



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 6th September 2018

Subject: 17/08451/OT – Appeal against the non-determination of outline application for circa. 300 dwellings, GP practice, pharmacy, A1 convenience store, public greenspaces, associated works, vehicular access, pedestrian/cycle and emergency vehicle link on land off Rakehill Road, Scholes, Leeds.

Appellant: (Yorkshire West) And Scholes Development Co Ltd

Electoral Wards Affected:

Harewood

Yes Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: TO CONTEST THE APPEAL that has been made against the non-determination of the planning application for the following putative reasons:

Reasons for Refusal

1. The site is a Protected Area of Search under (saved) Policy N34 of the UDP Review. The site also constitutes safeguarded land for the purposes of the National Planning Policy Framework, paragraph 139. The release of this PAS site for housing would be contrary to Policy N34 and also to paragraph 139(d) (having regard also to sub-paragraph (c)). Planning permission for the permanent development of safeguarded land should only be granted following an update to the Local Plan, which proposes the development.
2. Development of the appeal site would be premature, contrary to paragraphs 49 and 50 of the NPPF. The Development, taken alone or cumulatively, would mean that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location and phasing of new housing and/or employment development that are central to the emerging designation of safeguarded land under the (very advanced) Submission Draft/Site Allocations Plan (SAP). The proposal would have a prejudicial

effect on decision taking with regards to directing new development through the SAP and community involvement in the plan-making process. Alternatively, and ultimately on the outcome of the plan-making process.

3. Even were the Development is not 'premature' within the meaning of paragraph 49-50 of the NPPF, with regard to the considerations at (a) – (c) of paragraph 48 of the NPPF, the SAP, emerging including policies and allocations for the safeguarding of land, should nonetheless be given very significant weight.
4. The proposal fails to demonstrate that an acceptable level of accessibility can be achieved for the scale of development proposed as the appeal site does not meet the accessibility standards for housing. Given the scale of development proposed in relation to the scale of the settlement being within the lower end of the settlement hierarchy and lack of accessibility to a range of services, it is considered that the appeal proposals do not represent a sustainable form of development. As such, it is considered that the proposal is contrary to Policies SP1, H2 and T2 of the Core Strategy and the NPPF concerned with matters including the promotion of adequate and safe walking and cycling opportunities, the promotion of locations that offer genuine public transport opportunities, satisfactorily minimising the length of journeys to employment facilities and to adequate local services and facilities, and achieving growth within locations that are or can be made sustainable, pursuant to paragraphs 102-104 and 108-110 of the NPPF.
5. The Local Planning Authority considers that the applicant has so far failed to demonstrate that the local highway infrastructure, including wider network which would be affected by the additional traffic as a result of this development, is capable of safely accommodating the proposed development and absorbing the additional pressures placed on it by the increase in traffic, cycle and pedestrian movements. The proposed development would be have an unacceptable impact on highway safety and would have a severe residual cumulative impact on the road network. This is contrary to Core Strategy Policy T2, H2 and saved Policy GP5 of the Unitary Development Plan (Review 2006) and to Part 9 of the NPPF paragraphs 108-110. It is also contrary to guidance contained within the Street Design Guide and Mobility guidance that requires combined development not to create or materially add to problems of safety, environment or efficiency on the highway network.
6. 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, travel planning and off site highway works, contrary to Policies H5, and ID2 of the Leeds Core Strategy and 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 The application is presented to North and East Plans Panel following the submission of an appeal against non-determination to the Secretary of State by the applicant on 16 April 2018. Members are requested to consider this report as a late Item due to the urgency of the business to be transacted and it is in the best interest of the Council and other parties concerned that the matter be considered without delay.
- 1.2 As part of the anticipated appeal process, the Local Planning Authority (LPA) will in due course submit evidence in explanation of its assessment of the application. In light of the views of officers on the application as submitted (that is it is not

acceptable) it is necessary for the LPA to determine how it would have been minded to determine the application and evidence what its (putative) reasons for refusal would have been had it determined the application. Accordingly, this report recommends to Members several putative reasons for refusal and accordingly seeks a decision from Panel.

- 1.3 The planning application was submitted on 22 December 2017. Since that time officers have considered consultation responses and local representations in order to negotiate with the applicant with the intention of narrowing the basis for objection/refusal.

2.0 SITE AND SURROUNDINGS:

- 2.1 The appeal site comprises 18.75ha and forms part of a wider area that is designated as Protected Area of Search in the UDP Review for the purposes of Policy N34. The site and wider area are proposed in the Submission Draft Site Allocation Plan (SAP) to be designated as Safeguarded Land under Policy HG3-13. The entire PAS site measures 31.4ha in total.

- 2.2 The application relates to a greenfield site on the eastern side of the village of Scholes. The village of Scholes lies to the north east of the main urban area and some 11km from Leeds City Centre. The application site comprises a series of agricultural fields with a number of hedgerows that define their boundaries. The site gently slopes downwards from north to south. Bordering the site to the west are a number of residential properties which include bungalows and two storey houses, as well as sporting facilities, including a cricket pitch, bowling green, tennis courts and a scout hut. Open countryside lies to the east that forms part of Leeds' extensive Green Belt. Open countryside also lies to the north, although this forms the remaining part of the PAS site. To the south lie residential properties and a series of agricultural buildings. The Scholes Conservation Area lies immediately to the south.

- 2.3 There is no current vehicular access points into the application site as it is either landlocked or bounded by hedgerows. The A64 lies to the north of the village of Scholes which provides access towards the city centre and Seacroft to the west, and towards York and the A1(M) motorway to the east. As part of the East Leeds extension, a new orbital relief road will be create to serve the significant increase in new resident development which is known as the East Leeds Orbital Road (ELOR).

- 2.4 The village of Scholes comprises a limited range of services including a primary school, two public houses, a surgery, a library, a shop and other services. The nearest secondary school is the John Smeaton Academy located approximately 2km away (30 minute walk).

- 2.5 The site is proposed as Safeguarded Land within the Submission SAP reference HG3-13 with an indicative capacity for 850 dwellings that covers the whole PAS site. Safeguarded Land provides a reserve of potential sites for longer-term development post 2028 and to protect the Green Belt.

- 2.6 The village of Scholes, together with Barwick in Elmet have combined to produce a Neighbourhood Plan. The Barwick & Scholes Neighbourhood Plan was made on 06/11/17 and contains a suite of policies that seek to shape new development within the Neighbourhood Area.

3.0 PROPOSAL:

3.1 The application proposes the construction of circa. 300 dwellings, a GP practice, pharmacy, convenience store (Class A1), public greenspaces, associated works, vehicular access, pedestrian/cycle and an emergency vehicle link. The following are supplied in support of the application and have been considered:

- Application and CIL forms
- Red Line Plan
- Indicative Masterplan
- Access Plans
- Design and Access Statement
- Planning Support Statement
- Statement of Community Involvement
- Air Quality Assessment
- Ecological Appraisal
- Flood Risk Assessment and Surface Water Management Strategy
- Heritage Assessment
- Landscape and Visual Impact Assessment
- Noise Impact Assessment
- Preliminary Geo-Environmental Investigation
- Transport Assessment
- Travel Plan
- Arboricultural Report

3.2 The application is in outline, with all matters reserved saved for access. The proposed vehicular access points are proposed from Rakehill Road to the north of the site and from Main Street to the south. As part of the development, one residential property is proposed to be demolished within Belle Vue Avenue that will make space to accommodate a pedestrian access and cycle route which would also serve as an emergency vehicular point.

3.3 An illustrative masterplan plan layout has been submitted in support of the application which is for indicative purposes only and is to demonstrate that the site can accommodate up to 300 dwellings. The submitted layout shows a development parcel towards the northern section running south from a new access point off Rakehill Road. A large area of Public open Space is proposed adjoining this development parcel and lies adjacent to the existing sports facilities within the village. The proposed retail unit, doctor's surgery and pharmacy are proposed to the south of this within a small cluster, together with ancillary car parking and servicing. The remaining housing is laid out to the south and east with a number of smaller areas of Greenspace proposed, including generous buffers to the conservation area boundary and balancing ponds. A new pedestrian route is proposed along the site eastern boundary which also include retaining existing trees and vegetation and supplementing this with new buffer planting.

3.4 Whilst not forming part of the formal planning application, the applicant has provided indicative plans on how the local primary school could be expanded to cater for the needs of additional children that the proposed development would yield. This includes the provision of additional classrooms added on to the school, the creation of a new parking and drop off facility, two new MUGA courts and the provision of an area of land gifted by the developer to the Council which could provide a new football pitch and land for additional recreation uses. This site forms part of the West Scholes (Wood Lane) PAS site currently within control of the applicant. The applicant has stated that the receipt gained from the CIL contribution arising from the proposed development (circa £2million) would finance the works to the school. However, it

must be stressed that the applicant is not formally applying for planning permission for this as part of the current application. Furthermore, while [primary] education provision forms part of the LPA's Regulation 123 list, there is no requirement on the LPA to spend a specific CIL receipt on a particular project as is being suggested here. Any site specific matters need to be addressed by the applicants via the application process and, if necessary, be secured by a section 106 agreement.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There are two sites within the settlement of Scholes that are designated as Protected Area of Search under saved UDP Policy N34. These are known as West Scholes (Wood Lane) which is a small site with an approximate capacity of 60 units and a larger site known as East Scholes (the current application site) with an approximate capacity of 850 dwellings.

East Scholes

- 4.2 14/01211/OT: An outline application was submitted for mixed use development comprising residential development (C3) of up to 700 houses, including Extra Care residential accommodation (C2); retail and community uses (A1 to A5); health care (D1); and education uses (D1); car parking; means of access; infrastructure; open space; landscaping; and other associated works including demolition of existing house and agricultural building. This was refused following a Panel resolution on 28th August 2014 for the following reasons:

1. The Local Planning Authority considers that the release of the site for housing development would be premature, being contrary to policy N34 of the adopted UDP Review (2006) and contrary to Paragraph 85, bullet point 4 of the NPPF. The suitability of the site for housing purposes as part of the future expansion of Scholes needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan and Neighbourhood Plan. The location of the site and its substantial scale means that the proposal does not fulfill the criteria set out in the interim housing delivery policy approved by Leeds City Council's Executive Board on 13th March 2013 to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan. It is anticipated that the Site Allocations Plan work will identify which sites will be brought forward for development in the life of the Plan together with the infrastructure which will be needed to support sustainable growth, including additional schools provision and where that would best be located. It is considered that releasing this site in advance of that work would not be justified and would prejudice the comprehensive planning of future growth and infrastructure of the village in a plan-led way.

2. The proposal is contrary to the Draft Core Strategy which seeks to concentrate the majority of new development within and adjacent to the main urban area and major settlements. The Site Allocations Plan is the right vehicle to consider the scale and location of new development and supporting infrastructure which should take place in Scholes which is consistent with its size, function and sustainability credentials. Furthermore, the Draft Core Strategy states that the priority for identifying land for development will be previously developed land, other infill and key locations identified as sustainable extensions, which have

not yet been established through the Site Allocations Plan, and the Draft Core Strategy recognizes the key role of new and existing infrastructure in delivering future development which has not yet been established through the Site Allocations Plan eg. Educational and health infrastructure, roads and public transport improvements. As such the proposal is contrary to Policy SP3 of the adopted UDP Review and Policy SP1 of the Draft Core Strategy. In advance of the Site Allocations Plan the proposal represents such a substantial expansion of the existing settlement that it is likely to adversely impact on sustainability and on the character and identity of Scholes contrary to Policy SG2 of the adopted UDP Review, Policy SP1 of the Draft Core Strategy and guidance on the core planning principles underpinning the planning system as set out in the NPPF.

3. The development of this substantial site for residential purposes has poor sustainability credentials and does not meet the minimum accessibility standards set out in the Draft Core Strategy in terms of the frequency of bus services to give access to employment, secondary education and town / city centres. In the absence of any planned or proposed improvements it is considered that the proposal is contrary to Policy T2 of the adopted UDP Review (2006), 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, and focus significant development in locations which are or can be made sustainable.

4. The Local Planning Authority considers that the applicant has so far failed to demonstrate that the local highway infrastructure, including the wider network which will be affected by additional traffic as a result of this development, is capable of safely accommodating the proposed access points and absorbing the additional pressures placed on it by the increase in traffic, cycle and pedestrian movements which will, be brought about by the proposed development. The proposal is therefore considered to be contrary to Policies GP5, T2, T2B and T5 of the adopted UDP Review, Policy T2 of the emerging Core Strategy and the sustainable transport guidance contained in the NPPF which combined requires development not to create or materially add to problems of safety on the highway network.

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 and drainage works contrary to the requirements of Policies H11, H12, H13, N2, N4, T2, GP5 and GP7 of the adopted UDP Review and related Supplementary Planning Documents and contrary to Policies H5, H8, P7, P9, T2, G4 and ID2 of the Draft Leeds 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.

4.3 14/00716/OT: Outline application for residential development including means of access. This was refused under delegated powers on 28th August 2014 for similar reasons as the larger PAS site, that being premature and contrary to Policy N34, did not meet the adopted accessibility standards, was harmful to highway safety including the access arrangements to the nearby primary school and failed to provide the necessary planning obligations through a signed Section 106 Agreement

5.0 PUBLIC/LOCAL RESPONSE:

5.1 The application was advertised as a major development, as affecting the character of a conservation and as a departure through site notices which were posted around the appeal site on 26th January 2018 and through publication in the Yorkshire Evening Post in a notice dated 24th January 2018.

5.2 A total of 301 representations (objections) have been received in relation to the application. A number of the objections are however repeat comments. The objections raised can be summarised as follows:

- Inadequate infrastructure and local amenities;
- Harm to highway safety
- Increased traffic and congestion;
- Development of this site is premature in the plan-making process;
- Development will lead to further development of the remaining part of the PAS site to the north;
- Unsure why vehicular access point towards northern site shown on plans;
- Proposal is 'side-stepping' the plan making process;
- Proposal is contrary to the neighbourhood plan;
- Residents views and opinions have been ignored;
- Site is isolated and in an unsustainable location, will result in a heavy reliance on the private car;
- Disruption caused by building works;
- Loss of privacy to existing residents;
- Possible overshadowing and dominance of any new houses;
- Lack of capacity in local schools;
- Impact on trees as a result of possible expansions plans for the primary school;
- School plans are totally inappropriate;
- Impact on doctors surgery;
- The mix of housing is inappropriate;
- Bungalows should be provided;
- Greenfield sites should not be developed;
- Impact on / loss of wildlife;
- Loss of trees;
- Impact on property prices.
- Lack of community involvement.

5.3 **Barwick in Elmet & Scholes Parish Council:** The Parish Council considered a detailed report prepared by one of their councillors to inform them of the proposals and to provide a balanced and objective analysis of the proposals. The Parish Council objects to the proposal on grounds that:

- The development would be harmful to the village;

- Supports LCC's position not to include the site in the SAP for housing and to retain the site as safeguarded Land (HG3-13) and so there is no need to grant planning permission on this site;
- Permission should not be granted until the East Leeds Orbital Road is built and operational and the impact of traffic flows have been fully assessed;
- Major development in Scholes should be the subject of a comprehensive Masterplan open to public consultation rather than a piecemeal incremental approach;
- The proposals would exacerbate problems of highway safety at the junction of Rakehill Road and Station Road. There are also serious concerns about the impact of traffic from the development on the A64/Scholes Lane junction and the Coronation Tree junction.

6.0 CONSULTATION RESPONSES:

Statutory

- 6.1 **LCC Highways:** These comments are based upon the information submitted prior to the submission of the appeal against non-determination. Whilst further discussions have been ongoing between the appellant and the Council on highways matters, such discussions have been informal and no information has been formally submitted. The comments are therefore based on original information.
- 6.2 Further information is required which relates to issues associated with the detailed access arrangements; turning facilities; confirmation of locations of bus stops; footway widening; the provision of Road Safety Audits; confirmation of the deliverability of road safety and junction improvements; contribution towards Elmet Greenway; compliance with design standards at junctions, the provision of an additional assessment scenario (circa. 700 dwellings), and potential ELOR contribution (subject to site assessment).
- 6.3 It is also noted that the site fails to meet the Core Strategy Accessibility Standards with regards to access to employment facilities and town and City centres in consequence of the infrequency of public transport.
- 6.4 **Highways England:** Following an assessment of the initial application, Highways England recommended that planning permission not be granted for a specified period (a holding direction). However, following the receipt of further information Highways England raise no objections.

Non-statutory

- 6.5 **LCC Flood Risk Management:** No objections are raised subject to the imposition of a number of planning conditions.
- 6.6 **LCC Conservation:** The proposed development is immediately adjacent to the northern boundary of Scholes Conservation Area. As such it is important that any development respects this setting and character. Whilst no particular concerns are raised with the majority of the development, little consideration has been given to the immediate setting of the conservation area. The development is proposed to run directly up to the Conservation Area boundary, producing a hard edge to the development which will affect the setting of the CA. Whilst the Illustrative masterplan suggests a "buffer" this appears to be little more than a large hedge in parts. Any buffer should include open space with a (semi) mature green backdrop. Where the area is more open it provides the site entrance and the large road will impact on any positive benefit this may have.

- 6.7 In summary, it is considered that whilst most of the development will have limited impact on the setting of the Conservation Area the areas to the south need to be pushed back and reduced in density if it is not to have a negative impact on the setting of the designated heritage asset. The Conservation Officer acknowledges that the application is in outline only and therefore the layout is likely to change through subsequent reserved matters submissions. *Further to this, the applicant has revised the masterplan to introduce more separation and increased buffer planting.*
- 6.8 **LCC Nature Conservation:** Concerns are raised over the impact of the proposed development on hedgerows and grassland habitats. Therefore, an Ecological Impact Assessment will be required. The sustainable drainage measures are required whether the shown SUDs features will be open ground features which are over-deepened to provide ecological benefits. The eastern boundary design is good in that the road is used as a barrier to development along this boundary to provide a positive interface – instead of back gardens next to the hedgerows and wet ditch. It would be useful to have a detail showing the width of this biodiversity buffer and how the footpath forms part of it. This could be provided in any future reserved matters.
- 6.9 **LCC Landscape:** The landscape officer acknowledges that the layout is indicative only and that a detailed design and landscaping scheme will be required at a later stage. However, the majority of the existing trees appear to be retained. Further information was sought to the proposed footpath and buffer planting along the eastern boundary which has now been provided. Comments are also provided on the indicative proposals for the primary school. It is noted that the site contains trees that are protected by a Tree Preservation Order (TPO) and there are many other strategically important trees on the boundaries and to the west next to Chippies Park. The new pitch area with likely level changes and drainage will be a particular threat to the landscape structure/trees. The other main area of concern is the frontage car park which is likely to result in the loss of TPO street trees. A tree survey and arboricultural impact assessment is therefore required.
- 6.10 **Environmental Studies Transport Strategy Team:** Road traffic noise is not considered to be an issue at this location and therefore no objections are raised.
- 6.11 **TravelWise:** The submitted and amended Travel Plan is considered to be acceptable. A contribution of £3,500 towards the monitoring of the Travel Plan would be required and a contribution of £495 per dwelling towards sustainable transport measures within any Section 106 Agreement.
- 6.12 **Public Rights of Way:** A number of technical recommendations are made which would help inform the detailed design process should permission be granted. Footpath No. 46 is shown to remain on the masterplan, although part of it is shown to be enclosed by fencing/hedging and as such the footpath should be a minimum width of 4m and shown on a revised layout. Further information is required with regard the proposed footpath link with the potential to form part of the proposed Elmet Greenway.
- 6.13 **Children's Services:** Based on 300 dwellings it is estimated that the proposed development would generate approximately 75 primary school age children and 30 secondary school aged pupils. However the total capacity for this site stated in the draft Site Allocations Plan is 850 units and if additional applications were submitted in the future this would have further impact on both the primary and secondary pupil yield and availability of school places. Considering the impact of this application and any future applications for this site, the gifted land as a site requirement would be requested to ensure that a range of options remained available. More discussion of

this is described within the relevant paragraphs within the appraisal section of this report.

- 6.14 **Historic England:** Confirm that it is not necessary for them to be consulted.
- 6.15 **LCC Contaminated Land:** The Phase 1 Desk Study submitted in support of the application identifies the needs for a Phase 2 Site Investigation Report on part of the site. Ideally this should be provided prior to determining the application, however, should approval be recommended or there be insufficient time to obtain the recommended information then conditions are recommended. It should be noted that depending of the outcome of the Site Investigation a Remediation Statement may also be required *The applicant is agreeable to the use of conditions here.*
- 6.16 **West Yorkshire Police Architectural Liaison Officer:** At this outline stage in the planning process WYP would encourage the developer to consider building these properties to Secure by Design standards, achieving accreditation has been simplified and the associated cost significantly reduced, in order to assist the developer a pre-application meeting may prove beneficial.
- 6.17 **West Yorkshire Combined Authority:** It would not be a financially viable option to pump prime bus services to enhance the frequency in the short to medium term to meet the policy aspirations in the Core Strategy. The TA includes some services that are beyond 400m walk in the appraisal i.e. Leeds Road and A64 Services. Limited weight should be given to services that fall outside 400m from the majority of the site. As identified in the TA, the access to employment does not meet the standards set out in the Core Strategy. When considering access to Leeds City Centre, the site only would benefit from an hourly service (when excluding the A64 services and Leeds Road services). We therefore need to understand if the council would consider other less attractive interchange destinations such as Seacroft and/or Cross Gates as an alternative interchange point. A contribution of £495 per dwelling for a Residential MCard Cost for a bus only would be required. Advice on bus stop locations is also provided.

7.0 RELEVANT PLANNING POLICIES:

The Development Plan

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (2014), The Aire Valley Area Action Plan (2017), saved policies within the Leeds Unitary Development Plan Review (2006) and the Natural Resources and Waste Development Plan Document (2013), and any made Neighbourhood Plan.
- 7.2 The site lies within the Barwick in Elmet & Scholes Neighbourhood Plan area. The Neighbourhood Plan was made on 6 November 2017.
- 7.3 The proposed development has been considered in the context of the detailed policies comprised within the Development Plan:
- The Leeds Core Strategy (Adopted November 2014) (CS);
 - Saved UDP Policies (2006), included as Appendix 1 of the CS;

- The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013);
- Barwick in Elmet & Scholes Neighbourhood Plan, November 2017

7.4 The following CS policies are of particular relevance:

- Spatial policy 1 Location of development;
- Spatial policy 6 Housing requirement and allocation of housing land;
- Spatial policy 7 Distribution of housing land and allocations;
- Spatial policy 8 Economic Development Priorities;
- Spatial policy 11 Transport Infrastructure Investment Priorities;
- Policy H1 Managed release of sites;
- Policy H2 New housing development on non-allocated sites;
- Policy H3 Density of residential development;
- Policy H4 Housing mix;
- Policy H5 Affordable housing;
- Policy H8 Housing for independent Living;
- Policy P9 Community facilities and other services;
- Policy P10 Design;
- Policy P11 Conservation;
- Policy P12 Landscape;
- Policy T1 Transport Management;
- Policy T2 Accessibility requirements and new development;
- Policy G1 Enhancing and extending green infrastructure;
- Policy G2 Creation of new tree cover;
- Policy G4 New Greenspace provision;
- Policy G8 Protection of species and habitats;
- Policy G9 Biodiversity improvements;
- Policy EN1 Climate change – carbon dioxide reduction;
- Policy EN2 Sustainable design and construction;
- Policy EN5 Managing flood risk;
- Policy ID2 Planning obligations and developer contributions.

7.5 Very advanced, emerging development plan policy under the Site Allocations Plan (SAP) has also been considered.

7.6 The CS sets out a need for 70,000 new homes up to 2028 and identifies the Main Urban Area as the prime focus for these homes alongside sustainable urban extensions and delivery in major and smaller settlements.

7.7 CS Policy SP7 sets out that the housing target for the Outer North East Housing Market Characteristic Area is 5,000 units.

Site Allocations Plan (SAP)

7.8 The SAP was submitted to the Secretary of State for Examination on 5 May 2017. The Examination on housing issues and allocations (this being the final SAP stage) took place in July and August 2018. On 12 July 2018 (around the commencement of the Stage 2 Housing Session of the SAP), the Secretary of State dismissed an appeal made in respect of a site within Leeds at Thorp Arch Trading Estate, within the same Housing Market Characteristic Area – the Outer North East, (APP/N4720/W/17/3168897), in which both he and the Inspector effectively found that the SAP has reached an advanced stage in the plan making process. The Stage 2 Hearing Sessions, which have since been held.

7.9 The SAP proposes to designate the application site as Safeguarded Land under policy HG3-13. Safeguarded Land sites provide a reserve of potential sites for longer-term development post 2028.

7.10 Regarding emerging planning policy, both paragraphs 48 (weight to be given to emerging policy) and paragraphs 49-50 (prematurity) apply.

7.11 Safeguarded Land

7.12 As directed by Policy SP10 of the Adopted Core Strategy, the SAP needs to create and/or maintain designations for safeguarded land to provide a pool of land for housing and employment far beyond the plan period. The justification to Policy SP10 notes: “Land not appropriate for housing might be needed for employment allocations or retained as future PAS in the LDF”. Paragraph 2.60 of the Submission SAP notes that “Policy HG3 designates sites to be protected as safeguarded land (for both housing and employment)”. Policy HG3 notes that:

POLICY HG3 – SAFEGUARDED LAND

THE SITE ALLOCATIONS PLAN DESIGNATES SITES TO BE SAFEGUARDED FROM DEVELOPMENT FOR THE PLAN PERIOD (TO 2028) TO PROVIDE A RESERVE OF POTENTIAL SITES FOR LONGER TERM DEVELOPMENT POST 2028 AND PROTECT THE GREEN BELT. THESE ARE SHOWN ON THE POLICIES MAP. IN OUTER NORTH EAST THE SITES DESIGNATED AS SAFEGUARDED LAND ARE:

Plan Ref	Address	Area ha	Capacity
HG3-7	The Ridge, Linton	4.1	100
HG3-8	Leeds Road Collingham	6.5	100
HG3-9	West Park, Boston Spa	4.1	110
HG3-10	Grove Road, Boston Spa	3.9	103
HG3-11	Chapel Lane (land to the east of), Clifford LS23	1.6	36
HG3-12	Wood Lane (land off), and east of the former railway, Scholes, LS15	1.9	60
HG3-13	Scholes (east of)	32.1	850
Safeguarded land total:			1,359

7.13 Safeguarded land is primarily, but not exclusively land that which has been removed from the Green Belt to meet longer-term development needs for both housing and employment.

7.14 The SAP has sought to meet the Core Strategy requirement of safeguarded land equivalent to 6,600 homes (albeit it is observed that safeguarded land could be released to meet needs for both housing and employment in the long term). The submitted SAP identifies a pool of Safeguarded Land sites across the district to help to protect the Green Belt and provide a reserve of potential sites for longer term development post 2028. However, the adoption of the SAP will enable the Council to demonstrate, by some margin, a five year housing land supply against the present CS Requirement. This will be further strengthened by the forthcoming changes to planning policy at national and local level impacting upon the housing land supply requirement for Leeds.

- 7.15 The site was considered as a *potential* (and only potential) housing allocation under the Site Allocations Process. This does not stand as any detailed, site-specific assessment of housing suitability. The site was also not considered to be a preferred housing allocation but was instead considered to be suitable as safeguarded land, for the following reasons: “*The site is designated as a Protected Area of Search (PAS) in the existing UDP, not within Green Belt. The site is not required to meet the overall housing requirement over the plan period. There are other more suitable alternative sites preferred for allocation. In addition, the adoption of the SAP will enable the Council to demonstrate, by some margin, a five year housing land supply against the present CS Requirement. This will be further strengthened by the forthcoming changes to planning policy at national and local level impacting upon the housing land supply requirement for Leeds.*”
- 7.16 Housing Allocations in Outer North East
- 7.17 The indicative target for the Outer North East (ONE), as set out in the CS, is 5,000 units. The target does not mean that land for 5,000 homes needs to be found as there are already 1,482 identified homes with planning permission or comprised within existing allocations.
- 7.18 The residual target for the ONE is 3,518 homes.
- 7.19 The Submission SAP identifies land to meet the 3,518 residual target through a selection of proposed housing allocations (HG2 sites) and Broad Locations (BL1 sites). The SAP identifies 8 housing allocations with a combined capacity of 2,436 units and 3 Broad Locations sites with a combined capacity of 1,082 units. Broad Locations are a pool of sites within the Green Belt, which contribute towards the HMCA target but remain unallocated and within the Green Belt until a subsequent Plan review.
- 7.20 This provides a total supply from allocations and Broad Locations of 3,518, which together with identified homes brings the total SAP proposals for the Outer North East HMCA to 5,000 homes (which meets the CS target).
- 7.21 Permission for up to 88 dwellings at Grove Road, Boston Spa (HG3-10) was granted by the Secretary of State on appeal in June 2016, and permission for circa 150 dwellings was granted by the Secretary of State on appeal at Leeds Road, Collingham (HG3-8) in December 2016. These decisions are referenced only in respect of the dwelling numbers authorised. Much of the various policy findings, etc. have since been superseded by later Secretary of State determinations in 2018.
- 7.22 Unitary Development Plan (UDP) policies of relevance are listed, as follows:
- GP5: General planning considerations;
 - N23: Development of incidental open space
 - N25: Landscape design and boundary treatment;
 - N24: Development proposals abutting the Green Belt;
 - N25: Development and site boundaries;
 - N29: Archaeology;
 - N34: Protected Areas of Search;
 - N35: Development and agricultural land;
 - N37A: Development within the countryside.
 - BD5: Design considerations for new build;
 - T7A: Cycle parking;

LD1: Landscape schemes;
LD2: New and altered roads.

Barwick in Elmet & Scholes Neighbourhood Plan

7.23 Policies in the Neighbourhood Plan of relevance to the proposal:

- LE1: Conserving historic character
- LE2: Enhancing the Public Rights of Way network
- BE1: Achieving high quality design
- BE2: Streets and streetscene
- BE3: East Leeds Orbital Road green corridor
- BE4: Drainage and flood prevention
- HO1: Provision of new housing
- HO2: Type and design of new housing developments
- E1: Small business development
- E4: Village hubs
- CF1: Community services and facilities
- CF2: Primary schools
- CF3: Local green spaces

Natural Resources and Waste Local Plan (NRWLP)

7.24 The Natural Resources and Waste Local Plan (NRWLP) was adopted by Leeds City Council on 16 January 2013 and is part of the Development Plan. The NRWLP sets out where land is needed to enable the City to manage resources: e.g. minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies relating to drainage, land contamination and coal risk and recovery are relevant.

Policy General 1 – Sustainable Development;
Policy Air 1 – Management of Air Quality Through Development;
Policy Minerals 3 – Mineral Safeguarded Area – Surface Coal;
Policy Water 1 – Water Efficiency;
Policy Water 2 – Protection of Water Quality;
Policy Water 6 – Flood Risk Assessments;
Policy Water 7 – Surface Water Run Off;
Policy Land 1 – Contaminated Land;
Policy Land 2 – Development and Trees.

Supplementary Planning Guidance / Documents:

7.25 Street Design Guide (SPD)

7.26 This document was adopted in August 2009 and includes guidance relating to highway safety and design.

Sustainable Design and Construction (Building for Tomorrow Today) (SPD)

7.27 This document was adopted in August 2011 and provides guidance on sustainable construction.

7.28 Inclusive Mobility, Department for Transport 2002

Published in 2002 by the Department for Transport, the main purpose of the document is to provide best practice guidance on providing good access for disabled

people. Designs which satisfy disabled people's requirements will also meet the needs of many other people and thus the overall objective of the guidance is to provide inclusive design and social inclusion.

7.29 Providing for Journeys on Foot, Institution of Highways and Transportation, 2000

Published in 2000 by The Institution of Highways and Transportation, the document provides best practice guidance on providing for pedestrians, encouraging walking and advice on how to plan and implement walking measures as part of a wider integrated transport strategy.

Designing for Community Safety (SPD)

7.30 This document was adopted in May 2007 and provides advice on designing out crime.

Travel Plans (SPD)

7.31 This document was adopted in February 2015 and provides advice on when Travel Plans are required and how to undertake one.

Public Transport Improvements and Developer Contributions (SPD)

7.32 This document was adopted in January 2008 and advises how development should be planned in conjunction with public transportation infrastructure improvements. Although contributions for these have now been superseded by CIL the guidance retains relevance. The document is presently being revised.

Leeds Parking Policy (SPD)

7.33 This document was adopted in January 2016 and advises on parking standards for new development.

Neighbourhoods for Living: A Guide for Residential Design for Leeds (SPG)

7.34 This document was adopted in December 2003 and provides advice on creating well planned and designed developments.

Greenspace Relating to New Housing Development SPG4

7.35 This document was adopted in July 1998 and provides general guidance on the provision of greenspace in new residential development. Although Core Strategy policy G4 now covers the amount of greenspace provision within a development the SPG still contains useful guidance.

S106 Contributions for School Provision SPG11

7.36 This document was adopted in February 2001 and provides guidance on education contributions. Education contributions are now sought under CIL and not under Section 106. However the guidance remains of some relevance.

Sustainable Urban Drainage SPG22

7.37 This document was adopted in July 2004 and provides advice on minimising flood risk and dealing with drainage in new developments. This should be read in conjunction with Minimum Development Control Standards for Flood Risk, last updated May 2007.

Greening the Built Edge SPG25

- 7.38 This document provides advice on the landscape treatment of the edge of development adjacent to open land.
- 7.39 Scholes Conservation Area Appraisal and Management Plan.
- 7.40 This document was adopted in February 2010 and sets out the features that contribute to its distinctiveness and identifies opportunities for its protection and enhancement.

National Planning Policy Framework (NPPF)

- 7.41 The NPPF compliments the requirement under section 38(6) of the 2004 Act that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The revised National Planning Policy Framework (NPPF) was published on 24 July 2018 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. The NPPF seeks to boost the supply of (sustainable) housing whilst prioritising the reuse of previously developed land, and sets out the presumption in favour of sustainable development.
- 7.42 Paragraph 213 of Annex 1 (Implementation) of the NPPF advises to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.
- 7.43 The overarching policy of the Framework remains the presumption in favour of sustainable development, in respect of which the three dimensions remain (economic, social and environmental). These are considered below.
- 7.44 NPPF paragraph 12 makes clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, and that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plan forming part of the development plan) permission should not usually be granted.
- 7.45 Paragraph 12 is to be considered in the context of NPPF paragraph 11 and decision taking. First, for the purposes of paragraph 11(c), the Development does not accord with the up-to-date Development Plan, and so this is not a case in which national policy advises that the Development should be approved without delay (or at all).
- 7.46 Second, for the purposes of paragraph 11(d), even if it is the case under the NPPF that one or more relevant policies relied upon in the proposed reasons for refusal are to be characterised under national policy as being "*out of date*" by virtue of: (i) the Council presently not having a five year supply of housing, and (ii) NPPF paragraph 11(d) characterising them as being "*most important for determining the application*", nonetheless, when taken as a whole, the Development Plan remains "*up-to-date*" under national policy.
- 7.47 Separately, even if, for the purposes of NPPF paragraph 11(d), one or more relevant policies relied upon in the putative reasons for refusal are to be characterised under national policy as being "*out of date*", this does not provide any good reason to suggest that they should attract less than full or very significant weight in the circumstances of this appeal.

- 7.48 For the purposes of NPPF paragraph 12 therefore, the Development must be in accordance with the Development Plan in order to be approved unless material considerations indicate otherwise. This reflects the statutory test. This additionally means that the important starting point under NPPF paragraph 12 has effect: permission should “*not usually*” be granted for development such as that proposed.
- 7.49 Paragraph 11(d) advises, in relevant part, that where policies which are most important for determining the application are out-of-date granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As confirmed below, the Development gives rise to multiple and significant Development Plan conflicts. These include the conflict with saved UDP policy N34 and NPPF paragraph 139(d), policy SP1, policy T2 and the CS Accessibility Standards. There is additionally the significance of the Submission SAP. These conflicts in turn give rise to fundamental adverse impacts that fall to be considered under paragraph 11(d)(ii).
- 7.50 Ultimately, the Development would give rise to conspicuous adverse impacts that would indeed significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole, applying paragraph 11(d)(ii) of the NPPF. In assessing the adverse impacts of the Development the Council has considered sustainability in its broadest sense as national policy provides for, which includes due regard being given to the three overarching dimensions of sustainability and to the relevant matters contained in Part 9 (promoting sustainable transport).
- 7.51 In terms of the economic objective, the appeal site is not the appropriate location for residential development that will potentially displace general employment and/or housing uses, which will in turn meaningfully support economic growth and the local and wider economy. In terms of the social dimension, the residential development of the appeal site will not be adequately accessible or responsive to community (or wider) transport or accessibility demands, etc.
- 7.52 The LPA naturally acknowledges that the appeal proposal promotes a quantum of housing and whilst additional housing provision is to be welcomed in and of itself (as is the case in every housing scheme), when this is viewed in the specific context of the Development, it is clearly not sustainable. Consequently, the proposed development is not sustainable in NPPF terms (just as it is not for the purposes of the Development Plan). In terms of the proposed development specifically, no presumption under paragraph 11(d) arises in favour of approval.
- 7.53 In any event, even were the decision-taking presumption under paragraph 11 to positively favour the appeal proposal (which it does not), for the purposes of section 38(6) of the Act, it is nonetheless considered that this material consideration (taken together with other material considerations) would not prove sufficiently important as to indicate that planning permission should be granted. This is in light of the multiple, conspicuous and harmful conflicts arising with the Development Plan and with emerging policy.
- 7.54 This is also a case in which emerging policy under the SAP (which strategically carries forward the safeguarding function provided for under policy N34, etc.) means that the proposed development is objectionably premature and/or that very significant weight should be given to the SAP.
- 7.55 By NPPF paragraph 111 it is advised that development that generates significant amounts of movement should be supported by either a Transport Statement or

Transport Assessment. By NPPF paragraph 108(a), opportunities for sustainable transport modes should be explored. So far as possible, under paragraph 110(a) priority should be given to pedestrian and cycle movements and to ensuring access to high quality public transport services. Under paragraph 110(c) NPPF places should be created that are safe, secure and attractive that minimise the scope for conflicts between traffic and cyclists or pedestrians. The safety of the road user is also a general consideration which naturally underpins the promotion of sustainable transport and which must fall to be considered, for the purposes of NPPF Chapter 9.

7.56 NPPF paragraph 118 advises that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

7.57 Annex 1 to the NPPF (Implementation) includes paragraph 213 which is to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given. The degree of consistency between relevant, existing policies and the proposed development has been appropriately considered. Paragraph 48 frames the process for applying weight to emerging policy which is of relevance to the SAP (of which there is a Submission Draft, and which is at a very advanced stage following four years of detailed assessment and consultation, including with local people):

7.58 As above, from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer, the greater the weight that may be given).

DCLG - Technical Housing Standards 2015

7.59 The above document sets internal space standards within new dwellings and is suitable for application across all tenures. The housing standards are a material consideration in dealing with planning applications. The government's PPG advises that where a local planning authority wishes to require an internal space standard it should only do so by reference in the local plan to the nationally described space standard. With this in mind the city council is currently looking at incorporating the national space standard into the existing Leeds Standard via the local plan process, but as this is only at an early stage moving towards adoption, only limited weight can be attached to it at this stage. Therefore, each dwelling should meet the minimum floorspace standards to provide a good standard of amenity for future occupants. However, since this is an outline application with no details of the housetypes being proposed, it is not relevant to the current application.

8.0 MAIN ISSUES:

Principle of Development
National Guidance – five year supply
Site Allocations Plan
Conformity with the Neighbourhood Plan
Highways and Transportation and Accessibility
Design & Layout
Education
Affordable Housing
Ecology
Drainage and Flood Risk
Heritage
Impact upon Living Conditions
Loss of Best and Most Versatile Agricultural Land
Heritage and Conservation
Other matters
Section 106 obligations and CIL

9.0 APPRAISAL:

Principle of Development

Site context:

- 9.1 The site is currently allocated as a Protected Area of Search (known as safeguarded land in the NPPF) through (saved) Policy N34 of the UDP Review. The release of this PAS site for housing is contrary to Policy N34 of the UDP Review.
- 9.2 Development of the PAS site would unacceptably undermine the plan-led system and be contrary to bullet point 4 of paragraph 139 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”*. **In this respect, the Council contend that the weight to be attached to prematurity is significant given that the Council’s Site Allocations Plan is at an advanced stage as the recent Examination in Public was completed on 3rd August 2018. Therefore, such safeguarded land is not allocated for development at the present time and the Council consider that sufficient land has been identified elsewhere** to provide for the needs of the Council and particularly with Housing Market Characteristic Area. Indeed, to grant permission would result in an over allocation of housing land within the Outer North East HMCA..and would result in additional Green Belt and greenfield sites being allocated than is actually needed, contrary to paragraph 48-50 of the NPPF. This would also have district wide implications, with the potential for the need to release further Green Belt land elsewhere to replace safeguarded land through an early review.
- 9.3 It is also considered that owing to the scale of development at 300 dwellings, its location adjacent to a small settlement and its potential phasing would undermine the whole plan-making process, contrary to paragraph 49 of the NPPF and the tests contained therein.
- 9.4 It is clear that this proposal satisfies both of the circumstances that NPPF paragraph 49 identifies is necessary to justify refusal on prematurity grounds. Firstly, the development proposed is very significant in the context of its location within a very small village, which is illustrated by the fact that it would increase the number of

dwellings in Scholes by 31%. Moreover, the cumulative effect of allowing development to take place on land that is to be maintained as safeguarded land through the emerging SAP would be very significant, resulting not only in alternative safeguarded land needing to be found but also having significant implications for the allocations selected. The approval of this scheme would cast into doubt the justification for maintaining all of the allocations proposed (which have been selected over this site on the basis of a full site assessment and sustainability appraisal, along with public consultation), and potentially resulting in more suitable and sustainably located sites being removed from the Plan.

9.5 Secondly, and most significantly, the emerging SAP is at a very advanced stage. Whilst it is not yet formally part of the development plan for the area, the examination hearing sessions have concluded and the Inspectors report is awaited. The principle of allocating this site, and so releasing it for development in the short term, was rightfully discussed through the examination hearings, and granting approval for this proposal in advance of this would clearly be premature to this process.

9.6 Policy N34 of the UDP states:

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

East Scholes

9.7 The general extent of Green Belt and the boundaries of the Green Belt around Leeds were defined with the adoption of the UDP in 2001. These were not changed in the UDP Review 2006.

9.8 The aim of Policy N34 is to ensure the necessary long-term endurance of the Green Belt. The definition of its boundaries was accompanied by designation of Protected Areas of Search (safeguarded land) to provide land for longer-term development needs.

9.9 The saved UDP safeguarding function is retained for reasons including maintaining the permanence of Green Belt boundaries and to provide flexibility for the City's long-term development for both housing and employment land. The UDP further sets out in supporting text that the suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework (Local Plan). Meanwhile, it is intended that no development should be permitted on the appeal site that would prejudice the possibility of longer term development, and any proposals for such development will be treated as a departure from the Plan.

9.10 The (very advanced) SAP proposes to retain East Scholes as Safeguarded Land, under policy HG3-13, albeit there is a change from PAS to Safeguarded Land.

9.11 This follows on from comparative site assessments, the consideration of (technical evidence base) cumulative and synergistic implications of development, and also consideration of consultations undertaken as part of the SAP process. This is in accordance with Core Strategy Policy SP10, and the creation and/or maintenance of designations for safeguarded land to provide a pool of land for housing and employment for beyond the plan period. The justification to Policy SP10 notes that "*Land not appropriate for housing might be needed for employment allocations or*

retained as future PAS in the LDF". Paragraph 2.60 of the Submission SAP notes that "Policy HG3 designates sites to be protected as safeguarded land (for both housing and employment)".

- 9.12 The Core Strategy outlines the Spatial Development Strategy through a series of strategic policies to promote and deliver development. The strategy identifies which areas of the District play key roles in delivering development and ensuring that the distinct character of Leeds is enhanced.
- 9.13 In considering future development, the unique and distinctive aspects of Leeds fall to be considered and these features should be preserved and enhanced. It is considered that the historic pattern of development is key to the delivery of future growth and will be used to guide future development. This will ensure that the majority of growth is focused within the Main Urban Area. Other established settlements will also benefit from new development.
- 9.14 The delivery of the strategy will entail the use of brownfield and greenfield land and in exceptional circumstances only (which cannot be met elsewhere), the selective use of Green Belt land, where this offers the most sustainable option.
- 9.15 The Settlement Hierarchy is the framework to guide future development opportunities and is set out in Core Strategy Policy SP1 that prefaces the Council's spatial strategy. The hierarchy prioritises the location of future development within, and adjacent to, urban areas. The hierarchy acknowledges that there are still development opportunities within settlements that should be prioritised and enables regeneration opportunities to be realised, through phasing of land opportunities over the period of the Strategy.
- 9.16 Policy N34 has also recently been considered at an appeal recovered by the Secretary of State in respect of land at Tingley Station, a PAS site also carried forward as Safeguarded Land in the SAP. The appeal was for outline permission for residential development of up to 770 dwellings (Appeal Ref. APP/N4720/W/17/3169594). The appeal against non-determination was the subject of a public inquiry held in late 2017 and early 2018. The Secretary of State dismissed the appeal on 12 July 2018, rejected the then appellant's case advanced regarding policy N34 (i.e. that it was out-of-date, for the many and various reasons expressed) and in effect found that full weight should be given to policy N34. Whilst that decision was made against NPPF 2012, it is considered that the NPPF 2018 does not impact upon the reasoning that the Inspector and Secretary of State together gave in support of their findings on policy N34 (being reasoning that must be viewed in light of the full arguments advanced by the then appellant, and which were acknowledged and rejected in whole). If therefore policy N34 is now to be considered as "*out-of-date*" by operation alone of paragraph 11(d), then nonetheless, it is considered that this is a characterisation that does not carry any real significance, for reasons including those supported by the Secretary of State and his Inspector in Tingley Station.
- 9.17 In considering whether saved Policy N34 was out-of-date (for the purposes of NPPF 2012), the Inspector correctly acknowledged that the policy was not contained within the Housing Chapter of the UDPR and that N34 clearly secures PAS land for future, rather than present, development. The Inspector also highlighted that the UDPR clearly did not envisage N34, and PAS designations, ceasing to have effect at the end of the UDPR plan period. In conclusion, the Inspector considered N34 to be fully up-to-date and concluded that the appeal proposal was in conflict with it. In his decision letter at paragraph 14, the Secretary of State agreed with the Inspector and his associated reasoning, that N34 is up to date.

- 9.18 The Secretary of State also agrees (decision letter paragraph 22), for the reasons given by the Inspector, that the fact that the Council has designated PAS land, does not mean that any development proposals for it is automatically to be regarded as sustainable.
- 9.19 This recent Secretary of State decision should be regarded as a very important material consideration in the assessment of the current appeal, even acknowledging that this decision was made under NPPF 2012. The proposal is clearly in conflict with this policy since housing development is being proposed on land which is not exclusively safeguarded for residential use. The policy is clearly not found within the housing chapter of the UDPR. Furthermore, Policy N34 secures PAS land for future, rather than present development, and therefore the proposals for residential development on this site now are clearly in conflict with this policy.
- 9.20 National Guidance - Five Year Housing Land Supply
- 9.21 The NPPF advises that LPAs should identify and update annually a supply of deliverable sites to provide five years' worth of housing supply against their housing requirements. 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 of delivery.
- 9.22 The starting point for establishing a five year supply requirement is the housing target, as set out in the up to date Local Plan "*or against their local housing need where the strategic policies are more than five years old*". Housing regeneration and growth is a key priority for Leeds; it is a 'Breakthrough Project' in the Best Council Plan to help materialise the efforts needed to meet annual targets of 3,660 homes per annum between 2012/13 and 2017/18 (stepping up to 4,700 homes per annum thereafter to 2028) that were set in the Core Strategy (adopted, November 2014). The relevant five year supply period to be tested remains at a 1st April 2018 base date for the period 1 April 2018 to 31 March 2023. The current housing land supply requirement is at its greatest ever level and is simply a product of the buffer, backlog and the current Core Strategy requirement brought together.
- 9.23 The Council has been clear that it does not currently have a five year land supply. Evidence on housing land supply has most recently been tested as part of recovered appeals at Tingley Station (Ref: 3169594) and Thorp Arch Trading Estate (Ref: 3168897). Both were dismissed on 12 July 2018. The findings of the Secretary of State upon the conclusions of his Inspectors relate to the evidence tested as part of recent public inquiries at Thorp Arch Trading Estate (closed, November 2017) and subsequently updated at Tingley Station (closed, January 2018). Both inquiries considered the five year supply picture as sourced from the SHLAA (2017 Update) updated from a base date of 1 April 2017 for the five year period from 1 April 2017 to 31 March 2022. At Paragraph 10 of the Decision Letter of Tingley Station the Secretary of State "*agrees with the Inspector (IR13.5-13.11)...that the Council's housing land supply is around four years*". As Tingley Station involved the updated evidence base, when compared with Thorp Arch Trading Estate, it must be treated as taking precedence over the Secretary of State's decision in Thorp Arch Trading Estate. The Inspectors are also asked to note the Secretary of States conclusion set out at DL para 16 in Thorp Arch where he notes the confidence in the Council's "*...thorough and proactive approach to land availability*".
- 9.24 Whilst the CS targets remain up-to-date in plan making terms (as adopted – *today*) they have been overtaken evidentially as recognised by both the MHCLG and CSSR lower requirement figures. More recent evidence on both factors points to much

lower requirements and the government's local housing need figure at 2,649 per annum is preferred as the benchmark of the Housing Delivery Test. The CSSR includes an up-to-date calculation of Objectively Assessed Need supported by a SHMA in line with the NPPF and NPPG (and taking into account economic ambition allowed under revised NPPF guidance) of 3,247 dwellings per annum (51,952 in total).

- 9.25 Also, by NPPF Paragraph 60, the adopted Core Strategy housing requirement figure is not to be considered in a vacuum but instead must be treated as being "*informed by*" an assessment of local housing need, conducted using the standard method in the NPPG (July 2018). The standard methodology is now adopted NPPG policy and inevitably attracts full weight, one evidencing a need of 2,649 new dwellings pa. The most recent publications on national household growth projection (2014-based, published 12 July 2016) and the median workplace-based affordability ratio (2104-based, published 26 April 2018) now apply against a 10 year period looking forward from 2018 and now demonstrates a revised calculation that the local housing need assessment using the standardised approach that has reduced further to 2,400 pa.
- 9.26 The mechanics of the new Housing Delivery Test for determining the buffer set out in the transitional arrangements of the Rule Book confirm that the previous three years delivery is set against *the lower* of the latest adopted housing requirement or the minimum annual local housing need figure. In November 2018, these transitional arrangements see the delivery for the previous three years against the household projections, which is a component of the minimum annual local housing need figure. This sets the test this year even lower than the government's local housing need figure and will place Leeds as a 5% buffer authority further reducing the shortfall in housing land supply.
- 9.27 The NPPG provides information to help local authorities fulfill their responsibilities under the NPPF. As well as establishing a five-year supply position to support the preparation and examination of Local Plans, the NPPG confirms that the supply position should be updated annually. The Council has undertaken and published a SHLAA that provides clear evidence on the deliverability of site, thereby satisfying the revised NPPF approach, just as it had satisfied the previous. Notwithstanding the Secretary of State decisions on 12 July 2018 on the Council's approach to SHLAA and another record year of planning approvals since evidence of housing land supply was recently tested, the supply assessment previously presented at 4.38 years at the recent Site Allocations Plan Examination (closed, 3 August 2018) reflects the most up-to-date evidential requirement upon of the deliverability of sites as part of the 2018 NPPF.
- 9.28 The Council's five year housing land supply is 4.38 years against the adopted CS requirement for the period of 1 April 2018 to 31 March 2023. The extent of this shortfall has however become even more marginal in light of the national policy revisions. The adoption of the SAP will enable the Council to demonstrate, by some margin, a five year housing land supply against the present CS Requirement. This will be further strengthened by the forthcoming changes to planning policy at national and local level impacting upon the housing land supply requirement for Leeds.
- 9.29 An updated position will be presented following completion of the site assessments as part of the SHLAA 2018 Update (due for publication in November) that will reflect the most up-to-date calculations upon the requirement and evidence upon of the deliverability of sites as part of the NPPF.

9.30 Furthermore, it is expected Government Autumn revision is to be made to the Standard Methodology. The Council will update the Inspector in due course once this is published and fully considered by the Council. Core Strategy

9.31 When assessing the site against policies contained within the adopted CS and the NPPF. Scholes is identified as a smaller settlement and sits towards the bottom of the settlement hierarchy, as set out within CS policy SP1, as the site is relatively poorly served by facilities and public transport infrastructure. SP1 reads:

“To deliver the spatial development strategy based on the Leeds settlement hierarchy and to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance of brownfield and greenfield land, the distribution and scale of development will be in accordance with the following principles:

i) The largest amount of development will be located in the Main Urban Area and Major Settlements. Smaller Settlement will contribute to development needs, with the scale of growth having regard to the settlement’s size, function and sustainability,

ii) In applying (i) above, the priority for identifying land for development will be as follows:

- *Previously developed land and buildings within the Main Urban Area/relevant settlement,*

- *Other suitable infill sites within the Main Urban Area/relevant settlement,*

- *Key locations identified as sustainable extensions to the Main Urban Area/relevant settlement, (inter alia)”*

9.32 Within smaller settlements the scale of growth must have regard to the settlements size, function and sustainability. Smaller settlements generally only provide a basic service level. Where Settlements are deficient in key services, development proposals will need to address such deficiencies. Some but not all smaller settlements have a local centre.

9.33 Scholes is one such smaller settlement without a local centre. Scholes is a small village of approximately 975 units with basic service provision and community facilities.

9.34 Scholes also has relatively poor public transport accessibility, and this is referred to in the Highways section of this report.

9.35 Scholes has limited additional school capacity with regard to its current primary school. It is for a developer to seek to mitigate the impact of development when dealing with planning proposals through the provision of new infrastructure such as contributions to education provision. In the absence of any formal mitigation measures from the applicant to either provide a new school or contribute towards the expansion of existing school facilities, the Council are concerned that adequate provision has not been made. Consequently, this is referenced in the final reason for refusal requiring the completion of a legal agreement to secure the necessary obligations that planning policies require.

- 9.36 The proposal would result in a significant extension to the settlement and would put a significant strain on the existing local services, including the existing primary school as noted above. The proposal includes the provision of a new GP surgery/pharmacy, Convenience store (A1) and new green space areas, which will contribute to improving the level of service and facilities within the settlement.
- 9.37 The Development is not proposed for a sustainable extension to the settlement within the existing LDF or the advanced SAP, nor is the site an infill development or previously developed land. As such the proposal does not meet the priorities for identifying land for development as outlined in Policy SP1. Schools Infrastructure Provision
- 9.38 The provision of schools infrastructure is a key element of the Site Allocations Plan. This meets the Government's ambitions as set out in the NPPF. Paragraph 94 states *"The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should ... give great weight to the need to create, expand or alter schools"*.
- 9.39 CS Policy SP6 sets the strategic framework for the allocation of housing land for the plan period. It states that local facilities are key to the determination of what constitutes a sustainable location. This includes sustainable locations which meet the standards of public accessibility and supported by existing or access to new local facilities and services.
- 9.40 Guided by the Settlement Hierarchy, the Council will identify, subject to review, 66,000 dwellings gross (62,000 net) to achieve the distribution in tables H2 and H3 in Spatial Policy 7 using the following considerations:
- 9.41 Sustainable locations (which meet standards of public transport accessibility – see the Well Connected City chapter), supported by existing or access to new local facilities and services, (including Educational and Health Infrastructure).
- 9.42 Core Strategy Policy P9 and its justification in paragraph 5.3.36 and 5.3.37 relate to the provision of new facilities for education. It states that the Allocations Documents will identify a need for new schools where developers will be required to reserve land for education facilities.

Education and Training

- 9.43 An increasing school age population means that Leeds is facing significant pressure to ensure that basic need is met for statutory education.
- 9.44 Educational provision is experiencing significant change with the introduction of Academies and Free Schools. However the duty to ensure all children and young people have a school place remains the responsibility of the Council.
- 9.45 New educational facilities will be required to meet increased demand either through extensions to existing establishments or through the building of new schools in areas of housing growth or adjacent to them.
- 9.46 Applicants are required to reserve land for education facilities where this need is identified in LDF Allocations Documents and contributions will be sought to deliver these facilities.

9.47 Similar consideration will also be given to community needs for sufficient early years, childcare, and appropriate youth provision.

Policy P9 Community Facilities and Services

9.48 Access to local community facilities and services, such as education, training, places of worship, health, sport and recreation and community centres, is important to the health and wellbeing of a neighbourhood. New community facilities and services should be accessible by foot, cycling, or by public transport in the interests of sustainability and health and wellbeing.

9.49 Facilities and services should not adversely impact on residential amenity and should where possible, and appropriate, be located in centres with other community uses.

9.50 The scale of the facility or service should be considered in conjunction with the level of need within the community and its proposed location within the Settlement Hierarchy.

9.51 Where proposals for development would result in the loss of an existing facility or service, satisfactory alternative provision should be made elsewhere within the community if a sufficient level of need is identified.

9.52 The SAP has considered the link between new housing growth and schools provision. This SAP in most cases either secures schools provision via detailed site requirements within large scale housing developments or ensures that such allocations are near to existing provision (which has capacity) or near to new proposed schools.

9.53 This finds support in national policy under NPPF paragraph 104(a) which advises that planning policies should: *“support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities”*

9.54 From the draft SAP the following points are also relevant:

- Whilst safeguarded for beyond the plan period the consideration of school place provision for the plan period and beyond has considered the potential future role of the safeguarded sites. The SAP Infrastructure background paper states ‘HG3-13 (East of Scholes) is a safeguarded site. Should this site come forward for development it would be required to contain a 2FE school (primary) to meet the consequent demand generated’. The comments related to the wider PAS site for 850 units.
- Schools provision within the wider HMCA involves site requirements for new primary school provision within the large strategic allocations at HG2-226 Land to the East of Wetherby and MX2-39 Land at Parlington (new settlement.
- Alternative more sustainable sites are reflective of a strategic approach to the allocation of schools places within the local area.
- The restricted opportunity and capacity for the expansion of existing schools within existing villages.

NPPF: Further

- 9.55 It is considered that development in the proposed location would be inconsistent with NPPF paragraph 92. This provides that planning policies and decisions “*ensure an integrated approach to considering the location of housing, economic uses and community facilities and services*”.
- 9.56 The proposed development also conflicts with NPPF paragraph 104(a) that seeks, where practical, “*key facilities such as primary schools and local shops should be located within walking distance of most properties*”. Residents would have to travel significantly beyond the site to access most services and the proposal would not be within the required walking distance of any such key facilities, as set out in the adopted Accessibility Standards of the Leeds Core Strategy.
- 9.57 Using a central point postcode of the site and actual travel distance, the site sits a considerable distance to any identified town or retail centres. Indeed, the Seacroft District Centre is located some 4km from the centre of the site to the west along the A64, and is a journey likely to take place using the private car.

Site Allocations Plan

- 9.58 The appeal site lies on the edge of the relatively small village of Scholes and was originally included in the Green Belt.
- 9.59 The site was removed from the Green Belt under the 1999 UDP when it formed a PAS site. In recommending that the site be removed from the Green Belt and be safeguarded under policy N34 the inspector commented that:
- “I therefore conclude that the extended site as put forward by the Scholes Development Company should be safeguarded as PAS land for consideration in due course for potential future development.”*
- 9.60 The principle of allocating Scholes PAS for residential development was considered but dismissed during the UDP Review. The Inspector concluded that the site was not required to meet the identified housing needs.
- 9.61 As part of the SAP process all the available housing sites within the HMCA (sourced from the SHLAA) were assessed for their potential to form housing allocations (HG2) to meet the 5000 unit target for the Outer North East HMCA. This included undertaking a detailed site assessment, a sustainability appraisal, Green Belt assessment (where appropriate) and obtaining comments from key consultees and other representations. This site selection/assessment process included assessing the site at East of Scholes and assessing its merits against the reasonable alternatives within the HMCA.
- 9.62 The outcome of the assessment (as demonstrated within the submitted SAP) was that the East of Scholes site was considered to be less preferable and sustainable than alternatives in the HMCA, as more preferable and sustainable sites existed elsewhere.
- 9.63 In conclusion therefore, the application site was assessed to be unsuitable for housing allocation (HG2) in the SAP, was not needed for employment land in this plan period and performs a role as safeguarded land in line with Policy SP10, the appeal site is proposed to remain safeguarded, under policy HG3-13.
- 9.64 Section 2 of the SAP explains the need to designate sites as safeguarded land to provide a strategic reserve of land for long-term use post 2028 and protect the Green Belt, some of which may have employment potential.

- 9.65 Section 3 Policy HG3 designates sites to be protected as safeguarded land for both housing and employment.

Site Assessment

- 9.66 In assessing the wider HG3-13 safeguarded site as part of the Site Allocation Plan, consideration was given to accessibility of the site, which was ranked as 2 out of 5 (1 being the lowest) in terms of access to public transport infrastructure. The site is not required to meet the overall housing requirement over the plan period. There are other more suitable alternative sites preferred for allocation. In particular the site is attached to Scholes that is a small village with very few local services which does not form part of the CS Settlement hierarchy. The site contributes to a reserve of land with potential for longer term development and should therefore be retained as Safeguarded Land.

- 9.67 The SAP site assessment for HG3-13 states that:

The site is designated as a Protected Area of Search (PAS) on the existing UDP, not within Green Belt. The site is not required to meet the overall housing requirement over the plan period. There are other more suitable alternative sites preferred for allocation. In particular the site would represent a large extension to the small settlement of Scholes. The site contributes to a reserve of land with potential for longer term development and should therefore be retained as Safeguarded Land..”

- 9.68 Other sites have been allocated in the SAP in terms of bringing forward housing in this housing market characteristic area (HMCA), these include, amongst other sites:

- HG2-226, Land to the east of Wetherby, a 55ha site identified for 1,100 units in phase 1.
- MX2-39, Land at Parlington, a 52ha site identified for 792 units in phase 1.

- 9.69 The Outer North East area is expected to contribute 5,000 additional units to the housing target over the Plan period, with the sites above contributing 1,351 units approximately. Further to this, outline and reserved matters planning permission for a residential development of 325 units have been granted on identified housing site HG1-28 Spofforth Hill, to the western edge of Wetherby, which has started and is expected to deliver 50-60 units per annum and which will see a total of 49 affordable housing units being built on the site. Development has also taken place on the brownfield former Forensic Science Service site in Wetherby which has delivered 57 homes including 20 affordable units.

- 9.70 Each of the proposed, omission and safeguarded sites in the Site Allocations Plan has been subject to sustainability appraisal, in line with an up to date Sustainability Framework (which includes up to date national, sub-regional and local plans, policies and programmes). Looking at the Sustainability Appraisal (SA) scores for each of the above sites, HG3-13 discloses one of the worst comparative scores. It comparatively scores “significant negative effects” in the following 4 objectives: SA10 (Greenspace), SA11 (Greenfield and brownfield land), SA12 (Biodiversity and geological conservation) and SA22a (Agricultural Land) and “negative effects” in the following 6 objectives: SA08 (Community participation), SA13 (Greenhouse emissions), SA15 (Transport network), SA16 (Local needs met locally), SA19 (Landscape), SA21 (Historic environment), giving a negative appraisal in 10 of the 27 objectives. This is therefore indicative of the sites unsustainability.

- 9.71 The SA, the wider evidence base and site assessment, including comments from statutory and other consultees assist in determining a range of site requirements to address and mitigate the impacts of housing development upon sustainability objectives for all the allocated sites: for example; the need for highway infrastructure improvements and to ensure accessibility to services and facilities, to regenerate brownfield sites and protect the landscape and ecological considerations.
- 9.72 This headline analysis, above, of the SAP site assessment is provided for context only and sits squarely with the Council's view that detailed examination of choices made through the SAP is a matter for determination through the examination process.
- 9.73 Core Strategy SP1 provides, in relevant part:
- "The largest amount of development will be located in the Main Urban Area and Major Settlements. Smaller Settlements will contribute to development needs, with the scale of growth having regard to the settlement's size, function and sustainability,"*
- 9.74 The appeal site does not form an extension to an existing Major Settlement and is not located adjacent to the Main Urban Area. Whilst it could be regarded as an extension to a smaller settlement, the scale of development proposed in relation to the scale of the village and absence of local facilities would mean that this does not represent a sustainable form of development, thus conflicting with Policy SP1.
- 9.75 Policy SP6 of the Core Strategy sets out the Authority's policy for allocating housing and considers sustainable locations as a key consideration:
- "Sustainable locations (which meet standards of public transport accessibility - see the Well Connected City chapter), supported by existing or access to new local facilities and services, (including Educational and Health Infrastructure)"*
- 9.76 The site is located towards the bottom of the settlement hierarchy that seeks to ensure that land is used effectively and efficiently and it unacceptably fails to meet Accessibility Standards. The nearest supermarkets and employment opportunities are in Seacroft and it is highly likely that future occupiers will need to travel by car to access them given that Seacroft is located approximately 4km from the centre of the proposed development site. On this basis, the proposed development conflicts unacceptably with the Accessibility Standards, and with policy SP1. It does not represent sustainable development and would therefore conflict with the overarching aim of the NPPF. There has been no material change in circumstances in relation to access to local services and facilities to undertake day-to-day activities since two previous UDP examinations found that the site should be rejected for housing development because Scholes is fundamentally an unsustainable location for major housing development.
- 9.77 As previously mentioned, the negative scoring of the site against the SA criteria provides evidence that the site does not have sustainable access to local facilities and services, (including Educational and Health Infrastructure) and therefore does not comply with policy SP6.
- 9.78 Adopted CS Policy SP10 notes: *"A review of the Green Belt will need to be carried out to accommodate the scale of housing and employment growth identified in Spatial Policy 6 and Spatial Policy 9, as well as an additional contingency to create*

new Protected Areas of Search (to replace those in the UDP which will be allocated for future development)”.

- 9.79 The justification to this policy states in paragraph 4.8.6 that: *“The Leeds Unitary Development Plan designated land outside of the Green Belt for unidentified needs in the future; this is known as Protected Areas of Search (PAS). This land will provide one of the prime sources for housing allocations in the LDF. Which land is identified by LDF Allocation Documents (and in particular the Site Allocations Plan) will depend on how well it meets the strategy for housing distribution, embodied by the criteria in Spatial Policy 6. Land not appropriate for housing might be needed for employment allocations or retained as future PAS in the LDF.”* Safeguarded land in Leeds is not simply to provide for future housing needs.

Prematurity

- 9.80 The Development is inconsistent with the Submission SAP.
- 9.81 The SAP process is the proper method for determining the relative merits of all sites considered for development. The appeal site (HG3-13) has been considered through that process and it has been determined that there are more sustainable alternatives to meeting the housing requirement in the ONE HMCA for the plan period.
- 9.82 In accordance with the NPPF and PPG it is considered that the Plan led system is the most appropriate mechanism for determining whether residential development of this scale should be supported on the appeal site. The SAP considers a range of sites to distribute sustainable allocations in line with CS levels of development.
- 9.83 The SAP provides for a range of suitable, available and achievable sites for the plan period and does not need to rely on the application site.
- 9.84 Even if the site were sustainable for the proposed housing (which is not the case), it is the LPA’s view that given the scale of development on this site (at 300 units), granting permission to the proposal would conflict with the SAP which seeks to bring forward more sustainable forms of development first.
- 9.85 Properly applied, the Planning Practice Guidance advises against this development proposal:

“...where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*
- the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”*

- 9.86 Whilst the proposed residential development is considered to be unacceptable, the proposed new Doctors surgery, pharmacy and convenience store, would, to some extent, make the development more sustainable. That said, there are no guarantees

that these would be delivered as part of the overall development. However, the fact remains that these are located on safeguarded land which is not suitable for development now, and therefore the principle of other uses in conjunction with the residential component are also considered to be inappropriate. Consequently, it is considered that the proposed development is premature.

Conformity with the Neighbourhood Plan

9.87 In November 2017 the Barwick in Elmet and Scholes Neighbourhood Plan was made. Page 29 sets out the Plan's vision:

The vision of the Plan is for the Barwick in Elmet and Scholes Neighbourhood Area to maintain its essential character as a rural community; within easy reach of the city environs, yet separate and distinct at the same time. In maintaining this identity, we wish to ensure that our citizens are given opportunities to contribute to the vitality of the community; opportunities to work and learn in the community, opportunities to live healthy and satisfying lives in the community.

9.88 Within the Plan (at page 31) there are 5 main objectives, these being:

1. Maintaining the environment and distinctive character
2. Ensuring sympathetic building design
3. Management of new housing
4. Retaining green corridors
5. Developing community and business infrastructure

9.89 In terms of Objective number 3 (Management of new housing) the Plan states that this is to help deliver an adequate supply of homes available for people who wish to remain resident or move into the Neighbourhood Area; and that new housing supply is implemented in such a manner that creates the least harm to rural character. In terms of the conformity of the appeal scheme with this objective, the provision of 300 new dwellings would provide a supply of new housing for those who may wish to either remain and move to the area, and in a way which would not harm the rural character of the village of Scholes or Barwick in Elmet, subject to detailed assessed through any reserved matters submission. It is also necessary to assess the proposal against the policies within the Plan.

9.90 In terms of compliance with the housing policies, Policy HO1 is particularly relevant. In terms of Policy HO1 the proposal would provide a range of housing types and sizes which might appeal to the young and old as well as families given the number of dwellings being proposed. However, the policy states that it is expected that such schemes (for housing) will take account of the most up to date housing needs information available. Reference is also made within this policy in terms of conformity to paragraphs 17, 52, 55 and 192-195 of the NPPF (2012 version) and Core Strategy Policies SP6, SP10, H2, H4, H8, T2, G4 and EN5. It could therefore be argued that since the appeal proposal is in conflict with a number of these Core Strategy policies, then the scheme also conflicts with Policy HO1 of the Neighbourhood Plan.

9.91 Policy HO2 relates to the type and design of new housing development and does not necessarily preclude development on greenfield sites, but lends some support for developments that utilise previously developed land. As such, there is no direct conflict with Policy HO2.

- 9.92 The scheme also provides a small retail store and a doctor's surgery, thereby providing (very limited) employment opportunities within the Neighbourhood Area, provided these facilities are brought forward. With the likely increase in population and household expenditure, the proposed development will provide some (albeit little) opportunities to support existing businesses and services within the village, in terms of Policy E4.
- 9.93 With regard to conservation, it is considered that based upon the indicative Masterplan the appeal proposals would seek to conserve the historic character of the village. The provision of a landscape buffer along the southern boundary would protect views into and out of the adjacent conservation area (subject to suitable conditions and relevant reserved matters applications), whilst no listed buildings would be affected. It is considered that whilst in outline form, there is nothing to suggest that the proposals would be in conflict with Policy LE1. Likewise, the indicative layout shows the provision of new pedestrian footways and routes within the site, particularly along the eastern edge. Furthermore, if the Council were minded to support the proposal, then contributions could be sought to develop a cycleway/footpath along the former railway line. As such, it is considered that the proposal would not be contrary to Policy LE2.
- 9.94 Policies BE1, BE2 and H2 are policies which relate to detailed design aspects of new building design, and for the purposes of this outline application, are not of particular relevance. Any future reserved matters submission would need to ensure that any detailed proposals involving the layout, scale, and appearance of the residential development comply with these policies.
- 9.95 Policy BE4 relates to drainage and flood prevention. Based upon the details of the scheme and the advice from the Environment Agency, Yorkshire Water and the Council's Flood Risk Management Officer, it is considered that there are no concerns over flooding and drainage. Accordingly the proposal is compliant with Policy BE4.
- 9.96 In conclusion, it is considered that the appeal proposal would not be compliant with the Barwick in Elmet and Scholes Neighbourhood Plan. In particular, the proposed development would be contrary to Policy HO1 of the Plan for the reasons stated above. This conflict is in line with paragraph 14 of the NPPF insofar as the adverse impacts of allowing the development which conflicts with the Barwick in Elmet and Scholes Neighbourhood Plan will significantly and demonstrably outweigh the benefits.

Highways and Transportation

Access

- 9.97 The application has been submitted in outline with all matters reserved, save for access. The Masterplan shows that new vehicular access points will be created from Rakehill Road and Main Street. It is noted that the site forms part of a larger site (Site Ref. HG3-13), designated as safeguarded land, capable of accommodating circa 850 dwellings.
- 9.98 The Illustrative Master Plan shows that the application site will be served by two main vehicular accesses, one to the south accessed from Main Street with a second access to the north accessed from an extension of Rakehill Road. A pedestrian/cycle and emergency vehicular access (EVA) is proposed from Belle Vue Avenue to the west. The creation of this link requires the demolition of 38 Belle Vue Avenue.

- 9.99 The southern access takes the form of a simple priority junction, in terms of junction design and geometry the southern access accords with current guidance and is considered suitable to serve development of the scale proposed. The plans submitted indicate that the access road will be designed as a Type 1 Connector Street with a carriageway width of 6.75m, with 1m verge and 2m footways to either side.
- 9.100 Whilst the junction design and access type is acceptable, it is observed that public footpath number 42, which also provides access to property 24 Main Street and allotments joins the proposed new access on the eastern junction radii. This configuration is unacceptable, resulting in vehicles accessing number 24 Main Street turning and manoeuvring in the new junction. This must be addressed with alternative access arrangements for number 24 provided. Revised details will need to be submitted.
- 9.101 Provision of the southern access requires the re-positioning of the existing bus stop, which is shown relocated to the east. This is acceptable in principle but will however need to be formally agreed in consultation with West Yorkshire Combined Authority (WYCA). Further dialogue is therefore inevitably required regarding the overall suitability of the alternative location to the satisfaction of Highways and WYCA.
- 9.102 The northern access is an extension/re-alignment of Rakehill Road. Rakehill Road is a residential street extending from Station Road to just beyond Belle Vue Avenue, at which point it ceases to be adopted highway. Beyond the limit of adoption Rakehill Road is classified as a byway open to all traffic (BOAT) continuing in an easterly direction, serving a farm and cottages, through to Barwick in Elmet, where it once again becomes adopted highway.
- 9.103 The proposed northern access extends from the limit of adoption and is re-aligned to the north of and runs parallel to the existing alignment of Rakehill Road, classified as a BOAT.
- 9.104 The proposed access extending for around 180m to a proposed priority T-junction the southern arm of which provides access to the development site. The access road will be designed as a Type 1 Connector Street with a carriageway width of 6.75m, with 1m verge and 2m footways to either side. Whilst layout is to be addressed at reserved matter stage and is not being considered at this stage, the access design suggests that the layout will incorporate a Type 1 Connector Street running in a north/south direction through the site to the southern access.
- 9.105 The view of the Highway Authority is that the proposed [layout](#) appears contrived with the proposed new access running parallel and adjacent to the existing alignment of Rakehill Road, which will remain as a BOAT. The Highways Authority's strong preference would be to upgrade the existing alignment of Rakehill Road, currently BOAT to full adopted standard, as per the previous application (14/01211/OT). However, it is understood that there are land ownership issues preventing this option.
- 9.106 Also, the Highway Authority has particular reservations regarding the proposed T-junction arrangement, which gives priority to the north/south route. However, this could be dealt within the layout as a reserved matter. That said, the access solution proposed appears to have been designed to minimise land take and accommodate access to the wider PAS site to the north, rather than to provide access to the proposed application site. The consequences of the proposed arrangement is that drivers will be very likely to disobey the junction priority, which is considered poor in

terms of design and gives rise to concerns regarding vehicular conflict and highway safety. Revised, adequate, details therefore must be submitted.

- 9.107 The suitability of the proposed Station Road/Rakehill Road junction improvements is considered under Off-Site Highway Works Section below.
- 9.108 A third point of access is proposed to the west from Belle Vue Avenue. This is a pedestrian, cycle and emergency vehicle access. The proposed access is welcomed and will improve permeability of the site for pedestrians and cyclists, providing a direct walking route from the site to Scholes Elmet primary school. Details of access control measures are required to prohibit use of the access by non-emergency vehicles.
- 9.109 In summary, only where the above issues are addressed, will the proposed vehicular access arrangements be considered appropriate and acceptable to serve development of the scale proposed. Concerns arise regarding the potential for unacceptable vehicular conflict and highway safety, even taking into account details that would be covered in any future reserved matters submission. As such, the proposal is unacceptable as the development does not provide a safe and suitable access for all users, in conflict with paragraph 108(b) and (c) of the NPPF, as well as paragraph 109 due to the impact on highway safety.

Accessibility – Walking, Cycling, Public Transport

- 9.110 Scholes, which is situated in the outer north-eastern segment of the city, is designated in the CS as a small settlement with no identified centre. Scholes does not have the benefit of direct bus services to Leeds at the recommended frequency of service of 15 minutes service.
- 9.111 It is acknowledged that the proposals include a GP Practice, Pharmacy and A1 Convenience Store, which would enhance the sustainability of the site in the longer term if delivered. However, these are both in phase 2 of the development and are unlikely to be built and operational until phase 1 has been completed. The provision of these facilities is reliant upon commercial interest and viability and as such there is no guarantee that these facilities would be provided.
- 9.112 The site fails to meet Core Strategy Accessibility Standards with regards to access to Employment and Town and City Centres as a consequence of the infrequency of public transport.
- 9.113 Public Transport: Buses: The closest bus stops to the site are located on Main Street, adjacent to the proposed southern site access, around 400m walking distance from the centre of the site. These stops are served by Service 11 that provides an hourly service frequency to Leeds City Centre, which falls significantly and unacceptably below Core Strategy Accessibility Standards.
- 9.114 Additional services are accessible from bus stops on Leeds Road, approximately 670m walking distance from the centre of the site and therefore beyond an acceptable walking distance. In addition to Service 11 these stops are also served by Service 64, which provides a 30 minute service frequency to Leeds City Centre. While such an approach is not supported by Leeds City Council, these two services in combination with Service 11 provide 3 buses per hour to Leeds City Centre. Setting aside the issue of walking distance, combining these two services offers an improved service, although still falling short of the required 15 minute service frequency (4 buses per hour) set out in the Core Strategy Accessibility Standards.

- 9.115 Bus stops on the A64 York Road are served by the Yorkshire Coastliner Service, Service No's. 840, 843 and 845, which run between Leeds and Whitby, Scarborough and Bridlington. Combined these services provide a roughly 30 minute service frequency to Leeds City Centre. The closest stops to the site are located on the A64 close to its junction with Stockheld Lane, around 1600m walking distance from the centre of the site. It is considered that the combination of distance and suitability of the walking route would make these services an unrealistic travel option not meeting the Core Strategy Accessibility Standard.
- 9.116 Trains: the closest railway station is Cross Gates around 4.3km from the site. All westbound departing services terminate/pass through Leeds City Station, with a peak hours service frequency of around 4 trains per hour, reducing to 2 trains per hour outside peak periods.
- 9.117 Walking/Cycling: whilst walking provision in Scholes within the vicinity of the site is generally good with suitable pedestrian routes to the primary school, bus stops and convenience store. There are concerns regarding wider pedestrian provision in particular on Leeds Road – walking route to John Smeaton Academy and along Stockheld Lane - walking route to A64 York Road.
- 9.118 With reference to access to John Smeaton Academy, the length of Leeds Road between the edge of Scholes and Smeaton Approach, around 600m, provides a single footway, of around 1.2m wide to the north side of the road, this section has no street lighting and is subject to a 60mph speed limit. It is proposed to widen the footway to 2.2m along this length to provide a shared pedestrian/cycle facility. The view of TDS is that 2.2m is not sufficiently wide for shared pedestrian/cycle use. The Applicant should explore the potential for further widening to 3.5m, which is considered the minimum width for pedestrian/cycle use. A clear width of 2.0m would be acceptable for a pedestrian only route.
- 9.119 The Cycling Team have indicated that with regards to cycling provision their preference is for a contribution towards the Elmet Green Way, which follows the alignment of the disused railway and is the future aspirational route being promoted by LCC between Scholes and Cross Gates.
- 9.120 Stockheld Lane, which provides the most direct walking route to bus stops on the A64 York Road is PROW (Footpath No. 40). The route is effectively an unmade track of varying width, passing through open farmland and the farmstead of Stockheld Grange Farm. The route has no lighting and limited natural surveillance. Whilst Stockheld Lane may be appropriate for recreational walking it is not considered to provide a suitable or attractive utilitarian pedestrian route.
- 9.121 In summary, a development of this scale in this location is not considered to be sustainable in transportation terms, resulting in a development that will be overly reliant on the use of the private car, contrary to development plan policy and the NPPF.
- 9.122 Road Safety Audits: It is a standard requirement of LCC that all proposed highway works shall be accompanied by an independent Stage 1 RSA, which should be submitted as part of the application package. This is both an important substantive and procedural requirement. RSAs were however not submitted with the initial application. The need to provide RSAs would have been identified as part of the formal pre-application process, but regrettably, in this particular case no formal pre-application was undertaken, for reasons unexplained by the appellant.

The requirement to provide RSAs was raised at a meeting with the Applicant and their Highway Consultant (23/03/2018). It was acknowledged that no RSAs had been undertaken, and that they were undertaken for the previous application (14/01211/OT) that proposed similar highway works. TDS then offered to review the previous RSAs and to take a view on their acceptability. RSAs have subsequently been submitted covering the three points of site access and the proposed Leeds Road footway/cycleway improvement. These will be reviewed and comments provided in due course.

Traffic Impact / Network Assessment

- 9.123 Review of the developers Transport Assessment (TA) has identified a number of anomalies and whilst not wholly endorsing the methodology used to assess traffic impact it may be that the issues identified may not have a significant effect on the overall findings and conclusions of the capacity assessment. This is subject to consideration.
- 9.124 To enable TDS to properly assess the proposals further details and explanation is required regarding the methodology used in determining trip distribution and route assignment of traffic on the network. The percentage distribution diagrams referred to in Section 8.9.1 appear to have been omitted from Appendix N – these diagrams are required to enable a proper understanding of trip distribution. Also further details of how committed development has been applied, it is noted that some of the committed development identified is already largely built out.
- 9.125 The TA submitted with the application lists junctions within the identified study area, which are to be assessed, the study area is the same as previously agreed, (Application No. 14/01211/OT) and is considered to be generally acceptable. After further consideration TDS are of the view that A6120 Ring Road/Coal Road junction should also be assessed. This was raised with the Applicant and their Highway Consultant – (meeting 23/03/2018) and additional assessment data has been provided.
- 9.126 It is anticipated that the development will provide 35% affordable dwellings, on this basis the assessment has utilised specific trip rates for both private and affordable housing types. In this location this is not considered appropriate and for assessment purposes TDS requested that all development should be based on trip rates for private housing. This was raised with the Applicant and their Highway Consultant – (meeting 23/03/2018) and additional assessment data has been provided.
- 9.127 The submitted TA was based on a small proportion of the proposed development trips being internalised, i.e. wholly within the site network, and reductions were applied to reflect trips of this nature. For robustness TDS requested that all trips were considered external. This was raised with the Applicant and their Highway Consultant – (meeting 23/03/2018) and additional assessment data has been provided.
- 9.128 The TA considers the following traffic assessment scenarios:
- Baseline Assessment - modelled to determine the existing operation of the network and to provide a baseline against which the impact of the proposals can be assessed.
 - Scenario 1 – Interim Scenario – prior to completion of ELOR (assumed to be 2021) with partial development of site. Based on a start date on site of 2019 with a build out rate of 40 dwellings per year this would result in a total of 80 dwellings built by 2021.

- Scenario 2 – No ELOR Scenario – assuming full build out of 300 dwellings (assumed to be completed by 2027) and that ELOR is not constructed.
- Scenario 3 – ELOR Scenario – including completion of ELOR and associated East Leeds Extension. The scenario considers traffic levels at 2036, consistent with the analysis undertaken to support the ELOR application

9.129 As previously noted the site forms part of a larger site (Site Ref. HG3-13), designated as safeguarded land, with an overall capacity of circa 700 dwellings. It is not unreasonable to assume that should the 300 dwellings proposed gain planning permission that logically in time the remainder of the site will come forward for development.

9.130 On this basis the view of TDS is that in order to assess the full potential impact of the site the TA should include scenarios similar to scenarios 2 and 3 (i.e. without and with ELOR) but assuming build out of the whole site, circa 700 dwellings, - further assessment scenarios are required.

9.131 Baseline Junction Assessment: the following summary identifies junctions within the study area, which the TA shows currently operate close to or over capacity. All other junctions within the study area are considered to operate within capacity.

9.132 A64 York Road/Scholes Lane Junction:

Assessment shows that in the AM Peak the junction currently operates over capacity with queuing on the Scholes Lane arm of the junction. In the PM peak the junction operates within capacity.

9.133 A64 York Road/Thorner Lane Junction:

Assessment shows that the junction currently operates over capacity with queuing on the Thorner Lane arm of the junction in both the AM and PM peak periods.

9.134 A64 York Road/A6120 Ring Road/York Road Junction:

Assessment shows that in the AM Peak the A64 York Road arm currently operates beyond practical capacity with queuing on the A64 York Road arm. All other arms operate within capacity. In the PM Peak the junction operates within capacity.

9.135 Barwick Road/A6120 Ring Road/A64 York Road Junction:

Assessment shows that in the AM Peak the junction currently operates over capacity on the A6120 Ring Road North arm and close to capacity on the Barwick Road arm. In the PM Peak the junction operates within capacity.

9.136 Austhorpe Road/Austhorpe Lane/Manston Lane Junction:

Assessment shows that in the AM Peak the junction currently operates over capacity with queuing on the Austhorpe Lane arm. In the PM peak the junction operates close to but below absolute capacity.

9.137 Scenario 1: 80 dwellings built prior to completion of ELOR (assumed to be 2021)

Assessment shows that prior to the opening of ELOR the proposed development will have very limited impact on the operation of the surrounding highway network. In terms of percentage impact none of the junctions would experience an increase in traffic in excess of 2% as a result of the development during peak hours. In terms of

vehicle numbers this equates to between 0 – 20 vehicles in either peak hour, or around an average of 1 additional vehicle every three minutes across the network.

9.138 In summary; it is considered that the development of 80 dwellings prior to the completion of ELOR would have no material impact on the operation of the surrounding highway network.

9.139 Scenario 2: full build out of 300 dwellings (assumed to be completed by 2027) and ELOR is not constructed.

This scenario is based on the following assumptions:

- Background traffic growth (2017 to 2027)
- Committed development traffic
- 300 dwellings (full build out) plus GP Surgery/Pharmacy/retail

9.140 The following summary identifies junctions within the study area, which would operate over capacity and sets out any proposed mitigation measures. All other junctions within the study area are considered to operate within capacity.

9.141 A64 York Road/Scholes Lane Junction:

Assessment shows that the junction is predicted to operate in excess of its theoretical capacity, with or without the proposed development traffic, with significant queuing on the Scholes Lane approach in the AM and PM Peaks. In terms of percentage impact, development traffic equates to an increase, on the Scholes Lane approach in the AM and PM peaks, of around 13% and 15% respectively. To mitigate this impact it is proposed to signalise the junction. The proposed mitigation scheme, which includes carriageway widening, has been assessed using LINSIG, results of the modelling show that the junction will operate within capacity, with significantly reduced queues. To enable UTMC to check the proposals a copy of the LINSIG model is required. The proposed mitigation scheme as shown on Drawing No ITY12474-GA-009, should be accompanied by an independent Stage 1 RSA and Designer's Response, together with confirmation of compliance with design standards with justification for any departures.

9.142 A64 York Road/Thorner Lane Junction:

Assessment shows that the junction is predicted to operate in excess of its theoretical capacity with or without the proposed development traffic, with significant queuing on the Thorner Lane approach in the AM and PM Peaks. To mitigate this impact it is proposed to signalise the junction. The proposed mitigation scheme, which includes carriageway widening, has been assessed using LINSIG, results of the modelling show that the junction will operate within capacity, with significantly reduced queues. To enable UTMC to check the proposals a copy of the LINSIG model is required. The proposed mitigation scheme as shown on Drawing No ITY12474-GA-0010, should be accompanied by an independent Stage 1 RSA and Designer's Response, together with confirmation of compliance with design standards with justification for any departures.

9.143 A64 York Road/A6120 Ring Road/York Road Junction:

Assessment shows that the junction is forecast to operate over capacity, with or without the proposed development traffic in both the AM and PM Peaks. Review of the assessment indicates that the most influential factor on the operation of the

junction is the predicted level of base traffic growth and that the actual impact of the proposed development traffic is only marginal. It is considered that it would be difficult to demonstrate that the proposed development traffic has a severe impact on the operation of the junction.

9.144 Barwick Road/A6120 Ring Road/A64 York Road Junction:

Assessment shows that the junction is forecast to operate over capacity, with or without the proposed development traffic on the A6120 Ring Road (North) and Barwick Road (East) arms in the AM Peak and on the A6120 Ring Road (North) and A64 York Road (West) arms in the PM Peak. Review of the assessment indicates that the most influential factor on the operation of the junction is the predicted level of base traffic growth and that the actual impact of the proposed development traffic is only marginal. It is considered that it would be difficult to demonstrate that the proposed development traffic has a severe impact on the operation of the junction. Consideration has been given to a potential mitigation scheme which could off-set the impacts of the proposed development traffic. The proposed mitigation scheme as shown on Drawing No ITY12474-GA-0011, involves the minor widening of both ring road approaches and the A64 York Road (Western) approach to the roundabout. It is difficult to see how these could offer a meaningful improvement in practice, although theoretical assessment does indicate slight improvements in the operation of the junction.

9.145 Austhorpe Road/Austhorpe Lane/Manston Lane Junction:

Assessment shows that the junction operates over capacity with or without development in both the AM and PM Peaks. Putting this in to context the development will add an additional 6 vehicles to the junction in the AM Peak and 14 vehicles to the junction in the PM Peak. This equates on average to approximately one additional vehicle every 10 minutes in the AM Peak and one additional vehicle every 4 minutes in the PM Peak. It is considered that it would be difficult to demonstrate that this level of traffic would have a severe impact on the operation of the junction.

9.146 In summary, should ELOR not come forward the mitigation proposed at the A64/Scholes Lane and A64/Thorner Lane junctions is considered appropriate to offset the impacts of the proposed development.

9.147 However, distribution and assignment queries outstanding, TDS is concerned that should the application be allowed it is likely that the remainder of the site, to the north, circa an additional 400 dwellings would also come forward. Clearly the traffic impacts of the whole site, circa 700 dwellings, would be more significant. The view of TDS is that the fragmentation of the site does not provide a comprehensive assessment of the potential impact of the whole site and the mitigation that may be justified. In order to assess the potential impact of the whole site (Site Ref. HG3-13) TDS request that two additional scenarios are assessed, similar to scenarios 2 and 3 (i.e. without and with ELOR) but assuming build out of the whole site, circa 700 dwellings,

9.148 Scenario 3: full build out of 300 dwellings completion of ELOR and associated East Leeds Extension.

9.149 This scenario is based on the following assumptions:

- Future design year 2036

- Committed development traffic including development associated with East Leeds Extension
- 300 dwellings (full build out) plus GP Surgery/Pharmacy/retail

9.150 In order to provide traffic flows for this scenario, which reflect the full impact of ELOR and traffic associated with the development of the East Leeds Extension reference has been made to the SATURN (Simulation and Assignment of Traffic to Urban Road Networks) model outputs presented in the TA (June 2017), prepared by Mouchel on behalf of LCC, in support of the planning application submitted for ELOR.

9.151 Section 11.1.7 of the TA identifies the junctions assessed under the Scenario 3. It is accepted that the A64 York Road/Thorner Lane junction is to be closed as part of ELOR and therefore no assessment has been undertaken. However, it is noted that the assessment does not include the two new ELOR junctions at A64 York Road and Leeds Road. The impact of development traffic on these junctions needs to be assessed and included in the Scenario 3 assessment, to inform the potential level of ELOR contribution required.

9.152 The following summary identifies junctions within the study area, which would operate close to or over capacity. All other junctions within the study area are considered to operate within capacity.

9.153 A64 York Road/Scholes Lane Junction:

As part of the associated ELOR works this junction is to be signalised. Assessment shows that the junction will operate with Degrees of Saturation (DoS) below 100%. It is noted that the junction is approaching capacity in the AM Peak. However, the impact of proposed development traffic is considered to be negligible, with the forecast queue increasing by only two vehicles in the AM and PM peak hours.

9.154 A64 York Road/A6120 Ring Road/York Road Junction:

Assessment shows that the A64 York Road arm of the junction is forecast to operate slightly over practical capacity in the AM Peak. Review of the assessment indicates that the impact of the proposed development traffic is negligible, with the forecast queue increasing by only one vehicle in the AM Peak. All other arms operate within practical capacity.

9.155 Barwick Road/A6120 Ring Road/A64 York Road Junction:

Assessment shows that the junction is forecast to operate over capacity, with or without the proposed development traffic, on the Barwick Road (East) arm in the AM Peak and on the A64 York Road (West) arm in the PM Peak. The development will add an additional 55 vehicles to the junction in the AM Peak and 70 vehicles to the junction in the PM Peak. This equates on average of approximately one additional vehicle per minute in the AM and PM peak hours. It is considered that it would be difficult to demonstrate that this level of traffic would have a severe impact on the operation of the junction.

9.156 Barwick Road/Church Lane/Eastwood Lane Junction:

Assessment shows that the junction will operate with Degrees of Saturation (DoS) below 100%. It is noted that the junction is approaching capacity in the PM Peak on the Church Lane and Barwick Road (West) arms. The impact of the proposed

development traffic is considered to be negligible, with the forecast queue increasing by a maximum of only two vehicles in the AM and PM peak hours.

9.157 Austhorpe Road/Austhorpe Lane/Manston Lane Junction:

Assessment shows that the junction operates over capacity with or without development in both the AM and PM Peaks. The development will add an additional 6 vehicles to the junction in the AM Peak and 14 vehicles to the junction in the PM Peak. This equates on average to approximately one additional vehicle every 10 minutes in the AM Peak and one additional vehicle every 4 minutes in the PM Peak, with forecast queues increasing by a maximum of three vehicles in the PM Peak. It is considered that it would be difficult to demonstrate that this level of traffic would have a severe impact on the operation of the junction.

9.158 In summary: The TA shows that with ELOR and the supporting infrastructure associated with ELOR the proposed development traffic can be satisfactorily accommodated on the highway network. However, as indicated above the assessment does not include the two new ELOR junctions at A64 York Road and Leeds Road, which need to be assessed as part of the Scenario 3 assessment. Plus an additional scenario, which includes the impact of traffic associated with the development of the whole site, circa 700 dwellings. Further information is required to enable comprehensive assessment of the potential traffic impact of the whole site.

Travel Plan

9.159 The Travelwise Team has been consulted and confirmed that the amended Travel Plan is now considered to be acceptable.

Off-Site Highways Works

9.160 In addition to the construction of the proposed site accesses, detailed above, as off-site mitigation the proposals also include the following off site highway works:

9.161 Station Road/Rakehill Road junction: Works are proposed to improve the substandard visibility at the Station Road/Rakehill Road junction. The works consist of the removal of a section of boundary wall and increased junction radii, footway provision is also improved as a result. The proposed works are considered acceptable in principle, although confirmation is required that the land and any structures required to secure these works is within the Applicant's control and that the works are deliverable. It is understood that the bridge sits with the Historic Railways Estate and is not in the developers control but the works fall within the red line boundary of the application. The proposals should be accompanied by an independent Stage 1 RSA. The deliverability of this improvement is currently unclear. From a highway perspective a suitable improvement is considered essential and should be a condition of any approval and level of improvement and deliverability needs to be considered further.

Leeds Road

9.162 Works are proposed to widen the footway along the northern side of Leeds Road between Scholes Village and Smeaton Approach to 2.2m to create a shared pedestrian/cycle facility. Whilst the proposal to widen and improve the footway surface is welcomed, at 2.2m wide the route it is not considered suitable to provide a shared pedestrian/cycle facility. It is noted that the proposals also include street lighting and a reduction of the speed limit to 40mph, measures which are seen as

appropriate if this route is to be considered to provide a suitable all year round pedestrian route between Scholes and Smeaton Approach.

- 9.163 There are concerns that due to the alignment of this section of Leeds Road measures to restrict vehicles speeds may be required. The Traffic Team have been consulted who feel that reducing the speed limit to 40mph could be supported. Whilst physical measures are not permitted on the highway where speed limits are greater than 30mph, Leeds City Council and the camera partnership are considering adopting a system called 'random road watch' which enables their mobile speed camera vehicles to be deployed where the authority deems it will provide road safety benefits. To facilitate this the proposals should provide a hard standing on the wide grassed verge (location to be agreed) for a mobile speed camera vehicle to be able to park safely to ensure compliance of the speed limit. It is considered that a pedestrian crossing point is needed in the vicinity of the Leeds Road/Smeaton Approach junction to assist pupils walking to John Smeaton Academy to cross Leeds Road. The proposal should properly be accompanied by a (independent) Stage 1 RSA.

Road Safety:

- 9.164 Review of accident records within the Scholes area, for the preceding five year period, identifies no significant clustering of accidents or common causation factors; the majority of accidents, which were designated as slight, being attributed to driver or pedestrian error.

Planning Conditions / s106:

- 9.165 A S106 Agreement will be required to secure funding for - Travel Plan review fee, Residential Travel Plan fund, Public Transport Infrastructure (i.e. bus stops), Potential ELOR contribution (subject to further assessment).
- 9.166 A S278 Agreement will be required for the design and implementation of access works and associated off-site highway works

Highways Conclusion

- 9.167 The Highway Authority is working with the developer's highway consultant to try to resolve the above issues.
- 9.168 The Council considers that the applicant has so far failed to demonstrate that the local highway infrastructure, including the proposed site accesses and the wider highway network which will be affected by additional traffic as a result of this development, is capable of (acceptably) safely accommodating the proposed development and absorbing the additional pressures placed on it by the increase in movements which will be brought about by the proposed development, contributing to an unacceptable cumulative impact on the road network. This would be contrary to both parts of paragraph 109 of the NPPF and gives rise to objection and a putative reason for refusal. Furthermore, the proposed site access arrangements are also considered to be unacceptable and contrary to paragraphs 108 (b) and (c) of the NPPF. In addition, the proposal fails to meet the Council's adopted Core Strategy Accessibility Standards, further highlighting the unsustainable nature of the development. The proposal is therefore considered to be contrary to Policies T2 and H2 of the Core Strategy, Policy GP5 of the adopted UDP Review and the sustainable transport guidance at NPPF which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on

highway safety, or the residual cumulative impacts on the road network would be severe.

- 9.169 In conclusion, further information is required in order to address a number of important concerns. However, since the application is now the subject of an appeal for non-determination, highways related reasons are being put forward. As recommended in the PPG the Highway Authority and the developer are working positively with continued discussion to narrow issues between them and potentially reaching agreement.
- 9.170 Officers therefore advise Members that the highways putative reason for refusal with regard to the unacceptable impact on highway safety and the residual cumulative impact may not be maintained if satisfactory information is submitted sufficiently ahead of the commencement of the Inquiry.

Design & Layout

- 9.171 An indicative Masterplan has been submitted that identifies where the residential development within the site would be situated. The submitted layout shows a spread of development parcels across the whole site. The upper (northern) part of the site comprises the proposed Public open Space that would be delivered as part of the development. The submitted illustrative Masterplan indicates that a series of smaller greenspaces would be provided towards the southern end of the site.
- 9.172 Access points from Rakehill Road and Main Street lead to the creation of a spine road which runs through the centre of the site in a north / south direction. Distributor roads are shown to lead into more private courtyards and cul-de-sacs on the submitted layout. Informal planting is proposed across the site, while a new public footpath with buffer planting will be created along the majority of the site' eastern boundary. The convenience store, GP practice and pharmacy are located in a central position close to the proposed larger area of Public open Space. This is located within an easily accessible location within the site and will allow easy access for new residents and well as existing residents within the village, especially with the creation of a new cycle and pedestrian link to the west that would help connect the site to the rest of the village.
- 9.173 Core Strategy Policy H3 seeks to achieve a density of 30 DPH within smaller settlements. The policy also notes that special consideration should be given to the prevailing character and density of the surrounding area in order to ensure that the development will not be at odds with and harmful to that established residential character. The applicant's submitted character appraisal of the area demonstrates that the proposed density would be compatible with the character of the adjacent areas, although it is noted that Scholes does have a relatively high proportion of bungalows.
- 9.174 The submitted Masterplan layout also shows a good level of connectivity with the creation of the spine road through the site, the creation of an eastern pedestrian route and cycle and pedestrian link into Belle Vue Avenue and towards the main part of the village, including the existing primary school. Whilst the layout is indicative only there are no reasons to doubt that a good quality layout could be delivered that satisfies the principles of good design laid out within Core Strategy Policy P10 and the guidance within the SPG Neighbourhoods for Living.
- 9.175 The proposed large area of Public open Space is located at the heart of the proposed development and is relatively large. The Greenspace would be accessible for new

residents as well as existing residents of Scholes with improved connectivity through the provision of a pedestrian and cycle link to Belle Vue Avenue. This is in accordance with the on-site requirement advocated by Core Strategy Policy G4 (which is currently the subject of review) and therefore is a positive element in the overall development which should be weighed up favourably in the planning balance exercise. In summary therefore, it is considered that based upon the submitted illustrative masterplan and the fact that a detailed layout would be considered further through any subsequent reserved matters submission, the proposed development could result in a high quality development that would be sympathetic to its surroundings and compatible with the design policies set out within the Core Strategy and the Barwick in Elmet & Scholes Neighbourhood Plan.

Education

- 9.176 The proposed development is situated within the village of Scholes which has one primary school (Scholes Elmete Primary School), which is approximately 0.5 miles walking distance from the site. The next nearest schools to the site are Barwick-in-Elmet Church of England Primary School (approx. 2.1 miles) and Grimes Dyke Primary School (approx. 2.1 miles). Based on a safe walking route, and dependent on access to and from the proposed development, it appears that only Scholes Elmete Primary School could be considered to be within a reasonable walking distance of 2 miles. Scholes Elmete Primary School is popular, full in all year groups and demand is projected to continue for the foreseeable future. A feasibility study would need to be commissioned in order to understand whether or not there is potential to expand the school either with or without the proposed gifted land.
- 9.177 In terms of secondary education, there are a number of secondary schools within a reasonable distance of this proposed development. Latest projections data indicates that there may be some surplus places available in future years however this may be subject to change.
- 9.178 The table below provides details of current projections versus available school places and indicates that over the next 5 years there is insufficient capacity available to meet the additional primary demand that it is estimated this development would generate. Projections currently indicate that the additional secondary demand that it is estimated this development would generate could be absorbed within local schools.

School Name	Admission Limit	Projection				
		2019	2020	2021	2022	2023
Primary						
Scholes (Elmet) Primary School	45	37	48	55	-	-
Totals	45	37	48	55	-	-
Secondary						
Leeds East Academy	180	200	202	214	205	224
John Smeaton Academy	220	198	197	230	197	211
Bishop Young C of E Academy	180	99	101	107	107	108
Totals	580	497	500	551	509	543

- 9.179 It should be noted that the demographic landscape is constantly changing and, as most housing developments take a number of years to complete or even start, our

projection data may become out of date by the time this proposed development is constructed. Therefore, although the planning of school places needs to be planned ahead of the need arising, it is essential that actual construction start dates and build rates are known in order to more accurately assess the impact of housing generated demand on the availability of school places at that time.

- 9.180 It may be possible to expand Scholes (Elmet) primary school however a feasibility study would need to be commissioned in order to understand whether or not there is potential to expand the school either with or without the proposed gifted land.
- 9.181 If a development was brought forward on this site, the gifted land as a site requirement would be requested to ensure that a range of options remained available. The applicant has stated that the receipt gained from the CIL contribution arising from the proposed development (circa £2million) would finance the works to the school. However, it must be stressed that the applicant is not formally applying for planning permission for this as part of the current application. That said, it is not for a developer to determine where the CIL contributions are spent and decisions relating to this should be taken by the Council based upon a set of strategic aims and objectives, most notably through the SAP.
- 9.182 In summary, it is clear that the existing primary school within Scholes would not be able to meet the demands placed upon it as a result of the appeal scheme for 300 new dwellings. It is not clear as to whether it is feasible to increase the school to plan for an increase in pupil capacity. As the applicant is not proposing a financial contribution or the provision of a new school or land to accommodate a new school, and mindful of the fact that the appeal site only forms part of the overall safeguarded land designation with the potential for further residential development on the remainder of the land at a future point in time, the impact on school places has not been mitigated. Whilst the development site may also be within an acceptable walking distance of the school, this may indeed displace existing properties which are currently within the catchment area, and lead to a situation whereby they would have to identify alternative primary school provision within another settlement or village, thereby resulting in the need to travel further.

This therefore further undermines the unsustainable nature of the appeal proposal.

Affordable Housing

- 9.183 Core Strategy policy H5 identifies the affordable housing policy requirements. The site lies within Affordable Housing Zone 1 on Map 12 of the Core Strategy. The affordable housing requirement is 35% of the total number of units, which equates to 105 units. The applicant proposes 35% affordable housing on site and therefore this meets the policy requirement and can be regarded as a not unimportant benefit in the overall planning balance (much as this provision was treated in the Thorp Arch appeal).
- 9.184 Due to the outline nature of the application the full details of the affordable provision is not known but an indicative layout including indicative affordable housing locations are included in the submission. The quality and mix of the affordable units will be the same as the open market dwellings. If the application were considered to be acceptable in all other respects, this would be secured through a S106 agreement.

Ecology

- 9.185 Core Strategy Policy G8 seeks to protect important species and habitats while Policy G9 seeks that new development demonstrates that there will be a net gain for biodiversity, that development enhances wildlife habitats and opportunities for new areas for wildlife and that there is no significant impact on the integrity and connectivity of the Leeds Habitat Network. The application includes a detailed ecology survey.
- 9.186 Whilst there are some concerns relating to ecology, given the outline and indicative nature of the application and submitted layout, it is considered that such matters could be satisfactorily addressed at any reserved matters stage in order to be compliant with Core Strategy Policies G8 and H9 and guidance contained within NPPF Section 15: Conserving and enhancing the natural environment.

Drainage and Flood Risk

- 9.187 The application has been supported by a full Flood Risk Assessment and drainage strategy. The Council's Flood Risk Management Team are satisfied that the development will not be at risk of flooding, or increase the risk of flooding elsewhere. They recommended conditions to deal with feasibility studies with regard to the use of infiltration drainage methods and detailed surface water drainage proposals. Therefore, the proposed development submitted in outline is considered to be acceptable in terms of flood risk and complaint with Policy EN5 of the Core Strategy, Policy Water 6 of the NRWLP and Policy BE4 of the neighbourhood plan.

Heritage and Conservation

- 9.188 The Council must pay special attention to the desirability of preserving or enhancing Scholes Conservation Area. The 2012 Scholes Conservation Area Appraisal and Management Plan was approved on 30th April 2012. Under Section 16 of the NPPF, Conserving and enhancing the historic environment, paragraph 193 states that in considering the potential impacts of a proposed development on the significant of a designated heritage asset great weight should be given to the asset's conservation. Paragraph 192(c) NPPF states that when determining applications local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.
- 9.189 The proposed indicative Masterplan shows a buffer between the conservation area boundary which is located to the south of the site and the built form of development. This could include significant soft landscaping to help mitigate the visual impact of the development from views into and out of the conservation area, and subsequent consideration of details could ensure that the development makes a positive contribution to local character and distinctiveness. Therefore, at this outline stage, there are no reasons to doubt that an acceptable detailed layout could come forward under any future reserved matters that would not cause harm to the character and appearance of the Scholes Conservation Area. Furthermore, there are no listed buildings in close proximity to the site which would be adversely affected by the proposed development.

Impact on Living Conditions

- 9.190 Based upon the indicative illustrative Masterplan, there is no reason to doubt that a residential development of up to 300 dwellings on this site could be achieved without having a detrimental impact on the living conditions of existing residents in terms of loss of privacy, over-dominance and loss of sunlight and daylight. The residents who could be potentially most effected would be those who share a boundary with the

site and include the properties within Belle Vue Avenue. Adequate separation distances could be achieved as required by the guidance set out within Neighbourhoods for Living, while existing trees could be retained and new trees planted to mitigate the impact on any new development. This would be considered further in any subsequent reserved matters submission.

- 9.191 In terms of the amenity to be afforded to potential future residents of the development, based upon the illustrative Masterplan, it is considered that a well designed layout in the manner shown would give new residents a pleasant and attractive living environment. All dwellings would need to comply with the National prescribed Minimum Standards and again, this would be dealt with at any future reserved matters stage.

Loss of Best and Most Versatile Agricultural Land

- 9.192 The Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. It helps underpin the principles of sustainable development. The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a. This is the land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses such as biomass, fibres and pharmaceuticals. Current estimates are that Grades 1 and 2 together form about 21 per cent of all farmland in England - Subgrade 3a contains a similar amount.
- 9.193 It is understood that the application site is grade 3. Therefore the site is not within the 'best and most versatile' category.
- 9.194 UDPR policy N35 states 'Development will not be permitted if it seriously conflicts with the interests of protecting areas of the best and most versatile agricultural land'. Whilst Paragraph 170(b) of the NPPF states that planning policies and decisions should contribute to an enhance the natural and local environment "...by recognizing the intrinsic character and beauty of the countryside, and the wider benefits of the best and most versatile agricultural land.". Where significant development on agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'
- 9.195 The application site is just under 19 hectares and its loss is not considered to 'seriously conflict' with UDPR policy N35 and the NPPF, when considered against the substantial areas of agricultural land within close proximity of the site and throughout the rest of North and East Leeds, much of which is Grade 2.
- 9.196 The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) requires Natural England to be consulted on applications relating to agricultural land greater than 20ha. It is considered this 20ha threshold is a good guide for what could be considered as a significant area of agricultural land and the application site being 19ha is considered to further diminish any requirement to maintain this piece of land for agriculture. Therefore there is no statutory requirement to consult Natural England, and therefore the proposal is considered to be acceptable in this regard.

Other Matters

- 9.197 *Contamination:* The Council' Contaminated Land Team notes the Phase 1 Desk Study identifies a need for a Phase 2 Site Investigation Report on part of the site and state that ideally this should be required prior to determining the application, but recommend conditions as well in the event approval is recommended. Should any Site Investigation Report require it a Remediation Statement may also be required. As the investigations can be controlled through condition, and as no such reason for refusal was previously given under 14/04340/OT for a failure to carry out a Phase 2 Investigation Report, it is not considered sufficient to warrant a full reason for refusal on a lack of information in this regard.
- 9.198 *Impact on the Green Belt:* Saved UDP Policy N24 sets out a requirement that any built development that sits adjacent to the Green Belt or open countryside is assimilated into the landscaped. In this respect, the submitted indicative Masterplan layout illustrates an area of buffer planting along the eastern side of the site. Whilst the application is in outline only and the layout reserved for consideration in any future reserved matters submission, there is no reason to doubt that any detailed layout could successfully assimilate the development into the open countryside in compliance with Policy N24.

Section 106 Obligations and CIL

- 9.199 In the circumstances that the Council were able to determine the application, any approval would need to be subject to several planning obligations to be secured via a S106 agreement. The S106 Agreement would include the provision and delivery of affordable housing, greenspace, off-site highway works and sustainable transport fund contributions.

The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12th November 2014 and was implemented on the 6th April 2015. The application site is located within Zone 1, where the liability for residential development is set at the rate of £90 per square metre (plus the yearly BCIS index). In this case the application is in outline only, and therefore the CIL liable floor space would be calculated at reserved matters stage when the precise layout and scale is known. This information is not material to the decision and is provided for Member's information only.

10.0 CONCLUSION:

- 10.1 The application is considered to be unacceptable for the important reasons set out in this report and accordingly the putative reasons for refusal are set out at the header of this report. These include matters of spatial policy and safeguarding.
- 10.2 More generally, the location of the appeal site, its evidently poor accessibility, and inadequate local infrastructure (including services and facilities) together emphasise that this particular proposal fails to amount to sustainable development in Development Plan and national policy terms.
- 10.3 The site has also not been brought forward for housing in the SAP for the reasons set out in the appraisal, and consequently the Development would prove highly prejudicial in NPPF paragraph 49 and 50 terms.
- 10.4 The above matters only serve to underscore that the arising adverse impacts of the development are considered to significantly and demonstrably outweigh the (very

few) benefits of the proposal, which, it is duly noted, include the provision of housing, including affordable housing.

- 10.5 Members are therefore asked to consider the recommended refusal reasons set out above, and to agree them for the purposes of contesting the appeal made against non-determination.

Background Papers:

Application files 17/08451/OT, 14/01211/OT and 14/00716/OT

Certificate of Ownership: Certificate B signed:

- Mrs G L Rose – c/o Mr B N Bartle
- Mrs G T Ashworth – c/o Mr B N Bartle
- Mr P Cullen – c/o Mr B N Bartle
- Mr N Chippendale – c/o Mr B N Bartle
- Mr R Cole – c/o Mr B N Bartle
- Ms S J Chippendale – c/o Mr B N Bartle
- Mrs J Silversides – c/o Mr B N Bartle
- Mrs J Cockrem – c/o Mr B N Bartle
- Mrs G Surrell – c/o Mr B N Bartle