



Leeds
CITY COUNCIL

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

Hallam Land Management

DATE VALID

20th March 2014

TARGET DATE

19th June 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 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 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.

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

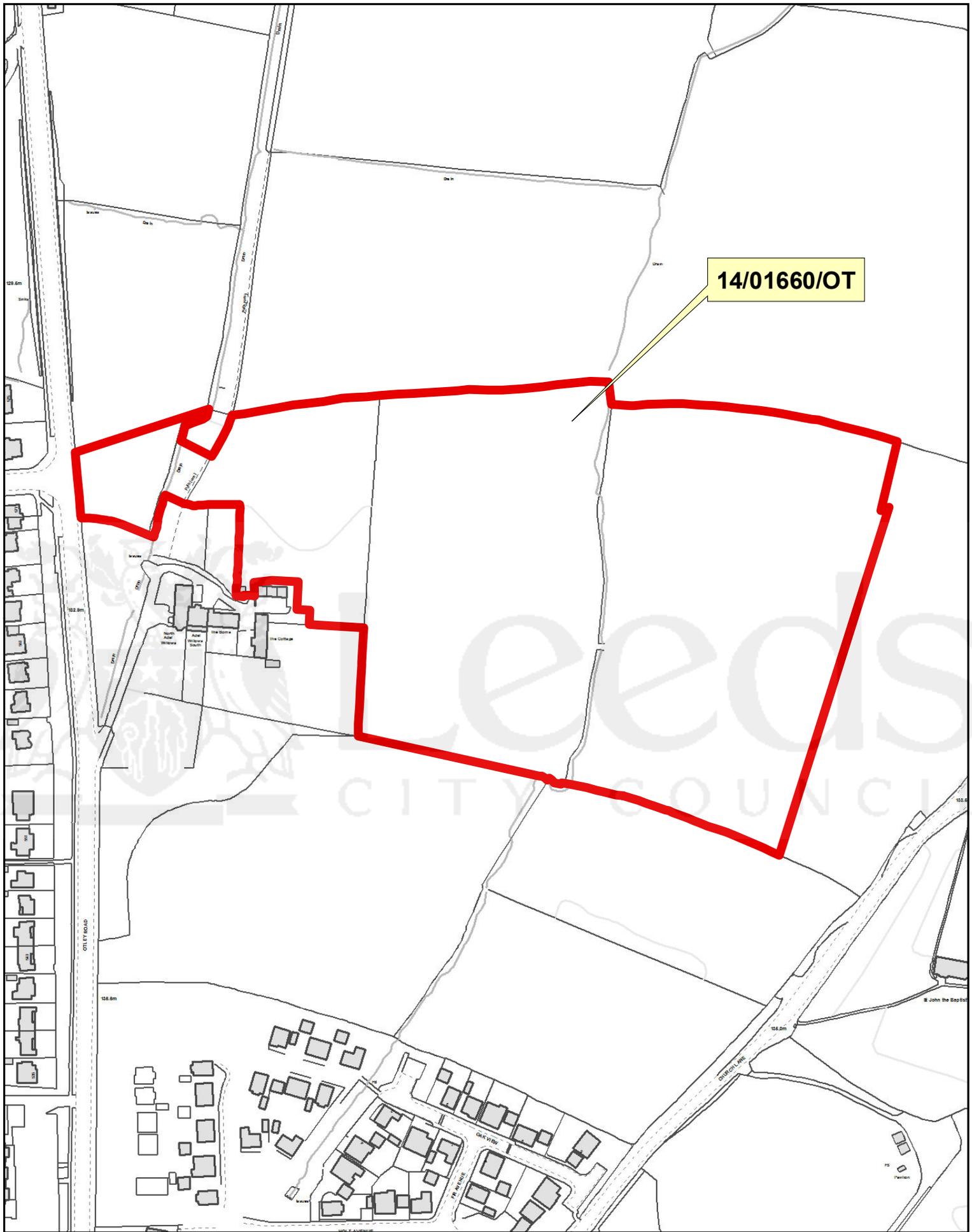
outstanding concerns that need to be resolved in relation to pedestrian/cycle access along the A660.

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

© Crown copyright and database rights 2014 Ordnance Survey 100019567

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

SCALE : 1/2500

