

Helen Gee
Secretary
Headingley Neighbourhood Forum

City Development
Policy and Plans
9th Floor East
Merrion House
110 Merrion Centre
Leeds
LS2 8BB

Contact: Abbie Miladinovic
Tel: 0113 378 7260
Email: abbie.miladinovic@leeds.gov.uk
Ref: L:\FPI\Neighbourhood
Planning\INW\Headingley
Date: 08 September 2020

Dear Helen,

**Leeds City Council Response to the Headingley Neighbourhood Plan
Pre-Submission Consultation (Regulation 14)**

Thank you for consulting the Council on the Pre-Submission Draft Headingley Neighbourhood Plan. Generally, the draft plan is well structured with locally-distinctive aspirations and supporting policies. It has benefitted greatly from the effort made by the Forum since 2017 to focus on wider community ambitions and opportunities for neighbourhood planning. The Forum are to be congratulated on reaching the pre-submission stage. The positive working relationship and collaboration between the Forum and the Council has been exemplary best practice and provides a model for other groups in Leeds.

I hope that these formal comments on the pre-submission draft plan will help the Forum in making changes prior to formal submission for independent examination. Although these are formal comments, you will be aware that there is no obligation to take them on board. We are happy to continue working with the Forum in considering the representations more generally and changes prior to submission.

1. Timing / Risks

- 1.1. As you may be aware, Government have announced a programme of planning reform including changes to the Use Classes Order, extended Permitted Development Rights and a new Planning White Paper 'Planning for the Future' which seeks to speed up and simplify the planning process. It is recommended that an analysis of these planning reforms is undertaken to scope the impact on policies in the draft plan and identify any changes that may be required. The Council will support the Forum in this exercise to ensure that the plan meets the Basic Conditions and minimise the risk of the plan becoming out of date.

2. Basic Conditions

- 2.1. At examination, a neighbourhood plan will be judged on whether it complies with the Basic Conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). These are:
- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State**

- b) The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development**
- c) That making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority.**
- d) The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.**
- e) The making of the order (or neighbourhood plan) does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.**

2.2. It is considered that the draft Headingley Neighbourhood Plan meets the Basic Conditions. A Basic Conditions Statement will need to be prepared to accompany of the submission of the plan for independent examination which sets out how the plan meets the Basic Conditions and other relevant legal requirements.

3. General Comments on the Plan & Introductory Sections

- 3.1. We will follow up with some further detailed comments on policies and the heritage section after the close of the consultation.
- 3.2. The plan period should clearly be shown on the front cover of the neighbourhood plan.
- 3.3. The Foreword sets the tone for the plan nicely. It feels open, inclusive and engaged and sets a good example for other neighbourhood plan areas close to the city centre.
- 3.4. The writing style is clear and succinct and the design of the plan is particularly effective, it feels like a locally-distinctive plan for Headingley.
- 3.5. The links to supporting evidence / further information are useful but the Forum and Council are not in control of all of them and some may be deleted during the lifetime of the plan. This should be revisited when drafting the submission draft of the plan.
- 3.6. The 'General Conformity with the Core Strategy' section within each of the chapters is helpful but may benefit to being tied to paragraph 6.15 in some way to show continuity.
- 3.7. The 'Intention' section is welcomed but perhaps better to say 'What is this policy trying to achieve?'
- 3.8. The use of the phrase 'we' throughout the plan raises a number of concerns. Whilst it is acknowledged that the intention is to make the plan look and feel inclusive of residents and others in Headingley it is not necessarily appropriate in a statutory planning document. Firstly, it is inappropriate to use 'we' in the wording of policies as the policies are principally for use in the determination of planning applications and in appeal scenarios and thus should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency, as expected in the NPPF.

- 3.9. Secondly, it is not clear who 'we' is. Will the Forum exist once the plan is made? If not, then the use of 'we' is inappropriate. Perhaps something early on in the plan could explain what happens to the plan once it is made and how it will be delivered and used, in line with ongoing conversations over the future of the Forum and delivery of local projects.
- 3.10. The plan rightly acknowledges the strength of existing community networks and activities in Headingley, but does not consider the community facilities and community-focussed infrastructure within the area in policy terms. It may be worthwhile revisiting this to assess the scope for new policies to be included within the Community and Society section as it is a noticeable gap. Focussed/targeted consultation could take place on this element before the plan is submitted for independent examination.
- 3.11. Overall, the plan is 'supportive' of a number of measures within the neighbourhood area which will improve local sustainability and contribute to the plan's overarching objectives. However, further consideration could be given to how these aspirations are to be delivered in practice. For example, measures to improve local connectivity between greenspaces are supported in Policy GE1, but there is not a strategy to support the delivery of this aspiration. The plan would benefit from a delivery plan or accompanying strategy which will link to identified community projects (and others that may be identified) and potential sources of funding.
- 3.12. The map of the neighbourhood area on page 9 should include a watermark to fulfil copyright obligations. The Council will provide a replacement map for inclusion in the submission draft plan.
- 3.13. Para 4.4 acknowledges the higher than average density of new housing, which appears to be framed as a negative quality but is likely also to be a large part of why Headingley is a popular and vibrant place to live, with residents supporting varied local businesses, services and community initiative.
- 3.14. Para 4.5 could make reference to the Conservation Area Designations map on page 13 and the extent of Conservation Area coverage within the neighbourhood area, which is a distinguishing feature of Headingley. The Listed Buildings Map on page 14 could also be referenced.
- 3.15. The focus on sustainability, inclusivity and climate emergency in the Vision and Objectives is welcomed.
- 3.16. Missing paragraph reference for the paragraph under 5.1.1 on page 18.
- 3.17. Paragraph references skip from 5.3.1 to 5.3.3 on page 19.
- 3.18. Some of the photographs within the document would benefit from captions, particularly when they relate to the policy topics in that particular part of the plan.
- 3.19. Para 6.8 should read 'The Leeds Core Strategy (as amended 2019 by the Leeds Core Strategy Selective Review) establishes the...'

4. Specific Policy Comments

We are generally supportive of the overall approach within the Plan, and there is real local value to be added over and above existing Local Plan policies. There are some concerns, however, relating to policy drafting and opportunities for improvement and refinement, as set out below.

Housing

The focus on adaptation and improvement to existing properties is appropriate given the characteristics of the area. Headingley's proximity to the city centre and good public transport links is a key strength of the area and this is reflected in the introductory text.

The reference to Historic England guidance is welcomed, particularly with regard to improvements to energy efficiency and retrofit opportunities.

Some of the commentary within the introductory paragraphs is not followed up in policies (e.g. Paras 7.7 and 7.8).

4.1. Policy HOU1 Housing Mix on New Development Sites

Suggest that the Policy is titled 'Housing Mix in Headingley' as it also includes clauses on the conversion of existing buildings.

Clause A)

The support for new developments which meet locally identified needs is supported. However, this needs to be clearer in light of the wider objectives of the draft plan. There is an argument (which has been advanced by applicants in the past) that 'need' is, at least in part, identified in response to demand. In this area there remains very strong demand for student housing or housing suitable for occupation by students. Therefore, following the logic through, the policy could reasonably be argued to be supportive of new student housing in the area is contrary to the wider objectives of the plan. A solution would be to either:

- Define in the document what are the 'locally identified needs', or,
- Amend the wording to something akin to "New housing development should provide a range of dwellings suitable for longer term residents in response to locally identified needs"

The support for 2 and 3 bedroom dwellings is welcomed, however by using the term 'will be supported' the policy has no real 'bite' and may be difficult to apply. In practical terms, there a difference between 2 bed dwellings (which could legitimately occupied by students in the C3 (dwelling houses) use class) and 3 bed dwellings which make student occupation much more difficult without changing the use to a C4 (HMO). A focus on 3-bed dwellings will signal to developers and applicants that the objective is for an increase in homes suitable for families and longer term residents. Suggest that the wording is amended to something akin to "All new developments of 5 new dwellings or more should include at least 20% of dwellings with 3 bedrooms or more".

Clause B)

Why limit this part of the policy to large HMOs? The majority of conversions from HMOs to self-contained flats are from C4 smaller HMOs.

Regarding light, ventilation and environmental standards: What are these standards? There are no recognisable, easily applicable industry standards in respect of light penetration the policy should be clear what these standards are.

There is a crossover with building regulations legislation and carbon neutral/environmental standards, as a general rule building regulation compliance should not be required as part of planning policies, and unless the plan seeks to require more than building regulations compliance then the reference should be deleted. If higher than building regulation compliance is required, the plan should be clear what standards are being required and how proposals are to be assessed.

In the absence of any standard, the wording could be revised to something akin to: “subject to meeting / exceeding minimum space standards and providing satisfactory light, outlook and ventilation”. Outlook is an equally important consideration, numerous appeals have considered these matters and it is nearly always the case that it is the combination of factors (in the absence of any defined standard) which assist in appeals being dismissed.

Clause C)

As above.

Clause D)

The Article 4 Direction is only a statutory instrument – it is not a policy or objective in itself and so this last line does not need to be included.

The Council has produced a Development Management Practice Note on HMOs which sets out the detail to how Policy H6 is applied in practice. This has proved particularly successful – since its introduction it has been provided to Planning Inspectors at appeals and we have now won 14 appeals in a row in inner north-west Leeds. However, the Note has no formal policy basis and it may be helpful to reference this document in the neighbourhood plan. Referencing the Note would add weight to the document and support the Council’s continued approach to HMO applications in this area and further the objectives of the neighbourhood plan. The Note can be provided to the Forum following the close of the pre-submission consultation. Part D) of the policy could for example be amended to:

“Proposals for new HMOs (C4 and sui generis use) will not be supported where they fail to satisfy the requirements of Core Strategy Policy H6 and the approach advocated in the Council’s Houses in Multiple Occupation: Development Management Practice Note May 2019 (or any superseding version of this Note)”.

4.2. Policy HOU2 Support for Minimising Environmental Impact of Existing and New Housing

Suggest that a list is included either in the policy or in an appendix of typical examples of the historic character / features that the policy is seeking to safeguard.

As above it is unclear what these standards are, Leeds City Council doesn't adopt standards per se – are these building regulations standards? If so this part of the policy is redundant for the reasons discussed above.

If the policy is referring to planning standards such as those in Core Strategy policies EN1, EN2 etc. then consideration should be given to the thresholds that apply to these policies and whether the Neighbourhood Forum are happy that these should also apply in Headingley.

4.3. Policy HOU3 Support for Lifelong Housing for Disabled People and Older People

This is OK as an aspirational statement but as a policy does not infer any requirement by virtue of its wording. It is less 'ambitious' than the existing Leeds Core Strategy policy H10 for example which 'requires' new development to make such provision.

It is also vague in terms of how such accessible dwellings/ housing for older people should be provided, how many units as part of a development, etc. If this is the intention then fine, but if the intention is to require new development to include such provision, greater thought needs to be given as to how this may be achieved.

It may be helpful to include a list of measures that could apply and something on safeguarding the historic character of Headingley and what these considerations could be.

Heritage and Design

Whilst the overall intention to safeguard the special historic character of Headingley is welcomed, this section would benefit from being 'tightened up' and policies being more precise.

In the projects section the reference is different to other sections. Here it is the "community and residents of Headingley" that will support but previously it has simply been "we". Consistency and clarity is needed on this.

We will follow up with more detailed comments on the heritage section of the draft plan after the close of the consultation.

4.4. Policy HD1 Design Guidance and Character Areas

The reference to existing neighbourhood design statements is welcomed, however given that the neighbourhood plan is statutory and the NDS are supplementary planning documents, the plan could be more ambitious and articulate local design and character more directly in policy terms.

4.5. Policy HD2 Non-Designated Heritage Assets

It would be better to list all of the Non-Designated Heritage Assets in the policy and have a clear map showing the proposed NDHAS.

The last part of the policy is OK in principle however could be vague in practice. How would "in ways that will be beneficial to Headingley" be interpreted? Does this include benefits that go beyond heritage considerations – for example wider public benefits?

Is this intended to be in alignment with NPPF advice on Designated Heritage Assets (for example paras 195 and 196 with regards to public benefits) for example?

If a development brought a wider public benefit to Headingley but resulted in harm to the non-designated heritage asset, the policy could be used to justify this which may not be the intention. If this is not the intention then the removal of “in ways that will be beneficial to Headingley” would make sense.

4.6. Policy HD3 Heritage At Risk

Suggest focus on sympathetic restoration to a high design standard rather than amenity.

This policy would benefit from being more precise about what, where and how.

4.7. Policy HD4 Historic Streetscape

The plan would be easier to read if the policy title were at the top of page 31.

The introductory text should explain what is visual heritage and how is it defined. This policy would benefit from being more precise.

4.8. Policy HD5 Cardigan Triangle Conservation Area

This is not a policy and would be better situated within the projects section. In the absence of an extension to the Conservation Area, consideration could be given to the inclusion of Rochester Terrace and Broomfield Crescent elsewhere within the plan policies (HD1 or HD2) as an interim arrangement.

Environment and Green Space

Overall, the greenspace section of the plan would benefit from an accompanying delivery strategy (as mentioned at 3.3 above) which could include a planting and landscaping scheme and potential sites for additional tree/hedgerow planting.

Para 9.4 should be ‘The only play park for children...’

The provision of additional children’s play facilities is welcomed. Consideration could be given to informal additions to green spaces (such as stepping stones / balance beams). The NP could also lend support to temporary measures such as play streets.

The acknowledgement of gardens as an important feature of green infrastructure in the area is welcomed.

4.9. Policy GE1 Local Green Spaces

The intention could be less technical and simpler about what the policy will actually do.

The frontage of the site of the former Oak Villa Hotel at 55 Cardigan Road was secured as publicly accessible green space as part of planning permission 1503649/FU. This is in addition to the publicly accessible green space secured at Cockroft House (also on Cardigan Road) under planning permission 15/00565/FU. These spaces would benefit from inclusion in the document, if only to make residents aware that they have been provided for public use.

These two sites also add to the Bear Pit and Sparrow Park sites to create a cluster of smaller spaces in a relatively close proximity and perhaps something could be made of this in terms of developing a localised strategy?

The Consultation Statement will need to reflect how owners/managers of proposed Local Green Spaces have been consulted.

The policy should reference the Green Space Appendix and the maps included within that Appendix to show precise boundaries of the Local Green Spaces. The Appendix should also be clearly referenced within the Evidence Base List section as the primary source of evidence for the greenspace section.

4.10. Policy GE2 Garden Space

This is a worthwhile and important policy but somewhere in the plan there should be supporting evidence for this and why it's so important to an area like Headingley. How many gardens are paved over as a rough guide? What are the local impacts of this? The policy and the plan should have sufficient information (expressed in an engaging way) to encourage all property owners to do the same. NB this doesn't only apply to residential properties, there are number of businesses in the area that have paved areas. It would be most effective to have this issue covered by a policy and a supporting project.

Clause B)

It is worth bearing in mind that permitted development rights allow for new hardstanding to be either constructed in permeable materials or to drain to a soft landscaped area within the site (both having the wider objective of preventing surface water run-off into public sewers). It would make sense to not restrict the latter option where this has a comparable benefit. Suggest: "then permeable materials must be used or, alternatively, impermeable surfaces must drain to a soft landscaped area within the site".

Clause C)

This is something that the Council is particularly keen to encourage and so the policy is much welcomed. It would benefit from an addition to the effect of: "in particular along front boundaries" as front boundaries are particularly important for their pollution 'absorbing' effect as has been shown in studies by the University of Leeds and others.

4.11. Policy GE3 Protection of Trees and Verges

This policy and approach is welcomed. The policy itself includes a mix of aspirations (parts a to d) and policy aims (protection of trees) and it is a little difficult to distinguish between the two. The latter may benefit from a standalone policy and could be broader in its outlook, perhaps along the lines of: "Development should protect, retain and, where possible, add to

the provision of street trees and trees in the public realm". This may also help strengthen the wider aim of Policy GE5 part d).

The policy would benefit from a supporting map to improve precision. Should this also cover additional planting?

4.12. Policy GE4 Footpaths and Ginnels

Some of the clauses in this policy would be better as projects as they do not require planning permission. Site specific elements to the policy should be shown clearly on a referenced map.

In a 'post-Covid-19 world' greater emphasis could be placed on quality and safety of ginnels and pathways to support continued walking and cycling locally. For the same reason, additional smaller / incidental greenspaces could be identified.

4.13. Policy GE5 Planting and Landscaping

It would be helpful for the policy to define the type of planting scheme and where the priority locations are (and supporting evidence). Again, some of the clauses in this policy would be better as projects as they do not require planning permission.

In Clause D) it would be helpful to set out when planting of trees between the road and the pavement will be required. Would it be as a result of new housing development, for example? The policy will need to make this clear.

Town Centre

This policy section would benefit from an overall vision or aspiration for the Town Centre which takes into account ongoing planning reform (see 1.1 and 4.14) and changes in town and local centres arising from the Covid-19 crisis. A simple SWOT analysis of the town centre may be helpful and will help to justify the approach to the town centre.

4.14. Policy TC1 Mix in the Town Centre

On 21 July a series of planning measures were laid before Parliament giving effect to some of the Government announcements regarding planning reform which are to take effect from 1 September 2020. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which make significant amendments to the Use Classes Order, will have an impact on draft policy TC1 and other policies in this section. It is recommended that the Forum scopes the impact of these changes on this and other town centre policies and identifies any necessary changes before the plan is submitted for independent examination. The Council is happy to provide advice and support in this regard. More detailed comments can be provided on policy TC1 once the impacts of reform are fully understood.

4.15. Policy TC2 Supporting a Pedestrian Friendly Headingley

This policy is OK in principle, however has little teeth. It should be more inclusive, clear and precise. It could be improved by considering how pedestrian and cycle improvements are to be delivered and how development within the town centre could better serve these objectives. For example, the policy could introduce a requirement for proposals for new development to

demonstrate how pedestrian / cycle improvements have been included within the scheme (where viable and feasible).

4.16. Policy TC3 Design of the Town Centre

Suggest 'To be supported, proposals for new shop frontages...'

Could some types of security shutters be acceptable? What is the evidence to support the policy? How much of an issue is this in Headingley? What has been the feedback from businesses?

The policy would benefit from more detail, to be more locally distinctive and possibly identify priority areas.

Traffic, Transport and Pollution

The focus on active travel and accessibility is comprehensive and is to be commended. Again this policy section would benefit from being underpinned by a strategy which acknowledges the strengths of the area in terms of its public transport connectivity and proximity to the city centre. 15 minute neighbourhood principles may provide a helpful lens through which analysis of the town centre and traffic transport and pollution sections of the plan can be conducted.

4.17. Policy TM1 Traffic Management

Suggest educational uses rather than sites.

The introductory section should give an overview of what the issues are in Headingley. What has been the impact of Covid-19 and will this help to bring about longer term changes? How much of the traffic in Headingley is passing through and how much of it is making a specific visit?

4.18. Policy TM2 Pedestrian and Cycle Routes

There is a typo in policy title ("TIM2").

The policy should be made more precise by referencing specific interventions, locations and priorities.

4.19. Policy TM3 Electric Vehicles

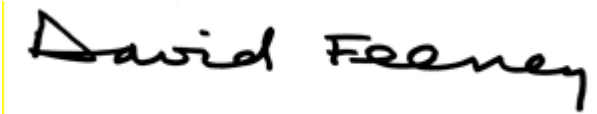
Whilst the support for EV infrastructure is welcomed, this policy does not go beyond the recently adopted Core Strategy Policy EN8.

Community and Social Cohesion

Could the community actions be revisited in light of Covid-19? Neighbourliness and sense of community have been positive factors during this period and there may have been community projects / actions identified that could be captured in the plan.

I hope these comments are useful and help the neighbourhood planning group to review the draft Headingley Neighbourhood Plan before it progresses to examination. As mentioned, we are happy to advise further on these and other representations made to assist the Forum in preparing the submission draft neighbourhood plan.

Yours sincerely,



David Feeney
Chief Planning Officer