



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 12th July 2012

Subject: 12/00680/OT, Outline application for residential development on land at Shayfield Lane, Carlton, WF3 3RH.

APPLICANT	DATE VALID	TARGET DATE
Mr S Dobson	20/02/12	21/05/12

Electoral Wards Affected:

Rothwell

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER AND DELEGATE to the Chief Planning Officer for approval, subject to the specified conditions and following completing of a Section 106 Agreement to cover the following matters:

- **A total contribution of £67,000 to be used for the following purposes:**
- **Education Contribution**
- **Greenspace Contribution £39,972.22 – or as otherwise agreed.**
- **Residential Metrocard Scheme £6,454.80 – or as otherwise agreed.**
- **Provision of New Footpath to Play Area – or as otherwise agreed.**

Ward Members to be consulted on use of the monies.

In the circumstances where the Sec.106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

1. Outline planning permission time limit.
2. Reserved Matters – Layout, Appearance, Landscaping.
3. There shall be no more than 14 dwellings accommodated on the site.

4. Notwithstanding the details on any approved plans dwellings shall be no more than 2 storeys in height.
5. No development shall commence until a scheme for provision of a minimum 10m buffer zone between the Green Belt and the application site on the western boundary has been submitted to and approved in writing by the LPA. Details shall include siting, layout, planting plans and specifications, maintenance and management scheme, and a timetable for implementation. Planting should be of a suitable mixture of native tree and shrub species, including woodland species. The proposed scheme shall be implemented in accordance with the approved timetable and management scheme and retained as such thereafter.
6. Existing hedge to be retained.
7. Existing hedge to be suitably protected.
8. Each dwelling shall provide space for two off street car parking spaces and visitor car parking at a ratio of 1 space per four dwellings, or as otherwise agreed in writing with the LPA.
9. Each dwelling shall provide suitable space for waste and recycling facilities, details to be submitted for approval.
10. Construction Management Plan to be submitted to ensure that all construction traffic is retained within site and to ensure that local roads are not blocked or damaged. Also to include hours of construction for agreement.
11. At no time during construction shall the Public Right of Way No. 24 Rothwell be obstructed without prior approval by the LPA of an appropriate detour.
12. Development should achieve Code for Sustainable Homes level 3 or higher, or as otherwise agreed with the LPA.
13. Development should achieve lifetime homes standards to ensure that homes can be accessed by all.
14. No development shall take place until a scheme for surface water drainage has been submitted. Such scheme shall consider infiltration drainage first, along with use of other sustainable drainage methods.
15. Porous surfacing to be used for all areas of hardstanding.
16. Notwithstanding the details on the submitted plans details of all boundary treatments shall be submitted for approval by the LPA.

Reason for Approval - In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR), as well as the emerging Core Strategy Draft 2012. The proposed scheme is considered to represent sustainable development and meets accessibility criteria without harming infrastructure. The proposal will not be detrimental to biodiversity, visual amenity or spatial character, and brings about the opportunity for economic growth within the area. The proposal is therefore compliant with policies GP5, GP11, H4, N2, N4, N24, T2, T24 of the UDP. On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

1. INTRODUCTION:

- 1.1 This application is brought to Panel at the request of Ward Member Cllr Bruce, who raises concerns regarding the loss of this greenfield site, impact on character, highway safety and sustainability. Cllr Bruce also requests that Members carry out a site visit to assess the impact of the proposal on the character of the area and to assess the

capacity of the local area. All Ward Members have objected to this proposal and comments are included below.

2. PROPOSAL:

- 2.1 The application is made in outline only with only the principle of development, scale access to be considered. All other matters including layout, appearance and landscaping are reserved. An indicative scheme has been submitted showing 14 properties, a mix of detached and semi-detached, which are two storeys in nature with garaging and driveways set around a shared access spine. Pedestrian routes through from Queens Drive and across to the adjacent playground are also shown.
- 2.2 The application also includes an area of land associated with two existing properties on Shayfield Lane. The proposal will provide additional garden space and new access for these two properties.

3. SITE AND SURROUNDINGS:

- 3.1 The application site is a greenfield site that is located on the edge of the village envelope. The site is reached via Shayfield Lane, which becomes unmade just beyond the site before giving access to fields. The northern boundary along Shayfield Lane is marked by a high brick wall, opposite which is a modern cul-de-sac of houses. To the east is an older cul-de-sac of housing, whilst to the south is a small (rural) industrial estate in the ownership of the applicant. To the west of the site there is a playground and football pitch with parking areas, with open fields beyond.
- 3.2 In the north western corner of the site is a pair of large, three storeys semi-detached houses of character. These properties are accessed off Shayfield Lane, and have small rear gardens that back onto the site.
- 3.3 The boundaries of the site are formed by either fencing, or hedging, with rear gardens of Queens Drive forming the boundaries along the eastern side. The site is currently in agricultural use showing evidence of recent ploughing.
- 3.4 Carlton is a small village close to Rothwell, located within the Rhubarb Triangle. The village is distinctly rural in nature, and has a mixture of housing types and characters.

4. RELEVANT PLANNING HISTORY:

- 4.1 22/11/99/FU - 16 detached and 2 semi detached houses. Refused 15.08.2000. Permission was refused for the following reason:

“The Local Planning Authority considers that the proposal to develop this previously undeveloped site for residential purposes is unacceptable in that it would prejudice the need to achieve sustainable housing development and maximise the re-use of previously developed land in order to promote regeneration and minimise the amount of previously undeveloped land taken for development and would be contrary to the advice given in Planning Policy Guidance Note Number 3 - Housing.”
- 4.2 22/1/00/FU - 18 dwelling houses. Withdrawn. Appeal against non determination withdrawn.

Site to north – Nateby Rise.
- 4.3 22/103/98/FU - 20 detached houses. Approved 15.12.1999. This land was formerly part of the Carlton Hall estate and had previously been part of the Green Belt before being allocated for housing in the then draft UDP 2001.

Adjacent play area.
- 4.4 22/214/01/FU - Laying out of children’s play area and car park to playing fields. Approved. 18.10.2001.

5. HISTORY OF NEGOTIATIONS:

- 5.1 The application originally sought approval for layout and scale, however following concerns raised about the layout in regard to the proximity to neighbouring houses and vehicle access (internal to the site) these matters have been withdrawn for approval now.
- 5.3 Concerns have also been raised with the applicant with regard to the lack of future spaces at local schools for children that will move into the area as a result of the development. The applicant has agreed to a financial package that would cover education, greenspace etc. depending on further discussions with local Ward Members.

6. PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised as a major development via site notice, neighbour letters and an advert in a newspaper. Ward Members were also notified.
- 6.2 Ward Member Cllr Bruce objects for the following reasons,
- It is infill development in a rural location and is not a sustainable development.
 - It is infill development that will be very harmful to the character of the village which is in a rural location.
 - A lack of local amenities and poor access to public transport means that it will result in a significant increase in car journeys on minor village roads.
 - Both Carlton Primary School and Rodillian Secondary School are at capacity and do not have spare places, the next closest primary school Robin Hood is also full.
 - The application makes no provision for affordable housing or improvements to the local infrastructure.
 - Loss of amenity including possible blocking of light to properties on Queens Drive currently not overlooked.
 - Road safety concerns children accessing the playground next to the development.
- 6.3 Ward Member Cllr Golton's objections:
- The development is too large and it would generate more children than the local school can cope with.
 - Concerns at the potential safety issues around increased traffic movements at the junction with Nateby Rise and Shayfield Lane.
 - The loss of local agricultural land before the community had the chance to produce it's own neighbourhood plan as part of the new Localism legislation.
- 6.4 Ward Member Cllr Nagle's objections:
- This is infill development in a rural location and is not a sustainable development.
 - This is infill development that will be very harmful to the character of Carlton village, which is a rural village.
 - A lack of local amenities and poor access to public transport means that it will result in a significant increase in car journeys on public roads.
 - Carlton Primary School, Rodillian Secondary School and Robin Hood Primary School are at capacity and cannot cope with more children. They do not have any spare places.
 - This application makes no provision for affordable housing or improvements to the local infrastructure.
 - Loss of amenity including possible blocking of light to properties on Queens Drive currently not overlooked.

- Road safety concerns, regarding children accessing the playground next to the development.

6.5 44 letters of objection have been received raising the following issues:

- Development is not sustainable.
- The site is greenfield and should remain as such.
- Proposal will result in increased traffic on village roads which currently are at capacity.
- There will be increased traffic and on street parking when matches are played on adjacent football pitches.
- Local primary schools are oversubscribed.
- Development is higher than houses on Queens Drive and will block natural light, cause overshadowing and be very dominant.
- No affordable housing is proposed.
- Loss of hedgerows. Erection of fences will result in loss of light.
- Children's safety will be compromised by increased traffic as they access the play ground.
- Loss of habitat and agricultural area, including rhubarb growing area.
- Previous refusal on site recognised traffic impact.

7. CONSULTATIONS RESPONSES:

Forward Planning – ~There are no objections to developing unallocated Greenfield sites. Where there is a 5 year shortfall in supply national policy does not count against the principle of development. The Core Strategy went live on the 28th and policy H2 gives our current steer, particularly related to accessibility. However this can only be given limited weight. The site is unallocated in the UDP, it is not within Green Belt and lies within the village envelope. In principle therefore there are no objections to its development. The site lies at the western edge of the Green Belt and therefore UDP policy N24 applies. A green space contribution of £39,972.22 will be required.

Highways – Initially raised concerns regarding the internal layout, however now that layout has been withdrawn as a matter for consideration there are no further objections to the principle. A second footpath is requested at the access so that both sides of the road have one. The applicant has queried the need for this and raises the issue that this would result in the loss of a tree, however they are willing to comply with the request.

Flood Risk Management – No objections in principle, as the site is greenfield the applicant must investigate the use of infiltration drainage in the first instance. If unsuitable then discharge would be restricted to greenfield rates of run off which will require on site attenuation and storage. Sustainable drainage should be used throughout the site. A condition for approval of surface water drainage is required.

Public Rights of Way – Public Footpath No. 24 Rothwell abuts the site on its northern boundary. Traffic measures appear to be in place to slow vehicles down approaching the new development which will increase pedestrian safety, and therefore, this office has no objection to the proposal.

Metro – Good pedestrian access to/from the site and to/from bus stops should be provided. Requests that the developer should fund a Bus Only Travel Card for each resident. Current price is £6454.80, which includes 10% fee for administration.

Environmental Protection Team – The use of the distribution yard and plant associated with the warehouse has the potential for disturbance to future occupants of the development. However the commercial operations have planning conditions to protect existing residents and these would be applicable to any new development. There have

been previous complaints from residents regarding the noise from plant at the site, however this was ten years ago, action was taken and there has been no further complaint. Conditions regarding waste disposal and construction hours are recommended.

Contaminated Land – Raise no objection subject to conditions for unexpected contamination.

8. PLANNING POLICIES:

Development Plan

8.1 The Development Plan for the area is made up of the RSS and the UDP Review (2006). The RSS aims to ensure that development is directed to the main urban areas where sustainable development can be achieved. The UDP also seeks the same objectives and the following policies are of specific relevance:

GP5 – general planning considerations.

GP11 – sustainable design principles.

N2 – N4 – greenspace and housing development.

N12 – urban design principles.

N13 – housing design principles.

N24 – development adjacent to green belt.

H4 – housing on unallocated land.

T2 – highway and access issues.

T24 – parking requirements.

8.2 Supplementary planning guidance.

SPG4 - Greenspace

SPG11 – Education Contributions

SPG13 - Neighbourhoods for Living.

SPD - Street Design Guide

SPG25 - Greenspace and Residential Developments

8.3 Core Strategy – This is currently out to consultation so carries limited weight, however it sets out the expected housing delivery rate of 70,000 new homes over the period of the plan, which in the early years equates to 3,660 new homes per year. 500 new dwellings per year are expected to come forward on small and unallocated sites such as the application site.

8.4 Policy H2 of the Core Strategy states that new housing development will be acceptable in principle on non-allocated land, providing that:

The number of dwellings does not exceed the capacity of infrastructure.

For development of 5 or more dwellings the location should accord with the accessibility standards in Table 2 of Appendix 2.

Green Belt policy is satisfied.

8.5 H2 further goes on to state that greenfield land should not be developed if it has intrinsic value as amenity space or for recreation or nature conservation, and makes a valuable contribution to visual, historic and/or spatial character of the area.

8.6 Policy H3 requires that housing development meet or exceed a density of 30 dwellings per hectare within smaller settlements.

8.7 Table 2 of Annex 2 sets out accessibility standards for housing developments. Local services should be within a 15 minute walk, employment within a 5 min walk to a bus stop that offers a 15 minute frequency, health and education facilities within 20 min walk, and a 5 minute walk to a bus stop giving 15 min frequency to a town centre.

National Guidance

- 8.8 The National Planning Policy Framework (2012). The NPPF seeks to achieve sustainable development and contains a presumption in favour of development that achieves this. Annex 1 makes it clear that a recently adopted local plan is capable of continuing to be the main development plan for one year from the date of publication of the NPPF even where it does not accord with the NPPF. This means that the UDP continues to be the main policy document for development, however the NPPF is a material consideration.
- 8.9 Paragraph 47 requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%.
- 8.10 Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 8.11 Paragraph 55 requires that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities.
- 8.12 The NPPF also makes good design a key factor in determining applications, along with the recognition that sustainable development should also bring about important benefits to community health and wellbeing, and to improved biodiversity.

9. MAIN ISSUES

- Principle of Development
- Access
- Scale
- Reserved Matters
- Contributions

10. APPRAISAL

Principle of Development

- 10.1 The NPPF which replaces PPS3 requires that local planning authorities should identify and update annually a supply of specific deliverable sites to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Deliverable sites should be available now; be in a suitable location; and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence that it will be delivered. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites (NPPF paragraphs 47 – 48).
- 10.2 The most recent Annual Monitoring Report (AMR), which monitors Leeds housing provision, was published in December 2011 and approved by Executive Board. This report stated that Leeds did not have a 5 year housing land supply. It is unlikely that the position the Council adopted in December 2011 has altered any. It will be recalled that no objections were raised to the principle of 14 houses at Waterwood Close in West Ardsley on 4th November 2011.

- 10.3 Notwithstanding this the NPPF and the emerging Core Strategy do not preclude development on greenfield, unallocated sites provided that they meet the criteria for sustainable developments. Policy H4 of the UDP also had a similar provision. The main question therefore revolves around whether the proposal represents sustainable development.
- 10.4 The site is a greenfield site which is located on the edge of the existing village, but which is surrounded on three sides by existing development, and with play space on the fourth side. It is arguably an infill site, although certainly falls within the village envelope. The site is located within acceptable walking distance of all village facilities including the playspace (adjacent), post office (170m), primary school (220m) and bus stops (from 240 – 310m). Further away are the shopping areas and facilities located within Rothwell and Lofthouse which includes doctors and dentists. These are still within an acceptable cycling distance however, Rothwell shopping centre being a 6 minute cycle away. Woodlesford train station, which provides direct links to Leeds, is a fifteen minute cycle ride away.
- 10.5 There are four bus stops within the village, all within good walking distances of the site, which provide access to Leeds, Wakefield, Rothwell and local areas. A bus journey into Leeds takes @40 minutes, whilst Wakefield is a 20 minute bus ride. Rothwell is 7 minutes away. Services to Leeds operate on a 30minute frequency, whilst other services are less frequent, this is not ideal however it is still considered to provide reasonable accessibility. Rail services from either Outwood or Woodlesford provide similar links to Leeds and Wakefield, as well as to the rest of the rail network.
- 10.6 There is a concern that local schools in the area are at or close to capacity. Notwithstanding this there is no specific policy that precludes development in areas where capacity is lacking and it is the remit of Children's Services to ensure that children are provided with suitable education facilities. The scheme is not of a scale that would normally require an education contribution under SPG 11. (However see section below.)
- 10.7 The site is therefore considered to be well located with acceptable levels of accessibility to local facilities and services and would be capable of enabling residents to use alternative modes of transport.
- 10.8 The site has not been developed before, and there are other sites within the village which were identified for housing development. These other sites were phase 1 greenfield sites which were expected to have delivered 15 houses by 2008. The lack of take up suggests that there are issues preventing these sites being brought forward. The SHLAA 2011 does recognise the sites, including an area of N34 PAS land which is accessed via one of the phase 1 sites, as potentially bringing forward @155 dwellings in the medium term, subject to the suitability being fully assessed by the LDF. Medium term however is between 2016 and 2021 which for the most part is outside of the current 5 year land supply.
- 10.9 The PAS site was reviewed in the 2006 UDP Review and the Inspector considered that services were struggling in Carlton and that new development could have a regenerative effect on the community. The Inspector considered that the village was well placed given its proximity to substantial sources of employment as Stourton, Rothwell and Lofthouse, which although these areas would require commuting this would be over short distances. The size of the site however would be likely to near double the size of Carlton and as a result it was considered that it should remain as PAS land.
- 10.10 The site itself is not visually prominent being located on the edge of the village, and having high boundaries to three sides with a large hedge on the fourth side. The site is ploughed and therefore there are no trees within the site which stand out, the

main feature of importance being the hedge on the boundary. The site is therefore not considered to be of importance to visual amenity or spatial character. Being agricultural its biodiversity would also be relatively limited.

- 10.11 Given the current need for Leeds to provide housing sites, and the good location within an existing village, close to facilities and accessibility it is considered that the proposal does represent sustainable development and that it would comply with the provisions of policies GP5, GP11 and H4 of the UDP, as well as the strategic aims of the RSS, and the guidance contained within the NPPF and the draft Core Strategy. No objection is therefore raised to the principle of residential development at this site.

Access

- 10.12 The proposed development will take its access directly off Shayfield Lane, and will provide a new junction to give access to 14 houses. The existing boundary wall will be partially removed to enable new sight lines to be provided. It is also proposed to re-surface the part of Shayfield Lane beyond the site access to the park which is currently unmade. This is within the applicants' ownership.
- 10.13 The proposed access meets the requirements of the Street Design Guide and, along with the proposed size of the development, will not result in issues of highway safety on Shayfield Lane. The proposal therefore meets the principles of UDP policies T2.
- 10.14 It is considered that the size of the development in relation to the size of the site will allow for the suitable siting and layout of 14 properties with the requisite amount of car parking provided for. This can be adequately dealt with at reserved matters stage under layout matters.

Scale

- 10.15 The proposed houses will be two storeys in scale. This would be similar to surrounding houses and to the predominant character of Carlton so no objections are raised on this issue. A condition is recommended to ensure that dwellings are constructed at two storey heights as any more would render the development out of character and visually intrusive.

Landscaping

- 10.16 Whilst landscaping is a reserved matter it is considered necessary to consider the more structural landscaping required around the site, particularly on those boundaries that border the green belt. Two thirds of the length of the western boundary where the site abuts the playing fields, is marked by a substantial hedge row. This is considered an attractive feature, but which retains an element of visual openness with the playing fields, which is considered important for security purposes. It is accepted that for this part of the boundary this would be an appropriate treatment to retain with enhancements where required.
- 10.17 The remainder of the western boundary, and around the southern and eastern boundaries the treatment is shown as a 2.4m high close boarded timber fence. This is not considered acceptable. Where the site adjoins residential gardens then the boundary treatment should be appropriate to ensure privacy whilst not being overly dominant. A fence may be acceptable but details of levels would be needed to establish the height. Hedging would also be acceptable with the additional benefits that this would bring for creating new habitats and wildlife corridors. It is recommended that such details could be considered at reserved matters stage where residents would be consulted on proposals. A combination of fencing and hedging may be appropriate to the southern boundary which abuts the industrial use to help minimise noise and visual intrusion.

- 10.18 Where the site adjoins open land which is in the green belt though it is considered that a 10m buffer zone should be implemented. The land here is within the applicants ownership so land outside of the application site could be used for this buffer zone, creating an attractive transition and enhancing biodiversity. It is recommended that a separate condition be placed regarding this to tie in with considerations during the reserved matters stage.

Other Reserved Matters

Layout

- 10.19 The application initially included layout as a matter for consideration, however this has been withdrawn so the submitted layout is therefore considered as an indicative scheme only. The layout shows that the proposed number of houses can be suitably developed within the site, providing adequate vehicular and amenity space for all properties. There are a few concerns regarding proximity to existing houses, and internal vehicle layout, however it is considered that these can adequately be addressed at reserved matter stage.
- 10.20 The proposal achieves a density of 23 dwellings per hectare. This is lower than the 30dph recommended in the emerging Core Strategy. The site is however in a rural, edge of village location, and in order to achieve a suitable transition between the built and natural environments it is considered that a lower density will be more appropriate to the character. Given also the concerns from local residents that the scheme will be overly dominating and intrusive it is not considered acceptable that additional houses should be accepted on the site unless a suitable layout can be achieved.

Appearance

- 10.21 No details of appearance are provided, however it is anticipated that the scheme will be designed to fit in with the surroundings, identifying the best historical characteristics of the village.
- 10.22 Overall the submitted details do not give rise to concerns that the proposal would result in unacceptable harm to the local character, the amenity of existing and proposed residents, highway safety, or visual amenity. The proposal is considered to comply with the general policies contained within the UDP and relevant guidance and that details can be adequately dealt with through the reserved matters procedure.

Contributions

- 10.23 The scheme meets the threshold for greenspace and a sum of £39,972.22 has been agreed with the applicant for providing greenspace in accordance with policy N4 of the UDP and with guidance in SPG4.
- 10.24 The applicant is also willing to provide for the Residential Metrocard Scheme at a cost of £6,454.80 which will provide annual bus only travel cards for new residents. This is a requirement under guidance provided within SPD Public Transport Infrastructure Contributions and will help to encourage bus travel amongst new residents.
- 10.25 The applicant also offers to pay the reasonable costs incurred by the Council in the provision of a 1.8m wide footpath link from the western end of Shayfield Lane to the Children's Play Area immediately to the west of No. 7 Shayfield Lane, approximately 25m in length. Currently Shayfield Lane becomes un-surfaced at this point and can be in a very parlous state following bad weather making access to the play area awkward and unpleasant. A footpath would enable visitors to access the space, and the continuing public right of way in a safe and amenable manner. This would be a benefit that would directly impact on local residents.

- 10.26 Following discussion on educational capacity in the area the applicant is also willing to make a contribution towards local educational facilities. The scheme itself is not of a size that would normally require a contribution, SPG 11 sets out the threshold as 50 dwellings or more. However it is also recognised that this is a small village, and that local schools are likely to be at capacity within the next intake year, particularly at primary level. This will mean that some children within the village will end up being sent further a-field to other schools.
- 10.27 It has been calculated that the proposed development at 14 houses would generate in total an additional 3.5 primary aged children, and 1.4 secondary aged children. Using the education contribution formula this would cost £41,612.52 for the primary aged children and £25,080.90 for the secondary aged children, totalling £67,000.
- 10.28 In recognition of this impact on local education provision the applicant offers a total financial contribution of £67,000 which could be put towards all or some of the benefits outlined above. It is recommended that this package be put to Ward Members to discuss how best to spend the monies.
- 10.29 The proposal also has another benefit in that it results in additional private amenity space being provided for the existing properties at 5 and 7 Shayfield Lane.
- 10.30 From 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

Necessary to make the development acceptable in planning terms - Planning obligations should be used to make acceptable, development which otherwise would be unacceptable in planning terms.

Directly related to the development - Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement. **And:**

Fairly and reasonably related in scale and kind to the development - Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

- 10.31 Both the greenspace and Metrocard contributions are necessary to make the development acceptable in planning terms. The new residents are likely to be families and will bring with them an increased demand for play space for children as well as more general amenity space. Whilst there is a play space directly next to the site there will be ongoing costs associated with the maintenance of this, as well as other sites, the policy (N4) also allows for monies to be spent within neighbouring areas. The Metrocard Scheme is considered necessary in encouraging bus use from Carlton to local services and facilities in Rothwell and Lofthouse, as well as to employment in the wider area. In both cases there are clearly set out policies and guidance regarding the matters. With regard to the footpath this is not specifically required to make the development acceptable, however on its own this has not been used as a reason for approving development, rather it is counted as a material consideration only.
- 10.32 The education contribution is slightly different as adopted policy sets a higher threshold than this proposal at which such contributions kick in. However, the NPPF makes sustainable development key to all decisions and this includes looking at how local services and community facilities can be retained and developed, supporting development that facilitates sustainable modes of transport and being responsive to local circumstances. Recognition has to be given to the impact that this development will have on the capacity of local schools, and this needs to be coupled

with the fact that the existing phase 1 allocated sites would also impact on capacity but again would not meet the threshold of 50 units given the size of the sites.

- 10.33 It is clear therefore that the local situation is not the norm, and the potential impact on local residents indicates that a different approach is justified in this case. The development cannot be delivered without impacting on local education provision and therefore cannot be considered wholly sustainable unless local schools are given some assistance to plan for additional demand. It is argued therefore that the provision of an education contribution is necessary in this instance, and that it is directly related to the development impact. By basing the overall contribution amount on the number of units the contributions are fairly and reasonably related in scale and kind to the development. It is also considered to be compliant with NPPF guidance to allow the monies to be divided according to local input.
- 10.34 In all cases the contributions can be directly related to the development, greenspace monies will be spent in the locality or neighbouring localities where there are shortfalls, whilst Metrocard's will be supplied directly to the residents of the proposal. The footpath will run along the boundary of the site and will be capable of use by all residents of Carlton.
- 10.35 All contributions have been calculated in accordance with relevant guidance, or are otherwise considered to be reasonably related to the scale and type of development being proposed.

11. CONCLUSION

- 11.1 The proposed scheme can provide sustainable development within an existing village where there are no issues relating to infrastructure that cannot be overcome. The proposed outline application meets the relevant policies and guidelines, including those in the recently released NPPF and the emerging Core Strategy, and is likely to result in benefits for the wider village as well. The loss of the greenfield site is not considered to be detrimental to the visual or spatial character of the area, and the scheme raises no concerns relating to highway safety. The proposed outline application is therefore recommended to Members for approval subject to conditions.

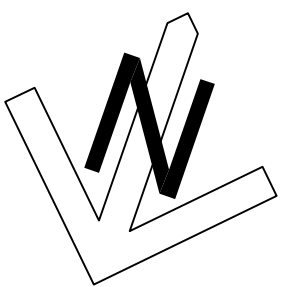
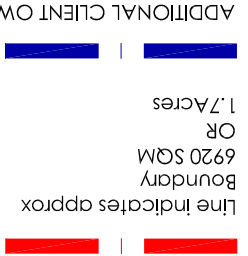
Background Papers:

Planning application file – 12/00680/OT

All comments and photos – on file.

Certificate of Ownership: signed by applicant

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CLIENT
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PROJECT
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TITLE
 SITE LAYOUT

JOB NO. 11018 **DATE** DEC 2011

DRAWING NO. AD (00) 105

DRAWN BY CJP **CHECKED BY**

SCALE 1:500 **SHEET** A3

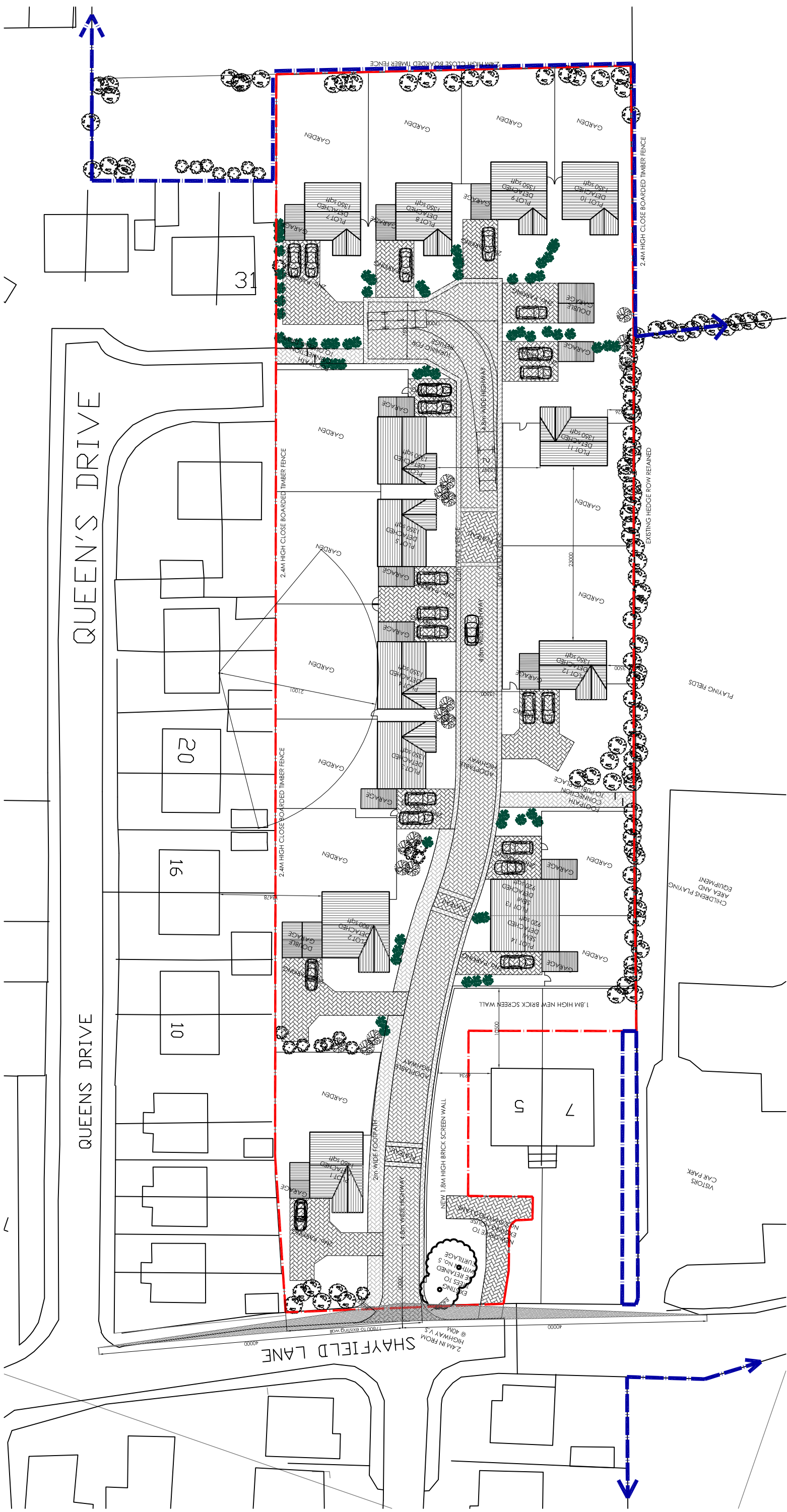
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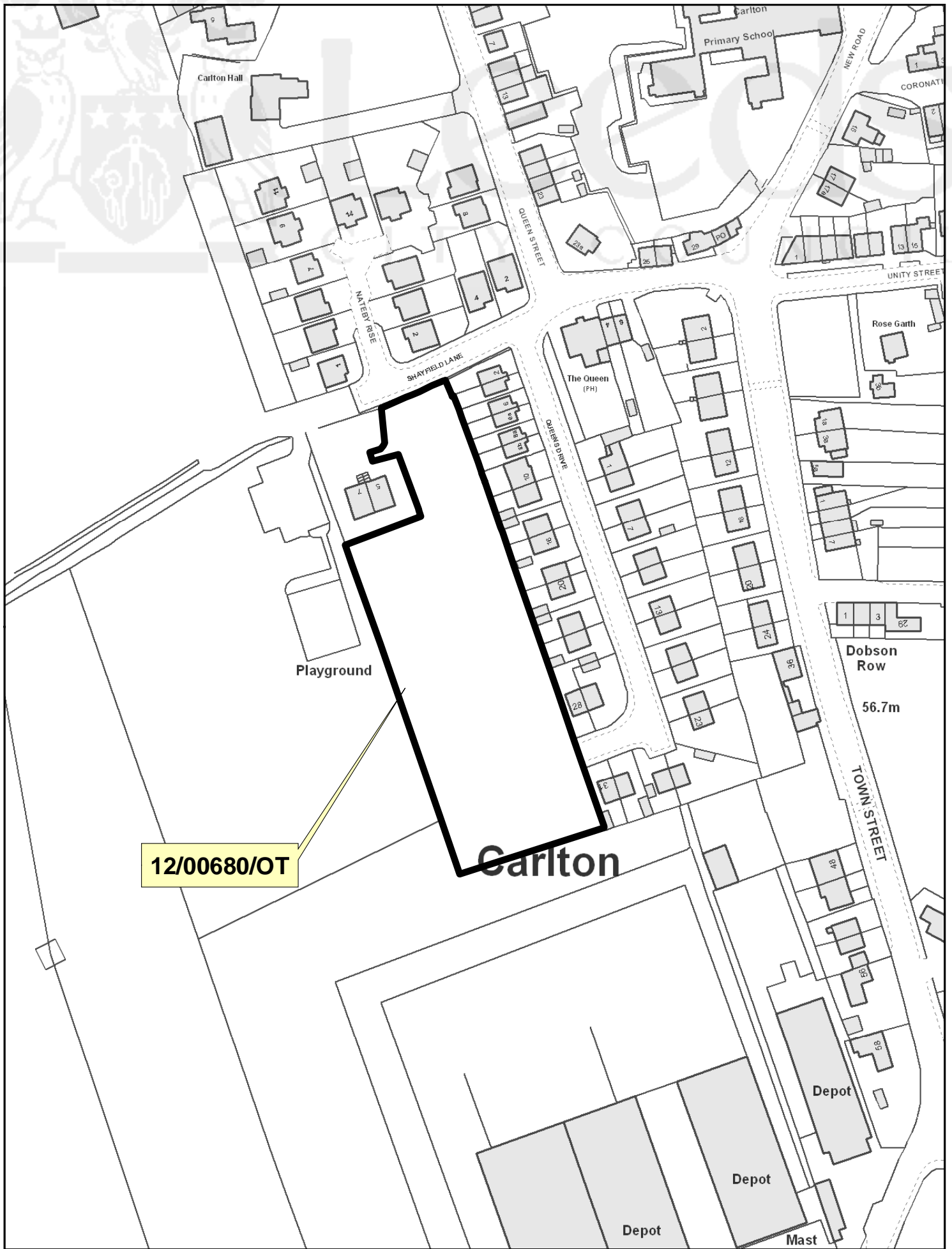
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