

# Public Document Pack



## SOUTH AND WEST PLANS PANEL

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**Meeting to be held in Civic Hall, Leeds on  
Thursday, 28th September, 2023  
at 1.30 pm**

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### **MEMBERSHIP**

#### **Councillors**

C Campbell  
R Finnigan  
T Smith  
E Taylor  
J Garvani  
H Bithell (Chair)  
E Bromley  
L Buckley  
N Manaka  
A Rontree  
P Wray

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[Council and democracy \(leeds.gov.uk\)](https://www.leeds.gov.uk/council-and-democracy)

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**Agenda compiled by:  
Tasha Prosser  
Agenda papers will be  
published on the Council's  
website ahead of each  
meeting  
Governance Services  
Civic Hall**

**Head of Forward Planning and  
Implementation:  
David Feeney  
Tel: 0113 24 74539**

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p><b>SITE VISIT LETTER</b></p> <p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED –</b> That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p><b>No exempt items or information have been identified on the agenda</b></p>	
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p><b>DECLARATIONS OF INTERESTS</b></p> <p>To disclose or draw attention to any interests in accordance with Leeds City Council’s ‘Councillor Code of Conduct’.</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p>	

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6			<p><b>MINUTES - 3RD AUGUST 2023</b></p> <p>To receive the minutes of the previous meeting held on 3<sup>rd</sup> August 2023, for approval as a correct record.</p>	9 - 20
7	Calverley and Farsley		<p><b>APPLICATION 23/03811/FU: CHANGE OF USE FROM DWELLING (C3) TO CHILDREN'S CARE HOME (C2) AT NO.8 CHATSWORTH CRESCENT, PUDSEY, LS28 8LD</b></p> <p>To receive the report of the Chief Planning Officer on application 23/03811/FU for the change of use from dwelling (C3) to Children's Care Home (C2) at No.8 Chatsworth Crescent, Pudsey, LS28 8LD</p>	21 - 36
8	Adel and Wharfedale		<p><b>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</b></p> <p>To consider the report of the Chief Planning Officer on a 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.</p>	37 - 104
9	Calverley and Farsley		<p><b>RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT, AND SCALE) APPLICATION FOR 50 DWELLINGS AND 4 APARTMENTS TO OUTLINE PERMISSION 21/10203/OT, ON LAND AT OWLCOTES ROAD, PUDSEY, LEEDS.</b></p> <p>To receive the report of the Chief Planning Officer on Reserved Matters (appearance, landscaping, layout, and scale) application for 50 dwellings and 4 apartments to outline permission 21/10203/OT, on land at Owlcotes Road, Pudsey, Leeds.</p>	105 - 122

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10	Rothwell		<p><b>22/07648/FU APPLICATION FOR THE ERECTION OF A 120 CAPACITY WEDDING VENUE, 40 HOLIDAY LODGES, AND A CAFE/COMMUNITY HUB BUILDING AT FLEET LANE OULTON LEEDS LS26</b></p> <p>To consider the report of the Chief Planning Officer on an application for the erection of a 120 capacity Wedding Venue, 40 Holiday Lodges, and a Cafe/Community Hub building at Fleet Lane Oulton Leeds LS26</p>	123 - 148
11			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>To note that the next meeting of South and West Plans Panel will be on Thursday 26<sup>th</sup> October 2023 at 1.30pm.</p> <p><b><u>Third Party Recording</u></b></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties– code of practice</p> <ol style="list-style-type: none"> <li>a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.</li> <li>b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.</li> </ol>	
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a) b)				

To all Members of South and West Plans Panel


**Planning Services**  
The Leonardo Building  
2 Rossington Street  
Leeds  
LS2 8HD

Contact: Steve Butler  
Tel: 0113 224 3421  
steve.butler@leeds.gov.uk

Our reference: SW Site Visits  
Date: 14/09/2023

Dear Councillor

**SITE VISITS – SOUTH AND WEST PLANS PANEL – THURSDAY 28<sup>th</sup> September 2023**  
Prior to the meeting of the South and West Plans Panel on Thursday 28<sup>th</sup> of September the following site visits will take place:

Time			
Depart Civic Hall 9.05			
Arrive 9.30 Depart 09.50		<b>22/06335/RM</b> <b>Reserved matters application for 50 dwellings and 4 apartments to outline permission</b> <b>21/10203/OT</b>  <b>Land Rear At Owlcotes Road</b> <b>Pudsey</b>	
Arrive 09.55 Depart 10.05		<b>23/03811/FU</b> <b>Change of use from Dwelling (C3) to Childrens Care Home (C2)</b>  <b>8 Chatsworth Crescent</b> <b>Pudsey</b>	
www.leeds.gov.uk	general enquiries	0113 222 4444	

Arrive 10.25 Depart 10.50		<b>21/04988/RM</b> <b>Reserved Matters application for 57 dwellings including provision of 5,771 sqm Public Open Space and associated infrastructure, relating to scale, layout appearance and landscaping pursuant to Outline Application 17/02068/OT</b>  <b>Land South Of Pool Road</b> <b>Pool In Wharfedale</b> <b>Otley</b>	
Arrive 11.30 - Depart 11.50		<b>Erection of a 120 capacity Wedding Venue, 40 Holiday Lodges, and a Cafe/Community Hub Building</b>  <b>Fleet Lane</b> <b>Oulton</b>	
12.15		Return Civic Hall	

Please notify Steve Butler (Tel: 3787950) if this should cause you any difficulties as soon as possible. Otherwise please meet in the Ante Chamber at 9.00 am. Can I also advise Panel members that as we may be walking on a field to wear footwear appropriate to the prevailing weather conditions on the day.

Yours sincerely

Steve Butler  
Group Manager  
South and West

[www.leeds.gov.uk](http://www.leeds.gov.uk)

general enquiries 0113 222 4444





## **SOUTH AND WEST PLANS PANEL**

**THURSDAY, 3RD AUGUST, 2023**

**PRESENT:** Councillor C Gruen in the Chair

Councillors E Taylor, J Garvani, E Bromley,  
N Manaka, A Rontree, P Wray, A Lamb  
and B Anderson

### **ELECTION OF CHAIR**

Councillor H Bithell submitted her apologies at the previous meeting and therefore a nomination was put forward for Councillor C Gruen to Chair the meeting in her absence. Panel Members unanimously agreed on this approach.

**RESOLVED** – That Councillor C Gruen be elected as Chair for the duration of the meeting.

### **SITE VISITS**

Councillors C Gruen, C Campbell, J Garvani, E Bromley, N Manaka and A Rontree attended the site visits earlier in the day.

#### **17 Appeals Against Refusal of Inspection of Documents**

There were no appeals.

#### **18 Exempt Information - Possible Exclusion of the Press and Public**

There was no exempt information contained within the submitted agenda.

#### **19 Late Items**

There were no formal late items.

#### **20 Declarations of Interests**

An interest in relation to Agenda Item 7 – Former Weetwood Police Station, 300 Otley Road, Weetwood, Leeds, LS16 6RG was raised on behalf of Councillor B Anderson as he has submitted representations as part of the planning application process and therefore resolved to remove himself from the meeting room as he could not determine the application with an open mind.

#### **21 Apologies for Absence**

Apologies were received on behalf of Councillors H Bithell, L Buckley, C Campbell, T Smith, and R Finnigan.

Councillor A Lamb attended as a substitute on behalf of Councillor T Smith and Councillor B Anderson attended as a substitute on behalf of Councillor L Buckley.

## **22 Minutes - 6 July 23**

**RESOLVED** – That the minutes of the previous meeting held on Thursday, 6<sup>th</sup> July 2023 be approved as an accurate record.

## **23 22/03466/FU - Guiseley School, Fieldhead Road, Guiseley**

The report of the Chief Planning Officer presented an application on new artificial grass pitch with floodlighting, new emergency access, storage container, relocation of existing long jumps and associated landscaping works at Guiseley School, Fieldhead Road, Guiseley.

Members of the Panel had attended a site visit earlier in the day.

Members were provided with an update since the writing of the submitted report. It was noted that a late objection has been received relating to the proposed use of the rubber crumb, and concerns regarding hazardous materials and air contamination and that it was the objectors belief that natural turf should be used. Officers confirmed that paragraph 74 touches on this issue, and materials used for the pitches are regulated under the REACH regulations and guidance should be followed in terms of its end of life, all of which falls outside the remit of planning controls and covered by separate legislation.

Photographs and slides were shown throughout the officer presentation, and Members were provided with the following information:

- The playing fields are located to the north-west of the main school campus and the site amounts to 1.3 ha of land. To the north of the site is adjacent to Green Meadows Academy and to the east, the site adjoins the rear of the residential properties fronting Aldersyde Road. There is a designated footpath that separates the wider school site that runs along its south-eastern boundary with Fieldhead Drive. The site is located adjacent to Tranmere Park Estate Conservation Area, which runs alongside Bradford Road.
- The application proposes the construction of an artificial grass pitch (AGP) with 6x15m high floodlighting columns around the site perimeter (in each corner and the half-way line), with a new emergency access and relocation of existing long jumps and associated works.
- There will be an existing line of poplar trees retained as part of the proposals. The trees are categorised as category U trees – declining health. Replacement planting will be required and where there are existing gaps in the landscaping, succession plants will be provided for effective screening.
- The pitch would be enclosed by a 4.5m high weld mesh fence with gated access. To the east of the pitch enclosure a 3.5m and to the south a 2.5m high acoustic fence is also proposed.

- There is a need for additional landscaping for those properties where the rear gardens face onto the pitch.
- A section of the hedging will need to be removed to accommodate for drainage purposes and it was confirmed that the drainage system will accommodate for severe climate events.
- The existing access is proposed to be widened for emergency vehicles and will be used for construction vehicles and access.
- There is a number of options in terms of the acoustic treatment if there is a particular preference members feel may be more suitable. i.e., timber fencing that can be painted or a quilt version.
- The location of the lights present low light spillage to nearby properties and an overview of separation distance was provided.

In summarising, the planning officer confirmed that the scheme has been modified substantially in terms of reducing the number of floodlights, improving noise attenuation, the proposed hours of use have been amended from 10pm to 9pm, artificial lighting restricted during periods of bat foraging seasons and noise mitigations in place to protect residents from the operation of the development. It was also confirmed that funding has been set aside for a Traffic Regulation Order (TRO) should the development present issues in terms of on-street parking.

In attendance at the meeting speaking in objection to the proposals were:

- Mr Simon Branston
- Mr Stuart Garforth

The objectors informed the Panel of their concerns, which were:

- Local residents support the nearby school and its use of current playing pitches.
- The acoustic report states that the most affected NSA (Noise Sensitive Area) located on Aldersyde Road and nearest point to the development from this point is 15m. It was of the opinion of the objector that the baseline the developer used is not adequate and contradicts WHO and LCC criteria.
- Evidence in relation to disabled and autistic vulnerable residents with chronic diseases is omitted. Particularly relating to noise sensitivities and unpredictable loud noises, whistles and shouting and construction and operation which will cause extreme risk and the need for urgent medical attention. There is a substantial risk to life and bodily harm. All of which contradicts the NPPF noise table, DEFRA policy aims, and it is within the responsibility of Committee Members to avoid such adverse effects.
- Floodlighting spillage harming the environment.
- Amenity issues in terms of proximities between the pitch and surrounding properties.
- No bat surveys have taken place.
- PNG assessment overlooked in terms of trees and grassland.
- Evidence provided for construction and drainage, poses flood water risks.

- Non-compliant proposals with Section 14 of National Planning Policy Framework and LCCs EN5.
- It is considered that the applicant fails to provide a sustainable inclusive playing field that Guiseley school deserves.

In responding to questions from Panel Members, the objectors confirmed the following:

- The level of consultation was mixed, and the objectors felt that engagement with local residents has not been satisfactory, particularly with residents with disabilities. Further to this, the objector explained that the consultation process detrimentally impacts disabled residents, and they find it harder to engage in the process. Residents have felt isolated during this process.
- In terms of harm related to noise, the school has an agreed risk assessment plan based on medical conditions and the application breaches such plan and also a breach of the Equality Act (2010).
- There is local knowledge of the presence of bats.
- Guiseley is under pressure with car parking currently and it is massively congested particularly when Guiseley Football Club are playing. Additionally, it is considered that parking on Bradford Road is a significant issue and there are concerns that the pitch will exacerbate existing issues.
- The current activities at the school through the day and on a weekend present minimal noise. The school do not currently have floodlights that present an issue for disabled residents.

In attendance at the meeting speaking in support of the proposals were:

- Roger Gavin, Guiseley School Representative
- Mark Sitson, Guiseley Football Club Representative
- Coral Curtis, Planning Agent
- Alistair Moore, lead on the supply of artificial turf

Those in support provided the following information:

- The school, football foundation and football club have worked together to provide enhanced sporting provision for young people in Guiseley and the surrounding areas.
- The aim is to provide sustainable facilities and increased time on the curriculum and provide extra curriculum activities.
- Guiseley school is the only school in Aireborough without an AFP and requires children to travel to other schools to use their pitches, incurring travel costs and time.
- The pitches cannot be used during bad weather and the current pitch poses a detrimental impact on wellbeing.
- Guiseley Juniors plays an important role in the community and currently has 750 players signed up through memberships and they're in need of quality nearby football facilities, that will also benefit local primary schools and organisations.

- Guiseley Juniors are not in a financial position independently and the proposals provide an opportunity to provide exceptional sporting facilities for young people.

Responding to questions from Panel Members, the supporters in attendance confirmed the following:

- The school cannot currently confirm the cost to the school not having an all-weather pitch but explained that the impact in the winter of not having one, is the children's wellbeing, not being able to play sport outdoors. When the pitch is waterlogged, school activities are cancelled.
- The operation of the pitch and organisation between the school and football club is not for profit, and primarily for children being able to access sporting provision.
- It is the intention to increase provision for physical education and out of school activities for extra curriculum and enable more clubs to play on the pitch.
- There are new parking facilities on-site, with 145 spaces available. The school has submitted a framework on how the pitch will be managed. Users of the pitch will be advised on where to park, and on-street parking in nearby streets will be advised against. There will be somebody on-site to ensure that people can enter the parking facilities. It is also believed that the new fence around the perimeter will discourage people from parking on-street. Further to additional concerns regarding parents and families parking on pavements for drop-offs, it was confirmed there will be a booking system through the lettings office and trained staff to monitor parking on-street. People will ultimately be banned if breaching guidance.
- The main benefit of the pitch is for the school and curriculum. However, on an evening and weekend the pitch can be used by all age groups.
- There are not usually spectators who attend, but parents and their families.
- The school sent out a letter to surrounding residents advising them of the proposals and the planning process offered meaningful consultation, which resulted in receiving over 300 representations. The school have listened to concerns and tried to address where possible in terms of reducing columns and the hours of use. No other consultation methods were undertaken.
- Approximately 50 days of use of the pitch is lost during bad weather.
- The condition around not being able to use whistles after 7pm will be enforced by ensuring matches finish before 7pm.
- There are mechanisms in ensuring there is a 'sinking fund' for issues such as maintenance and end of life. The operation of the pitch does not need to generate a profit, but to ensure that it can generate a 'sinking fund'.
- Further to a concern regarding the environmental impact on disposing of the pitch at its end of life, it was confirmed that the pitch will go to a facility in Scotland where the pitch will be recycled. Additionally, it was confirmed that the sand and rubber crumb in the product will be rolled

up with the turf and taken to the recycling plant. The rubber crumb will be re-used in rubber based products such as children's play areas for cushioning effect areas. Products will not end up in landfill.

- It is proposed that there will be grids at the gateway in and out of the pitch to ensure that rubber crumb is not being carried off the pitch from players boots.

Members sought clarity on the weight that can be applied to public health related issues. Members were informed that it is the Committee's decision whether they feel that the report adequately deals with the matter that has been raised or whether further consideration needs to be taken and they have a duty to have regard to the information presented to them. Officers confirmed that a piece of exempt information was submitted by an objector on the impact of noise, but that piece of information remained restricted. Members felt that the health issues raised by that objector had not been addressed adequately and assurances were sought on the lengths officers have gone to. Officers confirmed they have done their utmost in the limited circumstances they were presented with, and a noise report concludes that LCC guidance is being adhered to.

Further to additional questions put forward to officers, the following was also confirmed:

- Health implications as a result of rubber crumb was sought, and officers referred to documentation from Sports England that sets out there are no specific health concerns for AGPs, however, a precautionary approach is to be taken. There are currently no alternative infill materials available on the market.
- It is considered that when all four 5-a-side football pitches are in use, there would be 64 participants at any one time as a worst-case scenario. The associated parking demand could be accommodated within the school's grounds with the availability of 145 parking spaces. It was also confirmed that the school have control over staggered bookings for use of the pitch.

At this stage of the meeting, members were asked to consider moving into private session as the discussion was likely to involve the disclosure of exempt information, particularly information that would disclose protected characteristics and circumstances of an individual. Those issues fell within the provisions of Access to Information Procedure Rules 10.4(1) and 10.4 (2).

**RESOLVED** – That the public be excluded from the following part of the meeting as discussion was likely to involve the disclosure of exempt information only, particularly information that could disclose information which could reveal the identity of an individual.

At the conclusion of discussions in private session, the Committee resumed in public. The Chair informed the public and those in attendance that such information disclosed during the private session did not touch upon the determination of the planning application and solely just on the exempt information presented by the individual.

In resuming the discussion, and further to questions to officers, the following was confirmed:

- LCC welcome community engagement between the applicant and the local community, however, this is not mandatory. There is a legal requirement to advertise the application as well as a press notices. Individual letters are not sent for large scale developments as a property may be missed and presents an opportunity for exposure on the local authority.
- It will be in the schools power to ensure they are complying with the conditions attached to the planning application.
- The pitch will not be in operation when the school is in operation, and for events such as parents evening. Condition 20 ensures the school comply.

Panel Members provided the following comments:

- Members felt that they needed more information on the health impacts as a result of the proposals and discharging the Council's public sector equality duty.
- To receive assurances that a conflict of other lettings, forms part of a condition.
- Consultation has not been adequate and whilst it is acknowledged that there is not a requirement to 'go the extra mile,' it was suggested that further means of consultation is conducted. It was queried whether ward member engagement has taken place.
- Further consideration around how the exempt information disclosed during the private session is considered and the impact the proposals have on protected characteristics of an individual and the health impacts associated with that.

Upon voting, an alternative motion to the officer recommendation was put forward, to defer the application to enable the Committee to receive further clarity on the information presented during the private session on protected characteristics and therefore, it was

**RESOLVED** – To defer the application.

**24 22/06370/FU - Former Weetwood Police Station, 300 Otley Road, Weetwood, Leeds, LS16 6RG**

The report of the Chief Planning Officer presented a report regarding the demotion of existing buildings and construction of a new building for residential use (Use Class C3), provision of internal roads for vehicular and pedestrian access and servicing, car parking, landscaping, a substation, new pedestrian infrastructure and modifications to existing vehicular and pedestrian access at the Former Weetwood Police Station, 300 Otley Road, Weetwood, Leeds, LS16 6RG.

The report is brought to Plans Panel as a Position Statement to present details in relation to the emerging scheme and provide Panel Members with the opportunity to provide comments to aid progression of the application.

Draft minutes to be approved at the meeting  
to be held on Thursday, 28th September, 2023

Councillor B Anderson removed himself from the meeting and the room prior to the application commencing, due to his interest in the item.

Members of the Panel had attended a site visit earlier in the day.

Members were provided with an update since the writing of the submitted report in that the applicant has shown admirable ambitions to exceed targets EN1 and EN2, further work is required to ensure that they are achievable. Additionally, comments have been received from Councillors B Anderson and C Anderson complimenting the development and level of consultation that has taken place with Adel Neighbourhood Forum and the public consultation that took place. Some issues were raised regarding viability and the preference of providing affordable units onsite and concern that some flats may have more than 1 car.

Photographs and slides were shown throughout the officer presentation, and Members were provided with the following information:

- The application site is a 1.4 hectare brownfield site which originally encompassed Weetwood Police Station. The site is located to the north-east of Lawnswood Roundabout, to the east of Otley Road (A660), within the Main Urban Area of Leeds. The site is bounded by Bodington Hall Playing Fields (University of Leeds) to its north and east boundaries.
- The proposed new building will provide a total of 127 Build to Rent residential units (1-3 bed, which falls within the C3 use class).
- The proposed building incorporates an L-shaped format which ranges between 4 & 6 storey in height. The building has a flat roof design with roof terraces, green roofs, and Solar PV infrastructure. The building will be constructed of brick with bronze colour aluminium window openings and metal shade panels. Each property benefits from an external balcony or terrace.
- The proposals include the provision of on-site green space and includes the provision of a publicly accessible landscaped podium deck to the front of the building.
- Vehicular access to the site will be retained as per the existing situation. From Otley Road, the northern access will be retained as access only, with the southern access retained as egress only. From the Ring Road, the existing access will be retained and will continue to operate as two-way entry and exit. It is considered that the former police station has a high level of car association with it, and the level of trips associated with the proposed development will see a reduction in trips.
- The development incorporates low carbon and renewable technology including the provision of air source heat pumps and photovoltaic panels.
- There will be 140 spaces for cars and 139 cycling spaces.
- Members were provided with details of the floor plans for each of the floors and it was noted that there has been a challenge presented in the relationship with the neighbourhood land uses such as parking. It



was also noted that 3 of the units will include a sunken terrace below the landscape platform.

- There will be 5 separate roof terraces proposed.
- In terms of land levels, the site is sunken down and is set back from Otley Road to reduce the visual impact from the road and will be screened by mature tree canopies.
- Members were informed of the proposed landscape plan and 2 other key areas of greenspace. There will also be a proposed tree buffer down the western side of the site.

In summarising the planning officer confirmed that:

- There are viability issues in terms of affordable housing contribution. AS 700k contribution is proposed as a commuted sum.
- The height and scale of the building is not un-common in a suburban area, and the land-levels as well as trees hide the massing of the building.
- Muted colours have been used and fluctuating heights to ensure that a 'bulky' building has not been created.
- The proposals include good quality greenspace. The final design of the greenspace is yet to be confirmed, and it is expected that a greater quantum of soft land rather than hard dominating land is provided, as well as more seating. The greenspace provision has still not been met, and a commuted sum of 69k is proposed. The developers have confirmed they wish to explore options in terms of utilising the area of woodland and putting a path through there. Officers believe this may have an impact on biodiversity.
- The ground floor units do not have the best relationship with adjacent uses.
- All terraces have balconies and access to roof terraces, there is a good level of amenity provided across the site as a whole.

The applicants representative provided the following information:

- The applicant has worked with officers for over 2 years developing a scheme that fits well within its context.
- Design officers have raised no concern in regard to this scheme.
- The applicant is seeking to optimise use of a brownfield site therefore reducing the need to call upon greenfield sites.
- There is a pressure in the north Leeds area on the need for housing.
- The scheme delivers a range of units and mix.
- Build to rent is a relatively new concept in Leeds and the model helps with further needs of rental product.
- In terms of viability, the commuted sum is equivalent to providing 15% of the units at a discounted market rate.
- The applicant is keen to provide greenspace where possible on-site and if this is not possible, will provide the commuted sum. Trim trails are an option to provide additional greenspace.
- The scheme provides a sustainable development meeting the housing needs in this part of the city.

Further to questions from Panel Members, the applicants representative confirmed the following information:

- There are clear built-to-rent viability issues and when the council produced the policy on build to rent, it was based on city centre evidence and not suburban development. It was confirmed there is lesser value in suburban areas.
- Car parking provision is considered consistent with policy and the scheme is in a sustainable location, with the option for people to use a major public transport route into the city.
- No gas boilers will be provided onsite. It is noted that 90% onsite energy consumption can be provided.
- The structure is considered 'calm'.
- Green walls have been incorporated in the scheme.
- The applicant has considered materials that are contextual within the suburban area and alternative materials may over emphasise the contemporary nature of the development. Material samples can be provided at a future meeting.
- The balconies are 1.4m in depth.
- The trim tail does not impact upon biodiversity, but further to comments regarding this proposal not being an adequate use of greenspace, the applicant will re-consider such proposals.
- The site is designed to ensure that pedestrian safety is at the forefront and a priority where possible. Beyond the site is subject to some plans and Connecting Leeds on Lawnswood roundabout that will be delivered in due course. It is anticipated that delivery of the scheme will commence in 2024 with an 18-month development construction programme. By which point, works will have been completed in relation to Lawnswood roundabout.
- The applicant will work on comments received regarding the need for there to be children's play spaces and more greenspace offers onsite.
- Further to concerns raised by members regarding the provision of affordable units on site. It was confirmed that information is awaited from the District Valuer and such information will include a comparison to a market scheme, as well as the build-to-rent model.
- All of the modern contemporary blocks will be accommodated with located parcel lockers and will be externally accessible and fully locked to avoid issues with parcel theft.

Members comments in relation to the officers questions in the submitted report were relayed as follows:

Question 1 – Do Members support the principle of residential use on the site?  
Yes.

Question 2 – Do Members support the proposed height/scale of the development at 4-6 storeys? Yes.

Question 3 – Do Members support the design of the development including the proposed palette of materials? In general, yes, although there could be better presentation with further opportunities.

Question 4 – Do Members support the proposed housing mix? Yes.

Question 5 – Do Members wish to provide any general comments in relation to affordable housing / viability issues within the proposed development? Whilst it was acknowledged that information is yet to be received from the District Valuer, Members felt that a greater percentage of affordable units should be provided onsite. Members commented on whether alternative schemes could meet the requirement.

Question 6 – What are Members opinions on the potential for the woodland area to be utilised as Green Space? Members did not agree that the woodland area provided a sufficient amount of Green Space for the residents and requested that alternative solutions be considered.

Question 7 – Do Members have any comments to make in respect of the general approach to green space provision / design across the development? Members felt that there should be less areas of hardstanding and more consideration towards children's play areas and creative solutions in terms of the provision of Green Space.

Question 8 – Do Members have any comments to make in respect of the amenity of neighbours to future residents? Mixed views were provided in relation to the sunken gardens but acknowledged that only a low level of such units is to be provided.

Question 9 – Do Members have any concerns or comments relating to ecology / nature / trees? Members touched upon the possibility to plant additional trees on the verge outside of the curtilage, but it was acknowledged that there may be long-term issues relating to this due to works to Lawnswood roundabout.

Question 10 – Do Members have any concerns or comments relating to highway issues? Members requested that sufficient space be provided for overflow parking and room for vehicles to manoeuvre such as delivery drivers and refuse vehicles.

Question 11 – Do Members have any comments in relation to the environmental impact of the proposed development? No.

Question 12 – Do Members support the proposed provision of accessible housing and access for all adaptations? To receive information on whether the units are wheelchair accessible and provide enough room for turning circles.

Question 13 – Any other comments. A member sought clarity on nearby infrastructure in terms of local surgeries and schools.

In general, and further to the comments as relayed above, Panel Members generally supported the scheme.

**RESOLVED** – To note the contents of the report on the proposals and to provide views in relation to the questions posed in the submitted report to aid the progression of the application.

**25 Date and time of the next meeting**

To note the date and time of the next meeting as Thursday, 28<sup>th</sup> September 2023 at 1.30 pm.

The meeting concluded at 18:10.



Originator: Aaron Casey

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## Report of the Chief Planning Officer

### *South and West Plans Panel*

Date: 28 September 2023

Subject: Application 23/03811/FU: Change of use from Dwelling (C3) to Children's Care Home (C2) at No.8 Chatsworth Crescent, Pudsey, LS28 8LD

APPLICANT	VALID DATE	TARGET DATE
Mr M Shafiq	10 July 2023	4 September 2023

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#### Electoral Wards Affected:

Calverley & Farsley

Yes

Ward Members consulted: (referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION: GRANT PERMISSION subject to the following conditions**

#### Conditions:

1. Time limit – Commencement within 3 years.
2. Development to be carried out in accordance with approved plans.

3. Restrictions on number of residents that reside at the site at any one time to three.
4. Restrictions on number of resident staff on site at any one time to three.
5. Details of bins (siting and method of storage) to be submitted for written approval.
6. Details of electric vehicle charging points to be submitted for written approval.

## **INTRODUCTION:**

- 1 The application is brought to Plans Panel at the request of Councilors Andrew and Amanda Carter who have outlined that they are of the view that a change of use of a semi-detached property to a Children's Care Home within this residential area is not appropriate and provided the below reasons (quoted directly):
  - "The loss of a residential unit in a residential area for the purposes of running a business (albeit a Children's Home).
  - The close proximity to the next door bungalow, which is the home of a disabled elderly lady.
  - Probably, most importantly, what checks have been carried out as to the proposed operator and owner of this business? Will his staff be properly trained and qualified for the care of young people up to the age of 17?
  - What risk assessments have been undertaken?
  - Chatsworth Crescent is a well-known rat run. Indeed, prior to this application I was in discussions with the Highways Department about the installation of speed humps to combat speeding traffic.
  - How is this proposed Children's Home to be regulated and how is the number of occupants to be limited?
  - Inadequate parking within the curtilage of the building.
  - Precisely what sort of Home is it proposed to be? Is it, for example, for handicapped and disabled young people or is it for children and young people in general care?"

## **PROPOSAL**

- 2 The proposal is for the change of use of a dwelling house within the Use Class C3 to a residential home within Use Class C2.

- This home will be for three children/young people aged 8-17 years of age.
- The home will be supported by 4 staff in total working a rota of 48 hours on and 48 hours off. Two members of staff would be on site at any one time with potential for the need of a third. The rota patterns will require staff to sleep over as part of their shift.
- Social worker visits would take place in an environment away from the site.
- There are no proposals for alterations to the external or internal parts of the building nor do the submitted details indicate that there would be any alterations to the grounds.
- The existing off-street parking facilities on the site's driveway would be utilised. This is located to the front and has a depth that extends through a carport into the rear garden. This provides space for 3 vehicles and as such, no additional parking facilities would ostensibly be required.

#### **SITE AND SURROUNDINGS:**

- 3 The application site comprises a detached 5-bedroom semi-detached dwelling located on a bend in the road on Chatsworth Crescent, Leeds, LS28 4RX. There are gardens to the front and rear that include areas of hardstanding providing off-street parking.
- 4 The wider character of the area is residential with detached and semi-detached dwellings of single and two storey heights, ranging from approximate periods from the mid-late 20<sup>th</sup> century.
- 5 The site sits within the Calverley and Farsley Ward. Calverley identified as being a smaller settlement with Map 3 (Settlement Hierarchy) and Table 1 of the Core Strategy (Identification of Settlement Types) Farsley is identified as being within the Main Urban Area. There are good levels of amenities and services close to the site. These are as follows:
  - Thornbury Medical Centre is approx. 1.3 miles away (circa 5-minute drive).
  - Robin Lane Health and Wellbeing Centre is approximately 1.7 miles away (circa 5-minute drive)
  - Pudsey has schools with the site's catchment area if the children were to attend local schools.
  - Shopping facilities can be found located within the Owlcotes centre Farsely Town Centre or Pudsey Town Centre; all are a circa 5-minute drive from the site.
  - Public transport routes sit close by along Galloway Lane and Bradford Road.

- 6 It is considered that given the wide range of existing amenities, existing highway infrastructure, good public transport route and frequency in union with the well-established residential settlement, the site can be regarded as being within a highly sustainable location.

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

- 7 There is no history that is relevant to this application. However, the below case and appeal decision is set out for Members to inform Members of the relevant planning background with regard to a previous resistance of a change of use of dwellings to use as children's care facilities.
- 8 16/07459/FU: 13 Wellington Grove, Bramley for a Change of use of dwelling (C3) to a residential children's care home (C2) – This site falls outside of the area of the site but given that the proposal is for a change of use from a C3 to a C2 use the findings of the Inspector dealing with the subsequent and relatively recent appeal are considered to be relevant in this instance. The LPA refused this application for the below reason:

*The Local Planning Authority consider that the proposed use of the host property as a Children's Care Home (C2 Use Class) is unacceptable by reason of the increased noise and disturbance from the comings and goings of staff associated with the running of the proposed use, resulting in the intensification of the use of the building, which would result in multiple users that would be above those levels reasonably expected if the building was in use as a family home. This would therefore have an undue effect on the living conditions of neighbouring residents, compounded by the back-to-back nature of the dwellings. As such the proposal is contrary to saved Policy GP5 of the Leeds UDP (2006) and the advice contained within the National Planning Policy Framework (2012).*

*The Local Planning Authority considers that this property, a back-to-back house, is unsuitable for the provision of specialist care for children due to the lack of outdoor amenity area, limited scope for private/quiet rooms, and the higher levels of noise transfer from surrounding properties. It is considered that the likelihood of the children to be homed here having severe emotional and behavioural disabilities would be higher than with a typical family and that the type of property could therefore create a more harmful environment for them to live in. This would be detrimental to their amenity, contrary to policy GP5 of the UDP.*

This was subsequently allowed at appeal in October 2011. With regard to noise and disturbance the Inspector notes in his findings that:



*“.....it is argued that the potential emotional and behavioural difficulties of a child at the property would contribute to adverse and excessive noise and disturbance from within the property for neighbouring occupiers. However, I have seen no substantive evidence to support this. Furthermore, whilst the children likely to reside at the property may have such difficulties, I find it unreasonable to assume that such behavioural and emotional needs would inevitably result in anti-social behaviour and excessive noise or disturbance.”*

Members' attention is drawn to the above as it is pertinent to the determination of this application now before the Panel. It should also be noted that the Inspector's findings refer to the change of use of a back-to-back property, thereby much smaller than the application site with much less outdoor space.

### **HISTORY OF NEGOTIATIONS:**

- 9 The proposal before Members is unchanged from the date of its submission.

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

- 10 This application was advertised by 1 x site notice close to the site on Chatsworth Crescent on the 20 July 2023. Neighbour notification letters were also posted to No's 2, 4, 6, 10 and 12 Chatsworth Crescent and No.15 Chatsworth Road on the 20 July 2023. This application has attracted 23 letters of objection including representations from Councillors Andrew and Amanda Carter.

#### Ward Members and MP

- 11 Councillor(s) Carter have objected to the application for the reasons cited in Paragraph 1.
- 12 Stuart Andrew MP has also issued a letter of support for a resident within regard comments raised by the resident that the proposed use would be inappropriate within the street and that the use would add to the street problems due to lack of parking.

#### Other Public Response

- 13 The issues raised through the representations received from the local residents are summarised below:
- There has been a lack of local consultation regarding the proposal.
  - Not all residents received a neighbour notification letter.
  - A care home of is an inappropriate use with the residential street and would be incongruous and against the prevailing character.

- An incompatible use on a street where there are elderly residents.
- Increased levels of noise, disturbance, comings, and goings.
- Potential for anti-social behavior.
- Highway safety issues due to the site being on a blind bend and the intensification of the site.
- Lack of parking to serve the proposed use.
- Additional pressures on local services (Doctors and schools).
- Potential for greater occupancy and staffing levels.
- The size of the property is not sufficient for the use.
- No local precedent for the proposed use on the Chatsworth Housing Estate.
- The staffing levels present a safeguarding and security issue.
- How would the proposal be funded?
- What is happening with the current occupants who rent the property. Will they reside at the site with the occupants and staff of the care home?
- The current occupants will be displaced if the change of use is allowed.
- Are the children already in the care system or are they coming from overseas?
- Will the community need to support the care home and what support will residents receive?
- The proposed use would lower the tone of the neighbourhood.
- The elderly residents may not have access to the internet and are unable to object leaving them voiceless and powerless.
- The comings and goings would further erode the state of repair of the road surface.
- This would result in the decrease of property values.
- The use is for profit only

## **CONSULTATION RESPONSES:**

### Highways

- 14 No objections and no concerns raised with regard to highway safety or off-street parking provision. A condition has been recommended for the installation of one 32 amp electric vehicle charging point.

### Flood Risk Management

- 15 No objections

### Children's Services (CS)

- 16 CS were consulted as part of this application, but no response has been received.

## **PLANNING POLICIES:**

- 17 Section 38 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 is made up of the Core Strategy (Review 2019), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), the Site Allocations Plan (2019) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013, the Aire Valley Leeds AAP, as well as any made neighbourhood plans (although there is no made neighbourhood plan for this area).

### Relevant Policies from the Core Strategy:

- GENERAL POLICY: Presumption in favour of sustainable development
- Spatial Policy 1: Location of development in main urban areas on previously developed land.
- P10: Design, context and amenity consideration
- T2: Accessibility

### Relevant Saved Policies from the UDP:

- GP5 – General planning considerations

### Supplementary Planning Guidance and Documents

- SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds
- Transport SPD (2023)

### National Planning Policy

- 18 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied (para 1) and is a material consideration in planning decisions (para 2). It states that the purpose of the planning system is to contribute to the achievement of sustainable development (para 7). In order that sustainable development is pursued in a positive way at the heart of the Framework is a presumption in favour of sustainable development (paras 10-11). It states that decision makers at every level should seek to approve applications for sustainable development where possible (para 38).

The below sections of the NPPF are considered to be most relevant:

- Section 2 – Achieving sustainable development

- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport

The Equality Act 2010

## **MAIN ISSUES**

- Principle of development
- Character and Appearance
- Impact on residential amenity
- Highways
- CIL
- Other issues

## **APPRAISAL**

### Principle of development

- 19 Spatial Policy 1 of the Core Strategy relates to the location of development and confirms the overall objective to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance between Brownfield and Greenfield land.
- 20 The proposal seeks to change the use of No.8 Chatsworth Crescent from a family house within the Use Class C3 to a residential care home within the Use Class C2.
- 21 The proposed end use would be within a well-established urban area that sits close to existing amenities (shopping, medical and education) within Farsley and Pudsey. The travel times and methods of travel to these shopping and service areas are the same as they would be if the house stayed within a C3 use, and there is no requirement that a residential care home operating from an existing building would need to be any closer to the existing local amenities than the surrounding residential population on Chatsworth Crescent or the nearby streets. Moreover, the immediate area is well served by public transport routes to designated centres within Farsley and Pudsey as well as the Owlcotes Retail Park. Therefore, the site is considered to be within a sustainable location.
- 22 The Applicant asserts that the use would seek to function as a family environment with residents living as a household. This would respond to the residential context of the area and the number of occupants at any one time, would be no more than one could expect if a family occupied the site. In the

Officer's opinion, this proposed use and the occupancy limits of three children/young people and the two-three members of staff that would be on-site at any one time, would have a neutral impact on the local services as there could be a very similar (if not the same) impact as from family occupation of the site. This would be a residential care home within a residential area, albeit the dynamics differ from a family home (i.e., that the staff would work there rather than it being their home).

- 23 The use is considered to accord with the aims of Spatial Policy 1 and there is no policy context that could reasonably prevent a change of use from a C3 use to C2, and therefore the principle of the change of use is considered to be acceptable.

#### Character and Appearance

- 24 There are no physical changes proposed to the external parts of the building or to its grounds. It is not considered that the use of the site with the limited level of three residents and associated on-site staff and any visiting support specialists would change the residential character of the site or over-intensify it beyond what could reasonably be expected if this five bedroom semi-detached dwelling remained in family use.

- 25 The scheme is considered to be compliant with the aims of Core Strategy Policy P10 and saved UDP Policy GP5 and the policy contained within the NPPF.

#### Impact on residential amenity

- 26 It is not considered the proposal would have any impact on existing residents, in terms of over-shadowing and over-looking as there are no alterations proposed to the building or its plot.

- 27 The building is semi-detached with gardens that adjoin neighbouring sites. Whilst it could be argued that the chances of noise and disturbance could be higher than if a family occupied the property, any instances of difficulties would be dealt with by the staff that will be on site. It is not considered that any levels of noise and disturbance from the three residents and the on-site care team would be significantly greater than a family situation, and there is no evidence to suggest otherwise.

- 28 The care home would provide accommodation for young people likely having a variety of issues, and until referrals are made it would not be clear to the Applicant exactly to what extent of care and supervision individual occupiers will need. Nevertheless, this is a care home with a duty of care and one that will be subject to assessment by a regulatory body. The suitability of the internal provision and

ensuring this is of the appropriate standard sits outwith the planning decision-making process and is the subject of separate regulatory provisions / standards.

- 29 It is a usual requirement that operators record and log any complaints made about a care home, and that the regulatory body (OFSTED) would then investigate. In principle and dependent upon the scenario, operators run the risk of their licenses being revoked should they fail to meet the relevant and required standards.
- 30 In Officers opinion the proposed use would not result in unduly increased comings and goings from staff changes and transportation of the residents than the existing C3 use. The home will be supported by 4 staff member, 24 hours a day working on a 48 hour (on/off) rota basis with 2 staff members on site at all times with the possibility of 3 if any situation existed that required additional support. The proposed layout includes a staff bedroom. As with a family home visits and activity could occur throughout the day and at sociable hours into the evening and at a similar level of vehicles and visitors.
- 31 In light of the above, Officers acknowledge that many attributes of family life could occur however, the nature of the occupation, involving the rotation of the care workers due to their shift patterns, the comings and goings to the site may on occasion be more numerous than could be anticipated for most family homes but it is not considered that the levels of comings and goings would be significantly greater than those a family could attract. It is therefore deemed that the impact on the surrounding neighbours would not be unduly harmful. Moreover, conditions restricting resident numbers to no more than 3 residents and 3 members of staff (on site at any one time) will ensure that the site would not be overly intensified beyond the limits of the property if it remained a family home.
- 32 Officers are of the view that the scheme is compliant with Core Strategy Policy P10, saved UDP Policy GP5 and with the NPPF.

#### Highway and pedestrian safety

- 33 Core Strategy Policy T2 requires that new development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility. Paragraph 111 of the NPPF directs LPA's not to withhold or refuse development on highways grounds unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 34 As part of this application a technical view was sought from Highways who have indicated that the surface parking area within the site provides for adequate levels of off-street parking for up to 3 vehicles. Highways have taken the view that the parking demand associated with the existing C3 use would be similar to

the proposed C2 use. Moreover, no highway safety issues have been raised with regard to location of the site on the bend of the road along Chatsworth Crescent or that the proposed use would be any more problematic to the road surface than if the house remained with Use Class C3.

- 35 Conditions have been suggested by Highways for waste collections details and an electric vehicle charging point and these are recommended to be imposed. Cycle parking can be accommodated within the retained detached garage block to the rear.
- 36 Therefore, Highways have concluded that the proposal are acceptable in highways terms. The scheme is compliant with Core Strategy Policy T2, saved UDP Policy GP5 and with the policy of the NPPF.

### CIL

- 37 The proposal is a change of use and is therefore exempt from CIL under the Community Infrastructure Levy Regulations 2010 (as amended).

### Other issues - Representations

- 38 The points raised in representations have in the main been covered within the above report. With regard to the other concerns raised through representation in respect to anti-social behavior, compatibility with elderly residents, safety and safeguarding, there is no evidence to suggest that the young people placed at the site will present any detrimental or problematic issue above and beyond any child or children that form part of a family unit.
- 39 Matters raised regarding safeguarding issues, risk assessments, staff training, funding, whether the children would already be within the care system, from overseas and the operator's background are matters outside of the parameters of Planning. Such matters would be dealt with through separate regulatory frameworks and legislative regimes where appropriate. Such issues are outside of planning and not perceived issues that are to be sought to be remedied via planning. Therefore, these considerations are not considered to be material to the determination of this application.
- 40 Comments have been received stating that there has been a lack of local consultation regarding the proposal and that not all residents received a neighbour notification letter. A site notice was placed in a prominent location close to the site on 20 July 2023 and notification letters were issued to the nearest properties on 20 July 2023. Officers consider the statutory requirements to notify residents of the application have been fulfilled. It is beyond the authority of Officers to insist that the Applicant arranged and undertook a consultation, but it is duly noted that such local engagement can be helpful to residents.

41 Responding to other comments raised within the representations:

- No local precedent for the proposed use on the Chatsworth Housing Estate.
  - This point is duly noted but a precedent for a care home is not a test of planning policy against which any such application is assessed and each application is considered on its own merits.
- What is happening with the current occupants who rent the property. Will they reside at the site with the occupants and staff of the care home?
- The current occupants will be displaced if the change of use is allowed.
  - The application does not deal with the current tenancy arrangements (comments within representation indicate that the current occupants rent the property). They would not be sharing with the children as this would present a significant safeguarding issue (a matter outside of planning). If the change of use is granted planning permission, then that will result in a cessation of the property for use within Use Class C3 and presumably the current occupants would relocate as the property becomes a Children's care facility. The granting of planning permission would not override any tenancy rights that the current occupants may have. Ownership and occupancy of land are considerations outwith the planning decision-making process.
- Will the community need to support the care home and what support will residents receive?
  - There is no obligation on residents within the community with regard to the above.
- The elderly residents may not have access to the internet and are unable to object leaving them voiceless and powerless.
  - The application has been publicised by a site notice and the postal address to write to, as well as where to view the plans included on the notice. The nearest neighbours were also sent notification letters containing these details. Residents have also been supported in their view by two Ward members and Stuart Andrew MP. Thus, representing their constituents' interests.
- Would result in the decrease of property values.
  - This is not a material planning matter.



### Inclusivity

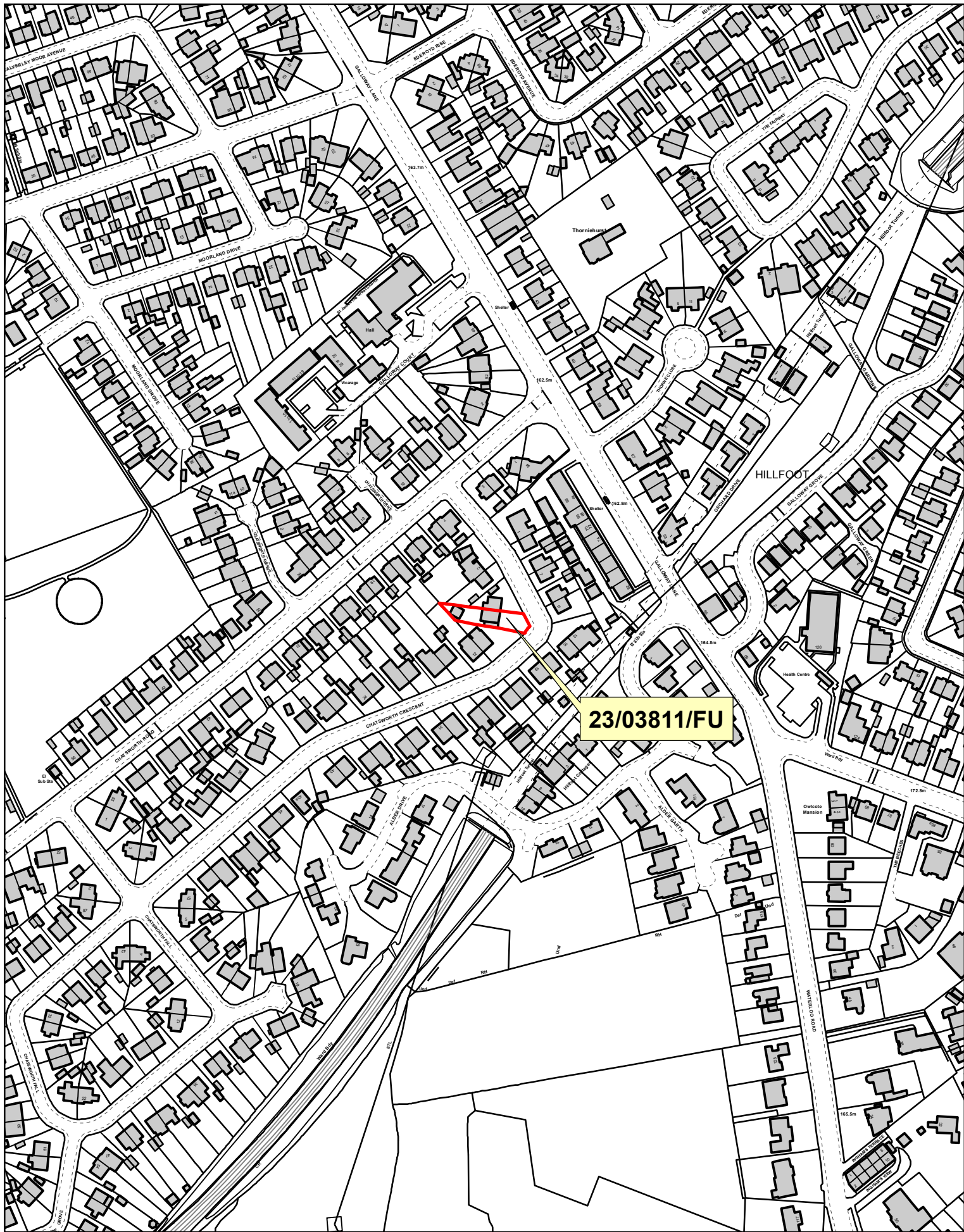
- 42 Local Planning Policy seeks to ensure developments proposals are accessible to all. This proposal is predominantly for a change of use with no external changes. It is noted that there are small steps up to the main entrance doors, however the providers will need to comply with any disability requirements as laid down by Ofsted and depending on the individual needs of the occupants. Should additional installations be required externally such as an access ramp then planning permission will be required. There would be adequate space within the site constraints to undertake any such work.

### **CONCLUSION**

- 43 The proposal is considered to comply with both national and adopted local planning policy in terms of establishing sustainable development. The application site would operate within a use that would attract occupation and levels of noise and disturbance from comings and goings, akin to those that could reasonably and likely occur if a family resided at this address.
- 44 The size of the building and its grounds provides suitable accommodation for three residents and the on-site staff. There is sufficient on-site parking for staff and visitors and the site is located within a sustainable location.
- 45 It is therefore recommended that this application is approved, subject to the suggested conditions set out at the head of this report.

### **Background Papers**

Application Files: 23/03811/FU

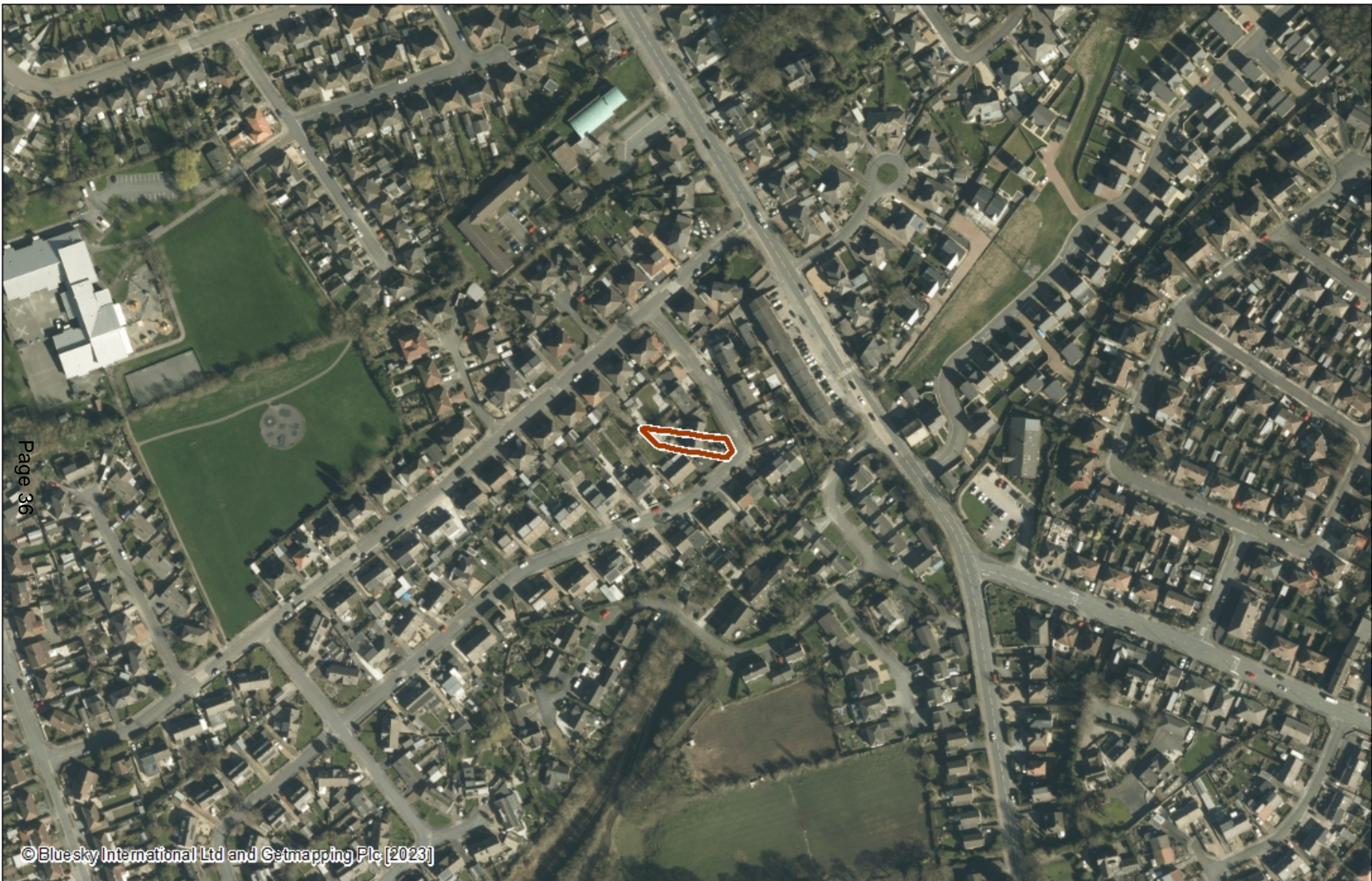


23/03811/FU

# SOUTH AND WEST PLANS PANEL









Originator: Steven Wilkinson

## Report of the Chief Planning Officer

### SOUTH AND WEST PLANS PANEL

Date: 28<sup>th</sup> 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 13<sup>th</sup> July 2021, and again on 28<sup>th</sup> September 2022 in relation to revisions to the scheme. A newspaper notice was also published in the Yorkshire Evening Post on 14<sup>th</sup> 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 Wharedale 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.

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.*

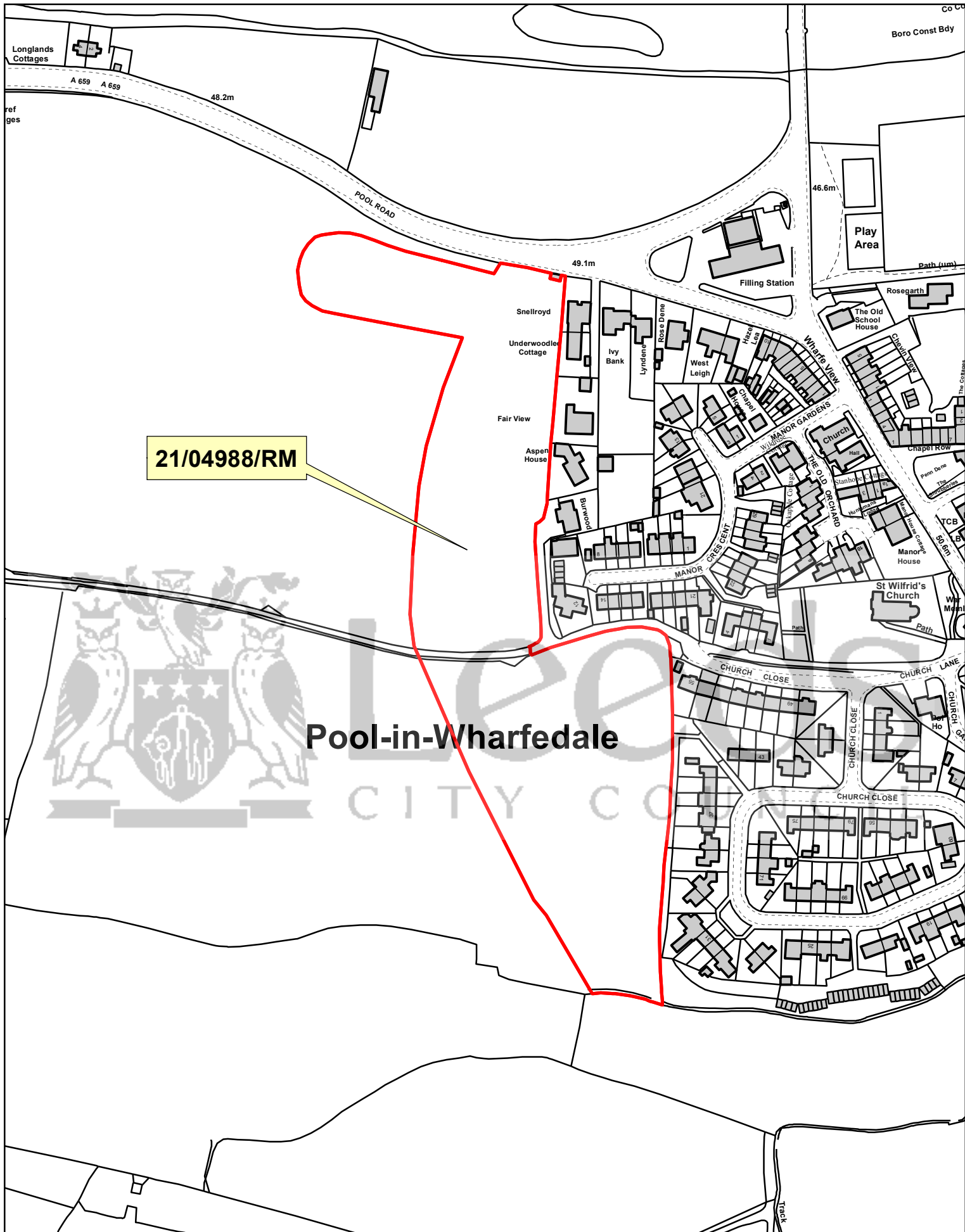
146. Ward Members: As previously stated, a joint referral panel request has been received from Cllr B Anderson and Cllr C Anderson. The request states “Concerns around the layout, design (including building materials to be used) and impact on the Conservation area and not totally satisfying the previous 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).

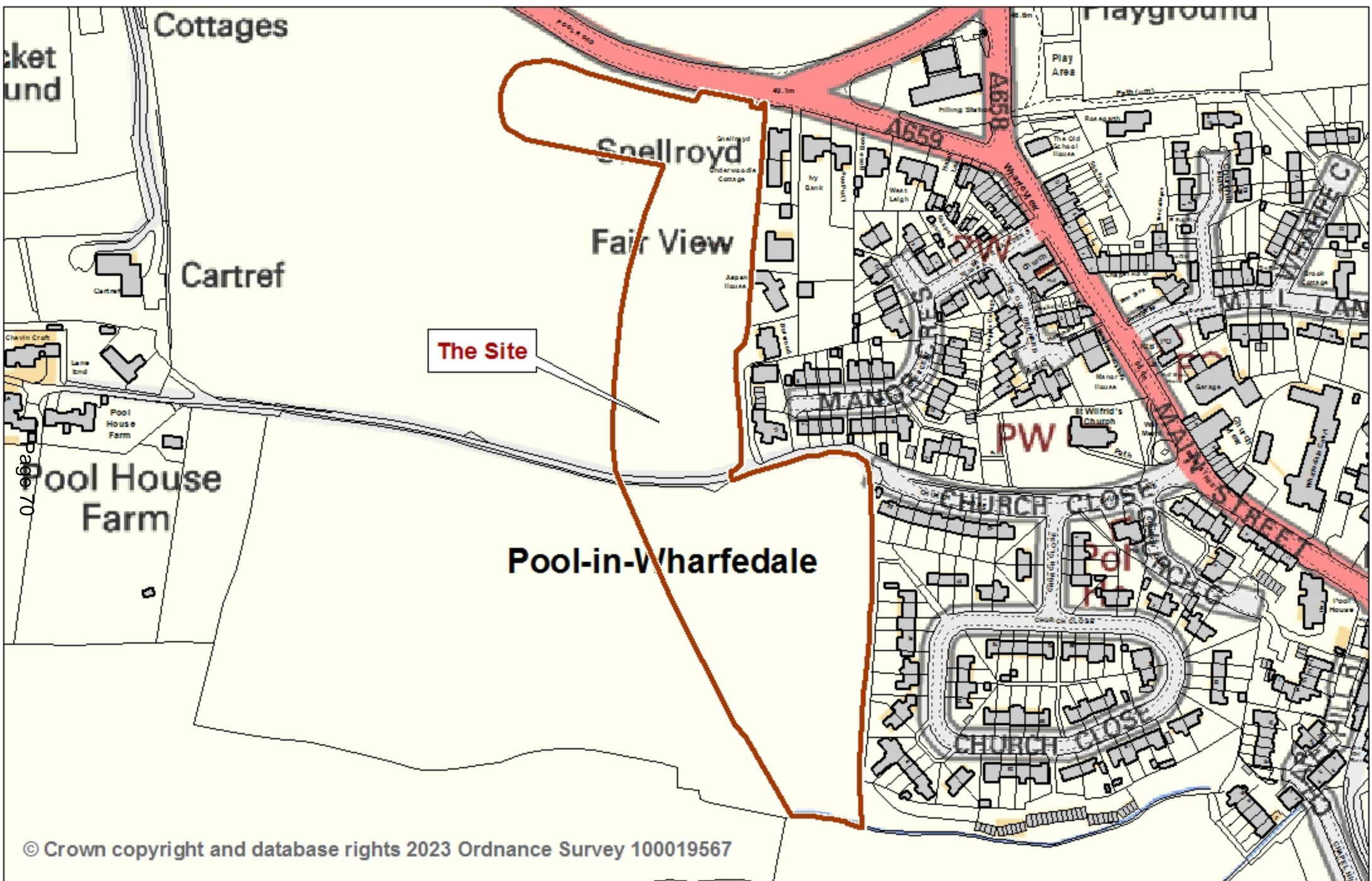


21/04988/RM

**Pool-in-Wharfedale**

**SOUTH AND WEST PLANS PANEL**







# 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**

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**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)".
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### 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 appeal<sup>1</sup>. 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".

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<sup>1</sup> 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 Guidance<sup>2</sup>.
  24. The appellant has submitted report<sup>3</sup> 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 plan<sup>4</sup> 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

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<sup>2</sup> Neighbourhoods for Living SPG, Greening the Built Edge SPG, Street Design Guide SPD, Greening the Built Edge SPG

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

<sup>4</sup> 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 Inspector<sup>5</sup> found that the Council could not demonstrate a 5-year housing land supply. The appellant's planning statement<sup>6</sup> that accompanied the application to Leeds City Council detailed a number of other decisions<sup>7</sup> 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

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<sup>5</sup> APP/N4720/W/17/3187334 -18 June 2018

<sup>6</sup> Planning Statement – Johnson Mowat 8 May 2019

<sup>7</sup> 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





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## 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**

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**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.
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### 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 14<sup>th</sup> 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 designations<sup>1</sup>) 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.

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<sup>1</sup> 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)<sup>2</sup> 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.

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<sup>2</sup> 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 (NO<sub>2</sub>) 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 NO<sub>2</sub> 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 NO<sub>2</sub>.
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 period<sup>3</sup>.
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 (2<sup>nd</sup> 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.

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<sup>3</sup> 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.<sup>4</sup>
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

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<sup>4</sup> 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





Originator: Ian Cyhanko
Tel: 0113 3787953

**Report of the Chief Planning Officer**

**PLANS PANEL SOUTH AND WEST**

**Date: 28<sup>th</sup> September 2023**

**Subject: Planning Application 22/06335/RM**

**Reserved matters (appearance, landscaping, layout, and scale) application for 50 dwellings and 4 apartments to outline permission 21/10203/OT, on land at Owlcotes Road, Pudsey, Leeds.**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Leeds Federated Housing Association and Keyland Developments Ltd	16th September 2022	30 <sup>th</sup> September 2023

<p><b>Electoral Wards Affected:</b></p> <p>Calverley and Farsley</p> <p><input type="checkbox"/> Yes    Ward Members consulted</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity    <input checked="" type="checkbox"/></p> <p>Community Cohesion    <input type="checkbox"/></p> <p>Narrowing the Gap    <input type="checkbox"/></p>
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**RECOMMENDATION: DEFER AND DELEGATE to the Chief Planning Officer for approval subject to the specified conditions (or any amendment to the same or others as the Chief Planning Officer seems necessary):**

- 1. Compliance with Approved Plans**
- 2. Access to be completed prior to first occupation of development**
- 3. All vehicular spaces to be laid out**
- 4. Notwithstanding approved plans, full details of revised driveways for plots 1 and 2 to be approved, which allow exit in a forward gear**
- 5. Installation of 2.5m high hoarding along southern boundary with the properties located along Owlcotes Road, prior to commencement of development**

**1.0 INTRODUCTION:**

- 1.1 The application is brought to Plans Panel given the large-scale nature of the development, and the very high level of local interest, at the request of Councillor Carter, who has stated he considers the application needs to be considered by Members due to design and amenity concerns.
- 1.2 Given that the proposal concerns an application within the Member's Ward which they represent and that the Ward Member considers 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.

## 2.0 PROPOSAL

- 2.1 The proposal is determination for Reserved Matters following the granting of Outline planning consent which established the principle of residential development plus means of vehicular access for Outline Planning Permission ref 21/10203/OT. Reserved Matters approval is therefore sought for the appearance, landscaping, layout, and scale of the proposed development. The scheme is to be developed by a Housing Association and will provide 100% affordable housing.
- 2.2 A total of 54 dwellings are proposed comprising the following mix:

Type	Amount	Percentage
1-bed house (58 sq. m)	1	1.9%
2-bed house (70 sq. m)	25	46.3%
2-bed bungalow (80 sq. m)	2	3.7%
3-bed house (86 sq. m)	12	27.7.%
4-bed House (120 sq. m)	10	18.5%
1-bed Apartments (2x 52sqm + 2x 62.3 sq. m)	4	7.4%

- 2.3 The majority of the development comprises of semi-detached properties (42 units). The four flats are within 2 separate blocks, and there are two blocks of 3 terraced properties (6 units) and 2 detached bungalows.
- 2.4 The properties are mainly 2 storeys in height (with the exception of the two bungalows). A select few have accommodation within the roof space. There is a centrally located area of green space and a landscaping buffer is also proposed along the northern boundary of the site. The scheme does include the planting of a total of 86 trees, including a number of trees to be planting along the main spine road through the site.
- 2.5 The application is supported by the following documents
- Design and Access Statement
  - Ecological Impact Assessment

- Planning Statement
- Statement of Community Involvement
- Energy Statement
- Bio-Diversity calculations

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site consists of an irregular shaped area of green field land, which lies on the northern side of Owlcotes Road. The site is approximately 2.23 hectares in size and is currently vacant except for two telecommunication masts, one to the northern boundary on the southeastern side and one to the south-eastern corner. The site is verdant in nature and is covered with well-maintained short grassland.
- 3.2 Suburban styled semi-detached properties lie to the west on Hillfoot Crescent, and to the south (in part) fronting Owlcotes Road. The properties on Owlcotes Gardens lie adjacent to part of the eastern boundary of the site. Adjacent to the site, to the north-east lies a Yorkshire Water covered reservoir which is open and verdant in nature, bound by a high metal fence and trees. Access to the reservoir is currently provided from the eastern corner of the application site. The locality is suburban in character with adjacent properties appeared to have been constructed in the 1950/ 60's. To the north of the site lies open green fields, which are designed as an Urban Green Corridor and other Protected Open Land, through saved UDP polices.
- 3.3 Level changes across the site are minimal. There is a gentle slope down from east to west and a total level difference of approximately 7m. There is an existing access from Owlcotes Road which provides maintenance access to the telecommunication masts and to the reservoir beyond the site to the north. The reservoir adjacent to the site is bound by a metal fence to its perimeter. There is a timber post and rail fence in the southeastern part of the site.

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

- 4.1 Outline planning consent for residential development, up to 77 units with the means of access, was granted on 10<sup>th</sup> September 2021 (Ref/ 21/10203/OT).
- 4.2 Planning consent was granted on 23rd October 2017, ref (17/02105/OT) for '*Outline application for residential development up to 12 dwellings including access*', for approximately 1/5 of this application site area. This consent has not been implemented.

### **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 The layout of the application has been altered since its original submission to address Officer concerns on the spacing, relationship between plots, and dominance/ amount of frontage parking, improved landscaping and tree planting. As a result, a total of 6 units have been omitted from the scheme since its original submission.

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

- 6.1 The application was originally publicised by 5 site notices which were posted adjacent to the site on 17<sup>th</sup> October 2022. A notice was also placed in the local press on 7<sup>th</sup>

October 2022, and letters of notification were sent out to all the contributors to the outline application.

6.2 To date 17 objections have been received from local residents. The points raised in these objections are highlighted below.

- The scheme lacks quality. Should provide a design appropriate to the locality
- No additional infrastructure to support this development
- Local schools and doctors cannot cope with additional population
- Access is dangerous, highway mitigation is required
- The proposal is totally contrary to the climate change emergency declared by Leeds City Council
- Brownfield land should be developed ahead of greenfield land
- The proposal has a 'low' biodiversity net gain
- Impact on traffic
  - Disruption for local residents during the build
- Proposal will endanger kestrels
- A 3m wide landscape buffer to the boundary with the properties located on Owlcotes Road should be included in the plans
- Noise from play area. This is not required, other play areas exist nearby
- A reduced palette of materials, would suit the area better
- Loss of view, privacy and loss of light to gardens of adjacent properties
- A solar glint assessment is required, to ensure glare doesn't affect drivers on Owlcotes Road
- The proposal could encourage anti-social behaviour
- Loss of wildlife and nature
- Traffic calming measures are required on Owlcotes Road
- Concern over possible contaminated as land was previously a quarry
- Local roads cannot cope with additional traffic
- Proposal will have a disproportionate. adverse impact on the health of an adjacent resident who has a protected characteristic

6.3 Ward Members Councillors Amanda and Andrew Carter have objected to the application on the following grounds.

- The site should not have been included for housing
- The existing green space has much local amenity value
- Potential to develop adjacent Green Belt land
- Proposed public space is not adequate
- Dwellings are sited too close to existing dwellings, causing privacy issues
- Off-site highway works are required to mitigate the development

## 7.0 CONSULTATION RESPONSES:

### 7.1 Contaminated Land

No new information has been submitted with this Reserved Matters application. Conditions placed on the outline consent are still outstanding.

### 7.2 West Yorkshire Archaeology Advisory Services

The scheduled monument of Owl Cote deserted medieval village lies 300m to the north of the application site but is not threatened by the development (National

Heritage List for England 1005779 and WYHER MWY1457). There is no requirement for archaeological work

7.3 Environmental Studies

No objection, the A647 is situated some distance away. No acoustic assessment is required

7.4 Yorkshire Water

No objections subject to conditions being imposed on the approval which relate to the protection of existing infrastructure, separate systems of drainage and no piped discharge.

7.5 Highways

No objections subject to conditions.

7.6 Mains Drainage

No new information has been submitted with this Reserved Matters application. Conditions placed on the outline consent, which restricts water discharge to 3.5 l/s still applies.

7.7 Landscape

Raised concerns on the size of the buffer to the Green Belt, amount of frontage parking, gradients and surveillance over the area of central green space.

7.8 Nature Conservation

The proposal although provides a net gain in bio-diversity hedgerow planting, overall the scheme provides a net loss of 4.39 habitat units or a biodiversity net loss of 60.77%.

7.9 Environmental Health

No objections, construction activities should be covered by planning conditions.

7.10 Design

No objection to the revised layout and house types.

**8.0 PLANNING POLICIES:**

8.1 Section 38 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.

Development Plan

8.2 The development plan for Leeds currently comprises the Core Strategy (as amended 2019), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), the Site Allocation Plan (2019) and the Natural Resources and Waste Local Plan (NRWLP) 2013, and any made Neighbourhood Plan (although there is no made neighbourhood plan for this area).

Relevant Policies from the Core Strategy are:

- SP1 Location of development in main urban areas on previously developed land.
- SP6 The Housing Requirement and Allocation of Housing Land
- SP7 Distribution of Housing land and Allocations
- H2 Housing development on non-allocated sites.

H3	Housing density
H4	Housing mix
H5	Affordable housing
H8	Housing for Independent Living
H9	Minimum Spacing Standards
H10	Accessible Housing Standards
P10	High quality design.
P12	Good landscaping.
T2	Accessibility.
G4	Greenspace
G8	Protection of Important Species and habitats
G9	Biodiversity improvements.
EN1	Climate Change – Carbon Dioxide Reduction
EN2	Sustainable design and construction
EN4	District heating
EN5	Managing flood risk.
EN7	Protection of mineral resources (coal, sand, gravel).
EN8	Electric Vehicle Charging Infrastructure
ID1	Implementaion and Delivery Mechanisms

8.3 Relevant Saved Policies from the UDP are:

GP5 – General planning considerations  
 N8 – Urban Green Corridor  
 N11 – Other Protected Open Land.  
 N23 – Incidental open space around development.  
 N24 – Landscaping between development and open land  
 N25 – Landscaping and site boundaries  
 BD5 – General amenity issues  
 LD1 – Landscaping

Relevant NRWLP Policies are:

8.4 GENERAL POLICY1 – Presumption in favour of sustainable development.  
 MINERALS3 – Surface Coal resources  
 AIR1 – Major development proposals to incorporate low emission measures.  
 WATER1 – Water efficiency, including incorporation of sustainable drainage  
 WATER4 – Effect of proposed development on flood risk.  
 WATER6 – Provision of Flood Risk Assessment.  
 WATER7 – No increase in surface water run-off, incorporate SUDs.  
 LAND1 – Land contamination to be dealt with.  
 LAND2 – Development should conserve trees and introduce new tree planting.

Supplementary Planning Guidance and Documents

8.5 The following SPGs and SPDs are relevant:

- SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds
- Neighbourhoods for Living Memoranda to 3<sup>rd</sup> Edition (2015)
- Transport SPD (2023)
- Travel Plans SPD (2023)
- Sustainable Design and Construction SPD: Building for Tomorrow Today
- Accessible Leeds SPD (2016)

National Planning Policy Framework

8.6 The National Planning Policy Framework was updated September in 2023 and sets out the Government's planning policies for England and how these are expected to be applied. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the Plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.

Given the nature of the application, the following paragraphs in the NPPF are considered relevant: -

Paragraph 65	Inclusion of Affordable Housing within new major housing developments
Paragraph 77	Ensure that proposals for new Housing are implemented in a timely manner
Paragraph 111	Seeks to ensure that any proposal has safe access and will not have a severe cumulative impact upon the site and wider area.
Paragraph 130	Relates to high quality developments that respect the distinctive character of a site and wider area. It also stresses the importance of design in creating good living conditions for existing and future occupants.
Paragraph 174	Planning decisions should contribute to and enhance the natural and local environment
Paragraph 180	Biodiversity should be integrated into the design of new developments and gives overall principles to be applied when determining planning applications with regard to biodiversity.

## 8.7 National Planning Practice Guidance

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:

- '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.

## 8.8 The Equality Act 2010

The Equality Act 2010, defines discrimination under the law as unfair treatment because of what it terms 'protected characteristics'.

As a decision maker, LPA's have a duty under the Equality Act to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations. In particular, the Public Sector Equality Duty states that public body must, in the exercise of its functions, have due regard to the need to:

1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In accordance with (2) above, a public body must also have due regard to the need to advance equality of opportunity persons who share a relevant protected characteristic and persons who do not share. This involves having due regard, in particular, to the need to:

1. remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
2. take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
3. encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

It is considered that the LPA have exercised its duties responsibly having regard to the Equality Act 2010 and the Public Sector Equality Duty in the assessment of this particular application, and have had due regard to the impact of the application on a nearby resident who shares a protected characteristic. More detail and assessment is provided in relation to this later in the Report.

## 9.0

### **MAIN ISSUES**

- Layout
- Layout/ Impact on adjacent Occupiers
- Layout- Highway Arrangement
- Appearance
- Scale
- Climate Change Emergency, Sustainability and Bio-Diversity
- Landscaping
- Public Sector Equality Duty

## 10.0

### **APPRAISAL**



10.1 The principle of this development has already been established through the granting of the outline planning permission for up to 77 units, with means of access. The site is allocated through the SAP as a Housing site (ref HG2-67). The appraisal of this application will therefore not re-assess matters granted through the outline consent such as the principle of development, means of access, and impact on the local highway network. Reserved Matters approval is sought for the appearance, landscaping, layout, and scale of the proposed development.

#### Layout

10.2 The layout of development has been subject of much negotiation between Officers and the applicants. A series of amendments have been made which have reduced the quantum of development to increase the spacing within the site, between the dwellings. It is now considered that the layout is acceptable. The amendments have re-sited the on-site green space so that it is now centrally located. A few of the properties proposed face onto this area of green space, which does provide a focal point for the development. The layout has also improved the patterning between the plots (with fewer house types) to provide a more cohesive appearance and a greater number of properties which feature side driveways with front garden areas, as opposed to frontage parking. The layout also provides an active frontage along the Owlcotes Road frontage with 3 properties orientated onto it.

10.3 The majority of the properties are semi-detached which matches the urban grain of the surrounding properties. It is considered the site provides a good degree of visual relief through the site and the proposal is not overly dense or cramped. There is a degree of frontage parking, however this is generally broken up by an adjacent property which does not have frontage parking, but which has a front soft landscaping area.

10.4 It is important to note that layout of the development and any design/ spacing aspirations must be considered in tandem with the need to provide a minimum density. Within urban areas, policy H3 of the adopted Core Strategy requires a minimum of 40 units per hectare. This development equates to 24.5 units per hectare. This is mainly due to the requirement not to develop over the mains water supplies. Therefore, increasing the space between the properties within the site would further increase the deviation from the requirements of policy H3. The proposal also provides a good mix of housing, which range from 1-bed to 4-bed and includes bungalows, dwellings and flats. The proposal does accord with policy H4 with regard to Housing Mix.

10.5 The centrally located open space includes trees which are adjacent to the highway, and the layout does include a number of street trees which are located adjacent to the spine road, but outside the curtilage of individual properties. This will enhance the quality, appearance and character of the development. A development of this housing mix at 54 units, generates a minimum on-site green space at 0.1975ha (following the formula of policy G4). This proposed layout provides on-site green space at 0.223. This exceeds the minimum requirements of G4.

10.6 All of the properties have their own private rear gardens, the majority of which are generous in size. The two blocks of flats, also have a dedicated garden area which is shared between 2 units. All of the units proposed meet the minimum spacing standards of policy H9. The size of each unit type is illustrated in the table in paragraph 2.2. It is therefore considered the proposal will offer a good degree of amenity to its future occupiers.

- 10.7 The application site is surrounded by dwellings to the south, located on Owlcotes Road, Hillfoot Crescent to the west, and Owlcotes Gardens to the east. The properties situated along Owlcotes Road have generous rear gardens, which vary between 18.5m and 21m in length. The existing properties situated on Owlcotes Road which are located opposite the proposed development, are numbers 74, 86, and 88. The application is also supported by sectional drawings which show the land levels and heights of the proposed properties, in relation to the existing dwellings which surround the site.
- 10.8 A landscaping buffer is proposed beyond the rear boundary of no 74, which includes retained trees. Beyond this, is the side elevation of plot 54. The blank side elevation of this plot faces towards the rear of no 74. The distance between the rear elevation of no 74, and the side elevation of Plot 54 is 26m. This far exceeds the minimum spacing standards of the adopted SPD 'Neighbourhoods for Living' which requires a minimum distance of 12m between opposite Main and Side elevations.
- 10.9 The side elevation of Plot 54, at its nearest point is also located 6.9m from the rear garden boundary of no 74. This also far exceeds the minimum spacing standards of the adopted SPD 'Neighbourhoods for Living' which requires a minimum distance of 2.5m between a side elevation and opposite side boundary.
- 10.10 Similar distances exist between the side blank gable of Plot 42, and the properties located opposite at no's 86 and 88, all of which significantly exceed the minimum spacing standards of 'Neighbourhoods for Living'. The development is also located to the north of these properties which further minimises the impact of the development.
- 10.11 A significant landscaping buffer is retained along the western boundary and the rear of the plots 35-39 lie approximately 45m from the nearest properties located along Hillfoot Crescent. This far exceeds any minimum spacing standards of 'Neighbourhoods for Living.'
- 10.12 The side elevation of Plot 7 faces opposite the rear of 14 Owlcotes Gardens. The distance between these properties varies between 13.2m and 16.4m. This side elevation is also located 8.8m away from the boundary with this property. This also exceeds the minimum spacing standards of the adopted SPD 'Neighbourhoods for Living' which requires a minimum of 12m between main and side elevations. The rear elevations of plots 3, 4 and 5 lie 12m from the side boundary of 58 Owlcotes Road and 16.9m from the actual side elevation of this property. These distances too, all exceed the minimum spacing requirements of 'Neighbourhoods for Living'. It is not considered that the proposed development would over-look or over-shadow any existing properties which surround the application site. The development is generously spaced and significantly exceeds all the minimum spacing requirements of the adopted SPD 'Neighbourhoods for Living'.

#### Layout- Highway Arrangement

- 10.13 The means of vehicular access into the site, was approved at the outline stage (up to 77 units). The revised layout plan now shows a mixture of tandem and double driveways, which are acceptable. Bin and cycle stores have also been shown. Plots 1 and 2 parking is proposed directly off Owlcotes Road. The driveways are large enough to allow for a vehicle to turn within or designed as such so that drivers don't have to reverse directly on to Owlcotes Road.
- 10.14 The Section 38 Highways Adoption team confirmed that the submission consists of mostly Type 2 Local Residential Streets, meeting the requirements of the Transport SPD. Further information will be required regarding the surface materials and some

amendments to the kerb edging and tie-ins, which could be dealt with as part of the Section 38 process.

- 10.15 The overall level of car parking provision across the site is acceptable. The driveway dimensions are also acceptable. All driveway / parking spaces will need to be fitted with Electric Vehicle Charge Points (EVCP). This was secured through a planning condition placed on the outline planning consent, along with other standard highway conditions which relate to surfacing etc.

#### Appearance

- 10.16 The design of the properties has been amended to introduce features such as artstone cills and heads to all window openings (initially these were only proposed on the front windows), bay windows and additional windows to side elevations on corner plots (to reduce the general massing of the development) which also aids natural surveillance. Some properties feature bay windows and entrance canopies. The range of house types has been reduced to provide an increasingly cohesive and distinct appearance, with an increased degree of character and uniformity.
- 10.17 The proposed use of brick and re-constituted stone is appropriate given the location of the site and the appearance of surroundings properties. Conditions for the exact materials were conditioned on the outline consent. The properties feature overhanging eaves and vertical rendered sections which add a degree of visual interest to the properties, whilst reducing their massing. Where properties are located at prominent junctions within the site, the side elevations feature large main windows to provide dual frontages, to avoid stark blank elevations. This also improves the degree of surveillance throughout the site. Overall, it is considered that the proposal complies with policy P10.

#### Scale

- 10.18 As stated in paragraph 10.4, the scale of development falls under minimum density requirements of H3. However, this is mainly due to the need to leave land over water mains undeveloped. The development matches the scale of the surrounding dwellings in terms of their height, footprint, general massing and roof pitch etc. It is considered that the development is of an appropriate scale.

#### Climate Change Emergency, Sustainability and Bio-Diversity

- 10.19 Leeds City Council declared a climate emergency on the 27th March 2019 in response to the UN's report on Climate Change. The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear at paragraph 152 that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
- 10.20 As part of the Council's Best Council Plan 2019/20 to 2020/21, the Council seeks to promote a less wasteful, low carbon economy. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.
- 10.21 The Site Allocation Plan (SAP) was formally adopted on the 10th of July 2019. This application site was not previously designated as Green Belt in the UDP but was UDPR (2006) Policy N11 Rural Land. As part of the examination process, the Inspectors considered whether the Council's site selection process was sound. Paragraph 109 of their report refers to their conclusion:

*The overall process represents a sound approach to identifying those sites considered to represent the best and most sustainable choice for development in each HMCA to contribute to the target requirement.*

- 10.22 The Inspector therefore found the site HG2-67 as one of the best and most sustainable choices for development within the Outer West HMCA to meet the area's housing need. As part of the SAP process each site is scored on its sustainability, through a Sustainability Appraisal (SA). With the SA the site scored positively in sustainability terms for key indicators including SA3 (Education), SA4 (Health), SA15 (Transport network) and SA16 (local needs met locally). The SA is scored on 22 topics and only scored negatively on 2 topics, SA11 (Greenfield/ Brownfield) and SA21 (Impact on the Historic Environment).
- 10.23 The application site also scored highly in the SA when considered against the SA scores of the other sites that are allocated within the SAP and Outer West Area. The site scored 5/5 for highways accessibility. The SAP Infrastructure background paper defines:
- Accessibility to public transport - rank of 5/5 as it 'Meets Core Strategy accessibility standards with good footway network and walking distance of local services'.
  - Highway Access - rank of 5/5 as it has 'Adequate frontage/s for suitable access/s and visibility splays within site / adopted highway'
  - Impact on Local highway network - rank of 4/5 as it has 'Spare local capacity and suitable network but likely cumulative impact issues'.
- 10.24 The declaration of the Climate Change Emergency does not preclude new build housing on green field sites. The Council has a duty, following the advice of the NPPF to have a 5-year supply of housing across the city and the adopted SAP and Core Strategy enables the Local Planning Authority to have an up-to-date plan with sufficient housing to be delivered over the Development Plan period. However, the refusal of housing sites that have been identified and allocated in the Plan jeopardises the LPA's 5-year housing supply and erodes the effectiveness of the Development Plan. This in turn could mean development outside of the SAP will need to be considered in future and piecemeal development is likely to prevail that will not contribute significantly towards local infrastructure, due to their individual scale and nature.
- 10.25 The application is also supported by an Energy Statement, which outlines the measures incorporated not the scheme to achieve Carbon Dioxide Reduction. The proposal includes Solar PV panels to all plots, which overall is predicted to provide 40% of the site energy demand. This far exceeds the minimum requirements of policy EN1 which states 10% of energy should be provide on-site. This is a real benefit, and positive trait of the development that all future occupiers would benefit from, due to reduced running costs.
- 10.26 The applicants, Leeds Federated Housing Association have adopted an energy efficient and Low and Zero Carbon approach which achieves a 20.62% reduction in predicted CO<sub>2</sub> emissions on the site. The reduction in CO<sub>2</sub> is due to the increased thermal performance of the building envelope along with controlled ventilation, solar PV panels and waste water heat recovery systems evidenced within the energy specification.
- 10.27 The application has been supported by a 'Ecological Impact Assessment.' This includes Biodiversity Net Gain calculations. This is summarised below.

- Baseline Habitat Units = 7.23 (6.84 to lose, 0.24 to retain, 0.15 to enhance)
- Post-development Habitat Units = 2.83 (0.24 retained, 2.27 created, 0.32 following enhancement)
- The figures provided in the EclA and Calculation Tool indicate the scheme will result in a reduction of 4.39 habitat units or a biodiversity net loss of 60.77%.
- Baseline Hedgerow Units = 0
- Post-development Hedgerow Units = 0.95 (0.95 created)
- The figures provided in the EclA and Calculation Tool indicate the scheme will result in an uplift of 0.95 hedgerow units or an acceptable level of biodiversity net gain for hedgerow units.

10.28 The proposal does result in a biodiversity net loss of 60.77% and is therefore not compliant with Policy G9 or NPPF to achieve a measurable net gain for biodiversity. The mitigation for 4.4 units x £25,000, equates to £110,000. However, as this application is for Reserved Matters only, this sum cannot be secured through a Section 106 Agreement and there were no related planning conditions attached to the outline permission. Notwithstanding that, this issue needs to be considered in the overall planning balance, notably the fact outline permission exists for up to 77 units, alongside the benefits of the application which include 100% Affordable Housing provision, which significantly exceeds the policy requirements of 15% within this locality.

#### Landscaping

10.29 All of the trees upon the site are situated around the site perimeters. The application has been supported by a full Tree Survey, which has revealed a total of fifteen individual trees and seven groups of trees. Of these, six trees/groups were identified as retention category 'B' and sixteen trees/groups were identified as retention category 'C'. There was no retention category 'A' or 'U' trees identified. Light pruning works have been recommended to one tree on this site, for reasons of public safety and to ensure the long-term health of this tree. Two category 'C' trees are proposed for removal. Conditions were imposed on the outline application for the retention and protection of the trees on site.

10.30 The proposal does include significant new tree planting, 86 trees in total. 35 of these are defined as 'Extra Heavy Standard' being 4.25m – 6m in height. The remaining 51 are defined as 'standard' and are between 3m and 3.5m in height. These significantly exceed the requirements of policy LAND2, which requires replacement tree planting at a 3:1 ratio. The proposal includes a landscaping buffer between plot 54 and the existing property at 74 Owlcotes Road which includes the planting of 2 new trees and mixed native hedgerow planting. Conditions for landscape management and tree protection were imposed on the Outline approval.

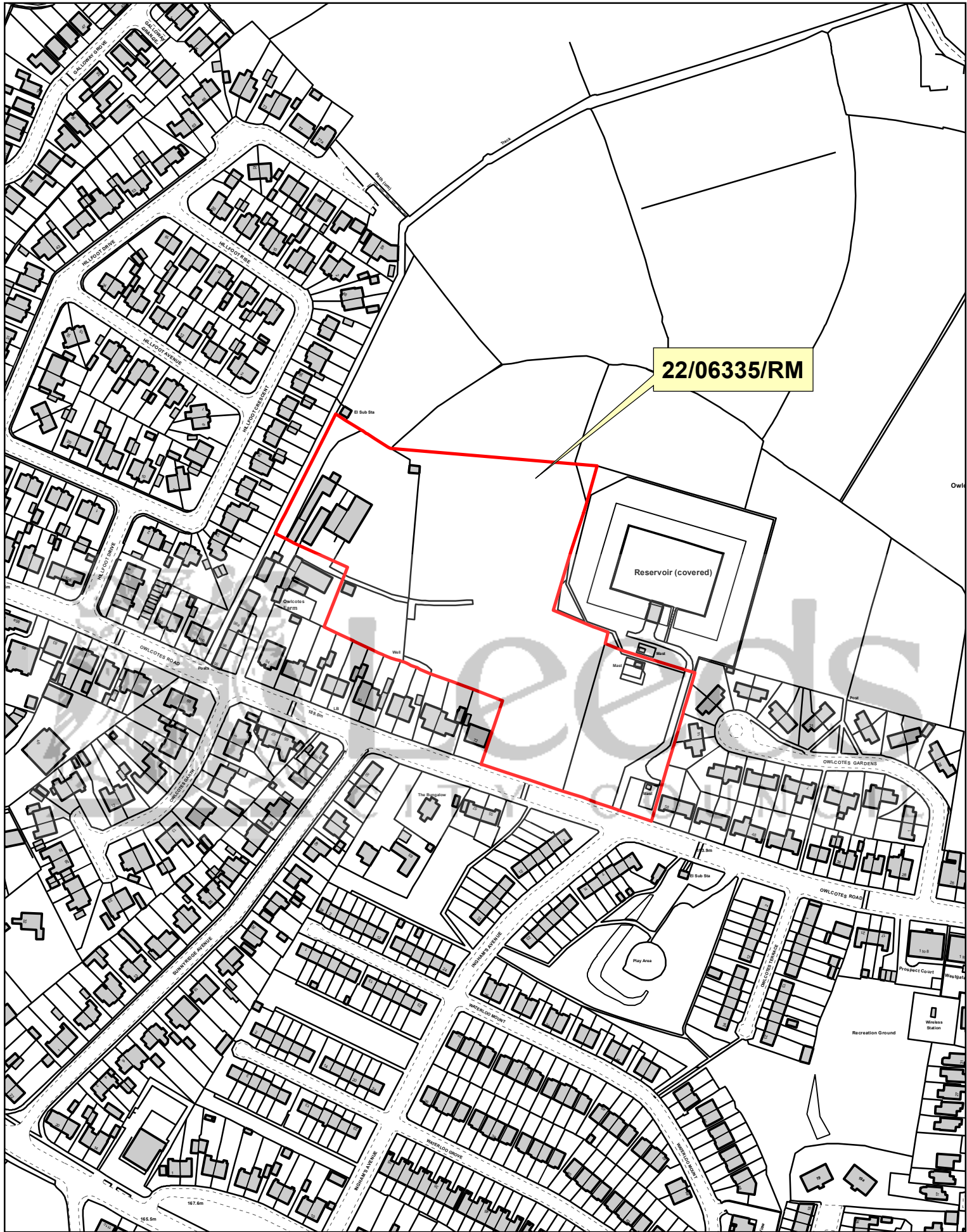
#### Public Sector Equality Duty - Impact on Community and Mitigation Measures Proposed

10.31 This section looks in more detail at the impact on the Community that the development causes, and whether the Council fulfils its duty under the Public Sector Equality Duty to ensure its actions do not disproportionately affect a group of people. The proposal is considered here in terms of the existing and future residents with protected characteristics and whether they would be impacted negatively or positively. It is concluded that these impacts have been reasonably considered and addressed and that the Council has discharged its duties responsibly.

- 10.32 An objector has stated that the proposal would disproportionately affect their family, as a family member suffers from a life-threatening medical condition. Under the Equality Act, such an illness is defined as a Disability under the protected characteristics. The Local Planning Authority therefore have conducted an Equality Impact Assessment, in response to this. This Assessment illustrates that the LPA have considered the impact with regard to equality, diversity, cohesion and integration.
- 10.33 The application has been amended considering the comments/ objection received from the family to minimise the impact of the development on their property and family member. The proposed plot located to the rear of their property has been rotated around by 90 degrees, to ensure a side gable end faces towards their rear garden, and not a main façade as previously proposed. This will ensure an increasing degree of privacy on this household. Officers have also negotiated the inclusion of a landscaping buffer, located at the end of this properties rear garden, located between the existing house and the proposed new development. This will also provide a visual screening function to the new development. The distances between this property and the nearest new build (proposed through this application) far exceed the minimum spacing standards of the adopted SPD 'Neighbourhoods for Living'. See paragraph 10.8 of this report.
- 10.34 Planning conditions were imposed on the Outline consent (no's 11 and 12 of 21/10203/OT) which related to details to minimize the impact through Construction, and a restriction on construction hours, and means to control dust. As such there is no need to repeat this condition on this Reserved Matters application. However, a requirement to erect hoarding along the boundary during the construction process will be imposed on this application.
- 10.35 The proposal is for an 100% affordable housing scheme which will provide much needed housing to groups of people (many of whom have protected characteristics) who cannot access private market housing. It is considered overall the proposal will have a positive impact on the potential to bring groups/communities into increased contact with each other. The proposal includes a mix of housing types, bungalows, flat and houses to accommodate a range of persons, of different ages, who have different protected characteristics. For example, the bungalows are designed for wheelchair users. Although the objector protected characteristic is 'disability', the proposal would have the potential to benefit other disabled persons.
- Other issues- matters raised by representations.
- 10.36 Many issues raised by the objections received are not relevant to this Reserve Matters application. The principle and means of access of this application have already been established through the granting of Outline Planning consent, and therefore is not a consideration of this application, nor is the loss of greenfield land.
- 10.37 There is no evidence to suggest the proposal would create anti-social behaviour, or excessive levels of noise from children playing. As discussed in paragraph 10.17 it is considered that the proposal would provide good levels of natural surveillance within the site which would discourage anti-social behaviour and crime. There is no requirement for the applicants to submit a solar glare assessment.
- 10.38 All of the others matters raised in the representations, such as design concerns, layout, potential over-looking and impact on wildlife and nature have been previously addressed in this report.

## **11.0 CONCLUSION**

- 11.1 As discussed above, the principle of the development for housing on this site is supported by the up-to-date Local Plan and the adopted SAP. The proposal is in accordance with the existing site allocations and this was afforded very significant weight in consideration of the outline application. This is such that the proposals here are bringing forward the Reserved Matters of appearance, landscaping, layout, and scale for consideration and determination by Members.
- 11.2 The development will provide much needed Affordable Housing, within a quality designed, and spaced development, which includes on-site open green space. The benefits of this, are considered to outweigh any harm caused by a net loss of biodiversity. With consideration being given to all other matters, the application is recommended to be deferred and delegated to the Chief Planning Officer for approval, subject to the conditions noted (and any amendment to or addition of others that he in his discretion deems appropriate).



22/06335/RM

Reservoir (covered)

# SOUTH AND WEST PLANS PANEL









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# PLANS PANEL PRESENTATION

SCALE 1:5500





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## Report of the Chief Planning Officer

### SOUTH & WEST PLANS PANEL

Date: 28<sup>th</sup> September 2023

Subject: - 22/07648/FU Application for the erection of a 120 capacity Wedding Venue, 40 Holiday Lodges, and a Cafe/Community Hub building at Fleet Lane Oulton Leeds LS26

Applicant - The Ashcourt Group

#### Electoral Wards Affected:

Oulton and Rothwell

Ward Members have been consulted.

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:** Members are requested to note the contents of this report and presentation and to provide views in relation to the questions posed to aid the progression of these applications. **This report is brought to Plans seeking members views on the loss of a protected wharf site, the openness of the Green Belt, flood risk and accessibility, all of which speak to the principle of development.**

#### INTRODUCTION:

- 1 This report seeks Members' views on the redevelopment of a former oil storage depot to create a 120 capacity Wedding Venue, 40 Holiday Lodges, and a Cafe/Community Hub building. The scheme is brought to South & West Plans Panel (as the proposal is a departure from the Development Plan) to allow Panel Members to make comments that will inform the progression of the scheme.

#### SITE AND SURROUNDINGS:

- 2 The site is a fuel depot, currently unused for that purpose, situated within the Green Belt between Woodlesford and Allerton Bywater. The site is situated on a portion of land surrounded by the River Aire and the Aire and Calder Navigation. The site is allocated in the Natural Resources and Waste DPD as a protected wharf under policy Minerals 13.
- 3 The River Aire runs adjacent to the east, beyond which is St Aidans Nature Reserve, managed by the RSPB. The Aire and Calder Navigation runs adjacent to the west and the site contains wharves once used for the import and export of fuel by canal. Lemonroyd Marina sits 210m to the south. The site itself contains areas of hardstanding including two storage sheds, a stone-built workshop and a brick-built office building. There are also five large metal fuel tanks, approximately 10m in height.
- 4 The main point of access into the site is via Fleet Lane although a number of public footpaths surround the wider site and provide pedestrian/cycle paths (Trans Pennine Way). The site is surrounded by open green space and is to the south east of Oulton and Woodlesford. The closest train station is 2.8km away and the nearest bus stop is 1.9km away.

### **PROPOSAL:**

- 5 The proposed development seeks to create a 120 capacity wedding venue with 40 holiday lodges (1, 2 and 4 bedroom) and a café/community centre. Accompanying this would be 86 on site car parking spaces within the main development site and additional public parking added to existing parking areas off Fleet Lane. Cycle parking would also be provided on site and at the community café.
- 6 The change in the use of the site will redevelop what is currently a vacant industrial site into a contemporary leisure destination with increased planting, biodiversity and water features. The design of the wedding venue combines both rural and contemporary aesthetics through its use of materials and design. The floor area of the venue will be 787m<sup>2</sup>. The community hub/café is a simple contemporary design with a flat roof to lessen its impact on the wider site and a floor area of 230m<sup>2</sup>. The lodges are designed with a contemporary aesthetic with a monopitched or flat roof and floor area of between 25m<sup>2</sup> and 101m<sup>2</sup>. There are similarities in the materials proposed for both the wedding venue, lodges and community hub/café to provide continuity throughout the site.

### **RELEVANT PLANNING HISTORY:**

- 7 The following are considered to be of relevance:

PREAPP/21/00328 - Leisure hub, lodges, community cafe / sports hub, additional public car parking plus associated landscaping and ecological benefits.

12/03365/HAZ - Hazardous Substances Consent for the on-site storage of petroleum products (kerosene, diesel and gas oil). Application Withdrawn

06/01201/FU - Retrospective application for change of use of trailer and container storage site to LPG cylinder storage and distribution, with detached, single storey office unit. Application Approved

22/296/05/RE - Renewal of permission to erect detached two storey office block. Application Withdrawn

## **HISTORY OF NEGOTIATIONS:**

- 8 Initial proposals were the subject of a pre-application enquiry in 2021 (PREAPP/21/00328) a meeting was held with relevant consultees where all concerns with the application were raised.
- 9 The main issues highlighted through the pre application process were; flood risk, green belt, wharf use, employment use, town centre uses and waterways related leisure development.
- 10 Following the pre application meeting the applicant held two public consultation events with local councillors and members of the public. The applicant notes that the feedback from both public consultations were positive and supportive.

## **PUBLIC RESPONSE:**

- 11 Local Comments of support
- The proposal would improve a derelict industrial site
  - Support the area which has become used more for leisure
  - Other sites are better for HGV traffic movements closer into the city centre
  - Community hub would improve the canal
  - Employment opportunities
  - Improvements for vehicle movements and pedestrian and cycle safety
  - Less dust and noise from HGV vehicle movements
- 12 Local Comments of Objection
- Wedding venues create noise
  - Large volumes of people attend
  - Noise is generally generated at unsociable hours
  - Noise is hard to contain in the building without it spilling out
  - Potential impact on birds and wildlife through noise pollution – (RSPB St Aidans)
  - No consideration to traffic increase from the venue
  - Would support an industrial use
  - Potential increase in footfall and litter on canal paths and woodland from customers
- 13 Swilington Ings Bird Group – General comment
- The ecological report underestimates the biodiversity and importance of RSPB St Aidans
  - Rare birds reside at RSPB St Aidans
  - The main threat from the development would be noise
  - Species of bats have been recorded at St Aidans and nearby
  - There is evidence of otter activity in the area as well as other mammals
  - The design and access statement does not make reference to planting flowering plants
  - Nest boxes provide nest sites for already dominant species
  - Incorporating nesting into the design of building would be beneficial
- 14 Leeds Civic Trust – Support
- Support removing a local eyesore
  - Welcome the provision of a community facility
  - Consideration should be given to a walking and cycling route on Fleet Lane
  - Welcome the idea of a water taxi for the public

- PVs should be incorporated
- Works to footpaths should be clarified
- Error on plans showing woodland into the River Aire
- Access to RSPB St Aidans not shown

15 Commercial Boat Operators Association – Object

- Wharf is safeguarded under NLWLP
- The Aire and Calder Navigation is a priority freight route
- The Fleet Lane site is strategically important
- A wharf access must be maintained
- The economic plan misses out the increase in road haulage costs which would close the viability gap
- Modal shift revenue support should be provided
- Vehicle movements would be generated from the use of the wedding venue
- Water transport reduces road freight and carbon emissions
- Barges can carry more loads than HGVs
- Barges generate less noise

16 West Riding Branch of Inland Waterways Association – Object

- Wharf is safeguarded under NLWLP
- The Aire and Calder Navigation is a priority freight route
- Shortage in freight capacity
- The Fleet Lane site is an energy efficient transport route linking the Humber ports to WY
- The economic plan misses out green economy and CO2 reduction benefits
- Modal shift revenue support should be provided
- Greater vehicle movements would be generated from the use of the wedding venue
- Water transport reduces road freight and carbon emissions

17 Oulton and Woodlesford Neighbourhood Forum - Support

Complies with following policies from the Neighbourhood Plan

- GE2b green infrastructure
- GE4 Improve on-motorised access
- BE1 New business and employment development
- A new eco leisure hub
- Regenerating a brownfield site
- BREEAM excellent rating for the central building
- New parking areas for residents
- Jobs for local people
- Public access to facilities
- Better pedestrian links

## CONSULTATION RESPONSES:

### Non-Statutory

18 **Highways** – Further information required to be able to give full assessment

19 **Flood Risk Management** – No objection.

20 **Contaminated Land** – No objection, site specific conditions required.

21 **Landscape** – Concerns with the loss of tree T1.

22 **Policy** – Objections regarding flood risk sequential test, town centre sequential test, loss of wharf, impact on openness of green belt and sustainability of location.

- 23 **Access Officer** – Objections to lack of accessible accommodation and toilets.
- 24 **Climate and Energy** – No objection.
- 25 **Public Rights of Way** – Cycle and footway routes need to be resurfaced and improved and access barriers removed. A crossing near Woodlesford Rail Station would improve walking and cycle links.
- 26 **Ecology** – Further information required to fully assess the proposal.
- 27 **Minerals Team** – Object due to loss of the wharf.
- 28 **Design Team** – Supports the design and improvement the proposal would bring to the area.
- 29 **Transpennine Rail** – Further information required.
- 30 **Environmental Health** – No objection, noise report should be submitted to inform on design and suitability of the use near by dwellings and narrowboats as well as on nesting birds nearby.
- 31 **Environmental Studies Transport** – No objection.

Statutory

- 32 **The Environment Agency** – Object due to tree planting shown on plan within River and lack of information surrounding FRA.
- 33 **Yorkshire Water** – no objection.
- 34 **The Coal Authority** – no objection.
- 35 **Canal and River Trust** – Object due to insufficient information in relation to flood risk.

**RELEVANT PLANNING POLICIES:**

- 36 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 37 The development plan for this part of Leeds is made up of the adopted Core Strategy (as amended 2019), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), Site Allocations Plan (2019) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

Core Strategy:

- 38 Relevant policies from the Core Strategy are:
- SP1: Location of development
  - P8: Sequential and Impact Assessment for main town centre uses
  - P9: Community facilities and other services
  - P10: Design
  - P12: Landscape
  - T2: Accessibility requirements and new development

- G1: Enhancing and extending green infrastructure
- G4: New greenspace provision
- G6: Protection and redevelopment of existing green space
- G8: Nature Conservation
- G9: Biodiversity improvements
- EN1: Carbon Dioxide reductions
- EN2: Sustainable design and construction
- EN5: Managing flood risk
- EN8: Electric Vehicle Charging

Unitary Development Plan (UDP) Review:

- 39 Relevant policies are:
- GP5: General planning considerations
  - GB21: Holiday accommodation in the green belt
  - N23: Landscape design
  - N25: Boundary treatment
  - BD2: Design and siting of new buildings
  - BD3: Disabled Access in new buildings
  - Bd4: Plant equipment and service areas
  - BD5: Design considerations for new build
  - BD14: Floodlighting
  - LD1: Landscape schemes

Natural Resources and Waste Local Plan:

- 40 Relevant policies are:
- GP1: Presumption in favour of sustainable development.
  - AIR1: Major development proposals to incorporate low emission measures.
  - WATER1: Water efficiency, including incorporation of sustainable drainage
  - WATER 4: Development in flood risk areas
  - WATER 6: Flood Risk Assessments
  - WATER7: No increase in surface water run-off, incorporate SUDs.
  - LAND1: Land contamination to be dealt with.
  - LAND2: Development should conserve trees and introduce new tree planting.
  - MINERALS3: Coal Safeguarding Area
  - MINERALS13: Transport Modes
  - MINERALS14: Criteria for Assessing Alternative Development on Protected Wharves
  - WASTE11: Landfill and landraising sites

Site Allocations Plan

- 41 The entire site is identified as Green Belt in the SAP.

Supplementary Planning Guidance and Documents

- 42 The following SPGs and SPDs are relevant:
- Parking SPD
  - Travel Plans SPD
  - Accessible Leeds SPD
  - Building for Tomorrow Today – Sustainable Design and Construction

National Planning Policy

- 43 The revised National Planning Policy Framework (NPPF), published in 2023 and the National Planning Practice Guidance (NPPG), published March 2014, sets out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of



Sustainable Development. The NPPF must be taken into account in preparing the Development Plan and is a material consideration in planning decisions. Relevant paragraphs are highlighted below.

Paragraphs 11 and 12	Presumption in favour of sustainable development
Paragraph 92	Planning decisions should aim to achieve healthy, inclusive and safe places
Paragraph 110	Sustainable modes of Transport
Paragraph 112	Priority first to pedestrian and cycle movements
Paragraph 113	Requirement for Transport Assessment
Paragraph 119	Effective use of land
Paragraph 127	Need for Good design which is sympathetic to local character and history
Paragraph 134	Planning permission should be refused for poor design
Paragraph 137	Importance of the Green Belt
Paragraph 149	Exceptions to inappropriate development in the greenbelt
Paragraph 159	Inappropriate development in areas of flood risk
Paragraph 162	Aim of sequential test
Paragraph 163	Application of exception test
Paragraph 174	Planning decisions should contribute to and enhance the natural and local environment

#### Climate Emergency

- 44 The Council declared a climate emergency on the 27<sup>th</sup> March 2019 in response to the UN's report on Climate Change.
- 45 The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear at paragraph 152 and within Footnote 53 that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
- 46 As part of the Council's Best Council Plan 2020-2025, the Council seeks to promote a less wasteful, low carbon economy. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

#### **KEY ISSUES**

##### Principle of change of use

- 47 As noted the application seeks to redevelop a former fuel depot site and create a wedding venue and holiday lodge park. As will be set out below the application engages several matters which relate to the principle of development. These are, the loss of a protected wharf site, the impact upon the openness of the Green Belt, Flood Risk, and accessibility / sustainability. As will be set out below, officers consider that the application is contrary to relevant polices in all these respects. The applicant has requested that the proposal be presented to panel, to seek members views on these four areas. This report therefore poses five questions which are detailed after each main heading.
- 48 Other relevant material planning considerations, such as residential amenity, highway safety and drainage will be addressed, to ensure members are fully informed of the main material issues.

#### **Green Belt considerations:**

- 49 As set out within national Green Belt policy, development within the Green Belt is inappropriate unless it falls within one of the exceptions within paragraphs 149 or 150 of the Framework. The application is the redevelopment of a brownfield site, involving a change of use, the raising of land levels and the construction of new buildings. The application also involves the creation of a car park on land which lies outside the former fuel depot, and is undeveloped Green Belt land. The redevelopment of previously developed land under paragraph 149, requires that the development does not have a greater impact upon the openness of the Green Belt, and any change of use under paragraph 150 both require that the openness of the Green Belt is preserved. On this latter point, case law has established that 'preserve' should be understood as having its ordinary dictionary definition, and where harm to openness is identified, even if this is minor, or marginal harm, then openness cannot be said to be preserved. Openness itself is well established concept, having both visual and spatial aspects, and capable of being impact through the use and operation of land, as well as structures and new buildings.
- 50 The redevelopment of the site will remove the remaining structures and the applicant's planning statement suggests the current built form on site (including the buildings, warehouses, storage tanks etc) has a combined volume of 15,812 m<sup>3</sup>. Comparatively, the proposal would result in a total volume of 12,887 m<sup>3</sup> of built development across the site, covering an area of 2,954 m<sup>3</sup>. This suggests that there will be an improvement in openness. However, as set out within the consultation response of policy colleagues, it is not clear that this figure includes the volume of the land level raise, and the applicant has thus far failed to clarify this point. It is therefore possible that there is no overall reduction in volume. Furthermore, volume is only one measure by which openness can be judged, and matters such as the concentration of development and the spread across a site are also relevant. As can be seen from the comparative massing plans, the development will introduce new structures into areas of the site which are currently open and undeveloped. The new buildings will be lesser in height than the large storage tanks, but in the main new buildings are more extensive and more elevated than existing structures, and take up a far greater site area.
- 51 The proposed land raising across the whole of the site, which will raise the development platform, in some places by 3-4m. The proposed buildings will therefore be at a greater height and have a greater visual impact on openness of the Green Belt than the existing. The comparative massing plans clearly show the spread of the buildings will result in a denser site development, with very few open sightlines through the development. The ground level increase of the development platform coupled with the dispersal of buildings across the entirety of the means that new buildings have a harmful impact upon openness, and this cannot be said to be preserved.
- 52 Further to the above, it is considered that the degree of activity that will occur on this site, following the proposed development, would significantly exceed that associated with the former use of the site. The Planning Statement suggests that 4,550 wedding guests will attend the venue per year, along with 31,000-42,000 lodge guests, 10,200 café/community hub visitors and 720 community visitors. This amounts to a significant number of people visiting and staying on the site, with multiple trips to and from the venue by car on a daily basis being likely to occur, particularly at weekends. This is level of activity, which will also likely occur over a much larger period of each day relative to the previous use will have a harmful impact upon the openness of the Green Belt in this location.
- 53 It is therefore not possible to conclude that the development preserves openness. It is not clear that there will be an overall reduction in volume, the massing plans clearly demonstrate that the new buildings occupy a greater spread across the site, and the level of activity and movement will also negatively impact openness. The development therefore

does not meet any of the exceptions and is inappropriate. The introduction of a carpark outside the existing developed area does not fall within one of the exceptions, and is therefore also inappropriate.

- 54 Specific policy on holiday accommodation in the Green Belt is also provided by policy GB21 of the UDP. This states that permanent holiday accommodation will not be permitted in the Green Belt. It is noted that the policy pre-dates and lacks some consistency with the NPPF which tends to be more openly worded. As such the policy is afforded reduced weight, however it nevertheless remains a saved policy within the Development Plan and its overall aims generally accord with the objectives of national policy for the Green Belt. The development would also be contrary to this policy.
- 55 As the application is inappropriate it is harmful by definition, and should not be approved unless there are other considerations, which clearly outweigh the totality of all identified harms, such that the necessary very special circumstances (VSC) are said to exist. As will be set out below, additional to the identified Green Belt harms, the development will result in the loss of an employment site, the loss of a protected wharf site, will likely increase the risk of off-site flooding, and is not sustainable or accessible. The development may well also cause harm to residential amenity. Other matters such as highway safety, land contamination and drainage do not raise significant policy conflicts and are neutral in the overall balance.
- 56 The applicant has made reference to a fall-back position, noting that a storage and distribution use could potentially commence without planning permission, and that this would have negative impacts, such as to visual amenity. The applicant considers this fall back development to be more harmful than the wedding venue proposal, and suggest this justifies their proposal. Officers disagree. The question of what weight should be given to a fall back position has been settled by the courts, and generally three tests are applied which help to judge whether there is a real prospect of an alternative development being pursued. These are the lawfulness of the development, whether there is a likelihood or real prospect of the development occurring, and the similarity of the proposals.
- 57 As the site is currently considered to be in a mixed use, and thus is sui-generis officers are not convinced that any such use could commence without planning permission, thus no such use would be lawful. In attempting to demonstrate that the site should not be safeguarded as a wharf, the applicant's own evidence suggests that a storage and distribution use is not viable, thus officers cannot be convinced there is a likelihood of this alternative development being proposed. Furthermore, the developments are not similar. A storage and distribution use has a very different character and impacts, than a wedding venue, and they would not be comparable in form nor function. Equally, a storage and distribution use in connection with the wharf would have far fewer policy conflicts, and flood risk concerns would be substantially lesser. Thus, it is not considered that there is a real prospect of a fall-back being pursued should this application be refused planning permission, and this can be given very limited weight.
- 58 There are some benefits to the proposal. The development is likely to result in a visual improvement to the site through the increased landscaping, and the removal of industrial structures. The current proposal could also result in a reduction in noise, smells, dust, vehicle movements and other operational impacts compared to the former development, albeit this can be given only very limited weight as the former use has ceased. The development would also provide a larger carpark to facilitate use of surrounding footpaths, and the café / community centre is capable of being a benefit. However, with no community use agreement proposed, this is an ambition of the applicant only, and can be given very limited weight. The development will also have some economic benefit, during the build and as an ongoing employment site, albeit this same benefit would occur if it was retained

in its employment use, and thus the ongoing economic benefits can be given very limited weight.

59 Thus, the application causes harm the Green Belt, to which substantial weight must be given. The application also causes harm to an employment site, causes harm to a protected wharf site, will cause harm to flood prevention through increased off-site flood risk, may cause harm to residential amenity, and is in an unsustainable location. Many of these are harms to which significant weight must be given. The improved visual appearance of the site, the possible community benefit, the economic benefit and the possible fall-back cannot be said to outweigh the identified harms. Officers therefore consider that the necessary VSC do not exist, and the application does not satisfy national Green Belt Policy.

60 **Question 1: Do Members agree that Green Belt policy is not satisfied?**

Flood Risk:

61 The proposal site falls within the Leeds SFRA Flood Zone 3a, and thus is at the highest risk of flooding, outside land on a functional flood plane. Policy Water 4 stipulates that, within zones 2 and 3a, proposals must:

- Pass the Sequential Test and if necessary the Exceptions Test as required by the NPPF.
- Make space within the site for storage of flood water, the extent of which to be determined by the Flood Risk Assessment.
- Must not create an increase in flood risk elsewhere.

62 The proposal also involves ground raising in flood zone 3. The Flood Risk Assessment provided by the applicant does not adequately assess the flood risks posed by the development. Further to this it fails to demonstrate that the development will not increase flood risk to others, indeed the applicant's own FRA concludes there will be an increase in off-site flood risk. The Environment Agency have been consulted with regard to the proposal and object on the above grounds. Therefore the proposal fails to meet the requirements of policy Water 4. This will be explored below.

Flood Risk Sequential Test and Exception Test

63 NRWLP Policy Water 4 requires all developments to consider their effect on flood risk, both on-site and off-site the detail of which should be commensurate with the scale and impact of the development. Furthermore, within zones 2 and 3a proposals must pass the Sequential Test and if necessary the Exceptions Test as required by the NPPF. As well as make space within the site for storage of flood water, the extent of which to be determined by the Flood Risk Assessment. Further to this the development must not create an increase in flood risk elsewhere. These tests are designed to ensure that development in high risk areas only occurs if there are no other available sites (the sequential test), and if it can be demonstrated that the site will be safe its use, and the use of adjacent land (the exception test).

64 The NPPF (para,159) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 162 notes that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding. 163. If it is not possible for development to be located in areas

with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.

- 65 The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. 165. Both elements of the exception test should be satisfied for development to be allocated or permitted.
- 66 In accordance with Paragraph 162 of the NPPF, development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. This advice is echoed in Natural Resources and Waste Local Plan Policy Water 4, which, together with the Framework, should be used to consider whether this is an acceptable location for the proposed uses given the flood risk. The applicant has carried out a flood risk sequential test assessment to address this but officers are not satisfied with its content.
- 67 The area of search for the sequential test is the district of Leeds. The applicant's sequential test report states that for sites to 'to be reasonably available, it is considered that potential alternative sites should either be owned by the applicant, for sale or publicly owned'. This definition is not reflective of national planning policy guidance or any other agreed guidance. The ownership of the site by the applicant is not relevant to a consideration of appropriate land uses. However, a market search of sites for sale is relevant and this has been carried out by the applicant and has identified two alternative sites.
- 68 One site at Kirkstall Brewery has been discounted as the applicant states that groundwater and surface water issues mean that the site is at greater flood risk than the application site (the discounted site is in flood zone 1 for river flooding). The NPPF makes clear that the sequential test should apply to all sources of flooding, however it does not indicate the order of preference, it does state that 'more vulnerable' uses are not appropriate in river flood zone 3. Sites with surface water and ground water issues should not be considered as sequentially less preferable to sites in flood zone 3 for river flooding. The second alternative site is a Listed Building and the regeneration benefits of keeping a listed building in active use mean that it should not be readily discounted and more assessment should have been provided to allow officers to determine if it has potential as an alternative. Thus officers consider the discounted sites have not been adequately considered.
- 69 Furthermore, the applicant has not yet considered sites identified in the development plan, and these should have been considered alongside market search, to be sure that the test is robust and the criteria for the search have not been too narrowly defined. The Site Allocation Plan 2019 (SAP) does not allocate sites for leisure use therefore the most relevant plans for consideration of leisure and tourism allocations are the Leeds Unitary Development Plan Review 2006 and the Aire Valley Leeds Area Action Plan 2015. Leisure and tourism sites in the UDP that have not subsequently been allocated for housing or employment uses in the SAP should be considered. The applicant will also need to consider potential sites within the Strategic Housing Land Availability Assessment that are within town centres. Thus the applicant has not considered all relevant sites.
- 70 In the absence of these sources of potential sites and given the inadequate reasons for discounting the two alternative sites that have been identified, officers do not consider that

the sequential test has been passed. Furthermore, even if the applicant is able to pass the sequential test, and demonstrate there are no other suitable site, they will then be required to demonstrate that the exception test can be passed. However, the PPG is clear that the exception test should only be applied following application of the sequential test. As the proposal does not pass the sequential test, it matters not whether it would pass the exception test, as this alone would not satisfy the requirements of the Framework or PPG.

71 Nonetheless, there are two parts to the exception tests, both of which would need to be passed. The first part requires that the application should provide wider sustainability benefits to the community that would outweigh the flood risk, however in the case of this application, it is unlikely that it would be considered to provide wider community benefits that outweigh the flood risk because there are a number of other Local Plan policies (which seek to ensure that development is in the public interest) that apply to this site which have not been met. The site is an unsustainable location for a wedding venue, café and holiday lodges as a large proportion of customers will use private cars as transport this is not consistent with Core Strategy objectives on accessibility.

72 The second part of the exception test requires for the development to be safe for its lifetime, for all users and without making flood risk worse elsewhere. A satisfactory Flood Risk Assessment (FRA) can be used to demonstrate that this part of the test has been passed, however, the Environment Agency (EA) have an objection to the submitted FRA, noting that modelling data is not agreed. Furthermore, the FRA addendum states that the flood risk is not as significant as shown on the EA flood map for planning but flooding of the site occurs when the allowance for climate change is factored in, thus the applicant's own evidence suggests the development will not be for its lifetime. In addition to this the NPPF encourages natural forms of flood risk management, the proposal to mitigate flood risk through land raising is an engineered approach and this can create other problems. The NPPF gives a steer on the elements that should be addressed in an FRA and this includes safe access and egress. We would therefore also expect to see an evacuation plan that explains how the lodges, wedding venue and café would all be evacuated safely in the event of a flood. The applicant's FRA also acknowledges that with the necessary climate change adjustment included, the development will result in an increased depth of flooding along the Navigation and surrounding fields, on fields along the Calder and north of Castleford, and also to a residential dwelling and garden off The Locks. The development therefore increases off-site flood risk, including along the waterways, adjacent fields and to a residential dwelling.

73 The applicant has provided some of the required information regarding flood risk mitigation however, the significant concerns raised regarding whether this is the right location for the proposed development have not yet been addressed. There is a conflict with LCS Policy EN5, Natural Resources and Waste Local Plan Policy Water 4 and with the guidance of the NPPF, which expect new development to be located in areas of lowest flood risk. The application has not met the sequential test, and the applicant's own evidence suggests the exception test cannot be met. There is also an objection from the EA as a statutory consultee.

74 **Question 2: Do members agree that the issue of flood risk has not been resolved?**

Loss of Protected Wharf:

75 The site is identified under policy Minerals 13 as one of three safeguarded wharf sites, intended to be part of the council's ongoing commitment to sustainable transport. The policy protects the wharf site from development that would prejudice its long-term availability for canal freight. Policy Minerals 14 states that those sites listed in Minerals 13 are protected from other development unless the applicant can demonstrate compliance with one of the following criteria:

- The development is of a temporary nature and would not prejudice the longer term ability of the site to utilise movements of freight by canal or rail, or
- The applicant is able to demonstrate that in the case of a safeguarded wharf/rail siding that an adequate replacement wharf/rail siding has been provided or
- A sufficient supply of sites will remain in the district, readily available and of at least the same functional capability (including proximity to relevant economic centres), so as not to prejudice the objective of encouraging a shift from road freight, or
- The applicant is able to conclusively demonstrate, through the provision of current and forecast marketing evidence, that the site is unlikely to be used for freight purposes.

76 Regarding point 1 the construction of raised land for the development of the site into a leisure destination is considered to be a permanent development. In relation to point 2, the applicant has not provided a replacement wharf. In response to point 3, there are limited opportunities for wharf facilities in Leeds, the NRWLP safeguards 3 existing wharves and only 1 other is in use. The demand to transport goods by water is already outstripping the current capacity within Leeds, therefore the loss of this wharf would further compound the issue. Regarding point 4, the Wharf Assessment Report provided by the applicant only considers the potential for Fleet Lane wharf (the transportation of aggregate) but there are other products which can be moved by barge and these have not been considered in the report. Policy Minerals 13 does not specify that the site is safeguarded for aggregate freight only. The policy looks at the long term strategic objective for the Council and the Canal and Rivers Trust to increase movements of freight on the canal. This route has also been designated as a Priority Freight Route which means it has a potential for greater use for freight movements. The use of the wharf can also help to reduce vehicle movements on local roads.

77 Thus is clear and direct conflict with the development plan. The application would result in the loss of one of only three wharf sites in the city, and thus would cut capacity in the city by a third. This is a substantial loss, and the applicant has failed to satisfy any of the requirements of the policy which would allow redevelopment. Officers consider the permanent loss of a wharf site, with no replacement provision, no evidence that the provision is not needed, and no justification to demonstrate that the wharf use is not viable, means the loss of the wharf is wholly unacceptable.

**Question 3: Do members consider loss of a protected wharf site is justified?**

Loss of Employment site:

78 The Council has a commitment to deliver an appropriate local balance between potentially competing uses of land. The application site was formerly in an employment use, and thus policy EC3 applies to proposals on sites, such as this, which are currently or last in use for employment purposes. The issue to be determined is whether there is a planning need for the site to remain in employment uses. Whilst it is recognised that the proposal will provide employment (largely within the service sector) this is not an 'employment use' in planning terms.

79 As the site is not within the area identified by the Employment Land Review as being an areas of specific shortfall, and in previously used for employment uses (but not allocated) it is part A(ii) of the policy that applies. This allows the change of use of a site to non-employment uses only where the "Existing buildings and land are considered to be non-viable in terms of market attractiveness, business operations, age, condition and/or computability with adjacent uses". The supporting text to this policy (paragraph 5.2.57) defines non-viable as;

- property or land has remained empty or vacant for a period of time despite being marketed (for a minimum of 12 months), or
- the employment space no longer serves the needs of businesses, and may be incompatible with neighbouring uses through noise and amenity issues.

80 The applicant has provided some justification within their planning statement regarding the concerns raised by officers at the loss of the employment use. This includes the information set out within the Wharf Assessment that states the use of the site as a wharf is unviable. Further to this within the planning statement it notes the quantitative economics of developing the site into a leisure destination. The assessment suggests that during the construction phase 127 full time equivalent construction job years will be generated and once operational the development will create an estimated 55 jobs (21 full time and 34 part time roles) with 80% being held by Leeds residents and 100% by Yorkshire residents. This commitment to local employment and skill development could be secured by way of a s106 obligation. The supply chain spend is anticipated to be £2.7m per year 56% of which is expected to be spent on Leeds based suppliers. The assessment sets out what the site could achieve and highlights the benefits to the local economy. However, although the applicant has provided some evidence that the use of the wharf to transport aggregate would be unviable and has set out the wider quantified benefits of the construction of a wedding venue on the site, no consideration has been made of the potential for employment use more generally.

81 However, officers have raised concerns about the applicant's evidence, noting that only alternative use which has been assessed is the provision of aggregate storage and distribution, and that no consideration has been made of the potential for employment use more generally. In relation to this, it is also noted that when considering the Green Belt impacts of the proposals, the applicant's state that that the existing B8 consent on the site creates a 'fallback position' whereby unlimited storage could take place on the site, which may suggest that continued use of the site for employment use is seen to be viable.

82 Thus there is insufficient evidence that the loss of a employment site is justified, and will not cause harm to the economic growth and sustainability of the Leeds district. In the absence of adequate justification, the loss of an employment site is contrary to policy and should not be accepted in principle.

**Question 4: Do members consider the loss of an employment site is justified?**

Location considerations:

83 Spatial Policy 1 (Location of Development) of the Core Strategy sets out that the majority of new development in Leeds will take place within and adjacent to urban areas. It identifies a series of key principles for the location of development across the Leeds district, with (iv) confirming that new leisure facilities will be prioritised in Leeds City Centre and the town centres across the district, maximising the opportunities that the existing services and high levels of accessibility and sustainability to new development, whilst (ix) seeks to encourage potential users of rail or water for freight movements to locate at suitable sites. The development draws limited support from SP1, being located outside the Main Urban Area (MUA), and in an area which carries the lowest priority for development. The development also restricts opportunities for water freight movements.

84 Policy T2 of the Core Strategy states that new development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport, and with safe and secure access for pedestrians, cyclists and people with impaired mobility. Specific accessibility standards to be used across Leeds are set out in



Appendix 3 to the Plan and, as noted in the consultation response from highway officers, this site does not meet with these requirements.

- 85 Policy P8(D) of the Core Strategy sets out the requirements for sequential (and where relevant impact) assessments to accompany planning applications for main town centre uses.
- 86 The proposed wedding venue, café, community hub and holiday lodge elements of the proposal all fall under the definition of 'main town centre uses' set out in the NPPF. Both local and national planning policy require a 'town centres first' approach to the siting of such uses, looking to in-centre sites in the first instance, followed by edge-of-centre sites, and only out of centre sites when there are not suitable sequentially preferable alternatives.
- 87 A sequential and impact assessment have been submitted with the application in accordance with Policy P8. It considers the existing provision of 'waterside venues with onsite accommodation' in proximity of Leeds, and finds no comparable offer in the local area. On this basis, it is considered that this provides evidence of a 'lack of provision; for a waterside wedding venue with on-site accommodation in this location and to serve the wider 'south-east Leeds region'. The applicant has also reviewed city centre sites through an updated addendum. They have noted that there are a number of sites/buildings which are for sale within the City Centre Boundary, but all have been discounted as sequentially preferable. The vast majority are not comparable with the application site or the intended development type, in particular the rural/semi-rural nature of the waterside venue. There are no other comparable sites within the City Centre that would be considered appropriate for the proposed development and none are 'reasonably available'. Whilst the finding that there is not comparable provision in the local area is accepted, it is not considered that there is an established 'need' for such a facility and a wedding venue can also operate without being adjacent to water.
- 88 As part of the sequential assessment a site search has been undertaken for alternative sites of c.3.4ha which are suitable for a wedding venue with holiday accommodation (though smaller sites are also considered, recognising that uses could potentially be combined into a single taller building). In accordance with the requirements of P8, this considers sites within and on the edge of the local centres within a 15 minute drive time of the site. The conclusion that there are no sequentially preferable sites in or on the edge of these centres is accepted.
- 89 An Impact Assessment has also been undertaken of the proposal. This concludes that there are no comparable wedding venue or tourism accommodation developments within the vicinity of the site that would be adversely impacted by the proposal. The scale and nature of the proposed café/community hub is also not considered to be likely to adversely impact on existing nearby café businesses. Officers consider that this conclusion is accepted.
- 90 Paragraph 84(c) of the NPPF supports 'sustainable rural tourism and leisure developments which respect the character of the countryside'. Paragraph 85 states that "sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations not well served by public transport".
- 91 However, it is not considered that this proposal relates to local businesses or community needs, but instead is a speculative new enterprise in a rural location. Whilst it is recognised that a small café / hub building does form part of the proposal, the substantive development (wedding venue and holiday accommodation) is not likely to serve community needs and so it is not considered that the development would fall under this exception. The applicant has also noted within their design and access statement that public transport links to the

site are limited given the nature of the site's location as it's surrounded by the river/canal. This raises the question of whether this is the appropriate location for such a development to be constructed.

- 92 Ultimately the development is in a remote location, isolated from existing services and public transport links, has some conflict with the centre's first approach of the Core Strategy, and is in an area which carries the lowest priority for development. Officers therefore consider the site is locationally unsustainable and contrary to the development plan.

**Question 5: Do members consider the location is acceptable according to the locational policies of the plan?**

### **Other Key Material Planning Considerations**

#### Highways

- 93 Policy T2 of the Core Strategy states that new development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport, and with safe and secure access for pedestrians, cyclists and people with impaired mobility. Specific accessibility standards to be used across Leeds are set out in Appendix 3 to the Plan and, as noted in the consultation response from Highways Colleagues, this site does not meet with these requirements.
- 94 The site does not meet the Core Strategy accessibility standards, which require that the site be located within a 5 minutes' walk (400m) to a bus stop offering a direct service to the city centres of Leeds, Bradford and Wakefield at a 15 minutes frequency. Part of Fleet Lane has footways and the road is indicated as an advisory cycle route on the Leeds Cycling Map, with cycle lanes indicated between Aberford Road and Eshald Lane. The road is governed by the national speed limit after its junction with the access to West Riding County FA. The proposed development is surrounded by walking and cycling routes for leisure including the signed Trans Pennine Trail and un-signed traffic free cycle paths/bridleway. The applicant has proposed a non-motorised user access to the east of the site which will provide an off-road connection between the leisure hub and the footpaths/cycle paths on the River Aire.
- 95 The proposal includes parking for 86 vehicles which will serve the 40 lodges on site. Additional parking spaces provide 56 spaces in the public car park accessed off Fleet Lane. Two additional egress points will be created on Fleet Lane, this is in addition to the eastern entrance. All three points into the development site will be operated by an electronic system.
- 96 The applicant has proposed that organised communal transport options would be suitable for those unable to drive and to reduce private car use. This would operate as a mini-bus service which picks-up / drops off staff before and after their shifts at key destinations within the surrounding area where staff reside. Further details would be organised by the individual companies however, for reference these destinations may include Woodlesford Station, outside the Aberford Road Lidl, Rothwell Shopping Centre. In addition to the mini-buses for staff, it is proposed that guests attending the wedding venue will be given the option for organised transport in the form of hiring mini-buses / coaches to enable people to travel in groups by sustainable modes of transport, from key destinations and transport hubs such as Leeds Train Station.
- 97 The sites waste will be serviced by a private contractor, the waste collection route will take access from Fleet Lane to the south of the site using the internal loop road through the

centre of the site to the main wedding reception. Secure cycle parking within the site for staff and guests has been provided as well as a cycle hire hub to encourage any trips off site to be made by sustainable modes of transport during stays.

- 98 The public rights of way team have noted that a crossing near Woodlesford Rail Station would improve walking and cycle links. Furthermore, the cycling officer, public rights of way team and highways team agree that some routes of the public footpath that subsist around the perimeter of the site should be resurfaced and have access barriers removed. This could improve some of the accessibility with the location of the development however it is unlikely to overcome the overall sustainability concerns. The applicant has not yet satisfied this request as they state that this is outside of their ownership and would not be impacted by the proposal. Officers do not accept this response as the site proposes a link to the existing routes therefore, it is not unreasonable to expect that visitors of the lodges would use the leisure routes during their stay. The applicant has requested if a monetary contribution be sought that a calculation of this figure is provided so it can be reviewed.
- 99 The proposed development raises other highways concerns in relation to the expansion of the North car park, which will encroach into the greenbelt and obstruct a route into the car park from the leisure footpath/cycle paths. The highways team also require the DDA spaces in the North car park to be relocated closer to the building.
- 100 Further information is required for the highways team to assess whether the application to develop the site to a wedding venue and leisure destination would be acceptable highways terms. A number of conditions have been suggested so far relating to vehicle spaces to be laid out on site, approved sightline work to be undertaken, a car park and servicing management plan, off site highways works, provision for contractors and electric vehicle charging points. However the request for information on improvements to be made to leisure footpath/cycle path located to the north of the community centre through resurfacing and the removal of A-frames, which will allow a less restrictive option for access control on the paths is yet to be provided.

#### Residential and recreational amenity

- 101 In relation to the amenity of the local residents, there are a number of moorings close by at Lemonroyd Waterside & Marina. This is approximately 200m from the proposed development. The applicant will need to provide a noise assessment that takes into account the increase in noise from the wedding venue and associated buildings. Some of the proposed lodges have large open roof terraces which could result in noise at unsociable hours. In addition to this noise impact would need to be assessed on nesting birds on nearby watercourses and at RSPB St Aidans.
- 102 Furthermore, the site is located within a rural area in which is a popular walking and cycling route. Evidence would need to be provided that adequately outlines the development, and noise levels generated during its operational hours, wouldn't adversely impact upon visitors recreational amenity. The area should retain its character as almost countryside in nature and those visiting the area in a recreational manner (walking and cycling) should be able to do so without significant disruption through noise pollution.
- 103 Amendments to the scheme have been made to improve accessibility on the site. The proposed wedding venue will have level thresholds and lift access to the mezzanine floor as well as the roof terrace. Disable WC's are provided within the venue and café. The scheme provides 3 accessible bedrooms with ensembles in 3 lodges within the site and the living spaces are wheelchair accessible. The site provides 10 disable car parking spaces and two in the extended public car park to the north of the site.

#### Landscape/ Biodiversity

- 104 Policy P12 notes that *“the character, quality and biodiversity of Leeds’ townscapes and landscapes, including their historical and cultural significance, will be conserved and enhanced to protect their distinctiveness through stewardship and the planning process.”*
- 105 Policy G8 states that development will not be permitted which would seriously harm sites of local importance for biodiversity. LCS Policy G9 requires development to make improvements to biodiversity and wildlife habitats through protection and enhancement.
- 106 The landscape team have requested that Tree T1 (category B1) is retained all other trees on site are category C as such they are less desirable to retain. The request for the retention of Tree T1 has not been met. This is likely due to the raising of the land across the site, however no justification has been provided. Nonetheless, to compensate for the tree loss on site, planting is proposed elsewhere within the site. Replacement tree planting will exceed the minimum policy requirement of 3 for 1. The landscape masterplan details that 59 extra heavy standard trees, 72 heavy standard trees and 65 standard trees are proposed to be planted. In addition to this a mixture of light woodland planting, native shrub planting, ornamental shrub planting, amenity close mown grass and wildflower grass would be planted. The increased planting at the site would be welcomed, however it does not outweigh the balance of harm from significant issues raised across the site.
- 107 Further to the above the Council’s ecology officer has been unable to fully consider the biodiversity net gain on site due to a lack of sufficient information through an Ecological Impact Assessment. Other concerns that have been identified in relation to BNG issues are the net loss in Hedgerow Biodiversity Units a description of planned (post-development) habitat creation or enhancement; the Metric tool shows an error in the habitat trading rules (i.e. habitat of medium distinctiveness, mixed scrub, has not been replaced with the same broad habitat or a higher distinctiveness habitat); and an assessment of River Biodiversity Units pre and post development.
- 108 In addition to the above to avoid harm from the development to bats a Lighting Design Strategy for Bats has been requested from the Nature Team to assess the developments light pollution during construction and operational phases. The Preliminary Ecological Appraisal Report ((PEAR), JCA) identifies potential noise and pollution impacts of the development on St Aidans Local Wildlife Site. The Nature Team have requested further details of any potential impacts of the development on the Local Wildlife Site and how these will be mitigated. These issues have a fundamental impact on local wildlife and cannot be addressed through conditions as their harm and impact needs to be assessed.
- 109 There are also a number of issues which have been raised by the Nature Team that could be addressed through condition, such as avoiding harm to breeding birds, badgers and hedgehogs, the submission of a method statement for the removal of invasive non-native species from the site, BNG monitoring and reporting and providing a BNG management plan.
- Climate Change and Energy
- 110 In March 2019 Leeds City Council declared a climate emergency and have committed to action to reduce carbon emissions, mitigate damage to the environment and help communities to adapt to the effects of climate change. The following climate change policies are designed to help new development contribute to LCC’s carbon reduction targets.
- 111 Policy EN1 requires development over 1000sqm of floorspace to (i) *reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate* until 2016 when all developments should be zero carbon (BRTER) and (ii) *provide a minimum of 10% of the predicted energy needs from low carbon energy.*

- 112 Policy EN2 requires where feasible non-residential development over 1000sqm of floorspace to meet the BREEAM standard of excellent.
- 113 Policy EN4 requires *where technically viable, appropriate for the development, and in areas with sufficient existing or potential heat density, developments of 1,000 sqm* to attempt to connect to existing or potential future district heating networks or construct a heating network within the existing site using a low carbon heat source.
- 114 The applicant has submitted a sustainability statement which details that policy EN1 can be met through the construction of the development. With reference to LCS Policy EN1, these targets are demonstrated in Appendices A & B within the sustainability strategy in the form of outputs from approved modelling software by an accredited energy assessor. Central to the development's sustainability strategy is the globally recognised BREEAM standard, of which a BREEAM rating of 'Excellent' has been identified - aligning with LCS Policy EN2. The applicant has stated that the BREEAM certification will demonstrate this scheme will sit in the top 10% of UK building projects addressing through an audited certification process responses to a wide range of sustainable design principles such as Energy, Water Use, Materials, Waste and Ecology.
- 115 Within the sustainability statement the applicant has detailed how the development will meet the sustainability requirements. Such as the balancing of solar gains, how energy usage can be reduced and the use of sustainable construction practices.
- 116 Solar gains are heating from the Sun's radiation, as the main building has a significant amount of glazing this must be mitigated. They can be beneficial in colder months, as they can provide heat and therefore reduce energy requirements. However, in warmer months, the solar gains can be significant, and need to be controlled, to reduce any risk of overheating. This mitigation can come in the form of shading and solar controlled glazing. In communal spaces that are comfort cooled, solar gains will increase the energy used to maintain the desired temperatures during warm weather. In addition, sufficient daylight will reduce the need for artificial lighting and therefore reduce energy usage and CO2 emissions. The building orientation, glazing dimensions and shading strategy have all been considered to maximise daylight and limit solar gains.
- 117 Efficient building fabric greatly reduces the space heating and cooling loads in a development, as transmittance of heat through the thermal elements is reduced. In addition, improving the air permeability also reduces these loads, as significantly less outside air can travel into the building. All building fabric for the Fleet Lane Wedding Venue building exceeds Building Regulations minimum requirements, as detailed in section 3.3. The sustainability statement notes that thermal bridges will be carefully considered in order to improve on typical construction detailing, eliminating cold bridges and keeping thermal line integrity. Post completion thermographic survey of the buildings thermal efficiency will be undertaken.
- 118 With reference to Policy EN4 the applicant has noted that due to the relatively isolated site location, investigations into connecting to existing low carbon or CHP led district heating networks proved unfeasible. However, flexibility been considered for connection to potential future networks.
- 119 The sustainability statement notes that the proposed wedding venue will avoid the combustion of fossil fuels as a primary or secondary energy source - there will be no reliance on natural gas and no emissions associated with the burning of fuel to operate the building. The overall operational energy demand for the Wedding venue building of

26.8kgCO<sub>2</sub>/sqm/yr will be offset entirely by the onsite production of electrical energy from solar PV - a 100% carbon reduction and making the building Net Zero Carbon.

120 The Council's energy officer is satisfied that the commercial wedding building will satisfy policy EN1 part (i), however it cannot be fully satisfied until the applicant has provided the evidence that the lodges will also comply with this. EN1 part (ii) can be considered to be met as the details of the photovoltaics (PVs) could be conditioned. Policy EN2 has been satisfied by the submission provided by the applicant. However, the proposal and sustainability statement lack sufficient evidence for all parts of Policy EN4. Regarding EN4 part (i) an assessment from Leeds Pipes has not been provided, part (ii) requires evidence of using a site wide low carbon energy source, part (iii) lacks evidence of collaboration with neighbouring development sites or existing sources and part (iv) requires information surrounding the details of associated infrastructure.

#### Design and Accessibility

121 Policies within the Leeds Development Plan and the advice contained within the NPPF seek to promote new development that responds to local character, reflects the identity of local surroundings, and reinforce local distinctiveness. Moreover, the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is fundamental that the new development should generate good design and respond to the local character.

122 Policy P10 states inter alia that all new development for buildings and spaces should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function.

123 The application proposes the construction of a large wedding venue with a capacity of 120 persons. The venue has been designed through respecting the local context by using materials of a rural appearance. The use of a stone plinth and Marley Eternit Rainscreen Cladding to give the appearance of timber, allows the proposal to reflect surrounding materials while incorporating a contemporary design. The building has large expanses of glazing and an angular roof scape which contributes to the contemporary style of the development. The design of the wedding venue and the concept of a main feature building surrounded by single storey ancillary buildings, set out in a resort style setting works in this island location. However, the design of some of the single storey ancillary buildings impact the appearance of the scheme.

124 The flat roofed and shallow mono pitched roofs of type 5 - 4 bedroom lodges, type 1 - 1 bedroom lodges and type 3 – 2 bedroom lodges, let down the design of the scheme due to their block design and lack of a desirable roof scape. The introduction of an angular and interesting shaped roof, akin to the other lodge designs, would improve their appearance and reduce the starkness of their design. The use of materials, stone and Marley Eternit Rainscreen Cladding, matches the proposed wedding venue and this would show continuity across the site which would be desirable.

125 Officers and the design team note that the proposal would improve the appearance of what is currently a disused fuel depot with open hard standing and large storage tanks. The proposal would improve the site through increased landscaping and ecological enhancements, while reducing the HGV use on the site. However, the current site, as shown on the applicant's design statement, is set down with a buffer which screens a significant amount of the site. The proposed development would raise the land levels by 3-4m in height. The entirety of the massing of the development would be visible from the surrounding areas and the proposed use would not be in keeping within the rural character of the area. This massing is shown through drawings 'proposed site massing sections'.

### Drainage Management

- 126 The applicant has detailed how foul water drainage will be managed at the site. The anticipated domestic foul loading from the site has been calculated in accordance with British Flows and Loads. The expected peak flow rate from the development would be 3.1 l/s. Yorkshire Water has advised the applicant, by way of a pre-planning sewerage enquiry response, that foul water may be discharged to the 381 / 375 mm diameter public combined sewer located near Fleet Lane / Fleet Bridge, at a point to the south-west of the site. Due to ground levels and Fleet Bridge, foul flows will need to be pumped to the public combined sewer. The Council's Flood Risk Management Team are content with the proposed foul water drainage.
- 127 The applicant has detailed how surface water drainage will be managed at the site. In accordance with the PPG6, surface water runoff should be disposed of according to the following hierarchy: Into the ground (infiltration); To a surface water body; To a surface water sewer, highway drain, or another drainage system; To a combined sewer. Based on ground conditions at the site (as detailed in Section 2.4), the disposal of surface water via infiltration is unlikely to be feasible. Infiltration tests may be undertaken at the detailed design stage in accordance with BRE3657 to confirm this. It is subsequently proposed to direct all runoff from the developed site to the River Aire. Attenuation storage will be provided to store surface water runoff generated across roofs and hardstanding. The Council's Flood Risk Management Team are content with the proposed surface water drainage.
- 128 The applicant set out their proposal to prevent pollutants entering the drainage system within their drainage assessment. Permeable pavements provide treatment processes that occur within the surface structure, including filtration, adsorption, biodegradation and sedimentation. Filter drains can help reduce pollutant levels in runoff by filtering out fine sediments, metals, hydrocarbons and other pollutants. They can also encourage adsorption and biodegradation processes. Retention ponds can provide water quality benefits via the settlement of pollutants in still or slow moving water, adsorption by the soil, and biological activity. The Council's Flood Risk Management Team are content with the proposal.
- 129 The surface water drainage system, including the retention ponds and any other SuDS features, will remain private and would be the responsibility of the site owner which may be maintained by a management company.

### Land Contamination /Coal Authority

- 130 The proposal site is also safeguarded under policy Minerals 3, for extraction of surface coal. The Coal Authority consider that the information submitted in support of the application is sufficient to address any coal mining risk and the site falls outside of the scope of the former extraction area.
- 131 Regarding land contamination the scope of works proposed by the applicant has been determined as acceptable in principle. Only a few tweaks are proposed by the land contamination team. Some minor amendments have been requested to be undertaken relating to the Groundwater Vapour report and the Phase 2 Site Investigation. This could be covered by site specific pre-commencement condition.

## **CONCLUSION**

- 132 The proposal would redevelop a vacant industrial site into a contemporary leisure destination with a wedding venue, 40 lodges and a community hub/café. Local residents have offered comments of support of the proposal which would improve the local area and

also comments objecting to the development. Overall, the principle of the development is not considered to be acceptable given the number of detailed issues with the site including but not limited to; openness of the greenbelt, protected status of the wharf and location of the site in flood zone 3. Members are ultimately asked to consider whether they consider the development is acceptable in principle, noting that the development does not satisfy Green Belt policy, would result in the loss of a protected wharf and an employment site, has not demonstrated it would be safe from flood risk for the lifetime of the development, would cause an increase in off-site flood risk, and is locationally unsustainable.

133 Members are therefore asked to note the contents of the report and are invited to provide feedback, in particular, in response to the key questions asked in the report above. Such feedback will also be helpful to the applicant as currently there is some reluctance to commission additional supporting information to respond further to consultee responses noting officers have raised a number of significant concerns regarding the overall acceptability of the scheme.

**Question 1: Do Members agree that Green Belt policy is not satisfied?**

**Question 2: Do members agree that the issue of flood risk has not been resolved?**

**Question 3: Do members consider loss of a protected wharf site is justified?**

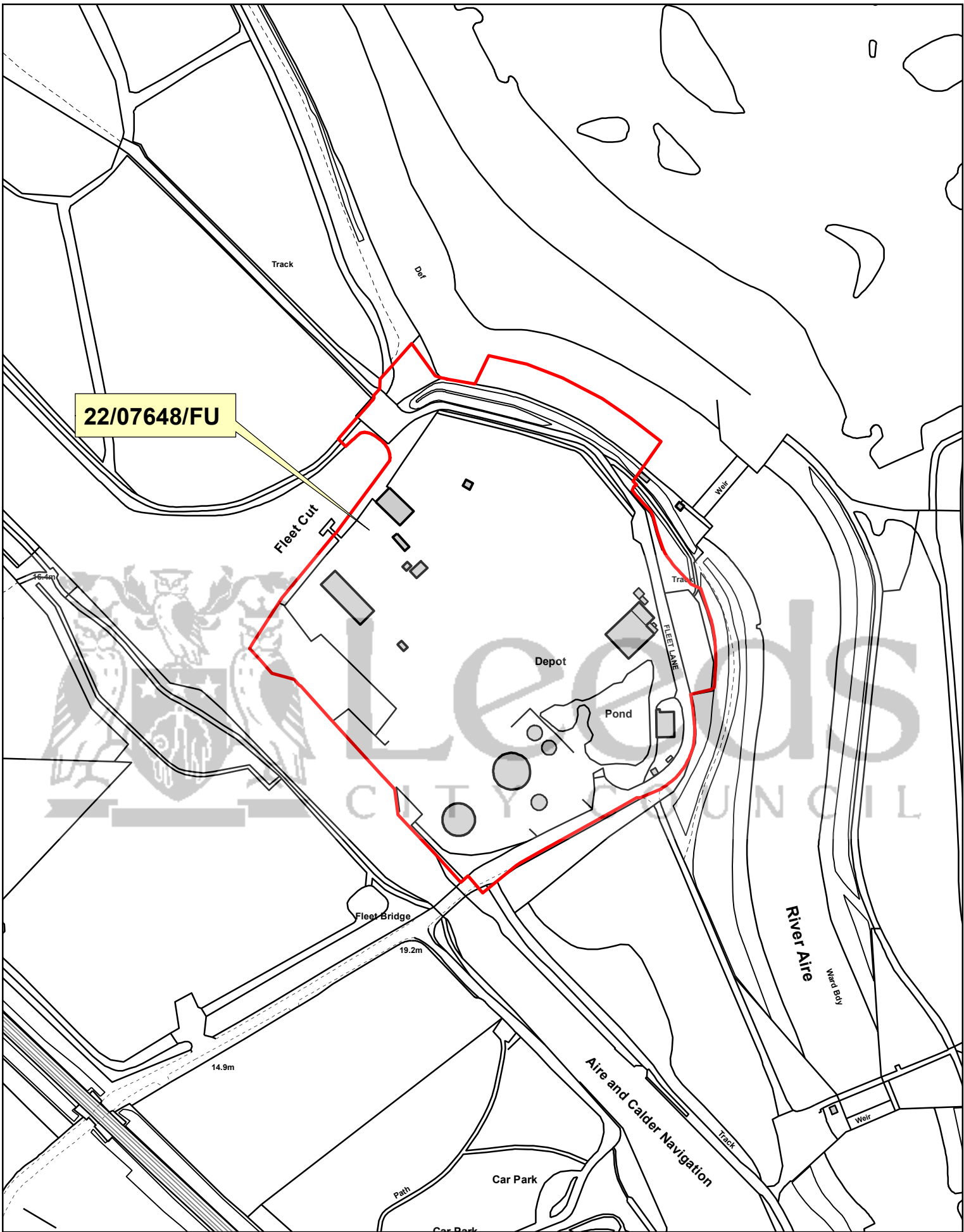
**Question 4: Do members consider the loss of an employment site is justified?**

**Question 5: Do members consider the location is acceptable according to the locational policies of the plan?**

**Question 6: Are there any other matters, that relate to the scope of consideration of this application, that Members wish to raise?**

**Background Papers:** 22/07648/FU





# 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 1:2500

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