



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 31st March 2011

Subject: 10/04068/OT: CLARIANT SITE, CALVERLEY LANE, HORSFORTH – OUTLINE APPLICATION INCLUDING MEANS OF ACCESS TO ERECT RESIDENTIAL DEVELOPMENT FOR UP TO 400 DWELLINGS WITH ASSOCIATED PUBLIC OPEN SPACE, PARKING, LANDSCAPING, ANCILLARY RETAIL UNIT, ALLOTMENTS, RETENTION OF SPORTS GROUND WITH PAVILION AND OFF-SITE HIGHWAY WORKS.

APPLICANT

Harrow Estates

DATE VALID

13/9/10

TARGET DATE

31/3/2011

Electoral Wards Affected:

Horsforth (also affecting Calverley and Farsley)

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Following a resolution to refuse the proposed development at the previous meeting, the Panel is invited to consider the suggested grounds on which the Council would have refused planning permission:

1. The site lies outside the main urban area, in a location which is remote from local services. As such, the site is not in a demonstrably sustainable location for residential development and the sustainability measures promoted are considered insufficient to outweigh this locational disadvantage. The proposal is therefore detrimental to the aims and objectives of sustainability policy, contrary to adopted Leeds UDP Review (2006) strategic goal SG4, strategic aim SA2, policies H4, T2, T9; RSS (2008) policies YH7, LCR1, T1 and government guidance in PPS1, PPS3 and PPG13.

2. The site is poorly served by non car modes of transport. The proposed bus service is insufficient to meet the minimum standards suggested by the SPD "Public Transport Contributions" and proposals for Calverley Lane North result in disbenefits for cyclists. Consequently residents would be primarily dependent upon use of the private car. The proposal is therefore detrimental to the aims and objectives of sustainability policy, contrary to adopted Leeds UDP Review (2006) strategic goal SG4, strategic aim SA2, policies GP5, H4, T2, T2D, T5, T9; RSS (2008) policies YH7, T1, T3; SPD "Public Transport Improvements and Developer Contributions" (August 2008) and government guidance in PPS1, PPS3 and PPG13.
3. The submitted Travel Plan is unacceptable as regards baseline mode splits and targets, penalties and mitigation if targets not met, travel to school by sustainable transport and the form, timing and length of monitoring. The proposal is therefore detrimental to the aims and objectives of sustainability policy, contrary to adopted Leeds UDP Review (2006) strategic aim SA2, policy GP5, para 6.3.9., 6.3.12, RSS policy T1, SPD "Travel Plans" (May 2007) and government guidance in PPG13.
4. The development is accessed from the A6110 (Ring Road) which is a high speed, heavily trafficked primary route. The access from Calverley Lane South onto the A6110 does not have adequate capacity to cater for the development and is considered unsafe. The proposal is therefore detrimental to highway safety, contrary to adopted Leeds UDP Review (2006) policies GP5, T2 and T5 of the and government guidance in PPS3 and PPG13.
5. The proposed access works to Calverley Lane North fail to take proper account of cyclists returning to the site, detrimental to their safety and convenience. The proposal is therefore detrimental to highway safety, contrary to adopted Leeds UDP Review (2006) policies GP5, T2, T5; RSS policy T1 and government guidance in PPG13.

1.0 INTRODUCTION:

- 1.1 Members will recall a previous report considered at West Plans Panel on 3rd March 2011 recommending approval, subject to resolution of certain matters, conditions and a Section 106 agreement. That report is attached below. After lengthy debate, Panel resolved to refuse the application and requested that officers come back with draft reasons for refusal.
- 1.2 Primary concerns related to the lack of sustainability of the site in terms of remoteness, access and lack of proximity to services. Secondary concerns related to the impact of traffic generated on the highways network at Calverley Lane South.
- 1.3 There are a number of elements of sustainability that were mentioned by members relating to the location of the site, distance from services, poor cycle access, dependence on the private car, inadequacy of public transport. Proposed reasons for refusal 1 and 2 cover these matters.
- 1.4 Members also mentioned concerns relating to safety of the junction between Calverley Lane South and the Ring Road and these are covered by Reason for Refusal 5.
- 1.5 The Panel report also noted in the recommendation and at paras 10.16 and 10.51 that highway issues relating to the footway on Calverley Lane North were unresolved. The 2m footway is insufficient to be designated a cycleway. This is detrimental to the sustainability credentials of the scheme (covered in reason for

refusal 2) but also results in a highway reason for refusal on highway safety grounds (as reason for refusal 4).

- 1.6 The Panel report noted that a revised Travel Plan had only recently been submitted and that Travelwise comments would be reported to Panel. Travelwise subsequently commented that the Travel Plan remained unacceptable and this was reported to Panel. As a fundamental element of the sustainability package for this development, the lack of an acceptable Travel Plan results in reason for refusal 3.
- 1.7 The Panel report noted at para 10.24 that a revised VISSIM modeling assessment was only provided on 10th February and that there had been insufficient time to assess this fully. Consultants acting on behalf of the Council have now reported back that the model has a number of flaws. These are being explored with the applicant and dependant on the outcome, may result in an additional highways reason for refusal. Members will be updated at Panel.
- 1.8 Finally Panel are reminded that determination is on the basis of the application presented to Panel, which included non-signalised highway works to Horsforth roundabout and 25% affordable housing (see original report and recommendation below). Draft reasons for refusal are therefore set out above.

Previous Report of the Chief Planning Officer

PREVIOUS PLANS PANEL WEST

Date: 3rd March 2011

Subject: 10/04068/OT: CLARIANT SITE, CALVERLEY LANE, HORSFORTH – REDEVELOPMENT FOR UP TO 400 DWELLINGS, WITH ANCILLARY SHOP, RETENTION OF SPORTS GROUND WITH SPORTS PAVILION/COMMUNITY CENTRE, ALLOTMENTS, OPEN SPACE AND OFF-SITE HIGHWAY WORKS.

APPLICANT
Harrow Estates

DATE VALID
13/9/10

TARGET DATE
31/3/2011

Electoral Wards Affected:
Horsforth (also affecting Calverley and Farsley)

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Defer and delegate approval subject to further discussions regarding the footway for Calverley Lane North, the following conditions and a Section 106 agreement to include:

- Off-site highway works to Horsforth Roundabout, Rodley Roundabout, footpath improvements to the Ring Road, Calverley Lane North and pedestrian crossing improvements to the A65.
- New bus service comprising single bus 30 min service 7am-10pm, 7 days a week.
- Bus Stop Infrastructure.
- Provision of METROCARDS to 60% of households.
- Affordable housing comprising 25% (50% submarket and 50% social rent).
- Primary education contribution.
- Recreation footpath improvements contribution.
- Provision of retail unit on site.
- Provision of allotments on site.
- Retention of Sports Pavilion, improvements to Sports Pavilion with specification and Community Access Agreement.
- Commitment to levels of greenspace.
- Revocation of Hazardous Substances Consent.

1. Time Limit.
2. Approval of Reserved Matters.
3. Development in accordance with the agreed Masterplan
4. Submission of Materials Samples.
5. Submission of Surfacing Materials.
6. Area to be used by vehicles to be drained, surfaced, sealed.
7. No commencement until adoption of CLN, no occupation till completion of works.
8. Provision of approved visibility splays.
9. Submission of Landscape scheme.
10. Preservation of existing trees and other vegetation
11. Protection of existing trees and other vegetation.
12. Submission of a wildlife habitat/biodiversity enhancement scheme.
13. Implementation of bat mitigation plan.
14. Submission of Landscape Management scheme.
15. Details of boundary treatment.
16. Landscape Implementation.
17. Loss of trees within 5 years.
18. Revised Travel Plan.
19. Submission of detailed Scope of Intrusive Investigation Works.
20. No development until intrusive investigation works undertaken.
21. Submission of a Remediation Statement.
22. Remediation works to be carried out followed by verification reports.
23. Development in accordance with the Flood Risk Assessment.
24. Submission of details of separate foul and surface water drainage.
25. No piped discharge until separate surface water drainage works and foul drainage works complete.
26. Shop delivery hours.
27. Shop opening hours.
28. Shop storage/disposal of litter.
29. Noise Protection from railway.
30. Prior to construction revised Sustainability Statement.
31. Submission of energy assessment scheme demonstrating 10% energy supply from renewable, low carbon sources and with targets.

- 32. Code for Sustainable Homes 3 minimum and BREEAM.
- 33. Construction Management Plan.

Reason For Approval:

The site comprises a significant brownfield site and development of such sites remains a key planning objective in the adopted Leeds UDP (2006) SA1 and Policy H3, RSS (2008) policies YH7 and H2 and PPS3 para 40.

A well planned and integrated residential development would be better integrated into this sensitive green belt, valley landscape in accordance with Leeds UDP (2006) policies N13, N24, LD1, RSS (2008) policies ENV 8 and PPS1 para 18-19.

The development and its associated S106 package goes a long way in improving the sustainability credentials of the site and has a sufficient sustainability offer, affordable housing and education provision to be supported in the context of Leeds UDP (2006) policies GP7, GP11 and GP12, draft Interim Housing Policy 2011 and SPG 11.

The highways/public transport approach is acceptable in principle (subject to further information on the footway on Calverley Lane North) and detailed design as part of a S278 agreement in accordance with Leeds UDP (2006) policies T2, T5 and T6, RSS (2008) policy T1 and PPG13 para 4 and para 74-79.

1.0 INTRODUCTION:

- 1.1 The purpose of this report is bring two outline planning applications before Panel incorporating Harrow Estates and Horsforth Riverside LLP's proposals for the Clariant and Riverside Mills sites.
- 1.2 The two sites are adjoining, but in different ownerships. The two outline applications are separate, but the proposals are linked and the intention is that the development would be integrated.
- 1.3 The schemes collectively comprise a primarily residential proposal, with up to 550 dwellings over the two sites, along with supporting ancillary uses and open space.
- 1.4 A pre-application presentation was made to Panel on 18th February 2010 with a Progress Report considered at Panel on 6th January 2011. Revised Planning Performance Agreements for both sites commit to a Panel resolution today and determination by the end of March 2011.

2.0 PROPOSAL:

- 2.1 The Clariant proposal takes the form of an outline application, with access only determined at outline stage. The description of development comprises residential development (up to 400 dwellings), with associated public open space, parking, landscaping, ancillary retail unit, allotments and retention of sports ground with pavilion and off-site highway works.
- 2.2 Current means of access to the site comprises a primary access off Calverley Lane and secondary access off Low Hall Road. The applicant is proposing:

- retention of the existing Calverley Lane South junction with the Ring Road with minor realignment,
- a one way system on Calverley Lane North with a new 2m footway following adoption,
- improvements to both Horsforth and Rodley roundabouts,
- extension of the footway on the Ring Road between Calverley Lane South and Rodley roundabout,
- controlled toucan (pedestrian/cycle) crossing on A65 at Horsforth roundabout.

Access onto the primary road network is discussed in section 10 of this report.

2.3 The application is accompanied by a Concept Masterplan. The applicant has agreed that it is reasonable and acceptable to impose a condition on any planning permission requiring that future reserved matters would be in accordance with that Concept Masterplan. The Concept Masterplan seeks to ensure that development will comprise:

- 2, 2.5 and 3 storey family housing with the highest development in the centre of the site with lower development on the edges,

- densities varying between minimum 25-35 dwellings per hectare (dph) and maximum 36-45 dwellings per hectare (dph),

- primary access retained off Calverley Lane (with access through to the Riverside Mills site) and secondary access off Low Hall Road,

- retention of sports field/pavilion, provision of areas of open space within the Clariant site (and adjoining the riverside).

2.4 An Illustrative layout has also been provided to give an impression of how the Masterplan may be interpreted at reserved matters stage and what a final layout may look like. The Clariant illustrative layout shows a development with primary access off Calverley Lane and secondary access off Low Hall Road. A number of areas of open space are contained within the site and adjoining the river with structural landscaping on a number of boundaries. An access through to the Riverside Mill site is shown. On the east side of Calverley Lane the sports centre is shown retained in joint sport and community use, with an area of allotments provided.

2.5 A draft S106 agreement was submitted with the application. This now proposes the following elements:

- Off-site highways works listed in para 2.2.

- A new bus service from the site to Horsforth Train Station (linking to the A65 Quality Bus Initiative) via Calverley Lane North and local schools. This would operate every 30 minutes between 7am and 10pm, seven days a week (bar Christmas Day).

- Two new bus stop/shelter, one with real-time information.

- Provision of free Metrocards to 60% of households to encourage sustainable travel.
- 25% affordable housing (split 50/50 sub-market and social rent) .
- Contribution to primary education provision in the locality of £2,972 per dwelling.
- Retention of the sports and recreation ground and pavilion for community use, decorative and insulation improvements to the Pavilion building.
- Sufficient public open space on site to satisfy UDP requirements including formal and informal play areas.
- Provision of allotments on site.
- Provision of ancillary retail unit on site comprising 100-150 sq m.
- Contribution of £100,000 towards footpath/cyclepath link improvements to the south and south-east of the site.

It is considered that these elements meet the three tests set out in the CIL Regulations 2010.

- 2.6 The applicant is Harrow Estates, a national developer who specialise in remediation of sites in preparation for development. Since 2002 they have helped deliver 2,500 dwellings on 175 acres of previously developed land which has been successfully remediated. Harrow are a fully owned subsidiary of Redrow who are a national housebuilder and it is anticipated they will be involved in the delivery of the site to final completion. The applicant considers that the site is deliverable in the current market and consider they could deliver dwellings for first occupation on this site as early as 2012/3.
- 2.7 The applicant's covering letter also states that:
- "The submitted draft S106 provides for planning obligations in line with discussions and the requirements of national and local policy. It has been raised through consultation events with members that they may wish to see wider highway improvements in the vicinity of the site. In this context Harrow Estates would be willing to discuss an appropriate re-distribution of the planning obligation package."

3.0 SITE AND SURROUNDINGS:

- 3.1 The Clariant site comprises a former chemical production/treatment works (c 12.5 ha) located on the west side of Calverley Lane, Horsforth. It was purchased in the 1940's by Sandoz with production commencing in the 1950's. It contains a large number (18) post-war industrial buildings on site. Half of these are 2-3 storeys, with the remaining mostly 4 storeys with a large main office building comprising 4-5 storeys. It is considered that the site comprises a B2 (General Industrial) site, with ancillary B1 (Office) and B8 (Storage and Distribution) elements. On the east side of Calverley Lane lies a Sports and Recreation Ground comprising 2.8ha, including a single storey sports pavilion.
- 3.2 Operations at the Clariant site have been scaled down since 2006; by 2009 only 50% of the buildings were utilised and the site closed completely in 2010 when

Clariant rationalised their UK operations. Harrow subsequently purchased the site in 2010.

3.3 Both Clariant and Riverside Mills sites are currently accessed from the Ring Road (A6110) at Calverley Lane South and Calverley Lane North (between the Horsforth and Rodley roundabouts). A 7.5 ton weight restriction applies on Calverley Lane North for environmental reasons.

3.4 The site is surrounded by areas of green belt (comprising open fields and mature vegetation), the River Aire, Leeds & Liverpool Canal and a railway line.

4.0 RELEVANT PLANNING HISTORY:

4.1 Relevant planning history comprises the following.

a) Outline planning application for demolition and residential development of the adjoining Riverside Mills site (27/181/02/OT). This was withdrawn on the basis that officers were to recommend refusal. The officer considered that residential development was to be resisted given the location, nature of the area, surrounding uses and access arrangements. It was considered that the site failed to meet government guidance and UDP policy in terms of suitable locations for new residential development.

b) Outline planning application for a mixed residential/office development (c 140 dwellings and 4,645 sq m offices) on the Riverside Mills site in 2006 (27/211/05/OT). This was subsequently considered at Public Inquiry and the appeal dismissed by the Inspector in January 2007 on the grounds that:

- a) the site was not well served by public transport and was not in a demonstrably sustainable location,
- b) various highway improvements including a signalised junction at Calverley Lane South/ring road were considered prejudicial to highway safety.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Subsequent to the closure of the Clariant site the local planning authority was approached by Harrow Estates in August 2009 and Horsforth Riverside LLP regarding Riverside Mills in December 2009. Pre-application discussions focussed around potential uses, highways impacts and sustainability issues. A number of technical meetings were held with officers and also with Horsforth and Calverley ward members. A pre-application presentation was made to Panel on 18th February 2010. Members requested officers assess issues further in particular sustainability of the site and impact on the Ring Road.

5.2 Following submission of the application a Progress Report was submitted to Panel on 6th January 2011. As part of that report officers informed members of ongoing discussions on sustainability issues associated with the proposed bus service, pedestrian connectivity, facilities on site, building standards, affordable housing and education provision. In addition work was ongoing regarding impact on the Ring Road, potential improvements to Horsforth and Rodley Roundabouts, alternative approaches to Calverley Lane South and Calverley Lane North.

5.3 Members requested that officers take note of the following main comments:

- Request for further information on projected pupil figures, nearest schools and S106 provision.
- Queried applicant's assessment of surplus employment land in the locality.
- Concern at status of, and impacts on Calverley Lane North.
- Requested accident statistics for right turns onto Ring Road.
- More radical highways solution required.
- Too many homes with larger footprint than former factory.
- Keen to ensure 30% affordable housing.
- Queried likely bus use/ viability of bus service and connectivity with Horsforth and Pudsey.
- Could money be spent on pavilion to make more useable.
- Sustainability concern that distinct settlement in this location, distance from Horsforth would require residents to use cars.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Public exhibitions were initially held at pre-application stage at Calverley Library (30th November 2009), Horsforth Library (2nd December 2009), Calverley Lane Sports Pavilion (24th February 2010), Horsforth St Margaret's Lower Hall (25th February 2010), Calverley CoE School (25th February 2010) and Horsforth St Margarets Parish Hall (15th February 2011).
- 6.2 Subsequent to submission public meetings were held in Horsforth (St Margaret's Lower Hall) on 22nd October 2010 and in Calverley (Calverley CoE School) on 29th November 2010.
- 6.3 The application was advertised by site notice dated 24th September 2010 and 7th January 2011. A total of one hundred and eighty six representations have been received (12th February 2011). Although not all addresses are identified, one hundred and twelve objectors are from Horsforth/Rawdon and forty eight objectors are from Calverley/Rodley.
- 6.4 Three representations of support have been received commenting that as a underused brownfield site, development should be encouraged. Also comments that to avoid dereliction/vandalism the site should be developed asap, low rise residential development is the most appropriate use for this site, density, amenity space and landscape is commendable in keeping with semi-rural character of the surroundings. Ring Road coped with Clariant workforce and surrounding vehicles and should not be unduly affected by the development, similar industrial uses would have greater effects on highways. Local school building programme should follow additional housing.
- 6.5 Four partial support/objection letters have been received on the grounds that:
- Development welcomed but numbers excessive.
 - Providing housing for 550 laudable and ensure site does not fall further into disrepair but needs to plan for and factor in infrastructure.
 - In favour of proposals subject to residents of Calverley Lane North having access through bus gate, money for educational requirements ring-fenced and monies be earmarked for larger scale works to the ring road.

- Negative impact on ring road otherwise good to see a brownfield site rather than greenfield site being developed.
- Against development unless serious traffic problems resolved - developers offer of works to the roundabouts will bring real benefit to wider community.

6.6 One hundred and sixty objectors have written one hundred and eighty five letters and e-mails of objection (as at 22nd Feb) regarding the Clariant application on the following grounds:

- Highway network (in particular A6120 and A65) inadequate, knock on effects on Broadway and other roads.
- Latest revisions to CLS and CLN wholly inadequate.
- Needs signals or new roundabouts but flaw is there are already large queues.
- Negative impact on physical condition of highway network.
- Unacceptable without a traffic management scheme for the A6120/A65 roundabout.
- Ring Road gridlocked at peak times with queues up to Owlcotes.
- Difficult for emergency services to access ring road at peak times.
- Ring Road needs to be dual carriageway.
- Traffic lights needed at Calverley Lane South but will cause more queues.
- Not just main roads affected but secondary roads e.g. to Newlaithes School.
- Recent accidents on A6120 cause horrendous traffic problems, proposals will result in increased accidents.
- Current traffic levels below pre-recession peak.
- Impact on Horsforth roundabout would be chaotic.
- Serious work would need to be done to Calverley roundabout.
- Traffic flows Carr Road to Greengates and Rodley at roundabout will inflate problems.
- Proposal will result in little improvement to road infrastructure.
- Tax payers shouldn't have to consider changes to roads without net benefits.
- Proposal will result in increased accidents.
- Left out only lane will result in congestion at Horsforth roundabout.
- Impact of the Kirkstall Forge development on top.
- Nil detriment argument is nonsense.
- Need a park and ride facility.
- Parking difficult on Town Street, Horsforth and Horsforth/Pudsey Stations.
- Uncontrolled pedestrian crossings would interrupt traffic flows, obstruct traffic and be unsafe. Footbridges or underpasses required for Ring Road.
- Traffic and necessary changes to road layout would affect quality of life for Rodley residents.
- Trying to cross Ring Road to Calverley Schools impossible.
- No pedestrian footpaths exist.
- Pedestrian and cycle provision should be improved.
- Calverley Lane North too narrow for buses. Small buses cannot provide sufficient capacity.
- Offer of METRO passes and bus will solve nothing.
- Closing Calverley Lane North will result in residents having to travel full length of ring road resulting in inconvenience and congestion.
- Needs to be another access off the estate e.g. Knott Lane.
- Public Transport disjointed and feeder bus does not provide full transport access.
- Impact on overstretched local services generally in particular schools, healthcare, doctors, dentists, midwifery, police, libraries and supermarkets.
- Transport additions not sufficient or sustainable, will become a dormitory annex.

- Concern re long-term viability of bus service.
- Horsforth supermarket parking at capacity at many times of day.
- Possible 3900 pupil places and three schools required, unlikely given government cuts.
- School places in Horsforth, Calverley, Rodley oversubscribed.
- New infant school required.
- Calverley residents would be further away from local schools than residents on the development sites. Calverley residents less likely to be accepted in their local school. This is unacceptable.
- Calverley CoE and Calverley Parkside and Benton Park schools full.
- Current infrequent ring road bus service and no rail link.
- Development will not allow those from outside the town to get places at local schools.
- Loss of employment land will impair economic recovery.
- Horsforth needs science and small scale industrial/manufacturing units.
- Plans show little greenspace.
- Impact of additional traffic on existing businesses.
- Train Station at site would reduce impact.
- Rail halt should be reintroduced at Rodley.
- Not convenient for local shops, people will be obliged to use the car.
- Walking to Horsforth/Rodley not realistic.
- Site has opportunities to offer an almost traffic free cycle route to Leeds centre.
- One retail unit on site will not be enough.
- No housing need given unsold properties.
- 100 houses should be the limit.
- Where's the demand, given that first time buyers experiencing difficulty?
- Horsforth does not need 2/3 bed properties, lack of 4/5 bed properties.
- Possible impact on bats, deer, conservation area.
- As people move in, wildlife will move out.
- Area unsafe as adjacent to council tip.
- Loss of tranquil area with noise and disturbance from construction and after build.
- Proposals would cause noise, disturbance, odour, pollution.
- Light and noise pollution on Conservation Area.
- Proposals would spoil landscape and character of area.
- Although site is an eyesore, 500 "lego" houses will not be an improvement.
- Development does not create a sense of place contrary to PPS1 and PPG13, but is generic; should be bespoke recognising opportunities.
- Want to preserve, not destroy Horsforth.
- Overpopulation of Menston, Guiseley and Horsforth.
- Impact on green belt in the locality.
- Will result in pressure on green belt between the site and Horsforth.
- Site better as a nature reserve.
- Site should go back to nature and be developed for walks, wild flowers meadows, play areas, picnic areas and allotments.
- Calverley Lane North bus gate would make life difficult for vehicles accessing the Pick Your Own business and dangerous for pedestrians, potential conflict between agricultural traffic and the bus. Could seriously impact the business.
- CLN should be 20mph.
- A65 roundabout bus stop relocation will be inconvenient.
- Negative impact on Ring Road otherwise good to see a brownfield site rather than greenfield site being developed.
- Even if stone, not possible to fit/out of place with area.

- Development needs to satisfy water demand and may require larger diameter mains.
 - Site may be prone to flooding.
 - Contamination mitigation required.
 - Size of allotments paltry, plenty of POS in locality.
 - Are houses self sufficient in energy footprint and NIL carbon emissions?
 - Houses should be CfSH 5 or 6.
 - Application does not seem to differ in any positive way from the previous refusal.
- 6.7 Objections have also been received from Horsforth ward members Christopher Townsley, Brian Cleasby and Andrew Barker on the grounds that:
- the proposal is not sustainable due to isolation from services in Horsforth,
 - the site should be retained as employment land,
 - detrimental impact of traffic on the Ring Road, roundabouts, and on-street parking in Horsforth,
 - adding to oversubscribed education problems.
- 6.8 Three letters have been sent from Calverley and Farsley ward members, Andrew Carter and Joseph Marjoram objecting on the basis:
- unless Horsforth and Rodley roundabouts improved with traffic lights and pedestrian safety measures, traffic will get worse unacceptably, situation on the Ring Road must be improved not just status quo,
 - primary education problem insurmountable without a primary school on site,
 - situation where people in village would be further away from Calverley schools than the new estate unacceptable,
 - bus route only goes to Horsforth, could be provided to Farsley and Pudsey,
 - too many dwellings, want to ensure family dwellings only,
 - must preserve green corridor along river front, recreation ground should be preserved and Council owned picnic site should be enhanced,
 - proposals remain unsustainable.
- 6.9 As regards the developers latest offer to signalise Horsforth Roundabout, Councillors Townsley and Cleasby retain their objections, but consider this element appears acceptable. Councillors Carter and Marjoram object on the remaining impact on residents in Calverley and Rodley.
- 6.10 Objections have also been received from the local MP Stuart Andrew on the grounds that:
- site already isolated and difficult to make sustainable,
 - will make situation worse for local services, already issues with primary schools,
 - feeder bus may be rarely used,

-additional traffic on ring road. Modest proposal will do little to cope with additional traffic. Existing terrible situation will be made worse,

-not appropriate to compare residential and commercial traffic,

-previous application rejected at appeal as not sustainable,

-loss of employment land.

6.11 Objections have been received from Horsforth Town Council on the grounds that:

-site inappropriate and unsustainable,

-removal of employment land detrimental to economic growth,

-will exacerbate problems on the Ring Road,

-safety issues for pedestrians with uncontrolled crossings,

-Calverley Lane North unsuitable for buses,

-possible loss of TPO trees and impact on wildlife/protected species,

-cumulative impact on infrastructure e.g. leisure, open spaces, schools, parking, public transport and roads,

-latest revisions to CLS and CLN falls short offering little improvement.

6.12 Horsforth Civic Society object on the basis that Horsforth hugely pressured by housebuilding resulting in problems with A65 and Horsforth roundabouts. Cumulative impact on local infrastructure such as schools, health care, parking, retail facilities. People will drive. Loss of business site and reduction in local jobs.

The Newlay Conservation Society has also objected on the basis that they support the objections of the Horsforth Civic Society

6.13 Leeds Civic Trust object on the basis that:

-the location is unsustainable,

-thin end of the wedge for other “fill-in” areas,

-public transport will be difficult to achieve, situation could be eased with a railway station on site,

-if approved developer should fund improvements to whole stretch between the two roundabouts,

-loss of employment land.

7.0 CONSULTATIONS RESPONSES:

STATUTORY CONSULTEES

HIGHWAYS: Concerns raised as follows:

Pre-application discussion - Issues relating to the fallback position, off-site highway works, proposed bus service and relocated bus stops were not agreed at pre-app stage.

Accessibility - Site is isolated and opportunities for accessing by means other than the private car are limited. A package of accessibility measures is proposed and supported. However:

“whether they move the site from an inaccessible one to an accessible one is a matter of judgement.”

Lack of a 15 minute bus service suggests the site will always suffer from over-reliance on the private car.

Travel Plan – Support Travelwise comments, Travel Plan not acceptable as submitted, further work required.

Calverley Lane South - Highways consider that use of the existing access is acceptable in principle, but subject to the receipt of revised modelling assessment including impact on queuing on Calverley Lane South and minor re-alignment for vehicles exiting right.

Horsforth/Rodley roundabouts- Proposals supported.

Calverley Lane North- Proposal acceptable in principle, subject to consideration of detail and the successful completion of the adoption process. 3.3m carriageway width narrow and does not meet standards, however at 20mph would be acceptable with appropriate passing places.

Transport Assessment – Based on VISSIM model. Areas of Transport Assessment not agreed in particular conclusions on “nil detriment,” accessibility of bus services, details of bus service to schools, location of bus stops, elements of the Road Safety Audit.

Conclusion – The application was not supported as originally submitted. However with the subsequent amendments, on balance, the current proposals are supported, subject to amendments to the footway on Calverley Lane North, further detailed design under a S278 agreement.

HSE: Objection on basis of risk of harm to people at the proposed development.

BRITISH WATERWAYS: No objection, subject to a S106 including upgrade and maintenance of the Leeds and Liverpool canal tow path.

YORKSHIRE WATER: Proposed layout unacceptable due to line of existing sewers. However if planning permission granted conditions recommended.

ENVIRONMENT AGENCY: No objection subject to conditions.

NETWORK RAIL: No objection, advice pertinent to reserved matters and construction.

SPORT ENGLAND: No objection, subject to the S106 including a Community Use Agreement and Maintenance and Management Plan.

NATURAL ENGLAND: No objection subject to habitat enhancement, SUDS and use of green wall/roof technology and sustainable building techniques.

WEST YORKSHIRE ARCHAEOLOGY SERVICE: No objection.

NON-STATUTORY CONSULTEES

POLICY: No objection as follows:

Land-use- Residential considered to be the preferred land-use given location of site distant from motorway network, that prospect of comprehensive employment development is remote and that office use would be contrary to PPS4.

Housing Land Supply - Housing would assist the Council in prioritising the regeneration of brownfield sites as a preference to greenfield/green belt release. The site will contribute to meeting the Council's interim housing target of 11,300 units by 2016.

Sustainability - The joint development of the Clariant/Riverside Mills site provides the critical mass to potentially address sustainability issues.

Landscape - The clearance of the buildings and replacement with domestic properties will improve views across the valley and enhance the riverside setting.

Employment Land Supply- There is a short term 5 year surplus, and 15-23 years supply. There is sufficient employment land in the current UDP period, but likely to be a medium/long term deficit in the Local Development Framework period.

SUSTAINABILITY: No objections subject to conditions/S106 agreement. The Sustainability officer considers that the development fulfils many of the requirements of sustainable development (social, economic and environmental) particularly in developing brownfield land. Elements of the scheme go a long way towards sustainability but inevitable car usage should be off-set by consideration of improving the performance of the buildings:

- Code for Sustainable Homes 4 as a minimum acceptable.
- Non-domestic development should be BREEAM "Excellent"

and extending sustainable travel options further (cycle and pedestrian).

TRAVELWISE: Objection. The original submitted draft Travel Plan not acceptable. A full Travel Plan is required with additional information and included with the S106 agreement. Clarification of certain matters required. Further details of measures/actions required. Baseline info to be agreed. S106 funding of footpaths/cyclepath improvements inadequate. Travelwise have confirmed that

outstanding information is still required. (N.B. a revised Travel Plan has recently been submitted - Travelwise views will be reported verbally to Panel).

TRANSPORT PLANNING:

Transport Strategy – Objections regarding the detail of Rodley roundabout crossing and new footway as proposed, lack of right turn for cyclists at Calverley Lane South, need to improve position for cyclists on Horsforth roundabout, unaddressed problems for pedestrians and cyclists on Calverley Lane North, need provision of a cycle-path from the site to the towpath and improvements to the towpath itself.

Education Travel Coordinator- Objection on basis that proposed bus route not realistic to serve children's needs. Need dedicated school bus. Travel Plan targets for travel to school difficult to meet.

NGT Planning Coordinator – No objection, subject to provision of a satisfactory bus service to/from the site. 10 year funding period significant but 30 minute service not compliant with SPD policy which suggests 15 min service. Public Transport package should also consider works to Rodley and Horsforth roundabouts as these cause significant delays to buses. S106's need to be linked to ensure bus service running from first occupation. Concludes that the proposals do not go far enough in terms of service provision and mitigation measures.

METRO: Concerns. The principle of a bus service is agreed, however the developers proposed bus service does not meet SPD criteria. Ten year funding option most likely to be commercially viable/sustainable. Bus route up Calverley Lane North supported. Ring Road bus stops will need relocating. Robust Travel Plan essential.

EDUCATION: No objection subject to S106 contributions. Primary schools in the locality oversubscribed and secondary schools likely to be oversubscribed between 2015/2021 (depending on means of assessment). Accordingly a full commuted sum will be required to provide additional primary places. Given that pressure for secondary places will take 8 years to manifest it is concluded that there is no planning/legal basis to request a contribution.

AFFORDABLE HOUSING AND POLICY: No objection subject to S106 that contains 30% provision, split 50/50 social rent and submarket (pro-rata and pepper potted across the site).

DESIGN: Illustrative plan loosely follows pre-application discussion although elements of the Masterplan drawing do not represent what was previously agreed, in particular in relation to amount of 3 storey development and higher density towards Calverley Lane. Overall schemes are progressing with promising concepts- suitable solutions likely to emerge.

CONSERVATION: No objection, comments made to be addressed at reserved matters stage.

LANDSCAPE: No objection in principle subject to condition and a S106 to contain a Landscape Management Document and details of a riverside footpath. Scheme largely follows pre-application submissions and proposal will have significantly less landscape impact than the existing works. Recommends further clarity in the

Landscape Masterplan via a workshop. Objects to the specific footpath on Calverley Lane North and impact on vegetation.

NATURE CONSERVATION: Bat Report acceptable but more information required. More informal space should be included along with biodiversity enhancements.

PUBLIC RIGHTS OF WAY: No objection subject to a S106 agreement. Footpath improvement spec provided for Clariant comprising £100,000 as agreed to cover improvements to the riverside footpath, old Calverley Bridge, steps up to canal and access track from Old Calverley bridge to the Railway public house.

CONTAMINATION: No objection, subject to conditions.

ENVIRONMENTAL HEALTH: No objection, subject to conditions.

MAINS DRAINAGE: No objection, subject to conditions.

STREETSCENE SERVICES: No objection.

8.0 PLANNING POLICIES:

Leeds UDP Review (2006)

8.1 The site comprises land outside the main urban area but inset within the green belt in the adopted Leeds UDP Review (2006). No specific allocations or designations affect the site (with the exception of the recreation ground which is a protected playing pitch under Policy N6).

8.2 The UDP is based on a number of strategic goals and aims. Strategic goals include SG3 meeting land needs of the community and SG4 ensuring development is consistent with sustainable development. Strategic aims include SA1 enhancing the environment/ initiating renewal and restoration of areas of poor environment, SA2 encouraging development in locations reducing the need to travel, SA3 making provision for the community's housing needs.

8.3 Relevant policies comprise:

GP7: Where development not otherwise acceptable and a condition not effective, a S106 will be necessary.

GP11: Development must meet sustainable design principles.

GP12: Major applications must include a Sustainability Assessment.

N2/4: Residential development will be required to provide on or off-site greenspace.

N13: Design to have regard to character and appearance of surroundings.

N24: Where development abuts the green belt assimilation into the landscape must be achieved.

N29: Sites of archaeological importance will be preserved and appropriate investigation required.

N32: Land shown on Proposals Map as Green Belt.

N38B: Flood Risk Assessment in certain circumstances.

N51: Development, including landscaping should enhance existing wildlife habitats.

H3: Housing Land Release (inc. Phase 2 to 2010-2012).

H4: states: "Residential development on sites not identified for that purpose in the UDP but which lie within the main and smaller urban areas as defined on the proposals map, or are otherwise in a demonstrably sustainable location, will be permitted provided the proposed development is acceptable in sequential terms, is clearly within the capacity of existing and proposed infrastructure, and complies with all other relevant policies of the UDP."

H11: Council will negotiate for appropriate affordable housing.

T2: New development should be capable of being served adequately by:

- existing or programmed highways or improvements to the highway network,
- public transport,
- cycling,
- convenient walking distance to local facilities.

T2B/C: All planning applications of significant traffic generation must be accompanied by a Transport Assessment and Travel Plan.

T2D: where public transport accessibility is unacceptable the local planning authority will expect developer contributions to either link to public transport, provide additional capacity on the network, improve public transport entry points or support service improvements.

T5: Satisfactory safe and secure access for cyclists and pedestrians.

T9: Effective public transport service encouraged and supported.

E7: Non-employment use will not be permitted unless:

- site is not reserved for employment use,
- sufficient alternative sites district wide/in locality,
- no resultant environmental, amenity or traffic problems.

S6: Support given to convenience good retailing in areas where residential have poor access to facilities.

LT6: Leisure potential of waterways corridor will be recognised.

LT6B: LCC will seek to secure footpath access to the River Aire and canal system.

ARC 6: Archaeology preservation by record by condition or S106.

GB24: Allotment gardens will normally be permitted in the green belt.

LD1: Requirements for landscape schemes.

Regional Spatial Strategy (RSS) (2008)

8.4 A recent high court decision following a challenge to the Secretary of State's purported abolition of RSS leaves RSS as part of the development plan. However, the Secretary of State's intention to abolish RSS may be taken into account as a material planning consideration. Therefore the amount of weight to be given to RSS is a matter for the decision maker. Relevant policies include:

YH4: Regional cities to be the prime focus for housing.

YH7: First priority to re-use of previously developed land and existing developed areas within town and cities, second infill in cities, third extension to towns and cities. LPA's to make best use of existing transport infrastructure, take into account capacity constraints and comply with public transport accessibility.

LCR1: Focus most development in Leeds and Bradford.

ENV5: Reduce greenhouse gas emissions, improve energy efficiency, developments over 10 dwellings to secure at least 10% renewable or low carbon sources.

ENV8: Maintain, enhance and restore natural environment.

H2: Prioritise development of brownfield land.

H4: LDF's to set affordable housing targets 30%-40%.

Table 12.3: indicative gross build rate 4,740 pa.

T1: Personal travel reduction and modal shift - discourage inappropriate car use and encourage public transport and accessibility to non-car modes.

T3: Public Transport – Allocation of site based on accessibility criteria in table 13.8 and 13.9.

Local Development Framework (LDF)

- 8.5 Initial consultations on Issues and Allocations were carried out in October 2007 followed by consultation on the Preferred Approach in October/December 2009. The formal publication of the Core Strategy however will not take place until Autumn 2011, with a Public Inquiry in 2012. The Strategic Sites DPD is not due for publication until 2012. In the context that the LDF is at an early stage, it is considered that it carries little weight in planning decisions at this time.

PPS1 “Delivering Sustainable Development” 2005

- 8.6 Para 3 states that sustainable development is a core principle underlying the planning system. Para 18/19 states that planning should seek to “improve” and “enhance” the local environment. Para 27 states that planning authorities should improve access to jobs, health, education, shops, leisure and community facilities and open space by foot, cycle or car to reduce reliance on car. Para 27 also states that planning authorities should promote the more efficient use of land through higher density development and bring vacant and underused land back into beneficial use.

PPG2 “Green Belts” 1995

- 8.7 Contains green belt policy which seeks to ensure, amongst other things, that visual amenities of the green belt are not compromised by development inside or outside the green belt.

PPS3 “Housing” 2010

- 8.8 Para 40 states the key objective of making the best use of previously developed land. Para 57 states that the supply of housing land should be managed so that a 5 year supply of deliverable sites is maintained. Para 69 states that local planning authorities should have regard to:

- achieving high quality housing,
- good mix of housing,
- suitability of site given environmental sustainability,
- using land effectively and efficiently ensuring development in line with planning for housing objectives.

PPG13 “Transport” 2006

- 8.9 Para 4 states key objectives as promoting more sustainable transport choices, promoting accessibility to jobs, shopping, leisure and other service by public transport and reducing need to travel by car. Para 74 states local planning authorities should identify routes for bus improvements and potential for improved transport interchange, and negotiate improvements in public transport provision. Para 76 and 79 state the importance of promoting walking and cycling as a prime means of access. Para 91 states that the acceptability of a Travel Plan will depend on the extent to which it materially affects the acceptability of development.

PPG17 “Planning for Open Space, Sport and Recreation” 2006

- 8.10 Para 18 states that local authorities should seek opportunities for improving the value of existing facilities and encourage better accessibility.

Adopted SPD “Public Transport Improvements and Developer Contributions” 2008

- 8.11 Para 4.3.15 states that the minimum level of accessibility to public transport should be 400m to a bus stop, offering a 15 minute (or better) service to a major public transport interchange, normally Leeds city centre, between 7am and 6pm, with a 30 min service up to 11pm and at weekends. Para 4.3.16. confirms that in locations where public transport accessibility is not acceptable, the developer is expected to establish and fund the measures required to make the site accessible.

Adopted SPG3 “Affordable Housing Policy Guidance Note Annex” 2007

- 8.12 In updating the original SPG from 2003 this required affordable housing of 25% in the outer suburbs.

Adopted Interim Housing Policy 2008

- 8.13 Introduced in 2008 this now requires 30% in the outer suburbs in accordance with the latest Strategic Housing Needs Assessment 2007.

Draft Interim Housing Policy 2011

- 8.14 Executive Board considered an item on 11th February 2011 proposing revisions to the Interim Housing policy. This follows receipt of a LCC commissioned report from DTZ undertaking an Economic Viability Assessment of affordable housing targets across Leeds. This report identifies that because of the economic downturn existing targets are not viable and should be reduced to be deliverable. Policy have confirmed that the site would be categorised as Outer Area (high value) where 35% affordable housing was viable at the height of the market, but only 15% is generally viable with current market circumstances.

- 8.15 The Draft Interim Housing Policy is approved for four weeks public consultation, the result of which are to be reported back to Executive Board before formal adoption as Council Policy.

Adopted SPG4 “Greenspace relating to new housing development” 1998

- 8.16 Para 1.6.6. states that for outline schemes of over 50 dwellings provision of greenspace in accordance with UDP policy N2 will normally be required on-site.

SPG11 Education “Section 106 Contributions for School Provision” 2001

- 8.17 Para 5/6 notes that where demand for school places cannot be met by existing infrastructure benefits should be offered, where directly related. Para 11 confirms that one cannot seek “contributions to resolve existing problems except where they would be exacerbated by the development”. Para 21 allows Education Leeds to project capacity to when development is likely to be occupied, but only by 12 months, unless specified otherwise by the developer.

Draft SPD “Travel Plans” 2007

- 8.18 Para 4.23 confirms that any applications comprising more than 50 dwellings will require a Travel Plan. Table 2 lists essential components of any Travel Plan . Table 6 lists the process for speculative outline applications.

9.0 MAIN ISSUES

1. Principle of Residential Development
 - a) Development Plan
 - b) Housing Need
 - b) Loss of Employment Land
2. Sustainability
3. Environmental Impact
4. Highways
5. Public Transport and Travel Plan Issues
6. Affordable Housing
7. Education
8. Walking/Cycling
9. Green Belt
10. Design and Landscaping (Masterplan)
11. Other matters

10.0 APPRAISAL

1. PRINCIPLE OF RESIDENTIAL DEVELOPMENT

a) Development Plan

- 10.1 The land lies outside the main urban area, but inset within the green belt (with the exception of the sport and recreation ground which is to be retained). The principle of residential development can be considered under adopted Leeds UDP (2006) policy H4. This states that development on unidentified sites within the urban areas, or in demonstrably sustainable locations, will be permitted for residential development provided that development is acceptable in sequential terms and is within the capacity of infrastructure.
- 10.2 This site lies outside the main urban area and hence the first key issue in terms of UDP Policy H4 is whether it lies in a demonstrably sustainable location, or could be made to be a demonstrably sustainable location. The previous Inspector's decision on an appeal at Riverside Mills concluded that the Riverside Mills site was not well served or capable of being well served by public transport and was not in a demonstrably sustainable location. However there has been material change of circumstance since that decision in that the Clariant site is now redundant and vacated. The Clariant site is slightly closer to the primary road network and closer to Horsforth town centre for pedestrians and cyclists via Calverley Lane North. The development proposals for the two sites together result in a critical mass that may enable a package of sustainability measures to address the previous Inspector's sustainability concerns.
- 10.3 The second key issue in terms of Leeds UDP policy H4 is whether development is acceptable sequentially and within the capacity of existing or proposed infrastructure. Sequentially the site is brownfield and consequently a priority for beneficial re-use, to limit the need for greenfield and greenbelt land release. The applicants have offered various off-site highway works and education contributions to address infrastructure impacts and these are addressed in the following sections.

b) Housing Need

- 10.4 PPS3 (para 57) requires local planning authorities to have a 5 year housing land supply of deliverable sites at any time. Following the coalition government's attempted revocation of RSS the Council has adopted an Interim Housing Requirement of 11,300 units by March 2016, of which 12,466 have been identified (inc. 2,500 windfall). The recent High Court's decision leaves RSS as part of the development plan, but with ministerial statements that seek to reduce weight given the continued intention to revoke RSS. The weight to be given to RSS is for the decision-maker and in this case, it is concluded that the RSS, and the former housing requirement, has limited weight.
- 10.5 Recent appeal decisions have assessed the weight to be attached to the 5 year Housing Land Supply and RSS, the latest of which relates to a phase 3 housing site at Syke Lane, Scarcroft (09/05551/OT). The Inspector concluded that the Council's Interim Housing Target was of "very limited weight" (para 25) and that the Council's arguments that it has a five year Housing Land Supply are "tenuous" (para 33). This is consistent with a number of other Inspectors who have similarly concluded that Leeds does not have a 5 year Housing Land Supply. At para 48 he concludes that:
- "The Council does not have a five year housing land supply in relation to either the RSS or interim Housing Target."
- 10.6 Whilst it is considered that the RSS has limited weight, it is considered that the 5 year Housing Land Supply issue is important. It is concluded that development of this site for housing would contribute positively to a 5 year Housing Land Supply and reduce pressure on greenfield, PAS and green belt sites.
- 10.7 The Coalition government has also announced a "New Homes Bonus" as part of October's White Paper, which includes £1 billion in bonus payments to encourage local authorities to provide new housing. This is intended to work by paying Council's sum equivalent to the national average for the council tax band on each additional property for 6 years; the scheme starts in April 2011. Although aimed at encouraging local authorities to release more housing land, it is not considered that it has any material weight in determination of this application.
- 10.8 A number of objectors have commented that there is no housing need or demand given unsold properties and that Horsforth does not need 2/3 bed properties as there is a lack of 4/5 bed properties. In response the local planning authority has a responsibility through it's development plan and in line with PPS3, to plan for future housing development and provide a 5 year housing land supply. Regardless of the short term problems in the market this provision still needs to be made. The site is sufficiently large to provide for market demands and to meet a housing balance as required by PPS3.
- c) Loss of Employment Land**
- 10.9 The application submission contains a report that assesses Employment Land Supply and the impact of the loss of this site in the context of policy E7 of the adopted Leeds UDP (2006). The applicant's report concludes that there is a short term 5 year surplus (within the life of the UDP) and overall a 15-23 years supply. The report has been assessed by planning policy officers in the light of the draft LCC Employment Land Review, which assesses future need for employment land across the district, and on the basis of both Area Committee zones and wider market areas. Policy officers comment:

“A broad conclusion that can be reached is that the draft ELR assessment indicates the local needs in the Outer North West can still be met to 2016, allowing for the loss of 20.2ha at these sites i.e. there would still be a 5 year supply available. There is also a surplus of 26ha in the West/North West market area up to 2016 and the 20.2ha of losses fall well within the allowance of 55.5ha for this wider area. Clearly the loss of these sites will make the situation tight and in the longer term there is an industrial/warehousing land shortfall identified for both the Outer West zones and the West /North West market zone.”

- 10.10 The applicant’s report conclusion that there is 15-23 years supply for this area is based on allocated sites and delivery of windfall sites. By relying on allocated supply and resisting loss to non-employment uses policy officers comment that that this is not a “comfortable” position longer term for the LDF Core Strategy to 2026. If the Council were unable to retain sufficient allocated land for employment uses then it is concluded that:

“existing identified supply could become inadequate within 10-15 years.”

- 10.11 There is therefore agreement that there is a surplus in the locality in the short term, but disagreement as to when supply may become inadequate (worst case 10-15 years compared to best case 15-23 years). However, in the context that there is a surplus in the current development plan period and that it is up to the forthcoming Site Allocations DPD to identify sufficient employment sites for the longer-term LDF period; it is officers conclusion that the loss of employment land is not objected to in this case.

- 10.12 Policy officers have also concluded that as a brownfield site, beneficial re-use should be encouraged. Given certain limitations of employment re-use, in particular distance from motorway network and likely lack of a cohesive and well planned scheme for business use, they have concluded that:

“the site is best suited to a residential led development...”

- 10.13 Overall planning officers conclude that there would be advantages to a well-planned residential led scheme and that residential development may be acceptable in principle, subject to the applicant satisfying the local planning authority that the site can be made sustainable through the package of measures offered.

2. SUSTAINABILITY

- 10.14 The Inspector in the previous Riverside Mills appeal concluded at (para 17) that:

“...the site is not well served or capable of being well served by public transport and is not in a demonstrably sustainable location.”

- 10.15 The applicants have offered a package of measures designed to increase the sustainability credentials of the site and overcome the Inspector’s concerns on the adjoining site. These areas are outlined in para 2.5 of this report. The application also includes a sustainability statement that refers to the sustainability package and concludes:

“Given the location of the site in respect of the main urban area of Leeds sustainability measures for the Clariant scheme have focused on the improvements to public transport accessibility, school provision, affordable housing need, community facilities and improved pedestrian/cycle linkages...The scheme will seek to achieve a 10% renewable/low carbon generating energy production and, Code for Sustainable Homes Level 3.... The location of the site also provides opportunities for walking, cycling and using public transport as means of travelling to the shops and services on offer in the local area. The scheme also provides the opportunity for employment opportunities for local people to be sited within easy walking distance. In conclusion, the proposed development represents an exciting high quality scheme which will effectively promote the principles of sustainable development in terms of community, economic development and the natural environment.”

- 10.16 The applicants S106/sustainability offer has been finalised. The benefits offered are acknowledged and the Sustainability team’s response notes that the development fulfils many of the requirements of sustainable development (social, economic and environmental) and recognises that much of this sustainability package represents good practice. However Sustainability officers note by extending sustainable transport options and improving performance of buildings the sustainability of the site could be improved further. This has been discussed further with the applicant along with the additional issues below that were highlighted in the Progress Report on 6th January 2011; an update is provided below.

-adequacy of the 30 minute bus service (compared to SPD policy of 15 minutes). *The applicant considers the offer sufficient and is not willing to extend the bus service further (see paras 10.35-10.37 below)*

-the off-site highway works and impact on the proposed bus service and usability for cyclists/walkers. *The off-site highway works have been amended. However the applicant has not provided fully for cyclists on Calverley Lane North and this cannot be achieved without an unacceptable loss of vegetation (see paras 10.50-10.51 below).*

-adequacy of Code for Sustainable Homes (CFSH) 3 compared to 4. *CFSH 3 is a statutory requirement unlike CFSH4. On this basis the applicant does not consider this request reasonable. The Sustainability Officer considers that there are no practical reason why CFSH4 cannot be achieved on this site and that not providing this does not maximise sustainability credentials. However it has been concluded that the imposition of a condition requiring 10% energy supply from renewable, low carbon sources would be an acceptable alternative.*

-commuted sum for secondary education provision. *Following further discussions with Education Leeds and legal officers it has been concluded that this cannot be required in this case (see paras 10.41-10.46 below).*

-adequacy of 25% affordable housing in the context of the Interim Housing Policy which suggests 30% (given the recent Executive Board decision re revisions to this policy suggesting 15% it is concluded that there is scope for flexibility on this matter (see paras 10.46-10.49 below).

-adequacy of the £50,000 footpath/cycle path link improvements. *This has now been increased to £100,000 which is considered acceptable by Public Rights of Way Officers to make meaningful improvements in the locality (see paras 10.52 below).*

how the offered 10% renewable/low carbon generating energy can be achieved.

This can be achieved by condition.

- adequacy of the sports pavilion in community use. It has been concluded that the Sports Pavilion can provide a valuable function as a community centre. The applicant is willing to offer to improve its state of decoration and provide insulation to improve its sustainability credentials. The specification for this remains to be offered and agreed in the S106.

- 10.17 Planning officers conclude that the sustainability offer, along with the benefits being jointly delivered with the Riverside Mills development, is substantial. Although not providing a public transport offer that is compliant with SPD or current affordable housing requirements; on balance it is considered that the offer is collectively sufficient to reach a different conclusion to the Inspector at the Riverside Mills appeal. In doing so however it is recognised that in terms of location and topography the site is not ideal for ensuring that significant numbers of trips will be made other than by private car.

3. ENVIRONMENTAL IMPACT

- 10.18 An Environmental Impact Assessment was submitted with the application and covers the following main areas:

-Ground Conditions and Remediation

-Ecology

-Landscape and Visual Effects

-Archaeology and Cultural Heritage

-Water resources

-Noise

-Traffic and Transport

- 10.19 A subsequent EIA addendum /Joint Impacts document has been produced assessing the impact of proposed highway works to Calverley Lane North. The EIA addendum particularly considers habitat impact with focus on flora/fauna and noise impacts from construction and following development. The Addendum concludes that there are no significant ecological or noise effects given that works are primarily limited to the existing highway and comparison with the potential noise generation from the fallback position.

- 10.20 Having considered the original EIA and responses from statutory and non-statutory consultees, it is considered that environmental effects are generally acceptable and in some ways beneficial e.g. remediation of both sites and better landscape integration (with the exception of outstanding issues regarding the footpath on Calverley Lane North). Whilst there will be an element of noise and disturbance for local residents this is not considered sufficient to warrant refusal, particularly in the context of the fallback position. Further information will be required at reserved matters stage and conditions can be imposed on any outline consent to ensure impacts are mitigated.

- 10.21 Having considered the EIA addendum and responses from statutory and non-statutory consultees, it is considered that environmental effects are generally acceptable. The landscape officer has requested clarification on certain landscape impacts, but it is likely that any issues could be resolved prior to determination.

4. HIGHWAYS

- 10.22 It has been clear from the start of pre-application discussions that a fundamental question in assessing any redevelopment proposal for this site is the potential impact on the surrounding highway network, in particular the Ring Road and Horsforth/Rodley roundabouts.

Ring Road

- 10.23 The Ring Road and associated roundabouts were built in the 1960's at a time of different highway design standards and different traffic levels. This part of the Ring Road currently experiences high traffic volumes and congestion problems in both morning and evening peaks. The City Council has assessed options for major improvements to this section of the Ring Road, including works to Horsforth and Rodley roundabouts. Improvements would be dependant on significant government funding, which is unlikely to be forthcoming for the foreseeable future. The City Council is currently developing a scheme to signalise Horsforth Roundabout, which will improve both the safety and control of the junction and could be implemented with funding from Section 106 monies from other schemes (such as Kirkstall Forge, Woodside Quarry) and Local Transport Plan 3.
- 10.24 Most of the objections from residents, ward members and the local MP state the main objection as the impact this development would have on the Ring Road. The applicant has provided a Transport Assessment that assesses this impact including VISSIM modelling. The Transport Assessment argues that based on the fallback position that their development will have "nil detriment" on the Ring Road. The updated VISSIM modelling in relation to the latest highways layout was only provided on 10th February 2011 and consequently there has been insufficient time to asses this fully. A final view will be reported by the Highways Officer at Panel.
- 10.25 It is established planning practice in assessing potential traffic generation to take a fallback position into account. In this case that fall back position is the lawful use of the site for General Industrial use (B2), with ancillary Storage and Distribution (B8) and Offices (B1). The existing buildings could be lawfully used on this basis. Given that Clariant had wound down operation over a number of years, resumption of the lawful use would result in a significant increase in traffic generation in comparison to current levels. The highway authority must consider the difference between the fall-back position and the proposed development to assess impact.
- 10.26 Lengthy discussions have agreed the extent of floorspace that could physically be re-used and the primary use (B2 General Industrial); although the range of trip rates have not been agreed. It is established planning practice that any fallback position must reflect a realistic assessment of the likely level of use of a site and the extent of floorspace likely to be let is not agreed. The applicant considers 80% is realistic and the local planning authority consider between 62-71% realistic dependant on market conditions. As a consequence, although there is a significant fall-back position, the applicant's "nil detriment" argument is not accepted and the development necessitates works to both Horsforth and Rodley roundabouts as well as Calverley Lane North. Other potential vehicular access off the estate e.g. Knott

Lane/Bar Lane have been considered, but recognised as impracticable. Other means of transport access such as a new train station have also been considered but would not be accepted by Network Rail given distances between the proposed Stations at Apperley Bridge and Kirkstall Forge.

Calverley Lane South

- 10.27 As part of the pre-application process, lengthy discussions were held regarding alternative approaches to the junction of Calverley Lane (South) and the Ring Road. Further to the Inspector's rejection of the signalised junction at the Riverside Mills appeal, other approaches to signalling the junction and a dedicated left in/left out arrangement were considered; but rejected by Highways on the impact they would have on disruption to traffic flows, highway safety and queuing on the Ring Road. Other options that would be acceptable to Highways were discounted by the applicant due to expensive strengthening costs to the railway/river bridge and third party land issues.
- 10.28 The applicant submitted revised drawings which retain the current arrangement for the Calverley Lane South/Ring Road junction. In the context of the fallback position, Highways consider that use of this existing junction and the existing site access is acceptable in principle, but subject to assessment of revised modelling assessment mentioned above. A final view will be reported by the Highways Officer at Panel.
- 10.29 Although the applicant has removed an uncontrolled pedestrian crossing from the Ring Road (to access the bus stop on the southbound carriageway) following an objection from the Police re wide loads, they have indicated that they would be willing to provide this if requested by Panel. Panel also requested details of accident statistics for right turn movements at the junction of Calverley Lane South and the Ring Road, these will be presented by the Highways Officer at Panel.

Calverley Lane North

- 10.30 As part of the pre-application process lengthy discussions were held regarding alternative approaches to the use of Calverley Lane North and the junction with the Ring Road.
- 10.31 The application was submitted with a proposal to make Calverley Lane North limited access for residents, service vehicles and the new bus only, controlled by a bus gate at the junction with the Ring Road. This would be acceptable to Highways if an improvement scheme to Calverley Lane South was practicable. In the absence of a practicable scheme for Calverley Lane South the application was revised to retain Calverley Lane North open to all traffic (limited to 7.5t), but one way. This is accompanied by a 2m footway on one side to protect pedestrians and encourage pedestrian access to Horsforth. These elements would also require the road to be adopted. Highways have confirmed that this would be acceptable in principle, subject to provision of a 2.5 m joint footway/cycleway (see section below) to detailed design, inclusion of passing places and the successful completion of the adoption process. A grampian condition is recommended to ensure that the works are completed prior to occupation of the first unit.

Horsforth and Rodley Roundabouts

- 10.32 The application includes a proposal to improve Horsforth roundabout comprising an extended merge lane on the Ring Road southbound from the Horsforth roundabout, extended islands and new toucan crossing. The application also

includes a proposal to improve Rodley roundabout comprising widened lanes and realigned footways (plus an uncontrolled pedestrian crossing).

- 10.33 The extent of improvements do not go as far as the full Leeds City Council proposed scheme for these roundabouts; however the applicant only has responsibility to mitigate the impact of their development, rather than resolve all the historic problems of the Ring Road. The proposals offered do represent an incremental improvement that would be compatible with the Leeds City Council full scheme and as such are supported by Highways. The applicant is also willing to offer a signalised pedestrian crossing near Rodley roundabout if requested by Panel, although no proposals have been submitted.
- 10.34 In addition the applicant has indicated that it would also be prepared to fund the full Leeds City Council proposed scheme (at a fixed cost) to signalise Horsforth Roundabout referred to in para 10.21. Highways have confirmed that this would have significant benefits, which in the absence of any other funding streams would be supported in Highways terms. However the applicant has confirmed that if Panel was to support the proposal on this basis, no affordable housing would be offered. If Panel were to support this alternative approach, then the relative costs of both would need to be provided and assessed.

5. PUBLIC TRANSPORT AND TRAVEL PLAN ISSUES

- 10.35 The applicant is proposing funding extending the existing 31/32 bus service to operate on Calverley Lane North linking the site to the A65 Quality Bus initiative and Horsforth Train Station. The route is also intended to take in Hall Lane to enable access to West End Primary and Horsforth High School although the bus could only be routed within 400m of schools. The bus service would comprise a small bus (e.g. Optare midi) every 30 minutes from 7am to 10 pm, seven days a week for 10 years. The applicant is also willing to offer an alternative 15 minute service comprising two buses, but this would only be funded for 5 years.
- 10.36 Planning and highways officers acknowledge that this is a benefit that will aid accessibility to the site, however there are concerns about the adequacy of the bus service. The adopted Public Transport SPD states that the minimum level of accessibility to public transport should be a 15 minute (or better) service (not 30 minute) up to 11pm (not 10pm). The developer has argued that a 15 minute service would require 2 buses that would be under-utilised and that such a service would be less likely to be viable after 5 years. METRO has also commented that the 30 minute one bus ten year service would be most likely to be commercially viable after the end of the developer funding period.
- 10.37 The fact that the bus offer fails to even meet the minimum set out in the SPD as sustainable is a significant negative aspect of the proposals. A five year funding period would be unlikely to see the site fully built out. However, taking this case on its merits and METRO's view that a 10 year service is the most likely to be commercially sustainable, it is concluded that on balance the developers offer is acceptable.
- 10.38 In addition the applicant has only offered to fund one bus-stop whereas two are required by METRO, this remains to be discussed and agreed prior to determination.

- 10.39 It is considered that as an outline application, an Interim Travel Plan would be acceptable, to be approved as part of any planning permission and attached to the Section 106 agreement (but with a condition requiring a revised Travel Plan once a lead housebuilder is on board).
- 10.40 Travelwise also requested further clarification/revisions in relation to the Travel Plan in particular an implementation programme for the Action Plan, clarification of type of metro-card provided, setting Travel Plan targets and confirming an interim Travel Plan coordinator. A revised Travel Plan has only recently been submitted and Travelwise's views will therefore be reported verbally to Panel.

6. AFFORDABLE HOUSING

- 10.41 The application offers 25% affordable housing, however the Council's Interim Housing Policy (2008) requires 30%. As such objections have been received from both affordable housing officers and policy officers that the offer is insufficient.
- 10.42 However the Council is now looking to consult on proposed revisions to this Interim Housing Policy. Executive Board considered a report on 11th February 2011. This follows receipt of a Leeds City Council commissioned report from DTZ undertaking an Economic Viability Assessment of affordable housing targets across Leeds. This report identified that because of the economic downturn, existing targets are not viable and should be reduced to be deliverable. Policy have confirmed that the site would be categorised as Outer Area (high value) where 35% affordable housing was viable at the height of the market, but only 15% is generally viable in current market circumstances.
- 10.43 Although the proposed policy remains to be subject to public consultation and re-assessment at Executive Board, it is clear that viability is a recognised issue that is hindering development in the city. In the context that Leeds City Council is soon to formally consult on revised targets (that would suggest 15% affordable housing for this site) it is concluded that there is scope for flexibility on this matter and the developers offer of 25% is considered acceptable.

7. EDUCATION

- 10.44 Pre-application discussions involved an assessment of potential primary and secondary education need arising from the development. As regards primary education it was agreed that this development would not generate sufficient children to warrant a new primary school on its own and expansion of existing Horsforth schools was the preferred option. If expansion of existing schools could not provide sufficient capacity, then a new primary school would need to be considered to meet wider community needs, ideally in a location more central to the heart of Horsforth, and a commuted sum contribution would be required. As regards secondary education the developer was also made aware of potential secondary need and a commuted sum was also requested. Concerns have also been raised by ward members and residents at the ability of local education services to cope with additional demand from this development. Details of primary and secondary school roll forecasts are contained in the Education consultation response attached as an Appendix to this item.

- 10.45 Education Leeds requested a primary education contribution from Clariant of £1,188,929. The developer has offered full funding of this primary education sum in the S106 agreement.
- 10.46 Education Leeds also requested a secondary education contribution of £716,597 which was queried by the applicant on the basis that there is capacity at the moment and they consider that it is Education Leeds responsibility to plan for any future shortfall.
- 10.47 It is planning officers opinion that the developer can only be required to fund sufficient education capacity to cater for their development, rather than resolve wider educational issues. The same applies to other developments in the locality e.g. Woodside Quarry and Kirkstall Forge. As secondary capacity currently exists, and shortages would take over 8 years to manifest themselves (see Education Consultation response attached) it would not be reasonable to expect the developer to fund this. In addition the SPG governing education contributions only suggests looking 12 months ahead of the grant of planning permission at potential shortages, appeal decisions also suggest that if there is no shortage at first occupation (which officers anticipate could be as early as 2013) a contribution is not justified. On this basis it is concluded that a secondary contribution is not justified.
- 10.48 Concerns have also been raised by ward members and residents regarding the possibility of children from this development gaining precedence over existing children for places at local schools. It is not the function of the planning system to arbitrate between different groups or users, or place the rights of one group of residents above another. Whilst this is a genuine issue of educational policy and placement, it considered that it is not a planning issue.
- 10.49 It is therefore concluded that as the developer is willing to pay the primary contribution, sufficient funds will have been made available to provide for education demands resulting from this development.

8. WALKING/CYCLING

- 10.50 The application proposes to aid sustainability credentials by encouraging walking and cycling trips. This comprises funding a new footway on the Ring Road between Rodley roundabout and Calverley Land South, new footway on Calverley Lane North (via a Section 278 agreement) and an offer of £100,000 towards improvement to the footpaths near the south east corner of the site connecting the site and Calverley Lane and the canal towpath in the vicinity of Calverley Bridge and the Railway Public House (via a Section 106 agreement).
- 10.51 The works to Calverley Lane North, by providing a dedicated public footway, will offer a significant benefit in accessibility for pedestrians to Horsforth that was not available at the time of the Riverside Mills appeal. However the footway measures 2m which is insufficient to dedicate it as a cycle route. Both highways and cycling officers have objected that this should be at least 2.5 m as a minimum. Although this is achievable, it would result in the loss of more vegetation further eroding the character of Calverley Lane North as a rural lane. In addition the Landscape officer has objected to the 2m path on the basis of inadequate information and its potential impact on trees and hedges. It is acknowledged that the 2m path is a compromise but it may be acceptable, subject to clarification of landscape impacts

and revised design. However it is recognised that in offering benefits to pedestrians, it has disbenefits for cyclists.

- 10.52 The offer of £100,000 is double the figure put forward in the Progress Report and responds to the minimum improvements referred to in the Progress Report. A specification has been agreed with Public Rights of Way officers. It is planning officer's views that the improvements offered now reasonably contribute to footpath improvements. An outstanding issue however is an additional contribution to the canal towpath, referred to in the applicant's sustainability statement as a key route. British Waterways have confirmed that they "are not legally required to maintain the path surface" and that given financial constraints any funding is therefore unlikely. In this context it is considered that a contribution is reasonable. The applicant is willing to provide a contribution to towpath repairs/improvements, but only if monies are saved on highway works.

9. GREEN BELT

- 10.53 The site is surrounded by green belt, remainder of the industrial estate and Riverside Mills site to the west. It is considered that the Concept Masterplan submitted with the application, detailed plans at reserved matters stage (with adequate boundary buffer planting) will ensure that visual amenities of the green belt are not compromised. Some residents have objected on grounds of development putting further pressure on green belt in the locality; this is not accepted as the site is not in the green belt and green belt boundaries will be maintained.
- 10.54 The Sports and Recreation ground (which lie in the green belt) are proposed to be retained in their current use, with extended use for the community. This will maintain the openness of the green belt. Details will be incorporated in the Section 106 agreement.

10. DESIGN AND LANDSCAPING (MASTERPLAN)

- 10.55 The Clariant site is immediately adjoining the Riverside Mills site and it was made clear at pre-application stage that in pursuing development, the local planning authority would require sufficient comfort that the two sites could be integrated in urban design terms. Although Layout, Scale, Landscaping and Appearance are all reserved matters, it was agreed that a joint Concept Masterplan document could control the design parameters for the sites and be approved as part of any permission. This would ensure that the form of development at reserved matters stage would be compliant with policy and result in a positive development.
- 10.56 The submitted Concept Masterplan document for Clariant prescribes developable areas, storey heights, densities and design parameters. Sensitive areas of open space such as the existing sports pavilion/recreation ground will be retained and the river front respected. Existing boundary vegetation will be retained and respected. It confirms that the housing will be a mix of 2, 2.5 and 3 storey houses. The document has been amended in line with the concerns noted in the Progress Report. It is officers opinion that the level of two and three storey development would be sensitive to the green belt/valley context, and would represent a significant visual improvement over the current non-conforming and incongruous commercial buildings. The landscape officer has commented that:

“ the development overall will have significantly less landscape impact than the existing works...the transition from a largely grassed landscape setting around the industrial buildings into finer grained gardens and peripheral planting which will over time develop a significantly greener character...”

- 10.57 These comments are accepted and it is considered that in design/landscape terms, the Concept Masterplan, subject to the revisions above, offers an opportunity for a far more sensitive and attractive development form in this location than currently exists.
- 10.58 The Clariant illustrative layout (which gives an impression of how the Masterplan may be interpreted at reserved matters stage) represents a form of development with a strong centre, a number of appropriate areas of open space, retention and enhancement of boundary planting and a main access that links from Calverley Lane through to the Riverside Mills site.
- 10.59 In conclusion it is considered that the Concept Masterplan will ensure that detail submitted at reserved matters stage would be appropriate for this sensitive green belt, valley location.

11.0 OTHER MATTERS

- 10.60 A number of objections raise other matters not covered above as follows:
- Impact on other overstretched local services such as healthcare (doctors, dentists, midwifery etc), police, libraries and supermarkets. *The PCT have confirmed that the development is not sufficiently large to warrant its own GP surgery. It is considered that the same would apply to dentists etc. As regards other local services. A retail unit is included on site and in terms of demonstrable impacts, the application makes a reasonable offer to local infrastructure.*
 - Site may be prone to flooding. Development needs to satisfy water demand and may require larger diameter mains. *The Environment Agency, Yorkshire Water and Mains Drainage all consider that the principle of development is acceptable, subject to development being contained within flood zone 1 areas and conditions ensuring adequate drainage provision. These matters can be satisfactorily addressed at reserved matters stage.*
 - One retail unit on site will not be enough. *It is concluded that an additional retail unit on site would not be viable.*
 - Site better as a nature reserve to be developed for walks, wild flowers meadows, play areas, picnic areas and allotments. *Whilst such a use would be attractive and beneficial it is considered that it would be financially unrealistic and not meet planning policy objectives of seeking a beneficial re-use for the site.*
 - Even if stone, not possible to fit/out of place with area. *It is concluded that stone is the natural building material for this area and such matters will be determined at reserved matters stage.*
 - Size of allotments paltry, plenty of Public Open Space in the locality. *Parks & Countryside have confirmed that the allotment provision is practicable and reasonable. Officers conclude it aids the sustainability offer for the development.*

11.0 CONCLUSION

- 11.1 The site is a significant brownfield site that is inset within (and therefore not subject to) green belt policies. The delivery of residential development on major brownfield sites, in sustainable locations, remains a key planning objective in the

adopted Leeds UDP (2006), RSS (2008) and PPS3 and should be afforded significant weight.

- 11.2 The site is vacant. Policy officers have confirmed that the site would not be well suited for new employment development. A well planned and integrated residential development offers the opportunity to bring beneficial use back to this site with a scheme that has the potential for being much better integrated into this sensitive green belt, valley landscape. As such the principle of residential use is supported.
- 11.3 A key issue is whether the development and associated sustainability package has increased the sustainability credentials of this development sufficient to overcome the concerns identified by the previous Riverside Mills Inspector and be acceptable in the context of current policy. The development and its associated S106 package goes a long way in improving the sustainability credentials of the site. Although sustainability credentials could be further enhanced through measures referred to in this report, it is concluded that the proposal has a sufficient sustainability offer to be supported.
- 11.4 It is concluded that on balance, the highways approach is acceptable in principle, subject to further information on the footway on Calverley Lane North and detailed design as part of a S278 agreement. It is also concluded that the education offer is sufficient to mitigate the impacts of this development. It is also concluded that the affordable housing offer is acceptable in the context of the Council's proposed revisions to policy.
- 11.5 Any decision on this application is finely balanced. It offers the benefits of beneficial re-use of a major brownfield site, to provide housing that contributes to the housing land supply, in a form that can better integrate with local landscape/character. On the other hand the proposed bus service and affordable housing offer do not meet current policy and the solution for Calverley Lane North is a compromise. Applying that balance officers have placed more weight on the reuse of a vacant industrial site for housing with the infrastructure improvements on offer but have noted that the site will always struggle to meet high sustainability criteria due to location. The package now on offer however is considered to have sufficient merit for officers to recommend approval, subject to conditions and a Section 106 agreement.

Background Papers: Inspector's decision re planning application 27/211/05/OT, Education Consultation (attached as Appendix A)

10/04068/OT APPENDIX A: EDUCATION CONSULTATION RESPONSE

Clariant and Riverside Mill Developments

Section 106 Education Contributions

1. This is a revised response following feedback from the developers that included a written response and a further meeting followed by legal guidance on the appropriateness of our original position in respect to secondary contributions. We considered two substantive points arose that are addressed in this revised response. These are the appropriateness of secondary contributions based on future not current school place pressures and the issue of children from outside the Leeds authority accessing Leeds school. We haven't prepared a detailed response to the written submission, we believe the substantive points are addressed here but would stress this doesn't imply either agreement with the majority of points made or in acceptance of their relevance.

Background

2. Our position is based on section 106 education contributions when necessary are to support the local authority in meeting its statutory obligations to provide sufficient school provision. Addressing the need generated by new housing developments has to be undertaken within the context of the overall school place pressures affecting the wider communities in which they will be located. Distinct consultation and approval processes exist around school provision and no certainty of options can be stated in advance of these. It is also important to state that the process for school place allocations is determined by the Leeds school admissions policy (see page 4).

3. Leeds has an established formula for defining Section 106 educational contributions, this is based on:

- Cost per pupil being defined by a national cost multiplier for the average construction cost of additional school provision per pupil. A nationally defined location factor is applied that accounts for variations in construction costs around the country.
- Locally pupil generation rates exist for how many pupils a housing development contributes based on averages of 0.1 secondary pupils per family unit and 0.25 primary pupils.
- There is a locally defined limit before which contributions are not required, in Leeds this is 50 dwellings.

4. This formula is applied to produce the additional school places a housing development will generate. This number is then applied to existing local school place capacity to see if a contribution is required to support additional provision. This raises two variables: firstly school place capacity which changes as school populations and school provision changes; and secondly around what is appropriate to be considered as local school provision in each circumstance. For primary schools the basis is primary planning areas accepting it may be appropriate to include more than one planning area depending on the location of developments. For secondary schools precedent is to consider the nearest school.

Primary Contribution

5. We are pleased of the recognition of the need to provide a full contribution. This contribution is:

Primary contribution for Clariant Works: 400 (family dwellings) x **0.25** (primary children per family unit) x **£12,257** (per primary place) x **0.97** = **£1,188,929**

Primary contribution for Riverside Mills: 150 (family dwellings) x **0.25** (primary children per family unit) x **£12,257** (per primary place) x **0.97** = **£445,848**

Total Primary contribution: **£1,634,777**

*Based on DCSF location factors Jan 2009
Based on 2008/2009 cost multipliers*

6. Outlined below is the current primary situation and potential ways to accommodate the additional school demand generated by these developments. There is no approved solution at this point, any solution must be found as part of the options most appropriate for meeting school place demand in this part of Leeds.

7. We would wish to support to the extent possible the expressed desire for this to be a Horsforth facing development. However the admission policy means that the Calverley area must also be considered. As table 1 shows both areas are facing school place pressures.

Table 1: Projections for Horsforth and Calverley Planning Area December 2010

| Calverley Planning Area | | | | | | |
|-------------------------|-----|-------|-------|----------|---------|------|
| | REC | TOTAL | AD LT | CAPACITY | SURPLUS | % |
| 2009/2010 | 74 | 487 | 70 | 480 | -7 | -1% |
| 2010/2011 | 65 | 489 | 75 | 480 | -9 | -2% |
| 2011/2012 | 80 | 505 | 75 | 480 | -25 | -5% |
| 2012/2013 | 74 | 514 | 75 | 480 | -34 | -7% |
| 2013/2014 | 74 | 522 | 75 | 480 | -42 | -9% |
| 2014/2015 | 77 | 533 | 75 | 480 | -53 | -11% |

| Horsforth Planning Area | | | | | | |
|-------------------------|-----|-------|-------|----------|---------|-----|
| | REC | TOTAL | AD LT | CAPACITY | SURPLUS | % |
| 2009/2010 | 239 | 1,573 | 240 | 1,674 | 101 | 6% |
| 2010/2011 | 235 | 1,607 | 240 | 1,674 | 67 | 4% |
| 2011/2012 | 262 | 1,662 | 270 | 1,674 | 12 | 1% |
| 2012/2013 | 258 | 1,708 | 270 | 1,674 | -34 | -2% |
| 2013/2014 | 242 | 1,730 | 270 | 1,674 | -56 | -3% |
| 2014/2015 | 305 | 1,804 | 270 | 1,674 | -130 | -8% |

8. The Horsforth Primary School Place planning area includes the following schools:

- Horsforth West End
- Westbrook Lane
- Horsforth St Margaret's CE
- Featherbank Infants (Primary from 2011)
- Newlathes Junior (Primary from 2011)
- Broadgate Primary
- St Mary's Catholic Primary, Horsforth

Previous conversations suggested expansion to West End Primary as the most likely solution in terms of the school's proximity and potential to expand. This remains an option, and the most likely local option, with the attached caveats of being subject to public consultation and site constraints including highways matters.

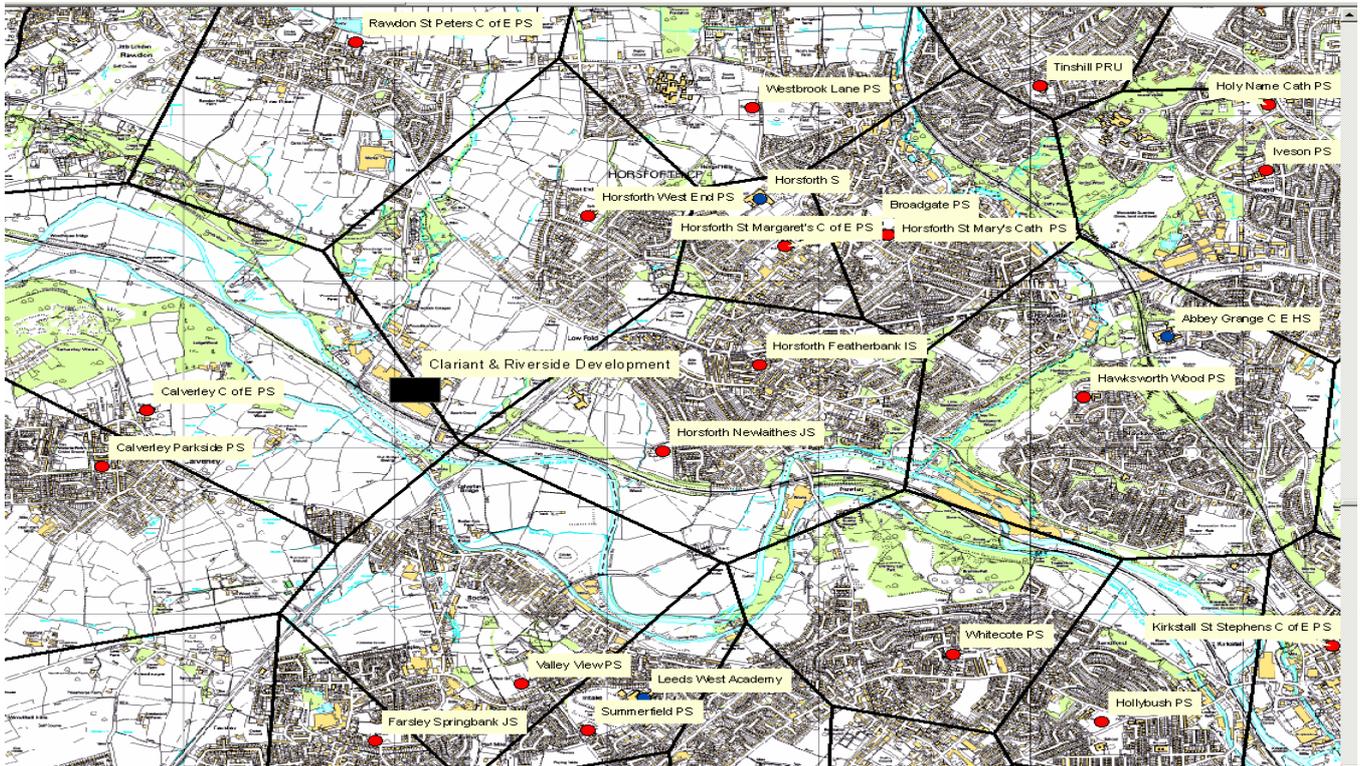
9. The Leeds admissions policy prioritises nearest school based on direct distances. For some of the development this means that Calverley Church of England will be the nearest primary school. Parents in this part of the development would have the opportunity to preference this Calverley school and to be prioritised on the basis of this being their nearest school. While there is no implication that the primary place needs of these developments should be met in Calverley there is a potential direct impact on demand for places at Calverley schools. Therefore the Calverley primary place planning area must also be considered, this includes the following schools:

- Calverley Church of England
- Calverley Parkside

Those living nearer to Calverley Parkside than Calverley CoE would be preferenced behind those on the new developments who would be closer to Calverley CoE than to Horsforth West End. (Please see map below). Calverley Church of England is subject to Leeds admission policy as a voluntary controlled school.

10. The Leeds admissions policy inline with case law cannot distinguish between children and families on the basis of local authority boundaries. However based on existing school provision no Bradford children will have either a Horsforth or a Calverley school as their nearest primary school.

Figure 1: Indicates the Clariant/Riverside Development in relation to the primary and primary polygons as of October 2010



11. Initial consultations on expanding in these planning areas to meet existing demands have included both West End Primary School and Calverley Church of England. These highlighted that expansion in neither case was straightforward. While these continue to be options there can be no presumption that either would be possible.

12. A new school is a potential option if expansion of the existing schools is not possible or insufficient. Accepting at this point this is only a theoretical option no funding or location has been secured. A new school could relate to managing wider school place pressures potentially over a group of primary planning areas, especially given other housing developments in this part of Leeds. Either way the section 106 contribution from Clariant and Riverside Mill housing developments would only part fund this but given that the demand generated would only part contribute to the rationale for a new school this is considered fair.

13. **Primary summary:** The need for a full contribution is agreed. The desire to focus on Horsforth is acknowledged but with the recognition that the implications on Calverley must also be considered. There is no solution in place for meeting the demand created by these sites and addressing this will be part of wider school place pressures in this part of Leeds. Potential to expand existing schools will continue to be explored. A new school remains a possibility that would receive attention if expansion options prove insufficient or impractical. Securing of a site though is a key obstacle to this. In agreeing these proposals there is a risk for Leeds City Council. There are existing population pressures, known difficulties with expanding existing schools and no existing new school options. The statutory responsibility for securing school places rests with Leeds City Council with the developers' responsibilities being met by the section 106 contributions.

Admissions Policy 2011

Our Chief Executive makes all offers of a school place on behalf of Leeds City Council, which is the admissions authority. Headteachers or school-based staff are not authorised to offer a child a place. Children with a statement of special educational needs

will be admitted to the school named on their statement. We will offer places to children in the following order of priority.

Priority one a Children in public care or fostered under an arrangement made by the local authority. b Pupils without a statement but who have Special Educational Needs, or

with exceptional medical or mobility needs, that can only be met at a specific school.

Priority two Children with brothers or sisters who will be at school at the start of the academic year and are living at the same address. This priority will not apply where the older sibling joined the sixth form from a different school.

Priority three Where children attend the following infant schools they will have priority for the linked junior school:

Farsley Westroyd Infant linked to Farsley Springbank Junior

Guiseley Infant linked to St Oswald's Junior
Rothwell Haigh Road Infant linked to Rothwell Victoria Junior

Yeadon Westfield Infant linked to Yeadon Westfield Junior

Should there be more children than places available priority 4 will be used as a tie break.

Priority four We will give priority to parents who put their nearest school. This does not include any voluntary-aided schools which act as their own admission authorities. Neither does it include single-sex schools. If we have more applications than there are places, we will offer places first to children living nearest to the school (measured in a straight line distance).

Priority five We will give priority to parents who choose a Leeds school, which is not the one nearest to their home address. If we have more applications than there are places, we will offer places first to children living nearest to the school (measured in a straight line). If we cannot offer parents or carers a place for their child at any school they put on their preference form, we will offer their child a place at the nearest school that has places available when we make the offer (in the first instance this will be community or voluntary controlled but may be voluntary aided, foundation or academy schools).

Secondary Contribution

14. As with primary a standard formulae is applied to assess secondary requirements. With secondary the number of children estimated per family unit and the cost per school place differ from primary. For this development secondary demand is calculated as

- Clariant 400 + Riverside 150 = 550 family dwellings.
- 550×0.10 (secondary children per family unit) = 55 additional pupils requiring a school place

It is considered that these additional pupils can be accommodated within existing provision for the immediate future and therefore no section 106 contribution is being asked for. Secondary provision will though face increasing place pressure over the next decade. It is likely that at a future point the demand generated by these housing developments will apply a requirement on the local authority to generate additional school places. However the long term nature of this pressure and the availability of places in the interim means that it is not considered reasonable on a legal and planning basis to request a contribution.

15. The overall position with the secondary population in Leeds is that there will be a slight reduction in the short term followed by a consistent period of growth. The upward trend in births continued for the year to September 2010 implying place pressures will continue to grow. Detailed below is the analysis undertaken to determine our position in respect to this development it was based on a consideration of:

- Year 7 capacity, as year 7 intakes must be manageable through to year 11;
- Statutory school age covering school year's 7-11 to which Section 106 secondary school contributions apply; and
- Assessment of overall secondary school capacity including 6th forms.

16. Our initial position is to base the availability of places on the nearest secondary school, in this case Horsforth School. Using the nearest school is consistent with our admissions policy. (Accepting availability is determined by our admissions policy under which residents of these developments would be treated in line with all other families). Horsforth currently has no spare capacity and while this will change for 2011/12 and 2012/13 with 11 and 6 spare spaces respectively in years 7-11 this would not be sufficient to take on the 55 additional pupils generated. Based on the nearest school assessment a full contribution is warranted.

16. Given the proximity of Leeds West Academy, which has significant capacity, the basis for using just Horsforth has been challenged. To ensure the fairness of our approach we assessed a broader basis of local provision. This has to be based on a clear rationale and there is no basis for just considering Leeds West Academy and Horsforth in isolation. Our approach is to use a distance of 3 miles as the distance between home and school that is considered reasonable in terms of offering a school place. This is based on Leeds City Council policy in respect to school transport in that if the local authority is unable to place a young person in a secondary school within a 3 mile walking distance of their home address the local authority can be asked to fund transport costs. This qualification to free travel is determined by the eligibility criteria contained in Leeds City Council Policy. It is acknowledged that this is only one aspect of the policy but it has been chosen as the most general criteria applicable to the widest group of young people. This implied consideration of the following schools:

- Horsforth School (1.7 miles)
- Leeds West Academy (2.0 miles)
- Priesthorpe (2.5 miles)
- Benton Park (2.8 miles)

Previously Abbey Grange Church of England School at 2.6 miles was included but in reviewing this assessment it is not considered appropriate to include this school given its distinct admissions policy.

17. On this basis year 7 capacity is available until the 2020/21 academic year. This accepts that the capacity is in Leeds West Academy and that the other three schools will be full a considerable time before this. Given this timeframe it is not felt reasonable to ask for a secondary contribution.

18. A third option would be to consider the developments in the context of the city wedges they affect. The developments are on the boundary of the West and North West wedges. With the North West wedge secondary schools are expected to be beyond their combined admissions limit by 2016/17 and beyond their 11-16 age and full capacity a year later. In the West wedge capacity in year 7 will have been exceeded in 2019/20 and for the years 7-11 in 2021/22. In terms of the city perspective the west wedge is better resourced to meet increasing demands than the city viewed as a whole. The city will run out of capacity from 2016/17 in year 7 and then for years 7-11 the following year. It is known that Leeds will face ongoing secondary school place pressure with those born in 2009-10 the largest cohort to date only reaching year 7 in 2021/22.

Table 2 School Capacity

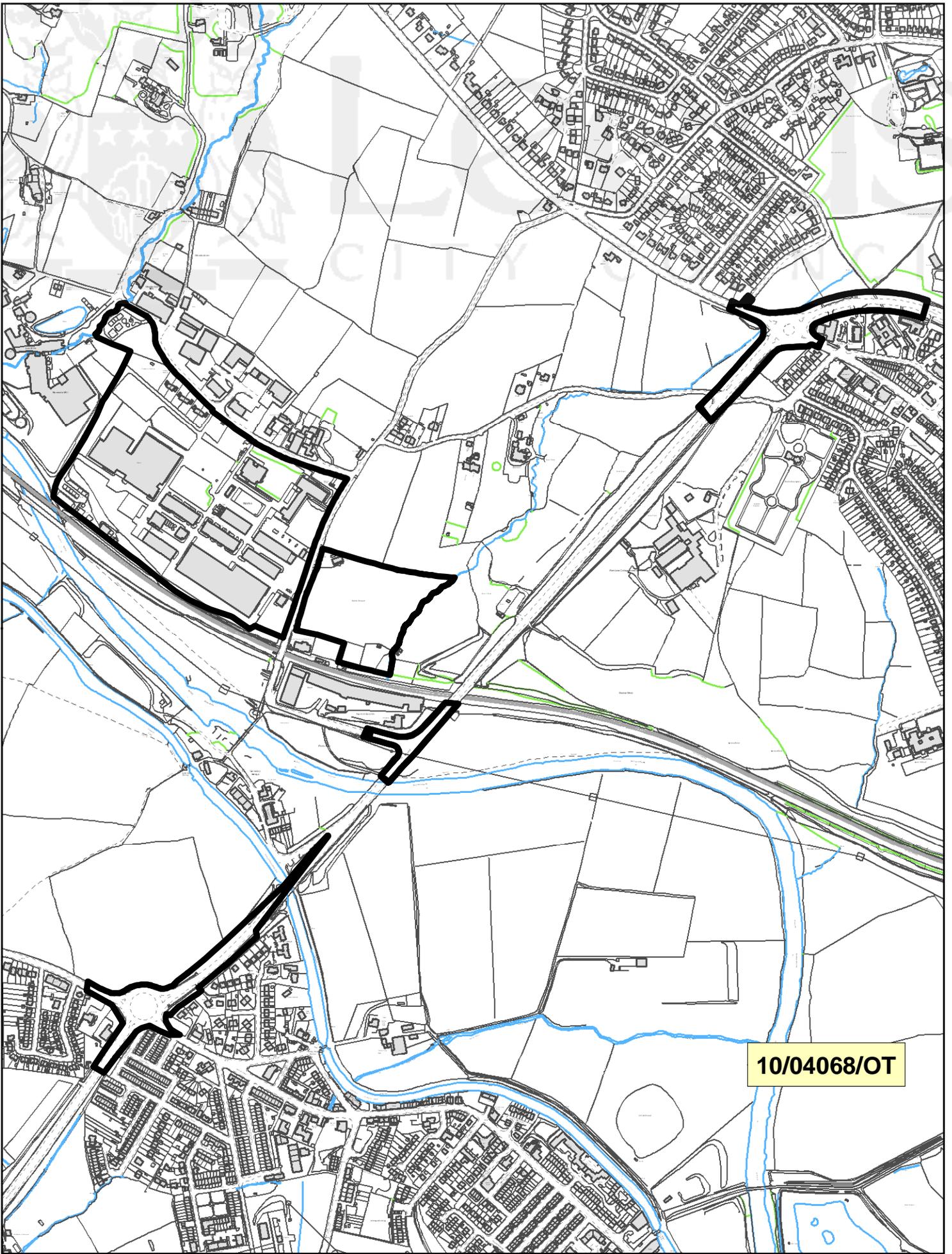
| Secondary provision | Academic Year that Year 7 places exceeded | Academic Year that Years 7-11 places exceeded * | Academic Year that net capacity exceeded |
|-------------------------------|--|--|---|
| Nearest school - Horsforth | 2013/14 225 places 230 pupils | 2014/15 1125 places 1128 pupils | 2014/15 1372 places 1378 pupils |
| Within 3 mile walking route** | 2020/21 912 places 916 pupils | 2021/22 4560 places 4556 pupils | 2021/22 5387 places 5363 pupils |
| North West Wedge | 2016/17 1892 places 1982 pupils | 2017/18 9460 places 9548 pupils | 2017/18 11363 places 11543 pupils |
| West Wedge | 2019/20 1295 places 1307 pupils | 2021/22 6475 places 6533 pupils | Beyond 2021/22 7321 places 6994 pupils |
| Leeds | 2016/17 8123 places 8467 pupils | 2017/18 40615 places 40861 pupils | 2018/19 48019 places 48562 pupils |

**based on multiplying admission limit by 5.*

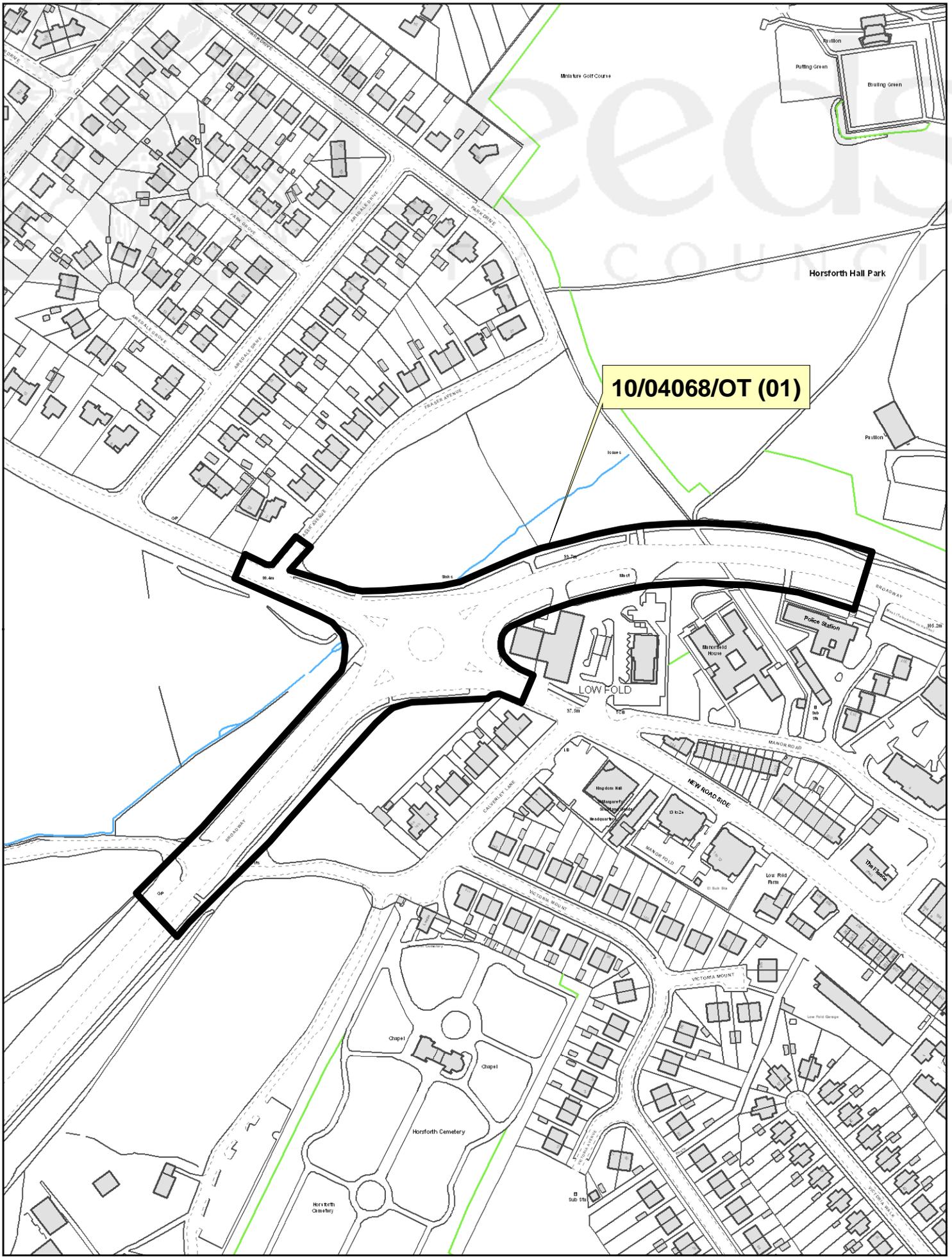
***Includes Horsforth, Leeds West Academy, Benton Park and Priesthorpe Schools*

Developments will add an additional 55 pupils across years 7-11 to the numbers in the table above

19. **Secondary Summary** Over the longer term existing secondary provision will be needed to address projected future need and housing developments are therefore generating additional place needs. However in this instance where place pressure will take over eight years to manifest it is not considered that there is a legal and planning basis on which to request a contribution. The additional demand will therefore need to be managed through the local authority's longer term approach to school place planning pressures.



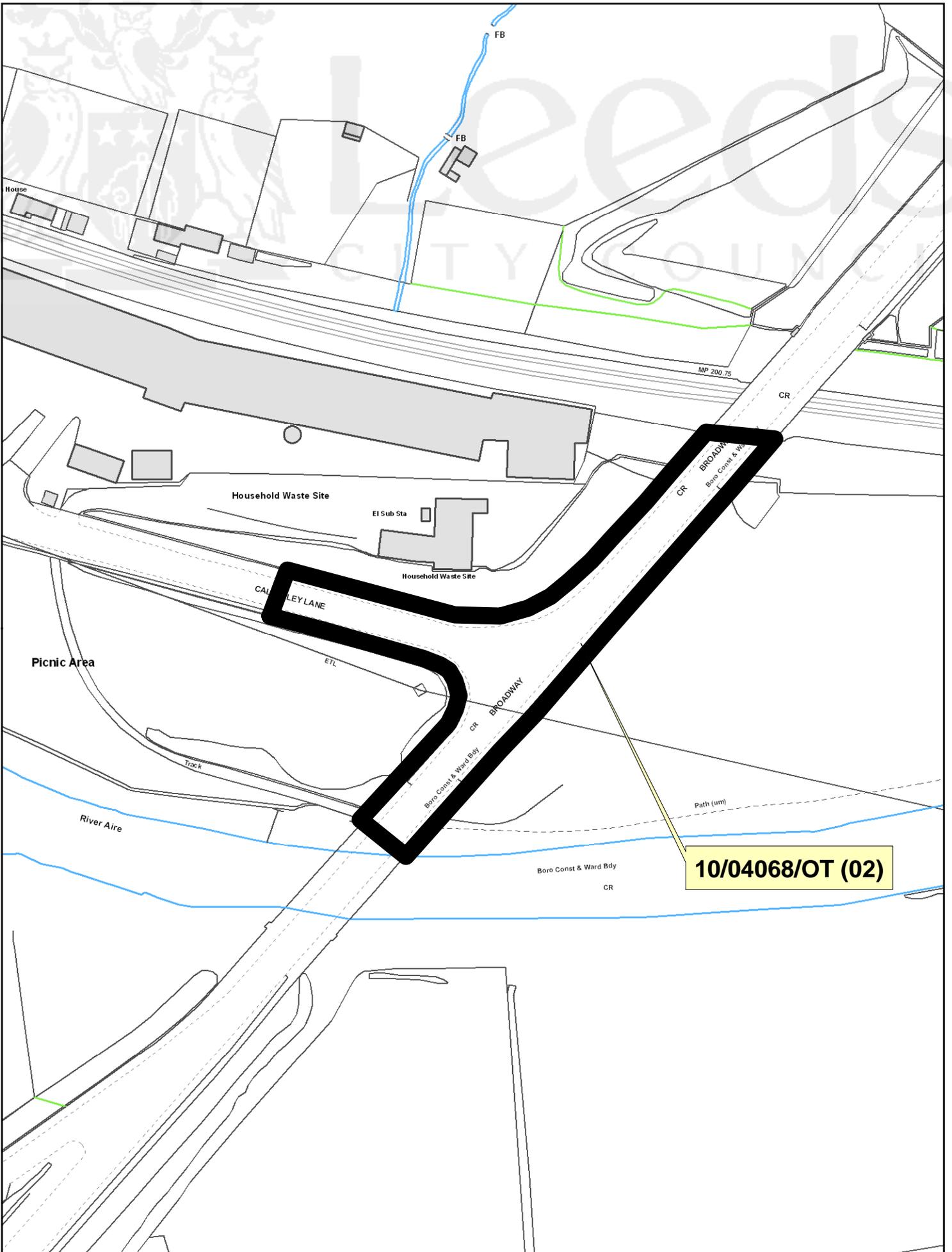
WEST PLANS PANEL



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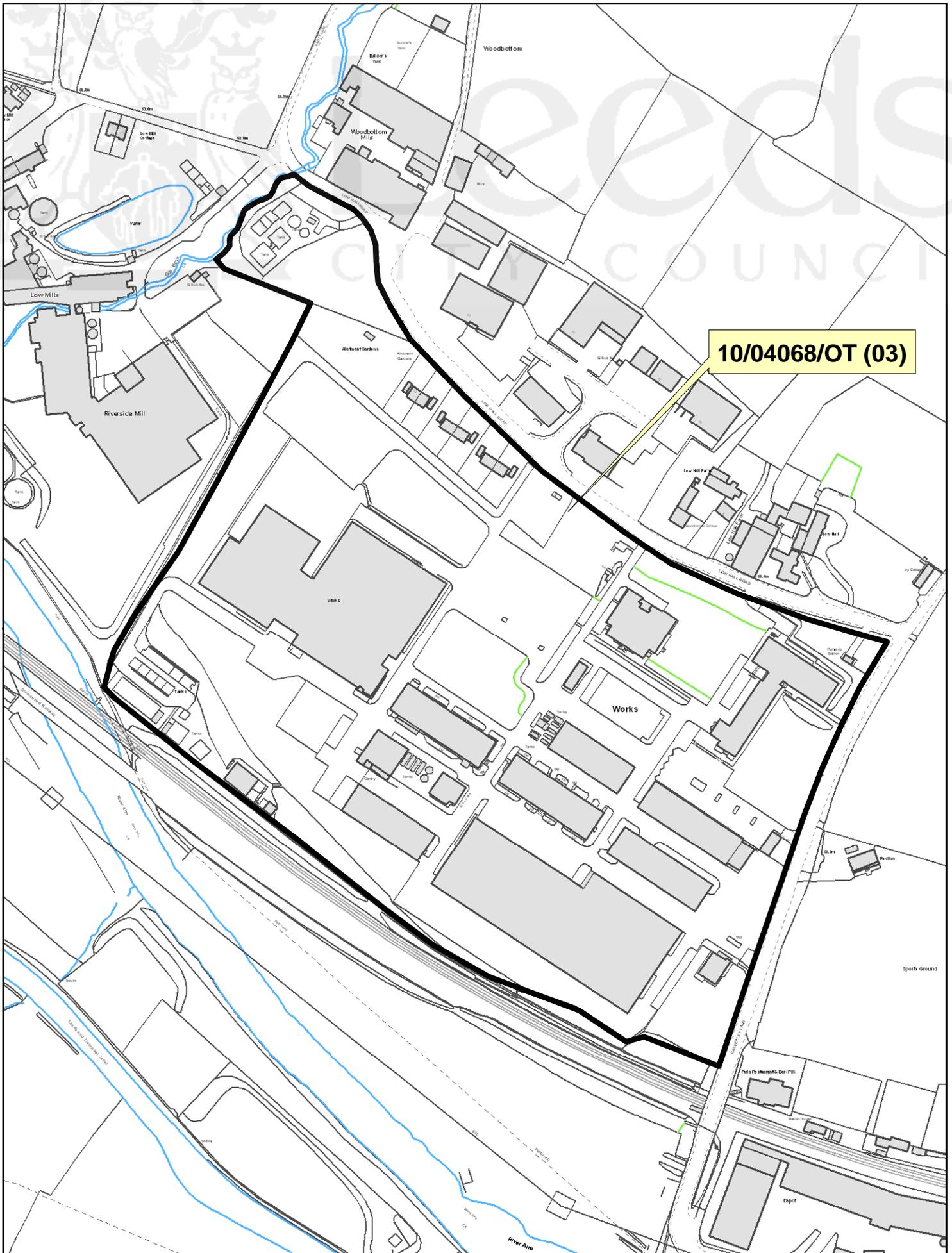
WEST PLANS PANEL



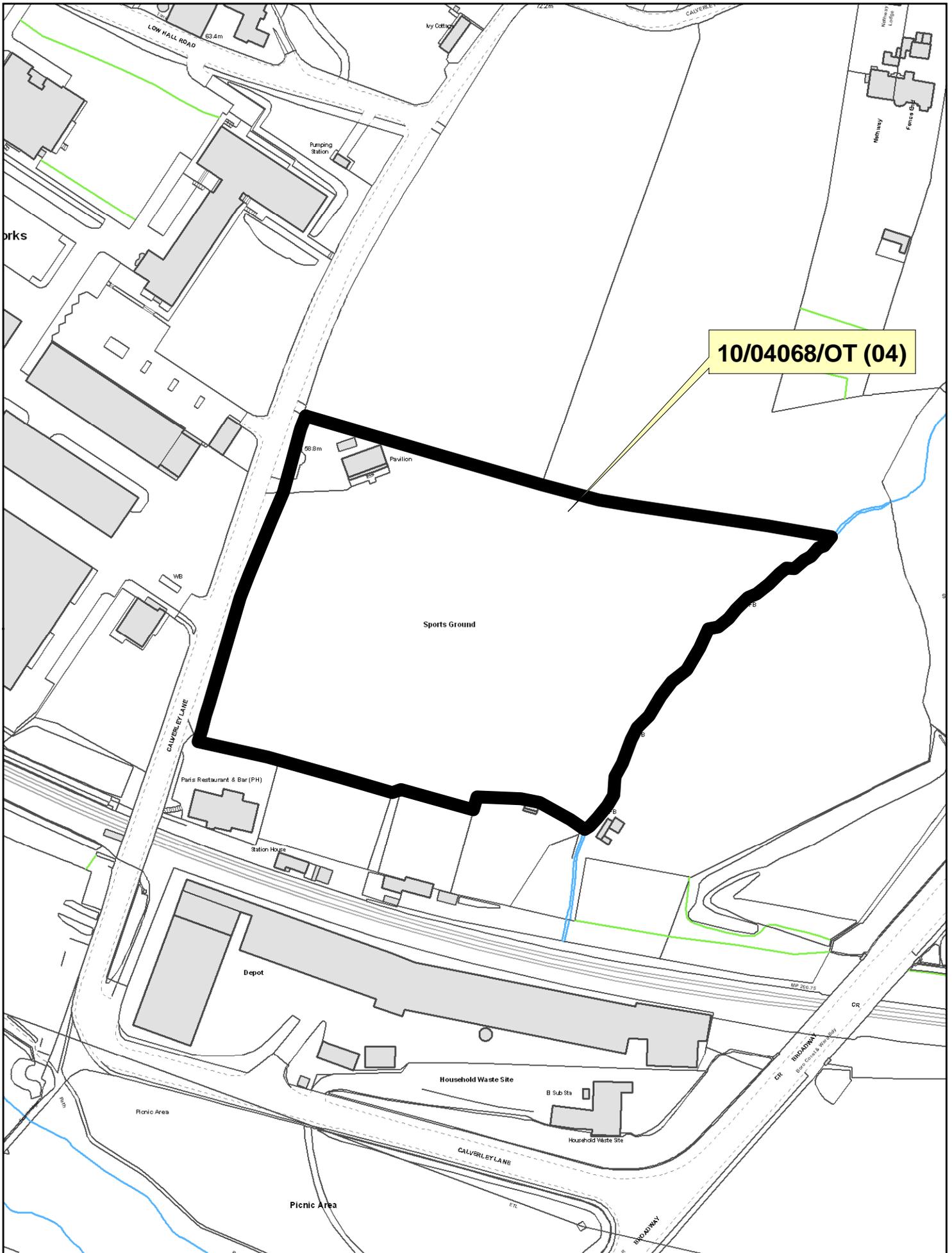


WEST PLANS PANEL

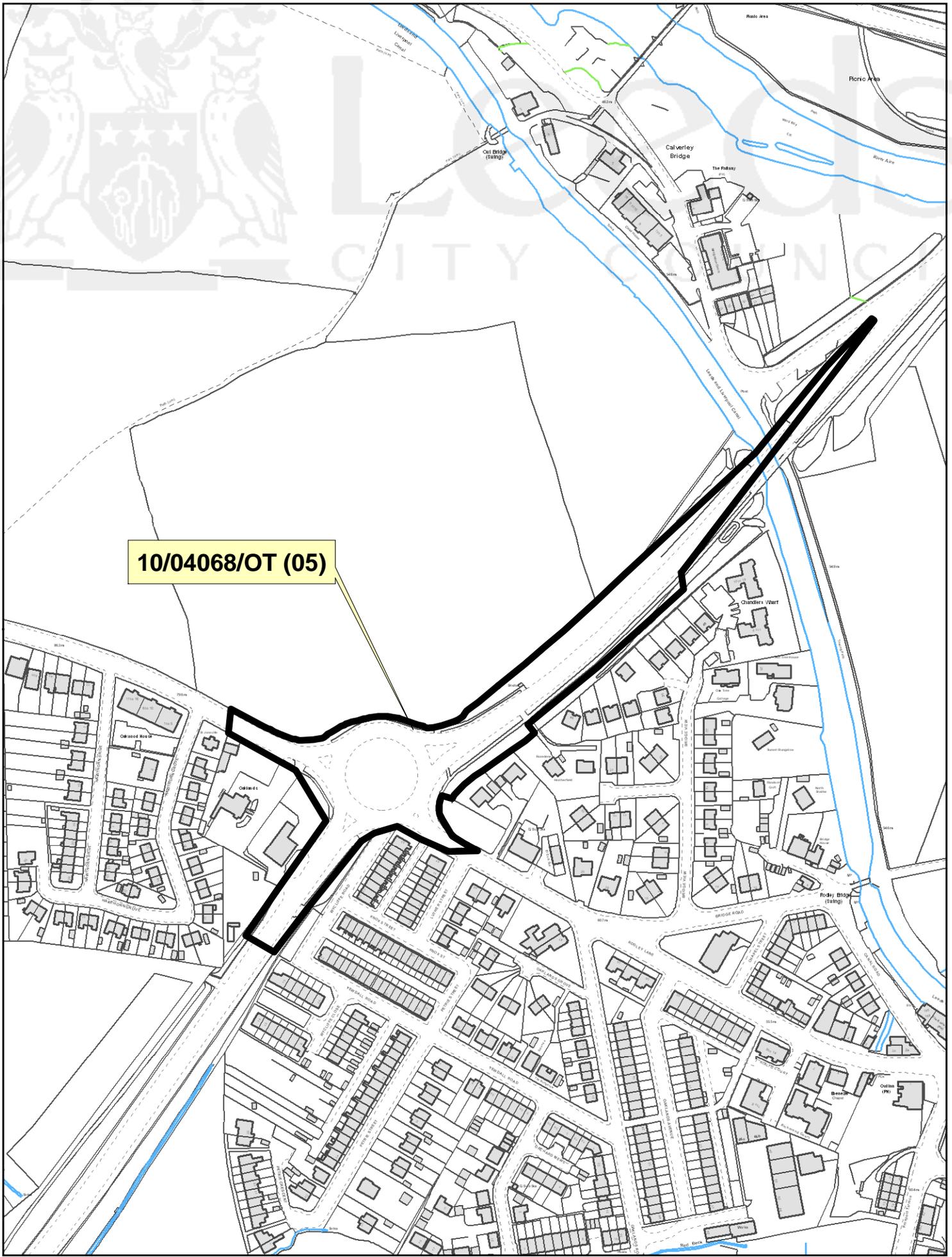




WEST PLANS PANEL



WEST PLANS PANEL



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