



Leeds
CITY COUNCIL

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Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 23 September 2021

Subject: Application 20/08124/OT – Outline application for housing development including adopted highway access and associated external works, Oldfield Lane, Upper Wortley

APPLICANT

Leeds City Council

DATE VALID

16/12/2020

TARGET DATE

17/03/2021

Electoral Wards Affected:

Farnley & Wortley

Yes

Ward Members consulted

<input type="checkbox"/>
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Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

<p>RECOMMENDATION: SUBJECT TO NOTIFICATION TO THE SECRETARY OF STATE DEFER AND DELEGATE to the Chief Planning Officer for approval subject to the specified conditions identified below (and any others which he might consider appropriate)</p>

1. Approval of reserved matters (layout, scale, appearance and landscaping)
2. Time limit of five years for submission of Reserved Matters
3. Approved Plans
4. Up to a maximum 61 dwellings only
5. Housing mix
6. 100% Affordable housing provision
7. Space and mobility standards
8. On-site Green space provision
9. Improvements to off-site Green space
10. Provision of a Green link connecting Oldfield Lane with the existing Greenspace to the north
11. Sustainability requirement carbon emission reduction
12. Approved vehicular access
13. Maximum access gradient
14. Highway condition survey
15. Construction method statement
16. Maximum driveway gradients
17. Details of parking provision
18. Visibility splays
19. EVCP
20. Phase II ground investigations
21. Remediation Statement
22. Remediation Verification
23. Foul drainage scheme
24. Details of SuDS
25. Details of interim and temporary drainage
26. Hard and soft landscaping
27. Tree Protection plan and Arboricultural Method Statement
28. Landscape management plan
29. Ecological details including details of Net Gain
30. Biodiversity management

INTRODUCTION:

1. This application is brought to the Plans Panel pursuant to Part 2 Section 2C of the Council's Constitution as the Chair, in consultation with the Chief Planning Officer, considers that the application should be determined by the Plans Panel because of the significance, impact or sensitivity of the proposal.
2. This outline planning application seeks permission for up to 61 affordable dwellings and relates to a site that is allocated for housing in the adopted Site Allocation Plan (SAP). The site is HG2-84 Oldfield Lane.
3. As the application relates to an outline planning application, Members are advised that the proposal relates to the principle of the development on the site identified in the submitted location plan and the detailed access into it. All other matters of scale, layout, landscaping and appearance are reserved and will be determined at a later stage via separate Reserved Matters application(s), should approval be granted for this outline planning application.

PROPOSAL:

4. As noted above, this outline planning application proposes up to 61 dwellings within a site that is allocated for housing under the Council's adopted Site Allocations Plan (SAP).
5. The outline application seeks approval for the use of land for residential purposes and access into the site from Oldfield Lane which is proposed to be located toward the south-westernmost part of the site. The application is accompanied with an indicative block plan which shows how any subsequent layout will address the Site Requirements set out within the SAP Allocation. The plan also shows where potential footpath connections may be included linking Oldfield Lane with the development site and to the east on to Malmesbury Place.
6. In addition to the indicative block plan, the application has been supported by the following:
 - Coal Mining Risk Assessment
 - Phase 1 Desk Study
 - Ecological Impact Assessment (EclA)
 - Tree Survey
 - Flood Risk Assessment
 - Transport Statement

These reports have all been assessed and will be expanded on later within the report.

SITE AND SURROUNDINGS:

7. The application relates to a parcel of land the whole of which has been allocated for housing in the adopted SAP. The site sits to the north of Oldfield Lane between Oldfield Avenue to the west and Malmesbury Close/Terrace/Place to the east. The land is identified within the SAP allocation as measuring 1.7ha. The proposed area of land to be developed is completely within the redline boundary of the site approved in the SAP (site reference *HG2-84*).
8. For information only, approximately 25% of the site is owned by Leeds City Council with the remaining 75% (approx.) owned by a third party. As such, Certificate B has been signed on the application form and notice served on the landowners in accordance with the requirements.
9. The site is located within Wortley Ward, approximately 1 mile West of Leeds City Centre and is adjacent to an ASDA supermarket to the east. To the north of the site there is an area of trees with designated Green Space beyond which is associated with Five Lanes Primary School and which includes a footpath that connects Oldfield Avenue with Malmesbury Place with a northern "branch" connecting to Stradbroke Way.
10. The land is a previously undeveloped Greenfield site that is now allocated for housing within the adopted SAP. The land comprises of mainly grass with a

number of trees located along the western and northern boundary. The site is relatively flat though there are some undulations within it. The land to the north with the existing green space and to the west with Oldfield Avenue are at a higher level with the difference between the areas of land being 1m-2.5m.

11. The areas surrounding the site comprise of residential properties, interspersed by local facilities including retail, schools, public houses and other local community facilities which includes playing pitches to the north within the school grounds as well as to the south-east within Wortley Recreation Ground. Further north, there are a number of commercial/industrial units with the main Leeds-Bradford railway line located beyond.

RELEVANT PLANNING HISTORY:

12. 24/90/05/FU - Laying out of access road and erection of 49 dwelling houses and 15 flats. Application withdrawn
13. 20/08124/OT – Planning permission was issued in respect of the Application following a resolution by Members to approve it. Following a legal challenge, the LPA consented to Judgment and the decision was quashed. This report relates to a reassessment of the Application. The previous determination of the application should not be treated as a relevant material consideration that weighs in favour the grant of planning permission. Members should determine the matter afresh based upon the advice contained within this report and relevant background documents.

HISTORY OF NEGOTIATIONS:

14. There has been additional information requested (and received) regarding the maximum number of units proposed.

PUBLIC/LOCAL RESPONSE:

15. The development has been advertised by Site Notices posted on 21st Dec 2020 around the site and within the Yorkshire Evening Post.
16. As a result of the above consultation process, 354 representations have been received from the public. Of these, 352 are objecting to the proposal (including 48 objections from outside the Farnley & Wortley Ward and 16 from outside Leeds as well as multiple objections from the same household) and 2 are in support (one from outside the Ward). The material planning considerations that have been raised in the objections can be summarised into the following:

Principle of development

- Sports field is still in use for the people of Leeds & the children
- Sports ground is cherished by the local community, it is an escape for people and a place to go with family/friends
- Contrary to NPPF para 97 (building on open space)

- Pending Asset of community value application
- Don't need anymore new homes in Wortley
- Greenfield sites should never be built on
- Council have already withdrawn 37 Greenbelt sites, why?
- The application doesn't comply with Policy H4 as it would not provide a mix of tenures
- If developed, it would be better to improve existing green space rather than creating new green space on site
- The site would be suitable for 1 or 2 enclosed pitches for all sports

Traffic issues

- More traffic & cause chaos on local roads

Amenity issues

- Lack of school places in the area
- Deficit of green space in the area
- Schools, GP's & dentists are oversubscribed
- LCC managed park lands are unsafe and poorly maintained
- Wortley is already overcrowded, law & order is failing & the parks are unsafe for children

Environmental/landscaping issues

- Increase in pollution
- Diverse wildlife within the area (where would they go given the lack of GS in the area)
- There is knotweed on site
- No ecology survey has been carried out

Administration/processing issues

- Application provides insufficient detail for an O/L
- Certificate B has been signed indicating that LSSA are the only owners of the
- How can LCC determine their own application? This is a blatant conflict of interest

The above comments have been taken into account and assessed in this report. A large number of comments have also been raised that are not material planning considerations, these can be summarised below:

Non-material matters

- How can the Council sell something it doesn't own?
- Council should stop selling its own housing if social housing is needed
- Green space holds a lot of history
- LCC own many brownfield sites which should be built on first
- Land was gifted to the children of the area
- Has heritage of being associated with Leeds United
- LCC sold other brownfield sites to make money

- Local community do not want houses built here
- Impact on house prices
- Land was left for the children of Leeds
- Don't want more Council Tenants ruining Wortleys reputation
- Covenant on land preventing it to be sold
- The belligerent and intransigent attitude of both LCC and the LSSA have angered and appalled the community of Wortley over this issue
- Council abusing their power by pushing through the plans particularly when they have withdrawn 37 applications elsewhere
- If built, these dwellings could be bought under "right to buy" meaning giving no certainty that they would remain affordable
- New houses will increase the possibility of higher crime in the area
- Land is not LCC's to designate
- Bramley Rugby club looked to buy the site in 2006/07 but was told it had been sold for housing
- Land is not the Councils to sell
- Object to the application on moral grounds
- law & order in Wortley is failing & the parks are unsafe for children

The comments raised in support of the application are as follows:

- Plenty of green area within 2-5 min walk of the site
- The site has been derelict for a number of years
- What about the children of Leeds that are homeless, living in bedsits and emergency accommodation?
- Land looks messy & unappealing now
- Prefer to use the larger, better looked after Green Spaces
- Support the building of houses as this will be good for the community

Objections have also been received from all three ward members reiterating the objections submitted by the residents.

17. CONSULTATION RESPONSES:

Sport England – Sport England have stated as follows in their latest consultation response:

Sport England understands that the site has been marked out with a football pitch and matches have been played on the site within the last five years. It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Paragraph 99) and Sport England's Playing

Fields Policy, which is presented within its 'Playing Fields Policy and Guidance Document': https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

The Proposal and Impact on Playing Field

The proposal is an outline application for a housing development. As part of the assessment of this consultation, Sport England has sought the views of the Football Foundation (FF). The comments of the FF have been summarised as:

- *It is our understanding that the site is has been brought back into use recently and used on more of an informal recreational basis, hosting events such as Charity games.*
- *Whilst the site is not currently hosting formal affiliated football it is used as an informal place to play for the community and if it was lost could be detrimental to the residents ability to do so and also potentially to wider social, physical activities. On that basis, we would object to the proposal until we understood if there were any proposed mitigation planned to replace the pitches/facilities.*

Assessment against Sport England Policy/NPPF

Paragraph 99 of the NPPF is very clear in respect of planning applications that result in the loss of playing field which states:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”*

Sport England is aware from the previous Chief Planning Officer that paragraph 57 states the allocation of the site for housing within the adopted SAP means that the site can no longer be considered as an existing open space or sports provision and therefore the application does not need to be assessed against paragraph 97 of the NPPF (now paragraph 99).

We do not agree with this view previously taken by the Local Planning Authority. Allocating a site does not alter its current lawful use. It is any subsequent planning application that alters the use. Furthermore, an

allocation does not alter Sport England's status as a statutory consultee and Sport England's playing fields policy would still apply to this site along with paragraph 99 of the NPPF. The Local Planning Authority must also consider that the site is playing field as they have consulted Sport England for our views.

We would direct the LPA to the appeal reference APP/M1595/W/20/3254933 in respect of an area of open space that contained a football pitch and grassed open space which has an alternative allocation (industrial), where the Inspector noted that the open space had not been demonstrated as surplus and that the appeal site would be in conflict with paragraph 97 of the NPPF. The appeal states (paragraph 14):

"Thus, notwithstanding its allocation as a SICA under CS Policy CSTP6, the proposed development would be in conflict with CS Policy PMD5 and paragraph 97 of the Framework, which is a material consideration to which I afford substantial weight, the specific requirements of which are specified above."

This planning application therefore needs to be determined in accordance with paragraph 99 of the NPPF.

From the information available, Sport England is unable to find any reference to a robust and up to date assessment that provides clear evidence that the site is surplus to current and future sporting demand. This would not just be for football but for all pitch sports that could be accommodated on the playing field. Sport England is also unable to find any details of any proposed mitigation for the loss of the playing field and ancillary facilities.

As can be seen from the comments of the FF above they object to the proposal until they understand if there are any proposed mitigation planned to replace the pitches/facilities.

Conclusion

In light of the above, Sport England **objects** to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

Possible solution

Sport England is aware that Leeds City Council are about to commence a Playing Pitch Strategy and this will provide a robust and up to date evidence base in respect of the demand and supply for pitch sports in the area. We would suggest that the applicant, who we note is Leeds City Council, should wait until the Strategy is completed as this will determine whether the site is surplus or not. If the applicant is not prepared to wait until the Strategy has been completed, then they should look to provide a replace playing field in accordance with exception E4 of Sport England's Playing Fields Policy. Any replacement playing field site should be accessible to the people who currently use the existing playing field.

Health & Safety Executive – No objections

Coal Authority – No objection subject to conditions

Highways – No objections subject to conditions

Flood Risk Management – Recommend conditions relating to drainage and run-off rates

Transport Strategy – No acoustic assessment required and therefore, no objection

Contaminated Land – Require Phase II reports to ensure contaminated land matters are addressed. This can be conditioned

Landscape – No objection to the information provided so far. Further information/reports required for the next stage, conditions recommended

Public Rights of Way - No public rights of way directly affect the application site. However, desire lines through the site. We would welcome any paths through the site that would connect onto Public Footpath No.193 Leeds which runs to the north of the application site. A connection should be encouraged as this would provide safe and secure walking routes, particularly in and around the local neighbourhood and to the local primary school. This would help to promote and encourage more use of public rights of way for local journeys.

Nature Team – The Baseline Biodiversity Units are 5.16 and to achieve a 10% increase the target is 5.68 Biodiversity Units. Once an indicative landscape/biodiversity plan has been submitted together with the post-development. Biodiversity Metric calculations we can comment further.

Local Plans – Support the principle of the application as it relates to an allocated site for housing.

PLANNING POLICIES:

18. 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. For the purposes of decision-making, the Development Plan for Leeds comprises the Core Strategy (as amended 2019), Site Allocations Plan (adopted 2019) (SAP), Aire Valley Area Action Plan (adopted November 2017) (AVAAP), saved policies within the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (2013) (NRWLP) and any made Neighbourhood Plans (No Neighbourhood Plans are applicable here).
19. It should also be noted that Leeds City Council has made a declaration of a Climate Emergency and that the overall aim of the Local Planning Authority's Development Plan (including a number of the existing policies within the Plan) supports this statement of intent. The Core Strategy and UDP seek to ensure that all development is sustainable and that wherever possible, a development minimises its impact upon global warming and its carbon emissions.

Local Planning Policy

20. The following Core Strategy policies are relevant to the proposal:

- General Policy – Sustainable Development and the NPPF
- Spatial Policy 1 – Location of Development
- Spatial Policy 6 – The Housing Requirement and Allocation of Housing Land
- Spatial Policy 7 – Distribution of Housing Land and Allocations
- Spatial Policy 11 – Transport Infrastructure Investment Priorities
- Spatial Policy 13 – Strategic Green Infrastructure
- Policy H1 – Managed Release of Sites
- Policy H3 – Density of Residential Development
- Policy H4 – Housing Mix
- Policy H5 – Affordable Housing
- Policy H9 – Minimum Space Standards
- Policy H10 – Accessible Housing Standards
- Policy P10 – Design and context
- Policy P11 - Conservation
- Policy P12 – Landscape
- Policy T1 – Transport Management
- Policy T2 – Accessibility and New Development
- Policy G1 – Enhancing and Extending Green Infrastructure
- Policy G2 – Creation of Tree Cover
- Policy G3 – Standards for Open Space, Sport and Recreation
- Policy G4 – New Greenspace Provision
- Policy G6 – Protection of Green Space
- Policy G8 – Protection of Important Species and Habitats
- Policy G9 – Biodiversity Improvements
- Policy EN1 – Climate Change (Carbon dioxide reduction in developments of 10 houses or more, or 1000m² of floor-space)

Policy EN2 – Sustainable Design and Construction (Achievement of Code Level 4 or BREEAM Excellent (in 2013) for developments of 10 houses or more or 1000m² of floor-space)
Policy EN5 – Managing Flood Risk
Policy EN8 – Electric Vehicle Charging Infrastructure
Policy ID1 – Implementation and Delivery Mechanisms

21. The following saved UDPR policies are also relevant:

GP1 - Land use and the Proposals Map
GP5 - Development control considerations including impact on amenity
BD3 – Disabled access and new buildings
BD5 - New buildings and amenity
LD1 - Landscape design
LD2 - New and altered roads
N1 - Protection of Urban Green Space
N8 - Urban Green Corridors
N9 - Urban Green Corridors and Development
N11 – Open Land in Built Up Areas
N23 - Incidental Open Space
N24 - Development and Incidental Open Space
N25 - Site boundaries
LD1 - Development and landscape schemes

22. The following NRWLP policies are also relevant:

The Natural Resources and Waste Local Plan (NRWLP) 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. Relevant policies are as follows:

Air 1	Major development proposals to incorporate low emission measures and air quality to be managed through development
Minerals 3	Development proposals and surface coal
Water 1	Water efficiency, including incorporation of sustainable drainage
Water 2	Protection of water quality
Water 4	Effect of proposed development on flood risk
Water 6	Flood risk assessment
Water 7	Surface water run-off and incorporation of SUDs
Land 1	Contaminated Land and ground conditions
Land 2	Development and Trees including the need to conserve trees and replacement planting where loss occurs

Site Allocation Plan (adopted July 2019)

23. The SAP was adopted in July 2019. Following a statutory challenge, Policy HG2, so far as it relates to sites which immediately before the adoption of the SAP were within the green belt, has been remitted to the Secretary of State and is to be treated as not adopted. All other policies within the SAP remain adopted

and should be afforded full weight. This application site was not a site within the green belt immediately before the SAP's adoption. In relation to this site, the SAP is therefore to be afforded full weight in consideration of any decision-making on this application.

24. The site is allocated for housing in the SAP under reference number HG2-84 and thus the principle of the site's use for housing has been considered through the examination of the SAP. The allocation is subject to specific site requirements relating to:
- the provision of on-site greenspace,
 - a "green link" connecting Oldfield Lane to the on-site greenspace,
 - Existing sports facilities should be relocated in Leeds and/or local improvements to existing facilities in the locality of the site should be provided.; as well as
 - A gas pipeline affecting the site.

Relevant Local Supplementary Planning Guidance/Documents

25. The most relevant local supplementary planning guidance (SPG) and supplementary planning documents (SPD) are outlined below:

Sustainable Urban Drainage SPG (2004)
Public Transport Improvements and Developer Contributions SPD (August 2008)
Street Design Guide SPD (August 2009)
Travel Plans SPD (February 2015)
Parking SPD (January 2016)
Accessible Leeds SPD (November 2016)
Affordable Housing (Interim Policy)
Neighbourhoods for Living SPD (2003)
Building for Tomorrow Today: Sustainable Design and Construction SPD (2011)

National Planning Policy

26. All relevant policies within the National Planning Policy Framework (July 2021) have been applied in determining this application.

National Planning Practice Guidance

27. The National Planning Practice Guidance (NPPG) offers guidance in addition to the NPPF.
28. The NPPG advises that reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of at outline planning application stage (i.e. that can be 'reserved' for later determination). These reserved matters are defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as:

- ‘Access’ – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- ‘Appearance’ – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- ‘Landscaping’ – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- ‘Layout’ – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- ‘Scale’ – the height, width and length of each building proposed within the development in relation to its surroundings.

In this particular application, all matters are reserved for later determination, apart from the means of accessing the Site.

MAIN ISSUES:

- Principle of Development
- Green Space
- Local Services
- Highways/ Access
- Impact on Trees / Landscaping
- Ecology / Net Gain
- Drainage
- Other Matters
- Representations

APPRAISAL:

Principle of Development

29. In line with the NPPF, the Local Planning Authority has identified a five year supply of housing and therefore has an up to date Local Plan. Part of the

Local Plan is the SAP, which has been examined by the Secretary of State and which has identified and allocated housing sites that make up the housing supply for the Development Plan period. The site is allocated for housing through the adopted SAP (ref site HG2-84). The allocation provides an indicative capacity of up to 61 dwellings with specific site requirements as referred to within Paragraph 24 of this report. These matters are addressed later within the report however, the proposal is considered to be wholly in accordance with the allocation.

30. Policy H1 seeks to ensure that housing areas are in sustainable locations, are managed and phased in a timely manner consistent with the spatial priorities of the Plan, provide an appropriate balance of brownfield and Greenfield sites, make best use of current and planned infrastructure and those sites that are sequentially less preferable are released only when needed. This is consistent with the objectives of the NPPF including the need to meet objectively assessed needs for market and affordable housing, identify and maintain a supply of 5 years' worth of deliverable sites and identify a supply of specific developable sites over the Plan period.
31. With regard to H1 above, with mitigation measures that can be secured through conditions the proposal is not considered to compromise the surrounding green infrastructure, and is highly sustainable and accessible. It is also noted, and reiterated here, that these views reflect the adoption of the sites within the SAP.
32. Policy SP1 of the Core Strategy seeks to promote the most sustainable forms of development, seeking the development of brownfield land over Greenfield, and adopting a hierarchical spatial approach to the location of development which promotes development in urban areas first and rural areas last. Policies SP6 and SP7 set broad targets for the quantum and distribution of housing land throughout the city, and policy H1 commits to the delivery of allocated housing sites.
33. This application is considered to represent an 'in-fill' of part of the wider settlement which forms a logical settlement boundary to in-fill land which lies between the existing dwellings on Oldfield Avenue to the west and Malmsbury Close/Terrace/Place to the east. The site is, and has been acknowledged through the adoption of the SAP, as being a sustainable location that sufficiently complies with the Council's Accessibility Standards. During the SAP adoption process, the issue of sustainability was rigorously scrutinized and sustainability appraisals were undertaken. By virtue of its allocation the site is deemed to be within a sustainable location within the boundary of the settlement of Wortley with suitable access to local services and facilities and public transport, and access to larger neighbouring settlements.
34. Spatial Policy 7 considers the distribution of housing across the City and identifies the provision of 5,675 dwellings (11% of the 51,952) within the Outer South West area within which the application site lies. This application, if granted, would result in a medium sized housing development

in the short to medium term, which would contribute to overall housing delivery across the City.

35. Refusals based on principle of development, on allocated sites in an adopted plan could undermine the Plan-led system and may negatively impact on the Council's ability to demonstrate a five year housing land supply, in the long-term. The SAP has provided evidence that the application site is more sustainable than other discounted sites within the Outer South West HMCA. Development such as this is the mechanism for delivery to provide the required infrastructure that would improve the sustainability and accessibility in the locality. The SAP allocations and identified sites have been cumulatively assessed to ensure that appropriate infrastructure can be provided where this is within the power of the Council. It also provides clarity on how much growth is planned to occur in different areas so that infrastructure providers, for their own investment plans working closely with the Council, may provide for the housing pipeline.

36. A number of the objections raised questions regarding the SAP process of allocating this site for housing (from its previous allocation of Greenspace) However, the SAP Inspector considered this to be sound stating:

'The overall process represents a sound approach to identifying those sites considered to represent the best and most sustainable choice for development in each HMCA to contribute to the target requirement.'

Thus, through the examination into the SAP the site was identified as being an appropriate location for development.

37. There have been three applications from the public for the Council to list the site as an Asset of Community Value (ACV), the most recent of which was refused on 20/12/20 for the following reasons:

- There is no information from the Council's Parks & Countryside Service or from the LSSA, to confirm or not the Group's account of community uses in the nomination.
- The site has been allocated for housing under the adopted Site Allocations Plan (SAP). The SAP was found to be sound by the Planning Inspectorate and was formally adopted by the Council in July 2019.
- There are firm and settled plans by the Council, in its capacity as local housing authority to develop the site for housing, subject to the grant of planning permission.
- It is therefore recommended that it is reasonable for the Council to conclude that it is not realistic to think that there can continue to be non-ancillary use of the site which will further (whether or not in the same way) the social wellbeing or social interests of the local community, and therefore the site should not be included in the List of Assets of Community Value.

It is understood that the community group have challenged this decision by way of Judicial Review which is scheduled to be considered by the High Court later in the year.

On the basis of the refusal, the LPA does not consider the Site to be an ACV. However, even if it were a material consideration (because the ACV listing had been or was to be accepted), it is not one which officers consider to carry such weight to impact on the suitability of the land for housing. This is because a listing of land as an ACV of itself does not crystallise the use for future development of the land. Moreover and more fundamentally, the benefits of the proposal would outweigh the loss of an asset of community value such that permission is justified even if the site were to be treated as an ACV.

Green Space

38. The proposal will have a limited impact upon the wider green infrastructure and the Green Space to the north of the site. This is considered to be the case given the location of the site and the proposed development's main backdrop being the residential estates to the east, south and west of the site. It is considered that the development would be able to achieve a biodiversity net gain with specific regard to boundary treatments, new tree planting, on site Greenspace and the potential for a 'green link' through the site. If Members are minded to grant permission, these matters will be fully considered at the Reserve Matters stage.
39. Sport England have objected to the proposal on the grounds of the loss of a playing field. Sport England originally took the view that they were not a statutory consultee. The Council take the view that this was an error on Sport England's behalf, as they were in the opinion of the Council a statutory consultee. This is on the basis that the development will lead to the loss of land being used as a playing field, which means that Sport England needed to be consulted pursuant to Table(x), Schedule 4 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

This was pointed out to Sport England and they have now been consulted and have objected to the loss of the playing fields. The Council attach great and considerable weight to this objection.

40. Within their comments, Sport England state that the application should be assessed against Paragraph 99 of the NPPF which relates to development on existing sports provision including playing pitches. The Council have accordingly considered whether paragraph 99 of the NPPF applies.

Paragraph 99 states:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or**
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.**

Within the definitions in Annex 2 of the NPPF, open space is defined as: **All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.**

Officers agree that paragraph 99 of the NPPF applies either on the basis that the Site is open space and/or playing fields. Paragraph 99 provides three exceptions for development on open space land.

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements**

An assessment, by way of the Open Space, Sport and Recreation Assessment (July 2011) carried out extensive assessment work regarding all public and private green space to underpin the green space designation policy within the SAP and that is the most up to date position. The assessment scored all open spaces out of 10 with Oldfield Lane scoring 0.66 out of 10. This was also echoed within the West Leeds Gateway SPD (adopted 2010, superseded in 2019 upon the adoption of the SAP) where it was stated that

“Just to the east of the existing supermarket and to the north of Oldfield Lane is a disused playing field which is partly owned by Leeds Schools Sports Association (LSSA) and partly by the City Council. This site has been disused for several years as it was no longer ‘fit for purpose’ for the LSSA to use for exhibition matches and as the home of Leeds City Boys. The pitch has never been in general community use and retaining this single pitch is not consistent with the Council’s strategy for playing pitches. The site is now being made available for housing development.”

It was therefore considered that the quality of this open space was so poor that it did not provide a meaningful function as Green Space dating back to 2010. As such, officers consider that at the time of the assessment, this site was considered to be surplus to requirements by reason of its overall quality though still recognising that as a ward overall there would be a deficit. It is the view of Officers that this first paragraph 99 exception against development on open space has been met on the basis that the Site is surplus to requirements (owing to the deficient quality of the open space). Further, officers are of the view today, having regard to the quality of Site and the provision of available open space that the Site is surplus to requirements. Indeed, the Site’s allocation for housing provides some evidence that it is surplus to requirements.

b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location

The site requirements set out within the SAP require that as part of any development existing sports facilities need to either (i) relocate within Leeds or (ii) provide local improvements to existing facilities in the locality of the site as well as providing policy compliant Green Space on site. These requirements will be secured through condition to be dealt with through any Reserved Matters application. It is the view of Officers that this second paragraph 99 exception against development on open space has also been met.

c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

This does not apply to the development.

Officers consider that the development would meet 2 of the requirements set out within Paragraph 99 and as such would be in accordance with this paragraph.

42. In summary, the application satisfies local plan policy G4 which is afforded significant weight, it further complies with NPPF paragraph 99, another material consideration. Thus, notwithstanding Sport England's objection, which is afforded great and considerable weight, the Council are of the view that paragraph 99 does not act as a bar to development of the Site.

In the alternative, even if none of the exceptions within paragraph 99 were satisfied, the Council would still take the view that the development should be granted. Indeed, taking the benefits of the proposal as a whole and having regard to the development plan allocation, it is considered that these issues should be afforded weight such that they would convincingly overcome the guidance contained within paragraph 99 of the NPPF and any harm associated with the development proposal. Indeed, it must be acknowledged that the NPPF does not displace the primacy of the development plan. In this instance, the development plan has allocated the Site for development. This allocation would overcome any countervailing conflict with the policies in the NPPF in the planning judgement of officers.

Local Services

43. With regard to healthcare infrastructure (including Doctor and Dentist services) the provision of healthcare facilities falls within the remit of NHS England and - at a local level - Leeds's three Clinical Commissioning Groups (CCGs). Existing practices determine for themselves (as independent businesses) whether to recruit additional clinicians in the event of their practice registered list growing. Practices can also consider other means to deal with increased patient numbers, including increasing surgery hours but it is for individual practices to determine how they run their

business. Practices consult with the NHS about funding for expansion albeit that funding is limited.

44. With regard to education provision, the SAP process considered whether contributions towards additional education provision were necessary in respect of development of this allocated site. Accordingly, it was concluded that no education contributions were required / arose specifically as a consequence of development at this location.

Highways / Access

45. The proposal seeks consent for a new access off Oldfield Lane details of which have been provided on the submitted plan. The highways officer raises no objection to this access and the required visibility splays (based on speed surveys) can be achieved in both directions as has been shown on Proposed Site Plan ref: PL-021 P2. Highways colleagues have advised that pedestrian dropped crossings (incorporating tactile paving) will be required within the existing footway at the site entrance and this will be conditioned as part of this Outline Application
46. As this is an Outline application where only detailed permission for access into the development is sought, no internal access arrangements have been shown and therefore any future proposal setting out the internal layout should be in accordance with advice provided in the Draft Transport SPD. Typically this would include a combination of Type 2: Local Residential Street and Type 3: Shared Spaces Streets.
47. In terms of accessibility, the site is considered to be in a highly sustainable location.

Local Services – the site is within a 10 minute walk to local services

Employment – the site is within a 5 minute walking distance to a bus stop offering a 15 minute frequency service to a major transport interchange

Town & Cite Centres – the site is within a 5 minute walking distance to a bus stop offering a direct 15 minute frequency service to a town or city centre

Primary Education – The site is within a 20 minute walking distance of a local primary school

Secondary Education – the site is within a 20 minute walking distance of a local secondary school

Health – The site is within a 20 minute walking distance of a health facility
The site therefore fully meets the Core Strategy Accessibility Standards and is acceptable in this regard.

48. A Transport Statement has been submitted to demonstrate the likely traffic impact of residential development on this site. Given that the site is in a sustainable location average vehicle trips rates have been calculated using TRICS. This shows that the proposal would result in:

9 Arrivals and 20 Departures (total 29 two-way movements) in the AM peak

16 Arrivals and 11 Departures (total 27 two-way movements) in the PM peak.

This would equate to 1 additional vehicle movement approximately every 2 minutes in both peak periods. In order to provide a robust assessment, and as a sensitivity test, further trips have been calculated using 85% trip rates i.e. higher values than those that are not normally applied to sustainable sites, and this shows that the proposal would result in:

16 Arrivals and 20 Departures (total 36 two-way movements) in the AM peak
23 Arrivals and 15 Departures (total 38 two-way movements) in the PM peak.

This would equate to 1 vehicle movement approximately every 1.6 minutes in both peak periods. Neither of the above assessments raise any undue highway safety concerns.

Any subsequent Reserved Matters application will need to ensure that parking is provided in accordance with the requirements set out in the draft Transport SPD and will be secured by condition, which will include any visitor parking. Matters relating to cycle storage and Electric Vehicle Charging points will be conditioned as part of this Outline application. Highways have recommended conditions are imposed which relate to construction methods, maximum gradients of driveways etc. all of which will be imposed on the approval of the application. It is considered that the proposal does fully comply with the policy guidance of T2.

Trees / Landscaping

49. The majority of the trees within the site are located around the site perimeter. The application has been supported by a full Tree Survey, which has revealed a total of 20 individual trees and 4 groups of trees. Of these, eighteen trees/groups are classed as category B and six are category C. The retention of existing trees that are in good health, will be a major objective that will inform the design layout. From the submitted indicative information, the majority of site trees appear to be retained, though there will be some, very limited, tree loss around the site entrance in order to achieve the required visibility splays. Any replacement trees will be replaced on a 3:1 basis in line with current Policy LAND2 and will be dealt with through a subsequent Reserved Matters application. The retention and protection of the trees on site will be secured by condition on any approval of the application to ensure they are retained, and incorporated into the emerging Reserve Matters plans. Accordingly, opportunities have been taken to incorporate trees in the development and existing trees have been retained wherever possible.

Ecology & Net Gain

50. The application is accompanied by an Ecological Impact Assessment (EclA) which gives details of the ecological value of the site along with any potential bats or other wildlife within the site. Surveys were carried out between April and September 2020. They found that the site has a low value for habitat

features (containing scattered trees, areas of scrub and semi-improved grassland. Japanese knotweed has been recorded in the north eastern part of the site which can be controlled and removed through a condition. Bat surveys were also undertaken on the building and trees with no evidence of bats roosting within these features. It is therefore considered that there would be no adverse impacts upon any ecological features within the site from the development proposal.

51. With specific regard to biodiversity net gain, a baseline biodiversity value has been calculated for the site which is 5.16 units. In order to achieve a 10% 'net gain' which is a Council aspiration rather than adopted policy, any resultant development will need to achieve 5.68 biodiversity units. Any subsequent Reserved Matters application will be required to be accompanied by an assessment of the proposed change in biodiversity units as this will show the proposed layout and how the new gain will be achieved. A condition will be attached to any permission relating to net gain. Officers therefore consider that there will be no detrimental impacts from the proposal upon ecological matters.

Drainage

52. The site falls north to south at approx. 1 in 20 and there is an existing combined Yorkshire water sewer which traverses the central part of the site and drains to the east. The Flood Risk & Outline Drainage Strategy submitted to support the application has identified that the site is within Flood Zone 1 and that there are no key flood issues which require mitigation.
53. In respect to surface water drainage, it is proposed to attenuate the flows on site by means of a below ground attenuation tank with a discharge to the combined sewer at 3.5 l/s. The Drainage Strategy identifies that the existing 375mm diameter combined sewer will require diverting and thus should be agreed with Yorkshire Water. The report also states that permeable paving will be utilised within the parking areas with the basal stone layer being lined and the runoff discharging into the surface water drainage system and attenuation system. The Councils Flood Risk Management accept the overall drainage strategy and full design and SUDS information shall be provided as part of the planning condition discharge application. Subject to conditions, it is considered that the proposal complies with DPD policies WATER4, WATER6, and WATER7.

Other Matters

54. Contaminated Land – Due to previous land uses as well as historic coal mining in the area, further ground investigation and remediation is required. The submitted reports makes appropriate recommendations for carrying out intrusive ground investigations. This is not an uncommon approach and conditions relating to the undertaking of a Phase II survey (as per consultee requests) and subsequent remediation of the site are recommended and would suitably address these matters.

55. Public Rights of Way - No public rights of way directly affect the application site. However, desire lines do run through the site. In response to the SAP site requirements, a green link is proposed which will connect Oldfield Lane with the northern part of the site which can potentially connect onto Public Footpath No.193 Leeds which runs to the north of the application site. Given that there is a site requirement within the SAP to provide a link from Oldfield Lane to the Greenspace to the north, these can potentially act as desire lines through the site. This connection would encourage safe and secure walking routes, particularly in and around the local neighbourhood and to the local primary school. This would help to promote and encourage more use of public rights of way for local journeys.

56 With regard to the specific site requirement regarding relocating sports facilities or improvement of existing Green Space, the applicant has made some tentative enquiries regarding where within the local area green space improvements can be made. This includes:

- consultation with the public as part of the pre-planning consultation exercise regarding the potential for local improvements
- consultation with Ward Members and, subject to planning approval, this will continue
- Consultation with colleagues in Parks & Countryside where a number of potential suggestions were made including upgrades to the nearby Wortley Recreation Ground
- Other opportunities are currently being explored, spearhead by colleagues in Parks & Countryside to work with local sports clubs to improve sports facilities in the area

Officers consider that this is an acceptable way forward in order to ensure that the development will provide good quality Greenspace improvements in the local area. The remaining site requirements will be addressed through a Reserved Matters application.

Representations

57. The majority of the material planning comments received have been covered within the report, further comments are dealt with below:

Greenfield sites should never be built on

Response – Whilst there is a “brownfield first” approach to development, this does not preclude developments on Greenfield sites and in any event, this site is allocated for housing within the SAP.

Council have already withdrawn 37 Greenbelt sites, why?

Response – Given that this site was not previously Greenbelt this is not relevant to the assessment of this application

The application doesn't comply with Policy H4 as it would not provide a mix of tenures

Response – Given that this application is in Outline only, details regarding the housing mix is not yet agreed. Any approval will have a condition attached regarding housing mix

If developed, it would be better to improve existing green space rather than creating new green space on site

Response – The scheme will provide on-site Greenspace in accordance with policy as well as improvements made to existing Greenspace in the locality as part of the site requirement within the SAP.

LCC managed park lands are unsafe and poorly maintained

Response – This application would help to enhance existing Greenspace within the locality as part of the site requirement within the SAP.

Increase in pollution

Response – Conditions will be attached to any approval to ensure that the proposal would comply with LCC Policies relating to sustainable developments (EN Policies)

Application provides insufficient detail for an Outline Application

Response – The application provides the required level of detail for an Outline Application as set out within the relevant planning legislation including the maximum number of units (61). All matters (except for access) are reserved and therefore will be assessed within a subsequent Reserved Matters application

Certificate B has been signed indicating that LSSA are the only owners of the site

Response – Certificate B has been signed however; it does not indicate that there is only 1 owner of the land. The Government Guidance on this states: “Certificate B – Shared Ownership (All other owners/agricultural tenants known) - This should be completed if the applicant is not the sole owner, or if there are agricultural tenants, and the applicant knows the names and addresses of all the other owners and/or agricultural tenants. It is therefore correct that Certificate B has been completed

How can LCC determine their own application? This is a blatant conflict of interest

Response – Government guidance is clear on this:

“Local authorities may grant themselves planning permission for their own development on land in which they have an interest or for development by an authority jointly with another person. The proposals must be publicised in the same way as any similar application from any other applicant and they cannot be decided by a committee or officer responsible for the management of any land or buildings to which the application relates. Local authority development proposals, like those of other persons applying for planning permission, must be determined in accordance with the development plan unless material considerations indicate otherwise”

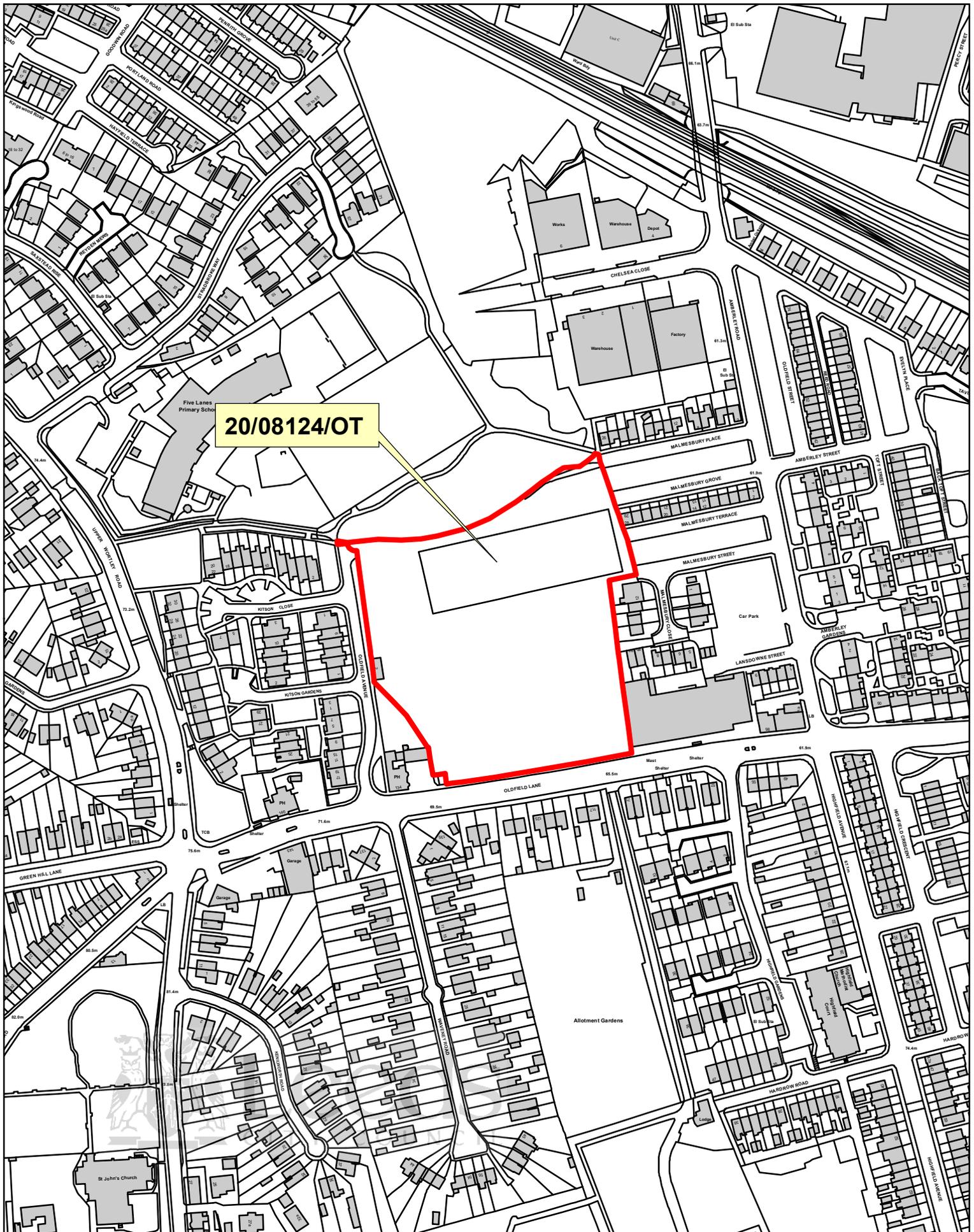
It is therefore considered there would be no conflict of interest.

CONCLUSION

58. As discussed above, the principle of the development for housing on this site is supported by the up to date Local Plan, specifically Policy HG2 – 84 of the SAP which should be afforded full weight in consideration and determination of the application.
59. The development will provide 100% affordable housing which far exceeds policy at an acceptable quantum of housing in line with the SAP allocation, with a safe and adequate means of access. It is considered that the principle of developing the site for residential purposes is acceptable in terms of all local and national planning policies subject to the imposition of the conditions set out at the top of this report. This specifically includes the provision of on-site greenspace as well as the requirement that the existing sports facilities should be relocated in Leeds and/or local improvements to existing facilities in the locality of the site being provided. As stated within the report, it is the view of officers that the requirements of paragraph 99 of the NPPF have been satisfied but, in the alternative, even if that was not the case, the benefits of the proposal are such that they still justify the grant of planning permission.
60. With consideration being given to all other matters, the application is recommended for approval subject to notification to the Secretary of State.

Background Papers

Planning Application file 20/08124/OT
Certificate of Ownership: Certificate B



20/08124/OT

SOUTH AND WEST PLANS PANEL

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PLANS PANEL PRESENTATION

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