Local resident
Barry Anderson	Leeds City Councillor
Guy Northrop	Local Resident
Joanna Rowling	Vice-Chair, Pool Parish Council

Additional DOCUMENTS submitted at the Inquiry

- 1 Johnson Mowat Addendum Note, Five Year Housing Land Supply Review of the Leeds District
- 2 LCC Note on 2017/18 actual performance, updated requirement and benefit of the scheme
- 3 Additional Core documents 8.1 – 8.12
- 4 Updated Air Quality Assessment of Alternative Junction Improvements
- 5 (a) Extract from Leeds UDP (Review 2006), policy N1
(b) Illustrative Masterplan of School extension overlaid with extent of policy N1 allocation
- 6 *Thornhill Estates Limited v SofS for CLG v Leeds City Council, Farsley Residents Action Group* [2015] EWHC 3169 (Admin)
- 7 Letter dated 26 April 2018 from Leeds City Council to Planning Inspectorate commenting on appeals 3168897, 3169594 and 2200640

- 8 LCC Note on Deliverability on Identified Disputes sites
- 9 Benefit of the Appeal Proposals to Five Year Housing Land Supply
- 10 Bundle of responses to appellant's advertisement of revised illustrative masterplan
- 11 Neil Benison; Update Note relating to Accessibility Matters
- 12 Statement of Common Ground on Highway and Transport Matters, appending Neil Benison; Update Note relating to Highway Matters
- 13 (a) Leeds Street Design Guide Supplementary Planning Document
(b) "Inclusive Mobility" (DfT December 2005)
- 14 Leeds City Council report to Executive Board; Key Junction Improvements
- 15 Leeds Local Plan – Authority Monitoring Report 2016/7
- 16 Highways Note Regarding Cumulative Impact contributions, including Appendices;
 - (a) Number of dwellings on sites identified to be causing impact
 - (b) Total cost associated with mitigation at congested junctions
 - (c) Transport SPD programme
 - (d) SAP Infrastructure Background Paper
- 17 (i) Updated version of ID8
(ii) Summary of update
(iii) LCC update on final five-year housing land supply position
(iv) Updated Appendix 10 of Mr Brook's evidence
(v) Leeds City Council Note on Housing Infrastructure Funding
- 18 LCC Pool CofE Primary School Site constraints Note
- 19 Updated Air Quality Assessment of Junction Improvements
- 20 Comparison of LCC Forecasts at 1 April 2016 and 1 April 2018
- 21 Submission by Guy Northrop
- 22 Technical Note: Updated Workplace statistics

Additional DOCUMENTS submitted (by agreement) following the Inquiry

- 1 S106 Agreement dated 30 May 2018
- 2 Planning Obligation by Unilateral Undertaking dated 30 May 2018
- 3 Planning Obligation by Unilateral Undertaking dated 30 May 2018