



Report of the Chief Planning Officer -

CITY PLANS PANEL

Date: 1ST August 2013

Subject: Application 12/04046/OT Outline application for Residential Development on land at Calverley Lane / Bagley Lane, Farsley.

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

Electoral Wards Affected:

Calverley and Farsley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

Members are asked to review and agree the suggested reasons for refusal should the Council have had the opportunity to determine the application

1. The Local Planning Authority considers that the release of the Kirklees Knowl PAS 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 because its suitability needs to be comprehensively reviewed as part of the preparation of the Site Allocations Plan. The size of the site, the possible need for a school and the availability of other housing development opportunities in the locality means that the site does not fulfill the exceptional criteria set out in the interim housing delivery policy approved by Leeds City Council's Executive Board 13/3/13 to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan.
2. There are outstanding highway objections in relation to the lack of a direct safe pedestrian and cycle route along the Ring Road to access schools and New Pudsey Train station. As such the development is detrimental to highway safety which is

contrary to policies N12, T1, T2, T5, T7 and GP5 of the adopted Leeds Unitary Development Plan (Review) 2006 and the guidance contained within the adopted Street Design Guide SPD.

- 3 The development would require a signed Section 106 Agreement to cover affordable housing, education, greenspace, public transport, travel planning and off site highway works. The Council anticipates that a Section 106 agreement covering these matters should be provided prior to the Inquiry however, it reserves the right to contest these matters at the appeal should the Section 106 Agreement not be completed or cover all the requirements.

1.0 INTRODUCTION

- 1.1 An outline planning application for residential development was submitted to the council on 21st September 2012. The applicant appealed against non-determination of the application on 25th June 2013. This report is to establish what decision Plans Panel would have made if they had been in a position to determine the application.
- 1.2 Members are asked to note the content of this report and accept the officer's recommendation to support the suggested reasons for refusal as outlined above in the upcoming public inquiry scheduled to start on the 19th November and last for 4 days.
- 1.3 This is an application for new residential development on a 17.8 ha site designated as a Protected Area of Search in the adopted UDP. Such sites are designated under policy N34 of the adopted UDP and are intended to ensure the long term endurance of the Green Belt and to provide for long term development needs if required. The application is recommended for 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. Whilst the city council considers that it has an appropriate housing supply to meet the requirements of planning policy, the Interim Policy has been designed to facilitate the release of some PAS sites to strengthen the supply of achievable housing. It will be shown in this report why the development is contrary to this Interim Policy.
- 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.
- 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.
- 1.7 The Council has submitted its Core Strategy to the Secretary of State and it will be subject to an examination in public in the autumn. The document is considered by the Council to be sound and in line with the policies of the NPPF and the Planning and

Compulsory Purchase Act 2004 as amended by the Localism Act 2011. An initial hearing session has been held and the Inspector is satisfied that the Council have fulfilled the legal obligations of the Localism Act as they pertain to the Duty to Cooperate. The Core Strategy is now progressing to formal hearing sessions in the autumn. The Council is currently progressing a Site Allocations Development Plan Document, which at its current stage of Issues and Options will seek views on, among other things, the allocation of UDP Protected Areas of Search for development. This was published in June 2013 with 8 weeks of public consultation from 3/6/13 to 29/7/13. 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 DPD is the vehicle being pursued by Leeds City Council for taking decisions on the suitability of such sites for development.

Housing Land Supply position

- 1.9 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;
 - identify a supply of specific deliverable sites or broad locations for growth for years 6 to 10 and years 11 to 15,
- 1.10 In terms of establishing the full objectively assessed needs for market and affordable housing the Submission Draft Core Strategy sets a plan-period of 2012 to 2028 and establishes a housing requirement of 3,660 homes per annum between 2012 and the end of 2016/17 and 4,700 homes per annum between 2017/18 and 2028. This totals 70,000 net new homes which provide a significant increase over rates set in the UDP Review.
- 1.11 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 and up to date evidence base, as required by paragraph 159 of the NPPF and reflects the latest household and population projections as well as levels of future and unmet need for affordable housing.
- 1.12 In terms of identifying a five year supply of deliverable land the Council identified that as of September 2012 there was a current supply of land equivalent to 5.3 years' worth of housing requirements. The Council has since taken a number of steps to improve provision since then.
- 1.13 The current five year housing requirement is 20,307 homes between 2013 and 2018, made up of the following elements:
- the Submission Core Strategy housing requirement of four years' worth of housing requirements set at 3,660 homes per annum totaling 14,640 homes for 2013/14 to 2016/17,
 - the Submission Core Strategy housing requirement of one years' worth of housing requirements set at 4,700 homes per annum for 2017/18, and
 - a buffer of 5% to ensure choice and competition in the market for land equivalent to 967 homes.

- 1.14 The Government advises that should there be a record of persistent under delivery then the buffer should be extended to 20% to provide a realistic prospect of achieving the planned supply. There is no record of persistent under delivery against the Core Strategy base date of 2012.
- 1.15 The current five year land supply is made up of sites allocated in the UDP Review, sites with planning permission and sites which form part of the Site Allocations Document. In total the Council has land sufficient to deliver 21,472 within the next five years.
The five year supply (as at 31st September 2012) is made up of the following types of supply:
- allocated sites with planning permission
 - sites with planning permission
 - allocated sites without planning permission
 - an estimate of anticipated windfall sites
 - SHLAA sites without planning permission
 - an element of Protected Area of Search sites which have fallen into the current five year supply and may come forward on the basis of the interim release policy
- 1.16 The current 5 year supply contains 30% greenfield and 70% previously developed land. This is based on the sites that have been submitted to the Council through the SHLAA process and accords with the Core Strategy approach to previously developed land as set out in Policy H1. This also fits with the Core Planning principles of the NPPF and the Secretary of States recent speech to the Royal Town Planning Convention (11 July 2013) where he states that not only should green belts be protected but that “we are also sending out a clear signal of our determination to harness the developed land we’ve got. To make sure we are using every square inch of underused brownfield land, every vacant home and every disused building, every stalled site.”
- 1.17 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.
- 1.18 However a recent decision by the Council’s Executive Board in relation to the current 5 year land supply for Leeds and related efforts to boost significantly the supply of housing in the current economic climate is also material to this proposal. The Executive Board approved an interim policy with criteria to release certain PAS sites, ahead of the Site Allocations Plan.

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. An indicative masterplan showing details of the layout, scale, appearance and landscaping have been provided and refer to a development of approximately 400 dwellings (ranging from 2 bedroom terrace houses through 5 bedroom detached houses) with associated road infrastructure, parking provision, amenity space and landscaping. These details will be considered under future applications for approval of Reserved Matters.
- 2.2 The submitted plans detail that the main access will be from Calverley Lane and will take the form of a roundabout to connect the site to Calverley Lane. A secondary

access from the site to Bagley Lane is also shown on the indicative masterplan. There are a number of off site highway works required as part of the development which are as follows:

- The construction of a roundabout on Calverley Lane to provide access into the site approximately 100metres south of the A6120 Ring Road
- It is proposed to reduce the existing national speed limit to 30mph along Calverley Lane site frontage.
- A second vehicle access to the east of the site will be taken through the Bellways development to emerge onto Bagley Lane at a new junction just south of Oaklands Road. The applicants have secured a right of access agreement with Bellway.
- In addition to these vehicular connections additional cycle and pedestrian accesses are proposed to link Pettrie Crescent to the north, Oaklands Road to the east, Kirklees Close to the south and links to Calverley Lane to the west including a connection in the far south-western corner of the site.

2.3 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 located off the Ring Road to the east of Calverley Lane. The site area is 17.8 hectares. The land is currently used for agriculture and the site is highest at the Ring Road Calverley Lane Junction and there is a significant slope down to Farsley and Bagley Lane which are the south side of the land. The land has significant vegetation both on its boundaries and throughout the site. There is also a line of electric pylons which go from the east of the site to the west. Between the site and the Outer Ring Road is another small PAS site of approximately 1.55hectares.

3.2 On the southern boundary is a residential development which links the site to Farsley and to the east is another area of housing linking the development to Rodley. To the north of the site is the Ring Road and the other side of the road is a garden centre. The land the opposite side of the Ring Road is within the green belt.

3.3 To the west of the site on the opposite side of Calverley Lane is a smaller site which is also a PAS site and pre application discussions have been held in relation to residential development. This would be for 60 to 70 houses. Also to the west of the site and adjoining the smaller PAS site is the edge of the Farsley Conservation Area. The land within the Conservation Area facing the site is designated within the adopted UDP as N1 Greenspace and is an area of public open space.

3.4 The site is allocated as PAS land within the Unitary Development Plan.

4.0 RELEVANT PLANNING HISTORY:

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

4.2 Prior to the submission of the application the applicant held a community consultation event on the 20 June 2012 at Pudsey Civic Hall. The applicant then followed up the consultation event with a leaflet drop to local residents and stakeholders. The applicant states that about 200 people attended the consultation event. 65 feedback forms were received from residents to the applicant. The applicant summaries the main issues as being:

- Could the layout of the site adjacent to Kirklees Close and Petrie Crescent be changed, to improve the amenity for existing residents
- Could further landscaping be included to screen existing homes?
- Can the local road network cope with additional traffic?
- What is the potential impact on local services?
- The loss of green space in the area is unfortunate.
- Is there need for more housing in the area?

4.3 The site was originally designated as Green Belt in the Pudsey Local Plan. Then in the 2001 adopted UDP the originally 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 but differed in his view from the 2001 Inspector in that he felt the site did have the potential to fulfill some of the Green Belt objectives.

4.4 The applicant wrote to the Council on the 4th June 2013 outlining its views on the position with the application. It consider that the Council did not have a 5 year housing land supply, rather it felt the figure was closer to 3 years. In addition the letter outlined the applicants view on the Interim Policy. Finally the applicants also outlined a serious of off site highway proposals they would be prepared to deliver should the application be approved. This included the works listed in the Proposals section of this report and also included providing land at Rodley Roundabout which the applicants own to help contribute towards a signalization scheme. The applicants have not offered to provide a cycleway/footpath link along the Ring Road from the site to Priesthorpe School.

5.0 PUBLIC/LOCAL RESPONSE:

5.1 The application was advertised by site notice posted on site on the 5th October 2012 and an advert was placed in the Yorkshire Evening Post on the 26th September 2012.

5.2 Publicity expiry date was the 16th November. To date there have been 388 representations received to the publicity of this application. 386 of these are objections. The following issues have been raised:-

- The owners of land off Calverley Lane opposite the application site have objected to the application on the grounds that the proposed access roundabout into the site from Calverley Lane does not provide their site which is allocated as PAS land in the UDP with a suitable form of access due to there being a 6metre easement around the electricity pylon located north of the access.
- 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
- The road network cannot cope with further development
- The extra houses will change the character of the area and the village feel
- There are already lots of new housing developments in the area
- There are drainage issues with the site
- The site has wildlife and ecological value
- The design of the houses will not enhance the conservation area
- The site is suitable for farming use
- The schools cannot cope with extra houses in the area
- There is highway safety issues
- The site would merge Rodley and Farsley into one
- The site is used for recreation land
- The Rodley Roundabout and Dawson's corner Roundabout are already over congested
- The Clariant site approved over 500 houses
- Devaluation of neighbours properties
- Local GP and medical services are already struggling
- Affect human rights, article 8, right to a private life.
- The development will affect crime rates.
- Bus services are not great in the locality
- There is concern about the construction of the development which could last 5 years or more
- The development is contrary to the NPPF
- The development would be harmful to highway safety
- The development would result in the farmer losing work
- Water pressure at the top of the hill is not good
- Is the waste facility at New Scarborough able to cope with increased volume

6.4 Councillors Carter, Wood and Marjoram object to the application on the following points:

1. The land is designated PAS land (Protected Area of Search). This means that it should only be considered as a possible site for housing as part of the Council's new Local Development Plan. We believe it can then also be considered as unsustainable, and returned to the green belt.
2. The highways infrastructure is totally inadequate to accommodate an extra 400 dwellings, the majority of which would access the site via Bagley Lane – Rodley and Farsley, Town Street Farsley, and Calverley Lane.
3. All local schools are currently full, and likely to remain so for a number of years to come. Therefore there is insufficient education provision in the area.
4. Recently approval was given to the development of over 500 houses on the Clariant/Sandoz site, off the Ring Road. This development will have a major impact on the area, and make the Kirklees Knoll site in Farsley even more unsustainable.
5. Kirklees Knoll is high quality pasture land, currently leased to a local farmer. It is not redundant green space, but a vital part of the green environment. We would therefore urge Leeds City Council's Planning Committee to reject this application.

6.5 Stuart Andrews MP has objected to the application on the following grounds:

- The land is designated as PAS and should not be considered until the Local Development Scheme is agreed.
- The proposal would be harmful to highway safety. The infrastructure around the area cannot cope with 400 dwellings.
- There is no safe route from the site for pedestrians or cyclists.
- Traffic calming measures are not desirable or practical.
- There is inadequate education provision in the locality.
- The Clariant site has already been approved for over 500 houses.
- The land is used for farming and is not redundant greenspace
- The development would result in Farsley and Rodley losing their distinctiveness
- The development would result in the loss of views and woodland
- Although there is no 5 year land supply arrangement in place for Leeds council's core strategy is nearing completion.
- The census figures will likely show a slow-down in population growth
- The Core strategy seeks to provide 6000 dwellings in north Leeds. There are enough brownfield sites with planning permission to contribute towards this target.
- The scheme is not sustainable.
- The proposal does not empower communities or accord with the aims of neighbourhood planning.
- The proposal would harm tree, some with TPO's
- There would be harm to ecology, wildlife and historical significance

7.0 CONSULTATION RESPONSES:

Highways

7.2 The proposals cannot be supported as submitted. There are outstanding concerns that need to be resolved in relation to the site access and the neighbouring PAS land access, to pedestrian/cycle access along the Ring Road and further traffic calming measures in the area. The pedestrian /cycle route along the Ring Road would considerably shorten the distance by approximately 200m to Farefield Primary School and Priesthorpe High School along with employment at large office units on Cote Lane as well as Pudsey Railway Station. The route would not only be shorter than the existing route along Farsley Town Street but also avoid the descent into Farsley and climb out the other side. As such the route along the Ring Road is considered to provide an attractive route to the existing options.

7.3 The impact of the development on Rodley Roundabout has been assessed. The proposals as submitted are considered sufficient to address the impact of the development. The works involved to mitigate the impact include widening of both Rodley Lane approaches and the A6120 Horsforth New Road exit to provide two lanes in each case

7.4 It is also noted that the site does not meet the accessibility criteria to public transport as set out in the Public Transport SPD. In addition contribution towards the Public Transport Infrastructure SPD is required.

Neighbourhoods and housing

7.5 No objections in principle subject to conditions for operating hours, measures for dust suppression during construction, details of litter and waste management and before commencement of site works all residential properties surrounding the site shall be notified in writing of the proposed development.

Flood Risk Management

7.6 Conditional approval recommended

Travelwise

7.7 The site clearly does not meet accessibility standards set out in the RSS, LCC draft Core Strategy and adopted public transport SPD. The SPD states that where a site does not meet the accessibility criteria measures should be taken to bring local public transport up to the required standard rather than apply a formulaic approach. If approval granted there would be a contribution of £413,040.

Metro

7.8 Metro considers too much of the site is located outside of the 400 metre catchment of public transport to be acceptable. Whilst it is accepted that some people will walk over 400 metre to catch a bus the extent of the site that is proposed outside of the 400 metre catchment is not supported. A reduced application footprint would however be considered acceptable. There is a requirement for 4 bus stops to have real time information stops and 2 bus stops requiring bus shelters. In addition the developer should be required to enter into Metro Residential MetroCard Scheme (Bus Only Tickets). The RMC scheme would be necessary to encourage public transport use given the extended walking distance that public transport users would be required to make. On balance, Metro feel that too much of the site is located outside the usual 400 metre catchment of public transport to be acceptable. Whilst we accept that some users would be prepared to walk over 400 metres, the extent of the site that is proposed to be outside the 400 metres is not supported. A reduced application footprint would however be considered acceptable.

Public Rights of Way

7.9 Public Footpath No.18 Pudsey abuts the site on its southern boundary and a claimed footpath which has been used by the public and has possibly acquired public status abuts the site on its eastern boundary are shown on the attached plan.

7.10 Pudsey Footpath No.18 is a narrow closed in path at the moment; ideally we would like to see it widened to 2 metres and tarmaced. The path should not be fenced in as it would benefit from being part of the development. The link from Pudsey Footpath No.18 and the adopted highway at Kirklees Close would also benefit from surface improvements. The developer should consider the status of the paths through the green space and whether they should be dedicated as public rights of way or adopted.

Yorkshire Water

7.11 Conditional approval recommended

Environment Agency

7.12 The proposed development will only meet the requirements of the National Planning Policy Framework if the measure(s) as detailed in the Flood Risk Assessment dated February 2012 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Coal Authority

7.13 No objection to the application subject to a condition to ensure that in the event of site investigations confirming the need to treat and shallow mine areas the workings required should be approved and implemented prior to the commencement of development

Leeds Civic Trust

- 7.14 The proposal would harm the setting of the Farsley and Rodley Conservation Areas. The site is allocated as PAS land and there are other sites available and other sites recently approved for housing which should be developed first. The scheme would overload the existing transport infrastructure. The public transport in the area is not sufficient to cope with the development. The proposal is considered unsustainable.

Children's Services LCC

- 7.15 Children's Services recently presented a report to the Executive board on the 17th July 2013. This report sought to outline the current position with regards the need to provide additional school places within the Farsley and Caverley area to accommodate the growing population and also to meet with the proposed housing growth. The Executive Board report refers to the draft Core Strategy and also identifies that this site could have the potential to provide a location for a new school although it does mention that no firm decisions have been taken so far.

- 7.16 This site along with the Clariant and Riverside Mills sites will add to demand for school places. Children's Services have considered this site at the pre-application stage as being potentially suitable for a new school and noted this could potentially be provided in lieu of a contribution. The development proposals do not generate requirements for a school by themselves but in combination with recently approved other developments in the locality (referred to above) a new school might be required which could be sited on the site. Contribution requested:

- 7.17 Primary: $400 \text{ (dwellings)} \times \text{£}12,257 \text{ (cost multipliers)} \times 0.25 \text{ (yield per pupil)} \times 0.97 \text{ (location cost)} = \text{£}1,188,929.00$

- 7.18 Secondary: This application would generate 40 secondary age pupils. The secondary situation must be viewed differently, as there is a greater element of parental choice and parents are willing to travel further afield. The West area as a whole is projected to run out of capacity in 2017, with 1,277 pupils for 1,260 places. This is for pupils we know already exist, therefore, any new housing would create extra pressure. We would therefore seek a full contribution towards secondary education:

Secondary: $400 \text{ (dwellings)} \times \text{£}18,469 \text{ (cost multipliers)} \times 0.10 \text{ (yield per pupil)} \times 0.97 \text{ (location cost)} = \text{£}716,597.20$

8.0 EXECUTIVE BOARD DECISION OF 13TH MARCH 2013

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

- 8.2 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.

8.3 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.

8.4 It is important to have in mind that the Interim Policy has not been subject to consultation. It set out a series of highly relevant criteria which the Council should have regard to. It should be noted that the decision to introduce the Interim policy has been challenged in the High Court by Miller Homes. The challenge is being resisted by the Council and the Interim Policy is extant.

8.5 The policy has been used to support the release of land at Fleet Lane and Royds Lane where the criteria were met. (Application 12/03400/OT Outline application for Residential Development on land at Royds Lane, Rothwell and Application 12/03401/OT - Outline Application for Residential Development at Fleet Lane, Oulton).

8.6 Executive Board Report of the 17th July indicated that this site could have the potential to accommodate a school to meet the growing population and housing need in the area. The report outlines the need to increase primary school capacity in Farsley and Caverley to accommodate short term population growth.

9.0 PLANNING POLICIES:

Development Plan

- 9.1 The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP). The Local Development Framework will eventually replace the UDP but at the moment this is still in production with the Core Strategy at submission stage with examination in October 2013.. Land abutting to the east is designated Green Belt. Relevant policies of the Submission Core Strategy may be given material weight depending on their alignment with the National Planning Policy Framework.
- 9.2 The Core Strategy was submitted to the Secretary of State on 26th April 2013 and set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district and the Core Strategy is planning for 70,000 net new dwellings between 2012 and 2028. The strategy is planning for growth in all geographic areas of Leeds with at least 19,000 dwellings in new urban and existing settlements.
- 9.3 Leeds Unitary Development Plan (UDP) Review:
 GP5: General planning considerations.
 GP7: Use of planning obligations.
 GP11: Sustainable development.
 N2/N4: Greenspace provision/contributions.
 N10: Protection of existing public rights of way.
 N12/N13: Urban design principles.
 N23/N25: Landscape design and boundary treatment.
 N24: Development proposals abutting the Green Belt.
 N29: Archaeology.
 N34: Protected Areas of Search
 N38 (a and b): Prevention of flooding and Flood Risk Assessments.
 N39a: Sustainable drainage.
 BD5: Design considerations for new build.
 T2 (b, c, d): Accessibility issues.
 T5: Consideration of pedestrian and cyclists needs.
 T7/T7A: Cycle routes and parking.
 T24: Parking guidelines.
 H1: Provision for completion of the annual average housing requirement.
 H2: Monitoring of annual completions for dwellings.
 H3: Delivery of housing on allocated sites.
 H11/H12/H13: Affordable housing.
 LD1: Landscape schemes.
- 9.4 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:

Protected Areas of Search for Long Term Development

- 5.4.8 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.

- 5.4.9 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.

- 5.4.10 The site is protected under Policy N34 as Protected Areas of Search:

- Kirklees Knowl, Farsley
- Caverley Lane, Farsley

- 9.5 Supplementary Planning Guidance / Documents:
Neighbourhoods for Living – A Guide for Residential Design in Leeds
Street Design Guide
SPG4 – Greenspace
SPG11- Education contributions
SPD- Street Design Guide
SPG25 – Greenspace and Residential Developments

National Guidance

- 9.6 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%.
- 9.7 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.

- 9.8 Paragraph 85 sets out those local authorities defining green belt boundaries should:
- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
 - not include land which it is unnecessary to keep permanently open;
 - where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
 - make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
 - satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
 - define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

Local Development Framework

- 9.9 Neither the Leeds Core Strategy or the Site Allocations Plan are proposing any new policy that would alter the approach to dealing with proposed development at this time on UDP identified PAS sites including Kirklees knowl. The draft Core Strategy was submitted to the Secretary of State in April 2013 and the examination in public is due to take place in October 2013. The Site Allocations Plan had reached Issues and Options stage during the summer 2013. A consultation exercise during June and July sought the views of the public on a range of identified sites for housing, employment and retail development and protection of greenspace.
- 9.10 The Core Strategy and Site Allocations Plan illustrate that Leeds City Council is making good progress in planning to meet the housing needs of Leeds.
- 9.11 Policy SP10 of the Core Strategy sets the requirement for the LDF to identify a new Green Belt boundary for Leeds, including the identification of future safeguarded land that maybe needed for development. It sets criteria to guide how the Green Belt boundary should be changed to accommodate new development. Because these aspects of the policy concern identification of *new* future development land, (as opposed to the early release of *existing* land) they are not of immediate relevance to this proposal. In fact part v) of Policy SP10 confirms that development proposals will continue to be considered against saved UDP policies concerning Green Belt.

10.0 MAIN ISSUES

- Development Timing in advance of the Site Allocations Plan
- 5 year land supply
- Highways
- All other Matters
- Section 106 Package
- Representations

10.1 APPRAISAL

Development Timing in advance of the Site Allocations Plan

- 10.2 The application site is designated as a “Protected Area of Search “(PAS) in the adopted UDP. Such sites are designated under Policy N34 which specifies that PAS sites are to be retained for possible long term development and any intermediate development should be resisted that would prejudice the potential for long development in the longer term should the need arise. The supporting text to Policy N34 states that, “The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework...” By not waiting for the comprehensive review (currently underway in preparation of Leeds’ Site Allocations Plan), a decision to approve this application now would be a departure from the Development Plan. Alone, this constitutes a reason for refusal. The proposal to develop Kirklees Knowl would be premature in advance of the conclusions of the comprehensive assessment of all PAS sites and alternative land supply opportunities that is being undertaken now through the Site Allocations Plan. Policy N34 and its supporting text should be given considerable weight because it is part of the statutory development plan for Leeds and is consistent with bullet 4 of paragraph 85 of the NPPF which expects local authorities to make clear that “...planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review...” This approach is supported by the findings of the Inspector when he reviewed the UDP in 2006. The Inspector considered that this site was important and should form part of a Comprehensive Review.
- “ If and when the Council carry out a comprehensive review of all PAS sites, as I advise, then this site has important potential [Green Belt] GB attributes that should be carefully considered. Together with land south-west of Calverley Lane [see Alteration 20/021 above], it forms part of an extensive tract of open land that extends outwards from the urban edge of Farsley across the [Outer Ring Road] ORR and which is clearly seen as such from adjoining roads and from more distant viewpoints to the north. What I say about the clear urban edge on the opposite side of Calverley Lane applies here too and I consider that Kirklees Knowl could perform the same GB functions as the land there, namely checking sprawl, preventing coalescence and safeguarding the countryside from encroachment ”.
- 10.3 These should be clear factors in assessing the suitability of the site and this should take place through the Site Allocations process.
- 10.4 As set out above the Council has put in place an Interim Policy pending the further progress of the Site Allocations DPD Kirklees Knowl needs to be assessed against the interim policy to see if it meets the criteria for possible early release.
- 10.5 The criteria of the interim policy are intended to ensure that large PAS or those with alternative use, which have significance in their size and locational impact, will only be identified as housing sites through the development plan process, namely the Site Allocations Plan. This leaves the smaller PAS sites that comply with the interim policy criteria as capable of being released for development in advance of the Sites DPD process. The Interim Policy is a relevant material planning consideration that should be afforded weight in the determination of this appeal. The performance of Kirklees Knowl against the interim policy criteria is considered below:
- 10.6 Criterion (i) *Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft.* The site is within the main urban area of Leeds. As such the development of the site would form an extension to the main urban area. It is considered that the

site satisfies criteria (i). Criterion (ii) *Sites must not exceed 10ha in size and there should be no sub division of larger sites to bring them below the 10ha threshold.* The application site is above this threshold and fails the Interim Policy on this basis. This is important because the larger sites necessarily have a greater overall impact on the Council's locational strategy for housing.

- 10.7 Criterion (iii) *Land is not needed, or potentially needed for alternative uses.* This site is being considered for a new school which maybe required in the area due to the a growing school age population and the volume of housing in the area. A recent report presented at the Council's Executive Board meeting on the 17th July 2013 has outlined the issues within Calverley and Farsley relating to the need to provide more primary school provision to accommodate the growing local population in the short term. The report at paragraph 3.9 notes that there are 'immediate pressures for school places'. The report goes on to state
- 10.8 "Members will be aware that through the LDF the Council is proposing significant new housing in all parts of the district. The Core Strategy identifies a need to find land for an additional 4,700 dwellings in Outer West Leeds which will inevitably create a significant additional need for school places. Whilst some 2040 dwellings can be accommodated on land with planning permission or allocated housing sites the majority (2660) will be on sites that have yet to be determined. The Council is currently in the initial stages of consultation on its Sites Allocation Plan. Although the future distribution of housing is therefore uncertain this will inevitably require new schools as well as extensions where these are acceptable and appropriate. Sites now under consideration (in whole or in part) for school use rather than housing or employment, particularly where they are well related to major areas of population, on the basis that smaller settlements will generally see less grow that might be readily accommodated by a school extension or be of insufficient size to warrant a new school. In this respect we are already considering the potential of the site at Kirklees Knowl to help meet this future need. However, at this stage no firm decision has been taken".
- 10.9 The Site Allocations Plan Volume 1: Plan Overview released in June as part of the Issue and Options stage for Site allocations notes in para 8.11 that "Further representations on sites (including those relating to schools, built heritage and the Environment Agency) are awaited and will be included in the site assessments prior to making decisions regarding which are the favoured sites to allocate. Any further requirements arising could be reflected in detailed policy wording. In some cases the need for a new school may need to be part of an allocation."
- 10.10 The Interim policy provides that sites that meet criteria i) and iii) but exceed 10ha in size may also be accepted for early release if they meet further criteria iv) and v). Kirklees Knowl fails criterion iii), and therefore does not comply with the Interim Policy. Notwithstanding this, officers have considered the merits of the proposal at Kirklees Knowl against criteria iv) and v) too.
- 10.11 Criterion (iv) *It is an area where housing land development opportunity is Demonstrably lacking.* There are a number of development sites in the locality and the Housing Market area. Some are currently under construction including the adjoining Bagley Lane site. Others are being planned to commence soon including 330 dwellings at the former Clariant Works which is currently on site having recently received Reserved Matters approval. In addition a further 150 dwellings at Riverside Mills also have planning permission, illustrating that housing land development opportunity is not demonstrably lacking in the area.
- 10.12 Criterion (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;* The applicant has not linked this application 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.* No proposals have been submitted to address a significant infrastructure deficit in the locality of the site.

- 10.13 To summarise, the application does not meet the interim policy criteria to be released early. The land is potentially needed for a school site. There are other housing development opportunities on-going and soon to start in the area. The allocation of this site should await comprehensive assessment through the Site Allocations Plan.

Five Year Supply

- 10.14 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.
- 10.15 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 land. This was against the context of emerging new national planning policy which required a significant boosting of housing supply.
- 10.16 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 Council's development plan, policies should be substantially reduced.
- 10.17 The context has now changed. The RSS was revoked on 22nd February 2013 and when assessed against the Council's Unitary Development Plan (2006) there has been no under delivery of housing up to 2012. Furthermore for the majority of the RSS period the Council met or exceeded its target until the onset of the recession. The Council has submitted its Core Strategy to the Secretary of State with a base date of 2012 and a housing requirement that is in line with the NPPF and meets the full needs for objectively assessed housing up to 2028.
- 10.18 Executive Board has approved the Authority Monitoring Report 2012, which concludes that the Council currently has a 5 year supply. The Council has identified a housing land supply sufficient to provide for 21, 472¹ units against a target of 20,307 units. This is measured against Submission Core Strategy targets and

applies a 5% buffer as required by the NPPF in the absence of persistent under delivery.

- 10.19 The current five year land supply is made up of sites allocated in the UDP Review, sites with planning permission and sites which form part of the Site Allocations Document. In total the Council has land sufficient to deliver 21,472 within the next five years.
- 10.20 The five year supply (as at 31st September 2012) is made up of the following types of supply:
- allocated sites with planning permission
 - sites with planning permission
 - allocated sites without planning permission
 - an estimate of anticipated windfall sites
 - SHLAA sites without planning permission
 - an element of Protected Area of Search sites which have fallen into the current five year supply and may come forward on the basis of the interim release policy
- 10.21 The Council currently has an identified supply of land for 29,605 units which have planning permission or are on allocated sites. However, due to deliverability assessments of the SHLAA partnership some of these sites fall outside the current 5 year supply picture. In improving economic conditions these sites could come forward earlier and contribute to the 5 year supply. In addition, some sites in the SHLAA without planning permission or which are unallocated fall into the current 5 year supply picture.
- 10.22 The SHLAA is not a policy document but determines the likely broad phasing of future identified land for housing. Simply because the SHLAA identifies that an element of PAS land has fallen into the current 5 year supply picture does not automatically provide for its suitability when measured against the Development Plan. Executive Board therefore agreed an Interim Policy approach to dealing with the release of PAS sites.
- 10.22 The application proposal does not satisfy the Interim Policy criteria for release at this time. As such the application proposal is contrary to policy N34 of the adopted UDP.

Highways Considerations

Proposed Calverley Lane access.

- 10.23 A roundabout to access the site from Calverley Lane is proposed, it was considered at the time of the submission that the roundabout would serve the development site and the site on the opposite side of the Calverley Lane and as a technical solution it would be able to provide access to both sites. However, representation has been received on behalf of the owners of the site opposite that the roundabout would not be a suitable solution due to level constraints and easement requirements around a pylon. The applicant has been made aware of these concerns which are noted in the T.A addendum, with a statement that discussion would be held over a suitable joint solution and an acceptable solution has not been submitted. The Council has not received supporting evidence from the owners of the site opposite to support their claim at the moment, however should access from the roundabout prove

unviable, an alternative access to the site is achievable subject to the roundabout reducing vehicle speeds to 30mph or less on exit

- 10.24 In order to provide a continuous footway link from the site along Calverley Lane to Farsley centre the applicants have proposed the construction of a nearside footway of 2m set back along the Calverley Lane frontage. Beyond this point they propose to tie into the existing footway by reducing the carriageway width to 5.5m. This is considered to be acceptable in principle subject to detailed design.
- 10.25 In addition the applicant's propose to reduce the existing National speed limit along the site frontage to 30mph. This would mean that the entire length of Calverley Lane would be subject to a 30mph limit with the National speed limit being reinstated at the junction with the Ring Road. This is a positive move in terms of highway safety and is supported subject to detailed design. Additional traffic calming features may be necessary on Calverley Lane to reinforce the change in speed limit.

Calverley Lane/Ring Road junction

- 10.26 The impact of the development on the junction of Calverley Lane with the Ring Road is a major cause for concern. There have been a number of accidents at this junction and in close proximity to it on the Ring Road itself. In order to accommodate the increase in traffic that the development would generate at this point a significant improvement would be necessary to improve highway safety.
- 10.27 The applicant has proposed within the T.A addendum an improvement scheme which increases the size of the central island and the length/width of the deceleration lane. It would (i) further restrict the ability of those attempting to turn right out of Calverley Lane and (ii) would improve access to Calverley Lane for those turning left from the Ring Road. Access to the Ring Road for those turning left out of Calverley Lane is improved by inclusion of a merging taper to allow a safer merge. Whilst guidance suggests that this arrangement is only appropriate to a dual carriageway, the merge is with two lanes on the main carriageway which in effect provides the same traffic condition making this element of the proposed off site highway works acceptable.

Pedestrian / Cycle link along the Ring Road

- 10.28 The council has requested that the applicant provides a pedestrian and cycle link along the verge of the Ring Road from Calverley Lane to the footbridge near Priesthorpe School, this would provide a shorter, more level route to schools, including primary schools, shops on Farfield Avenue, employment at office units on Cote Lane and the Pudsey railway station than existing routes. The applicants have declined to provide this piece of infrastructure and claim that pedestrians, including those walking to Priesthorpe High School would walk down Calverley Lane and through the existing residential streets towards Cote Lane in order to reach the footbridge over the A6120. This is not a direct or attractive route and is over 200m longer than the more direct route along the Ring Road. Whilst from within existing areas of development, use of a path alongside the Ring Road would only be advantageous from a small number of properties, it is considered that pedestrians from the development (particularly schoolchildren) would take the most direct route to their destination and that this would inevitably lead to pedestrians and possibly cyclists travelling along the side of the Ring Road. The council considers that there is sufficient verge width to provide a suitable and safe facility, which would be approximately 1600m long and would consist of a 3.5m wide shared use path separated from the Ring Road carriageway by a grass verge ideally 1.5m wide but could be as little as 0.5m where space is constrained.. This lack of a dedicated route is a concern. Although other routes exist it is considered that not providing this direct

option would be detrimental to highway safety and as such should be a reason for refusal.

10.29 Bagley Lane (Bellway access)

10.30 The proposal is for 400 units, development of this size requires two points of access. In addition to the new access on Calverley Lane, access is also proposed through the Bellway development off Bagley Lane, whilst this is only 5.5m wide and is therefore not considered to be acceptable to serve the 400 dwellings proposed, but it is suitable as a secondary means of access to the site. The expected distribution of traffic from the development suggests that less traffic would choose to use this access compared with the Calverley Lane access. At detailed layout stage it is considered a suitable traffic scheme could be designed to restrict access to fewer than 200 dwellings.

Transport Assessment:

10.31 The applicants have submitted a Transport Assessment to demonstrate the impact of the proposals on the highway network.

10.32 The trip generation rates and trip distribution have now been agreed by Officers including an 85thile trip rate for a sensitivity test.

10.33 Local junctions that would potentially be affected by the development have been tested taking account of committed development traffic flows. These show that the development would not have a detrimental impact on capacity on a number of minor junctions that would potentially be used by development traffic. However, there would be an impact on others that would worsen capacity notably the junctions of Old Road/Bradford Road, Rodley Roundabout and Dawson's Corner.

10.34 The applicants have not proposed any mitigation measures at the Dawson's Corner or Old Road/Bradford Road junctions. Officers consider that the impact of the extra traffic from the development on the Dawson's corner junction would on balance be acceptable as this junction has been signalised and there are no more major alterations available to improve this junction. However, it is considered by the Council that improvement should be provided at Rodley Roundabout to improve capacity and that the improvements suggested by the applicant, are considered sufficient to address the impact.

Traffic management

10.35 The Council along with the Bellway development has funded traffic calming measures on part of Bagley Lane and Town Street, Farsley. However, there is concern still raised by the public and local councillors that traffic speeds remain high in areas not traffic calmed, this seems to be supported by available speed measurements. Whilst not offered by the applicant at present, it is considered that Traffic Management measures would also be required on Town Street/Old Road and Bagley Lane to fully treat the network surrounding the site.

All Other Matters

- 10.36 At this stage no overriding concerns exist in respect of other planning issues including nature conservation, contaminated land, drainage and the delivery of extra care accommodation meeting an important local need. Should the site be developed it is considered that a suitable design and layout could be achieved to ensure that the proposal does not have an adverse effect upon the setting of the neighbouring Farsley Conservation Area.
- 10.37 However, the numbers of dwellings the site could accommodate cannot be known at this stage given the unresolved concerns over the impact of the development on the surrounding highway network. In addition the indicative masterplan does raise some significant concerns in relation to the amount of development that can be achieved on site. The indicative masterplan shows the majority of the public open space areas as being land located within the easement of the electric pylons and also being used to provide SUDs. The usability of these areas of public open space therefore is a concern. Furthermore the lack of indicative information to show how the sites substantial levels changes would be dealt with also raises some significant concerns. In addition the comments from the UDP Inquiry Inspectors report in 2006 would also indicate that the amount of developable space that the indicative masterplan currently suggests can be achieved would actually be reduced because more space would be required to provide extra landscape buffers. These comments raise the concern that the indicative masterplan is not a layout which should be taken forward to Reserved Matters stage should the appeal be allowed.
- 10.38 It is also considered that a development can be achieved that does not cause demonstrable harm to the amenities of neighbouring residents. The layout is indicative only. It should be possible to design the layout of a development that meets the guidelines set down in Neighbourhoods for Living. However, as outlined above the indicative masterplan submitted is not accepted by the Council due to the lack of information and the concerns expressed above in paragraph 10.37 of this report.
- 10.39 In light of the history of the use of the site as open fields it is not anticipated that there will be a level of contamination that will count against the principle of the development of the site. Accordingly conditions are suggested that require investigation to be undertaken, any remedial works to be undertaken and that it be verified that the appropriate works have been undertaken.

Section 106 Package

- 10.40 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. .
- 10.41 The proposed obligations listed in the Proposals section 2.0 of 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 will be required to submit a Section 106 Agreement to address the policy requirements for this application. This Legal Agreement will need to complete prior to the appeal in order for the Council to not contest the appeal on these grounds in addition to those two reasons listed at the beginning of this report.

Representations not addressed above

- 10.42 The majority of the representations received to the publicity of this application have been dealt with through the content of this report. Devaluation of properties is not a relevant material planning consideration. The proposal is not envisaged to harm human rights legislation. The construction phase of the development is a matter which could be controlled through planning condition to lessen any impacts on residential amenity.

11.0 CONCLUSION

- 11.1 The key conclusion is that the proposal to develop Kirklees Knowl 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. This site does have an issue that it may be required for a school. 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 Ring Road.
- 11.4 As discussed above the indicative masterplan raises concerns in relation to how the development will respond to the significant level changes across the site and also that the much of the proposed areas of public open space are not considered usable because of their doubling up as flood storage areas and also being sited underneath electricity pylons. Although it is considered possible to create an acceptable residential masterplan for the site, the indicative masterplan is not one the Council would wish to see taken forward to Reserved Matters stage in its current format if the appeal is allowed. Furthermore the numbers of dwellings the site can reasonably accommodate is yet to be demonstrated.

Background Papers:

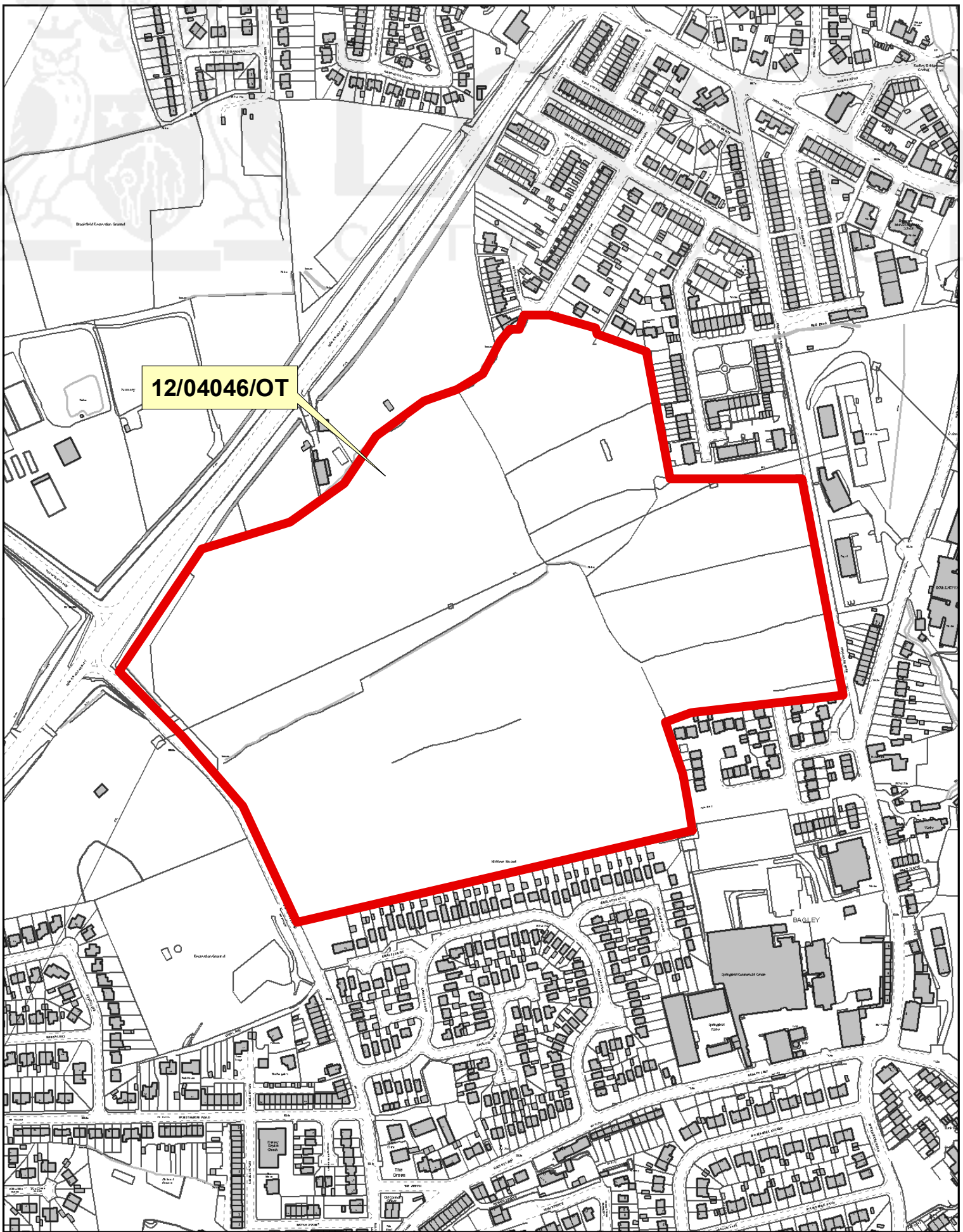
Certificate of ownership: signed by applicant.

Planning application file.

Annual Monitoring Report (2012)

Executive Board Report

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



CITY PLANS PANEL

