

**PLANNING APPLICATION 18/07278/FU FOR THE
ERECTION OF 33 RESIDENTIAL DWELLINGS ON LAND
AT RUDGATE PARK, WALTON
OBJECTION BY THORP ARCH PARISH COUNCIL**

1. INTRODUCTION

- 1.1 This application follows one considered by the Council under the reference 16/03692/OT for 23 houses. Leeds City Council’s North and East Plans Panel considered that Application and resolved that it should be granted “defer and delegate” approval subject to the signing of a Section 106 Agreement to secure a number of benefits/mitigation measures. Our understanding is that the Section 106 Agreement has not yet been signed and the original application has therefore not been granted permission to date.**
- 1.2 The Parish Council did not object to that original Application 16/03692/OT and still consider it to be compliant with the Development Plan (including the Thorp Arch Neighbourhood Plan).**
- 1.3 The Parish Council strongly object to the current Application, which would increase the number of houses to be built on site from the 23 permitted under the resolution regarding Application 16/03692/OT to 33, which constitutes a 44% increase.**
- 1.4 The Parish Council’s primary objection is that the proposal would be an unsustainable form of development. In this context the proposed increase must be seen in the perspective of Leeds City Council’s recent decision to “defer and delegate” approval for 119 houses on an adjoining site off Walton Road (ref: 17/07970/PT) which will be discussed in Section 2 of this Objection.**

1.5 In this objection we have not quoted extensively from the National Planning Policy Statement (NPPF), national Planning Practice Guidance, the Council's Development Plan or the Council's emerging development plan. We recognise that planning officers will be fully aware of the relevant policies and we refer to them only insofar as they are directly relevant to our argument.

2.RELATIONSHIP TO THE RECENT APPLICATION FOR 119 HOUSES ON AN ADJOINING SITE OFF WALTON ROAD (REF: 17/07970/PT).

- 2.1 The Parish Council’s primary objection to this more substantial proposal was that it would be unsustainable. In particular, it would be inaccessible to most everyday facilities, with the consequence that residents would be excessively reliant on private transport.**
- 2.2 In order to understand the objection to the current Application 18/07278/FU , it is necessary to appreciate why the Parish Council consider that the Planning Officer's report on Application 17/07970/PT dealt inadequately with the issue of sustainability.**
- 2.3 Surprisingly, the Officer’s first report on that earlier application (to the North and East Plans Panel on 11 October 2018) did not even identify sustainability as an issue. However, members at that meeting deferred consideration for further negotiations and information to be presented back to the Panel on sustainability, highway matters affecting Thorp Arch Bridge and how the proposal related to the Neighbourhood Plans for Thorp Arch and for Walton and Boston Spa, all now “Made Plans”.**
- 2.4 A further report from Planning officers was presented to the Panel on 8th November(“ the further report”). The matters concerning Thorp Arch Bridge and Neighbourhood Plans were dealt with in a manner which the Parish Council considers to be not fairly balanced and drawing incorrect conclusions.The officer re-iterated the view that “based upon a thorough analysis of the proposals and mitigation measures putthere would not be an unacceptable impact on highway safety and that the residual cumulative impact on the road network would not be severe”. The Parish Council challenges that conclusion.**
- 2.5 The further report also concluded that the proposal:**
- was not contrary to any policies in the Thorp Arch, Walton or Boston Spa Neighbourhood Plans;**

- would not compromise the objectives of either the Walton or Boston Spa Neighbourhood Plans; and
- would meet some of the aspirations in both the Thorp Arch and Boston Spa Neighbourhood Plans.

2.6 The further report addressed the question of sustainability in some detail. The Parish Council considers that its treatment of the issue was unsatisfactory. The further report's approach is encapsulated in its paragraphs 2.2 - 2.4, which we summarise below:

In paragraph 2.2 the further report says that parts of Leeds are more accessible to a range of facilities than others. It notes that much of the Outer North East Housing Market Characteristic Area is set within a rural context where most development will not meet all the Accessibility Standards (In Core Strategy Appendix 3). It then says that the failure of a development to meet the standards in full should not of itself be a barrier for any future growth of new development.

Paragraph 2.3 then contains a table showing how the proposed development compares with the standards in the appendix for access to local services, employment, health centres, primary schools, secondary schools and town and city centres. The development fails to meet any of the standards.

Paragraph 2.4 then refers back to paragraph 2.2 and says: "the standards should not be read in isolation and should be taken into consideration in the wider planning balance, having regard to other material planning considerations such as the delivery of housing, including affordable housing. In this regard, the proposal would deliver 42 affordable homes. Furthermore, it is also worth noting that the site is located within a built-up context, with housing located to the west and north, as well as the nearby British Library, industrial estate and prison".

2.7 The further report's approach as set out in its paragraphs 2.2 – 2.4 (as referred to on para 2.6 above) is in the opinion of the Parish Council flawed for the following reasons:

- ***Although levels of accessibility will inevitably vary from place to place, it remains the fact that one of the disadvantages of living in a rural context (which is how that further report describes the site's location) is the relatively poor standard of accessibility. In this regard it is significant that neither Core Strategy T2 nor Appendix 3 specify different standards of accessibility for different locations. Moreover, neither the text supporting T2 nor the wording of Appendix 2 say anything to support the further report's cavalier attitude towards a failure to meet the standards. The Parish Council's interpretation of the Core Strategy is that a low standard of accessibility is a significant disadvantage no matter where a site is located and should be given significant weight accordingly in any decision on this Application.***
- ***Referring now to the report's paragraph 2.4, neither policy T2 nor Appendix 3 describe the standards merely as factors which "should be taken into consideration in the wider planning balance". Policy T2 says that development should be located in accessible locations and that the accessibility standards are to be used across Leeds (that is the whole of the local authority area). Whilst we recognise that the Secretary of State has made it clear that T2 should be applied flexibly and it is not worded negatively, we consider that the accessibility standards carry significant weight rather than being just one of many factors to be taken into consideration.***
- ***With regard to the delivery of housing, all housing developments deliver housing and, in accordance with the appropriate policies, all housing developments should deliver the benefits of affordable housing unless it is shown that it is not viable. These are not benefits that justify housing on sites that are otherwise unacceptable.***

- ***The argument put forward by the Planning Officer in the further report that the site's location is in an area that is already built-up is not relevant to the accessibility-related elements of sustainability that underpinned the Parish Council's case.***

- 2.8** In its paragraph 2.10 the further report says that the proposal does not meet the accessibility standards for bus services. Again, the Parish Council considers this is a significant factor that should be taken into account in determining the accessibility-related elements of sustainability.
- 2.9** The other general sustainability measures outlined in the further report's paragraph 2.18 could be implemented in any location and cannot be said to offset the lack of sustainability of this location.
- 2.10** In its paragraph 2.19 the further report says that the measures discussed above would "serve to mitigate, to an extent, the non-compliance with policy T2". In the Parish Council's opinion, the degree of mitigation is insufficient to overcome the sustainability objections to that non-compliance.
- 2.11** Leeds City Council and its Planning officers will of course be aware that the Parish Council also had substantial objections to the Application 17/0970/OT for 119 houses on grounds of prematurity, the loss of a sports field, increased traffic and conflict with the adopted Thorp Arch Neighbourhood Plan, some of which also apply to the current application.

3. SPECIFIC REASONS FOR THE PARISH COUNCIL'S OBJECTION TO THE CURRENT APPLICATION (REF: 18/07278/FU) FOR THE ERECTION OF 33 RESIDENTIAL DWELLINGS ON LAND AT RUDGATE PARK, WALTON, WETHERBY, LS23 7EJ

- 3.1 As described in Section 2 of this Objection, the Parish Council's main ground for objecting to the application for 119 houses on the adjoining site off Walton Road was based on sustainability. Given their view that 142 houses in this general location (i.e. 23 at Rudgate Park and 119 off Walton Road) were far too many for this relatively inaccessible semi-rural location, the Parish Council strongly objects to any further increase.**
- 3.2 Whilst an increase from 23 houses to 33 might seem small in isolation, it is very important to consider the cumulative impact on the local communities affected. Over the recent past the number of proposed additional houses from decisions made on Applications 16/03692 and 17/07970/OT has risen from 23 to 142 and now with this Application 18/07278/FU potentially to 152. The Parish Council considers that the prospective residents would suffer direct harm from the increase in density as a result of Application 18/07278/FU and a greater number of families would experience the disadvantage of living in a semi-rural community with limited access to facilities and an increased reliance on environmentally- unfriendly private transport.**
- 3.3 The Parish Council considers that the disadvantages experienced by the new residents and the existing residents would be exacerbated by further pressure on already full to capacity local services(including schools, medical and social care facilities), difficult accessibility to local shops and increasing congestion on the local highway network and lack of provision for protection for pedestrian and cyclist users of the highways infrastructure. All of these services the Parish Council understands to be at the heart of the policies of Leeds City Council.**

- 3.4** The precise point at which further development crosses a threshold of unacceptability is now an issue raised by this Application. When there is an issue of cumulative impact, the principle that *'every application must be considered on its own merit'* becomes not just an oversimplification but dangerously misleading. The Parish Council considers that the resolution of approval for the Application 17/07970/OT for 119 houses has already taken development in Thorp Arch past the relevant threshold and that even relatively minor further increases should be resisted.
- 3.5** The increase in density that would result from the development of this site for 33 rather than 23 dwellings means that the boundary planting of trees, hedgerows and shrubs (which the submissions for Application 16/03692/OT inform are necessary to create a buffer to existing properties and surrounding green space, softening the edge of development) could not be achieved in the opinion of the Parish Council as set out in relation to the original Application 16/03692/OT.
- 3.5** Statements throughout the Design and Access Statement and Planning Statement submitted with the Application 16/03962/OT for this site point out that the density of that scheme (approved subject to legal agreement) was below the Council's 30 dwellings per hectare target due to the need to retain the rural character of the site and surrounding area. It was stressed by the Applicant that the density (and therefore number of houses) had been reduced for these reasons following advice from the Planning officers of Leeds City Council. The Parish Council agrees that the number of houses in the committed scheme goes some way towards protecting the character of the area and that it was necessary to set the density below 30 dwellings per hectare (dph) for this reason. The increase now in the number of houses to 33 dwellings increases the density to 36 dph (based on a developable area of the site of 0.9 hectares) which is 22% above the desired 30 dph target. This 0.9 hectares developable area was used in evaluating Application 16/03692/OT. Therefore the current Application ignores these considerations and the advice given to the Applicants by the Leeds Planning officers.

- 3.6 The application site is within the area covered by the ‘made’ Thorp Arch Neighbourhood Plan. This is part of the Development Plan of Leeds City Council for the consideration of this Application and must therefore be given significant weight in the decision making process in the same way as the rest of the Development Plan.**
- 3.7 The housing section of the Neighbourhood Plan identifies a need for some 20 to 30 dwellings within the Parish (on the evidence of a Housing Market and Needs assessment). On the basis of this, the Neighbourhood Plan identifies the current application site as a suitable location for the up to 30 dwellings needed and its policy H1 subsequently sets out that it is a housing commitment. The current Application proposes a figure beyond the 30 dwellings identified in the Neighbourhood Plan .The Parish Council considers is to be conflict with and a major departure from the Neighbourhood Plan,meaning the Application does not therefore accord with the Development Plan.**
- 3.8 Leeds City Council's North and East Plans Panel gave its approval to the original Application 16/03692/OT for 23 houses on this site on the basis that on-site public open space was to be provided and that this was to include a children’s playground, to be secured via a S106 agreement. The Parish Council considers that the omission of a proposal for a children’s playground as part of this Application to be grounds for an additional objection , noting in particular that in its Objection to the Application 17/07970/OT for 119 houses that the provision of a children's playground should be rejected in favour of the site now the subject of this Application 18/07278/FU.**
- 3.9 Leeds City Council's North & East Plans Panel, in giving its approval to to the original Application 16/03692/OT and following a powerful statement from a resident of the existing Rudgate Park settlement, demanded (positively endorsed by its Chairman) that when this Application came forward for Full Approval, as is now the case, that very clear and strong conditions needed to be complied with by the Applicant regarding the supply of water facilities to the Site and complete adequacy of domestic and commercial drainage**

facilities. This requirement was made in response to the demonstrable failure of such provision currently to residents in Walton village generally and to those in Rudgate Park in particular. The Parish Council contends that the statements made in the Application 18/07278/FU do not comply with the Panel's demands, and protection for residents for this and adjoining sites should be significantly strengthened so that such matters are not left to the "whim" of Yorkshire Water and any future developer of the sites in question.

4. CONCLUSION

- 4.1 The Parish Council strongly objects to the Application because it is an unsustainable development.**
- 4.2 In comparison with Application 16/03692/OT (which the Council were minded to approve subject to legal commitments from the Applicants) there would be a number of planning problems caused due to the additional and cumulative impact of the number of dwellings proposed on this and the neighbouring site.**
- 4.3 The increase in housing numbers and therefore density proposed means that environmental impacts relating to the effect of the proposal on the character of the area would also materially increase.**
- 4.4 The Application fails to comply with the Development Plan, including the Thorp Arch Neighbourhood Plan, and should be refused.**
- 4.5 The threshold of accessibility of further development in the rural communities of Thorp Arch and Walton is now a major issue. The Parish Council considers that the combination of this application and the approval given to Application 17/07970/OT will have taken development approvals past that threshold of sustainable development.**
- 4.6 The Parish Council requests in the strongest terms that this Application should be refused permission and that the Applicant should rely solely on the approval given to Application 16/03692/OT**