



CITY PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 9th October, 2014
at 1.30 pm

MEMBERSHIP

Councillors

P Gruen
S Hamilton
E Nash
N Walshaw
M Ingham
J Lewis
J McKenna
(Chair)
C Gruen

C Campbell

R Procter
G Latty

T Leadley

D Blackburn

**Agenda compiled by:
Angela Bloor
Governance Services
Civic Hall
Tel: 0113 24 74754**

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>SITE VISIT LETTER</p> <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</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>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF PRESS AND PUBLIC</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 style="padding-left: 40px;">RESOLVED – 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>	
3			<p>LATE ITEMS</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>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	

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5			APOLOGIES FOR ABSENCE	
6			MINUTES - 18TH SEPTEMBER 2014 To receive the minutes of the meeting of the Panel on 18 th September 2014	3 - 12
7	Adel and Wharfedale		APPLICATION 14/01660/OT LAND EAST OF OTLEY ROAD ROAD, ADEL, LEEDS To receive a report of the Chief Planning Officer regarding an outline application for residential development (up to 80 dwellings) and public open space.	13 - 46
8	Adel and Wharfedale		APPLICATION 14/01874/OT LAND OFF CHURCH LANE, ADEL, LEEDS To receive a report of the Chief Planning Officer regarding an outline application for residential development (up to 46 dwellings) and public open space.	47 - 80
9	City and Hunslet		APPLICATION 14/03023/EXT CAVENDISH STREET, WOODHOUSE, LEEDS To receive a report of the Chief Planning Officer with regards to an Extension of time of previous approval 08/02061/FU for multi-level development up to 9 storey's high above ground level comprising 46 student cluster flats and 24 studio flats (total of 239 beds) and 1 retail unit, car parking, common room and ancillary facilities.	81 - 106
10			DATE AND TIME OF NEXT MEETING 1:30pm Thursday 30 th October 2014	
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b)				

Third Party Recording

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.

Use of Recordings by Third Parties– code of practice

- 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.
- 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.

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Chief Executive's Department
Governance Services
4th Floor West
Civic Hall
Leeds LS1 1UR

To all Members of City Plans Panel

Contact: Angela M Bloor
Tel: 0113 247 4754
Fax: 0113 395 1599
angela.bloor@leeds.gov.uk
Your reference:
Our reference: site visits
Date 30th September 2014

Dear Councillor

SITE VISITS – CITY PLANS PANEL – THURSDAY 9th OCTOBER 2014

Prior to the meeting of City Plans Panel on Thursday 9th October 2014, the following site visits will take place:

10:10am	Adel & Wharfedale	Depart Civic Hall and then to Land East Of Otley Road, Adel 14/01660/OT for 10:30am Outline application for residential development (up to 80 dwellings) and public open space
11:00am	Adel Wharfedale	Land Off Church Lane, Adel, 14/01874/OT Outline application for residential development (up to 46 dwellings) and public open space
12.00 noon approximately		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **10:10am**. Please notify Daljit Singh (Tel: 247 8010) if you wish to take advantage of this and meet in the Ante Chamber at **10am**.

Yours sincerely

Angela M Bloor
Governance Officer

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CITY PLANS PANEL

THURSDAY, 18TH SEPTEMBER, 2014

PRESENT: Councillor J McKenna in the Chair

Councillors P Gruen, R Procter,
D Blackburn, S Hamilton, G Latty,
N Walshaw, M Ingham, J Lewis, C Gruen,
J Bentley, R Finnigan, M Harland and
J Procter

43 Exempt Information - Possible Exclusion of Press and Public

RESOLVED - That the public be excluded from the agenda during consideration of the following part of the agenda designated exempt on the grounds that it is likely, in view of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as designated as follows:

Appendix 3 of the report referred to in minute 49 under Schedule 12A Local Government Act 1972 and the terms of Access to Information Procedure Rule 10.4(3) and on the grounds it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that if this information was in the public domain it would be likely to prejudice the affairs of the applicant. Whilst there may be a public interest in disclosure, in all the circumstances of the case maintaining the exemption is considered to outweigh the public interest in disclosing this information at this time

44 Late Items

There were no late items as such, however an addendum report was submitted in respect of Agenda Item 7, Application 13/03051/OT – Spofforth Hill, Wetherby and circulated prior to the meeting.

45 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests. Councillor J Procter brought it to the attention of the Panel that he was known to one of the speakers for the item at Spofforth Hill, Wetherby.

46 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors E Nash, C Campbell, R Procter and T Leadley.

Councillors M Harland, J Bentley, J Procter and R Finnigan were in attendance as substitutes.

47 Minutes

RESOLVED – That the minutes of the meeting held on 28 August 2014 be confirmed as a correct record.

48 Application 13/03051/OT - Spofforth Hill Wetherby

The report of the Chief Planning Officer presented an outline application for residential development of up to 325 dwellings, access and associated works including open space and landscaping on land at Spofforth Hill, Wetherby. An addendum report was also submitted which contained a further update on consultation responses and recent meetings with Ward Members and residents.

Members attended a site visit prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion on this application.

Further issues highlighted from the report included the following:

- The Panel had received a pre-application presentation regarding this application in April 2013 and a position statement in October 2013.
- The site covered a total of 15.7 hectares and had previously been used as arable farm land.
- The outline application was for 325 dwellings of which 285 would be accessed from the west of the site.
- Members were shown an indicative layout and there would be a range of 1 to 6 bedroom properties which would be 2 to 2.5 storeys in height.
- There would be 35% affordable housing. 15% of this would be on site with the further 20% in the form of a commuted sum of £8.5 million to be spent elsewhere across the City.
- Removal of TPO trees for forming an access to the site.
- Following negotiations with the developer, Ward Members and residents the number of proposed dwellings had been reduced from 400 to 325.
- Contact had been made with Harrogate Borough Council and North Yorkshire County Council regarding the provision of the site access. They had not been supportive of this.

- The proposals fell within current planning guidance and policy and also satisfied conditions of the interim PAS policy.
- The Panel was informed of proposed planning obligations relating to this application which would see development recommence at the Easel 7 site and ensure its completion
- The addendum report informed Members of the following:
 - Proposals for a pelican crossing.
 - An additional £400k towards additional mitigation and traffic measures.
 - Consultation responses – there had been no objections from Natural England. The Council for the Protection of Rural England had raised some concerns.
 - Current position with relation to planning policy.
 - Section 106 update and education contribution.
 - Agreement for buffer planting on the inside boundary of the site.
 - No objections from Harrogate Borough Council or North Yorkshire County Council regarding highways.

A local representative addressed the Plans Panel with objections to the application. These included the following:

- There was no evidence that the proposals would be sustainable.
- The Council should protect land that was used for food growth from development.
- There would be a shortage of food growing land by 2030.
- It was not agreed that there was no other alternative land to use.
- The proposals were not felt to be in line with current policy and guidelines.
- In response to questions from Members, the following was discussed:
 - The speaker accepted that Members had not pre-determined their decision on the application.
 - Concern that there was a lack of involvement from Elected Members.

- The land was currently used for agricultural purposes and was of high quality and should not be lost.

The applicant's agent addressed the Panel. Issues raised included the following:

- There had been a lengthy consultation process with Elected Members.
- The proposals all fell within current planning policy and guidance.
- Reference to the £8.5 million contribution for affordable housing that could be used at the Council's discretion.
- Benefits to Wetherby and the surrounding areas.
- It was felt that on balance that the proposals would outweigh the loss of the agricultural land.

In response to Members comments and questions, the following was discussed:

- There were concerns regarding surrounding areas being used as rat runs by traffic. Surveys would be carried out and there was mitigation funding available should there be an adverse impact and measures need to be taken.
- The inclusion of a dedicated right hand turn into the site – it was reported that under highways design guidance that a right hand turn should be considered under the terms of this proposal. This was not essential, and it was considered that the land should be safeguarded from a highways perspective should a filter lane be required at a later date.
- Concern regarding the distance from the site to local primary schools and that relevant infrastructure will not be in place. It was reported that all infrastructure was desired as soon as possible and would be set out in the Section 106 agreement.
- Affordable housing – it was recognised that there was a need for affordable housing in Wetherby but proportionally less than in other areas of the City.
- Further development of the Easel 7 site linked to this proposal. It was reported that this would be secured through the proposed Section 106 Agreement.
- Concern that the majority of the site was only accessible via one entrance.
- It was reported that local primary schools had reached capacity and that both Deighton Gate and Crossley Street Primary Schools had space for expansion. The proposals would necessitate another half form entry.

- Concern that the development of agricultural land was contrary to guidance in the National Planning Policy Framework.
- Concern regarding the width of the footpath/highway and whether this would lead to the loss of more trees.
- It was preferred that affordable housing be pepper potted across the site.
- It was suggested that the inclusion of a dedicated right hand turn be reconsidered and the land needed be reserved to implement this in future if required.
- Concern regarding future school provision – Deighton Gate Primary was a long way from the site and Sport England had previously objected to converting the field to hard use at Crossley Street Primary.

RESOLVED – That the application be supported in principle subject to the following being reported back for further consideration at the next meeting of City Plans Panel:

- Guarantees regarding the off-site commuted sum in relation to affordable housing and the phasing details of the payments.
- Proposed changes deleting the right hand turn access to the site,
- Pepper potting off affordable housing throughout the site.
- Further discussion with Harrogate Borough Council and North Yorkshire County Council regarding access to the site.
- Viability assessment of the EASEL 7 site.

49 Application 13/04647/OT - Station House Station Road Methley LS26

The report of the Chief Planning Officer presented an outline application for the erection of residential development on land at Station House, Station Road, Methley.

Members attended a site visit prior to the hearing. Site plans and photographs were displayed and referred to throughout the discussion on this item.

Further issues highlighted in relation to the report included the following:

- The proposal was to deliver up to 181 dwellings.
- Reference was made to existing buildings on the site.
- Proposed access was explained which included the widening of Station Road.

- Reference was made to the flood alleviation scheme which would be implemented as part of the proposals.
- Members were informed of the proposed Section 106 agreement.

The Panel went into private session to discuss viability issues in relation to the Section 106 proposals.

Further to Members comments and questions, the following was discussed:

- Concern regarding the lack of or improvement to the local infrastructure.
- Benefits of the implementation of the flood alleviation scheme and the need for new housing in the area.
- The flood alleviation scheme would be of benefit to housing already in the area.
- The need for affordable housing in the area and to meet the Council's standard policy requirement in this respect

RESOLVED – That the application be deferred and delegated to the Chief Planning Officer for approval subject to an acceptable vehicular access being achievable from Station Road and conditions as outlined in the report (and other which he might consider appropriate) and the completion of an acceptable Section 106 agreement. Further negotiation to be held with the developer regarding the level of provision of affordable housing.

50 Applications 14/04341/FU and 14/03870/RM - Land at Temple Green East Leeds Link Road LS10

The report of the Chief Planning Officer presented a hybrid application for full details for the development of a park and ride facility and associated infrastructure and outline permission for car dealerships and a petrol filling station on land at Temple Green, East Leeds Link Road, Cross Green. It also presented an application for reserved matters approval for means of access to Phase 1, landscaping details and associated foul pumping station and electricity sub-station.

Site plans and photographs were displayed and referred to throughout the discussion on this item.

Further issues highlighted in relation to the applications included the following:

- The site fell within the Aire Valley Enterprise Zone

- Funding had been received for remediation of the site
- The park and ride scheme would have 1000 spaces
- Details of access to the site were shown
- There had not been any objections from Highways

In response to Members comments and questions, the following was discussed:

- The only retail would be limited at the filling station.
- The final layout of the site had not yet been decided.
- It was thought that there would be some kind of fencing between the Park and Ride Scheme and the commercial element of the proposals.
- Public toilet provision.

RESOLVED – That both applications be deferred and delegated for approval to the Chief Planning Officer subject to the conditions specified and any other considered necessary, the receipt of comments and resolution of any issues raised by the Highways Agency and the satisfactory resolution of the proposed route of the access road and its impact on biodiversity.

51 Application 14/02604/ADV - Media Screen The Carriageworks 3 Millennium Square LS2

The report of the Chief Planning Officer presented an application for advertisement consent to display advertising via the existing media screen, The Carriageworks, Millennium Square, Leeds.

Site photographs were displayed and referred to throughout the discussion on this application.

It was reported that the BBC would remain to be the default channel on the media screen but the application would allow some flexibility for commercial broadcasts of sporting and cultural importance. There would also be displays of sponsorship messages and both these and commercial broadcasts would be controlled by Leeds City Council staff.

In response to Members comments and questions, the following was discussed:

- Replacement of the banner that originally surrounded the screen and to check whether its removal was in compliance with the existing planning permission.

RESOLVED – That the application be deferred and delegated to the Chief Planning Officer for approval, subject to the specified conditions outlined in the report (and any others that were considered appropriate) and that the management arrangements for the operation of the screen include the ability to review its operation in 12 months time.

52 Preapp/14/00564 - Former Yorkshire Post Newspapers Site - bounded by Wellington Street and Wellington Bridge LS1 - Pre-application presentation

The report of the Chief Planning Officer introduced a pre-application presentation for outline proposal – mixed use scheme comprising offices and residential uses with ancillary ground floor active uses, small scale retailing, café/restaurants, bars (Preapp/14/00564) at site bounded by Wellington Street and Wellington Bridge Street (Former Yorkshire Post Site)

Site photographs and plans were displayed and referred to throughout the discussion on this item.

The applicant's agent and architect addressed the Panel. The following issues were highlighted:

- The site presented a significant regeneration opportunity and the delivery of a gateway scheme to the City.
- It was proposed to have a mix of office, residential, retail and leisure facilities on the site.
- It was recognised there was a shortage of Grade A office accommodation in the City.
- Residential units could be private apartment style properties or it could be an opportunity for private sector rentals.
- Proposed pedestrian and cycle routes were shown with linkages to other parts of the City.
- Provision of public and open space.
- Vehicular access.
- Buildings would be up to 16 storeys in height.

In response to the presentation Members expressed some disappointment that the proposals did not give the impression of something more overwhelming for a gateway location to the City. It was felt that the drawings displayed did not give a true picture of what a finished scheme would look like. Further issues discussed included the following:

- Relationship of the site to the river.
- Sustainability of the site.

- The tower on site was planned to be retained on a temporary basis.
- In response to questions outlined in the report, Members considered the principle of pedestrian and vehicle segregation and mix of unit types to be satisfactory. Members also welcomed the amount of open space proposed.
- However it was not possible to judge from the presentation the acceptability of the height and massing of the buildings.
- Also more detail was required to assess the adequacy and quality of the proposed pedestrian links through the site and to the surrounding area

RESOLVED – That the report and discussion be noted.

53 Date and Time of Next Meeting

Thursday, 9 October 2014 at 1.30 p.m.

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Originator: Carol
Cunningham
Tel: 0113 24 77998

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 9th October 2014

Subject: Application number 14/01660/OT – Outline application for residential development (up to 80 dwellings) and public open space at Land East of Otley Road, Adel .

APPLICANT	DATE VALID	TARGET DATE
Hallam Land Management	20 th March 2014	19 th June 2014

Electoral Wards Affected:
Adel and Wharfedale
<input type="checkbox"/> Yes Ward Members consulted (referred to in report)

Specific Implications For:
Equality and Diversity <input type="checkbox"/>
Community Cohesion <input type="checkbox"/>
Narrowing the Gap <input type="checkbox"/>

RECOMMENDATION: Refusal of planning permission for the following reasons;

1. The Local Planning Authority considers that the release of this site for housing development would be premature being contrary to Policy N34 of the adopted Leeds Unitary Development Plan Review (2006) and contrary to Paragraph 85 bullet point 4 of the National Planning Policy Framework. As the application site forms part of a larger designation of safeguarded land (total 11.7 ha), is not located in an area where housing land development is demonstrably lacking and does not include or facilitate significant benefits it also fails to meet the criteria set out in the interim housing delivery policy approved by the Council's Executive Board on 13th March 2013 to justify early release. The suitability of the site (and the wider safeguarded area of which it forms part) for housing purposes needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan.

2. The Local Planning Authority considers that the applicant has so far failed provide the necessary information to demonstrate that the proposals can be accommodated safely and satisfactorily on the local highway network. The proposal is therefore considered to be contrary to Policies GP5 and T2 of the adopted UDP Review and Policy T2 of the emerging Core Strategy and the sustainable transport guidance contained in the NPPF which requires development not to create or materially add to problems of safety on the highway network.

3. The Local Planning Authority considers that the proposed means of access via a signalised junction onto the A660 will unnecessarily delay movement and increase road traffic accidents on the A660 and is therefore an unsuitable form of access into the site and that as such the proposals would be detrimental to the safe and free flow of traffic and pedestrian and cycle user convenience and safety. Also that the applicant has failed to work with the adjacent applicant to take opportunities to provide a comprehensive access solution to both sites. For these reasons the application does not comply with policies GP5, T2, T2B and T5 of the adopted Leeds Unitary Development Plan (Review) 2006, policies T2 of the emerging Core Strategy and guidance contained within the adopted Street Design Guide SPD,.

4. The applicant has so far failed to take all opportunities to provide pedestrian and cycle connections from the site to nearby facilities and as such it is considered that the proposal is contrary to policy T2 of the emerging Core Strategy and to the sustainable transport guidance contained in the NPPF and the 12 core planning principles which requires that growth be actively managed to make the fullest possible use of public transport, walking and cycling. The development has also failed to offer suitable sustainable transport contributions as guided in the LCC Travel Plan SPD and LCC Public Transport Developer Contributions SPD.

5. In the absence of a signed Section 106 agreement the proposed development so far fails to provide necessary contributions for the provision of affordable housing, education, greenspace, public transport, travel planning and off site highway works contrary to the requirements of Policies H11, H12, H13, N2, N4, T2, GP5 and GP7 of the adopted UDP Review (2006) and related Supplementary Planning Documents and contrary to Policies H5, H8, T2, G4 and ID2 of the emerging Core Strategy and guidance in the NPPF. The Council anticipates that a Section 106 agreement covering these matters could be provided in the event of an appeal but at present reserves the right to contest these matters should the Section 106 agreement not be completed or cover all the requirements satisfactorily.

1.0 INTRODUCTION

1.1 An outline planning application for residential development was submitted to the council on 20th March 2014. The 13 week expiry date was 19th June 2014. The 26 week expiry date was 18th September 2014 when the fee would have to be paid back to the applicant if no extension of time was agreed. The agent has agreed an extension of time so the application now needs to be determined before 10th October 2014.

1.2 Members are asked to note the content of this report and accept the officer's recommendation of refusal with the proposed reasons for refusal listed above.

- 1.3 The application relates to a piece of land which is within a Protected Area of Search in the adopted UDP and forms part of SHLAA site 2130. Such sites are designated under policy N34 of the adopted UDP and are intended to ensure the long term endurance of the Green Belt and to provide for long term development needs if required. The site is being considered through a Site Allocations Plan process and it is not known whether this Plan will propose the site for housing development. It is categorised as “amber” in the Issues and Options Site Allocations Plan. The application is recommended for refusal and key considerations in reaching this recommendation are matters of housing land supply, sustainability and prematurity vis-à-vis preparation of the Site Allocations Plan.
- 1.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the need to determine applications in accordance with the development plan unless material considerations indicate otherwise.
- 1.5 The proposal does not accord with the current development plan which comprises the UDP Review (2006) in that the proposal is designated as a Protected Area of Search. The development is also considered unacceptable in that the applicant has failed to demonstrate that the proposal will not have a detrimental impact on the existing highway network, they have also failed to demonstrate that the proposed access is acceptable in terms of its design and impact on the safe and free flow of traffic and finally that the applicant has so far failed to offer measures to encourage journeys by sustainable means.
- 1.6 The National Planning Policy Framework is a material consideration and Annex 1 sets out that whilst relevant policies adopted since 2004 may be given full weight depending on their degree of consistency with the NPPF, decision takers may also give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.

2.0 PROPOSAL:

- 2.1 The application is made in outline to consider the principle of the development. All matters are reserved except for access to the site. The original application covered the upper part of the PAS site and was an indicative layout of 88 dwellings with the application for the southern part of the PAS site (also on this agenda under application number 14/01874/OT) being for 60 dwellings so in total 148 dwellings were proposed on this PAS site. An amended red edge and masterplan has now been submitted for both schemes which removes the majority of the land to the eastern side of the Beck and now shows a development of 80 dwellings (ranging from 2 bedroom houses through to 5 bedroom detached houses) with associated road infrastructure, parking provision, amenity space and landscaping. The second application has been reduced to 46 dwellings so now there are 126 dwellings proposed on the PAS site. These details would be considered under future applications for approval of Reserved Matters were permission to be granted.
- 2.2 The submitted plans indicate that the main access will be off the main A660 taking the form of a traffic lights. The road will then be parallel with the northern boundary of the site and at 90 degrees to Otley Road. The road through the site will then take the form a loop. There will be a pedestrian and cycle access to the site south of this but cannot be used by vehicular traffic. The houses will cover the whole of the land the west of the Beck with the greenspace on an area of land east of the Beck. Beyond this the open fields to Adel Lane are now outside of the application site and will remain as fields.

- 2.3 The Site Allocations Plan process assesses the surpluses and deficiencies of Greenspace against Core Strategy standards. Adel and Wharfedale ward is surplus in most Greenspace and only deficient in amenity space and allotments. Decisions around new areas of Greenspace, and the future use of the adjacent site, are best considered through the Site Allocations plan-making process.
- 2.4 The application is accompanied by a draft S106 agreement (Heads of terms) which will make provision for Greenspace on site and a contribution towards off site Greenspace, 15% affordable housing, contribution to education provision, highway works detailed above (and any additional works required yet to be agreed) and a contribution towards the Public Transport Infrastructure SPD, landscaping maintenance, metrocards, funding to bus stops in the area, Travel Plan measures and contributions and any other matters that arise through the course of the application.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is currently open fields located to the east of Otley Road. The land slopes down from Otley Road towards the Beck which is situated in the middle of the fields between Otley Road and Church Lane. There are a small number of houses to the south western corner of the site between the existing open fields and Otley Road which are outside of the application site. To the south of the site is the other planning application 14/01874/OT which is also on this agenda and is currently open fields. To the south of this application is a recently constructed residential development known as Centurion Fields. On the other side of Otley Road are the residential areas of Adel. To the north of the site are open fields which are in green belt. On the other side of Church Lane is a grade 1 listed church known as St John the Baptists Church. The site is outside of the Conservation Area but the boundary of the Conservation Area is Church Lane.
- 3.2 The site forms part of an site allocated as PAS land within the Unitary Development Plan. It is categorised as “amber” within the Issues and Options Site Allocations Plan. The site area for the whole of the PAS site is 14.827 ha but for this application the site area is 4.22 ha gross and if added to the 2.9 ha gross for application number 14/01874/OT the overall gross area is 7.12 ha.
- 3.3 In relation to the whole of the PAS site the site allocation document describes the site is as follows:

‘This is a PAS (Protected Area of Search) site and does not benefit from Green Belt protection. A limited amount of protected trees are positioned throughout the site, the majority to the west which surround the existing buildings. These will need to be considered carefully at design stage, a public right of way also crosses the site. New development is being constructed immediately to the south. Development would require suitable access into the site, which is constrained by existing properties within the site boundary and concerns over additional traffic on Church Lane and Adel Lane.’

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There are no previous planning applications of relevance
- 4.2 The site was originally designated as Green Belt in the North Leeds Local Plan Sept 1988. Then in the 2001 adopted UDP the original UDP Inspector removed the site

from the Green Belt after he concluded that the land was needed to help long term planning for growth and development and he considered that the site did not fulfill the function of Green Belt. In 2006 the site was reviewed again by the Planning Inspector who retained the PAS land designation. The Inspector did conclude that development to the fields to the east of the site should be left to open uses due to its proximity to the listed church.

5.0 HISTORY OF NEGOTIATIONS

5.1 Council Officers have met with the applicants a number of times to discuss the application both at pre application stage and during the processing of this planning application. It should be noted at this stage that discussions have related to both this application and application number 14/01874/OT for the southern part of the PAS site at the same time. The discussions revolved around the principle of development, highways, education, ecology and design.

5.2 The applicant agent for both planning applications arranged a public consultation event and wrote to local residents to advise of the intention to submit an application for the proposed development. Letters were sent to local residents at the adjoining properties and the surrounding area.

5.3 The letters invited local residents to attend a public consultation event. The event took place on Thursday 7th November 2013 from 4.30pm until 7.30pm and was held at the Old Stables Back Church Lane Adel. The event gave local residents an opportunity to look at the proposals for the site and discuss them with the development team for both planning applications. A comments sheet was provided for residents to formally provide feedback. In total there were over 150 attendees at the exhibition with 94 responses either received at the exhibition or sent following the event. The developer has summarised the responses received as:

- Principle of development being premature in advance of the Site Allocations Plan being adopted.
- Too much development in Adel in recent years
- Too large for the location
- Insufficient existing infrastructure to serve it
- Build on brownfield before greenfield sites
- Concerns regarding the existing traffic on the network
- Concerns over access point
- Access through the site will become a rat run
- Public transport should be improved
- Concern over capacity of local infrastructure and services especially when added to other developments in the area
- No school places, insufficient healthcare facilities, no provision for extra shops
- Already enough executive houses in area
- Needed smaller houses, bungalows and sheltered housing
- Needed more variety
- Concerns development would harm outlook from listed church and conservation area

5.4 There was also a second event held at the same premises including the applicants, their consultant team, Councillor's and officers from Leeds City Council and this was on 21st November 2013. Matters discussed were the principle of development, highways, infrastructure, conservation and heritage, drainage and affordable housing.

5.5 After the planning application was submitted there was a third public meeting held on 8th May when Council Officers, Ward Members and representatives on behalf of the applicant attended. The issues raised at this event were the same as those raised at the previous meeting discussed above.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised by site notice posted on site on the 4th April 2014 and an advert was placed in the Yorkshire Evening Post 9th April 2014. Publicity expiry date was the 8th May 2014. The revised scheme was advertised via a site notice on 18th July 2014 and expired 8 August 2014.

Comments in relation to original proposal

Councillor, Anderson and the late Councillor Fox objected to the application on the following points:

- The site is PAS land and shouldn't be developed
- The site should be returned to Green Belt
- There are too many houses already for the area, in terms of available infrastructure and its ability to cope with additional pressures.
- The highways infrastructure is inadequate and will not cope with further development.
- The extra houses will change the character of the area
- There are already a number of new housing developments in the area and also a supply of brownfield sites that could be developed first.
- There are potential drainage/flooding issues on the site
- The site has wildlife and ecological value
- The site is suitable for farming use and therefore to keep it as farming land is far more sustainable for the community.
- The schools cannot cope with extra houses in the area, in particular the local primary schools have no space available and in the short to medium term secondary school provision will be at dangerously low levels.
- There are highway safety issues
- The surrounding roads are already overly congested.
- There is a need for appropriate infrastructure developments by Leeds City Council and its partners
- With the introduction of NGT the local bus services will be greatly affected and probably reduced in frequency
- The development is contrary to the NPPF
- This local site is neither environmentally nor socially sustainable and as such should be returned to the green belt.
- There are significant heritage issues if this site was to be developed and these should preclude the site from being developed.
- Concern that with the PAS site being split into two this is contrary to the spirit of at least the Council's policies.
- Access on to Otley Road was not allowed at Centurion Fields and I feel it should not be allowed in this instance but this would also preclude access on to Church Lane due to the volumes of traffic and for this highways reason the application should be refused.
- Another set of traffic lights on the A660 will also lead to further congestion on this section.
- There will be an increase in car journeys as families will have to travel outside of the area for access to education provision.

- Crossing the A660 on a daily basis to get a child to school will become even more dangerous because of other proposed developments in the area.
- It is my understanding that the proposal includes the removal of part of a garden of a neighbour who has not given permission for this to occur hence the plan would not be deliverable.
- Concern at the working practices of some of the sub-contractors that have been used in terms of not sticking to agreements on the neighbouring Centurion Fields site and the frequency with which Planning Enforcement officers have had to be called to the site or planners being asked to contact the developer on an informal basis.

Adel Neighbourhood Forum have submitted a statement for both highways and heritage matters with the following comments

Highways

- The TA does not include a section concerning the 'relevant transport policies' and it will not be possible for the decision maker to determine if the proposals will help deliver the aims and objectives of the development plan.
- The scope, extent and assumptions within the TA are not considered suitably robust to correctly assess the transport impacts of the development.
- TA provides brief description of the existing local network and it provides very little information on the usage of the network by local residents and/or details of current local difficulties.
- TA discusses A660 primary route network but doesn't assess its local function and the fact the shops have limited off street parking leading to on street parking and congestion.
- There will be major congestion with all the other housing sites in the area.
- The access point will lead to greater use of Church Lane which is not discussed or the existing signal controlled pedestrian crossing some 125m north of the Church Lane/Farrer Lane signal controlled crossroads and the existing pedestrian refuges on Otley Road.
- Provides little commentary on the layout and usage of Church Lane which has a single footway, fronted by houses on both sides and is used extensively as an alternative route for traffic travelling from Bramhope to Leeds Outer Ring Road at Weetwood. The TA includes a speed survey on Church Lane although precise location not given and doesn't refer to proposed traffic calming from other developments
- Traffic surveys were undertaken in June/July 2013 which is a time of year when traffic flows in the area are light, therefore the survey results and the subsequent analyses cannot be considered to be representative of typical conditions on the local road network.
- There should also have been traffic surveys in other locations nearby such as A660/Holt Lane and the A660/Holt Lane junctions.
- Additional traffic will increase traffic flows through these junctions and exacerbate existing difficulties.
- Study area for personal injury accidents that have occurred on the local highway network is too restrictive and should be extended to cover further lengths of A660, Adel Lane and Outer Ring Road.
- No off site measures to mitigate the traffic impact of the proposals on the local community.
- Traffic generation doesn't warrant the introduction of traffic signals on the A660 and access should be provided by way of a priority controlled ghost island

- junction and access should be sited away from the A660/Kingsley Road junction to provide a staggered crossroads junction
- Introduction of traffic signal control at Kingleys Drive junction would result in traffic using Kingsley Drive to access A660 in preference to Holt Lane where peak hour congestion is experienced. This would be detrimental to the amenity of existing residents.
 - Lower scheme proposed access arrangements will increase traffic flows on Church Lane which is objected to as Church Lane cannot take anymore traffic
 - Terms of pedestrian accessibility of the site is refers to a link between Otley road and church lane which is an unlit and unsurfaced public right of way and not a safe and convenient route particularly in winter.
 - Walking to closest school is not on a safe and convenient route
 - Parents taking children to school will be by car which is not reflected in the TA.
 - The TA reduces the number of junctions that was assessed from 10 down to 2 for the Otley Road site and 3 for Church Lane site. TA argues that number of dwellings reduced from 350 to 150. Doesn't confirm if this has been agreed with the Council.
 - Committed developments included but not the sites within the site allocation plans or planning application for 380 houses at Bramhope which should have been included.
 - Background flows have been based on a time when we have been in recession and these are likely to increase
 - The TA details queues on junctions nearby which we consider are too low/short.
 - Overall the inadequacies of the assessment the assumptions within the TA are not considered suitably robust to correctly assess the transports impacts of the development.

Heritage

- The church is Grade 1 and is of exceptional architectural and historic interest dating from 1150 to 1160. It stands within a large visually attractive churchyard and substantially surrounded by open land. Churchyard has its rural setting
- The location of the church within the broader landscape is highly unusual for its robust rural qualities that reflect the remote location of the site in the 12th century.
- Clear and extensive views of the field for development are experienced as the context of the church and the application site does form part of the setting of the Grade 1 listed church.
- The Beck through the middle of the site could be seen to form a boundary beyond which the effects of the development would be more in terms of views of cultural significance and may be possible to mitigate effects with significantly landscape planting.
- The setting of the application site makes a strong positive contribution to the exceptional special interest of the church.
- The scale of development would adversely affect views from the church, the graveyard and the vicinity of Church Lane. The housing would change the western and northwestern setting of the church to a new suburban context that would be inappropriate to the church. The proposed modest buffer zone is wholly inadequate in responding to the nature of the setting.
- The application would fail the tests of sections 66 and 72 of the Planning (listed Buildings and Conservation Areas) Act 1990 in that the special interest of the church and its setting would not be preserved and that the setting of the conservation area would be harmed.

There were 265 objection to the original plans with 227 for the application covering the southern part of the PAS site. The following issues have been raised:-

- Impact on the green belt
- Further incursion into green field countryside beyond the existing urban boundary
- Other suitable brown field sites
- With other developments at Centurion Fields, Boddington Hall and Government Buildings Adel has had enough development.
- Additional traffic on A660 and surrounding roads
- If both schemes implemented the internal layout allows for rat running through the site and additional pressures on junction on Holt Avenue.
- Holt Avenue/Church Lane unsafe junction to take additional traffic
- Additional traffic on A660 will lead to rat running through the Kingleys and Gainsborough estates.
- Moving of existing bus stops further away from existing residents
- Safety of children on existing centurion fields development with extra traffic
- Inspector at UDP stated that to protect the church there should be no development between Church Lane and the stream in the centre of the site.
- Impact on the setting of the 12th century church
- Destroy setting of the church and conservation area
- Conservation area appraisal states the church has important long distance views from and to church
- Schools already oversubscribed and no capacity
- Luxury housing doesn't address needs of community
- Bungalows and affordable smaller housing needed
- Greater surface runoff down the valley and increase in risk runoff and flooding potential at Adel Mill.
- Loss of visual amenity.
- Impact on views to and from Adel Dam Nature Reserve
- Loss of trees and impact on visual amenity
- Traffic noise and detriment to residential amenity
- Impact on existing ecology on the site

One letter of support detailing the following:

- The site has now been removed from green belt and is a site that is reserved for future development
- As Leeds does not have a 5 year land supply then it is the right time to release this land.
- Suitable and sustainable for development as located next to the urban area and within easy reach of local services
- Layout is acceptable retaining trees and the area of stream in the middle of the site
- Open space on eastern boundary acceptable to avoid impact on listed church and conservation area
- One oversight is the fact there is no access into the site above which whilst currently in green belt it is within the site allocations and if allocated there will need to be an access from this site to the land above.

Comments in relation to revised scheme

Councillor Anderson has objected to the scheme concerned with the following matter:

- Release of this site would be premature being contrary to policy N34 of the adopted Leeds UDP and NPPF. Size of the site possible need for a school and availability of other housing development in the area means it does not meet the interim housing delivery policy.
- Proposal is detrimental to highway safety and policies in UDP and Street Design Guide.
- Site is a protected area of search and should be for long term development needs if required.
- The Council currently has a five year land supply
- Leeds City Council needs to look again at its target to build 70,000 houses
- Should wait till the process of the site allocations is complete
- After speaking to residents the following comments should be taken into account
- The site is PAS land and shouldn't be developed
- The site should be returned to Green Belt
- There are too many houses already for the area, in terms of available infrastructure and its ability to cope with additional pressures.
- The highways infrastructure is inadequate and will not cope with further development.
- The extra houses will change the character of the area
- There are already a number of new housing developments in the area and also a supply of brownfield sites that could be developed first.
- There are potential drainage/flooding issues on the site
- The site has wildlife and ecological value
- The site is suitable for farming use and therefore to keep it as farming land is far more sustainable for the community.
- The schools cannot cope with extra houses in the area, in particular the local Primary schools have no space available and in the short to medium term secondary school provision will be at dangerously low levels.
- There are highway safety issues
- The surrounding roads are already overly congested.
- There is a need for appropriate infrastructure developments by Leeds City Council and its partners
- With the introduction of NGT the local bus services will be greatly affected and probably reduced in frequency
- The development is contrary to the NPPF
- This local site is neither environmentally nor socially sustainable and as such should be returned to the green belt.
- There are significant heritage issues if this site was to be developed and these should preclude the site from being developed.
- Concern that with the PAS site being split into two this is contrary to the spirit of at least the Council's policies.
- Access on to Otley Road was not allowed at Centurion Fields and I feel it should not be allowed in this instance but this would also preclude access on to Church Lane due to the volumes of traffic and for this highways reason the application should be refused.
- There will be an increase in car journeys as families will have to travel outside of the area for access to education provision.
- Crossing the A660 on a daily basis to get a child to school will become even more dangerous because of other proposed developments in the area.
- It is my understanding that the proposal includes the removal of part of a

garden of a neighbour who has not given permission for this to occur hence the plan would not be deliverable.

- There is a striking and outstanding line of trees that follow the public right of way LEED/15/4 known locally as the “beech walk”. This line of trees would be greatly disturbed by any development and as such the current outline is not deliverable.
- Concern at the working practices of some of the sub-contractors that have been used in terms of not sticking to agreements on the neighbouring Centurion Fields site and the frequency with which Planning Enforcement officers have had to be called to the site or planners being asked to contact the developer on an informal basis.
- The land area has been reduced so development far more dense and intense and not in keeping with Adel and Wharfedale area.

Adel Neighbourhood Forum is objecting for the following reasons:

- The application should be made in accordance with development and the NPPF
- Both sites are allocation as PAS and the development of these sites would not be in accordance with policy N34 and the Development Plan
- The site does not comply with the interim policy as the PAS allocation exceeds 10ha
- It is not in an area where housing land is demonstrably lacking
- The development is not sustainable for both developments as it will encourage car journeys and not promote public transport and other modes of sustainable traffic
- No capacity in the existing schools especially after the level of development already approved within Adel will result in parents having to drive children to school which is not sustainable
- Provide large family housing and do not provide a range of sizes appropriate for the overall mix of the Adel area.
- The revisions do not reflect or response to the historic ties between the fields and the church
- The revised proposals are presented as two distinct sites which is argued are less than the 10ha.
- Revised proposal show small reduction in housing numbers but this will result in a more dense and squeezed development for both site in which occupants will have no useable private amenity space
- Loss of a number of historic trees
- Potential for flooding especially Adel Mills area
- No consultation with the public
- Prematurity ahead of the site allocations process

An additional transport statement has also been submitted

Fundamental objection to the proposed signalized junctions which has been contrived to fit the limited length of site frontage onto A660. Due to low traffic numbers it is considered that a ghost island priority junction arrangements is most appropriate.

Access to the southern part of the site should be through the upper access

246 objections have been submitted as part of this application with a further 405 in relation to the application covering the southern part of the PAS site. The objections are concerned with the following matters:

- Other housing sites within the vicinity to meet the needs of the area.
- Destroying the rural setting of Adel Church and irreparably damage to this grade 1 listed building and its context.
- Contribute to the serious congestion on A660 corridor
- Create congestion on Church Lane/Adel Lane and the surrounding junctions.
- Infrastructure in Adel insufficient for further housing
- Family houses proposed and there are no school places in nearby schools
- Damage to environment such as ancient hedges and trees
- Proposed houses won't meet the needs of local residents such as affordable housing and bungalows
- Changing application during process hoping no one would notice
- Changing plans when summer holidays when people not about
- Full assessment of housing needs for Leeds and Adel needed first.
- Revised plans have similar number of houses on half of the land
- Full assessment of archeological and historical value of PAS site must be undertaken.
- Should consider both applications together
- The site is not sustainable
- Brown field sites should be used before green field sites
- Potential for flooding
- Building on useful agricultural land
- Impact on safety of children on existing streets due to additional traffic
- Noise and disturbance due to additional traffic
- Noise and disturbance due to construction traffic
- Full assessment of archaeological and historic value of the PAS site needs to happen
- Traffic surveys need to be at time when traffic levels are at their highest and not during school holidays
- No consultation with the public regarding the revised scheme
- Both sites should be treated together and go over the 10 hectares
- Local road systems cannot cope
- Enough residential developments in the Adel area
- Loss of historic and TPO trees
- Over intensive building
- Destruction of flora and fauna
- Overlooking and overbearing impact

7.0 CONSULTATION RESPONSES

Comments in relation to original scheme

Highways

The proposal cannot be supported as submitted. Key matters that need to be resolved at outline stage are as follows:

- Insufficient modelling assessment
- Lack of NGT modelling impact assessment
- Consideration of other site access options
- Justification of speed reduction features on A660 from the north including lack of stage 1 road safety audit for the site access junction onto Otley Old Road

- An assessment on the highway mitigation works that could be achieved to reduce the impact on the junctions by the development should be completed
- Justification of suitability of the link through the site
- Lack of detail on retaining walls and bridges for the adopted highway
- Some key layout issues need to be resolved at outline stage due to its impact on future highway adoption, land availability and housing matters.

English Heritage

The Church of St John the Baptist is one of the finest examples of twelfth century church buildings in the country. The setting of the church and associated conservation area retains a strong rural character and enables an appreciation of its early origins and isolated position and therefore makes a positive contribution to its significance.

English Heritage considers that the proposed development, by virtue of its scale and proximity, would not preserve those elements of the setting of the church and conservation area which contribute positively to their significance. We consider the harm caused would not be outweighed by the public benefits of the proposal and as such we object to the applications as currently submitted and recommend that outline permission is refused.

Conservation Officer

Comments are based on the impact off the development on Grade 1 Listed Church St John the Baptist.

From the church it is possible to gain wide reaching views and the lack of development adjacent adds to this unique character and historic sense of place and setting created by the church.

Adel St Johns Conservation Area Appraisal and Management Plan makes specific reference to open views and impact of countryside and development upon the Conservation Area.

Constructing houses on surrounding fields that will be a detrimental impact upon the Conservation Area and Grade 1 Listed Church. It would harm the open countryside setting that is so important and sense of arrival into Adel would be severely diminished by the development. Could be scope for a modest extension but the design of Centurion Fields does not pick up on the local character and vernacular so is a design that shouldn't be repeated

Travelwise

Travel plan should be included in a section 106 agreement along with monitoring fee, provision of residential metrocard scheme (bus only), bus stop upgrading, public transport improvements and developer contributions require a contribution of £107,907.

Metro

Metro advise that one of the bus stops should have a shelter at a cost of £10,000 and one to benefit from a new 'live' bus information at a further cost of £10,000. Development needs good pedestrian access and travelcards for the householders is required.

Public Rights of Way

A footpath is to the southern boundary which needs to be taken into account

Yorkshire Water

Conditional approval

Environment Agency

Leeds City Council Flood Risk Management team should provide information in relation to sustainable management of surface water. Yorkshire Water should comment on the mains connection to the foul drainage disposal.

A buffer zone at least 8 metres wide on each side of the existing watercourse should be provided for wildlife.

Children's Services LCC

The nearest primary school to this development is Adel St John the Baptist C and E however, the development sits within Ireland Wood Primary Schools polygon and children generated from this development will be deemed as nearest to Ireland Wood.

The development will generate at least 3 primary aged pupils per year group
The cost for primary will be 88 (dwellings) x £12,257 (cost multipliers) x 0.25 (yield per pupil) x 0.97 (location cost) which equates to £261,564.38.

In terms of secondary schools the nearest school is Ralph Thoresby High School which has no spare capacity after 2016/2017. A full contribution is required which is 88 (dwellings) x £18,469 (cost multipliers) x 0.10 (yield per pupil) x 0.97 (location cost) = £157,651.38

Total contribution £419,215.76

West Yorkshire Archaeological Service

As well as the St John the Baptist Church c 400m north of the proposed development site is the probable site of a Roman settlement as identified by aerial photographs, on the ground as earthworks and by historical excavation. Possible elements of this site extend south into the proposed development site.

The proposal will involve significant ground disturbance and there is potential for the proposals to disturb/destroy important archaeological remains.

Recommend that there is an evaluation of full archaeological implications of the proposed development. This would be a geophysical survey followed by the excavation of a number of archaeological evaluation trenches.

Ancient Monuments Society

Adel church is a very special place a national importance in terms of its fabric but also the key building within the Adel-St Johns Conservation Area.

This role is already established in your exemplary Conservation Area Appraisal and Management Plan which we note was approved as a material consideration in the determination of planning in November 2009. The document stresses the importance of open arable fields and key views towards the open countryside in setting the context for the Conservation Area. The critical statement importance that 'development around the Conservation Area should not spoil its setting. Views towards and away from a conservation area can be detrimentally affected by inappropriately placed structures.'

In light of the recent adoption of such a document it is imperative that the policies are endorsed. This being so substantial new development so close to the church should be rejected.

Ecology officer

There is an area of semi improved grassland to the north west of the site and an area of broad leaved woodland loss for the new access road which will need to be mitigated elsewhere on the site. So far no information has been submitted in relation to this mitigation.

Additional survey information is required about spring/early summer bat activity is required.

Landscape officer

A number of issues need to be addressed:

- Development to northern side of the access to the NW is not feasible when the tree buffer to the Green Belt is taken into account and the distances required
- There are 2 watercourses on the site and traversed on at least 3 occasions don't want to see culverts
- Interests of good design needs the internal path along the stream to connect to countryside path known as Adel Willows.
- Distance to trees issues
- Development too close to stream corridor
- Open space buffer required
- Concerns over the relationship between the right of way and the adjacent dwellings.

Contaminated land

Clarifications required in relation to the submitted Phase 1 Desk Study report.

Comments in relation to the revised scheme

Highways

The proposal cannot be supported as submitted. Key matters that need to be resolved at outline stage are as follows:

Insufficient modelling assessment and information provided

Consideration of other site access options

Justification of speed reduction features on the A660 from the north including lack of stage 1 road safety audit for the site access junction onto Otley Old Road

Insufficient traffic calming and pedestrian crossing improvements on Church Lane

An assessment on the highway mitigation works that could be achieved to reduce the impact of the junctions by the development should be completed

Some key layout issues need to be resolved at outline stage due to its impact on future highway adoption, land availability and housing numbers

English Heritage

The revised plans show the development contained in the area to the west of the beck and this is in accordance with our previous advice. In order to mitigate the visual impact on the setting of the church the height of the proposed new dwellings

along the west edge of the beck should ideally be 1.5 storeys and should be restricted to a maximum of 2 storeys. This along with a carefully planned planting scheme would help to break up and soften the extent of the visual impact of the building environment when looking westwards from the church.

Further screening should be considered along the stream and/or along the roadside boundary to the west of the church. Also important that the existing trees both to the boundaries and within the site are retained.

Design and materials for the new buildings need to be high quality traditional, local materials taking reference from the existing character of the settlement.

West Yorkshire Archaeological Service

No additional comments

CPRE West Yorkshire

Objects to the planning application for the following reasons:

Site is a PAS site and shouldn't be approved

New Core Strategy within days of adoption and carries very significant weight and this shows we have a 5 year supply so this land is not needed.

Would pre-empt and prejudice the site allocations plan process

Adel had a lot of development recently and it cannot sustain further housing growth without loss of distinctiveness.

Road traffic impacts have not been fully assessed

Metro

No additional comments

Public Rights of Way

Public footpath no 17 Leeds should remain in its original line

Yorkshire Water

Conditional approval

Environment Agency

No further comments

Children's Services LCC

The cost for primary will be 80 (dwellings) x £12,257 (cost multipliers) x 0.25 (yield per pupil) x 0.97 (location cost) which equates to £237,785.80

In terms of secondary schools the nearest school is Ralph Thoresby High School which has no spare capacity after 2016/2017. A full contribution is required which is 80 (dwellings) x £18,469 (cost multipliers) x 0.10 (yield per pupil) x 0.97 (location cost) = £143,319.44

Total contribution £381,105.24

Design

Cannot support a scheme that is essentially building cul de sacs which are not good design. Good urban design does not encourage 'dead ends' and 'pseudo private communities' Streets should lead to other streets is part of the guidance both locally and nationally. The whole scheme along with the planning application to the south should be connected.

Ecology officer

Level of bat surveys in not sufficient to assess the impacts of the scheme. Additional spring/summer surveys are required.

Loss of undisturbed rash pasture for access road which needs to be mitigated

Survey of area for Harvest Mice should also be carried out

Requests mitigation for grassland as previous comments

Landscape officer

Concerned regarding some tree removal proposed

Exposed edge to housing will present a very stark finish to the development, this adjoins the open space buffer related to the listed church setting.

Contaminated land

Amendments required

8.0 PLANNING POLICIES:

Development Plan

- 8.1 The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the adopted Natural Resources and Waste DPD (2013).

The Inspector's Reports into the Core Strategy and the CIL examinations have now been received and reports on these were considered by Executive Board on 17 September 2014 with a view to the CS being referred to full Council for formal adoption on 12 November 2014. As the Inspector has considered the plan, subject to the inclusion of the agreed Modifications, to be legally compliant and sound, the policies in the modified CS can now be afforded substantial weight. Once the CS has been adopted it will form part of the Development Plan

8.2 Leeds Unitary Development Plan (UDP) Review:

The site is allocated as a 'Protected Area of Search' and as Green Belt. Other relevant policies are:

SA1: Secure the highest possible quality of environment

SG3: Community land needs

GP5: General planning considerations.

GP7: Use of planning obligations.

GP11: Sustainable development.

N2/N4: Greenspace provision/contributions.

N10: Protection of existing public rights of way.

N12/N13: Urban design principles.

N23/N25: Landscape design and boundary treatment.

N24: Development proposals abutting the Green Belt.

N29: Archaeology.

N34: Protected Areas of Search
N38 (a and b): Prevention of flooding and Flood Risk Assessments.
N39a: Sustainable drainage.
BD5: Design considerations for new build.
T2 (b, c, d): Access and accessibility issues.
T5: Consideration of pedestrian and cyclists needs.
T7/T7A: Cycle routes and parking.
T24: Parking guidelines.
H1: Provision for completion of the annual average housing requirement.
H2: Monitoring of annual completions for dwellings.
H3: Delivery of housing on allocated sites.
H11/H12/H13: Affordable housing.
LD1: Landscape schemes.

Policy N34 Protected Areas of Search for Long Term Development

- 8.3 The Unitary Development Plan (UDP) was originally adopted in 2001 and its Review was adopted in 2006. The original UDP allocated sites for housing and designated land as PAS. The UDP Review added a phasing to the housing sites which was needed to make the plan compliant with the national planning policy of the time, Planning Policy Guidance 3. The UDP Review did not revise Policy N34 apart from deleting 6 of the 40 sites and updating the supporting text. The deleted sites became the East Leeds Extension housing allocation.

Policy N34 and supporting paragraphs is set out below:

The Regional Spatial Strategy does not envisage any change to the general extent of Green Belt for the foreseeable future and stresses that any proposals to replace existing boundaries should be related to a longer term time-scale than other aspects of the Development Plan. The boundaries of the Green Belt around Leeds were defined with the adoption of the UDP in 2001, and have not been changed in the UDP Review.

To ensure the necessary long-term endurance of the Green Belt, definition of its boundaries was accompanied by designation of Protected Areas of Search to provide land for longer-term development needs. Given the emphasis in the UDP on providing for new development within urban areas it is not currently envisaged that there will be a need to use any such safeguarded land during the Review period. However, it is retained both to maintain the permanence of Green Belt boundaries and to provide some flexibility for the City's long-term development. The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework, and in the light of the next Regional Spatial Strategy. Meanwhile, it is intended that no development should be permitted on this land that would prejudice the possibility of longer-term development, and any proposals for such development will be treated as departures from the Plan.

N34: WITHIN THOSE AREAS SHOWN ON THE PROPOSALS MAP UNDER THIS POLICY, DEVELOPMENT WILL BE RESTRICTED TO THAT WHICH IS NECESSARY FOR THE OPERATION OF EXISTING USES TOGETHER WITH SUCH TEMPORARY USES AS WOULD NOT PREJUDICE THE POSSIBILITY OF LONG TERM DEVELOPMENT.

Policies from the Core Strategy that are relevant

- Spatial policy 1 – Location of development (page 22)
- Spatial policy 6 – Housing requirement and allocation of housing land (page 34)
- Spatial policy 7 – Distribution of housing land and allocations (page 37)
- Policy H1 – Managed release of sites (page 59)
- Policy H2 – New housing development on non allocated sites (page 60)
- Policy H3 – Density of residential development (page 60)
- Policy H4 – Housing mix (page 61)
- Policy H5 – Affordable housing (page 63)
- Policy H8 – Housing for independent living (page 68)
- Policy P9 – Community facilities and other services (page 87)
- Policy P10 – Design (page 88)
- Policy P11 – Conservation (page 90)
- Policy P12 – Landscape (page 91)
- Policy T1 – Transport Management (page 92)
- Policy T2 – Accessibility requirements and new development (page 93)
- Policy G3 – Standards for openspace, sport and recreation (page 97)
- Policy G4 – New greenspace provision (page 98)
- Policy G6 – Protection and redevelopment of existing greenspace (page 100)
- Policy G7 – Protection of important species and habitats (page 101)
- Policy G8 – Biodiversity improvements (page 101)
- Policy EN1 – Climate change – carbon dioxide reduction (page 103)
- Policy EN2 – Sustainable design and construction (page 104)
- Policy EN3 – Low carbon energy (page 106)
- Policy EN4 – District heating (page 107)
- Policy EN5 – Managing flood risk (page 108)
- Policy ID1 – Implementation and delivery mechanisms (page 115)
- Policy ID2 – Planning obligations and developer contributions (page 117)

POLICY H1: MANAGED RELEASE OF SITES

LDF Allocation Documents will phase the release of allocations according to the following criteria in order to ensure sufficiency of supply, geographical distribution in accordance with Spatial Policy 7, and achievement of a previously developed land target of 65% for the first 5 years and 55% thereafter. Subsequent phases (after the first 5 years of the Plan) should be made up of sites which best address the following criteria:

- i) Location in regeneration areas,
- ii) Locations which have the best public transport accessibility,
- iii) Locations with the best accessibility to local services,
- iv) Locations with least impact on Green Belt objectives,
- v) Sites with least negative and most positive impacts on green infrastructure, green corridors, green space and nature conservation,

Consideration will be given to bringing forward large sites, of more than 750 dwellings, to facilitate, early delivery in the Plan period.

In special circumstances, allocated sites may be permitted to be released in advance of their phasing outlined above, so long as the permitted site delivers infrastructure and housing investment that is needed within Regeneration Priority Areas. In such cases, suitable mechanisms will be agreed to ensure that delivery within the Regeneration Priority Area occurs either before, or in conjunction with the delivery of the permitted site.

Where a five year supply of deliverable housing sites cannot be demonstrated through annual monitoring, consideration will be made to release the subsequent phase or phases of sites to help address the

shortfall. The release of further phases of housing land may be considered if it is found that either:

- i) Delivery on PDL in the past year has met the target;
- ii) Delivery on PDL is expected to meet the target for the next five years; or
- iii) A sufficient number of sites (equivalent to the five year supply figure minus the windfall allowance) are reasonably capable of being developed.

8.4 Supplementary Planning Guidance / Documents:

Supplementary Planning Document: "Street Design Guide".

Supplementary Planning Document: Public Transport Improvements and Developer Contributions.

Supplementary Planning Document: Travel Plans.

Supplementary Planning Document: Designing for Community Safety – A Residential Guide

Supplementary Planning Guidance "Neighbourhoods for Living".

Supplementary Planning Guidance "Affordable Housing" – Target of 35% affordable housing requirement.

Supplementary Planning Document – Sustainable Design and Construction "Building for Tomorrow, Today"

Supplementary Planning Guidance 4 – Greenspace Relating to New Housing Development

Supplementary Planning Guidance 11 – Section 106 Contributions for School Provision

Supplementary Planning Guidance 25 – Greening the Built Edge

Adel Neighbourhood Design Statement – Revised Draft for Consultation April 2014.

Interim PAS Policy

- 8.5 A report on Housing Delivery was presented to Executive Board on the 13th March 2013. The report outlines an interim policy which will bolster and diversify the supply of housing land pending the adoption of Leeds Site Allocations Development Plan Document which will identify a comprehensive range of new housing sites and establish the green belt boundary. The Interim Policy is as follows:-

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

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

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

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

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

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

- 8.6 Leeds City Council Executive Board resolved (Paragraph 201 of the Minutes 13th March 2013) that the policy criteria for the potential release of PAS sites ,as detailed within paragraph 3.3 of the submitted report be approved subject to the inclusion of criteria which
- (i) Reduces from 5 years to 2 years the period by which any permission granted to develop PAS sites remains valid: and
 - (ii) Enables the Council to refuse permission to develop PAS sites for any other material planning reasons.
- 8.7 It has been confirmed following a High Court challenge from Miller Homes that the Council's interim PAS policy is legal. However, the case is due to be heard in the Court of Appeal in March 2015.
- 8.8 The policy has been used to support the release of land at six sites at Fleet Lane, Oulton, Royds Lane, Rothwell, Owlars Farm, Morley, Calverley Lane, Farsley, and Spofforth Hill Wetherby. The policy has also been used to resist permission for PAS sites at Kirkless Knoll and Boston Spa which were subject of a public inquiry late last year and early this year respectively with the Kirklees Knowl inquiry due to re-open in the Autumn. The decision on Boston Spa is expected in late October with the Kirklees Knowl decision not due until the end of the year. PAS sites at Bradford Road, East Ardsley, Bramhope and West of Scholes have also recently been refused.
- 8.9 The Council's interim PAS policy does not supersede the Development Plan but is a relevant material consideration that the Panel should have regard to. The starting point remains the Development plan and in particular policy N34.

Local Development Framework

- 8.10 The Inspector's Reports into the Core Strategy and the CIL examinations have been received and were considered by Executive Board on 17th September 2014 with a view to the Core Strategy being referred to full Council for formal adoption on 12th November 2014 and the CIL Charging Schedule referred for formal adoption on 6th April 2015. As the Inspector has considered the Draft Publication Core Strategy, subject to the inclusion of the agreed Modifications, to be legally compliant and sound, the policies in the modified Core Strategy can now be afforded considerable weight. Once the Core Strategy has been adopted it will form part of the Development Plan and have full weight.
- 8.11 The supporting text to Policy N34 of the Unitary Development Plan expects the suitability of the protected sites for development to be comprehensively reviewed through the Local Development Framework (para 5.4.9). The Site Allocations Plan is the means by which the Council will review and propose for allocation sites which are consistent with the wider spatial approach of the Core Strategy and are supported by a comparative sustainability appraisal. It will also phase their release with a focus on:

sites in regeneration areas, with best public transport accessibility, the best accessibility to local services and with least negative impact on green infrastructure. This application is contrary to this approach. The Site Allocations Plan process will determine the suitability of this site for housing development. This approach is in line with para 85 of the NPPF which states that “Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development.” It is also in line with the NPPF core planning principle 1, which states that planning should “be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.”

- 8.12 The NPPF states in paragraph 47 that local authorities should boost significantly the supply of housing. It sets out mechanisms for achieving this, including:
- use an evidence base to ensure that the Local Plan meets the full objectively assessed needs for market and affordable housing;
 - identify and update annually a supply of specific deliverable sites sufficient to provide for five years’ worth of supply;
 - Ensure choice and competition in the market for land
 - identify a supply of specific deliverable sites or broad locations for growth for years 6 to 10 and years 11 to 15,
- 8.13 The Core Strategy housing requirement has been devised on the basis of meeting its full objectively assessed housing needs. These are set out in the Strategic Housing Market Assessment (SHMA), which is an independent evidence base, as required by paragraph 159 of the NPPF and reflects the latest household and population projections, job growth forecasts as well as levels of future and unmet need for affordable housing.

Five Year Land Supply

- 8.14 The NPPF provides that Local Planning Authorities should identify and update annually a supply of specific deliverable sites to provide five years’ worth of housing supply against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence that it will be delivered. Housing applications should be considered in the context of the highly advanced Core Strategy and the advancing Site Allocations Plan alongside the presumption in favour of sustainable development articulated in the NPPF.
- 8.15 In the past, the Council has been unable to identify a 5 year supply of housing land when assessed against post-2008 top down targets in the Yorkshire and Humber Plan (RSS to 2026) which stepped up requirements significantly at a time of severe recession. During this time (2009-2012) the Council lost ten appeals on Greenfield allocated housing sites largely because of an inability to provide a sufficient 5 year supply and demonstrate a sufficiently broad portfolio of green field land. This was against the context of emerging new national planning policy which required a significant boosting of housing supply and the provision of choice and competition in the market for land.
- 8.16 Nationally the 5 year supply remains a key element of housing appeals and where authorities are unable to demonstrate a 5 year supply of deliverable sites, policies in the NPPF are considered to be key material considerations and the weight to be given to Councils’ development plan policies should be substantially reduced.

- 8.17 The context has now changed. The Core Strategy Inspector's Report was published on 5th September and confirmed the Leeds housing requirement of 70,000 net homes between 2012 and 2028 (phased at a rate of at least 3,660 homes per annum up to 2017/18 and the residual, currently 4,700 homes per annum, thereafter up to 2028). The Inspector also considered that the Council had conducted a reasonable objective analysis of its housing requirement (including addressing under delivery against pre-2012 Regional Strategy housing targets) meaning that there is no requirement to apply a 20% buffer to the 5 year supply.
- 8.18 In terms of a 5 year supply of deliverable land the Council identifies that as of 1st April 2014 to 31st March 2019 there is a current supply of land equivalent to 6.4 years' worth of housing requirements.
- 8.19 The five year housing requirement revised on the basis of the Inspectors's Report is 22,500 assuming a 5% buffer and seeking to remedy under delivery over 10 years.
- 8.20 The Council has land sufficient to deliver 29,000 homes within the next five years. The five year supply (as at April 2014) is made up of the following types of supply:
- allocated sites
 - sites with planning permission
 - SHLAA sites without planning permission
 - an estimate of anticipated windfall sites – including sites below the SHLAA threshold, long term empty homes being brought back into use, prior approvals of office to housing and unidentified sites anticipated to come through future SHLAAs
 - an element of Protected Area of Search sites which satisfy the interim PAS policy
- 8.21 This means that on the basis of the supply evidence put to the Grove Road Inspector (including the final published SHLAA position) The Council is able to identify a 6.4 year land supply/ The current 5 year supply contains approximately 24% Greenfield and 76% previously developed land. This is based on the sites that have been considered through the SHLAA process and meets the Core Strategy approach to previously developed land as set out in Policy H1.
- 8.22 In addition to the land supply position, the Site Allocations Document is in the process of identifying specific deliverable sites for years 6 to 10 of the Core Strategy plan period and specific sites for years 11 to 15.

National Guidance - National Planning Policy Framework

- 8.23 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. 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.
- 8.24 Paragraph 47 of the NPPF requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%.

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

9.0 MAIN ISSUES

- Development Timing in advance of the Site Allocations Plan
- Compliance with the Development Plan
- 5 year land supply
- Highway safety and sustainability criteria
- Listed building and conservation area
- Education
- Tree loss/landscaping/ecology
- Design
- Residential amenity
- Section 106 Matters
- Representations

10.0 APPRAISAL

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the National Planning Policy framework indicates that development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The starting point for any consideration of the development must therefore be the provisions of the LUDPR (2004), in order to assess whether the development is in accordance with the development plan. Other material considerations include the NPPF, the Core Strategy now close to adoption, the requirement for a 5 year supply of housing, the interim housing policy adopted by the Council and matters relating to sustainability, highways, layout/design/trees/landscaping, amenity, other matters and the Section 106 package being offered in this case.

Compliance with the Development Plan

- 10.2 In considering the site against the provisions of the development plan, the key issue is that the application site is identified on the proposals map and listed in Policy N34 as a Protected Area of Search for Long Term Development. Policy N34 of the UDPR states that development of PAS sites will be restricted to that which is necessary for the operation of existing uses together with such temporary uses as would not prejudice the possibility of long term development. As such the proposal constitutes a departure from the Development Plan. Paragraph 5.4.9 of the UDPR indicates that the suitability of protected sites will be reviewed as part of the preparation of the Local Development Framework. The grant of planning permission would also be contrary to this supporting text.
- 10.3 Having established that the proposal is contrary to the provisions of the development plan it is still necessary to assess the proposal against other material considerations.
- 10.4 Paragraph 14 of the NPPF reiterates that development proposals should be approved if they accord with the development plan but also indicates that permission should be granted where relevant policies are out of date, unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.*
- 10.5 The NPPF at paragraph 85 states that when defining green belt boundaries, local planning authorities should:
- “make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development”.*
- 10.6 On 13th March 2013 the Council’s Executive Board, resolved to enhance housing delivery by releasing some designated PAS sites in advance of the preparation of the Site Allocations Plan so as to bolster the diversity of the land supply. The Board agreed that some sites could be released provided they met agreed criteria set down in an Interim PAS policy.
- 10.7 The interim PAS policy does not supersede the Development Plan but is a relevant material consideration that the Panel should have regard to. The starting point remains the Development plan and in particular policy N34.
- 10.8 The purposes of the Interim PAS Policy are to broaden the land supply and (along with a number of other measures e.g. the interim affordable housing policy) to promote housing delivery, and to reduce the risk of ad hoc development on greenfield and potentially on Green Belt sites by ensuring a continuous supply of housing land to meet housing requirements. This is in line with the NPPF and especially paragraph 47 on significantly boosting the supply of housing.

Development Timing in advance of the Site Allocations Plan

- 10.9 The interim policy only supports housing development on PAS sites subject to the following criteria.

- 10.10 Criteria (i) Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft. *The application site is within Adel, which is defined as being within the urban area of Leeds in Policy SP1 of the Core Strategy and so it satisfies this criteria.*
- 10.11 Criteria (ii) Sites must not exceed 10ha in size and there should be no sub division of larger sites to bring them below the 10ha threshold. *The whole of the PAS site allocation is 14.8ha which is greater than the 10ha threshold. The application site for this scheme has been reduced to 4.2ha and when added to the application number 14/01874/OT the area of land covered by both planning applications is 7.12ha gross. However, the interim policy does indicate that there should be no sub division of larger sites to bring them below the 10ha threshold. The applicant has stated that it is the Council and English Heritage which has stated that housing cannot be accommodated on the eastern side of the beck due to the impact on the Grade 1 Listed Church. However, this request for a reduction has just resolved a reason for refusal and is not a reason to allow approval of a PAS site before the site allocations process is complete. If it is indeed the case that the eastern side of the PAS site cannot be developed then this needs to be established through the site allocation process and not by granting permission which in policy terms would be premature.*
- 10.12 Criteria (iii) Land is not needed, or potentially needed for alternative uses. *The application site is not needed for alternative uses and therefore satisfies this criterion.*

Whereas the PAS site area is greater than 10ha (it is 15ha) the application site is 4.2ha but it still fails criteria ii, the site does relate well to the 'urban area' of Leeds and it is not envisaged that the site is required for any alternative use therefore the site meets criteria i and iii.

- 10.13 As stated in the interim policy, 'in cases that meet criteria (i) and (iii) above, development for housing on further PAS land may be supported if:
- iv) it is in an area where housing land development opportunity is demonstrably lacking; and
 - v) the development proposed includes or facilitates significant planning benefits such as, but not limited to:
 - a) a clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area;
 - b) proposals to address a significant infrastructure deficit in the locality of the site.
- 10.14 With regard to criterion iv) it is the view of Officers that there are plenty of sites in the locality and the Housing Market Area. Some are currently under construction including Centurion Fields which is to the south of this site. Others are being planned to commence soon including approximately 100 dwellings at the former government works and 130 at Boddington Hall site. These illustrate that housing land development opportunity is not demonstrably lacking in the area.
- 10.15 With regard to criterion v) a) The applicant has not linked this application to the redevelopment of a significant brownfield site in a regeneration area and
b) The applicant has not put forward any measures to address a significant infrastructure deficit in the locality of the site.

- 10.16 To summarise, the application does not meet the interim policy criteria to be released early. There are other housing opportunities in the area which are on going or soon to start on site. Whilst the application site has been reduced to 4.2 ha the whole of the PAS allocation needs to be taken into account which exceeds the 10 ha. The allocation of this site should await comprehensive assessment through the Site Allocations Plan.
- 10.17 The application does not satisfy the interim policy criteria for release at the time. As such it is contrary to policy N34 of the adopted UDP and policy H1 of Core Strategy.

Five Year Supply

- 10.18 In relation to housing requirements, the Council has a 6.4 year housing land supply. This supply has been sourced from the Strategic Housing Land Availability Assessment Update 2014 and includes over 22,500 units, including sites for students and older persons housing. In addition the identified supply consists of some safeguarded sites adjacent to the main urban area which meet the Council's interim policy on Protected Areas of Search (approved by Executive Board in March 2013). The supply also includes evidenced estimates of supply, based on past performance, from the following categories: windfall, long term empty homes returning into use and the conversion of offices to dwellings via prior approvals. The supply figure is net of demolitions.
- 10.19 The requirement is measured against the Core Strategy as modified by the Core Strategy Inspector Report (5th September 2014). They indicate that the Council should supply land at a rate of at least 3,660 homes per annum between 2012 and 2016/17. This basic requirement is supplemented by a buffer of 5% in line with the NPPF. The requirement also seeks to make up for under-delivery against 3,660 homes per annum since 2012. It does this by spreading under-delivery, since the base date of the plan, over a period of 10 years to take account of the circumstances under which the under-delivery occurred i.e. the market signals and the need to provide infrastructure to support housing growth.
- 10.20 In adopting the interim PAS policy members added a further caveat reducing from 5 years to 2 years the period by which any permission granted to develop PAS sites remains valid. This amendment is to discourage land banking and ensure that where permission is granted for the development of PAS sites the proposal is implemented in a short timescale in order to meet the purposes of the policy to promote housing delivery.
- 10.21 The principle in favour of sustainable development is enshrined in the NPPF where it is stated that permission should be granted where the development plan is out of date. In this case the Council has specifically adopted a Policy to address the need to bring forward additional housing land over and above that which is being developed on housing sites allocated in the development plan, and in circumstances where additional sites are shown to be sustainable and have already been identified as having potential for long term development.
- 10.22 The Policy has been adopted in the knowledge that whilst the LUDPR indicates that PAS sites will be reviewed as part of the preparation of the Local Development Framework ideally this would be through the Site Allocations Plan, but given the changes in circumstances since the adoption of the LUDPR, including the publication of the NPPF, the Council has recognised through the Interim Policy that there is a national drive to significantly boost the delivery of much needed homes

and diversify the land supply to help this happen as the local economy recovers from recession.

- 10.23 There is a strong supply of housing land with planning permission in the City as a whole and within the local area. The March 2014 Housing Land Monitor reveals that over 15,500 units have planning permission within the authority with a further 7,500 units available to gain planning permission on allocated land. Of the 15,500 units, just over 10,000 have detailed planning permission. There are four sites within 2km of the application site with planning permission totalling over 300 homes.

Highways

- 10.24 There are a number of issues in relation to the proposed development and its highway implications which are the impact on the highway network, access into the site, sustainability and internal layout. In terms of impact on the highway network both this application and the other application on the southern part of the site have been considered together.

Impact on the existing highway network

- 10.25 A Transport assessment has been submitted in relation to the proposal and its impact on the surrounding highway network. It is considered that the transport assessment is not acceptable and there are fundamental issues within the modelling used that need addressing before officers are able to assess the full impact of the proposal on the surrounding highway network. . There is doubt over the timing of the traffic counts which are lower than recorded recently on the network and do not reflect observed queues. Traffic growth has not been applied to the base traffic flows, which doesn't reflect the fact that traffic will increase in the future due to the housing growth that will occur in Leeds. The impact on the Long Causeway / Adel Lane and Weetwood Lane / Ring Road junctions has not been considered, both of which have known capacity problems and will be impacted upon by this development. Significant queuing occurs on the Church Lane arm of the Church Lane, A660, Farrar Lane in both the morning and evenings, this is not reflected in the traffic models of this junction.
- 10.26 The applicant must do a more robust and comprehensive assessment, and propose suitable mitigation/off-site highway works where necessary to mitigate the impact of the development on the surrounding network.
- 10.27 This application needs to be combined with the application on the adjacent site 14/018740/OT to provide a comprehensive analysis and solution. This would allow that site to be split with the bulk of the site being accessed through this site, 14/01660/OT and in the order of 10 dwellings accessed via Holt Avenue to reduce the impact on the Church Lane arm of the Church Lane / A660 junction.
- 10.28 Without these changes it is considered that the full impact off the development on the local highway network cannot be assessed. Officers consider that the development will have a detrimental impact on the surrounding highway network and will have a detrimental impact on the free and safe flow of traffic.

Vehicular Access:

- 10.29 The main site access is proposed as a signalised junction on the A660, forming a cross roads with Kingsley Drive. This form of junction was originally discussed when the housing numbers on the site were expected to be much greater. A signalised junction is not appropriate for the current level of development as the degree of delay that will be caused to through traffic on the A660 and additional likely road traffic accidents associated with the introduction of a signalised junction would be disproportionate to the benefit to drivers exiting the site. The applicant should provide an investigation into other access options that may include the 'blue boundary' land to the north of the access in the form of a staggered ghost island priority junction.
- 10.30 The access onto the A660 should also take the bulk of development from the southern part of the site covered by application number 14/01874/OT with no more than 10 on the south part of the site having access through the Centurion Fields with no vehicular through route to stop any potential rat-running.
- 10.31 It is concluded that the proposed accesses to the two sites are not adequate and it has not been shown that the site can be accessed safely without having a detrimental impact on the safe and free flow of traffic contrary to Policy T2 of the adopted UDP and emerging Core Strategy.

Accessibility:

- 10.32 The site has been assessed in relation to walking distances to bus stops, local services, and schools in line with the emerging core strategy accessibility standards for development. As a stand alone site without connectivity benefits of the adjacent site, the site fails to meet the accessibility standards within the emerging Core Strategy.
- 10.33 However there is opportunity to further enhance connectivity to the site by assessing it jointly with application 14/01874/OT and providing a footpath/cycle track link to the A660 and extending the footway along the A660 to meet it, also be enhancing the footpath across the site to Church Lane with suitable pedestrian crossing and traffic management measures where the path emerges on to Church Lane. These enhancements would provide more legible and shorter routes than would otherwise exist. The applicant to date has also not accepted the full contributions requested by the Councils Highways/Travelwise/NGT Teams and Metro.

Internal layout/servicing/bins:

- 10.34 Although reserved for later there are some key issues with the layout that should be resolved at outline stage as they impact on future highway adoption, land availability and housing numbers. These matters include such items as construction and design details on footpath bridges on the site should be provided, visibility at junctions, changes to red line boundaries to prevent ransom strips, turning heads, footways, parking. There are also concerns with the layout that will need to be addressed at reserve matters stage to be acceptable in the Street Design Guide SPD.

Off site highway works.

- 10.35 Providing the highway concerns above are addressed there are a number of off site highway works and contributions that would be required which includes;
- a formal link from the site to Church Lane is still requested so residents have direct routes to nearest primary schools and amenities to the east.

Can be incorporated into the parking layby and traffic calming scheme along church Lane.

- Metro require two bus stops to be upgraded at a cost of £20,000 along with metrocards for residents.
- Traffic calming scheme between church lane signals and the end of the 30mph speed limit section of Church Lane to the north including raised pedestrian crossings for the pedestrian desire lines to the nearest primary school. Other traffic calming along Adel lane and Church Lane is to be funded by other projects in the area.
- Surfaced footway should be provided on Otley Road from the south west corner of the site from where the PROW/development emerges onto Otley Road to link with the shops, existing crossing and new link implemented by centurion fields.
- Site access works and associated traffic calming and any RSA Stage 1 outcomes/revisions.
- Any capacity mitigation required on junctions modelled (NGT or standard)
- Footway on Otley Road.

Listed building and Conservation area

- 10.36 The original scheme along with the site to the south covered the whole of the PAS site on land between Otley Road and Church Lane. Across the road on Church Lane is the Grade 1 Listed Church St Johns the Baptist which originates from the 12th Century. This church is set within its own grounds and is generally within open countryside with very little changing from when it was first erected. The original plans showed development on the fields the other side of the road from the church. English Heritage objected to the planning application stating that the development was coming to close to the church and it would have a detrimental impact on its setting and history. The Inspector in 2006 when allocating the land as a PAS site stated that the fields to the east of the beck should be left without development due to the potential impact on the listed church.
- 10.37 The revised plans show no houses to the east of the Beck. There is open space proposed on some of the land to the east of the beck with the rest of the land outside of the application site and remaining as open fields. English Heritage are no longer objecting to the scheme but do make some suggestions to ensure that the heritage of the listed church is maintained. They suggest that the proposed houses that back onto the green space are 1.5 stories and at a maximum are 2 stories. This along with a carefully planned planting scheme would help to break up and soften the extent of the visual amenity of the built environment when looking westwards from the church.
- 10.38 Further screening should be considered along the stream and/or along the roadside boundary to the west of the church. It is also important that the existing trees both to the boundaries and within the site are retained. Finally the design and materials for the new buildings need to be high quality traditional, local materials taking reference from the character of the settlement.
- 10.39 In conclusion it is considered that the reduced scheme should not have a detrimental impact on the Grade 1 Listed Church and the Conservation Area.

Education

- 10.40 There is currently limited capacity in both the primary and secondary schools within the area. Education are requiring a full contribution from the developer in relation to

both the primary and secondary contributions and the applicant has agreed to pay these.

- 10.41 The council is working with the local community in the development of the neighbourhood plan and are discussing the implications of development in the area on school places. There is existing pressure on school places in the area and this is likely to increase as new housing developments takes place locally. We are seeking contributions for primary and secondary school places from the subject applications but we would not ask for land at this time. There is limited scope to expand the existing schools in Adel and the council will therefore need to continue to review the need for land for a new school in the area to support future allocated housing sites

Tree Loss/Landscaping/Ecology.

- 10.42 In terms of ecology additional work is required in relation to bat surveys especially during the spring and summer. Once this information is received a full assessment on the impact on bats can be carried out and it can be established what mitigation works will be required. As well as additional bat survey information there is also a requirement for a survey of harvest mice.
- 10.43 There will be some loss of undisturbed rash pasture for the access road of Otley Road which needs to be mitigated. It is suggested that this mitigation is carried out to the north of the site in land that will be undisturbed.
- 10.44 There is an area of semi improved grassland to the north west of the site and an area of broad leaved woodland loss for the new access road which will need to be mitigated elsewhere on the site. The scheme shows that this would be off set with a new meadow creation to the east of the beck but this is not sufficient to off set the loss and the should be extended eastwards to Church Lane. This extension would also allow for some new hedgerows and heavy standard tree planting to be carried out.
- 10.45 The properties on the eastern boundary are too close to the proposed beck plus additional information is also required in relation to the beck that is present on the site. Information is required as to how this beck will be used in drainage terms as the scheme requires for water to be present in this beck throughout the year to ensure ecology of the site as well as vegetation.

Design

- 10.46 The indicative layout needs improvements in design terms before the scheme can be deemed to be acceptable.
- 10.47 The main issue with this scheme is that there should be a link between the two sites and without this the scheme is unacceptable as it encourages 'dead ends' and 'pseudo private communities'. Streets should lead to other streets is part of the guidance both locally and nationally. On the positive side the layout does have good designed street frontages and spaces between the dwellings which should be encouraged.

Residential Amenity

- 10.48 The closest houses to the upper part of the site are a group of houses to the east of Otley Road which will be on the western side of the site. Adequate distances are shown between these properties and the indicative layout.
- 10.49 In terms of the indicative scheme the majority of the houses meet the criteria for distances between each other and garden sizes. There are a handful which don't meet the guidance and these could be negotiated if approval was recommended.

Letters of representations

- 10.50 The issues raised in the letters of representation have been considered above.

Section 106 Package

- 10.51 The Community Infrastructure Levy Regulations 2010 set out legal tests for the imposition of planning obligations. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development. .

- 10.52 The proposed obligations referred to in this report have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly they can be taken into account in any decision to grant planning permission for the proposals. The applicants would be required to submit a Section 106 Agreement to address the policy requirements for this application. In the absence of such an agreement a reason specific to this matter is recommended but this matter would not be contested at any appeal if an agreement was completed beforehand. The position in relation to affordable housing is subject to likely change. The Core Strategy is now close to adoption so the level of affordable housing that will be required will be 35%. Whilst the higher rate cannot be given substantial weight at present if this is supported by the Inspector and then adopted by the Council then the higher rate would need to be given substantial weight at that stage.

11.0 CONCLUSION

- 11.1 The key conclusion is that the proposal to develop Otley Road Adel now runs contrary to UDP Policy N34 which expects the PAS sites only to be released following comprehensive assessment of development plan preparation. The interim policy is designed only to release those PAS sites early which are of a scale, location and nature that would not generate planning major planning implications that ought to be considered in a comprehensive plan making exercise. It also is in a locality that contains other development opportunities both now and in the immediate future, that mean that release now for local housing availability purposes is not of such urgency that a decision cannot wait for the conclusions of the Site Allocations Plan.
- 11.2 A Five Year Supply can be demonstrated.
- 11.3 At this stage it is considered that the applicants have proposed insufficient mitigation to accommodate the impact of the development on the highway network. . There are

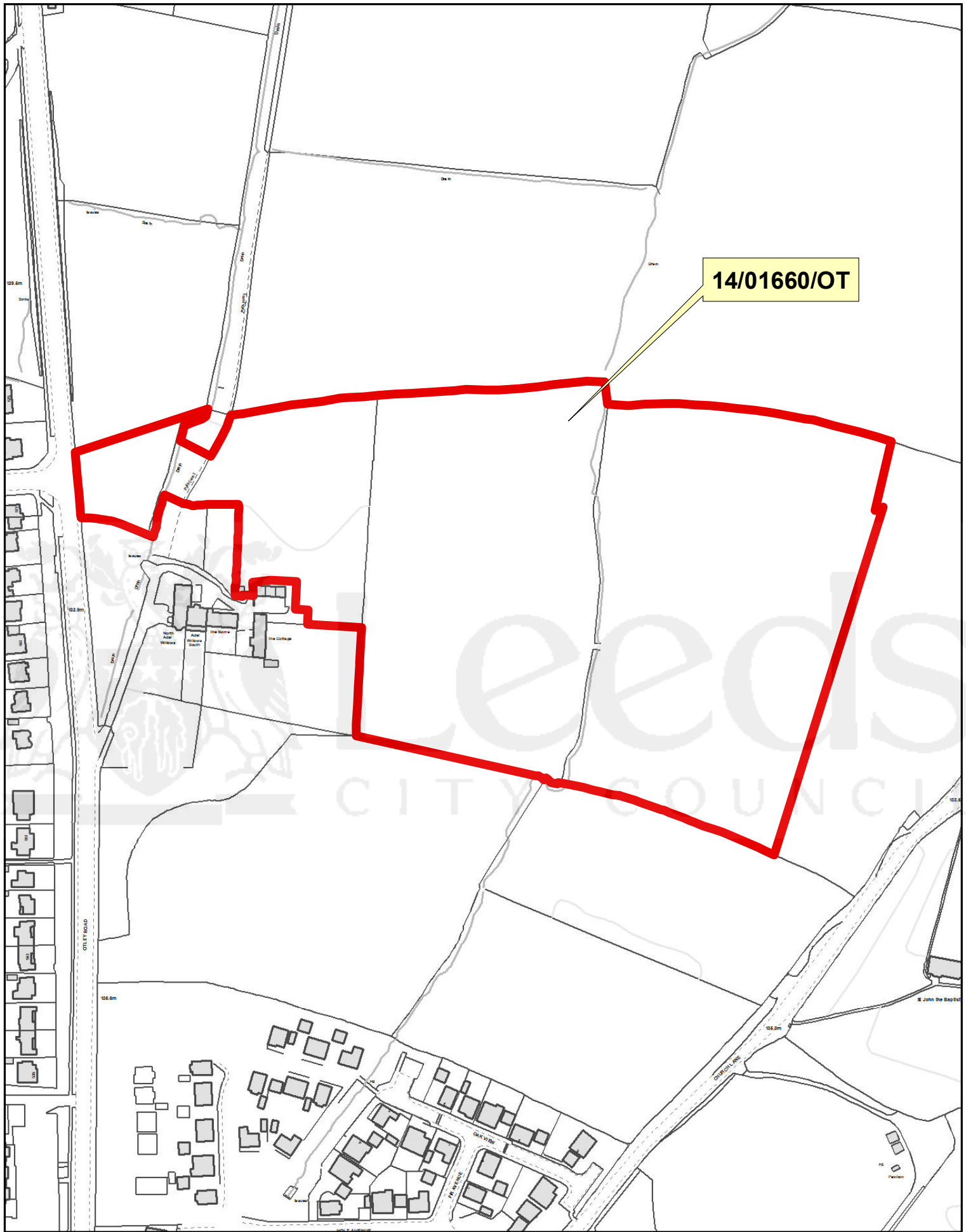
outstanding concerns that need to be resolved in relation to pedestrian/cycle access along the A660.

11.4 Refusal is recommended for the reasons set out at the beginning of this report.

Background Papers:

Certificate of ownership: signed by applicant.

Planning application file.



14/01660/OT

CITY PLANS PANEL





Originator: Carol
Cunningham
Tel: 0113 24 77998

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 9th October 2014

Subject: Application number 14/01874/OT – Outline application for residential development (up to 46 dwellings) and public open space at Land East of Church Lane, Adel .

APPLICANT	DATE VALID	TARGET DATE
Barratts David Wilson Homes	28 March 2014	4 th July 2014

Electoral Wards Affected:

Adel and Wharfedale

Yes Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Refusal of Planning permission for the following reasons;

1.The Local Planning Authority considers that the release of this site for housing development would be premature being contrary to Policy N34 of the adopted Leeds Unitary Development Plan Review (2006) and contrary to Paragraph 85 bullet point 4 of the National Planning Policy Framework. As the application site forms part of a larger designation of safeguarded land (total 11.7 ha), is not located in an area where housing land development is demonstrably lacking and does not include or facilitate significant benefits it also fails to meet the criteria set out in the interim housing delivery policy approved by the Council’s Executive Board on 13th March 2013 to justify early release. The suitability of the site (and the wider safeguarded area of which it forms part) for housing purposes needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan.

2. The Local Planning Authority considers that the applicant has so far failed to provide the necessary information to demonstrate that the proposals can be accommodated safely and satisfactorily on the local highway network. The

proposal is therefore considered to be contrary to Policies GP5 and T2 of the adopted UDP Review and Policy T2 of the emerging Core Strategy and the sustainable transport guidance contained in the NPPF which requires development not to create or materially add to problems of safety on the highway network.

3. The Local Planning Authority considers that Holt Avenue and Ash Road have inappropriate layout and geometry for the proposed level of development to be served from them and as such the proposals would be detrimental to the safe and free flow of traffic and pedestrian and cycle user convenience and safety. Also that the applicant has failed to work with the adjacent applicant to take opportunities to provide a comprehensive access solution to both sites. For these reasons the application does not comply with policies GP5, T2, T2B and T5 of the adopted Leeds Unitary Development Plan (Review) 2006, policies T2 of the emerging Core Strategy and guidance contained within the adopted Street Design Guide SPD.

4. The applicant has so far failed to take all opportunities to provide pedestrian and cycle connections from the site to nearby facilities and as such it is considered that the proposal is contrary to policy T2 of the emerging Core Strategy and to the sustainable transport guidance contained in the NPPF and the 12 core planning principles which requires that growth be actively managed to make the fullest possible use of public transport, walking and cycling. The development has also failed to offer suitable sustainable transport contributions as guided in the LCC Travel Plan SPD and LCC Public Transport Developer Contributions SPD.

5. In the absence of a signed Section 106 agreement the proposed development so far fails to provide necessary contributions for the provision of affordable housing, education, greenspace, public transport, travel planning and off site highway works contrary to the requirements of Policies H11, H12, H13, N2, N4, T2, GP5 and GP7 of the adopted UDP Review (2006) and related Supplementary Planning Documents and contrary to Policies H5, H8, T2, G4 and ID2 of the emerging Core Strategy and guidance in the NPPF. The Council anticipates that a Section 106 agreement covering these matters could be provided in the event of an appeal but at present reserves the right to contest these matters should the Section 106 agreement not be completed or cover all the requirements satisfactorily.

1.0 INTRODUCTION

- 1.1 An outline planning application for residential development was submitted to the council on 28th March 2014. The 13 week expiry date was 4th July 2014. The 26 week expiry date was 26th September 2014 when the fee would have to be paid back to the applicant if no extension of time was agreed. The agent has agreed an extension of time so the application now needs to be determined before 10th October 2014.
- 1.2 Members are asked to note the content of this report and accept the officer's recommendation of refusal with the proposed reasons for refusal listed above.
- 1.3 The application relates to a piece of land which is within a Protected Area of Search in the adopted UDP and forms part of SHLAA site 2130. Such sites are designated under policy N34 of the adopted UDP and are intended to ensure the long term endurance of the Green Belt and to provide for long term development needs if

required. The site is being considered through a Site Allocations Plan process and it is not known whether this Plan will propose the site for housing development. It is categorised as “amber” in the Issues and Options Site Allocations Plan. The application is recommended for refusal and key considerations in reaching this recommendation are matters of housing land supply, sustainability and prematurity vis-à-vis preparation of the Site Allocations Plan.

- 1.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the need to determine applications in accordance with the development plan unless material considerations indicate otherwise.
- 1.5 The proposal does not accord with the current development plan which comprises the UDP Review (2006) in that the proposal is designated as a Protected Area of Search. The development is also considered unacceptable in that the applicant has failed to demonstrate that the proposal will not have a detrimental impact on the existing highway network, they have also failed to demonstrate that the proposed access is acceptable in terms of its design and impact on the safe and free flow of traffic and finally that the applicant has so far failed to offer measures to encourage journeys by sustainable means.
- 1.6 The National Planning Policy Framework is a material consideration and Annex 1 sets out that whilst relevant policies adopted since 2004 may be given full weight depending on their degree of consistency with the NPPF, decision takers may also give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.

2.0 PROPOSAL:

- 2.1 The application is made in outline to consider the principle of the development. All matters are reserved except for access to the site. The original application covered the lower part of the PAS site and was an indicative layout of 60 dwellings with the application for the northern part of the PAS site being for 88 dwellings so in total on this PAS site there was 148 dwellings proposed. An amended red edge and masterplan has now been submitted which removes the majority of the land the eastern side of the Beck and now shows a development of 46 dwellings (ranging from 2 bedroom houses through to 5 bedroom detached houses) with associated road infrastructure, parking provision, amenity space and landscaping. The application to the northern part of the site has been reduced to 80 dwellings so the total number of dwellings is now 126 dwellings. These details would be considered under future applications for approval of Reserved Matters were permission to be granted. The site area has now been reduced down to 2.9 hectare gross which when added to the 4.22 ha gross for the northern part of the site amounts to 7.12 hectare gross.
- 2.2 The submitted plans indicate that the main access will be off the Holt Avenue through the recently constructed scheme called ‘Centurion Fields’. The road will then form a large cul de sac and there will be a pedestrian and cycle access to the site north of this site but cannot be used by vehicular traffic. The houses will cover the whole of the land the west of the Beck with the greenspace on land east of the Beck. Beyond this is open fields to Church Lane but this is now outside of the application site.
- 2.3 In addition, the Site Allocations Plan process assesses the surpluses and deficiencies of Greenspace against Core Strategy standards. Adel and Wharfedale

ward is surplus in most Greenspace and only deficient in amenity space and allotments. Decisions around new areas of Greenspace, and the future use of the adjacent site, are best considered through the Site Allocations plan-making process.

- 2.4 The application is accompanied by a draft S106 agreement (Heads of terms) which will make provision for Greenspace on site and a contribution towards off site Greenspace, 15% affordable housing, contribution to education provision, land available for a new school, highway works detailed above (and any additional works required yet to be agreed) and a contribution towards the Public Transport Infrastructure SPD, landscaping maintenance, metrocards, funding to bus stops in the area, Travel Plan measures and contributions and any other matters that arise through the course of the application.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located at the edge of the urban area of Adel attached to a new residential which is almost complete known as 'Centurion Fields'. The site at the moment is open fields and used for agricultural. The site is to the east of Otley Road and the site slopes down from Otley Road to the Beck. To the east of the site are open fields and then Church Lane. On the opposite side of Church Lane is St John the Baptists Church which is a grade 1 Listed Church. To the north of the site is the other half of the PAS site which is also on this agenda and beyond this open fields which are in green belt To the west of the site on the opposite side of Otley Road is the urban area of Adel.

- 3.2 The site forms part of a site allocated as PAS land within the Unitary Development Plan. It is categorised as "amber" within the Issues and Options Site Allocations Plan. The site area for the whole of the PAS site is 14.827 ha but for this application the site area is 2.9 ha gross and if added to the 4.22 ha gross the overall area is 7.12 ha.

- 3.3 In relation to the whole of the PAS site the site allocation document describes the site as follows:

'This is a PAS (Protected Area of Search) site and does not benefit from Green Belt protection. A limited amount of protected trees are positioned throughout the site, the majority to the west which surround the existing buildings. These will need to be considered carefully at design stage, a public right of way also crosses the site. New development is being constructed immediately to the south. Development would require suitable access into the site, which is constrained by existing properties within the site boundary and concerns over additional traffic on Church Lane and Adel Lane.'

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There are no previous planning applications of relevance
- 4.2 The site was originally designated as Green Belt in the North Leeds Local Plan Sept 1988. Then in the 2001 adopted UDP the original UDP Inspector removed the site from the Green Belt after he concluded that the land was needed to help long term planning for growth and development and he considered that the site did not fulfill the function of Green Belt. In 2006 the site was reviewed again by the Planning Inspector who retained the PAS land designation. The Inspector did conclude that

development to the fields to the east of the site should be left to open uses due to its proximity to the listed church.

5.0 HISTORY OF NEGOTIATIONS

5.1 Council Officers have met with the applicant a number of times to discuss the application both at pre application stage and during the processing of this planning application. It should be noted at this stage that discussions have related to both this application and application number 14/01660/OT for the northern part of the PAS site at the same time. The discussions revolved around the principle of development, highways, education, ecology and design.

5.2 The applicants agent for both planning applications arranged a public consultation event and wrote to local residents to advise of the intention to submit an application for the proposed development. Letters were sent to local residents at the adjoining properties and the surrounding area.

5.3 The letters invited local residents to attend a public consultation event. The event took place on Thursday 7th November 2013 from 4.30pm until 7.30pm and was held at the Old Stables Back Church Lane Adel. The event gave local residents an opportunity to look at the proposals for the site and discuss them with the development team. A comments sheet was provided for residents to formally provide feedback. In total there were over 150 attendees at the exhibition with 94 responses either received at the exhibition or sent following the event. The developer has summarised the responses received as:

- Principle of development being premature in advance of the Site Allocations Plan being adopted.
- Too much development in Adel in recent years
- Too large for the location
- Insufficient existing infrastructure to serve it
- Build on brownfield before greenfield sites
- Concerns regarding the existing traffic on the network
- Concerns over access point
- Access through the site will become a rat run
- Public transport should be improved
- Concern over capacity of local infrastructure and services especially when added to other developments in the area
- No school places, insufficient healthcare facilities, no provision for extra shops
- Already enough executive houses in area
- Needed smaller houses, bungalows and sheltered housing
- Needed more variety
- Concerns development would harm outlook from listed church and conservation area

5.4 There was also a second event held at the same premises including the applicants, their consultant team, Councillors and officers from Leeds City Council and this was on 21st November 2013. Matters discussed were the principle of development, highways, infrastructure, conservation and heritage, drainage and affordable housing.

5.5 After the planning application was submitted there was a third public meeting held on 8th May 2014 when Council Officers, Ward Members and representatives on

behalf of the applicant attended. The issues raised at this event were the same as those raised at the previous meeting discussed above.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by site notice posted on site on the 4th April 2014 and an advert was placed in the Yorkshire Evening Post 8 May 2014. Publicity expiry date was the 25 April 2014. The revised scheme was advertised via a site notice on 18th July 2014 and expired 5 September 2014.

Comments in relation to the original proposal

Councillor, Anderson and the late Councillor Fox objected to the application on the following points:

- The site is PAS land and shouldn't be developed
- The site should be returned to Green Belt
- There are too many houses already for the area, in terms of available infrastructure and its ability to cope with additional pressures.
- The highways infrastructure is inadequate and will not cope with further development.
- The extra houses will change the character of the area
- There are already a number of new housing developments in the area and also a supply of brownfield sites that could be developed first.
- There are potential drainage/flooding issues on the site
- The site has wildlife and ecological value
- The site is suitable for farming use and therefore to keep it as farming land is far more sustainable for the community.
- The schools cannot cope with extra houses in the area, in particular the local primary schools have no space available and in the short to medium term secondary school provision will be at dangerously low levels.
- There are highway safety issues
- The surrounding roads are already overly congested.
- There is a need for appropriate infrastructure developments by Leeds City Council and its partners
- With the introduction of NGT the local bus services will be greatly affected and probably reduced in frequency
- The development is contrary to the NPPF
- This local site is neither environmentally nor socially sustainable and as such should be returned to the green belt.
- There are significant heritage issues if this site was to be developed and these should preclude the site from being developed.
- Concern that with the PAS site being split into two this is contrary to the spirit of at least the Council's policies.
- Access on to Otley Road was not allowed at Centurion Fields and I feel it should not be allowed in this instance but this would also preclude access on to Church Lane due to the volumes of traffic and for this highways reason the application should be refused.
- Another set of traffic lights on the A660 will also lead to further congestion on this section.
- There will be an increase in car journeys as families will have to travel outside of the area for access to education provision.
- Crossing the A660 on a daily basis to get a child to school will become even more dangerous because of other proposed developments in the area.

- It is my understanding that the proposal includes the removal of part of a garden of a neighbour who has not given permission for this to occur hence the plan would not be deliverable.
- Concern at the working practices of some of the sub-contractors that have been used in terms of not sticking to agreements on the neighbouring Centurion Fields site and the frequency with which Planning Enforcement officers have had to be called to the site or planners being asked to contact the developer on an informal basis.

6.2 Adel Neighbourhood Forum have submitted a statement for both highways and heritage matters with the following comments

Highways

- The TA does not include a section concerning the 'relevant transport policies' and it will not be possible for the decision maker to determine if the proposals will help deliver the aims and objectives of the development plan.
- The scope, extent and assumptions within the TA are not considered suitably robust to correctly assess the transport impacts of the development.
- TA provide brief description of the existing local network and it provides very little information on the usage of the network by local residents and/or details of current local difficulties.
- TA discusses A660 primary route network but doesn't assess its local function and the fact the shops have limited off street parking leading to on street parking and congestion.
- There will be major congestion with all the other housing sites in the area.
- The access point will lead to greater use of Church Lane which is not discussed or the existing signal controlled pedestrian crossing some 125m north of the Church Lane/Farrer Lane signal controlled crossroads and the existing pedestrian refuges on Otley Road.
- Provides little commentary on the layout and usage of Church Lane which has a single footway, fronted by houses on both sides and is used extensively as an alternative route for traffic travelling from Bramhope to Leeds Outer Ring Road at Weetwood. The TA includes a speed survey on Church Lane although precise location not given and doesn't refer to proposed traffic calming from other developments
- Traffic surveys were undertaken in June/July 2013 which is a time of year when traffic flows in the area are light, therefore the survey results and the subsequent analyses cannot be considered to be representative of typical conditions on the local road network.
- There should also have been traffic surveys in other locations nearby such as A660/Holt Lane and the A660/Holt Lane junctions.
- Additional traffic will increase traffic flows through these junctions and exacerbate existing difficulties.
- Study area for personal injury accidents that have occurred on the local highway network is too restrictive and should be extended to cover further lengths of A660, Adel Lane and Outer Ring Road.
- No off site measures to mitigate the traffic impact of the proposals on the local community.
- Traffic generation doesn't warrant the introduction of traffic signals on the A660 and access should be provided by way of a priority controlled ghost island junction and access should be sited away from the A660/Kingsley Road junction to provide a staggered crossroads junction

- Introduction of traffic signal control at Kingleys Drive junction would result in traffic using Kingsley Drive to access A660 in preference to Holt Lane where peak hour congestion is experienced. This would be detrimental to the amenity of existing residents.
- Lower scheme proposed access arrangements will increase traffic flows on Church Lane which is objected to as Church Lane cannot take anymore traffic
- Terms of pedestrian accessibility of the site is refers to a link between Otley Road and Church Lane which is an unlit and unsurfaced public right of way and not a safe and convenient route particularly in winter.
- Walking to closest school is not on a safe and convenient route
- Parents taking children to school will be by car which is not reflected in the TA.
- The TA reduces the number of junctions that was assessed from 10 down to 2 for the Otley Road site and 3 for Church Lane site. TA argues that number of dwellings reduced from 350 to 150. Doesn't confirm if this has been agreed with the Council.
- Committed developments included but not the sites within the site allocation plans or planning application for 380 houses at Bramhope which should have been included.
- Background flows have been based on a time when we have been in recession and these are likely to increase
- The TA details queues on junctions nearby which we consider are too low/short.
- Overall the inadequacies of the assessment the assumptions within the TA are not considered suitably robust to correctly assess the transports impacts of the development.

Heritage

- The church is Grade 1 and is of exceptional architectural and historic interest dating from 1150 to 1160. It stands within a large visually attractive churchyard and substantially surrounded by open land. Churchyard has its rural setting
- The location of the church within the broader landscape is highly unusual for its robust rural qualities that reflect the remote location of the site in the 12th century.
- Clear and extensive views of the field for development are experienced as the context of the church and the application site does form part of the setting of the Grade 1 listed church.
- The Beck through the middle of the site could be seen to form a boundary beyond which the effects of the development would be more in terms of views of cultural significance and may be possible to mitigate effects with significantly landscape planting.
- The setting of the application site makes a strong positive contribution to the exceptional special interest of the church.
- The scale of development would adversely affect views from the church, the graveyard and the vicinity of Church Lane. The housing would change the western and northwestern setting of the church to a new suburban context that would be inappropriate to the church. The proposed modest buffer zone is wholly inadequate in responding to the nature of the setting.
- The application would fail the tests of sections 66 and 72 of the Planning (listed Buildings and Conservation Areas) Act 1990 in that the special interest of the church and its setting would not be preserved and that the setting of the conservation area would be harmed.

6.3 there were 227 objections to the original plans and 265 objections to the application which covers the northern part of the PAS site. The following issues have been raised:-

- Impact on the green belt
- Further incursion into green field countryside beyond the existing urban boundary
- Other suitable brown field sites
- With other developments at Centurion Fields, Boddington Hall and Government Buildings Adel has had enough development.
- Additional traffic on A660 and surrounding roads
- If both schemes implemented the internal layout allows for rat running through the site and additional pressures on junction on Holt Avenue.
- Holt Avenue/Church Lane unsafe junction to take additional traffic
- Additional traffic on A660 will lead to rat running through the Kingleys and Gainsborough estates.
- Moving of existing bus stops further away from existing residents
- Safety of children on existing centurian fields development with extra traffic
- Inspector at UDP stated that to protect the church there should be no development between Church Lane and the stream in the centre of the site.
- Impact on the setting of the 12th century church
- Destroy setting of the church and conservation area
- Conservation area appraisal states the church has important long distance views from and to church
- Schools already oversubscribed and no capacity
- Luxury housing doesn't address needs of community
- Bungalows and affordable smaller housing needed
- Greater surface runoff down the valley and increase in risk runoff and flooding potential at Adel Mill.
- Loss of visual amenity.
- Impact on views to and from Adel Dam Nature Reserve
- Loss of trees and impact on visual amenity
- Traffic noise and detriment to residential amenity
- Impact on existing ecology on the site

6.4 One letter of support detailing the following:

- The site has now been removed from green belt and is a site that is reserved for future development
- As Leeds does not have a 5 year land supply then it is the right time to release this land.
- Suitable and sustainable for development as located next to the urban area and within easy reach of local services
- Layout is acceptable retaining trees and the area of stream in the middle of the site
- Open space on eastern boundary acceptable to avoid impact on listed church and conservation area
- One oversight is the fact there is no access into the site above which whilst currently in green belt it is within the site allocations and if allocated there will need to be an access from this site to the land above.

Comments in relation to revised scheme

6.5 Councillor Anderson has objected to the scheme concerned with the following matter:

- Release of this site would be premature being contrary to policy N34 of the adopted Leeds UDP and NPPF. Size of the site possible need for a school and availability of other housing development in the area means it does not meet the interim housing delivery policy.
- Proposal is detrimental to highway safety and policies in UDP and Street Design Guide.
- Site is a protected area of search and should be for long term development needs if required.
- The Council currently has a five year land supply
- Leeds City Council needs to look again at its target to build 70,000 houses
- Should wait till the process of the site allocations is complete
- After speaking to residents the following matters are applicable
- The site is PAS land and shouldn't be developed
- The site should be returned to Green Belt
- There are too many houses already for the area, in terms of available infrastructure and its ability to cope with additional pressures.
- The highways infrastructure is inadequate and will not cope with further development.
- The extra houses will change the character of the area
- There are already a number of new housing developments in the area and also a supply of brownfield sites that could be developed first.
- There are potential drainage/flooding issues on the site
- The site has wildlife and ecological value
- The site is suitable for farming use and therefore to keep it as farming land is far more sustainable for the community.
- The schools cannot cope with extra houses in the area, in particular the local Primary schools have no space available and in the short to medium term secondary school provision will be at dangerously low levels.
- There are highway safety issues
- The surrounding roads are already overly congested.
- There is a need for appropriate infrastructure developments by Leeds City Council and its partners
- With the introduction of NGT the local bus services will be greatly affected and probably reduced in frequency
- The development is contrary to the NPPF
- This local site is neither environmentally nor socially sustainable and as such should be returned to the green belt.
- There are significant heritage issues if this site was to be developed and these should preclude the site from being developed.
- Concern that with the PAS site being split into two this is contrary to the spirit of at least the Council's policies.
- Access on to Otley Road was not allowed at Centurion Fields and I feel it should not be allowed in this instance but this would also preclude access on to Church Lane due to the volumes of traffic and for this highways reason the application should be refused.
- There will be an increase in car journeys as families will have to travel outside of the area for access to education provision.
- Crossing the A660 on a daily basis to get a child to school will become even more dangerous because of other proposed developments in the area.
- It is my understanding that the proposal includes the removal of part of a garden of a neighbour who has not given permission for this to occur hence

the plan would not be deliverable.

- There is a striking and outstanding line of trees that follow the public right of way LEED/15/4 known locally as the “beech walk”. This line of trees would be greatly disturbed by any development and as such the current outline is not deliverable.
- Concern at the working practices of some of the sub-contractors that have been used in terms of not sticking to agreements on the neighbouring
- Centurion Fields site and the frequency with which Planning Enforcement officers have had to be called to the site or planners being asked to contact the developer on an informal basis.
- The land area has been reduced so development far more dense and intense and not in keeping with Adel and Wharfedale area.

Adel Neighbourhood Forum is objecting for the following reasons:

- The application should be made in accordance with development and the NPPF
- Both sites are allocation as PAS and the development of these sites would not be in accordance with policy N34 and the Development Plan
- The site does not comply with the interim policy as the PAS allocation exceeds 10ha
- Plus it is not in an area where housing land is demonstrably lacking
- The development is not sustainable for both developments as it will encourage car journeys and not promote public transport and other modes of sustainable traffic
- No capacity in the existing schools especially after the level of development already approved within Adel will result in parents having to drive children to school which is not sustainable
- Provide large family housing and do not provide a range of sizes appropriate for the overall mix of the Adel area.
- The revisions do not reflect or respond to the historic ties between the fields and the church
- The revised proposals are presented as two distinct sites which are argued are less than the 10ha.
- Revised proposal show small reduction in housing numbers but this will result in a more dense and squeezed development for both site in which occupants will have no useable private amenity space
- Loss of a number of historic trees
- Potential for flooding especially Adel Mills area
- No consultation with the public
- Prematurity ahead of the site allocations process

An additional transport statement has also been submitted

Fundamental objection to the proposed signalized junctions which has been contrived to fit the limited length of site frontage onto A660. Due to low traffic numbers it is considered that a ghost island priority junction arrangements is most appropriate.

Access to the southern part of the site should be through the upper access

6.6 405 objections have been submitted in relation to the revised plans and 246 objections to the northern part of the PAS site (application number 14/01660) concerned with the following matters:

- Other housing sites within the vicinity to meet the needs of the area.
- Destroying the rural setting of Adel Church and irreparably damage to this grade 1 listed building and its context.
- Contribute to the serious congestion on a660 corridor
- Create congestion on Church Lane/Adel Lane and the surrounding junctions.
- Infrastructure in Adel insufficient for further housing
- Family houses proposed and there are no school places in nearby schools
- Damage to environment such as ancient hedges and trees
- Proposed houses wont meet the needs of local residents such as affordable housing and bungalows
- Changing application during process hoping no one would notice
- Changing plans when summer holidays when people not about
- Full assessment of housing needs for Leeds and Adel needed first.
- Revised plans have similar number of houses on half of the land
- Full assessment of archeological and historical value of PAS site must be undertaken.
- Should consider both applications together
- The site is not sustainable
- Brown field sites should be used before green field sites
- Potential for flooding
- Building on useful agricultural land
- Impact on safety of children on existing streets due to additional traffic
- Noise and disturbance due to additional traffic
- Noise and disturbance due to construction traffic
- Full assessment of archaeological and historic value of the PAS site needs to happen
- Traffic surveys need to be at time when traffic levels are at their highest and not during school holidays
- No consultation with the public regarding the revised scheme
- Both sites should be treated together and go over the 10 hectares
- Local road systems cannot cope
- Enough residential developments in the Adel area
- Loss of historic and TPO trees
- Over intensive building
- Destruction of flora and fauna
- Overlooking and overbearing impact

7.0 CONSULTATION RESPONSES

Comments in relation to the original scheme

Highways

The proposal cannot be supported as submitted. Key matters that need to be resolved at outline stage are as follows:

- Insufficient modelling assessment
- Lack of NGT modelling impact assessment
- Consideration of other site access options
- Justification of speed reduction features on A660 from the north including lack of stage 1 road safety audit for the site access junction onto Otley Old Road

- An assessment on the highway mitigation works that could be achieved to reduce the impact on the junctions by the development should be completed
- Justification of suitability of the link through the site
- Lack of detail on retaining walls and bridges for the adopted highway
- Some key layout issues need to be resolved at outline stage due to its impact on future highway adoption, land availability and housing matters.

English Heritage

The Church of St John the Baptist is one of the finest examples of twelfth century church buildings in the country. The setting of the church and associated conservation area retains a strong rural character and enables an appreciation of its early origins and isolated position and therefore makes a positive contribution to its significance.

English Heritage considers that the proposed development, by virtue of its scale and proximity, would not preserve those elements of the setting of the church and conservation area which contribute positively to their significance. We consider the harm caused would not be outweighed by the public benefits of the proposal and as such we object to the applications as currently submitted and recommend that outline permission is refused.

Conservation Officer

Comments are based on the impact off the development on Grade 1 Listed Church St John the Baptist.

From the church it is possible to gain wide reaching views and the lack of development adjacent adds to this unique character and historic sense of place and setting created by the church.

Adel St Johns Conservation Area Appraisal and Management Plan makes specific reference to open views and impact of countryside and development upon the Conservation Area.

Constructing houses on surrounding fields that will be a detrimental impact upon the Conservation Area and Grade 1 Listed Church. It would harm the open countryside setting that is so important and sense of arrival into Adel would be severely diminished by the development. Could be scope for a modest extension but the design of Centurion Fields does not pick up on the local character and vernacular so is a design that shouldn't be repeated.

Travelwise

Travel plan should be included in a section 106 agreement along with monitoring fee, provision of residential metrocard scheme (bus only), bus stop upgrading.

A contribution to public transport improvements and developer contributions is required off £73,573.

Metro

Metro advise that one of the bus stops should have a shelter at a cost of £10,000 and one to benefit from a new 'live' bus information at a further cost of £10,000. Development needs good pedestrian access and travelcards for the householders is required.

Public Rights of Way

The footpath and cycleway are shown to run on part of the same route on the masterplan and they should be segregated with the footpath having a minimum 2 metre wide surface to allow for the public pass and repass.

Yorkshire Water

Conditional approval

Environment Agency

Leeds City Council Flood Risk Management team should provide information in relation to sustainable management of surface water. Yorkshire Water should comment on the mains connection to the foul drainage disposal.

A buffer zone at least 8 metres wide on each side of the existing watercourse should be provided for wildlife.

Main drainage

Conditional approval

Children's Services LCC

Nearest primary school is Adel St John the Baptist however the development sits within Ireland Wood Primary School polygon. There is a small amount of capacity in the next few years and this development would generate 3 primary aged pupils per year group which equates to a full contribution for education.

$60 \text{ (dwellings)} \times \text{£}12,257 \text{ (cost multipliers)} \times 0.25 \text{ (yield per pupil)} \times 0.97 \text{ (location cost)} = \text{£}178,339.95$

Nearest secondary school to this development Ralph Thoresby High School and there is no spare capacity at this school or nearby school from 2016/2017 so

Full contribution for education

$60 \text{ (dwellings)} \times \text{£}18,469 \text{ (cost multipliers)} \times 0.10 \text{ (yield per pupil)} \times 0.97 \text{ (location cost)} = \text{£}107,489.58$

Total contribution requested £285,828.93

West Yorkshire Archaeological Service

As well as the St John the Baptist Church c 400m north of the proposed development site is the probable site of a Roman settlement as identified by aerial photographs, on the ground as earthworks and by historical excavation. Possible elements of this site extend south into the proposed development site.

The proposal will involve significant ground disturbance and there is potential for the proposals to disturb/destroy important archaeological remains.

Recommend that there is an evaluation of full archaeological implications of the proposed development. This would be an geophysical survey followed by the excavation of a number of archaeological evaluation trenches.

Ancient Monuments Society

Adel church is a very special place a national importance in terms of its fabric but also the key building within the Adel-St Johns Conservation Area.

This role is already established in your exemplary Conservation Area Appraisal and Management Plan which we note was approved as a material consideration in the determination of planning in November 2009. The document stresses the importance of open arable fields and key views towards the open countryside in setting the context for the Conservation Area. The critical statement importance that 'development around the Conservation Area should not spoil its setting. Views towards and away from a conservation area can be detrimentally affected by inappropriately placed structures..'

In light of the recent adoption of such a document it is imperative that the policies are endorsed. This being so substantial new development so close to the church should be rejected.

Ecology officer

There is an area of semi improved grassland to the north west of the site and an area of broad leaved woodland loss for the new access road which will need to be mitigated elsewhere on the site. So far no information has been submitted in relation to this mitigation.

Additional survey information is required about spring/early summer bat activity is required.

The watercourse that flows north-south through the centre of the site will be severed by the new road and the bridge structure needs to maintain an open natural water course beneath and not culvert. Required bankside vegetation is also retained and sufficient height available for bats to continue moving north-south beneath the new road.

Details needed on how surface water will be moved across the site in order to maintain flows in the beck.

Landscape officer

The access to the northern part of the access as wouldn't leave adequate tree buffer to Green Belt

Allowance must be made for some road side frontage landscaping as a large gaping hole will be created here

In the interests of good design would need to link the internal path along the stream with the countryside path know as Adel Willows. Will provide access to the outer countryside.

Distances to development of trees issues

Development coming too close to the stream corridor and too close to front of houses facing Church Lane

Link open space and path to completed Centurion scheme

Open space buffer secondary screening planting and grass management requirement. Rebuild dry stone walls along Church Lane and reinforce the boundary planting

Concern over relationship between right of way and adjacent dwellings

Water catchment area and volume for stream needs to be retained,

Contaminated land

Phase 1 Desk Study report needs to be submitted.

Comments in relation to revised scheme

Highways

The proposal cannot be supported as submitted. Key matters that need to be resolved at outline stage are as follows:

Insufficient modelling assessment and information provided

Consideration of other site access options

Justification of speed reduction features on the A660 from the north including lack of stage 1 road safety audit for the site access junction onto Otley Old Road

Insufficient traffic calming and pedestrian crossing improvements on Church Lane

An assessment on the highway mitigation works that could be achieved to reduce the impact of the junctions by the development should be completed

Some key layout issues need to be resolved at outline stage due to its impact on future highway adoption, land availability and housing numbers

English Heritage

The revised plans show the development contained in the area to the west of the beck and this is in accordance with our previous advice. In order to mitigate the visual impact on the setting of the church the height of the proposed new dwellings along the west edge of the beck should ideally be 1.5 storeys and should be restricted to a maximum of 2 storeys. This along with a carefully planned planting scheme would help to break up and soften the extent of the visual impact of the building environment when looking westwards from the church.

Further screening should be considered along the stream and/or along the roadside boundary to the west of the church. Also important that the existing trees both to the boundaries and within the site are retained.

Design and materials for the new buildings need to be high quality traditional, local materials taking reference from the existing character of the settlement.

Flood Risk Management

No additional comments

West Yorkshire Archaeological Service

No additional comments

CPRE West Yorkshire

Objects to the planning application for the following reasons:

Site is a PAS site and shouldn't be approved

New Core Strategy within days of adoption and carries very significant weight and this shows we have a 5 year supply so this land is not needed.

Would pre-empt and prejudice the site allocations plan process

Adel had a lot of development recently and it cannot sustain further housing growth without loss of distinctiveness.

Road traffic impacts have not been fully assessed

Metro

No additional comments

Public Rights of Way

No additional comments

Yorkshire Water

Conditional approval

Environment Agency

No further comments

Children's Services LCC

46 (dwellings) x £12,257 (cost multipliers) x 0.25 (yield per pupil) x 0.97 (location cost) = £136,726.84

Nearest secondary school to this development Ralph Thoresby High School and there is no spare capacity at this school or nearby school from 2016/2017 so

Full contribution for secondary education

46 (dwellings) x £18,469 (cost multipliers) x 0.10 (yield per pupil) x 0.97 (location cost) = £82,408.68

Total contribution = £219,135.52

Design

Cannot support a scheme that is essentially building cul de sacs which are not good design. Good urban design does not encourage 'dead ends' and 'pseudo private communities' Streets should lead to other streets is part of the guidance both locally and nationally. The whole scheme along with the planning application to the south should be connected.

Ecology officer

Ecological information submitted is satisfactory but some issues on the Masterplan is required.

- Proximity of rear gardens along the western boundary with TPO woodland area needs to be looked at to avoid pressure from shading of private garden space
- Masterplan should show parts of the site which will be informally used for recreation and protected 'Nature Area'
- Is open water feature east of the beck a SUDS feature or large wildlife pond, further clarification and information required
-

Landscape officer

Amendments to masterplan required;

- Surveillance of central path not clear
- Buildings too close to water body
- Continue path improvements to red line boundary
- Small timber bridge needs to be provided over the stream
- Proximity to trees west side
- PROW needs to keep to its original line

Contaminated land

Amendments required

8.0 PLANNING POLICIES:

Development Plan

- 8.1 The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the adopted Natural Resources and Waste DPD (2013).

The Inspector's Reports into the Core Strategy and the CIL examinations have now been received and reports on these were considered by Executive Board on 17 September 2014 with a view to the CS being referred to full Council for formal adoption on 12th November 2014. As the Inspector has considered the plan, subject to the inclusion of the agreed Modifications, to be legally compliant and sound, the policies in the modified CS can now be afforded substantial weight. Once the CS has been adopted it will form part of the Development Plan

8.2 Leeds Unitary Development Plan (UDP) Review:

The site is allocated as a 'Protected Area of Search' and as Green Belt. Other relevant policies are:

SA1: Secure the highest possible quality of environment

SG3: Community land needs

GP5: General planning considerations.

GP7: Use of planning obligations.

GP11: Sustainable development.

N2/N4: Greenspace provision/contributions.

N10: Protection of existing public rights of way.

N12/N13: Urban design principles.

N23/N25: Landscape design and boundary treatment.

N24: Development proposals abutting the Green Belt.

N29: Archaeology.

N34: Protected Areas of Search

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

N39a: Sustainable drainage.

BD5: Design considerations for new build.

T2 (b, c, d): Access and accessibility issues.

T5: Consideration of pedestrian and cyclists needs.

T7/T7A: Cycle routes and parking.

T24: Parking guidelines.

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

H2: Monitoring of annual completions for dwellings.

H3: Delivery of housing on allocated sites.

H11/H12/H13: Affordable housing.

LD1: Landscape schemes.

Policy N34 Protected Areas of Search for Long Term Development

- 8.3 The Unitary Development Plan (UDP) was originally adopted in 2001 and its Review was adopted in 2006. The original UDP allocated sites for housing and designated land as PAS. The UDP Review added a phasing to the housing sites which was needed to make the plan compliant with the national planning policy of the time, Planning Policy Guidance 3. The UDP Review did not revise Policy N34 apart from

deleting 6 of the 40 sites and updating the supporting text. The deleted sites became the East Leeds Extension housing allocation.

Policy N34 and supporting paragraphs is set out below:

The Regional Spatial Strategy does not envisage any change to the general extent of Green Belt for the foreseeable future and stresses that any proposals to replace existing boundaries should be related to a longer term time-scale than other aspects of the Development Plan. The boundaries of the Green Belt around Leeds were defined with the adoption of the UDP in 2001, and have not been changed in the UDP Review.

To ensure the necessary long-term endurance of the Green Belt, definition of its boundaries was accompanied by designation of Protected Areas of Search to provide land for longer-term development needs. Given the emphasis in the UDP on providing for new development within urban areas it is not currently envisaged that there will be a need to use any such safeguarded land during the Review period. However, it is retained both to maintain the permanence of Green Belt boundaries and to provide some flexibility for the City's long-term development. The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework, and in the light of the next Regional Spatial Strategy. Meanwhile, it is intended that no development should be permitted on this land that would prejudice the possibility of longer-term development, and any proposals for such development will be treated as departures from the Plan.

N34: WITHIN THOSE AREAS SHOWN ON THE PROPOSALS MAP UNDER THIS POLICY, DEVELOPMENT WILL BE RESTRICTED TO THAT WHICH IS NECESSARY FOR THE OPERATION OF EXISTING USES TOGETHER WITH SUCH TEMPORARY USES AS WOULD NOT PREJUDICE THE POSSIBILITY OF LONG TERM DEVELOPMENT.

Policies from the Core Strategy that are relevant

- Spatial policy 1 – Location of development (page 22)
- Spatial policy 6 – Housing requirement and allocation of housing land (page 34)
- Spatial policy 7 – Distribution of housing land and allocations (page 37)
- Policy H1 – Managed release of sites (page 59)
- Policy H2 – New housing development on non allocated sites (page 60)
- Policy H3 – Density of residential development (page 60)
- Policy H4 – Housing mix (page 61)
- Policy H5 – Affordable housing (page 63)
- Policy H8 – Housing for independent living (page 68)
- Policy P9 – Community facilities and other services (page 87)
- Policy P10 – Design (page 88)
- Policy P11 – Conservation (page 90)
- Policy P12 – Landscape (page 91)
- Policy T1 – Transport Management (page 92)
- Policy T2 – Accessibility requirements and new development (page 93)
- Policy G3 – Standards for openspace, sport and recreation (page 97)

- Policy G4 – New greenspace provision (page 98)
- Policy G6 – Protection and redevelopment of existing greenspace (page 100)
- Policy G7 – Protection of important species and habitats (page 101)
- Policy G8 – Biodiversity improvements (page 101)
- Policy EN1 – Climate change – carbon dioxide reduction (page 103)
- Policy EN2 – Sustainable design and construction (page 104)
- Policy EN3 – Low carbon energy (page 106)
- Policy EN4 – District heating (page 107)
- Policy EN5 – Managing flood risk (page 108)
- Policy ID1 – Implementation and delivery mechanisms (page 115)
- Policy ID2 – Planning obligations and developer contributions (page 117)

POLICY H1: MANAGED RELEASE OF SITES

LDF Allocation Documents will phase the release of allocations according to the following criteria in order to ensure sufficiency of supply, geographical distribution in accordance with Spatial Policy 7, and achievement of a previously developed land target of 65% for the first 5 years and 55% thereafter. Subsequent phases (after the first 5 years of the Plan) should be made up of sites which best address the following criteria:

- i) Location in regeneration areas,
 - ii) Locations which have the best public transport accessibility,
 - iii) Locations with the best accessibility to local services,
 - iv) Locations with least impact on Green Belt objectives,
 - v) Sites with least negative and most positive impacts on green infrastructure, green corridors, green space and nature conservation,
- Consideration will be given to bringing forward large sites, of more than 750 dwellings, to facilitate, early delivery in the Plan period.

In special circumstances, allocated sites may be permitted to be released in advance of their phasing outlined above, so long as the permitted site delivers infrastructure and housing investment that is needed within Regeneration Priority Areas. In such cases, suitable mechanisms will be agreed to ensure that delivery within the Regeneration Priority Area occurs either before, or in conjunction with the delivery of the permitted site.

Where a five year supply of deliverable housing sites cannot be demonstrated through annual monitoring, consideration will be made to release the subsequent phase or phases of sites to help address the shortfall. The release of further phases of housing land may be considered if it is found that either:

- i) Delivery on PDL in the past year has met the target;
- ii) Delivery on PDL is expected to meet the target for the next five years; or
- iii) A sufficient number of sites (equivalent to the five year supply figure minus the windfall allowance) are reasonably capable of being developed.

8.4 Supplementary Planning Guidance / Documents:

Supplementary Planning Document: “Street Design Guide”.

Supplementary Planning Document: Public Transport Improvements and Developer Contributions.

Supplementary Planning Document: Travel Plans.

Supplementary Planning Document: Designing for Community Safety – A Residential Guide

Supplementary Planning Guidance “Neighbourhoods for Living”.

Supplementary Planning Guidance “Affordable Housing” – Target of 35% affordable housing requirement.

Supplementary Planning Document – Sustainable Design and Construction
“Building for Tomorrow, Today”
Supplementary Planning Guidance 4 – Greenspace Relating to New Housing
Development
Supplementary Planning Guidance 11 – Section 106 Contributions for School
Provision
Supplementary Planning Guidance 25 – Greening the Built Edge
Adel Neighbourhood Design Statement – Draft April 2014

Interim PAS Policy

- 8.5 A report on Housing Delivery was presented to Executive Board on the 13th March 2013. The report outlines an interim policy which will bolster and diversify the supply of housing land pending the adoption of Leeds Site Allocations Development Plan Document which will identify a comprehensive range of new housing sites and establish the green belt boundary. The Interim Policy is as follows:-

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

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

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

- (iv) It is an area where housing land development opportunity is demonstrably lacking; and
- (v) The development proposed includes or facilitates significant planning benefits such as but not limited to:
 - a) A clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area;
 - b) Proposals to address a significant infrastructure deficit in the locality of the site.

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

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

- 8.7 It has been confirmed following a High Court challenge from Miller Homes that the Council's interim PAS policy is legal. However, the case is due to be heard in the Court of Appeal in March 2015.
- 8.8 The policy has been used to support the release of land at six sites at Fleet Lane, Oulton, Royds Lane, Rothwell, Owlars Farm, Morley, Calverley Lane, Farsley, and Spofforth Hill Wetherby. The policy has also been used to resist permission for PAS sites at Kirkless Knoll and Boston Spa which were subject of a public inquiry late last year and early this year respectively with the Kirklees Knowl inquiry due to re-open in the Autumn. The decision on Boston Spa is expected in late October with the Kirklees Knowl decision not due until the end of the year. PAS sites at Bradford Road, East Ardsley, Bramhope and West of Scholes have also recently been refused.
- 8.9 The Council's interim PAS policy does not supersede the Development Plan but is a relevant material consideration that the Panel should have regard to. The starting point remains the Development plan and in particular policy N34.

Local Development Framework

- 8.10 The Inspector's Reports into the Core Strategy and the CIL examinations have been received and were considered by Executive Board on 17th September 2014 with a view to the Core Strategy being referred to full Council for formal adoption on 12th November 2014 and the CIL Charging Schedule referred for formal adoption on 6th April 2015. As the Inspector has considered the Draft Publication Core Strategy, subject to the inclusion of the agreed Modifications, to be legally compliant and sound, the policies in the modified Core Strategy can now be afforded considerable weight. Once the Core Strategy has been adopted it will form part of the Development Plan and have full weight.
- 8.11 The supporting text to Policy N34 of the Unitary Development Plan expects the suitability of the protected sites for development to be comprehensively reviewed through the Local Development Framework (para 5.4.9). The Site Allocations Plan is the means by which the Council will review and propose for allocation sites which are consistent with the wider spatial approach of the Core Strategy and are supported by a comparative sustainability appraisal. It will also phase their release with a focus on: sites in regeneration areas, with best public transport accessibility, the best accessibility to local services and with least negative impact on green infrastructure. This application is contrary to this approach. The Site Allocations Plan process will determine the suitability of this site for housing development. This approach is in line with para 85 of the NPPF which states that "Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development." It is also in line with the NPPF core planning principle 1, which states that planning should "be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area."
- 8.12 The NPPF states in paragraph 47 that local authorities should boost significantly the supply of housing. It sets out mechanisms for achieving this, including:
- Use an evidence base to ensure that the Local Plan meets the full objectively assessed needs for market and affordable housing;
 - Identify and update annually a supply of specific deliverable sites sufficient to provide for five years' worth of supply;
 - Ensure choice and competition in the market for land

- Identify a supply of specific deliverable sites or broad locations for growth for years 6 to 10 and years 11 to 15,

8.13 The Core Strategy housing requirement has been devised on the basis of meeting its full objectively assessed housing needs. These are set out in the Strategic Housing Market Assessment (SHMA), which is an independent evidence base, as required by paragraph 159 of the NPPF and reflects the latest household and population projections, job growth forecasts as well as levels of future and unmet need for affordable housing.

Five Year Land Supply

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

8.15 In the past, the Council has been unable to identify a 5 year supply of housing land when assessed against post-2008 top down targets in the Yorkshire and Humber Plan (RSS to 2026) which stepped up requirements significantly at a time of severe recession. During this time (2009-2012) the Council lost ten appeals on Greenfield allocated housing sites largely because of an inability to provide a sufficient 5 year supply and demonstrate a sufficiently broad portfolio of greenfield land. This was against the context of emerging new national planning policy which required a significant boosting of housing supply and the provision of choice and competition in the market for land.

8.16 Nationally the 5 year supply remains a key element of housing appeals and where authorities are unable to demonstrate a 5 year supply of deliverable sites, policies in the NPPF are considered to be key material considerations and the weight to be given to Councils' development plan policies should be substantially reduced.

8.17 The context has now changed. The Core Strategy Inspector's Report was published on 5th September and confirmed the Leeds housing requirement of 70,000 net homes between 2012 and 2028 (phased at a rate of at least 3,660 homes per annum up to 2017/18 and the residual, currently 4,700 homes per annum, thereafter up to 2028). The Inspector also considered that the Council had conducted a reasonable objective analysis of its housing requirement (including addressing under delivery against pre-2012 Regional Strategy housing targets) meaning that there is no requirement to apply a 20% buffer to the 5 year supply.

8.18 In terms of a 5 year supply of deliverable land the Council identifies that as of 1st April 2014 to 31st March 2019 there is a current supply of land equivalent to 6.4 years' worth of housing requirements.

8.19 The five year housing requirement revised on the basis of the Inspectors Report is 22,500 assuming a 5% buffer and seeking to remedy under delivery over 10 years.

- 8.20 The Council has land sufficient to deliver 29,000 homes within the next five years. The five year supply (as at April 2014) is made up of the following types of supply:
- allocated sites
 - sites with planning permission
 - SHLAA sites without planning permission
 - an estimate of anticipated windfall sites – including sites below the SHLAA threshold, long term empty homes being brought back into use, prior approvals of office to housing and unidentified sites anticipated to come through future SHLAAs
 - an element of Protected Area of Search sites which satisfy the interim PAS policy
- 8.21 This means that on the basis of the supply evidence put to the Grove Road Inspector (including the final published SHLAA position) the Council is able to identify a 6.4 year land supply. The current 5 year supply contains approximately 24% Greenfield and 76% previously developed land. This is based on the sites that have been considered through the SHLAA process and meets the Core Strategy approach to previously developed land as set out in Policy H1.
- 8.22 In addition to the land supply position, the Site Allocations Document is in the process of identifying specific deliverable sites for years 6 to 10 of the Core Strategy plan period and specific sites for years 11 to 15.

National Guidance - National Planning Policy Framework

- 8.23 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. 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.
- 8.24 Paragraph 47 of the NPPF requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%.
- 8.25 Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Whether the development is sustainable needs to be considered against the core principles of the NPPF. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 8.26 Paragraph 85 sets out those local authorities defining green belt boundaries should:
- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
 - not include land which it is unnecessary to keep permanently open;
 - where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
 - make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;

- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent

9.0 MAIN ISSUES

- Development Timing in advance of the Site Allocations Plan
- Compliance with the Development Plan
- 5 year land supply
- Highway safety and sustainability criteria
- Listed building and conservation area
- Education
- Tree loss/landscaping/ecology
- Design
- Section 106 Matters
- Representations

10.0 APPRAISAL

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the National Planning Policy framework indicates that development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The starting point for any consideration of the development must therefore be the provisions of the LUDPR (2004), in order to assess whether the development is in accordance with the development plan. Other material considerations include the NPPF, the Core Strategy now close to adoption, the requirement for a 5 year supply of housing, the interim housing policy adopted by the Council and matters relating to sustainability, highways, layout/design/trees/landscaping, amenity, other matters and the Section 106 package being offered in this case.

Compliance with the Development Plan

- 10.2 In considering the site against the provisions of the development plan, the key issue is that the application site is identified on the proposals map and listed in Policy N34 as a Protected Area of Search for Long Term Development. Policy N34 of the UDPR states that development of PAS sites will be restricted to that which is necessary for the operation of existing uses together with such temporary uses as would not prejudice the possibility of long term development. As such the proposal constitutes a departure from the Development Plan. Paragraph 5.4.9 of the UDPR indicates that the suitability of protected sites will be reviewed as part of the preparation of the Local Development Framework. The grant of planning permission would also be contrary to this supporting text.
- 10.3 Having established that the proposal is contrary to the provisions of the development plan it is still necessary to assess the proposal against other material considerations.

- 10.4 Paragraph 14 of the NPPF reiterates that development proposals should be approved if they accord with the development plan but also indicates that permission should be granted where relevant policies are out of date, unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

- 10.5 The NPPF at paragraph 85 states that when defining green belt boundaries, local planning authorities should:

“make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development”.

- 10.6 On 13th March 2013 the Council’s Executive Board, resolved to enhance housing delivery by releasing some designated PAS sites in advance of the preparation of the Site Allocations Plan so as to bolster the diversity of the land supply. The Board agreed that some sites could be released provided they met agreed criteria set down in an Interim PAS policy.

- 10.7 The interim PAS policy does not supersede the Development Plan but is a relevant material consideration that the Panel should have regard to. The starting point remains the Development plan and in particular policy N34.

- 10.8 The purposes of the Interim PAS Policy are to broaden the land supply and (along with a number of other measures e.g. the interim affordable housing policy) to promote housing delivery, and to reduce the risk of ad hoc development on greenfield and potentially on Green Belt sites by ensuring a continuous supply of housing land to meet housing requirements. This is in line with the NPPF and especially paragraph 47 on significantly boosting the supply of housing.

Development Timing in advance of the Site Allocations Plan

- 10.9 The interim policy only supports housing development on PAS sites subject to the following criteria.

- 10.10 Criteria (i) Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft. *The application site is within Adel, which is defined as being within the urban area of Leeds in Policy SP1 of the Core Strategy and so it satisfies this criteria.*

- 10.11 Criteria (ii) Sites must not exceed 10ha in size and there should be no sub division of larger sites to bring them below the 10ha threshold. *The whole of the PAS site allocation is 14.8ha which is greater than the 10ha threshold. The application site for this scheme has been reduced to 2.7ha and when added to the application number 14/01660/OT the area of land covered by both planning applications is 7.12ha gross. However, the interim policy does indicate that there should be no sub division of larger sites to bring them below the 10ha threshold. The applicant has stated that it is the Council and English Heritage which has stated that housing cannot be accommodated on the eastern side of the beck due to the impact on the Grade 1 Listed Church. However, this request for a reduction has just resolved a*

reason for refusal and is not a reason to allow approval of a PAS site before the site allocations process is complete. If it is indeed the case that the eastern side of the PAS site cannot be developed then this needs to be established through the site allocation process and not by granting permission which in policy terms would be premature.

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

Whereas the PAS site area is greater than 10ha (it is 15ha) the application site is 2.7 ha but it still fails criteria ii, the site does relate well to the 'urban area' of Leeds and it is not envisaged that the site is required for any alternative use therefore the site meets criteria i and iii.

- 10.13 As stated in the interim policy, 'in cases that meet criteria (i) and (iii) above, development for housing on further PAS land may be supported if:

- iv) it is in an area where housing land development opportunity is demonstrably lacking; and
- v) the development proposed includes or facilitates significant planning benefits such as, but not limited to:
 - a) a clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area;
 - b) proposals to address a significant infrastructure deficit in the locality of the site.

- 10.14 With regard to criterion iv) it is the view of Officers that there are plenty of sites in the locality and the Housing Market Area. Some are currently under construction including Centurion Fields which is to the south of this site. Others are being planned to commence soon including approximately 100 dwellings at the former government works and 130 at Boddington Hall site. These illustrate that housing land development opportunity is not demonstrably lacking in the area.

- 10.15 With regard to criterion v) a) The applicant has not linked this application to the redevelopment of a significant brownfield site in a regeneration area and
b) The applicant has not put forward any measures to address a significant infrastructure deficit in the locality of the site.

- 10.16 To summarise, the application does not meet the interim policy criteria to be released early. There are other housing opportunities in the area which are on going or soon to start on site. Whilst the application site is 2.7 ha the whole of the PAS allocation needs to be taken into account which exceeds the 10 ha. The allocation of this site should await comprehensive assessment through the Site Allocations Plan.

- 10.17 The application does not satisfy the interim policy criteria for release at the time. As such it is contrary to policy N34 of the adopted UDP and policy H1 of Core Strategy.

Five Year Land Supply

- 10.18 In relation to housing requirements, the Council has a supply of a 6.4 year housing land supply. This supply has been sourced from the Strategic Housing Land Availability Assessment Update 2014 and includes over 22,500 units, including

sites for students and older persons housing. In addition the identified supply consists of some safeguarded sites adjacent to the main urban area which meet the Council's interim policy on Protected Areas of Search (approved by Executive Board in March 2013). The supply also includes evidenced estimates of supply, based on past performance, from the following categories: windfall, long term empty homes returning into use and the conversion of offices to dwellings via prior approvals. The supply figure is net of demolitions.

- 10.19 The requirement is measured against the Core Strategy as modified by the Core Strategy Inspectors report. They indicate that the Council should supply land at a rate of at least 3,660 homes per annum between 2012 and 2016/17. This basic requirement is supplemented by a buffer of 5% in line with the NPPF. The requirement also seeks to make up for under-delivery against 3,660 homes per annum since 2012. It does this by spreading under-delivery, since the base date of the plan, over a period of 10 years to take account of the circumstances under which the under-delivery occurred i.e. the market signals and the need to provide infrastructure to support housing growth.
- 10.20 In adopting the interim PAS policy members added a further caveat reducing from 5 years to 2 years the period by which any permission granted to develop PAS sites remains valid. This amendment is to discourage land banking and ensure that where permission is granted for the development of PAS sites the proposal is implemented in a short timescale in order to meet the purposes of the policy to promote housing delivery.
- 10.21 The principle in favour of sustainable development is enshrined in the NPPF where it is stated that permission should be granted where the development plan is out of date. In this case the Council has specifically adopted a Policy to address the need to bring forward additional housing land over and above that which is being developed on housing sites allocated in the development plan, and in circumstances where additional sites are shown to be sustainable and have already been identified as having potential for long term development.
- 10.22 The Policy has been adopted in the knowledge that whilst the LUDPR indicates that PAS sites will be reviewed as part of the preparation of the Local Development Framework ideally this would be through the Site Allocations Plan, but given the changes in circumstances since the adoption of the LUDPR, including the publication of the NPPF, the Council has recognised through the Interim Policy that there is a national drive to significantly boost the delivery of much needed homes and diversity the land supply to help this happen as the local economy recovers from recession.
- 10.23 There is a strong supply of housing land with planning permission in the City as a whole and within the local area. The March 2014 Housing Land Monitor reveals that over 15,500 units have planning permission within the authority with a further 7,500 units available to gain planning permission on allocated land. Of the 15,500 units, just over 10,000 have detailed planning permission. There are four sites within 2km of the application site with planning permission totalling over 300 homes.

Highways

- 10.24 There are a number of issues in relation to the proposed development and its highway implications which are the impact on the highway network, access into the site, sustainability and internal layout. In terms of impact on the highway network

both this application and the other application on the southern part of the site have been considered together.

Impact on the existing highway network

- 10.25 A Transport assessment has been submitted in relation to the proposal and its impact on the surrounding highway network. It is considered that the transport assessment is not acceptable and there are fundamental issues within the modelling used that need addressing before officers are able to assess the full impact of the proposal on the surrounding highway network. There is doubt over the timing of the traffic counts which are lower than recorded recently on the network and do not reflect observed queues. Traffic growth has not been applied to the base traffic flows, which doesn't reflect the fact that traffic will increase in the future due to the housing growth that will occur in Leeds. The impact on the Long Causeway/Adel Lane and Weetwood Lane/Ring Road junctions has not been considered both which have known capacity problems and will be impacted upon by this development. Significant queuing occurs on Church Lane arm of the Church Lane, A660, Farrar Lane in both the morning and evenings, this is not reflected in the traffic models of this junction.
- 10.26 The applicant must do a more robust and comprehensive assessment, and propose suitable mitigation/off-site highway works where necessary to mitigate the impact of the development on the surrounding network.
- 10.27 This application needs to be combined with the application on the adjacent site 14/01660/OT to provide a comprehensive analysis and solution. This would allow this site to be split with the bulk of the site being accessed from the access for site 14/01660/OT and part of this site, in the order of 10 dwellings accessed via Holt Avenue to reduce the impact on the Church Lane arm of the Church Lane / A660 junction.
- 10.28 Without these changes it is considered that the full impact off the development on the local highway network cannot be assessed. Officers consider that the development will have a detrimental impact on the surrounding highway network and will have a detrimental impact on the free and safe flow of traffic.

Vehicular Access:

- 10.29 In addition to the significant queuing on the Church Lane arm at peak times for the Church Lane/Otley Road signals, the layout of the newly built Centurion Fields development is not conducive to the addition of traffic from significantly more traffic from significantly more traffic, due to its alignment, this further supports the reduction in units served by this route, no more than 10, with the remaining dwellings accessed off Otley Road with no vehicular through route to stop any potential rat-running. The applicants justification that the Centurion Fields site was allowed higher dwelling numbers than built so this site can provide more is not justified as the houses built are much larger than the previous proposals on Centurion Fields and would have significantly higher trip rates during peak times and throughout the day.
- 10.30 It is concluded that the proposed accesses to the two sites are not adequate and it has not been shown that the site can be accessed safely without having a detrimental impact on the safe and free flow of traffic.

Accessibility:

- 10.31 The site has been assessed in relation to walking distances to bus stops, local services, and schools in line with the emerging core strategy accessibility standards for development. The site is within a 5 minute walking distance to a bus stop with a 15 minute frequency in line with the requirements whilst the upper part of the site is within a 20 minute frequency which is just outside the requirement. The primary and secondary schools allow approximate walking distances within the required thresholds and the nearest promenade of shops is within the thresholds although both are at the upper end of the thresholds. Therefore the site has average accessibility assessment overall.
- 10.32 However there is opportunity to further enhance connectivity to the site by providing a footpath/cycle track link to the A660 and extending the footway along the A660 to meet it, also be enhancing the footpath across the site to Church Lane with suitable pedestrian crossing and traffic management measures where the path emerges on to Church Lane. These enhancements would provide more legible and shorter routes than would otherwise exist. The applicant to date has also not accepted the full contributions requested by the Councils Highway/Travelwise/NGT Teams, and Metro.

Internal layout/servicing/bins:

- 10.33 Although reserved for later there are some key issues with the layout that should be resolved at outline stage as they impact on future highway adoption, land availability and housing numbers. These matters include such items as construction and design details on footpath bridges on the site should be provided, visibility at junctions, changes to red line boundaries to prevent ransom strips, turning heads, footways, parking. There are also concerns with the layout that will need to be addressed at reserve matters stage to be acceptable in the Street Design Guide SPD.

Off site highway works.

- 10.34 Providing the highway concerns above are addressed there are a number of off site highway works and contributions that would be required which includes;
- a formal link from the site to Church Lane as described above so residents have direct routes to nearest primary schools and amenities to the east. Can be incorporated into the parking layby and traffic calming scheme along Church Lane.
 - Metro require two bus stops to be upgraded at a cost of £20,000 along with metrocards for residents.
 - Traffic calming scheme between church lane signals and the end of the 3mph speed limit section of Church Lane to the north including raised pedestrian crossings for the pedestrian desire lines to the nearest primary school. Other traffic calming along Adel Lane and Church Lane is to be funded by other projects in the area.
 - As surfaced footway should be provided on Otley Road from the south west corner of the site from where the PROW/development emerges onto Otley Road to link with the shops, existing crossing and new link implemented by Centurion Fields.
 - Site access works and associated traffic calming and any RSA Stage 1 outcomes/revisions.
 - Any capacity mitigation required on junctions modelled (NGT or standard)
 - Footway on Otley Road.

Listed building and Conservation area

- 10.35 The original scheme along with the site to the north covered the whole of the PAS site on land between Otley Road and Church Lane. Across the road on Church Lane is the Grade 1 Listed Church St Johns the Baptist which originates from the 12th Century. This church is set within its own grounds and is generally within open countryside with very little changing from when it was first erected. The original plans showed development on the fields the other side of the road from the church. English heritage objected to the planning application stating that the development was coming to close to the church and it would have a detrimental impact on its setting and history. The Inspector in 2006 when allocating the land as a PAS site stated that the fields to the east of the beck should be left without development due to the potential impact on the listed church.
- 10.36 The revised plans show no houses to the east of the Beck. There is open space proposed on some of the land to the east of the beck with the rest of the land outside of the application site and remaining as open fields. English heritage are no longer objecting to the scheme but do make some suggestions to ensure that the heritage of the listed church is maintained. They suggest that the proposed houses that back onto the green space are 1.5 stories and at a maximum are 2 stories. This along with a carefully planned planting scheme would help to break up and soften the extent of the visual amenity of the built environment when looking westwards from the church.
- 10.37 Further screening should be considered along the stream and/or along the roadside boundary to the west of the church. It is also important that the existing trees both to the boundaries and within the site are retained. Finally the design and materials for the new buildings need to be high quality traditional, local materials taking reference from the character of the settlement.
- 10.38 In conclusion it is considered that the reduced scheme should not have a detrimental impact on the Grade 1 Listed Church and the Conservation Area.

Education

- 10.39 There is currently limited capacity in both the primary and secondary schools within the area. Education are requiring a full contribution from the developer in relation to both the primary and secondary contributions and the applicant has agreed to pay these.
- 10.40 The council is working with the local community in the development of the neighbourhood plan and are discussing the implications of development in the area on school places. There is existing pressure on school places in the area and this is likely to increase as new housing developments takes place locally. We are seeking contributions for primary and secondary school places from the subject applications but we would not ask for land at this time. There is limited scope to expand the existing schools in Adel and the council will therefore need to continue to review the need for land for a new school in the area to support future allocated housing sites

Trees loss/landscaping/ecology.

- 10.41 In terms of ecology the ecological information that has been submitted is satisfactory but additional survey information in relation to bats during the spring/summer is required along with survey information in relation to harvest mice.

- 10.42 There are a number of issues with the master plan that need to be addressed which includes the fact that the rear gardens along the western boundary with TPO woodland area needs to be looked into in more details to avoid pressure from shading of private garden space.
- 10.43 The masterplan needs to include areas which will be able to be used informally for recreation and there also needs to be a protected 'Nature Area'.
- 10.44 Further information is also required in relation to the open water feature east of the beck and confirmation as to whether this is SUDS feature or large wildlife pond. Some of the properties shown on the eastern boundary are too close to the existing Beck.
- 10.45 There are also concerns regarding the proposed access from the 'Centurion Fields development which is through a section of trees that are currently covered by a TPO. Care also needs to be taken regarding the distance of houses from these trees.

Design

- 10.46 The indicative layout needs improvements in design terms before the scheme can be deemed to be acceptable.
- 10.47 In design terms a scheme that is essentially building cul de sacs are not considered to be good design. Good urban design does not encourage 'dead ends' and 'pseudo private communities' Streets should lead to other streets is part of the guidance both locally and nationally. The whole scheme along with the planning application to the north should be connected.

Residential Amenity

- 10.48 There is an area of houses to the south of the site but this development is separated by this development by a belt of existing trees which are covered by a TPO. The distances to these properties and the proposed properties shown on the masterplan are well in excess of the distances required in Neighbourhoods for Living and there will be no detrimental impact on residential amenity.
- 10.49 In terms of the masterplan some of the properties are not the required distances from each other or have adequate garden areas but this can be negotiated if permission was granted.

Letters of representations

- 10.50 The issues raised in the letters of representation have been considered above.

Section 106 Package

- 10.51 The Community Infrastructure Levy Regulations 2010 set out legal tests for the imposition of planning obligations. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development. .

10.52 The proposed obligations referred to in this report have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly they can be taken into account in any decision to grant planning permission for the proposals. The applicants would be required to submit a Section 106 Agreement to address the policy requirements for this application. In the absence of such an agreement a reason specific to this matter is recommended but this matter would not be contested at any appeal if an agreement was completed beforehand. The position in relation to affordable housing is subject to likely change. The Core Strategy is now close to adoption so the level of affordable housing that will be required will be 35%. Whilst the higher rate cannot be given substantial weight at present if this is supported by the Inspector and then adopted by the Council then the higher rate would need to be given substantial weight at that stage.

11.0 CONCLUSION

- 11.1 The key conclusion is that the proposal to develop Otley Road Adel now runs contrary to UDP Policy N34 which expects the PAS sites only to be released following comprehensive assessment of development plan preparation. The interim policy is designed only to release those PAS sites early which are of a scale, location and nature that would not generate planning major planning implications that ought to be considered in a comprehensive plan making exercise. It also is in a locality that contains other development opportunities both now and in the immediate future, that mean that release now for local housing availability purposes is not of such urgency that a decision cannot wait for the conclusions of the Site Allocations Plan.
- 11.2 A Five Year Supply can be demonstrated.
- 11.3 At this stage it is considered that the applicants have proposed insufficient mitigation to accommodate the impact of the development on the highway network. . There are outstanding concerns that need to be resolved in relation to pedestrian/cycle access along the A660.
- 11.4 Refusal is recommended for the reasons set out at the beginning of this report.

Background Papers:

Certificate of ownership: signed by applicant.

Planning application file.



Originator: C. Briggs

Tel: 0113 2224409

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 9 OCTOBER 2014

Subject: PLANNING APPLICATION REF. 14/03023/EXT EXTENSION OF TIME OF PREVIOUS APPROVAL 08/02061/FU FOR MULTI-LEVEL DEVELOPMENT UP TO 9 STOREYS HIGH ABOVE GROUND LEVEL COMPRISING 46 STUDENT CLUSTER FLATS AND 24 STUDIO FLATS (TOTAL OF 239 BEDS) AND 1 RETAIL UNIT, CAR PARKING, COMMON ROOM AND ANCILLARY FACILITIES AT LAND AT CAVENDISH STREET, LEEDS LS3 1LY

APPLICANT	DATE VALID	TARGET DATE
Magro Ltd	19 May 2014	10 November 2014 (extended)

<p>Electoral Wards Affected:</p> <p>City and Hunslet</p> <p><input type="checkbox"/> Yes Ward Members consulted referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input 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 in principle, subject to the specified conditions (and any others which he might consider appropriate), and following the completion of a Section 106 Agreement Deed of Variation to cover the following matters:

- Restriction of use to full-time students only
- Travel plan implementation and monitoring fee prior to occupation £2500
- £8, 000 student Cycles for Hire contribution
- £15, 000 Provision of Metro tickets
- £10, 000 contribution for improved pedestrian links/public realm enhancement
- Public access
- Enhancements to local Traffic Regulation Orders if necessary and new TROs for new off-street servicing facilities
- Employment and training opportunities for local people in City and Hunslet, or any adjoining Ward.

- **Management fee payable within one month of commencement of development £2250**

In the circumstances where the Section 106 Agreement has not been completed within 2 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

Draft Conditions for 14/03023/EXT

The full wording of the draft conditions is set out in Appendix 1 at the end of this report.

1.0 INTRODUCTION:

1.1 This application seeks to extend the time limit for the implementation of the planning permission 08/02061/FU granted on 15th September 2009 following an approval in principle at Plans Panel (City Centre) 11th September 2008. The application was considered at 19th June, 14th August and 11th September 2008 Plans Panels. This application is brought to the Plans Panel because it is a significant major application, which has previously been the subject of lengthy officer and Plans Panel consideration. The recent publication of the Core Strategy Inspector's Report has implications for the consideration of this extension of time application.

2.0 PROPOSAL:

2.1 All parts of the scheme are exactly the same as the original approved application.

2.2 The proposal is for a 6 to 9 storeys above ground student residential block of 70 flats. This would comprise 24 studio flats and 46 cluster flats, giving a total 239 bedspaces. This is made up of

- 24 studio flats (34%)
- 4 three-bed flats (6%)
- 18 four-bed flats (25%)
- 13 five-bed flats (19%)
- 11 six-bed flats (16%)

2.3 The studio flat accommodation ranges in size from approximately 19.4sqm, 25.5sqm and 37.7sqm

2.4 In the cluster flats - the en-suite study bedrooms are typically 12.72sqm, and the communal living room/kitchens are 20.46sqm

2.5 The typical overall cluster flat size ranges would be:

- Three-bedroom cluster flat 71.28sqm to 78.1sqm
- Four bedroom cluster flat 88.1sqm to 96.8sqm
- Five bedroom cluster flat 103.3 to 116.3 sqm
- Six bedroom cluster flat 130.4sqm to 134.7 sqm

2.6 The proposed head height would be approximately 2.2m in all rooms.

2.7 The application also proposes a ground floor 50 square metre A1 retail unit.

2.8 The L-shaped building plan would form a south-facing landscaped deck area measuring approximately 20m x 18m. Underneath this would be the retail unit,

reception, common room, laundry room, staff room, staff toilet/shower, bin storage areas and motorcycle/cycle storage facility at lower ground floor level. The retail unit and common room would provide active frontage to the public space between this site and 84 Kirkstall Road.

- 2.9 Vehicular access to the development would be from Abbey Street. A controlled access ramp into the undercroft parking area would lead to 27 car parking spaces including 3 for disabled persons. There would be 50 cycle parking spaces in a secure store accessed from the ground floor common room and the basement car park.
- 2.10 The main pedestrian access into the development would be at its main entrance off Bingley Street, up a ramp onto the landscaped deck. Access to the student housing would also be achieved through the common room from the public space to the south.
- 2.11 The building ranges in height between 6 storeys in height to the public space to the south and 9 storeys in height above ground to Cavendish Street. The roof-form of the western wing of the building would slope progressively downwards to the south, with dormers that mirror the slope of the outline building form approved for 84 Kirkstall Road. The maximum height of the building would be approximately 26 metres facing Cavendish Street, and some 17 metres in height at the southern gable-end facing the public space.
- 2.12 The proposed distance to The Tannery student housing scheme would be 15m, giving an increased pavement width to Abbey Street from an existing 1.8m to 5.6m, with tree planting in the ground set away from the building line. The distance across Cavendish Street to Sentinel Towers would be 17.2m.
- 2.13 The building would also be lower in height than Tannery and Sentinel Towers, and the outline permission to 84 Kirkstall Road. The proposed site coverage is 59%, with 41% publicly accessible open site area.
- 2.14 The proposed materials would comprise a brown-coloured cladding system, coloured acid- etched glass panels in pale green, with grey engineering brick at the base.
- 2.15 The need for a Coal Recovery Assessment has been noted in the agent's covering letter accompanying this extension of time application. Given the shallow excavation proposed, on a very small site (0.1ha) in a built up residential area, it is considered by the applicant that the coal seam of 0.3-0.5m thick, located at a depth of 12 metres, would not be commercially viable to extract in this case.
- 2.16 A number of documents were submitted in support of the original application:
- Scaled building and landscape plans
 - Design and Access Statement including 3D computer generated images
 - Transport Assessment
 - Noise Statement
 - Land Contamination Desk Top Study
 - Travel Plan
 - Sustainability Statement

3.0 SITE AND SURROUNDINGS:

- 3.1 The site lies within the UDPR-designated City Centre, and within the area covered by the Kirkstall Road Renaissance Area Planning Framework. The cleared application site lies on the southern side of Cavendish Street, bounded by Abbey Street to the west, and Bingley Street to the east. The site is in use as an unauthorised surface car

park. The southern boundary of the site abuts a single storey former car repair workshop at 84 Kirkstall Road. The surrounding area is characterised by a mixture of student housing, low-rise offices, and leisure uses including a casino, public house and restaurants. The area was mainly commercial and industrial in character; however recent developments have increased the mix of uses and facilities in the area. Recent developments include student housing and café, gym and retail facilities at Opal Court 1 and 2, Concept House on Burley Road to the north east of the application site. The nearest traditional housing is at Kendal Walk and Hanover Square, some 150m away and higher up the valley side. The flats at the Marlborough's are approximately 300m away along Park Lane, separated by the large BT building and a rise in levels.

- 3.2 Abbey Street runs along the western edge of the site. The width of Abbey Street is some 7.5m. On the opposite side of Abbey Street is The Tannery a 6-12 storey student residential block (planning ref. 20/290/02/FU). The Tannery was granted permission in 2002 and subsequently completed in 2004. The Tannery reaches a maximum height of 37m rising from 20m via some six steps in its roof form. The central courtyard of the scheme is approximately 15m x 20m.
- 3.3 Cavendish Street runs along the northern edge of the site and is approximately 13m wide. On the opposite side of Cavendish Street is Sentinel Towers (planning ref. 20/313/92/FU and 20/373/92/FU), an 8 storey student residential block dating from the mid-1990s, some 29m high. East of Bingley Street, the section of Cavendish Street at this point is part tarmac and part cobble, and is blocked by the gates of the BT depot which closes off this part of the street. To the north is a two storey red-brick public house The Highland, which has residential use at its upper floor, and features 5 south facing windows. The BT building is a part 5/part 6 storey brick building which sits above and behind a retaining wall some 3 metres above the car park of the Maxi's restaurant.
- 3.4 Bingley Street runs along the eastern edge of the site and is some 7m wide. On the opposite side of Bingley Street lies Maxi's restaurant, a single storey building. At December 2013 City Plans Panel, Members approved an outline application (ref. 13/01198/OT) for the demolition of the existing building and the construction of a part 5/part 8 storey mixed use development of office, hotel and use classes A1 (retail), A2 financial and professional services) and A3 restaurant floorspace with basement car parking at the Maxi's restaurant site. To the south of the Maxi's site, also accessed from Bingley Street, lies the part one/part two storey Napoleons Casino building in beige brick with a mansard roof.
- 3.5 At the adjoining site to the south 84 Kirkstall Road, outline planning permission has been granted to erect a mixed use development of up to 11 storeys comprising residential and/or hotel and/or office (B1) use, ground floor A3 restaurant/A4 bar unit(s) with undercroft car parking and infrastructure works including landscaped public space (planning reference P/06/02359/OT/C). This permission was subsequently extended in 2011 (ref. 11/01850/EXT)

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Under planning reference 20/401/02/OT outline planning permission was granted on 31 December 2002 to erect student accommodation.
- 4.2 Under planning reference 20/528/05/OT application to vary Condition No.1 (timescale for submission of reserved matters) of Application No. 20/401/02/OT

was approved on 30 December 2005. The period within which to submit reserved matters was extended by one year.

- 4.3 Under planning reference 06/02379/RM reserved matters approval was sought for multi-level development up to 11 storeys comprising 127 clusters with 361 bedrooms and 54 studio flats, with ground floor retail unit and basement car parking. This was refused by Plans Panel (City Centre) 4 January 2007 on the grounds of its siting, scale, height, massing and density. This was subsequently dismissed at appeal under Planning Inspectorate ref. APP/N4720/A/07/2040528/NWF in August 2007.
- 4.4 Under planning reference 07/07563/FU planning permission was granted for a temporary three year period for the use of the site as a short-stay car park. This expired in March 2010. No further applications were submitted in relation to the unauthorised use of the site as a car park.
- 4.5 Under planning reference 08/02061/FU, planning permission was granted on 15 September 2009 for a multi-level development up to 9 storeys high above ground level comprising 46 student cluster flats and 24 studio flats (total of 239 beds) and 1 retail unit, car parking, common room and ancillary facilities, following an approval in principle at Plans Panel (City Centre) on 11 September 2008. The permission expired on 15 September 2014. This application is the subject of this extension of time period for commencement application.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Planning application publicity consisted of:

6.1.1 Site Notice of Proposed Major Development posted 13th June 2014

6.1.2 Press Notice of Proposed Major Development published 19th June 2014

6.1.3 City and Hunslet Ward Councillors consulted by email 12th June 2014, and Councillor Christine Towler (Hyde Park and Woodhouse Ward) was briefed on the scheme on 14th August 2014.

6.1.4 The seven objectors to the previous planning application and Little Woodhouse Community Association were notified of this application.

6.2 One objection has been received in connection with this extension of time period application, from Freda Matthews, a resident in Hanover Square, stating the following concerns:

- Since the original approval many large and small purpose built student accommodation have been approved and built in the immediate vicinity. The area is now overwhelmed with student flats, which results in a demographic imbalance.
- A smaller mixed development with greenspace and amenities would be more appropriate.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.1.1 LCC Transport Development Services

In 2008 Highways officers stated that they had no objection subject to conditions and section 106 obligations regarding the following matters:

- provision of service lay-by along Abbey Street within the red-line boundary
- visibility splays of 2.4m x 43m provided at access point
- increase in cycle parking required (approx 50 spaces)
- motorcycle parking facilities required
- increase in bin store areas required
- local off-site highways works required
- TROs required for new lay-bys
- funding of improvements to the steps between Cavendish Street and Burley Street
- provision in the Section 106 that if on-street parking problems were to occur in the immediate area, provision would be made for enhanced TROs

Subject to the resolution of the above, the development would not give rise to any adverse road safety issues. These comments have been resolved by the submitted recommended conditions and s106 obligations. In 2014, Highways officers stated that they have no further comments to make.

7.1.2 Environment Agency

In 2008 the Environment Agency stated that they had no objection subject to conditions regarding details of drainage and land contamination matters. In 2014, they stated that they have no further comments to make.

7.2 Non-statutory:

7.2.1 Yorkshire Water

In 2008 Yorkshire Water stated that they had no objection subject to conditions regarding details of drainage matters. In 2014, they stated that they have no further comments to make.

7.2.2 LCC Environmental Protection

In 2008 Environmental Protection stated that they had no objection subject to conditions regarding details of sound insulation, refuse storage, extract ventilation. In 2014, they stated that they have no further comments to make.

7.2.3 LCC Flood Risk Management:

In 2008 Flood Risk Management stated that they had no objection subject to conditions regarding details of surface water drainage. In 2014, they stated that they have no further comments to make.

7.2.4 West Yorkshire Combined Authority (Metro):

WYCA would support the council in the application of the Public Transport SPD at this site. Good pedestrian access to/from the site to/from bus stops should be provided taking into consideration the needs of the elderly and mobility impaired.

PLANNING POLICIES:

8.1 Development Plan

Leeds Unitary Development Plan Review 2006 (UDPR)

The UDPR includes policies that require matters such as good urban design principles, sustainability, highways and transportation issues, public realm, landscaping, biodiversity and access for all are addressed through the planning application process. The site lies unallocated within the City Centre in the Development Plan. It was considered that the 2008 proposal met with the adopted Development Plan. This is discussed further at Paragraph 10.2 of this report.

8.1.2 Draft Leeds Core Strategy

This is discussed further at section 10.3 of this report.

8.1.3 **Leeds Natural Resources and Waste DPD 2013**

The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like 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. This is discussed further at section 10.3 of this report.

8.2 **Relevant Supplementary Planning Guidance includes:**

The provisions of the following supplementary guidance documents were considered in 2008:

SPG Neighbourhoods for Living

SPG City Centre Urban Design Strategy

SPG Kirkstall Road Renaissance Area Planning Framework 2007

New supplementary documents adopted since the 2008 Plans Panel approval are discussed at section 10.3 of this report are:

SPD Public Transport Improvements and Developer Contributions

SPD Travel Plans

SPD Building for Tomorrow Today: Sustainable Design and Construction

8.3 **National Planning Policy Framework (NPPF)**

This is discussed at section 10.3 of this report.

9.0 **MAIN ISSUES**

9.1 Extension of time applications.

9.2 Unchanged policy and material considerations since the original consent

9.3 Changes in policy and material considerations since the original consent.

9.4 Conditions and Section 106 obligations.

10.0 **APPRAISAL**

10.1 **Extension of Time Applications**

10.1.1. The ability to extend the time limit for implementing planning permissions was introduced on 1 October 2009 via an amendment to the Town and Country Planning (General Development Procedure) (England) Order 1995. This change was introduced to allow developers greater flexibility in delivering already approved schemes during the economic downturn. It is only possible to apply to extend a planning permission if the permission is extant on 1 October 2009, if the permission is still extant when the extension of time application is submitted, and if the development has not already commenced. An amendment to this order was introduced on 1 October 2012 and this confirmed a one-year extension to the temporary provisions previously introduced. The effect of this is to bring a new 12-month cohort of planning permissions within the scope of the initial provisions and allow applicants with unimplemented extant permissions granted on or before 1 October 2010 (previously the deadline was 1 October 2009) to apply for a replacement permission for the same development, subject to a new time limit for implementation.

10.1.2 This scheme meets the eligibility criteria. As the scheme has been approved before, the principle of this development has been established. However, the current application to extend the time limit for implementation must be considered against current policy guidance and other material considerations which may have

changed since the original grant of permission. This application seeks to extend the time limit for a previously approved scheme, which has not changed. However, since the original decision there have been some significant changes in policy and some minor changes in material considerations. These are discussed below and were considered in the updated planning documents submitted by the applicant.

10.1.3 Paragraph 24 of the guidance note on extension of time period applications states that “*Local planning authorities may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably.*”

10.2 Unchanged policy and material considerations since the original consent

The policies in the adopted UDPR and site material considerations have not changed since the original grant of permission, including matters raised by consultees. The detailed assessment of these policies and material considerations was set out in the original panel report and is considered to be appropriate to the determination of the current application. The main issues are considered in further detail below.

10.2.1 Principal of use - Leeds Unitary Development Plan Review 2006

10.2.1.1 The proposal accords with adopted development plan policies. The proposals have not been altered since the previous submission and there has been no adopted development plan policy change in this respect. The site lies within the designated UDPR City Centre and is outside the Area of Housing Mix. UDPR policy would support the provision of purpose built student housing in the City Centre, and the parts of the City Centre closest to the University campuses would be the most sustainable locations. Policy H15A is applicable, and the site follows the tests it sets out as follows:

- in that the site has good public transport connections to the Universities, and is close enough to enable easy travel on foot or by cycle;
- the site would be an attractive location for students to live and of sufficient scale to form a viable student community either in itself or in association with other nearby developments (the existing student housing developments in the immediate area constitutes 3225 bedspaces in Opal One, Opal Two, Concept House, The Tannery, Liberty Park and Sentinel Towers – the policy does not give guidance on definition of ‘scale’ or ‘viability’);
- that the proposal would be well integrated into the surrounding area in terms of scale, character and associated services and facilities (the site is close to the city centre and the universities, and is of a lower scale and density than all recent student housing developments. The design of the building is complementary to the recent student developments);
- that the proposal would contribute to the regeneration of the surrounding area (it is considered that the existing use of the site as an unsightly, unauthorised car park is not acceptable in policy or visual amenity terms, and is not the best use of urban City Centre land);
- not unacceptably affect the quality, or quantity or variety of the local housing stock (the proposal is not located directly adjacent to existing local housing stock, other than other recent student housing developments).

10.2.1.2 With regard to the Kirkstall Road Renaissance Area Planning Framework (an informal SPG with limited weight), whilst this advises against further residential development in the City Heights area, it is considered that purpose built accommodation on this cleared site would not erode the existing community in Little Woodhouse or the Marlborough's, and would not affect the existing local housing stock or its balance and mix. The previous outline permission for this site was taken into account as a committed development site for student housing in the consideration of the mix of uses in the area at the time of the preparation and adoption of the document. Furthermore, the City Heights area identified in this document is pre- dominantly commercial in nature, even taking into account this proposal as a committed student housing development at time the document was drafted.

10.2.1.3 It is therefore considered that the principle of student housing would be acceptable in this location, taking the previous outline approval as a material consideration, accepting the provisions of the current Development Plan documents, and informal supplementary planning guidance adopted for development control purposes.

10.2.2 **Urban Design including amenities of the proposed building and neighbouring buildings**

10.2.2.1 The overall maximum building height would be 26.8m at 9 storeys along Cavendish Street. The building height would be 6 storeys along Abbey Street to face the new public route. The proposal would also be lower in height than The Tannery and Sentinel Towers, and the outline permission for 84 Kirkstall Road. The steps in roof form would also serve as visual devices which aid the breaking down of height, scale and bulk in relation to adjoining buildings and in longer distance views. The chamfering of the corner of Abbey Street and Cavendish Street is considered to improve the setting of the street and sense of space between the proposed building, Sentinel Towers and The Tannery.

10.2.2.2 With regard to the objection comments about on-site greenspace and amenities. The proposal would also feature more open space and a southerly open aspect which the other purpose built student developments in this area do not. Under UDPR policy there would not be a requirement for on-site open space at this site due to its relatively small size under 0.5 hectare, however the site coverage would be 59%, with 41% open space. The proposal features widened footways on three sides which would give more space to the surrounding streets for pedestrians.

10.2.2.3 In terms of building layout the distance to The Tannery would be 15m. It is considered that this would be a reasonable separation distance with respect to overlooking, privacy and the living conditions of the occupants of The Tannery and the new development. The distance to Sentinel Towers would be 17.2m. This is also considered to be acceptable with respect to the living conditions of the occupants of Sentinel Towers and the new development.

10.2.2.4 The use of a brown-coloured cladding system, with green-coloured acid-etched glass panels in the staggered window patterning is considered to enhance the palette of materials in the area. The choice of materials is deliberately contrasting to the other purpose built student developments in the area, where buff brick and grey metal cladding pre-dominate on buildings of a large scale. Details of junctions of materials and roofline detailing and materials samples will be presented at Panel.

10.2.2.5 It is considered that the proposal would enhance the character of the surrounding area, by regenerating an unsightly cleared brownfield site, and by providing a striking architectural form, with appropriate amenity space and public realm.

10.2.4 Transport

As part of the original application a public transport contribution of £48,500 was secured via the SPD, which was in draft form at that stage. While the application has not changed the SPD has been adopted and applied to all development proposals exceeding thresholds across the District. During this time the use of the SPD formula has been tested and refined. A standard approach to student cluster flats has been developed since 2008 and it would be unreasonable not to apply that approach at this site. The 2008 calculation considered the proposed land-use as 239 separate flats, when it is clear from considering the details that it is actually 70 flats, made up of mainly four, five and six-bed cluster flats. In addition the public transport mode split of city centre student accommodation has been agreed to be closer to 10% rather than the 50% standard. Applying these two changes to the formula means that a contribution is no longer required in line with the SPD threshold. Subject to the resolution of detailed highways matters and measures to be covered by conditions and Section 106 including off-site highways works, traffic regulation orders, car park management plan and travel plan measures and monitoring, it is considered that the proposal would not have any detrimental impact on road safety.

10.3 Changes in policy and other material considerations since the original consent

There have been changes to both the development plan and national planning guidance since the original application was granted consent. These changes are discussed below starting with national planning policy guidance, supplementary planning documents, and then the development plan.

10.3.1 The National Planning Policy Framework replaced Planning Policy Statements and Guidance (PPSs/PPGs) in 2012, and states that planning should proactively drive and support sustainable economic development; and seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. One of the core planning principles in the National Planning Policy Framework encourages the effective use of land by reusing land that has previously been developed. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF states that local authorities should deliver a wide choice of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (para 50).

10.3.2 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. Paragraph 17 of the NPPF sets out the Core Planning Principles for plan making and decision taking. The 8th principle listed states that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. The NPPF advocates a presumption in favour of sustainable development, and a 'centres first' approach to main town centre uses such as A1 retail. Section 7 states that good design is a key

aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:

- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimising the potential of the site to accommodate development;
- Respond to local character and history;
- Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments; and
- Development to be visually attractive as a result of good architecture and appropriate landscaping.

Overall it is considered that the scale, layout and design principles proposed would enhance the character and appearance of a vacant site resulting in regeneration of the area, whilst relating to the emerging urban character in this part of the City. The proposal would deliver a mixed use development in close proximity to the City Centre on a brownfield site, with sustainable levels of car parking, and would deliver public realm improvements. It is considered to meet the objectives of the NPPF.

10.3.3 Supplementary Planning Document 5 'Public Transport Improvements and Developer Contributions' (SPD5)

This document was formally adopted in July 2008. The development falls below the threshold for contributions based on the number of flats, not bedspaces, which the previous calculation was based upon. Therefore no contribution is applicable now.

10.3.4 Building for Tomorrow Today SPD

In accordance with updated planning policy, an Excellent BREEAM or Code for Sustainable Homes Level 4 would be expected and required by condition if the scheme were to be considered acceptable. Electric vehicle charging points would be provided, with details controlled via condition. A minimum of 10% energy generation would be developed through on site low carbon energy sources. The scheme would also deliver at least a 20% reduction in carbon emissions over building regulations standards. It is considered that a condition can control these matters.

10.3.5 Supplementary Planning Document Travel Plans 2012

This sets out the Leeds City Council requirements for Travel Plans and identifies when they are required in support of a planning application. The primary objective in the case of this planning proposal would be the reduction in car usage (particularly single occupancy journeys) and increased use of public transport, walking and cycling. The proposal only provides 27 car parking spaces. In addition, the submitted Travel Plan meets the requirements of the 2012 SPD and its delivery would be monitored through the Section 106 agreement. It includes measures such as a Metrocard with 6 monthly ticketing options available for student and non-student residents, and a financial contribution to the student cycle hire scheme at Leeds University.

10.3.6 Leeds Natural Resources and Waste DPD 2013

Policies regarding trees, land contamination, coal recovery, drainage, and air quality are relevant to this proposal. It is considered that the provisions of the NRWDPD Policy Land 1 states that trees should be conserved wherever possible and new planting should be introduced to create high quality environments for development. Policy Air 1 regarding air quality would be met through appropriate conditions regarding building sustainability measures, sustainable travel planning, and the provision of electric vehicle charging points.

10.3.7 Leeds Core Strategy Publication Draft 2012 consolidated with Inspectors modifications

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State. The Inspector examined the Strategy during October 2013 and May 2014. The weight to be attached is now significant following receipt of the Inspector's Report dated 5 September 2014. Of particular relevance to this application are the following emerging policies and extracts from the Inspector's Report.

- 10.3.8.1 The Inspector states in his report at para 47. *'The maintenance of mixed and diverse communities is a legitimate policy objective and accords with national guidance . (NPPF paragraph 50)*

The Inspector goes on to consider the Council's position on student accommodation (Policy H6B):

'Para 49. Student accommodation includes purpose built halls, flats and HMOs. Policy H6B is aimed at purpose built student accommodation and, as submitted, seeks to; extend the supply of purpose built student accommodation to avoid the loss of family housing, to avoid excessive concentrations of student accommodation and to avoid locations not easily accessible to the city's universities. Following the submission of the Plan for examination the Council requested that I consider modifications to Policy H6B. The revisions would; require developers to demonstrate a need for student accommodation or be in receipt of a formal agreement with a university to supply accommodation, provide accommodation to environmental health standards and to ensure that it can be adapted to allow 'occupation by average sized households'.

50. *The proposed test of need is based on the findings of a study completed in August 2013 which assesses the demand for and supply of student accommodation . However, that study is rightly criticised. On one hand the study states that demand for bed spaces will reduce by 1,200 in 2013/14 but on the other says that it is likely that there will be 1,200 more students in 2013/14 compared with the previous year. The consultant's predictions of falling student numbers conflicts with their own assessment made only a few months earlier and are not supported by evidence from UCAS (quoted in the August report) of an increase in student applications. The study also records that the 2011 census data points to a gradual increase in people seeking university places.*
51. *Evidence provided by the consultants that shows that a number of permitted schemes for purpose built student accommodation are not proceeding undermines the Council's argument that the market will not control the provision of such accommodation. I find it difficult to believe that a commercial developer whether from Leeds or elsewhere would invest in a scheme for which there is no demand. Landlords with older and poorer quality accommodation may find students going elsewhere but it is not the place of planning to interfere with the market in favour of certain providers (including universities). I am not persuaded, therefore, that the evidence supports requiring developers to demonstrate need.*
52. *According to the August 2013 report, 45% of all students live in purpose built accommodation which includes returning students as well as first years. Many factors will influence a student's choice of accommodation but the provision of*

purpose built accommodation inevitably places less pressure on traditional housing. Housing which could be used by others in need of HMOs or used again by families, contributing to the Council's aim of maintaining mixed and diverse communities.

53. *What is meant by 'average sized household' is not defined nor has the Council produced any evidence to indicate the impact of requiring schemes to be capable of adaptation for occupation for the 'average sized household' on viability (and hence delivery). Student accommodation is not likely to need the same amount of outdoor amenity space or parking as that designed for families and so although a building may be capable of adaptation, it still may not be suitable or attractive to the 'average sized household'. The Council's suggested modification is not justified and is not necessary to make the Plan sound.*
54. *As submitted Policy H6B does not require the provision of satisfactory living conditions for the occupiers of student accommodation. Consequently, I agree that such a requirement be introduced (MM22) but see no need to duplicate environmental health standards.'*

10.3.7.2 City Centre strategic Themes and Character – 'A Growing Residential Community'

Para 5.1.14 of the Core Strategy states that:

'With significant house building between 1995 and 2010 a substantial residential population exists in the City Centre. Despite the recession and pause in construction activity, city living remains extremely popular with little vacancy. Considerable land opportunities exist in the City Centre to boost the residential population further. It is important that efforts are made to make best use of this opportunity in order to make efficient use of land and provide a wide housing offer for Leeds as a whole, as delivery of housing in the City Centre is key to the overall delivery of the Core Strategy. However, with some of the first residents putting down roots and wanting to continue to live in the City Centre it is important that a wider variety of sizes and types of housing are made available than have previously been built. In line with Policy H4 Housing Mix, major housing developments across the City Centre will be expected to contribute to a wider mix of dwelling sizes. Potential for creation of family friendly environments exist on the fringes of the City Centre where densities can be lower, and more greenspace and supporting services can be delivered, including medical and education services. The City Centre remains a good location for purpose built student housing, but excessive concentrations in one area should be avoided in line with Policy H6.'

Para 5.2.20 states that: *'significant growth in student numbers in the past has led to high concentrations of student housing in areas of Headingley, Hyde Park and Woodhouse. This generated concerns about loss of amenity to long term residents'*

Para 5.2.27 states that *'The decade 2001 – 2012 witnessed considerable development of new purpose built student accommodation particularly in and around the north west sector of the City Centre. Growth in this accommodation is to be welcomed in order to meet need and to deflect pressure away from private rented houses in areas of over-concentration. Nevertheless, care is needed to ensure that purpose built accommodation does not itself become over-concentrated and is located with good access to the universities.'*

10.3.7.3 Policy H6: Houses in Multiple Occupation (HMOs), Student Accommodation, and Flat Conversions

Part B is relevant to this application proposal, and its criteria can be considered as follows:

B) Development proposals for purpose built student accommodation will be controlled:

i) To help extend the supply of student accommodation taking pressure off the need for private housing to be used,

This proposal would fulfil this objective.

ii) To avoid the loss of existing housing suitable for family occupation,

The proposal would meet this objective

iii) To avoid excessive concentrations of student accommodation (in a single development or in combination with existing accommodation) which would undermine the balance and wellbeing of communities,

Whether the concentration is excessive in the area depends on the consideration of the local context. Policy H6 iii mentions the phrase 'undermine the balance and wellbeing of communities'. Whilst excessive concentrations of student populations may cause harm to discrete residential areas, the combined proximity to the City Centre, local mixed land use functions and the proximity to the educational areas suggest that the proposed student accommodation, as a small percentage increase to an existing concentration, could be tolerated in this location. It is considered that there would be some difficulty in defining a wider area within which student housing proposals would not form part of a mixed community, taking into account the dominant commercial uses around the site, and the existing residential communities of Little Woodhouse and the Marlborough's. If a case for refusal were to be constructed around the proposal's failure to achieve a mixed and balanced community, it is implicit that this area is not within the same community as Little Woodhouse and the Marlborough's. If the community is defined across a wider area that includes Little Woodhouse and the Marlborough's it is considered that the mix and type of residential accommodation is extremely varied, and therefore a balanced and mixed community is achieved. The key issues would be the location of a community boundary, identifying affected individuals/groups, what the harm was, identifying the individuals/groups causing harm, and the collection of robust, credible evidence to that effect. Taking the defined City Heights Area in the Kirkstall Road Renaissance Area Planning Framework, existing land uses include two hotels, a fire station, seven office buildings, car showroom, a substation, a cleared site, casino, restaurant, laminate floor warehouse, financial services office, and 2669 student bedspaces located in Opal One, Sentinel Towers, Concept House, The Tannery and Liberty Park. Outline permission also exists at the adjacent site 84 Kirkstall Road for office, hotel and open market residential uses. Opal Two contains 556 bedspaces and lies outside but directly abutting City Heights Area. However, whilst this is relevant, other uses also directly abut the area, which would also increase the variety of uses across a given wider area. Therefore six plots would be in student housing use if the application proposal were taken into account, and eleven plots are in commercial use. It is considered that this area both in itself, and taking into account nearby uses, features one of the more diverse ranges of land use in and around the edge of the City Centre.

iv) To avoid locations which are not easily accessible to the Universities by foot or public transport or which would generate excessive footfall through quiet residential areas which may lead to detrimental impacts on residential amenity.

The site would be separated by taller buildings, topography and some distance (150-300m) from the nearest traditional residential properties to the north and east. Consultation was carried out with Leeds City Council Environmental Protection Service and West Yorkshire Police, and neither bodies can provide records of specific complaints relating to noise from pedestrians on the public highway, regardless of whether it was caused by students who live in Opal One and Two, Sentinel Towers, Liberty Park, The Tannery and Concept House. Environmental Health only respond to complaints arising directly from residential or business premises, and the Police would only respond if the disturbance were so severe as to warrant a breach of the peace. Whilst it is acknowledged that throughout the historic planning applications for this site, a small number of local residents have expressed concern regarding general noise and disturbance as a result of students generally, it would be unreasonable to apportion specific blame to students living in Opal One and Two, Sentinel Towers, Liberty Park, The Tannery and Concept House in all cases. Noise and general disturbance in the Belle Vue Road and Park Lane areas may arise from students living in traditional housing stock closer to the objectors' homes, and non-students walking at night from the City Centre to Burley along a variety of routes. No similar objections have been received to the current application proposal.

The application site is not located in the immediate vicinity of existing residential properties which may be affected by a purpose built student development of this size. The cumulative impact of this student development in addition to those already occupied or granted permission is not considered to result in any significant additional harm to the amenities of the nearest traditional residential properties to the north of the site on Kendal Walk. It is considered that purpose built accommodation on this cleared site would not erode the existing community in Little Woodhouse or the Marlborough's, and would not affect the existing local housing stock or its balance and mix. The current proposal would also be smaller in scale than the existing student housing developments in the area. This proposal would be a small percentage increase to existing numbers.

A sound insulation scheme is to be installed within the units to protect the residents from noise from the surrounding road network and commercial premises. This will assist in keeping noise in as well as out. It is therefore considered that student housing would not result in detrimental impact on the amenities of the light industrial, warehouse, casino office or hotel uses in the immediate vicinity of the site.

The site lies in a predominantly commercial area, on the other side of Burley Road from Little Woodhouse within a commercial area lacking in family housing. The direct impact of this proposal in terms of direct loss of amenity/noise/general disturbance on the existing residents of the Hanover Square, the Kendal's, and the Marlborough's, is likely to be small due to the physical distance and change in topography. It is considered on balance that the small increase in numbers from this application would not result in a significant adverse impact on the nearby traditional residential areas by students walking along main roads such as Park Lane, in the context of a busy City Centre location.

The site is approximately 900m from the University of Leeds, approximately 800m from the LGI and 1300m away from the main Leeds Beckett University campus. Whilst this may lead to some travel through existing residential areas, a number of

alternative pedestrian routes are available, and due to its sustainable location the generated footfall is on balance considered acceptable.

v) The proposed accommodation provides satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms;

In relation to part (v) of Policy H6 B, on balance, given that these units are likely to be occupied by one person per bedroom/studio only, it is considered that the cluster flat sizes are appropriate. They are provided with communal living rooms and kitchens of an appropriate size for each cluster, and an additional ground floor common room for the whole block. Some of the studio flats are smaller than we would expect at around 20 square metres, however there are only one or two of these smaller units on each floor in the context of 239 bedspaces. Given that there are communal facilities and outdoor amenity space available it is considered on balance that this would be acceptable.

10.3.8 Other material changes

There have been no other significant material changes relevant to this application, to the site or its surroundings other than those described above.

10.4 Conditions and section 106 obligations

10.4.1 The recommended draft planning conditions are attached at Appendix 1.

10.4.2 Should the scheme be considered acceptable, the following measures would be incorporated into a Section 106 Agreement:

- £2, 500 travel plan monitoring fee.
- £8, 000 student Cycles for Hire contribution.
- £15, 000 Provision of bulk Metro tickets.
- £10, 000 contribution for improved pedestrian links/public realm enhancement
- Public access.
- Enhancements to local Traffic Regulation Orders if necessary and new TROs for new off-street servicing facilities.
- Co-operation with local training and employment initiatives.

10.4.3 As part of Central Government's move to streamlining the planning obligation process it has introduced the Community Infrastructure Levy Regulations 2010. This requires that all matters to be resolved by a Section 106 planning obligation have to pass 3 statutory tests. The relevant tests are set out in regulation 122 of the Regulations and are as follows:

- '122(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.'

As listed above (and also in the 'recommendation' box at the beginning of this report), there are matters to be covered by a Section 106 agreement. These matters have been considered against the current tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

11.0 Conclusion

11.1 This extension of time application results from the changes in legislation that allowed the time limits of extant permissions to be extended during the economic downturn. National planning guidance is that a positive and constructive approach should be adopted to applications such as the current application which improve the prospect of sustainable development being taken forward quickly. The proposed development has not changed and there have been no material changes to the site or surrounding area that would affect this proposal. The supporting documents submitted with the application accord with changes in policy, and the proposed development is considered acceptable following detailed consideration against all up to date development plan policies, emerging policies and national guidance. For the reasons outlined above it is recommended that this extension of time application is granted permission.

Background Papers:

Application files 14/03023/EXT & 08/02061/FU

Appendix 1 Draft Conditions

Appendix 1 Draft Conditions for application reference 14/03023/EXT

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

For the avoidance of doubt and in the interests of proper planning.

- 3) Development shall not commence until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority and:
 - (a) Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority,
 - (b) Where remediation measures are shown to be necessary in the Phase I/Phase II Reports and/or where soil or soil forming material is being imported to site, development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site suitable for use in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

- 4) If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. An amended or new Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Statement.

To ensure that any necessary remediation works are identified to make the site suitable for use in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

- 5) Remediation works shall be carried out in accordance with the approved Remediation Statement. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all verification information has been approved in writing by the Local Planning Authority.

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

6) Prior to the commencement of development, a Statement of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The Statement of Construction Practice shall include full details of:

- a) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
- b) measures to control the emissions of dust and dirt during construction;
- c) location of site compound and plant equipment/storage;
- d) location of contractor and sub-contractor parking;
- e) how this Statement of Construction Practice will be made publicly available by the developer.

The approved details shall be implemented at the commencement of work on site, and shall thereafter be retained and employed until completion of works on site. The Statement of Construction Practice shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.

In the interests of residential amenity of occupants of nearby property in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

7) Construction works shall be restricted to 0800-1800 hours Monday to Friday, 0800-1300 hours on Saturdays, with no works on Sundays and Bank Holidays.

In the interests of residential amenity in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

8) Development shall not commence until a scheme detailing surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme should be sufficiently detailed with supporting calculations to confirm the pre and post development discharges as well as attenuate storage requirements for the development. Surface water from the development will be subject to balancing of flows to achieve a minimum 30% reduction of the existing peak flow rates from the site up to the 1 in 100 year storm with climate changes. The works shall be implemented in accordance with the approved scheme before the development is brought into use.

To ensure sustainable drainage and flood prevention in accordance with policies GP5, N39A of the adopted Leeds UDP Review (2006) and the NPPF.

9) No piped discharge of surface water from any phase shall take place until works to provide a satisfactory outfall for surface water for that phase have been completed in accordance with details to be submitted to and approved by the local planning authority before development of that phase commences.

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading, in accordance with the NPPF and Leeds UDPR Policy GP5.

10) Prior to commencement of development, a feasibility study in to the use of infiltration drainage methods shall be submitted to and approved by the Local Planning Authority. The analysis shall contain the results of soakaway tests and an appraisal of the various infiltration drainage methods of surface water disposal proposed for the site. Soakaway design must be consistent with the general development control standards for flood risk which requires that there should be no flooding of the site for the 1 in 30 year event

regardless of the method proposed for the drainage of the site. The BRE 365 design standard for 1 in 10 year is therefore not acceptable. Where infiltration drainage is proven not to be practicable due to ground conditions then other approved means of flow attenuation must be utilised.

In the interests of sustainable drainage, in accordance with Leeds UDPR policies GP5 and N39A, the draft Core Strategy and the NPPF.

- 11) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.

To prevent pollution of the water environment.

- 12) Prior to the commencement of building works, a sample panel of all external facing materials, roofing and glazing types to be used shall be constructed on-site and approved in writing by the Local Planning Authority. The external cladding and glazing materials shall be constructed in strict accordance with the sample panel(s) which shall not be demolished prior to the completion of the development.

In the interests of visual amenity in order to accord with Leeds UDP Review Policies GP5, BD2 and N13, and the NPPF.

- 13) No building works shall be commenced until full 1 to 20 scale working drawing details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - a. soffit, roof line and eaves treatments
 - b. junctions between materials
 - c. each type of window bay proposed
 - d. ground floor frontages

The works shall be carried out in accordance with the details thereby approved.

In the interests of visual amenity and the character of the surrounding area, in order to accord with Leeds UDPR Policies GP5, BD2 and N13, and the NPPF.

- 14) No surfacing works shall take place until details and samples of all surfacing materials have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The surfacing works shall be constructed from the materials thereby approved and completed prior to the occupation of the building.

In the interests of visual amenity in accordance with Leeds UDP Review Policies GP5, CC3 and LD1, and the NPPF.

- 15) Development shall not commence until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include
 - (a) proposed finished levels and/or contours,
 - (b) boundary details and means of enclosure,
 - (c) car parking layouts,
 - (d) other vehicle and pedestrian access and circulation areas,

- (e) hard surfacing areas,
- (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),
- (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).

Soft landscape works shall include

- (h) planting plans
- (i) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- j) schedules of plants noting species, planting sizes and proposed numbers/densities.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

To ensure the provision and establishment of acceptable landscape in accordance with adopted Leeds UDP Review (2006) policies GP5, N23, N25 and LD1.

- 16) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

To ensure successful aftercare of landscaping, in accordance with adopted Leeds UDP Review (2006) policies GP5 and LD1.

- 17) If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

To ensure maintenance of a healthy landscape scheme, in accordance with adopted Leeds UDP Review (2006) policies GP5 and LD1.

- 18) Development shall not be occupied until all areas shown on the approved plans to be used by vehicles have been fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

To ensure the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policy T2 and Street Design Guide SPD (2009).

- 19) Prior to the occupation of the development hereby approved, details of a car park management plan, including access security measures, shall be submitted to and approved in writing by the Local Planning Authority. The car park shall be operated in accordance with the approved management plan thereafter.

In the interests of sustainable development, and vehicular and pedestrian safety, in accordance with Leeds UDPR Policies GP5, T2, T24, T28 and Appendix 9A, and the NPPF.

- 20) Prior to the commencement of development, details of electric vehicle charging points in the basement car park shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be provided in accordance with the approved details prior to first use of the car park, and retained as such thereafter.

In the interests of encouraging more sustainable forms of travel and to reduce the impact of development on air quality, in accordance with the NPPF, Leeds Natural Resources and Waste DPD 2013, and Leeds UDPR Policy GP5.

- 21) No development shall take place until details for the provision of off-site highways works in accordance with approved DLA drawing no. 2007-221/002E have been submitted to and approved in writing by the Local Planning Authority for inclusion in the section 278 Highways Agreement or to be secured by such other procedure as may be agreed between the applicants and the Local Planning Authority.

In the interests of pedestrian and vehicular safety, in order to accord with the NPPF and Leeds UDPR Policy T2.

- 22) Notwithstanding the details shown on the plans hereby approved and prior to the commencement of development, full details of the facilities for the parking of cycles within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the cycle parking facilities thereby approved have been provided. The facilities shall thereafter be retained and maintained as such.

In order to meet the aims of the Transport Policy as incorporated in the Leeds Unitary Development Plan.

- 23) Prior to the installation of any extract ventilation system or air conditioning plant, details of such systems shall be submitted to and approved in writing by the Local Planning Authority. Any external extract ventilation system/air conditioning plant shall be installed and maintained in accordance with the approved details. The systems shall limit noise to a level at least 5dBA below the existing background noise level (L90) when measured at the nearest noise sensitive premises with the measurements and assessment made in accordance with BS4142:1997.

In the interests of visual and residential amenity and in accordance with adopted Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

- 24) No development shall take place until details of a noise insulation scheme have been submitted for formal written approval by the Local Planning Authority. The scheme shall be designed to protect the amenity of the residents of the proposed dwellings from noise from surrounding roads and adjoining uses. The sound insulation scheme for the development shall be designed to achieve internal noise levels in living spaces not exceeding 35dBLAeq and 30dBLAeq in bedrooms at night, with peak levels kept below 45dBLAmax. The approved scheme shall be implemented prior to occupation of the dwellings and retained thereafter.

In the interests of residential amenity of the residents of the proposed dwellings

- 25) The hours of delivery to and from the premises shall be restricted to 0800 hours to 2000 hours Monday to Saturday and 0900 hours to 1700 hours on Sundays and Bank Holidays.

In the interests of residential amenity, in accordance with Leeds UDP Review 2006 Policy GP5 and the NPPF.

- 26) The hours of opening of the retail premises shall be restricted to 0800 hours to 2200 hours.

In the interests of residential amenity, in accordance with Leeds UDP Review 2006 Policy GP5 and the NPPF.

- 27) Any A1 retail use carried out within the ground floor unit indicated on the approved plans shall be limited to the sale of goods for convenience shopping to serve the needs generated by the development and other local needs.

The site lies outside those areas of the City Centre where the Local Planning Authority would wish to promote unrestricted A1 retailing. The use is limited to a convenience shopping use in the interests of maintaining the viability of the Prime Shopping Quarter.

- 28) Prior to the commencement of development of each phase an updated Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority for that phase, which shall include a detailed scheme comprising (i) a pre- assessment using the BREEAM assessment method to BRE Excellent Standard or equivalent for the proposed buildings and to the correct category in line with their use(s) (ii) an energy plan showing the final percentage of on-site energy that will be produced by Low and Zero Carbon (LZC) technologies, that it will meet the at least a 10% minimum target. This shall specify a carbon reduction target and energy plan for the development to reduce carbon emissions by at least 20% below Building Regulations . The development of each phase shall be carried out in accordance with the details as approved above; and

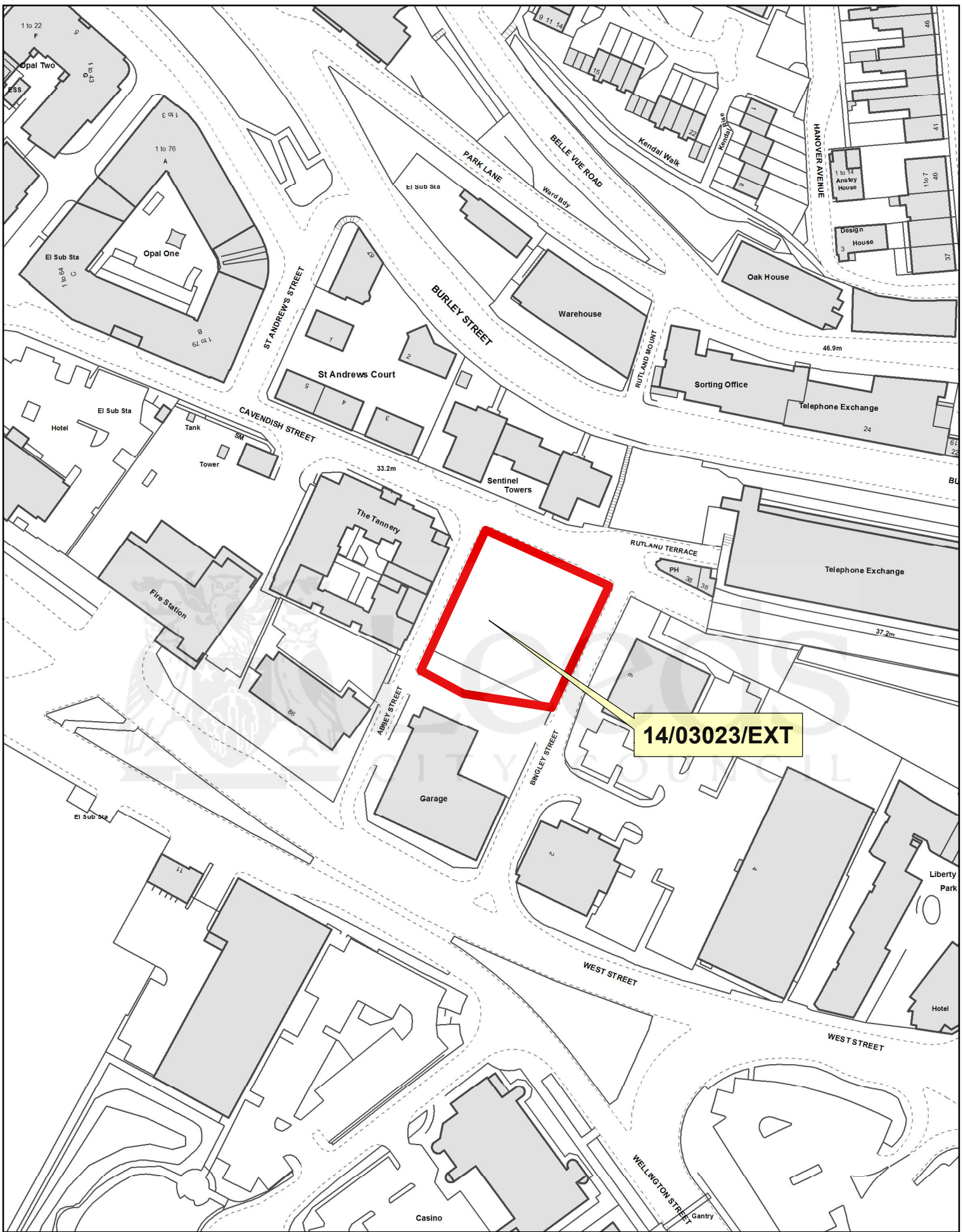
(a) Within 6 months of the occupation of each phase of the development a post-construction review statement for that phase shall be submitted by the applicant including a BRE certified BREEAM final assessment and energy plan and associated paper work and approved in writing by the Local Planning Authority

(b) The development and buildings comprised therein shall be maintained and any repairs shall be carried out all in accordance with the approved detailed scheme and post-completion review statement or statements.

To ensure the adoption of appropriate sustainable design principles in accordance with Policies GP5, GP11 and GP12 of the Unitary Development Plan, the Leeds SPD Building for Tomorrow Today Sustainable Design and Construction, the draft Leeds Core Strategy, and the NPPF.

- 29) Prior to the occupation a scheme detailing the method of storage and disposal of litter and waste materials, including recycling facilities, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided including, where appropriate, lockable containers and details of how the recyclable materials will be collected from the site with timescales for collection. The approved scheme shall be implemented before the phase of development hereby permitted is brought into use and no waste or litter shall be stored or disposed of other than in accordance with the approved scheme.

In the interests of amenity and to promote recycling, in accordance with the NPPF and Leeds UDPR Policies GP5 and T2.



CITY PLANS PANEL



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