



Objection to

Planning Application 17/07970/OT by the Homes and Communities Agency (Now Homes England)

For 119 Dwellings and a Community Hall on Land to the North of HM Prison Wealstun

FURTHER OBJECTION BY THORP ARCH PARISH COUNCIL IN LIGHT OF AMENDMENTS AND RESPONSE TO COMMENTS BY THE APPLICANT DATED 2 JULY 2018

1. Introduction

Since the main elements of the proposal are unchanged, the Parish Council relies largely on the representations it has already made. These further representations relate to:

- The agents' response to consultation comments
- The amendments made on 2 July 2018
- Other matters

2. AGENTS' RESPONSE TO CONSULTATION COMMENTS

2.1 Leeds Core Strategy

- 2.1.1 The site is neither in a village nor an urbanised setting. The Inspector's report on the recently dismissed Rudgate Village appeal says (in paragraph 11): *"The small settlements of Walton and Thorp Arch lie just to the north and about 1km to the west respectively"*.

2.1.2 White land is no more than an informal name for land without formal allocation. Regarding Daniel Child's comment in his pre-application response of 23 October 2017 that the site is not subject to 'rural land' designations, the Rudgate Inspector says (in his paragraph 288): *"The Thorp Arch Estate lies within the countryside"*.

2.1.3 We restate that the proposal does not comply with the accessibility criteria in Core Strategy policy H2.

2.2 Emerging Leeds Site Allocation Plan (SAP)

2.2.1 The SAP and the Council's pre-application advice are acknowledged, but are contested.

2.2.2 The fact that the SAP Inspector's list of hearing questions does not refer to the appeal site is not sufficient to ascribe significant weight to the draft allocation. The Secretary of State's (SoS) decision letter on the Rudgate Village appeal (paragraph 13) says:

"Given that the hearings on the housing elements of the SAP have only just begun, and that there are unresolved objections to it, the SoS gives the SAP only little weight".

The SoS refers to the now superseded National Planning Policy Statement (NPPF) but the relevant test remains the same in the recent replacement NPPF.

2.2.3 Apart from the fact that the SAP should be given little weight, the decision to re-designate a number of Green Belt sites as 'Broad Locations' is not relevant to the application site, which is not in the Green Belt. Again, following the SoS' Rudgate decision letter little weight can be given to the SAP's sequential preference for the present application site.

2.2.4 It is also worthy of note that at the Stage 2 Hearing Session regarding Matter 7 & 7A-Outer North East HMCA – Site Selection Process, there was **strong objection** raised to the inclusion of this site HG2-227 in the SAP which gives further weight to the SoS decision.

2.3 Thorp Arch Neighbourhood Plan

2.3.1 TAPC acknowledge that the Neighbourhood Plans have to be in general conformity with strategic policies in the development plan and the importance that must be attached to minimise any conflict between policies in the Neighbourhood plan and those in the emerging Local Plan.

We do however reiterate below the **CONFLICT** that remains with this application and the Neighbourhood Plan:

The adopted Neighbourhood Plan says:

The proposed allocation of larger site HG2-227 for housing would result in the loss of both outdoor sport and amenity green space provision in Thorp Arch, an outcome not supported by the parish. It is however understood that if the Site

Allocations Plan, when adopted, allocates this site for housing, the delivery of on-site greenspace would be in accordance with the Leeds Core Strategy Policy G4. (highlights in red by TAPC)

*Since the Site Allocations Plan **HAS NOT YET BEEN ADOPTED** the Parish Council consider that there is a conflict with the Neighbourhood Plan (now an adopted part of the development plan), which constitutes a further objection to the development*

- 2.3.1 The application site is not designated as a Local Green Space in the Neighbourhood Plan. However, text supporting policy BE3 says: *If the housing site north of the prison is allocated for housing in the Site Allocations Plan, green space shall be provided on the site in accordance with locally identified needs (or specified proposal such as a football pitch or allotments)*”.

2.4 Accessibility Standards

- 2.4.1 The applicant glosses over the deficiencies in accessibility. These have already been identified at length in our previous representation. We do however wish to draw the Council’s attention to the following specific points arising from the applicant’s letter of 2 July:

- Although the agents refer to ‘Accessibility Standards’ this is essentially an issue of Sustainability.
- The West Yorkshire Combined Authority refer only to the distance to the nearest bus routes. They do not refer to the frequency of services or the range of destinations. They are not the Planning Authority and do not have the same social responsibilities.
- In their latest response the Highway Authority say, without reservation, that the failure to meet Core Strategy Accessibility Standards requires further consideration.
- The lower housing requirement figure undermines the earlier pre-application view that the failure to meet the accessibility standards is outweighed by the benefits of the development.
- The Council’s decision in respect of 23 houses at Rudgate Park and the emerging SAP designation give some indication of officers’ earlier thinking. However, the Parish Council contest that reasoning. In addition, a failure to meet accessibility standards is more significant for a development of 119 houses than for one of 23.
- The provision of pedestrian and cycle linkages across the site and funding for a bus shelter and display together with the financial contribution towards the provision of a cycle path from HMP Wealstun to the junction of Walton Road and Wighill Lane are welcome but would do little to overcome the overall accessibility and therefore sustainability deficiencies.

2.4.2 The Rudgate Inspector concluded in regard to that much larger development that: ***“the site is not a sustainable location for the proposed development and this is a matter to which I give substantial weight”*** (his paragraph 232). It is relevant that, unlike the present proposal, the Rudgate proposal included a school and a local centre, with a convenience store, other shops and provision for a medical practice. In addition, a planning obligation would have provided £400,000 towards the cost of a bus service between the development and Boston Spa School. None of these benefits would be available to the residents of the development now proposed, with the result that residents would find themselves in an even less accessible or sustainable, location.

2.5 Highways

2.5.1 The withdrawal of the proposed Bridge Street improvement in Boston Spa is noted. We note that Leeds Council Highways consider that a resident's only parking scheme offers a more practical solution. These matters do not change the Parish Council's fundamental objection to the proposal.

2.6 Green Space Provision

2.6.1 There is unresolved disagreement between the applicant and Sport England about the adequacy of the applicant's evidence regarding the HMP Wealstun Playing Pitch. The disagreement concerns the availability and applicability of the Council's Playing Pitch Strategy and the relevance of the twin facts that the pitch has not been used for 5 years and is not available to the public.

2.6.2 There are no football pitches that are available for public use in the parish of Thorp Arch, Walton and Boston Spa (excluding education) within the recommended 3.2km distance of the Application Site. The Leeds United Training Ground of some 10.22ha is for private use only.

2.6.3 The Parish Council welcomes the intention to increase the area of greenspace within the application site but notes that the greenspace indicated may be insufficient to accommodate an adult size football pitch with runoff. The Parish Council consider that this area should be provided and set out as a football pitch and should be of sufficient space to provide a pitch suitable for all ages (Youth U11/U12 to over 18 senior ages) and that funding should be provided via a section 106 agreement for changing facilities.

This request should not be taken to detract from the Council's objection to the proposal as a whole, but should be considered as necessary mitigation if the permission is granted.

2.7 Local Facilities and Services

2.7.1 The Parish Council has noted that the Applicant has withdrawn totally the provision in its original Application dated 4th December 2017 for community hall facilities and a contribution of £570,000 plus land under a S106 Agreement. The Parish Council regrets this approach by the Applicant, an approach which is certainly not in keeping with the planning Principle of seeking to mitigate the impacts of the development on the local facilities and services of the community as a whole.

2.7.2 The Parish Council is concerned that the proposal would increase the population of the village by some 43% and number of dwellings by 41%. This would place a strain on education and local health facilities Both of which have limited or no spare capacity and all which fall to meet the Core Strategy Accessibility Standards. The current position in relation to Education /School Places and Numbers is shown in **Appendix 1**

2.7.3 In view of the increase in population the Parish Council consider that financial provision should be made, again via a section 106 agreement, towards the provision of a community hall, albeit one more centrally located than that proposed in the original application. As stated above in relation to playing pitch facilities.

This request should not be taken to detract from the Council's objection to the proposal as a whole, but should be considered as necessary mitigation if the permission is granted.

2.7.4 The proposal for additional 106 funding to deliver a footpath cycleway to the west of the site is welcomed, subject to the same caveat as expressed above.

3. AMENDMENTS TO THE PROPOSAL

3.1 Red Line Boundary

3.1.1 Noted and the proposal for the full extent of the unadopted section of Grange Avenue to be built to adoptable standards and offered for adoption is fully supported by TAPC, independently of the Application.

3.2 Revised Green Space

3.2.1 Please see the relevant section within our comments on the agent's response above.

3.3 Site of Ecological Interest (SEGI) and Allotments

3.3.1 These are outside the red line site boundary and therefore not integral to the proposal. They are however within the blue line. They are welcomed but do not outweigh the objections to the proposal.

3.4 Additional funding for cycleway to west of site

3.4.1 Please see the relevant section within our comments on the agent's response above.

3.5 Removal of Community Centre

3.5.1 Please see the relevant section within our comments on the agent's response above.

4. OTHER MATTERS

- 4.1 The Parish Council would be grateful for clarification of the applicant's proposals for the ongoing management of the playing field, greenspace and allotments.

5. CONCLUSION

- 5.1 The Parish Council's main **objection** to the proposal remains that it is an unsustainable form of development and as such conflicts with the current adopted development plan and the recently replaced NPPF. As was indicated by the Secretary of State in the Rudgate appeal decision, **the emerging SAP carries little weight.**

There are subsidiary concerns over the loss of playing fields, the adequacy of the proposed replacement and the increased pressure on local facilities. These could be ameliorated through suitable section 106 funding but not to an extent that would outweigh the Parish Council's fundamental **objection.**

The Parish Council remain strongly opposed to the application and amendments made which must **be rejected** on the grounds of the representations already made and further stated above.

- 5.2 However should members of the Council be minded to recommend that the Application should be deferred and delegate approval to the Chief Planning Officer, TAPC would seek that the following conditions in mitigation to such consent be included :

- a) That the Green Space provision be of sufficient size that it could be utilised as a playing field and the area be set out and provided as a football pitch for all ages.
- b) S106 funding of £570,000 (the commuted sum initially offered by the Applicant for the provision of a community hall) as aggregate funding towards:
 - Financial contribution towards the cycle path from HMP Wealstun to the junction of Walton Road and Wighill Lane.
 - Changing Facilities to be sited adjacent to the football pitch.
 - The provision of a community / village hall meeting facility on a site to be determined within the village of Thorp Arch.

This request should not be taken to detract from the Council's objection to the proposal as a whole, but should be considered as necessary mitigation if the permission is granted.

Appendix 1

Education /School Places and Numbers

Thorp Arch Parish Council (TAPC) is of the opinion that the Applicants Planning Statement in respect of education capacity and numbers (item 6.19 to 6.21 inclusive) is FUDGED, OUT OF DATE and WRONG.

1. FUDGED

The Applicant is the owner of all the land to the north of HM Prison Wealstun which is allocated for housing in the Outer North East in the emerging Site Allocation Plan (SAP) Ref: HG2-227 to provide 142 dwellings.

However the Applicant has submitted two separate outline planning applications for housing on Site Ref HG2-227, which combined provide the site capacity identified in the SAP, these are:

- 16/03692/OT for 23 dwellings with no education places declared or call for and,
- 17/07970/OT for 119 dwellings with 21 Primary School and 9 Secondary School places required (item 6.19 of the Planning Statement)

Leeds City Council's current pupil product ratios for new housing is:

- Primary aged pupils = 25 per 100 family dwellings (2+ bedrooms)
- Secondary Aged Children 10 per 100 family dwellings (2+ bedrooms)

TAPC are of the view that the education places should be calculated on the combined site capacity of 142 dwellings and not on the stand alone application for 119 dwellings, which in any case is underestimated. On LCC pupil product ratios, 119 dwellings would generate 30 primary and 12 secondary school places.

Therefore based on Leeds City Council's ratios the education places generated by a developments of 142 dwellings would be:

- Primary School Places **+ 36 number**
- Secondary school Places **+ 14 number**

2. OUT OF DATE

In `Table 5` item 6.20 of the Applicants Planning Statement current enrolment figures and capacity in respect of the nearest schools for both Primary and Secondary is scheduled. The source noted *`Department of Education (EduBase, January 2017)*

The vacancies listed for Primary school places are:

- Lady Elizabeth Hastings - Capacity 140, Pupil Numbers 134, Available Spaces **+6**
- Primrose Lane (should be Lane) Primary School – Capacity 260, Pupil Numbers 243, Available Spaces **+17**

Current spare capacity of 23 primary school places.

TAPC have obtained census data collected by LCC in January 2018 for primary school places available in Thorp Arch and Boston Spa which indicates:

Numbers of children allocated to start in Reception September 2018 and current vacancies are below (please note that ‘topping up’ where places are offered from school waiting lists continues until the end of August so allocated numbers may be subject to change).

St Mary’s – 13 allocated 7 vacancies

Primrose Lane – 30 allocated 0 vacancies

St Edward’s - 23 allocated 0 vacancies (the school is over its published admission number of 20 due to some granted appeals)

Lady Elizabeth Hastings – 20 allocated 0 vacancies

Based on census data collected in January 2018, numbers on roll in each year group at that time were as below. This was at a point in time and numbers may be subject to change.

<i>School</i>	<i>Rec</i>	<i>Y1</i>	<i>Y2</i>	<i>Y3</i>	<i>Y4</i>	<i>Y5</i>	<i>Y6</i>	<i>Vacancies across school</i>
<i>St Mary’s</i>	<i>17</i>	<i>19</i>	<i>15</i>	<i>23</i>	<i>20</i>	<i>17</i>	<i>20</i>	<i>9</i>
<i>Primrose Lane</i>	<i>30</i>	<i>30</i>	<i>32</i>	<i>30</i>	<i>30</i>	<i>28</i>	<i>30</i>	<i>0 (over PAN in some year groups but not in others)</i>
<i>St Edward’s</i>	<i>19</i>	<i>24</i>	<i>21</i>	<i>24</i>	<i>20</i>	<i>26</i>	<i>19</i>	<i>0 (over PAN in some year groups)</i>
<i>Lady Elizabeth Hastings</i>	<i>17</i>	<i>20</i>	<i>16</i>	<i>22</i>	<i>18</i>	<i>22</i>	<i>23</i>	<i>2</i>

Source: Sufficiency & Participation Team Leeds City Council July 2018.

Of the four primary schools listed only Lady Elizabeth Hastings would almost comply with the Core strategy Accessibility Standards, St Mary’s, Primrose Lane and St Edwards all **fail to meet and are well outside the standard.**

TAPC acknowledge that in respect of secondary school places there are no shortage of available spaces at Boston Spa Academy, Wetherby High School or Tadcaster Grammar School.

However all these schools fall well outside the Core Strategy Accessibility Standards and therefore **fail to meet the standard.**

3. WRONG

The statement made by the Applicant in item 6.21 that *‘there is currently spare capacity of 23 primary school spaces and a large secondary school surplus identifying that existing infrastructure is sufficient to accept the Proposed Development’* **is wrong.**

The Applicant has clearly underestimated the primary and secondary school places that would be generated by the application for 119 dwellings. Furthermore as the landowner of all the land that falls within the red line boundary allocated to provide 142 dwellings in the emerging SAP HG2-227, the primary and secondary pupil yield should be based on the full impact that the overall development site would generate. Failure to do so would provide misleading and **wrong** information.

The facts are:

- The education enrolment figures have been miscalculated.
- The current spare capacity for primary school places is out of date.
- Based on the number of primary school children allocated to start in Reception September 2018, there are no spare places at Lady Elizabeth Hastings primary school to accommodate children that would be generated from the 23 dwelling application (6), let alone the current application for 119 dwellings.
- The only current school with vacancies for primary school children is St Mary`s, but this school fails to meet and is well outside the Core strategy Accessibility Standards.
- Although there are no shortage of secondary school places available, there is not one secondary school that falls within or complies with the Core Strategy Accessibility Standards.