
Land at Silverdale Avenue, Guiseley Appeal Statement

Prepared on Behalf of Stonebridge Homes Limited

March 2018

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1.0 INTRODUCTION

1.1 Barton Willmore is instructed by Stonebridge Homes (hereafter referred to as the 'Appellant') to appeal against Leeds City Council's (hereafter referred to as 'the Council') decision to refuse planning consent for the following development at land at Silverdale Avenue Guiseley Leeds (hereafter referred to as 'the Site').

Erection of 46 dwellings including new access road and associated landscaping" (hereafter referred to as the Application)

1.2 As part of the original application submission a Planning Statement was submitted which outlined the planning history of the Site, the proposed development, an overview of the relevant planning policy context and an assessment of the development and how it was considered to be policy compliant. This appeal statement supports the Planning Statement and focuses on the reasons for refusal.

1.3 The application was validated on 22 March 2017, reference number 17/01262/FU. As part of the planning application, a suite of technical reports and plans were provided.

1.4 During the course of the application various discussions took place with Leeds City Council and, as a result, amended plans and documents were submitted to satisfy concerns raised.

1.5 Following the statutory consultation period and lengthy discussions between the Appellant and the Council, the application was refused under delegated powers on 19 January 2018 for the following two reasons:

"1) The Local Planning Authority considers that the loss of the existing allotments/greenspace which is allocated as N1a in the Unitary Development Plan (2006) will have a detrimental impact on the overall supply of allotments/greenspace in an area where there is an existing deficiency in these land uses. No alternative land has been offered as part of this application to replace the land that is lost so the scheme does not comply with policies H2 and G6 of the Core Strategy 2014 or N1a of the Unitary Development Plan

2) The Local Planning Authority considers that this scheme for residential development does not provide any on site greenspace in an area where there is an existing deficiency and therefore the scheme does not comply with policy G4 of the Core Strategy 2014."

1.6 This Statement sets out the background to the application, the scheme evolution, together with the reasons for refusal and the Appellant's Grounds of Appeal.

Structure of Appeal Statement

1.7 The remainder of this Appeal Statement is structured as follows:

- Section 2.0 provides a description of the Appeal Site and its surroundings;
- Section 3.0 provides an overview of the relevant planning history;
- Section 4.0 describes the proposed development in more detail;
- Section 5.0 sets out the relevant national and local planning policies and guidance relevant to the Appeal Site and application proposals;
- Section 6.0 considers the main planning issues and provides an assessment of how the planning application complies with planning policy; and
- Section 7.0 summarises the Appeal Statement and draws conclusions.

2.0 THE SITE AND ITS SURROUNDINGS

Site Context

- 2.1 The Appeal Site is located to the west of Silverdale Avenue in Guiseley. It is located 0.4 miles south of the town centre of Guiseley and is therefore very accessible given its proximity to train and bus routes. The Site is also well placed to services and amenities including shops, schools and other conveniences.
- 2.2 Guiseley Town is a major service settlement and is located approximately 9 miles north west of Leeds City Centre. Bus and train services provide transport links to the wider city region and to the transport hubs in Leeds City Centre on a frequent basis.
- 2.3 The Site is located within a residential area of Guiseley within the development limits and is surrounded by residential properties, with Silverdale Avenue forming the Site's eastern boundary. Guiseley Conservation Area lies adjacent to the Site.

Site Description

- 2.4 The Site itself is a 1.4 hectare undeveloped piece of land and forms part of a larger 1.98 hectare infill site which was previously designated as allotments in the Unitary Development Plan. The Appeal Site is outlined in red on Figure 2.1 and consists of several privately-owned plots with owners utilising the land as appropriate to their needs. The 0.58 hectares excluded from the Appeal Site highlighted in blue on Figure 2.1 is the proportion of the Site still used for allotments and is excluded from the Appeal Site.
- 2.5 The Site is formed by several plots owned by several landowners. These landowners have formed a joint consortium to promote and develop this site and all are fully aware of the proposals and the application submitted to the Council.
- 2.6 Access points to the Site are located to the east, south and west. The only existing vehicle access point into the Site is to the west. This is a single un-adopted track which joins Coach Road; another single-track lane which is partly gravelled and not evenly surfaced. To the south of the Site is a potential vehicle access point to the Site from Silverdale Mount; an adopted well-maintained road. A further pedestrian access point is located off Silverdale Avenue to the east.
- 2.7 The Site is predominantly shrub and grassland and did contain various ad-hoc buildings and sheds located within the plots but these have since been removed. The eastern boundary is contained by a drystone wall but is predominantly an open gap in the residential frontage of Silverdale Avenue.

Figure 2.1: Aerial View of the Site



3.0 RELEVANT PLANNING HISTORY

3.1 This section of the statement outlines the planning history associated with the Site. The planning history is set out below.

3.2 The Site has been subject to various planning applications over the years. Table 3.1 below sets out all the planning history records identified on Leeds City Council's Public Access website.

Table 3.1: Relevant Planning History

LPA Reference	Address	Description	Status
28/12/99/OT	Silverdale Avenue Guiseley	Outline application to erect dwelling house	Application Refused
28/99/04/FU	Allotments off Coach Road	Siting of caravan to existing allotments	Application Refused
99674	Allotments off Coach Road	Siting of caravan to existing allotments	Appeal Dismissed
28/165/98/FU	Silverdale Avenue Guiseley	Detached prefabricated store to allotments	Application Withdrawn
H28/342/89/	Off Coach Road Guiseley	Outline application to erect residential development to vacant site. (site area 0.77ha)	Application Withdrawn
H28/117/89/	Coach Road Guiseley	Outline application to erect detached house to vacant allotment. (site area 0.09ha)	Application Refused
H28/55/76/	Coach Road Guiseley, Aireborough	Use of allotment gardens, for temporary period of 3 years, as scrap metal storage area. (site area 0.38ha)	Application Refused
H28/23/85/	Off Coach Road Guiseley	Use of smallholding for storage of scrap metal.	Application Refused

3.3 The landowners of the site have previously tried for individual dwellings, only to be refused for the lack of a comprehensive development of the site, which the current application seeks to provide. It should also be noted that within the 2005 Appeal Decision it clearly confirms that in 2004/2005 only 50% of the allotments were in use on site. It is evident from the Site now that this use has decreased and only a proportion of the Site is in use as private gardens and the remaining allotments are outside of the Appeal Site boundary.

The Refused Planning Application

3.4 A planning application was lodged in March 2017 following pre-application discussions and a public consultation exercise, with a decision made in January 2018. The Site is identified as a proposed allocation within the Councils Site Allocations Plan (SAP), however the application was lodged on the basis of being an unallocated greenfield site, with no weight

given to the SAP or the draft allocation as a result of it being unadopted and at that stage only at an early consultation stage.

- 3.5 During pre-application discussions and at the time of lodging the planning application, the Council's Open Space Background Paper (May 2015) identified that within the Guiseley area there was no deficiency in allotment provision. Furthermore, the part of the site used as allotments was not included in the calculation, therefore a surplus existed. The application was therefore lodged on this basis, with evidence that the site was not necessary for other open space uses and as an unallocated greenfield site could be supported.
- 3.6 During the determination of the application, a revised Green Space Background Paper was released (May 2017), which sought to amend a number of perceived errors in the Council's previous calculations, including showing a revised level of allotments and subsequent deficit in Guiseley.
- 3.7 The application thereafter sought to demonstrate that the site no longer constitute allotments, could not be delivered as allotments or alternative open spaces that were in deficiency and that the site was proposed as an allocation in the SAP. Furthermore, the application sought to demonstrate that an offsite contribution would be acceptable and that public benefits were demonstrated. In the event that the Council disagreed with the Policy compliance the case was made that this harm was not significant and demonstrable when weighed against the benefits in light of the Council's lack of five-year land supply and paragraph 14 of the Framework.
- 3.8 During the determination of the application and as shown in the two reasons for refusal, the officer's report and accompanying Statement of Common Ground (to be finalised prior to the hearing), all other technical matters and considerations of design and impact on neighbours were considered acceptable.
- 3.9 The assessment section (Chapter 6) of this appeal statement therefore focuses on the two reasons for refusal with specific regard to greenspace and the Council's five-year land supply position.

4.0 THE PROPOSED DEVELOPMENT

4.1 This section of the Statement provides a summary of the proposed development and sets out the design principles.

4.2 The application was submitted in full, with all matters considered.

Development Parameters

Use

4.3 Consent was sought for the construction of 46 residential units. In addition to the new homes, the development was to also provide areas of landscaping and associated infrastructure such as internal access roads and vehicular parking facilities. The use of this site for residential development is consistent with the surrounding land uses.

4.4 The remaining site outside the red line area will remain as private allotments.

Amount

4.5 The Site is 1.4 hectares (3.47 acres) in size and the proposal sought to erect 46 residential units. The density of which is suitable for the locality of Guiseley and the Silverdale Avenue area. This density provides sufficient space on site for access and landscaping. The development will provide the following accommodation:

Table 4.1: Proposed Accommodation

Dwelling Type	Quantity
Open Market Units	
2 bed semi-detached	2
3 bed semi-detached	4
4 bed detached	16
5 bed detached	8
Affordable Units	
2 bed semi-detached	8
3 bed semi-detached	8
Total	46

Layout

- 4.6 The proposed layout that was submitted in support of the application indicates that the vehicular access to the Site will be via Silverdale Avenue and Silverdale Mount to the South. Access for five of the dwellings will be directly taken from Silverdale Avenue to enable the frontage of the street to be continued in a similar style to the existing street scene. The remaining units will be accessed from Silverdale Mount via an estate road which leads to arterial private roads leading through the development site with the dwellings to be largely located along these roads and in cul-de-sacs.
- 4.7 The layout responds to the locations of neighbouring properties and ensures there will be no overlooking or loss of amenity for either the existing properties or the dwellings proposed.
- 4.8 Vehicular parking areas are provided for each dwelling and areas of landscaping will also be located within the development.

Scale

- 4.9 The scale of the development has been constrained by the Site's size and existing landscape features. The scale of the development is appropriate in terms of density and provides adequate parking and amenity space for each dwelling.
- 4.10 The dwellings will be 2 – 2.5 storeys in height; which is typical of residential properties in the surrounding area. The heights of the development have been designed in accordance with the neighbouring buildings to ensure they will integrate into the townscape suitably and not appear to overbear on the surrounding properties.

Appearance

- 4.11 The buildings will be constructed in brick and the roofing materials will be concrete interlocking tiles. The dwellings are traditional in style with brick plinth and eaves detailing on several of the proposed dwellings.
- 4.12 As part of the planning application package a full set of planning drawings were provided which demonstrated the proposed elevations of each house type in addition to the proposed streetscapes which have been prepared. These give an indication as to how the proposal will integrate into the area whilst respecting the adjacent Conservation Area.

Landscape

- 4.14 The layout of the development has been designed to retain the existing boundary trees and hedgerows on site. Arboricultural details were contained within the Tree Report enclosed

with the application. As part and parcel of the layout, soft landscaping has been considered and tree planting is proposed. The plans enclosed shows the layout of the proposed landscaping. The existing mature tree and hedgerows surrounding the Site will provide adequate screening from the adjacent uses. The remaining private gardens/allotments to the south-east and north-west outside the application boundary will be retained as such.

Access

- 4.15 As set out above, the access to the development would be from both Silverdale Avenue and Silverdale Mount. The majority of the development will be served from Silverdale Mount from the south with the exception of 5 proposed dwellings along the eastern boundary of the Site which would have direct private access from Silverdale Avenue.
- 4.16 An estate road would then lead from Silverdale Mount to the remaining 41 units via shared surfaces and private drives. Each dwelling has been provided with sufficient parking spaces to meet the Council's parking requirements.
- 4.17 Pedestrian footpaths will be provided through the development along the access routes to Silverdale Mount which will link to the existing footpaths of Silverdale Mount. And Silverdale Avenue.

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5.0 PLANNING POLICY CONTEXT

5.1 This section of the Appeal Statement outlines the relevant planning policy context for the refused development and considers national and local policy guidance. For reference, the following documents are considered the most relevant:

- The National Planning Policy Framework;
- The Leeds City Council Unitary Development Plan Review (2006);
- The Leeds City Council Core Strategy; and
- The Emerging Leeds City Council Site Allocations DPD.

The National Planning Policy Framework ('the Framework')

The Presumption in Favour of Sustainable Development

5.2 The Framework was published and came into force on 27th March 2012. Its underlying mainstay is the presumption in favour of sustainable development at paragraph 14. Specifically, in relation to decision-taking, this is taken to mean:

- **"approving development proposals that accord with the development plan without delay; and**
- **where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:**
 - any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted."

5.3 Paragraph 7 of the Framework states that there are three dimensions to sustainable development: economic, social and environmental. Paragraph 8 further notes that *"these roles should not be undertaken in isolation, because they are mutually dependent"* and that to achieve sustainable development, *"economic, social and environmental gains should be sought jointly and simultaneously through the planning system"*.

Core Planning Principles

5.4 Paragraph 17 of the Framework sets out 12 core planning principles to underpin plan-making and decision-taking. Importantly, in relation to this application, core planning principles 3, 4 and 11 state that planning should:

- **"Proactively drive and support sustainable economic development to deliver the homes... that the country needs. Every effort should be made**

objectively to identify and then meet the housing... needs of an area, and respond positively to wider opportunities for growth...;

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of the land and buildings;**
- actively manage patterns of growth to make the fullest possible use of public transport, walking, and cycling, and focus significant development in locations which are or can be made sustainable."**

Promoting Sustainable Transport

5.5 In relation to sustainable transport, it is noted that paragraph 32 requires all developments that generate significant amounts of movement to be supported by a Transport Assessment or Statement. In determining applications, the paragraph notes that "*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*".

5.6 Paragraph 34 also notes that developments that generate significant movement should be located where the "*need to travel will be minimised and the use of sustainable transport modes can be maximised*". Paragraph 36 requires the submission of a Travel Plan for all developments which generate significant amounts of movement.

Delivering a Wide Choice of High Quality Homes

5.7 Section 6 of the Framework sets out that Local Planning Authorities must have a five-year supply of housing which meets the needs of the area including identifying key sites which are critical to the delivery of housing over the plan period. Local Planning Authorities may also take into consideration windfall sites in the five-year supply if there is evidence to show that such sites have been consistently available in the local area.

5.8 The Framework puts a strong emphasis on that Housing applications "*should be considered in the context of the presumption of sustainable development*" (paragraph 49) and that the delivery of houses should provide a "*wide choice of high quality homes*" (paragraph 50) and that developments should create sustainable, inclusive and mixed communities. This includes the provision of affordable housing and a mix based on current and future demographic needs.

Requiring Good Design

5.9 Good design is given great importance in the Framework as a key part of sustainable development. Paragraph 58 includes a series of six criteria to be considered as part of the decision-taking process. These state that developments:

- “will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the Site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.”

5.10 It is noted that paragraph 60 states that policies and decisions “*should not attempt to impose architectural styles or particular tastes and they should not stifle innovation*”. However, paragraph 64 states that “*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*”.

Decision-Taking

5.11 In relation to the decision-taking section of the Framework, paragraph 187 notes that local planning authorities should “*look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible*”. This includes working proactively with Appellants to “*secure developments that improve the economic, social and environmental conditions of the area*”.

5.12 In determining applications, paragraph 196 requires that “*applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise*” in line with the established plan-led planning system. Paragraph 197 confirms that in assessing and determining development proposals, “*local planning authorities should apply the presumption in favour of sustainable development*”.

Annex 1: Implementation

5.13 Paragraph 214 of the Framework states that “*for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004, even if there is a limited degree of conflict with this Framework*”. Footnote 39 to this paragraph notes that this only applies to policies adopted in development plan documents in accordance with the Planning and Compulsory Purchase Act 2004.

5.14 Paragraph 215 continues to note that "*in other cases... due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework*".

5.15 The Framework states at paragraph 216 that decision-takers can give weight to relevant policies within emerging plans. However, the amount of weight that can be given to the policies is dependent upon how far the emerging plan has progressed through the preparation stage. The more advanced the plan, the greater the amount of weight that can be added.

The Leeds Unitary Development Plan Review (2006) ('the UDPR')

5.16 The Council's Unitary Development Plan was adopted in 2001 and a review of the Plan was undertaken in 2006. The UDPR is now out of date as per paragraphs 214 and 215 of the Framework and the amount of weight that can be attributed to the policies within the UDPR is dependent upon their conformity with the Framework.

5.17 It is considered that the following policies of the UDPR are of most relevance to the Appeal:

Table 5.1: Relevant Unitary Development Plan Policies

Policy	Summary
N1a	Protection of Allotments Sets out policy which protects " <i>land currently used as allotment gardens</i> " development will not be permitted on allotment gardens currently.

The Leeds City Council Core Strategy

5.18 The Council's Core Strategy was adopted on 12 November 2014. It sets out the strategic policies for the district. The relevant policies within the Core Strategy are listed and summarised in table 5.2 below:

Table 5.2: Relevant Core Strategy Policies

Policy	Summary
SP1	Location of Development The policy seeks to ensure that new development is concentrated within urban areas which make use of existing services, high levels of accessibility. The Main Urban Area will accommodate the greatest amount of growth.
SP6	The Housing Requirement and the Allocation of Land The policy states that the housing requirement for the district over the plan period will be 66,000 gross and that new dwellings should be located within the most sustainable areas.

SP7	Distribution of Housing Land and Allocations The breakdown in housing delivery across the district is outlined within policy SP7. The main urban area where the application site is located will contribute 33,000 new units.
H2	New Housing Development on Non-Allocated Sites The policy states that residential development on non-allocated sites will be supported providing that it would not adversely impact upon highways, educational and health infrastructure. With regards to Greenfield sites, development be resisted if it has intrinsic value as amenity or recreational space or makes a special contribution to the historic character of an area.
H5	Affordable Housing The Council will seek affordable housing either on-site, off-site or through a financial contribution in-lieu of on-site provision. The policy states that the affordable housing thresholds, targets and tenure mix would be brought forward through a Supplementary Planning Document.
G6	Protection and Redevelopment of Existing Green Space The Council aim to protect Green Space from development unless one of the three criteria is met.
P10	Design The policy seeks to ensure that new development of spaces or buildings is designed to high quality, taking into account the location of the Site. In addition the size, scale and layout should take account, and proposals should not have an adverse impact upon the historic environment.
T2	Accessibility Requirements and New Development The policy seeks to ensure that new development is adequately served by existing or programmed highways. In addition, where development is of a certain threshold, a Travel Plan will be required to demonstrate that sustainable methods of transport will be utilised. The policy also requires sufficient vehicular parking provision to be provided within a development.

The Emerging Leeds Site Allocations DPD

5.19 The Sites Allocation DPD will form part of the development plan for Leeds and will identify land in appropriate locations to meet the housing, employment, retail and greenspace requirements for the district in accordance with the Council's overarching strategic document, the Core Strategy. The Council are seeking to allocate enough land to meet their housing target of 66,000 units over the plan period of 15 years.

5.20 The Council have assessed all sites put forward as part of the Site Allocations DPD process and have dismissed those sites which they do not consider to be suitable. They have published the Publication Draft of the Plan, which includes the proposed housing allocations. These include a combination of identified sites (those sites with existing planning permission or recently expired permissions or existing UDP allocations) and proposed allocations.

5.21 The Appeal Site has been identified as a draft housing allocation in the submission draft document (site reference HG2-6) and is located in the Aireborough Housing Market Character Area ('HMCA'). The Site is identified as Phase 1 allocation accommodating 32 units on a 1.98 hectare site (i.e. the Site and the retained allotments).

5.22 The draft allocation includes all of the application land plus land not under the control of the applicant and owned by the retained allotments that are currently in use. These owners do not wish to see development of the site and have actively opposed development of the Site, therefore the inclusion of their land is considered unsound and representations to this effect have been made.

5.23 As part of the site-specific requirements for the site, the submission draft of the plan identified that 50% of the site should be provided as allotments. Representations to this were made to demonstrate that this was not possible or sound. As a result of these representations, a proposed modification was proposed by the Council to require the 50% to be either allotments or other open space. This is still considered to be unsound as the site requires a 50% open space provision, contrary to the Council's own policies, which only require 25% open space.

5.24 It should be noted that the examination of this plan has been delayed, however in the Inspectors MiQs for the Aireborough Housing Market Character Area, a specific question was raised on the soundness of this excessive requirement. This question was one of only three questions on all the sites proposed in Aireborough, asking "*in relation to HG2-6 (the Site) is the requirement for half of the site to be greenspace justified?*"

5.25 In relation to the Green Space designation it should be noted that the Council have deleted the Green Space designation of the site through the SAP. The Site has been deleted as allocated allotments and this policy amendment has been through Examination, with no representations made at the Examination objecting to this amendment. At present the deletion of the allocation can therefore be given significant weight, given the Council have presented this case unopposed to the Planning Inspectorate.

Upcoming Planning Policy – the Core Strategy Review

5.26 The Council are in the process of undertaking a Core Strategy Selective Review to consider updating a number of their policies. The consultation seeks to introduce housing standards and minimum household sizes, amend the housing requirement and amend Policy G4 (on site Open Space Revision) in light of the difficulties many sites have had in complying with the policy.

5.27 The revised Policy G4 now outlines that 'Residential developments of 10 dwellings or more will be expected to provide the following quantities of on site green space per residential unit or where this quantity of green space is unachievable or inappropriate on-site, equivalent off-site provision, financial contribution or combinations thereof should be sought:

1 bedroom dwelling:	23sqm;
2 bedroom dwelling:	33sqm;
3 bedroom dwelling:	44sqm;
4 bedroom dwelling:	54sqm; and
5 or more bedroom dwelling:	66sqm.

5.28 In determining whether this quantity of provision should be delivered on-site, off-site or as a commuted sum, consideration of the circumstances set out in paragraph 5.5.14 will indicate whether green space should be provided on-site.

5.29 If off-site financial contributions are to be accepted the core components of the calculation are as follows:

- The costs of laying out space;
- Maintenance (general and play facilities); and
- A per-child factor (see paragraph 5.5.23 above).

5.30 Financial contributions will be used effectively to meet local needs for greenspace.

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6.0 ASSESSMENT OF DEVELOPMENT

6.1 The Council's reasons for refusal cite several policies relating to both the development of Green Space and also the delivery of new on-site Green Space. These policies are contained in both the existing adopted UDP and Core Strategy but also are included in the Core Strategy Review, which the Council have recently published for submission for examination.

6.2 The reasons for refusal are identified in Chapter 1 of this statement and the detailed wording of the policies cited in Chapter 5. Whilst both relate to green space they are quite different in their reasons for refusal and should be considered in isolation. Firstly, the Council oppose the development on a site designated in the Leeds Unitary Development Plan as allotments and secondly they object to the lack of new on-site Green Space provided within the new application.

Reason for Refusal 1:

The Local Planning Authority considers that the loss of the existing allotments/greenspace which is allocated as N1a in the Unitary Development Plan (2006) will have a detrimental impact on the overall supply of allotments/greenspace in an area where there is an existing deficiency in these land uses. No alternative land has been offered as part of this application to replace the land that is lost so the scheme does not comply with policies H2 and G6 of the Core Strategy 2014 or N1a of the Unitary Development Plan.

6.3 In considering this reason regard must be had to the policies referred to therein, the weight to be given to them and how applicable they are to the proposal. The Site is annotated in the UDP as an area of protected Green Space, however it should be noted that this annotation was not a strategic designation in the way that a housing or employment allocation is, it was simply the colouring of a map to note an existing use. This exercise took place over 20 years ago, with adoption in 2001 when the site was identified as allotments and subsequently retained in the UDP review in 2006 as no representations were made opposing its retention.

6.4 Policy H2 is cited in the Council's reasons for refusal as a general policy relating to housing applications on non-allocated sites. The Policy provides criteria-based tests for development, including two relating to Green Space. These green space criteria are similar to those in Policy G6, however are limited in their detail. The preceding paragraph in the Core Strategy confirms that Policy H2 concerns the principle of residential development rather than details that may be controlled through other policies. In this regard compliance

with the more detailed Policy G6 would ensure compliance with Policy H2. The remainder of this assessment therefore works on this basis.

- 6.5 Notwithstanding this, it is clear (as per paragraph 3.3 of this statement) that before the adoption of the UDP review, the site had ceased being used as allotments and has continued to be unused ever since. The UDP designation of allotments is therefore clearly outdated on the ground and no longer serves a purpose to protect the site. Paragraph 5.2.8 of the UDP notes that allotments do not comprise publicly accessible open space and note that not all allotments are statutory allotments (these are not), however all allotments with a tenancy or licence agreement will be subject to Policy N1A, i.e. the Policy cited in the reason for refusal.
- 6.6 The Site is in private ownership with a number of individual owners, therefore no tenancy or license is in place, therefore as per paragraph 5.2.8 of the UDP Policy N1A should not be applied. Further to this on face value the Policy wording confirms that it applies only to land "*currently used as allotment gardens*", which this land is not, therefore the application of this policy is incorrect.
- 6.7 The application of this policy on a site not used as allotments (and not used for over 10 years) is simply inappropriate and irrelevant. The first part of the reason for refusal citing non-compliance with the Policy is therefore inapplicable. It is noted that the Council have acknowledged this position with the recent SAP consultation and examination, whereby when reviewing the Council's open space policies and allocations the site has been deleted. Evidence of which can be found in the Aireborough HMCA chapter of the SAP and the Green Space Background Paper, extracts of which are included in Appendix 1.
- 6.8 The SAP is still being examined, however the Green Space policies have been fully examined and the sessions closed. At this stage the Council have proposed the deletion of the current allocation of the site as Green Space, with a view to it being allocated for residential development. There are outstanding objections to the allocation and also the details of the site-specific requirements, which require examination, however no objections to the allotment deletion are outstanding.
- 6.9 On this basis and in accordance with paragraphs 215 and 216 of the Framework significant weight can be given to the acknowledgement that the site is no longer used as allotments and deletion of the green space designation. However, whilst limited weight can be applied to the principle of the allocation, in light of the substantial objections, non-compliance with site-specific requirements and clear concerns of the Inspectors, no weight can be given to the requirement for 50% of the site to be considered as on-site Green Space.

6.10 In light of the above, the weight to be given to the loss of green space should be considered against the loss of the actual use of the Green Space and the relevance of Policies N1A in the UDP and also Policy G6 of the Core Strategy, which is considered to be superseded by the decision to delete the allocation of the land as Green Space. Given the Council's acknowledgement of the lack of use and deletion of the UDP designation, the application should simply be considered as the building on an unallocated Greenfield site, with no conflict with Policies N1A or G6 as they are now superseded.

6.11 Notwithstanding the deletion of the site as green space and the impact that this has on the application and relevance of Policy G6, it is considered prudent to consider the application against that policy for completeness. The Policy is an either/or policy, requiring compliance with only one of the three criteria to enable development. The first of these relates to whether there is an adequate supply of the type of Green Space to be lost in an area and secondly if so, whether the site could be used for any other types of Green Space that the area is deficient in.

6.12 The Council's first reason for refusal is based on the lack of allotments in the area, as indicated in the Green Space Background Paper that supports the SAP. It should be noted that the Green Space Background Paper identifies need based on 0.24Ha of allotments per 1,000 people. It should be noted that as this figure is based on actual need for individuals as opposed to a generic requirement. The Council's figures therefore calculate that on the population of Guiseley (at approx. 25,000 people) there is a shortfall of 3 hectares of allotments. It should however be noted that this calculation bases need on all age groups, so theoretically includes a provision for children under 1 year of age, which cannot conceivably be appropriate as they clearly have no 'need' for an allotment. Given it would be unachievable for anyone under 16 to lease an allotment, it has to be acknowledged that (whilst they may use them with other people), there is no specific need for that age group. The deficit implied relating to allotments is therefore overexpressed in the report.

6.13 It should also be noted that the Site, and indeed the neighbouring allotments not part of the application site, are not included in the Council's assessment of allotments, given they are in private ownership. The allotments do not have any statutory protection and cannot be considered by the Council in meeting their need. This is confirmed in the supporting text to Policy G6 of the Core Strategy and also in the Green Space Background Paper, which excludes private allotments. On this basis, again it is considered that when actual genuine need is considered (not considering children) and private allotments are factored in there is no deficit and Policy G6 (i) is complied with.

6.14 The second part of Policy G6 requires consideration to be given to whether the land could provide other Green Spaces that are deficient in the area. The only Green Space that is

currently shown as being deficient in Guiseley is Natural Green Space, however as the Green Space assessment carried out by ourselves and included as part of the submission documents shows, there are a large number of sites that have not been considered, which clearly meet this shortfall. Notwithstanding this, should there still be a shortfall, the nature of any Green Space on site would be usable and therefore would not meet this shortfall. It is therefore clear that there is no potential to use part of the site as 'natural' Green Space and as such development of the Site complies with the second part of Policy G6.

6.15 The applicant throughout the process has identified a willingness to make a commuted sum to improve off site open space as a more appropriate alternative than developing open space on site. As has been shown above the land isn't public, it isn't used as allotments and is not included in the Council's Green Space Background Paper. Considering all of this the Council have now been through an Examination in Public proposing to delete the Green Space location, which received no objections during the examination. Further to this it is noted that the Aireborough Neighbourhood Forum have carried out an Urban Character Analysis, which shows the site as Green Space but does not identify it as an 'important area of Green Space' or an opportunity for enhancement. Copies of the relevant extracts are included in Appendix 2.

6.16 The third criteria of Policy G6 does allow development whereby redevelopment proposals demonstrate a clear relationship to the improvement of green space in the locality. Our Client has openly promoted this option through a commuted sum and the work done locally by the Neighbourhood Forum identifies opportunities for enhancement. The money from this development would clearly benefit the public more than adding to an existing surplus of say children's play spaces.

Interim Conclusion on Reason 1

6.17 In conclusion on the Council's first reason for refusal:

- The historic designation of the site as allotments was inaccurate as they were not publicly accessible and simply reiterated a previous use as opposed to strategically delivering allotments. That use ceased over ten years ago and the site has been cleared, therefore rendering the designation outdated;
- Policy N1A cannot therefore be applied as the site is not current allotments;
- Policy H2 provides general principles for the development of unallocated land, whilst it does include increased requirements for Green Space, it is clear in the supporting text that the specific policies in relation to those individual aspects should be considered when assessing the detail. Therefore, Policy H2, relies upon

Policy G6 and compliance with the exception in Policy G6 in turn would ensure that development accords with Policy H2.

- The Council acknowledge this cessation of use by deleting the allocation in the upcoming SAP. The SAP has been examined and the Council have provided evidence that the site should not be identified as allotments and therefore Policy G6 no longer applies;
- In applying Policy G6 it is clear that the methodology for identifying the deficiency of allotments in the area is flawed and removing those ineligible for an allotment from the demand and including private allotments as supply would result in a surplus;
- The site is unsuitable for natural Green Space and any other use would simply add to an existing surplus; and
- The Neighbourhood Forum note the site as Green Space but not important green space and identify improvement opportunities that they would like to see made. The applicant is willing to make a financial contribution in lieu of onsite open space which can help to realise some of these ambitions.

Reason for Refusal 2:

The Local Planning Authority considers that this scheme for residential development does not provide any on site greenspace in an area where there is an existing deficiency and therefore the scheme does not comply with policy G4 of the Core Strategy 2014."

6.18 The second reason for refusal focusses on the design of the scheme and the lack of onsite open space included within the development. The omission of open space is not in debate, however the appropriateness of an off-site contribution in lieu of on-site provision is, hence the reason for refusal.

6.19 The Council's Green Space Background Paper shows that the only deficiencies in Guiseley are allotments and natural space. Our response to matter G6 shows why these two uses are not appropriate for the site as part of a residential development. On this basis any new open space would either be amenity space or a formalised play area, both of which already have significant surplus in the area, therefore exacerbating the situation.

6.20 Taking a holistic view and considering the needs of the area, it was actively promoted to provide an off-site contribution in lieu of onsite provision. It should be noted that this is a well-established principle in Leeds, a practice that happens regularly and has happened through complete agreement on our Client's site in Westerton Road, East Ardsley, Leeds.

6.21 In considering the Application, the Council have applied full weight to Policy G4 of the adopted Core Strategy. This Policy is a somewhat contentious policy in that it requires a significantly high level of open space (80sq metres per property), which in turn reduces capacity and/or increases density. Similarly, it is never delivered in inner areas and the city centre and on many schemes a reduced figure is provided or a commuted sum. The Council themselves have acknowledged this issue with the review of the Policy as part of their Core Strategy Selective Review. To put this in perspective only four of the current Core Strategy policies are being reviewed, showing the clear deficiencies of the policy at present.

6.22 At present Policy G4 requires 80 square metres of Green Space per dwelling and is applied to all schemes over 10 dwellings unless they are within 720m of a community park and for all sites in an area that is deficient of Green Space. The Site is outside the city centre but within 720m of a community park, therefore under the first part of the policy it would not require any onsite open space. However, as Guiseley has a deficiency of allotments and natural space, this then renders on-site open space necessary.

6.23 The policy contains clear flaws, for example the only reason the Site is required to provide Green Space is as a result of the area having a deficiency of allotments. However, adding an increase surplus of children's play areas (already an excess of five play areas), would then make the scheme policy compliant. Given the delivery of children's play space or onsite amenity space is simply adding to a surplus it is clearly more appropriate for a commuted sum to be provided, which would assist in delivering more allotments, natural space or improvements to existing Green Space.

6.24 This approach has been carried out on numerous sites across Leeds and was put to the Council in a meeting in May 2017, however the response was that off-site contributions were no longer deemed an appropriate way of dealing with planning applications. As a consequence of this, correspondence was sent to the Council (included in Appendix 3), identifying numerous applications that had off-site contributions, including items on Plans Panel the following week. As a matter of fact, therefore, the Council are still applying this approach. Indeed, this was confirmed verbally at the SAP Examination by Lois Pickering on behalf of the Council.

6.25 The response from the Council to this did confirm that off-site contributions are considered acceptable, however, each site should be considered on its merits and those we highlighted were considered more appropriate for off-site contributions. Again, in response to this a comparison was taken considering the deficiencies in those areas and the justification for providing an off-site contribution. In nearly all cases the sites were in areas with greater deficiencies in open space and many with deficiencies that could easily be provided on site,

such as play areas of amenity space. A copy of this correspondence is included in Appendix 4.

6.26 Most recently an application taken to plans Panel in February 2018, reference 17/06427/FU, which is located in an area with a deficiency of allotments and natural space, was approved with a £32,000 contribution as an off-site contribution in lieu of on-site space. This application is very similar in circumstance and shows the inconsistencies of the Council's approach.

6.27 It is clear that the route being put forward by the applicants is accepted across the city and allowed by the Council, however, on this site it was inexplicably not considered appropriate. It is noted that at present the agreement to an off-site sum has no assessment methodology and it is based solely on the discretion of the Council. The review of Policy G4 seeks to rectify this and to include an objective test to apply to sites.

6.28 The revised policy G4 acknowledges the benefits of commuted sums and seeks to resolve the current anomaly whereby creating an increased surplus of one use can make up for a deficiency of another. The Policy therefore applies to developments of ten units or more, with no trigger points based on areas of deficiency. It thereafter states "*where this quantity of Green Space is unachievable or inappropriate on-site, equivalent off-site provision, financial contribution or combination thereof should be sought.*"

6.29 The supporting text to the revised Policy also acknowledges the benefits that a commuted sum can deliver to improving greenspace and that a series of spaces on new development sis not necessarily the most appropriate delivery of Green Space for the community. Paragraph 5.5.11 proactively state that the need for new open space will be addressed via a variety of mechanisms, including "*providing commuted suns in lieu of on-site provision. Sums can be used to enhance existing greenspace or to improve connections to existing Green Space.*"

6.30 The new policy also now provides for a test to determine if on-site provision is the most appropriate delivery mechanism, at paragraph 5.5.14 of the supporting text to the Core Strategy review. This is assessed in relation to this appeal as follows:

- Local deficits of existing Green Space – The area has huge amounts of public open space with the only deficit being allotments. Should 25% of the Site be provided as allotments, then these would retain under the ownership of the current owners as opposed to be made publicly available. This therefore would not constitute open space, a point acknowledged in 5.5.20 of the Core Strategy review;

- Sufficiently large, suitably shaped and level sites to accommodate Green Space – the Site could be developed with green space, as any site could. However, it is difficult to imagine a site that could not provide Green Space as any site capable of accommodating a residential scheme could clearly leave space for open space. The most appropriate test is to consider the needs and accessibility to existing sites;
- Distances from existing open space exceeding the standards of Policy G3 – the site is within these distances so has excellent access to open space;
- Lack of other development sites nearby that could deliver open space – the SAP is seeking to allocate sites nearby, which would be far larger and accommodate open space, which the commuted sum could assist with the delivery of, for example new allotments; and
- The development generating a need for play facilities that does not exist – The Site does not generate a need and there is currently a surplus of five play spaces in the area.

6.31 These tests highlight that sites in areas of shortfall, which can be met on that site and have no opportunity for meeting the needs elsewhere should provide on-site open space. The appeal site is not one of these sites, it has excellent access to open space, it cannot make up the shortfall of allotments identified and there are numerous other sites that it can contribute to. The notion of a commuted sum is therefore clearly the most appropriate mechanism for delivering open space on this site.

6.32 As identified earlier, page 53 of the Aireborough Neighbourhood Forum Urban Character Analysis considers the area around the site and enhancement opportunities. A copy is included in Appendix 2, which shows the proposals for enhanced cycle and pedestrian linkages across the railway bridge, which will provide access to open space. Contributing to this would be a far more appropriate mechanism than the on-site provision of another play area.

Interim conclusion on Reason 2

- The applicant has not provided on site open space, however has proposed a commuted sum in lieu of the open space in accordance with an approach agreed elsewhere with the Council and noted is taken on a number of sites elsewhere in the city;
- The Council accept the principle of off-site contributions and apply it regularly. However, there is currently no guidance or methodology;

- The Council have accepted the shortcomings of Policy G4 and are reviewing it as part of a Selective Review of the Core Strategy. This provides a clear allowance for commuted sums and includes commuted sums as an integral part of delivering open space; and
- Applying the methodology to the revised policy it is clear that this site is more appropriate to make a commuted sum rather than add to a surplus. Furthermore, there are identified proposals in the area for linkages that the commuted sum could pay towards.

The Presumption in Favour of Sustainable Development

6.33 The Council have a historic housing delivery problem, with a chronic shortage of homes being built year on year. The Council have consistently sought to argue a five-year land supply, even in the face of appeal defeats and High Court judgements, however this is now an agreed position, as referenced in the Officer's report. The most up-to-date position was identified by a Secretary of State decision in February 2018, whereby it was held that the Council only have a 2.8-2.9 year supply.

6.34 Furthermore in setting the context to the site, the Leeds Core Strategy established 11 Housing Market areas, each with their own delivery requirements. Guiseley is located in Aireborough, which has significant constraints to development and has seen minimal development over the current plan period, with minimal homes allocated to deliver in the short term. There is a clear housing need in Aireborough and this is one of the few sites that can deliver new homes.

6.35 The Council do allude to the lack of five-year land supply in the Officer's report, however in a very simple assessment conclude that the benefits of the scheme do not outweigh the harm from the lack of onsite open space, noting that the loss of the current allotments is agreed by the Council as part of the SAP.

6.36 Whilst the Council do include two reasons for refusal, the first of these is to a point dismissed by the officers in the report as they note the site is not allotments, is to be deleted as an allotment designation and will be allocated as housing in the SAP. At this point they give weight to the UDP allocation, however the report does confirm that housing is acceptable in principle.

6.37 The lack of a five-year land supply renders the Council's housing policies out of date and also enacts the presumption in favour of sustainable development. The Site is clearly in a sustainable location, being centrally located amongst existing homes, in a main settlement in the Council's hierarchy and near shops and services. The scheme is acceptable in all

technical regards and whilst contrary to an outdated annotation on a plan the main reason for objection from the Council is a lack of on-site open space, together with Policy G6 of the Core Strategy. In this respect it is considered that the application complies with the three strands of sustainable development and the presumption in favour applies.

6.38 Paragraph 14 of the Framework is clear in establishing the test for determining the application which is that "*planning permission should be approved unless the harm significantly and demonstrably outweighs the benefits.*"

6.39 In establishing harm, it is noted that the Council accept the loss of the allotments on the site, noting that the SAP is at an advanced stage and the principle of housing is accepted. By the same token the Council then apply weight to the requirement in the SAP that 50% of the site needs to provide open space. Notwithstanding reason for refusal one, which is applied as the SAP is not yet adopted, the identified harm is solely the proposals to make a commuted sum for open space as opposed to providing it on site.

6.40 Whilst this could be deemed harmful, in order to judge the level of harm all factors surrounding the site, the open space provision in the area, upcoming policy changes and the applicants offer for off site improvements should therefore be taken into account. For example, providing no open space on a site with deficiencies of all types, with no mitigation would be at the top end of the level of harm from providing no open space.

6.41 In this instance, however, the area only has a deficiency in allotments and natural Green Space. The natural Green Space is considered to be incorrectly assessed as per our supporting information and the level of allotments needed over estimated. All other open space provision is in surplus and the occupants of the surrounding area have access to these, which will equally apply to the new residents. Further to this, the precedent for off-site contributions is established and upcoming policy demonstrates that off site contributions are an important way of delivering improvements. This together with identified opportunities show this as an appropriate site.

6.42 In conclusion, the level of harm from providing an off site sum in lieu of the onsite provision is extremely low, given the local circumstances.

6.43 Paragraph 14 applies a presumption in favour of sustainable development, of which the scheme clearly is. The test thereafter requires the decision maker to prove that any harm is significant and demonstrable. Given the starting point of Paragraph 14 is to approve development, the tilted balance applies to the application in balancing harm, with the emphasis on only refusing if the enhancements of local Green Space is significantly harmful to outweigh the benefits. It is clear here the scheme offers other clear benefits, as identified in the planning statement, 46 homes will be delivered in an area that has

significantly less opportunities than other HMCAs, together with 35% affordable homes, made possible by the lack of on site open space, which has increased both levels of housing. The application also proposes the development of a 20mph road, which whilst not necessary to make the access safe is a scheme that will benefit future and existing residents.

- 6.44 In terms of the Council's case it is put simply that providing a policy compliant commuted sum rather than on site space is significantly harmful to outweigh the benefits of approving a scheme that has no other impacts and delivers much needed homes and affordable homes. Should it be considered that either of the reasons for refusal in isolation are contrary to local policy it is not considered that this can be significantly harmful.
- 6.45 The presumption in favour of sustainable development applies in light of the Council's lack of five-year land supply and Paragraph 14 should be applied. On this basis any harm is minimal and cannot conceivably outweigh the benefits of the Site.

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7.0 CONCLUSIONS

7.1 The planning application for the site was lodged in advance of the Council's proposed examination into the Site Allocations Plan, when the site was a draft allocation and the evidence showed a clear surplus of allotments in Guiseley. The Site went through pre-application discussions and public consultation and included a series of technical reports, culminating in a scheme that has no adverse impacts upon the surrounding area or local residents.

7.2 During the application's determination period, the Council's evidence was reviewed and a deficiency identified within the area, which in turn led to the assessment of Policy G6 being considered differently and also the open space requirements of Policy G4 being required. Furthermore, as a result of the determination period becoming elongated, the SAP process also started to progress.

7.3 Through various discussions the Council cited both the loss of allotments and the need for onsite open space to be provided. Whilst payments for open space have been widely accepted in Leeds, the main concerns relating to this site appeared to be the requirement of the upcoming SAP and the on-site policies, which are currently in debate. This led to lengthy debate on what weight could be given to which policies in the UDP, Core Strategy and SAP (now further complicated by amendments to the Core Strategy).

7.4 Ultimately any decision has to be consistent and policies that conflict between different need to be used consistently, unless they are at different stages of examination. During the determination of the application it was suggested by the Council that the loss of allotments under Policy G6 was superseded by the SAP, however that in turn also requires 50% on site open space (including neighbouring allotments) to be included. We clearly dispute this as the SAP has been examined in relation to the deletion of the allotments and the site-specific policy has been cited as a concern by the Inspectors, which awaits further discussion.

7.5 The Council's decision however does not appear to consistently apply different policy documents. Despite the clear acknowledgement in the officer's report that significant weight can be given to the deletion of the allotments and the principle of residential development is accepted, the application is thereafter refused for non-compliance with Policies H2 and G6.

7.6 This approach is considered flawed and the Officer's report suggests a refusal on the principle of development as a result of the UDP policies and also a refusal on the lack of onsite open space as a result of the draft site allocation requirements, despite the draft SAP policies rendering Policy H2 and G6 out of date.

7.7 It is clear that draft site allocation requirements that have not been examined can be given no weight as a result of the continued debate. However, as no objection has been raised at the concluded sessions on the deletion of the allotments, that element can be given weight.

7.8 This statement has sought to deal with the two reasons for refusal, demonstrating compliance with policy. However, it has also identified the Council's lack of five-year land supply and also the presumption in favour of sustainable development, which should apply.

7.9 In simple terms the development constitutes sustainable development and meets all three strands of sustainable development as set out in the Framework. The loss of allotments is intangible as the site has not been used as allotments for over 10 years and has been through an Examination in Public for the deletion of that outdated designation. The layout is accepted by the Council and all technical matters are agreed, therefore the sole area of dispute is the lack of onsite open space.

7.10 Whilst this may conflict with the requirements of a future policy, that policy has not yet been to examination and early indications from the Inspectors are that they have concerns over its inclusions, which mirror those raised throughout consultation and which will be made at the Examination in Public by ourselves. On this basis no weight can be given to the 50% onsite requirement. Finally, whilst looking beyond the SAP, the Council are also proactively seeking to amend the conflicting open space policy, Policy G6 to enable off-site contributions.

7.11 Given that any harm is not tangible, and a commuted sum is proposed to offset this, it is considered that the 'harm' if any is absolutely minimal and does not significantly and demonstrably outweigh the benefits of the scheme. On this basis we respectfully request that the appeal is upheld.

APPENDIX 1

Extract from Aireborough HMCA on the Deletion of the Allotments

POLICY HG2 – HOUSING ALLOCATIONS

- 1) THE SITE ALLOCATIONS PLAN ALLOCATES SITES FOR HOUSING AND MIXED USE INCLUDING HOUSING, IN ACCORDANCE WITH CORE STRATEGY POLICY SP7.**
- 2) HOUSING ALLOCATIONS ARE PHASED FOR RELEASE IN ACCORDANCE WITH CORE STRATEGY POLICY H1.**
- 3) ANY SPECIFIC SITE REQUIREMENTS ARE DETAILED UNDER THE ALLOCATION CONCERNED IN AIREBOROUGH THE SITES ALLOCATED FOR HOUSING ARE:**

Phase 1

Plan Ref	Address	Area ha	Capacity	Green/Brown
HG2-6	Silverdale Avenue (land at), Guiseley	2	32	Greenfield
HG2-7	Swaine Hill Terrace - former Brookfield Nursing Home, Yeadon	0.4	7	Mix 20:80
HG2-8	Kirkland House, Queensway, Yeadon	0.5	17	Mix 20:80
HG2-11	Larkfield Drive (off) - Ivy House (adjacent), Rawdon	0.5	6	Mix 80:20
HG2-229	The Old Mill, Miry Lane, Yeadon	0.4	15	Mix 40:60
Phase 1 total: :			77	

Phase 2

Plan Ref	Address	Area ha	Capacity	Green/Brown
HG2-1	New Birks Farm, Ings Lane, Guiseley	10.8	160	Greenfield
HG2-2	Wills Gill, Guiseley	5.1	133	Greenfield
HG2-3	Shaw Lane (land at), Guiseley and Banksfield Mount, Yeadon	8.9	234	Greenfield
HG2-4	Hollins Hill and Hawkstone Avenue, Guiseley	3	80	Greenfield
HG2-5	Land at Coach Road, Guiseley	4.1	83	Greenfield
HG2-9	Land at Victoria Avenue, Leeds	3.9	102	Greenfield
HG2-10	Gill Lane, Yeadon LS19	5.9	155	Greenfield
HG2-12	Woodlands Drive, Rawdon	0.96	25	Greenfield
Phase 2 total:			972	
Housing allocation total:			1,049	

Site Reference: HG2-6 (1113)

Site Address: Silverdale Avenue (land at), Guiseley

Housing allocation

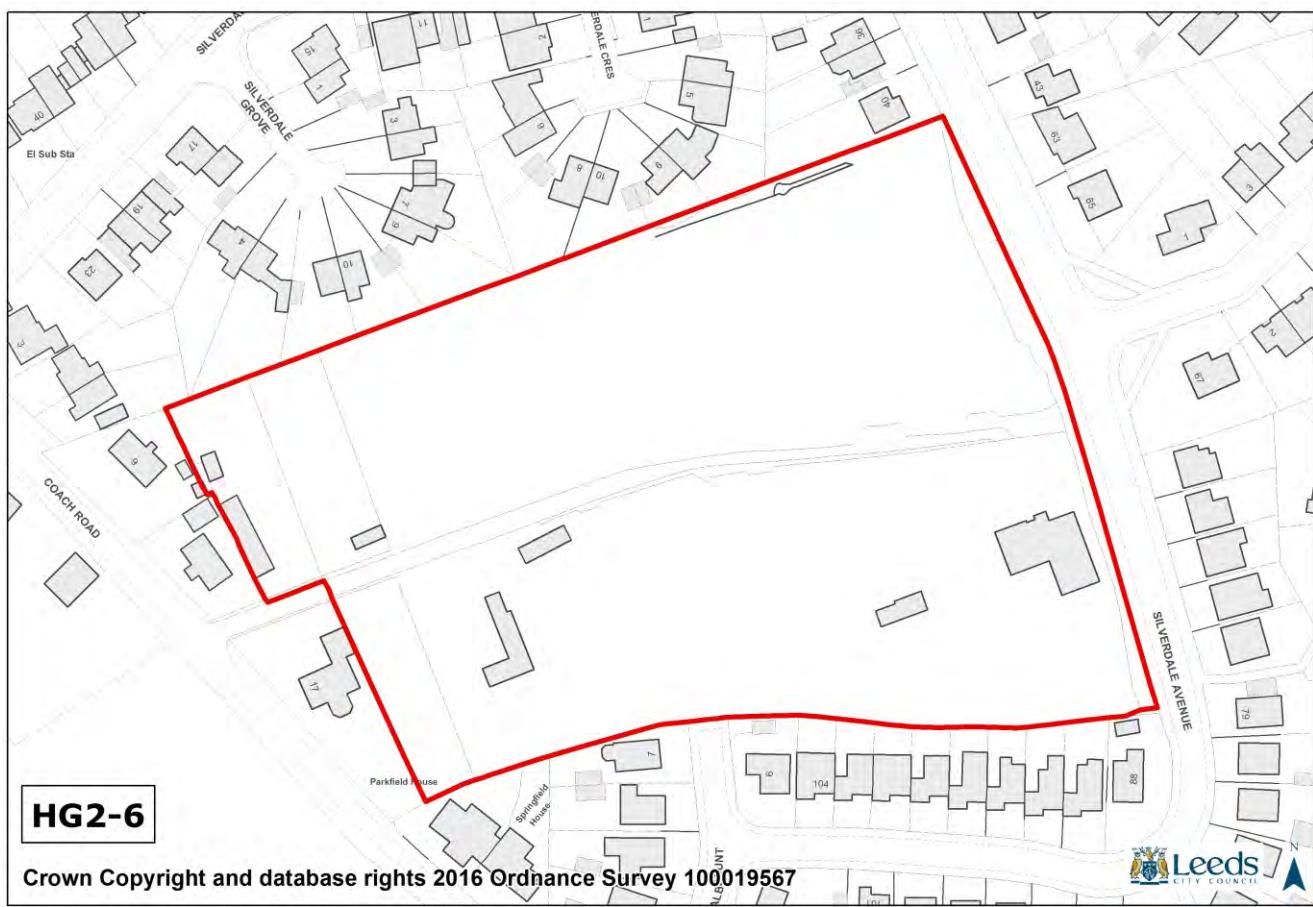
Site Capacity: 32 units

Site Area: 1.98 hectares

Ward: Guiseley and Rawdon

HMCA: Aireborough

Phase: 1



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Site Requirements - HG2-6:

- **Older persons housing/independent living:**

The site is suitable for older persons housing/independent living in accordance with Policy HG4

- **Culverts and Canalised Water Courses:**

The site contains a culvert or canalised watercourse. Development proposals should consider re-opening or restoration in accordance with saved UDP Policy N39B

- **Greenspace:**

On site laying out of half of the site for allotments and / or an alternative green space typology dependent on local needs required. Layout and management to be agreed with the Council.

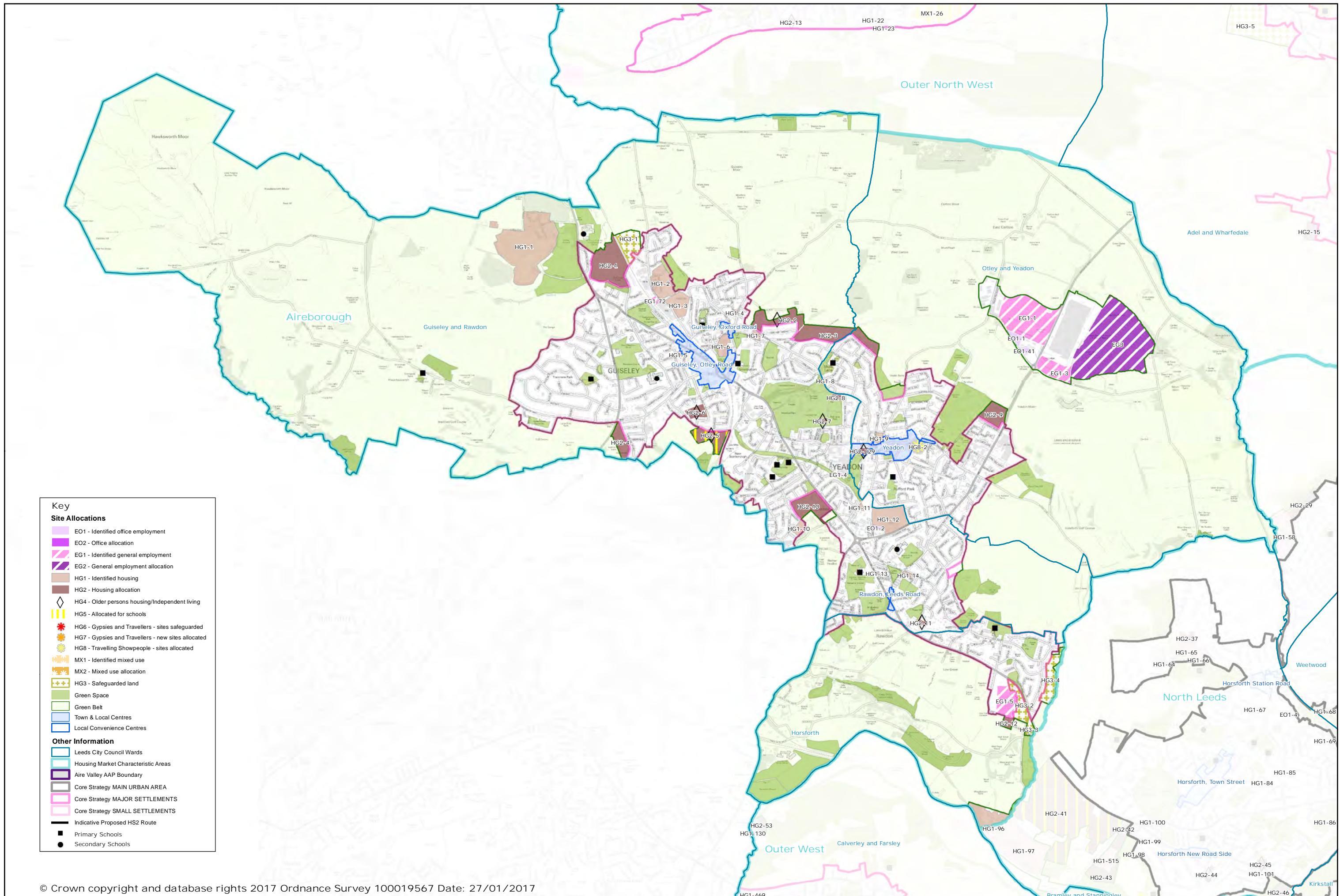
- **Conservation Area:**

The site affects the setting of Guiseley Conservation Area. Any development should preserve or enhance the character or appearance of the Conservation Area.

GREEN SPACE PROPOSALS FOR AIREBOROUGH

3.1.19 The Plan shows the green space sites proposed for designation within the Aireborough HMCA. These are predominantly existing UDP green space sites (some updated and modified to reflect the current situation) and additional sites identified through the Open Space Sport and Recreation Assessment (OSSRA July 2011). Existing green space located within housing or employment allocations is not identified for designation however green space provision within any housing proposal will be addressed through the planning application process and the application of Policy G4 (New Green Space Provision) of the Core Strategy. The provision of green space is also a site requirement in some cases in the housing section. Any UDP green space sites that are not shown are proposed for deletion mainly because they are no longer in an open space use or are below the 0.2ha threshold.

3.1.20 Aireborough has a variety of green spaces from large public parks such as Nunroyd Park, Guiseley (22.33ha), Tarnfield Park, Yeadon (16.95ha) and Micklefield Park, Rawdon (4.28ha) to smaller areas of amenity space, sports pitches and part of an old railway line, much of which is in close proximity to the built up area. These provide opportunities for a range of recreational activities though provision is still in need of improvement in terms of quantity, quality and accessibility. Surpluses and deficiencies by typology for the wards that fall completely or partially within the Aireborough HMCA are contained in the Green Space Background Paper.



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HMCA AREA
Aireborough

4 Assessments by HMCA

4.1 Aireborough

Quantity (Amount/1000 Population)

	Parks and Gardens	Outdoor Sports (excluding education)	Amenity	Children & Young People Equipped Play	Allotments	Natural	
Standard	1ha/ 1000 people	1.2ha/ 1000 people	0.45ha/ 1000 people	2 facilities/ 1000 children	0.24ha/ 1000 people	0.7 hectares/ 1000 people (main urban area and major settlements)	2ha/ 1000 people (other areas)
Guiseley & Rawdon	Surplus 0.67	Surplus 0.31	Surplus 0.42ha	Surplus 1.05	Deficiency -0.12ha	Deficiency -0.45ha	Surplus 13.11ha
Horsforth	Deficiency -0.04ha	Surplus 1.05ha	Deficiency -0.2ha	Surplus 2.67	Deficiency -0.07ha	Deficiency -0.14ha	Surplus 45.73ha
Otley & Yeadon	Surplus 0.47ha	Surplus 0.15ha	Surplus 0.34ha	Surplus 2.03	Surplus 0.16ha	Deficiency -0.58ha	Surplus 302.52 ha
Average	Surplus 0.37ha	Surplus 0.5ha	Surplus 0.19ha	Surplus 1.91	Deficiency -0.01ha	Deficiency -0.39ha	Surplus 120.45 ha

4.1.1 Overall Aireborough is fairly well provided for in terms of green space. Guiseley and Rawdon and Otley and Yeadon Wards are in surplus in at least 5 typologies and Otley Chevin Country Park gives Otley and Yeadon Ward a considerable surplus of natural green space outside the MUA and major settlements however the majority of the Chevin lies within the Outer North West HMCA. Horsforth is less well provided for and is deficient in four typologies – parks and gardens, amenity, allotments and natural (MUA and major settlements). Provision of natural green space within the MUA and major settlements is below the standard across the area and allotments are deficient in two Wards.

4.1.2 There is a need to provide more specific types of green space across all 3 wards, especially allotments and natural green space (MUA and major settlements). New areas which aren't green space currently could be laid out to improve quantity of provision, may be by a developer as a requirement on new residential development (as required by the Core Strategy) or by the Council through Community Infrastructure Levy receipts or using other funding sources. If the typology of an

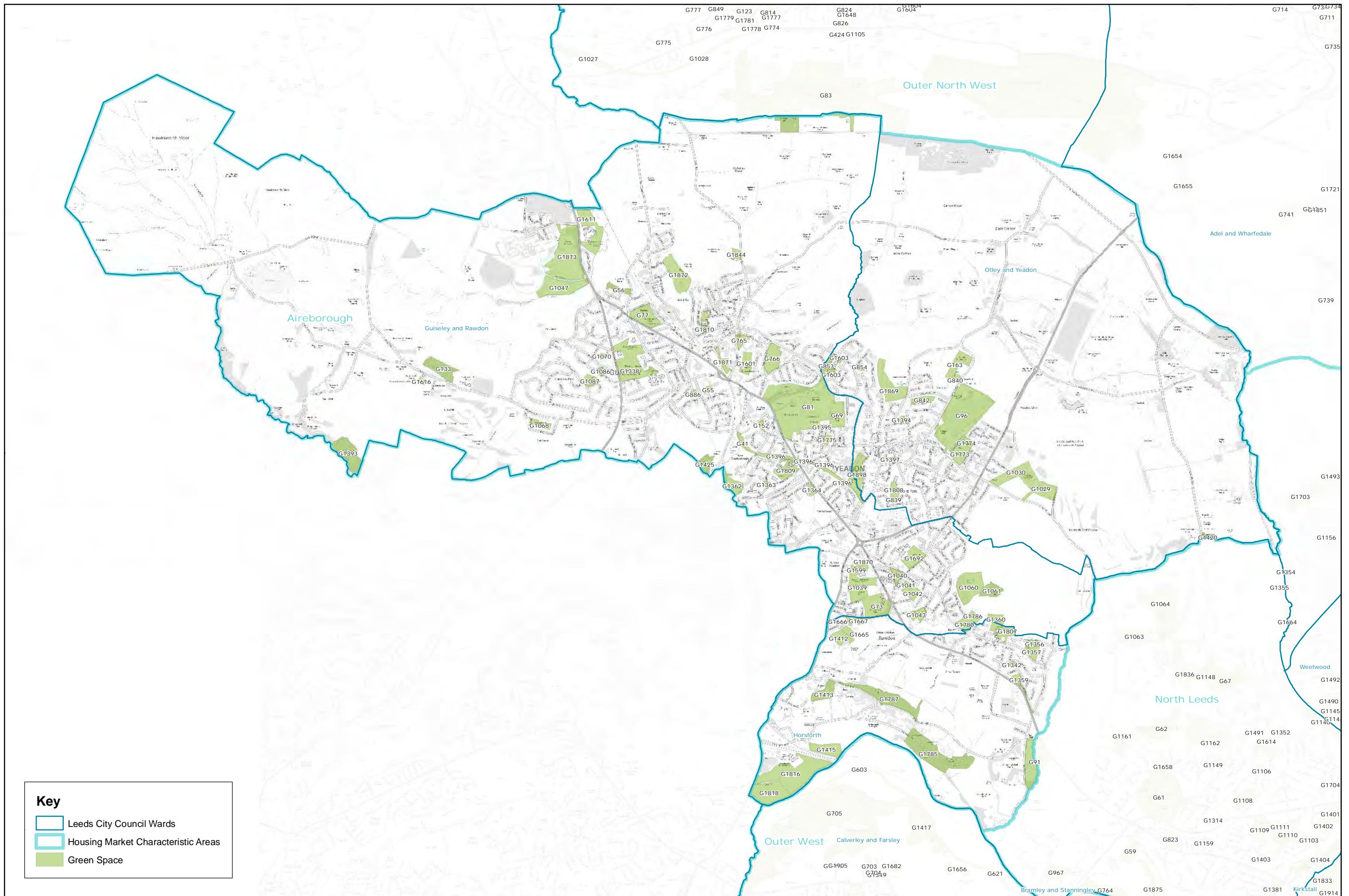
area of green space is to be changed, it will need to be carefully assessed to ensure it is suitable and appropriate for the new type and not a well-used and valued area of the original typology.

Quality

4.1.3 The large majority of sites (53 out of 64 (84%)) are below the required quality standard of 7, which indicates there is a marked issue of substandard green space provision across the HMCA.

Accessibility

4.1.4 Most of the main built up area within the HMCA has acceptable access to the various types of green space, except tennis courts. The least well served areas are a) the far western extent (Tranmere Park area) which is beyond the acceptable distances for parks and gardens, children and young people's equipped play facilities, allotments and natural green space; and b) the southern extent of Rawdon, close to Horsforth which is beyond the acceptable distances for parks and gardens, outdoor sport, children and young people's equipped play facilities and allotments. The eastern extent of Yeadon and Rawdon has poor access to amenity green space. The less populated areas do not have adequate access to many of the green space typologies. There is a clear need to improve provision in the deficient areas so all areas will have a good level of access to all types of green space.



Site Ref	HMCA	Address	Ward	Area (ha)	Typology	Average quality score
G41	Aireborough	Engine Fields	Guiseley and Rawdon (100%)	0.83	Amenity Greenspace	5.8
G55	Aireborough	Green Bottom Bowling Club	Guiseley and Rawdon (100%)	0.32	Outdoor Sport	6.62
G56	Aireborough	Cairn Garth	Guiseley and Rawdon (100%)	0.93	Natural	4.54
G69	Aireborough	Kirk Lane Park	Guiseley and Rawdon (100%)	3.04	Neighbourhood Park	5.14
G73	Aireborough	Micklefield Park, Rawdon	Guiseley and Rawdon (100%)	4.28	Neighbourhood Park	7.33
G77	Aireborough	Nethermore Park, Guiseley	Guiseley and Rawdon (100%)	3.56	Neighbourhood Park	5.07
G81	Aireborough	Nunroyd Park, Guiseley	Guiseley and Rawdon (100%)	22.33	Neighbourhood Park	5.33
G83	Aireborough, Outer North West	Otley Chevin Country Park	Otley and Yeadon (77%)	175.15	Natural	6.8
G91	Aireborough, North Leeds	Rawdon Crematorium	Horsforth (100%)	7.42	Cemeteries	5.6
G96	Aireborough	Tarnfield Park, Yeadon	Guiseley and Rawdon (100%)	16.95	Neighbourhood Park	6.33
G133	Aireborough	Hawksworth Wood (Guiseley)	Guiseley and Rawdon (100%)	3.31	Natural	5.73
G152	Aireborough	Fairfax Grove POS	Guiseley and Rawdon (100%)	0.3	Amenity Greenspace	6.18
G163	Aireborough	Yeadon Cemetery	Otley and Yeadon (100%)	2.51	Cemeteries	5.67
G765	Aireborough	St Oswalds Church	Guiseley and Rawdon (100%)	0.94	Cemeteries	4.93
G766	Aireborough	Shaw Lane Recreation Ground	Guiseley and Rawdon (100%)	3	Neighbourhood Park	4.62
G839	Aireborough	Henshaw Oval	Otley and Yeadon (100%)	0.27	Local Recreation Area	5.83
G840	Aireborough	Cemetery Road Allotments - Yeadon	Otley and Yeadon (100%)	0.3	Allotments	5.6
G842	Aireborough	Flicks Allotments, Yeadon	Otley and Yeadon (100%)	1.11	Allotments	4
G853	Aireborough	Nunroyd Beck (Shaw Lane)	Otley and Yeadon (100%)	0.95	Amenity Greenspace	4.2
G854	Aireborough	Coppice Wood Avenue	Otley and Yeadon (100%)	0.23	Amenity Greenspace	5.5
G886	Aireborough	Hawkhill Avenue	Guiseley and Rawdon (100%)	0.37	Amenity Greenspace	3.62
G1029	Aireborough	Plane Tree Hill	Otley and Yeadon (100%)	3.45	Amenity Greenspace	3.2
G1030	Aireborough	Rawdon Common, Rawdon Ponds, off Bayton Lane	Otley and Yeadon (100%)	4.14	Natural	3.6
G1039	Aireborough	New Road Side Playing Fields	Guiseley and Rawdon (100%)	4.24	Local Recreation Area	5.77
G1040	Aireborough	Little Moor	Guiseley and Rawdon (100%)	0.98	Natural	4.22
G1041	Aireborough	Victory Garden (Pease Hill) Allotments	Guiseley and Rawdon (100%)	0.66	Allotments	6.82
G1042	Aireborough	Park Avenue Playing Fields	Guiseley and Rawdon (100%)	0.97	Local Recreation Area	4.25
G1043	Aireborough	Pease Hill Allotments (Crowntrees)	Guiseley and Rawdon (100%)	1.28	Allotments	6.82
G1047	Aireborough	High Royds Hospital 3	Guiseley and Rawdon (100%)	5.18	Amenity Greenspace	3.8
G1060	Aireborough	Larkfield Dam	Guiseley and Rawdon (100%)	5.24	Natural	6.15
G1061	Aireborough	Billing Hill	Guiseley and Rawdon (100%)	1.87	Natural	6.31
G1068	Aireborough	Haworth Recreation Ground	Guiseley and Rawdon (100%)	1.02	Local Recreation Area	4.85
G1070	Aireborough	Trammere Park Tennis Courts	Guiseley and Rawdon (100%)	0.25	Outdoor Sport	7.08
G1086	Aireborough	The Oval - Otley	Guiseley and Rawdon (100%)	0.28	Amenity Greenspace	5.3
G1087	Aireborough	Tranmere Park Primary School	Guiseley and Rawdon (100%)	1.32	Childrens Play	7
G1338	Aireborough	Guiseley Secondary School	Guiseley and Rawdon (100%)	7.68	Outdoor Sport	6.89
G1342	Aireborough	Emmott Drive	Horsforth (100%)	0.22	Amenity Greenspace	6.91
G1356	Aireborough	Jubilee Hall	Horsforth (100%)	0.69	Local Recreation Area	6.92
G1357	Aireborough	St Peters Church	Horsforth (100%)	1.07	Cemeteries	8.08
G1359	Aireborough	Layton Park Drive	Guiseley and Rawdon (100%)	0.92	Amenity Greenspace	5.69
G1360	Aireborough	Billing View Pond	Guiseley and Rawdon (100%)	1.1	Natural	5.92
G1362	Aireborough	Yeadon Brickwoods, Railway Cutting	Guiseley and Rawdon (97%)	2.1	Natural	4.83
G1363	Aireborough	West Lea Crescent POS	Guiseley and Rawdon (100%)	0.27	Amenity Greenspace	6.67
G1364	Aireborough	Greendale Avenue POS	Guiseley and Rawdon (100%)	0.57	Amenity Greenspace	6.42
G1393	Aireborough	Haworth Spring Wood	Guiseley and Rawdon (54%)	4.46	Natural	2.78
G1394	Aireborough	Hawthorn Crescent POS	Otley and Yeadon (100%)	0.44	Local Recreation Area	5.85
G1395	Aireborough	Kirk Lane Allotments	Guiseley and Rawdon (100%)	0.34	Allotments	7.55
G1396	Aireborough	Engine Fields	Guiseley and Rawdon (100%)	2.63	Natural	7.42
G1397	Aireborough	Harper Terrace	Otley and Yeadon (100%)	0.28	Amenity Greenspace	6.08
G1412	Aireborough	Springwood Road (Rear of)	Horsforth (100%)	1.17	Natural	5.5

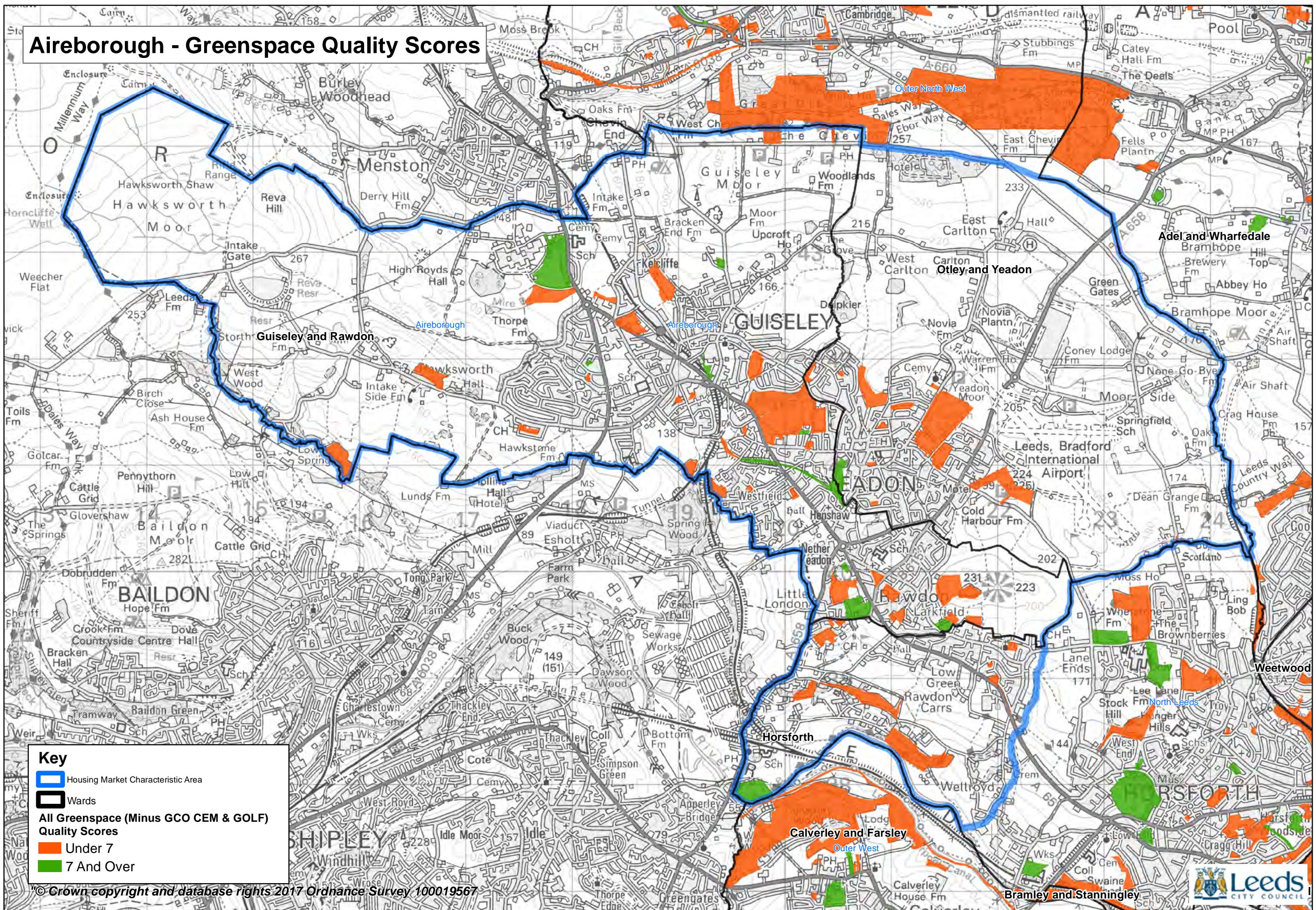
Site Ref	HMCA	Address	Ward	Area (ha)	Typology	Average quality score
G1413	Aireborough	Orchard Hill	Horsforth (100%)	2.2	Natural	4.5
G1415	Aireborough	Bronte House School Playing Fields	Horsforth (100%)	1.59	Outdoor Sport	
G1420	Aireborough, North Leeds	Scotland Lane Wood	Otley and Yeadon (80%)	0.64	Natural	6.75
G1425	Aireborough	Sodhill Hill Woods	Guiseley and Rawdon (100%)	1.55	Natural	5.69
G1599	Aireborough	Rawdon Littlemoor Primary School	Guiseley and Rawdon (100%)	0.78	Outdoor Sport	9
G1601	Aireborough	St Oswald Church of England Junior School	Guiseley and Rawdon (100%)	1.53	Outdoor Sport	7.5
G1603	Aireborough	Queensway Junior and Infant School	Otley and Yeadon (100%)	0.51	Outdoor Sport	8.5
G1611	Aireborough	St Marys Comprehensive School	Guiseley and Rawdon (100%)	4.41	Outdoor Sport	9
G1616	Aireborough	Haworth Church of England Primary School	Guiseley and Rawdon (100%)	0.3	Outdoor Sport	9.12
G1665	Aireborough	Fulford Grange Meadow	Horsforth (100%)	1.08	Natural	5.25
G1666	Aireborough	Fulford Grange 1	Horsforth (100%)	0.28	Amenity Greenspace	6.67
G1667	Aireborough	Fulford Grange 2	Horsforth (100%)	0.37	Amenity Greenspace	6.83
G1692	Aireborough	Benton Park School	Guiseley and Rawdon (100%)	2.48	Outdoor Sport	6.75
G1773	Aireborough	Yeadon Cricket Club	Otley and Yeadon (100%)	2.05	Outdoor Sport	6.25
G1774	Aireborough	Yeadon Football Pitch	Otley and Yeadon (100%)	0.85	Outdoor Sport	5.42
G1775	Aireborough	Swaine Hill Terrace	Guiseley and Rawdon (100%)	0.54	Amenity Greenspace	6.5
G1780	Aireborough	Rawdon Cricket Club	Guiseley and Rawdon (95%)	1.44	Outdoor Sport	7.5
G1785	Aireborough	Cragg Wood South	Horsforth (100%)	9.99	Natural	6.46
G1786	Aireborough	Rawdon Grounds	Guiseley and Rawdon (100%)	0.83	Outdoor Sport	6.77
G1787	Aireborough	Cragg Wood North	Horsforth (100%)	5.67	Natural	5.69
G1807	Aireborough	Rawdon St Peters C of School	Horsforth (100%)	2.04	Outdoor Sport	6.5
G1808	Aireborough	Rufford Park Primary School	Otley and Yeadon (100%)	0.9	Outdoor Sport	8.57
G1809	Aireborough	Yeadon - Westfield Junior School	Guiseley and Rawdon (100%)	2.08	Outdoor Sport	7.25
G1810	Aireborough	Guiseley Infant School	Guiseley and Rawdon (100%)	0.9	Outdoor Sport	8.38
G1816	Aireborough	Woodhouse Public School Playing Fields	Horsforth (100%)	10.35	Outdoor Sport	9.3
G1818	Aireborough	Rawdon Meadow Playing Fields	Horsforth (100%)	5.14	Outdoor Sport	8.17
G1844	Aireborough	Moor (Ripley Lane) Allotments	Guiseley and Rawdon (100%)	0.67	Allotments	7.2
G1869	Aireborough	Yeadon Banks	Otley and Yeadon (100%)	4.73	Natural	2.45
G1870	Aireborough	Land adjacent Rawdon Littlemoor Primary School	Guiseley and Rawdon (100%)	0.5	Natural	8.27
G1871	Aireborough	The Green	Guiseley and Rawdon (100%)	0.94	Amenity Greenspace	7
G1872	Aireborough	Parkinson Park	Guiseley and Rawdon (100%)	4.26	Natural	4.38
G1873	Aireborough	High Royds	Guiseley and Rawdon (100%)	11.79	Amenity Greenspace	8
G1898	Aireborough	Engine Fields	Otley and Yeadon (70%)	3.34	Amenity Greenspace	7.42
G84	City Centre	Parish Church Gardens (Penny Pocket Park)	City and Hunslet (100%)	0.94	Amenity Greenspace	7.13
G85	City Centre	Park Square	City and Hunslet (100%)	0.62	Amenity Greenspace	7.87
G128	City Centre	Hanover Square	Hyde Park and Woodhouse (100%)	0.9	Amenity Greenspace	5.08
G141	City Centre	Lovell Park	Hyde Park and Woodhouse (100%)	1.55	Neighbourhood Park	4
G161	City Centre	Woodhouse Square	Hyde Park and Woodhouse (100%)	0.26	Amenity Greenspace	6.29
G171	City Centre, Inner Area	North Street Verge	Hyde Park and Woodhouse (100%)	0.32	Amenity Greenspace	5.5
G178	City Centre	Drydock POS	City and Hunslet (100%)	0.5	Amenity Greenspace	4.8
G181	City Centre	St Georges Fields (Leeds General Cemetery)	Hyde Park and Woodhouse (100%)	3.66	Cemeteries	6.4
G182	City Centre	Merion Gardens	City and Hunslet (100%)	0.22	Amenity Greenspace	8.62
G183	City Centre	St John's Churchyard	City and Hunslet (100%)	0.44	Cemeteries	2.27
G184	City Centre	Belgrave Street POS	City and Hunslet (100%)	0.25	Amenity Greenspace	6.75
G188	City Centre	Leeds City Office Park	City and Hunslet (100%)	0.27	Amenity Greenspace	7.25
G190	City Centre	Queen Square	City and Hunslet (100%)	0.26	Amenity Greenspace	2.38
G306	City Centre, Inner Area	Saxton Gardens (Dolphins Greenspace)	Burmanots and Richmond Hill (100%)	0.68	Amenity Greenspace	6.38
G1007	City Centre, Inner Area	Holbeck Stocks Hill	Beeston and Holbeck (100%)	1.1	Amenity Greenspace	7.18
G1900	City Centre	Duncombe Street	City and Hunslet (100%)	0.26	Amenity Greenspace	6.7
G40	East Leeds, Inner Area	East End Park	Burmanots and Richmond Hill (100%)	20.23	Neighbourhood Park	4.87

Aireborough

Appendix 2: Surpluses/Deficiencies per Ward Population

	Population (2014 mid-year estimate)	Parks and Gardens	Outdoor Sports (excluding education)	Amenity	Population (0-16 year olds)	Children & Young People Equipped Play	Allotments	Natural		
								Population (MUA and major settlements)	hectares/1000 people (main urban area and major settlements)	Population (other areas)
Standard	1ha/1000 people	1.2ha/1000 people	0.45ha/1000 people	0.45ha/1000 people	2 facilities/ 1000 children	0.24ha/ 1000 people	Population (MUA and major settlements)	0.7 hectares/1000 people (main urban area and major settlements)	2ha/1000 people (other areas)	
Guiseley & Rawdon	Surplus 17.01ha	Surplus 7.87ha	Surplus 10.66ha	5,246	Surplus 5.51	Deficiency -3.05ha	23,611	Deficiency -10.62ha	1,774	
Horsforth	Deficiency -0.86ha	Surplus 22.55ha	Deficiency -4.3ha	4,068	Surplus 10.86	Deficiency -1.5ha	20,142	Deficiency -2.82ha	1,334	
Otley & Yeadon	Surplus 9ha	Surplus 2.87ha	Surplus 6.51ha	3,470	Surplus 7.04	Surplus 3.06ha	18,414	Deficiency -10.68ha	737	
Average	Surplus 8.38ha	Surplus 11.1ha	Surplus 4.29ha		Surplus 7.8	Deficiency -0.5ha		Deficiency -8.04ha	Surplus 102.41ha	
East										
	Population (2014 mid-year estimate)	Parks and Gardens	Outdoor Sports (excluding education)	Amenity	Population (0-16 year olds)	Children & Young People Equipped Play	Allotments	Natural		
								Population (MUA and major settlements)	hectares/1000 people (main urban area and major settlements)	Population (other areas)
Standard	1ha/1000 people	1.2ha/1000 people	0.45ha/1000 people	0.45ha/1000 people	2 facilities/ 1000 children	0.24ha/ 1000 people	Population (MUA and major settlements)	0.7 hectares/1000 people (main urban area and major settlements)	2ha/1000 people (other areas)	

Aireborough - Greenspace Quality Scores

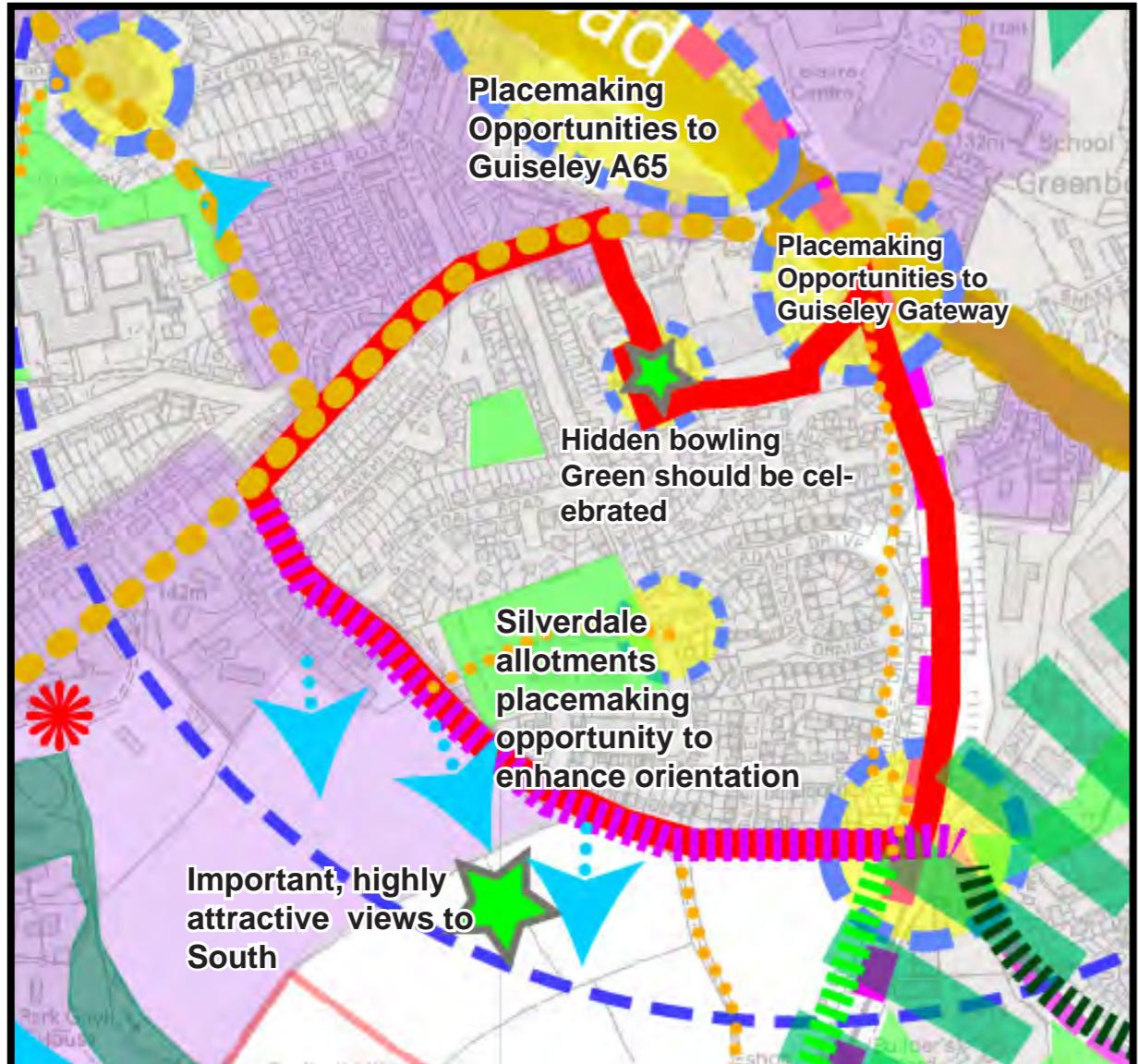


APPENDIX 2

Extract from the Aireborough Neighbourhood Forum Urban Character Analysis



Silverdale stands at the head of Guiseley Beck clough where several long-distance tracks such as Coach Road skirt around Hawkhill, Guiseley Mill and the Ox Closes. This circular layout indicates ancient woodland clearances. The Ox Closes were probably part of the medieval vaccary attached to Guiseley Manor, and the land may have once been part of a hunting park or chase. To the east is the water and communication infrastructure for the medieval corn mill, later to become a fulling and scribbling mill: much now under the railway cutting. On Park Road stone vernacular housing is still evident probably replacing earlier farmhouses. Silverdale is named after the Fylde village where there was a convalescent home linked to Green Bottom's Syndicated Dye Works; Silverdale Avenue was built for the workers in the early 20th century. Land on the Ox Closes was sold to the Park Gate Allotment Society in the 1920's for a scheme under the Small Holdings & Allotments Act – one of several in Aireborough. In the 1960's the current estate was started by developers W.J. Simms, Sons & Cooke Ltd; building went on until 1990's under several developers: piecemeal field enclosure from around the 17th century can still be picked out in the Silverdale Estate street pattern.



Key Characteristics

Large area of suburban houses with long curving roads and cul de sacs.

Orientation is made difficult through homogenous design and little hierarchy of streets.

Streets are well overlooked with open plan front gardens or some defensible space created by low walls or hedges.

Materials are non distinctive and design of houses are exemplary examples of 'could be anywhere' mass produced homes.

Very close to Guiseley centre but the car is still perceived to be the most convenient transport option.

Pedestrian routes often directed along unsafe ginnels and footpaths with little overlooking or natural surveillance.

Opportunities

Opportunity to create a point of orientation either near Silverdale Allotments or the largely hidden cricket ground. These assets should be used and maximised.

Improve pedestrian connections and safety, or perceived safety, along footpaths and ginnels.

Retain views of Park Side open space and moorland aspect which is very important to the desirability and future sustainability of Silverdale.

Opportunity to improve links to Nunroyd to the East in order to allow residents better access to public parks.

7. Silverdale



APPENDIX 3

Correspondence to LCC Showing Off-Site Contributions being made
on other Sites During the Determination Period

From: [Stuart Natkus](#)
To: [Cunningham, Carol](#); [Howrie, Janet](#)
Cc: [Martin Acott](#); [Jane Beckett](#)
Subject: Silverdale Avenue policy response
Date: 21 June 2017 16:59:10
Attachments: [Silverdale Green Space Contribution Comparison \(002\).docx](#)
[image733000.png](#)
[image794001.png](#)
[image995002.png](#)

Carol

Further to our initial submissions and recent e-mail to Janet Howrie on the open space matter I write further on our position in relation to onsite open space.

My understanding of the current application is that policy are satisfied that the principle of developing the site is acceptable, including the loss of allotments, however as a result of there being a deficiency of greenspace in the area Policy G4 applies, which requires on-site open space to be provided.

Having recently received an update on the Councils Core Strategy review we note that LCC are seeking to review Policy G4 of the CS in the upcoming review, noting that the Policy as drafted has a number of issues.

One key issue with the policy is the level of open space required and the inability to deliver the appropriate level of homes on sites. For example a 1 hectare site, developed at 30dph, would require 0.24 hectares to be open space, which in turn will either reduce the level of homes to 23 or will result in a development of 30 homes at a density of 45 dph. The impacts of the first scenario are that the SADPD will not deliver sufficient homes on these allocated and more will be required or high densities inappropriate to individual areas would be required. Presumably these issues have led to the need to review the Policy.

A background paper to the review documents provides information on sites that have not complied with Policy G4 and have paid a commuted sum in lieu of an onsite contribution. This evidence points to a consistent approach on sites and therefore a failure of the policy, again hence the review.

In terms of the site the only deficiencies are in allotments and natural greenspace, albeit a surplus across Aireborough as a whole of natural greenspace. In this instance the provision of onsite greenspace amongst a residential development is likely to provide amenity greenspace or children's and young persons equipped play areas, both of which are in considerable surplus in Guiseley – based on the surplus/deficit this equates to 10.66 hectares of amenity space and 5 play areas surplus in Guiseley and Rawdon as per the May 2017 Open Space Assessment. Given these large surplus it would seem inappropriate for Policy G4 to be triggered by a deficit of one use but then result in an increase in the surplus of another for example to develop a play facility or amenity space on this site will lead to further surplus and a potentially negative impact on existing spaces by diverting use from them.

On this basis it would seem reasonable and sensible to provide a commuted sum in lieu of onsite provision that could be used to either enhance open spaces in the area or to use to create new allotments elsewhere in the area, as part of a larger pot to strategically deliver through the SADPD process.

I have attached a table to this e-mail showing a number of application that triggered Policy G4 but were allowed with a commuted sum, all of which have deficiencies of one type or another. In many of these instances there was a deficiency in play areas or amenity space, uses wholly compatible with a residential development, yet despite these deficits no requirement was proposed on site. Given this approach it would be unreasonable to apply a different test in this circumstances, where putting something on site will not solve a problem, rather create one.

Stonebridge Homes are committed to developing high quality sites and in appropriate situations understand and support the use of greenspace for existing and future residents. However in this instance, it is our view that the site is in close proximity to large areas of open space and a more appropriate approach would be to provide a commuted sum to enhance the quality of existing uses rather than add further spaces to an area that already has a surplus of open space. This approach is not uncommon and as per the attached table accepted by the Council, therefore we propose a commuted sum be paid as part of the s106 for the improvement or provision of offsite facilities. Requiring an onsite provision is contrary to the approach taken on many other sites where an actual

deficit of a deliverable type of open space could have been provided and would be considered unreasonable.

The policy response notes that no wider benefits are provided, the scheme is going to deliver a 20mph scheme, which will resolve an existing situation identified by highways officers, will provide both market and affordable housing in an area that has seen limited development and is only proposed to see in the first phase of the SADPD, all which are clear benefits to the area.

It should be noted that LCC do not have a five year land supply and therefore paragraph 14 of the Framework is enacted which confirms that planning permission should be approved unless the benefits of which are outweighed by significant and demonstrable harm. It is clear that there is no significant or demonstrable harm occurring from the proposed development and therefore planning permission should be granted in accordance with paragraph 14 of the Framework.

I appreciate that you are chasing, however we are very keen to move this application towards plans panel. I am on leave next week, however I would be grateful if policy would be able to provide comments for my return or we can arrange a meeting for the week commencing 03 July (Jane can agree a time) so the application doesn't start to drift.

Regards,

Stuart Natkus
Planning Director



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Silverdale Green Space Contribution Comparison

Planning Reference Number	Number of Units Approved	Was G4 Needed	Was G4 Applied	Area of land expected under G4 (sqm)	Amount of contribution money agreed (£)	Green Space Deficiency	HMCA
14/00701/FU	13	Yes	No	1,040	£39,605.40	P & G OS Am C & Y P E P AI N (MUA) N (other)	Outer West - Pudsey
14/06659/FU	18	Yes	Yes	1,440	£47,874.35	P & G OS Am C & Y P E P AI N (MUA) N (other)	East - Cross Gates and Whinmoor.
14/05845/FU	11	Yes	Yes	960	£40,009.49	P & G OS Am C & Y P E P AI N (MUA) N (other)	Outer West - Calverley and Farsley
14/06430/FU	17	Yes	Yes	1,360	£50,866.50	P & G OS Am	Inner (located in woodhouse)

16/07381/F U North and East: March 2017						Am C & Y P E P AI N (MUA) N (other)	
16/07442/F U North and East: March 2017	116	Yes	Yes	5,171	£129, 858	P & G OS Am C & Y P E P AI N (MUA) N (other)	East - Seacroft
16/07359/F U North and East: March 2017	45	Yes	Yes	1,826	£107,437	P & G OS Am C & Y P E P AI N (MUA) N (other)	East – Temple Newsam
16/07340/F U) North and East: March 2017	109	Yes	Yes	4,455	£323, 243	P & G OS Am C & Y P E P AI N (MUA) N (other)	East – Temple Newsam
16/07348/F U North and East: March 2017	102	Yes	Yes	4,114	£231,689	P & G OS Am C & Y P E P AI N (MUA) N (other)	East- Burmantofts & Richmond Hill

16/07555/F U North and East: May 2017	13	Yes	Yes	0	£48,579	P & G	East – Cross Gates and Whinmoor		
						OS			
						Am			
						C & Y P E P			
						AI			
						N (MUA)			
						N (other)			
17/00307/F U	226	Yes	Yes	10,805	£373,057.25	P & G	Outer South East- Garforth and Swillington		
						OS			
						Am			
						C & Y P E P			
						AI			
						N (MUA)			
						N (other)			
15/07108/O T North and East: July 2017	57 units	Yes	Yes	3,348	0	P & G	North- Chapel Allerton		
						OS			
				200	£25,000	Am			
	69					C & Y P E P			
	0			£40,000	AI				
					N (MUA)				
					N (other)				
17/06427/F U South and West: Feb 2018	50	Yes	Yes	4,000	£31,997	P & G	Outer North East - Wetherby		
						OS			
						Am			
						C & Y P E P			
						AI			
						N (MUA)			
						N (other)			

Key

P & G – Parks and Gardens

OS – Outdoor Sports (excluding education)

Am – Amenity

Deficiency
Surplus
No deficiency or Surplus

C & Y P E P – Children & Young People Equipped Play

AI – Allotments

N(MUA) – Natural (Major Urban Areas)

N (Other) – Natural (other areas)

*Proposal meets requirement but amount not specified

Site Allocations Plan Green Space Background Paper May 2017

Aireborough

	Population (2014 mid-year estimate)	Parks and Gardens	Outdoor Sports (excluding education)	Amenity	Population (0-16 year olds)	Children & Young People Equipped Play	Allotments	Natural			
								Population(MUA and major settlements)	0.7 hectares/1000 people (main urban area and major settlements)	Population (other areas)	2ha/1000 people (other areas)
Standard		1ha/1000 people	1.2ha/1000 people	0.45ha/1000 people		2 facilities/ 1000 children	0.24ha/ 1000 people				
Guiseley & Rawdon	25,385	Surplus 17.01ha	Surplus 7.87ha	Surplus 10.66ha	5,246	Surplus 5.51	Deficiency -3.05ha	23,611	Deficiency -10.62ha	1,774	Surplus 23.26ha
Horsforth	21,476	Deficiency -0.86ha	Surplus 22.55ha	Deficiency -4.3ha	4,068	Surplus 10.86	Deficiency -1.5ha	20,142	Deficiency -2.82ha	1,334	Surplus 61ha
Otley & Yeadon	19,151	Surplus 9ha	Surplus 2.87ha	Surplus 6.51ha	3,470	Surplus 7.04	Surplus 3.06ha	18,414	Deficiency -10.68ha	737	Surplus 222.96ha
Average		Surplus 8.38ha	Surplus 11.1ha	Surplus 4.29ha		Surplus 7.8	Deficiency -0.5ha		Deficiency - 8.04ha		Surplus 102.41ha

East

	Population (2014 mid-year estimate)	Parks and Gardens	Outdoor Sports (excluding education)	Amenity	Population (0-16 year olds)	Children & Young People Equipped Play	Allotments	Natural			
								0.7 hectares/1000 people (main urban area and major settlements)	Population (MUA and major settlements)	Population (other areas)	2ha/1000 people (other areas)
Standard		1ha/1000 people	1.2ha/1000 people	0.45ha/100 0 people		2 facilities/ 1000 children	0.24ha/ 1000 people				
Cross Gates & Whinmoor	22,615	Surplus -16.28ha	Deficiency -9.95ha	Surplus 9.95ha	4,621	Surplus 6.75	Deficiency -5.43ha	22,604	Surplus 1.36ha	11	Deficiency -0.022ha
Temple Newsam	19,532	Surplus 372.08ha	Surplus 9.18ha	Surplus 8.01ha	4,190	Surplus 1.63	Deficiency -3.13ha	19,522	Surplus 9.18ha	10	Deficiency -0.02ha
Burmanofts & Richmond Hill	31,084	Deficiency -2.80ha	Deficiency -14.30ha	Surplus 2.80ha	7,301	Surplus 13.43	Deficiency -4.66ha	31,084	Deficiency - 21.76ha	0	N/A
City & Hunslet	30,783	Deficiency -16.62ha	Deficiency -20.93ha	Deficiency -4.62ha	4,711	Surplus 11.60	Deficiency -5.54ha	30,783	Deficiency - 16.93ha	0	N/A
Middleton Park	26,411	Surplus 182.5ha	Surplus 3.17ha	Surplus 9.51ha	6,602	Surplus 4.82	Deficiency -4.75ha	26,390	Deficiency - 1.58ha	21	Surplus 31.10ha
Garforth & Swillington	19,390	Deficiency -9.11ha	Surplus 19.78ha	Deficiency -0.97ha	3,455	Surplus 3.07	Surplus 3.30ha	14,162	Deficiency - 2.55ha	5,228	Surplus 449.66ha
Rothwell	22,665	Surplus 21.31ha	Surplus 5.21ha	Deficiency -6.80ha	4,596	Surplus 19.81	Surplus 0.68ha	20,736	Deficiency - 11.20ha	1,929	Surplus 202.70ha
Killingbeck & Seacroft	24,232	Deficiency -16.72ha	Deficiency -7.51ha	Surplus 46.53ha	5,941	Deficiency -4.87	Deficiency -4.85ha	24,232	Surplus 29.56ha	0	N/A
Average		Surplus 68.37ha	Deficiency -1.92ha	Surplus 8.05ha		Surplus 7.03	Deficiency -3.05ha		Deficiency -1.74ha		Surplus 136.68ha

Inner

	Population (2014 mid-year estimate)	Parks and Gardens	Outdoor Sports (excluding education)	Amenity	Population (0-16 year olds)	Children & Young People Equipped Play	Allotments	Natural			
Standard		1ha/1000 people	1.2ha/1000 people	0.45ha/1000 people		2 facilities/1000 children	0.24ha/1000 people	Population (MUA and major settlements)	0.7 hectares/1000 people (main urban area)	Population (other areas)	2ha/1000 people (other areas)
Armley	24,430	Deficiency -8.12ha	Deficiency -0.73ha	Surplus 10.75ha	5,026	Surplus 2.96	Deficiency -2.20ha	24,430	Deficiency -1.95ha	0	N/A
Beeston & Holbeck	23,556	Surplus 28.27ha	Deficiency -5.89ha	Surplus 4.95ha	5,282	Surplus 7.45	Surplus 3.06ha	23,556	Deficiency -16.49ha	0	N/A
Burmanofts & Richmond Hill	31,084	Deficiency -2.80ha	Deficiency -14.30ha	Surplus 2.80ha	7,301	Surplus 13.43	Deficiency -4.66ha	31,084	Deficiency -21.76ha	0	N/A
Chapel Allerton	22,651	Deficiency -2.94ha	Deficiency -6.12ha	Surplus 9.06ha	4,854	Surplus 5.29	Surplus 0.45ha	22,651	Surplus 5.44ha	0	N/A
City & Hunslet	30,783	Deficiency -16.62ha	Deficiency -20.93ha	Deficiency -4.62ha	4,711	Surplus 11.80	Deficiency -5.54ha	30,783	Deficiency -16.93ha	0	N/A
Gipton and Harehills	28,119	Deficiency -14.9ha	Deficiency -8.84ha	Deficiency -7.87ha	8,900	Deficiency -0.8	0	28,119	Deficiency -14.34ha	0	N/A
Headingley	23,264	Deficiency 21.17ha	Deficiency -23.73ha	Deficiency -8.61ha	1,218	Surplus 2.57	Deficiency -0.93ha	23,264	Deficiency -5.35ha	0	N/A
Hyde Park & Woodhouse	28,292	Deficiency -0.84ha	Deficiency -30.56ha	Surplus 1.70ha	2,748	Surplus 19.51	Deficiency -4.53ha	28,292	Deficiency -12.17ha	0	N/A
Killingbeck & Seacroft	24,232	Deficiency -16.72ha	Deficiency -7.51ha	Surplus 46.53ha	5,941	Deficiency -4.87	Deficiency -4.85ha	24,232	Surplus 29.56ha	0	N/A
Middleton Park	26,411	Surplus 182.5ha	Surplus 3.17ha	Surplus 9.51ha	6,602	Surplus 4.82	Deficiency -4.75ha	26,390	Deficiency -1.58ha	21	Surplus 31.10ha
Temple Newsam	19,532	Surplus 372.08ha	Surplus 9.18ha	Surplus 8.01ha	4,190	Surplus 1.63	Deficiency -3.13ha	19,522	Surplus 9.18ha	10	Deficiency -0.02ha
Average		Surplus 45.52ha	Deficiency -9.75ha	Surplus 6.56ha		Surplus 5.78	Deficiency -2.46ha		Deficiency -4.22ha		Surplus 15.54ha

North

	Population (2014 mid-year)	Parks and Gardens	Outdoor Sports (excluding)	Amenity	Population (0-16 year olds)	Children & Young People	Allotments	Natural		
Standard		1ha/1000 people	1.2ha/1000 people	0.45ha/1000 people		2 facilities/ 1000 children	0.24ha/ 1000 people	Population (MUA and major settlements)	0.7 hectares/1000 people (main urban area and major settlements)	Population (other areas)
Horsforth	21,478	Deficiency -0.86ha	Surplus 22.56ha	Deficiency -4.3ha	4,068	Surplus 10.86	Deficiency -1.5ha	20,142	Deficiency -2.82ha	1,334
Adel & Wharfedale	17,746	Surplus 51.82ha	Surplus 33.54a	Surplus 0.53ha	3,352	Surplus 12.30	Deficiency -3.90ha	12,177	Deficiency -4.87ha	5,569
Kirkstall	22,554	Surplus 21.88ha	0	Surplus 2.26ha	3,754	Surplus 6.49	Surplus 9.25ha	22,543	Deficiency -2.48ha	11
Headingley	23,264	Deficiency -21.17-ha	Deficiency -23.73ha	Deficiency -8.61ha	1,218	Surplus 2.57	Deficiency -0.93ha	23,264	Deficiency -5.35ha	0
Weetwood	23,445	0	Surplus 52.99ha	Deficiency -0.70ha	4,053	Surplus 13.90	Deficiency -3.52ha	23,403	Surplus 15.21ha	42
Moortown	22,251	Surplus 10.00ha	Deficiency -7.12ha	Surplus 19.14ha	4,458	Surplus 0.09	Deficiency -3.78ha	22,173	Surplus 3.33ha	78
Alwoodley	20,951	Deficiency -10.48ha	Surplus 15.92ha	Surplus 12.78ha	4,242	Surplus 4.50	Deficiency -4.82ha	20,789	Surplus 19.94ha	182
Roundhay	25,333	Surplus 124.89ha	Surplus 12.67ha	Deficiency -3.55ha	5,595	Deficiency -0.17	Deficiency -3.04ha	25,242	Surplus 38.12ha	91
Chapel Allerton	22,651	Deficiency -2.94ha	Deficiency -8.12ha	Surplus 9.06ha	4,854	Surplus 5.29	Surplus 0.45ha	22,651	Surplus 5.44ha	0
Average		Surplus 20ha	Surplus 11.19ha	Surplus 2.96ha		Surplus 6.20	Deficiency -1.31ha		Surplus 7.39ha	Surplus 37.02ha

Outer North East

	Population (2014 mid-year estimate)	Parks and Gardens	Outdoor Sports (excluding education)	Amenity	Population (0-16 year olds)	Children & Young People Equipped Play	Allotments	Natural			
Standard		1ha/1000 people	1.2ha/1000 people	0.45ha/1000 people		2 facilities/ 1000 children	0.24ha/ 1000 people	Population (MUA and major settlements)	0.1 hectares/1000 people (main urban area and major settlements)	Population (other areas)	2ha/1000 people (other areas)
Harewood	19,324	Surplus 38.85ha	Surplus 6.38ha	Deficiency -0.97ha	3,587	Surplus 5.81	Deficiency -1.83ha	334	Deficiency -0.23ha	18,000	Surplus 0.95ha
Wetherby	20,476	Deficiency -5.53ha	Surplus 28.41ha	Surplus 10.85ha	3,468	Surplus 8.08	Deficiency -1.43ha	11,190	Surplus 3.69haha	9,286	Deficiency -7.08ha
Average		Surplus 16.56ha	Surplus 16.40ha	Surplus 4.84ha		Surplus 6.95	Deficiency - 1.68ha		Surplus 1.73ha		Deficiency -3.06ha

Outer North West

	Population (2014 mid-year estimate)	Parks and Gardens	Outdoor Sports (excluding education)	Amenity	Population (0-16 year olds)	Children & Young People Equipped Play	Allotments	Natural			
Standard		1ha/1000 people	1.2ha/1000 people	0.45ha/1000 people		2 facilities/ 1000 children	0.24ha/ 1000 people	Population (MUA and major settlements)	0.7 hectares/1000 people (main urban area and major settlements)	Population (other areas)	2ha/1000 people (other areas)
Adel & Wharfedale	17,746	Surplus 51.82ha	Surplus 33.54a	Surplus 0.53ha	3,352	Surplus 12.30	Deficiency -3.90ha	12,177	Deficiency -4.87ha	5,569	Surplus 71.17ha
Otley & Yeadon	19,151	Surplus 9ha	Surplus 2.87ha	Surplus 6.51ha	3,470	Surplus 7.04	Surplus 3.06ha	18,414	Deficiency -10.68ha	737	Surplus 222.86ha
Alwoodley	20,951	Deficiency -10.48ha	Surplus 15.82ha	Surplus 12.78ha	4,242	Surplus 4.50	Deficiency -4.82ha	20,769	Surplus 19.94ha	182	Surplus 59.89
Average		Surplus 16.78ha	Surplus 17.44ha	Surplus 6.61ha		Surplus 7.95	Deficiency -1.89ha		Surplus 1.46ha		Surplus 118.01ha

Outer South

	Population (2014 mid-year estimate)	Parks and Gardens	Outdoor Sports (excluding education)	Amenity	Population (0-16 year olds)	Children & Young People Equipped Play	Allotments	Natural			
Standard		1ha/1000 people	1.2ha/1000 people	0.45ha/1000 people		2 facilities/ 1000 children	0.24ha/ 1000 people	Population (MUA and major settlements)	0.7 hectares/1000 people (main urban area and major settlements)	Population (other areas)	2ha/1000 people (other areas)
Rothwell	22,665	Surplus 21.31ha	Surplus 5.21ha	Deficiency -0.80ha	4,596	Surplus 19.81	Surplus 0.68ha	20,736	Deficiency -11.20ha	1,929	Surplus 202.70ha
Ardsley & Robin Hood	22,128	Surplus 0.89ha	Deficiency -0.22ha	Surplus 1.55ha	4,892	Surplus 3.23	Surplus 2.66ha	1,578	Deficiency -0.85ha	20,550	Surplus 71.72ha
Kippax & Methley	20,939	Deficiency -0.32ha	Surplus 0.45ha	Surplus 0.25ha	4,290	Surplus 2.86	Surplus 0.46ha	0	N/A	20,939	Surplus 242.89ha
Average		Surplus 7.29ha	Surplus 1.81ha	Deficiency - 1.67ha		Surplus 8.57	Surplus 1.27ha		Deficiency -6.3ha		Surplus 172.44ha

Outer South East

	Population (2014 mid-year estimate)	Parks and Gardens	Outdoor Sports (excluding education)	Amenity	Population (0-16 year olds)	Children & Young People Equipped Play	Allotments	Natural			
Standard		1ha/1000 people	1.2ha/1000 people	0.45ha/1000 people		2 facilities/ 1000 children	0.24ha/ 1000 people	Population (MUA and major settlements)	0.7 hectares/100 0 people (main urban area and major settlements)	Population (other areas)	2ha/1000 people (other areas)
Garforth & Swillington	10,390	Deficiency -0.11ha	Surplus 10.78ha	Deficiency -0.97ha	3,455	Surplus 3.07	Surplus 3.30ha	14,162	Deficiency - 2.55ha	5,228	Surplus 449.68ha
Kippax & Methley	20,939	Deficiency -0.32ha	Surplus 0.45ha	Surplus 0.25ha	4,290	Surplus 2.86	Surplus 0.46ha	0	N/A	20,939	Surplus 242.89ha
Average		Deficiency -4.72ha	Surplus 10.12ha	Deficiency - 0.36ha		Surplus 2.87	Surplus 1.88ha		Deficiency - 2.55ha		Surplus 346.28

Outer South West

	Population (2014 mid-year estimate)	Parks and Gardens	Outdoor Sports (excluding education)	Amenity	Population (0-16 year olds)	Children & Young People Equipped Play	Allotments	Natural			
								0.7 hectares/100 0 people (main urban area and major settlements)	Population (MUA and major settlements)	Population (other areas)	2ha/1000 people (other areas)
Standard		1ha/1000 people	1.2ha/1000 people	0.45ha/1000 people		2 facilities/ 1000 children	0.24ha/ 1000 people				
Ardsley & Robin Hood	22,128	Surplus 0.89ha	Deficiency -0.22ha	Surplus 1.55ha	4,892	Surplus 3.23	Surplus 2.66ha	1,578	Deficiency -0.85ha	20,550	Surplus 71.72ha
Beeston & Holbeck	23,556	Surplus 28.27ha	Deficiency -5.89ha	Surplus 4.95ha	5,282	Surplus 7.45	Surplus 3.06ha	23,556	Deficiency -16.49ha	0	N/A
Famley & Wortley	25,715	Surplus 10.29ha	Surplus 0.77ha	Surplus 13.63ha	5,391	Surplus 1.24	Deficiency -2.31ha	22,907	Deficiency -1.15ha	2,808	Surplus 48.94ha
Middleton Park	26,411	Surplus 182.5ha	Surplus 3.17ha	Surplus 9.51ha	6,602	Surplus 4.82	Deficiency -4.75ha	26,390	Deficiency -1.58ha	21	Surplus 31.10ha
Morley North	22,116	Surplus 1.55ha	Deficiency -3.54a	Deficiency -1.89ha	4,227	Surplus 5.54	Deficiency -3.10ha	11,219	Surplus 2.47ha	10,897	Surplus 7.08ha
Morley South	21,670	Surplus 2.82ha	Surplus 8.88ha	Surplus 5.42ha	4,217	Surplus 7.56	Deficiency -1.08ha	18,528	Deficiency -4.28ha	3,142	Surplus 38.05ha
Average		Surplus 37.71ha	Surplus 0.53ha	Surplus 5.51ha		Surplus 4.97	Deficiency - 0.92ha		Deficiency - 3.64ha		Surplus 39.38ha

Outer West

	Population (2014 mid-year estimate)	Parks and Gardens	Outdoor Sports (excluding education)	Amenity	Population (0-16 year olds)	Children & Young People Equipped Play	Allotments	Natural			
								Population (MUA and major settlements)	0.7 hectares/1000 people (main urban area and major settlements)	Population (other areas)	2ha/1000 people (other areas)
Standard		1ha/1000 people	1.2ha/1000 people	0.45ha/1000 people		2 facilities/ 1000 children	0.24ha/ 1000 people				
Calverley & Farsley	22,262	Deficiency -3.34ha	Surplus 19.81ha	Surplus 5.79ha	4,535	Surplus 0.95	Deficiency -1.78ha	18,386	Deficiency -0.74ha	3,876	Surplus 103.26ha
Bramley & Stanningley	23,555	Surplus 49.94ha	Surplus 3.30ha	Deficiency -3.53ha	4,860	Surplus 3.26	Deficiency -4ha	23,341	Deficiency -10.74ha	214	Surplus 62.30ha
Pudsey	22,898	Surplus 1.83ha	Surplus 6.18ha	Deficiency -7.10ha	4,680	Surplus 5.86	Deficiency -3.86ha	20,839	Deficiency -2.50ha	2,059	Surplus 27.87ha
Armley	24,430	Deficiency -6.12ha	Deficiency -0.73ha	Surplus 10.75ha	5,025	Surplus 2.96	Deficiency -2.20ha	24,430	Deficiency -1.95ha	0	N/A
Farnley & Wortley	25,715	Surplus 10.29ha	Surplus 0.77ha	Surplus 13.63ha	5,391	Surplus 1.24	Deficiency -2.31ha	22,907	Deficiency -1.15ha	2,808	Surplus 48.94ha
Average		Surplus 10.52ha	Surplus 5.87ha	Surplus 3.91ha		Surplus 2.81	Deficiency -2.79ha		Deficiency -5.22ha		Surplus 60.54ha

APPENDIX 4

Correspondence to LCC Comparing the Deficiencies of
Open Space in Areas with Off-Site Contributions

From: [Stuart.Natkus](#)
To: [Cunningham_Carol](#); [Howrie_Janet](#)
Subject: Silverdale Avenue - Application of greenspace policy
Date: 24 July 2017 08:56:00

Carol/Janet

Many thanks for your time earlier this month. I have since looked into the sites I referenced in the meeting that were part of the Councils regeneration programme. These were all taken to the North and East plans panel in March, and all included off site contribution. Many of the sites were on protected greenspace as identified in the UDP and in areas with deficiencies in all types of open space, however they were all approved with little or no on site open space and off site contributions.

I note that it was commented that the Councils policy has changed recently, however again at the last north and east plans panel I note an application for the redevelopment of a protected playing pitch in Chapel Allerton being approved for residential development, again with an offsite contribution. This site is in an area with a deficiency of 9 hectares of sports pitches, yet the site has been recommended for approval with an offsite contribution.

Having looked at these applications particularly the latter, there are a number of similarities. Looking at our application and that on today's panel they are both identified in the UDP as a historic greenspace use, both have ceased that use operating and both put forward for redevelopment with residential development. The site at panel is in an area of deficiency, therefore Policy G4 applies. Whilst some open space is provided on the application at today's panel, large amounts would not be counted as open space as they are not usable and simply constitute landscaping around trees (similar to that at Leeds Girls' High School we were told could not be counted), therefore a commuted sum is provided to offset the loss.

Despite these similarities the applications in different parts of the city appear to be subject to different interpretation of the policy. At no point are we questioning the suitability of these decisions, simply highlighting that in many other cases the approach we advocate is rightly being accepted and therefore should be accepted at Silverdale Avenue. Whilst we note the comments on member concerns in the area and also the concerns on planning committees' potential view, these in themselves are not material and should not form part of the consideration for a recommendation.

In looking into the matter further we would be grateful if explanation could be provided as to why an inconsistent approach to open space is being applied on our application to many others in the city, including as recently as this month.

I am drafting a letter following our meeting regarding the 5YLS, paragraph 14 of the Framework and lack of harm, which we only just touched on at our meeting. Similarly I will also draft a note on the SAP to discuss with Janet over the next couple of weeks.

I look forward to receiving a response and hope that the application can be moved forward in a positive manner over the coming weeks.

Carol Cunningham
Principle Planning Officer
Leeds City Council
2 Rossington Street
Leeds
LS2 8HD

Sent by Post and E-Mail - Carol.Cunningham@leeds.gov.uk

25054/A3/SN/kb

24th July 2017

Dear Carol

SILVERDALE AVENUE, GUISLEY, LEEDS, APPLICATION OF GREENSPACE POLICY.

Following our meeting on 12th July we thought it appropriate to write to provide a summary of our case and some of the discussions at the meeting.

Local Planning Policy

Whilst the site is a draft allocation in the Councils SAP, the application is supported by a planning statement that applies the appropriate policies in the Core Strategy on the basis that the site is a Greenfield site with minimal weight attached to the SAP.

The site is identified in the UDP (itself due to the date of the plan and as superseded by the CS an out-of-date plan) as allotments. However, as a matter of fact the majority of the land has not been used as allotments for over 30 years and is not proposed by any of the landowners to be reinstated as allotments, as per their objections to the requirement in the SAP.

Policy G6 is therefore the relevant policy to the determination of this application, which confirms that development is acceptable where there are wider planning benefits and a clear relationship to improvements of greenspace locally are made. The applicant in this instance is offering to make a commuted sum in accordance with this policy.

It was implied at the meeting that the Council are no longer accepting commuted sums in lieu of onsite provision. Given Policy G6 iii allows for such a process it is unclear how the Council can choose to unilaterally withdraw the application of a Core Strategy policy. Such a position is clearly not possible and having looked at the North and East planning committee from March, a large number of sites of greenspace subject to this policy were approved, with commuted sums, which we invite you to consider. On this basis, the provision of a commuted sum is wholly in accordance with Policy G6 and cannot be dismissed in principle.

As discussed at the meeting, the provision of amenity space or equipped play areas will simply add to a large surplus in the area, which is so large it will meet the requirements of the population anticipated from development over the lifetime of the SAP. On this basis, the use of a commuted sum to enhance the quality of greenspace would be more appropriate than enhancing quantity.



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In terms of wider planning benefits the application proposes 46 homes on a preferred allocation, the full 35% affordable housing requirement, CIL payments, the implementation of a 20mph scheme on Silverdale Road, to the betterment of all local residents, all of which individually and cumulatively are clear public benefits. This combined with the proposed commuted sum therefore complies with Policy G6.

Unfortunately, during our discussions, the SAP allocation was referred to and non-compliance with it, confirming that a scheme for 30 houses would be accepted, itself showing an agreement that the principle of development is acceptable.

We noted at the meeting that you are to seek further advice on the weight to give to the SAP, however it is clear from paragraph 216 of the Framework that weight can be given to emerging plans according to unresolved objections. Given objections have been made to the allocations requirement for allotments, limited if any weight can be given to this requirement.

The Presumption in Favour of Sustainable Development

Towards the end of the meeting we did discuss the Council's five-year land supply position and the implications of this on the application, however again the view was given that this was outweighed by the loss of the allotments.

It is well documented following recent appeals that the Council do not have a five-year land supply and from the recent Suffolk and Cheshire East Supreme Court ruling it is noted that at paragraph 59, such a position immediately enacts paragraph 14 of the Framework.

On this basis, the starting point for determination of the application is that planning permission should be granted unless, 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.'

At this point it is worth noting that no further objections were raised at the meeting (subject to a discussion on mix and the minor highways alterations we have agreed to), therefore the sole issue relates to the principle of development.

The simple question therefore for the determination of the application is, does the development on UDP identified allotments significantly and demonstrably outweigh the benefits and the resumption in favour of the development identified in paragraph 14 of the Framework?

In response to this the following is noted:

1. The site was not formally identified, allocated and turned into allotments through the planning process, the allotments were historic and therefore in existence at the time of the UDP adoption, hence the notation on the plan is simply a reference to a historic use at that position in time;
2. The allotments are not and never were public allotments, they were private allotments used by the individual landowners. In the intervening period, the allotments subject to the application have ceased used and the landowners left the site vacant. The landowners, have confirmed their position on this and the allotments will not be reinstated;
3. At present as a matter of fact the site is not subject to an allotment use and does not have historic use on a plan, dated 2006 rather than an actual loss of any allotments on it. Any loss of allotments is therefore the loss of an identification of allotments;
4. Whilst development may stop the site being used at some theoretical point in the future for allotments, this is the same for any greenfield site in Leeds.

5. Whilst the site may be allocated in the SAP, the landowners have again objected to this proposal and will be providing representations and evidence to the examination that the site will not be allotments, the requirements of the policy have been drafted without their agreement and it is not deliverable, therefore the future potential use for allotments is unsound.

It is clear that the loss of allotments is not a physical loss of allotments, therefore there is no tangible harm, let alone significant harm, as required by the Framework. Given these facts it cannot conceivably be argued that the loss of an area of land no longer used as allotments and confirmed by the landowners as not going to be used as allotments can significantly and demonstrably outweigh the presumption in favour of sustainable development.

Conclusion

In conclusion, this site is identified by the Council as suitable for housing, it is a logical infill site in a highly sustainable location and has been designed in a way that has no adverse impacts upon the local character or amenity of residents. The site has not been used as allotments for over 30 years, therefore there is no actual loss of allotments, similarly no weight can be given to the potential future allocation of allotments. Given the Council's lack of five-year land supply, the presumption in favour of sustainable development applies and there is no harm that significantly and demonstrably outweighs the provisions of the Framework. On this basis planning permission should be approved without delay.

We trust that consideration will be given to this and look forward to hearing from the Council on the paragraph 14 matter.

Yours sincerely



STUART NATKUS

Director