

PLANNING APPLICATION 21/01671/OT

LAND EAST OF OTLEY EAST BUSK LANE OTLEY

HYBRID PLANNING APPLICATION FOR FULL PLANNING FOR THE DEMOLITION OF BUILDINGS, A NEW RELIEF ROAD, RESIDENTIAL HOUSING, ASSOCIATED WORKS AND INFRASTRUCTURE AND LANDSCAPING, THE RELOCATION OF SPORTS PITCHES AND THE CREATION OF PUBLIC OPEN SPACE

AND

OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF BUILDINGS, A MIXED-USE DEVELOPMENT COMPRISING OF HOUSING, ASSOCIATED WORKS AND LANDSCAPING AND INFRASTRUCTURE, A TWO-FORM PRIMARY SCHOOL, 5 HECTARES OF EMPLOYMENT LAND, RESIDENTIAL ACCCOMMODATION FOR THE ELDERLY AND PUBLIC OPEN SPACE

Otley Town Council wishes to make the following separate comments in respect of the full and outline planning applications outlined above.

In doing so, the town council also fully endorses the comments in respect of the applications made by Leeds City Council (LCC) Highways and Nature Team officers.

1. FULL APPLICATION

The Phase 1 proposals appear to be in line with the Local Plan allocation for East of Otley (Plan Ref MX1-26). **As such, the town council has no in principle objection to the proposals.**

It would however make the following detailed objections and comments, in respect of the need for better compliance with certain Otley Neighbourhood Plan and Local Plan policies as specified below, and on a number of additional material matters :-

A. OTLEY NEIGHBOURHOOD PLAN POLICIES

Policy MU1: East of Otley Key Guiding Development Principles

Design Concepts:-

Clause iii

Policy clause requires the *“creation of a genuine ‘village-like’ feel with a local, neighbourhood ‘community hub’, including green spaces and a shop”*.

Given its central location within the East of Otley site and distance from the Asda supermarket on the eastern edge of Otley town centre, the Phase 1 site could be reasonably expected to be a favoured location for responding to the ‘community hub’ policy requirement and the provision of a shop. The scheme proposals make no attempt to meet this requirement. The lack of such a hub – whether on this site or in future phases – will completely undermine the requirement to create a ‘village-like’ feel across the site as a whole.

Clause iv

Policy clause requires the *“identification of a green infrastructure framework as the basis for the development”*.

While the Phase 1 scheme has clearly gone some way towards meeting the requirement, the failure to accommodate the course of East Busk Lane in its entirety represents a glaring shortcoming of the scheme; one which could easily have been avoided, and could easily be remedied through re-design and minimal loss of house plots.

On this basis, the town council objects to this aspect of the proposal.

Clause v

Policy clause requires the *“development of a unique ‘East of Otley Brand’, to create a distinctive sense of place, reflective of the organic growth of Otley”* with subsidiary sub-clauses covering visual interest, unregimented layout and a north-south progression of character areas.

While on the face of it, it could be argued that the Phase 1 scheme demonstrates irregular development parcels and unregimented layout to a degree, with some visual variety across the scheme, it cannot however be argued that this constitutes a ‘unique East of Otley Brand’, reflective of Otley’s organic growth. The reality is that the scheme is very much a simple re-branding of a typical Persimmon development, even down to the simple re-naming of house types to be found under different names in other local developments, e.g. King Edwin Park, Harrogate.

East of Otley deserves better than this. The East of Otley development is the most significant for the town in a generation and is being superimposed on a treasured, locally valued and rich natural landscape. The least that can be expected is a development which respects and works within this critical context and which makes special effort to respond positively and imaginatively to the policy context which has been set for it.

This vanguard phase of the development fails to do so and the town council objects to it on this basis.

Building Design Code:-

Clause vii

Policy clause requires *“varied building design through the development to avoid standardised house types and plots”*.

With reference to the comments regarding clause v above, while the design of houses does vary within the Phase 1 scheme, the house types would appear to be standardised Persimmon house types.

Clause viii

Policy clause requires *“building heights and skyline in tune with the existing Otley environment, with buildings of two, two and a half and, in exceptional circumstances, three storeys, but only where justified by detailed design analysis”*.

The Phase 1 scheme includes 12 3-storey dwellings in the form of the Chevin apartment block. The proposal contains no detailed design analysis to explain the exceptional circumstances that exist to justify 3-storey construction in the location it is proposed.

As such the town council objects to this aspect of the proposal.

Clause ix

Policy clause requires *“provision of predominantly semi-detached and terraced housing with proportionately fewer detached buildings, flats or apartments”*.

The phase 1 scheme provides for only 3 terraced dwellings and proportionately more detached dwellings and apartments/flats than semi-detached and terraced housing.

As such the town council objects to this aspect of the proposal.

Clause x

Policy clause requires a *“careful choice of form, materials and colour palette, reflective of existing local variety and quality”*.

The Phase 1 scheme comprises housing parcels from Residential Character Areas 3 and 4 as detailed in the Design Access and sustainability Statement (DASS) (P37-8).

With regard to Character Area 3, it is considered that the emphasis should be more on stone than brick and that red roofs should be kept to a minimum as not being particularly characteristic of Otley. It is important to remember that this development will be viewed from the key A660 route down into Otley and that the roofscape will be a highly visible feature which needs to blend closely with predominant existing character. The Phase 1 scheme design should duly reflect this.

With regard to Character Area 4, it is considered that stone should be the predominant material throughout, particularly in properties fronting the relief road. As is rightly stated in the submission, development along this frontage will constitute ‘gateway’ development. As such, it is important, in the view of the town council, that ‘the gateway’ be of stone construction in order to signal entrance to a historic, traditionally stone-built market town rather than to an ‘anytown estate’ on the edge of ‘anytown’. As with Character Area 3, red roofs should be kept to an absolute minimum.

Eastern Relief Road:-

Clause xv

Policy clause requires *“provision of a separate two-way cycle track along the internal/west side of the relief road plus pedestrian route”*.

The submitted East of Otley Relief Road (EORR) scheme proposes a 4 metre combined footway and cycleway along the western edge of the proposed relief road. While the western edge location is welcomed, the current proposal does not provide for the required separation of cycle lanes, or separate footway.

As such, the town council objects to this aspect of the proposal.

Green Infrastructure and Greenspace:-

Clause xvi

Policy clause requires that:-

“the green infrastructure framework be based on existing landscape/habitat features and Public Rights of Way (PRoW), incorporating:-

e. 'green bridges/tunnels' at relief road crossing points.

f. equivalent re-provision and/or improvements in the event that the development directly impacts on the Otley Town FC, Old Otliensians RUFC and/or Otley RUFC ground and sports facilities and/or access to them."

In respect of the generality of this clause, and as already raised in relation to clause iv. above, the Phase 1 scheme fails to base itself sufficiently on what is the key, existing green infrastructure spine of the East of Otley site as a whole, i.e. East Busk Lane. This represents a glaring shortcoming of the scheme; one which could easily have been avoided, and could easily be remedied through re-design and minimal loss of house plots. **The town council objects to this aspect of the proposal.**

In relation to policy sub-clause e., the current EORR proposal includes no 'green bridge/tunnel' crossing points, for either pedestrians or wildlife. Regarding pedestrian needs, it is considered that the 'tunnel' requirement could be better delivered by elevating the road on columns at key crossing points, thus providing a more user friendly and visually attractive design solution, as well as a more natural route for wildlife. The design of the East Leeds Orbital Road already provides a precedent for such an approach within Leeds. It is particularly important that this requirement be addressed in relation to local wildlife needs and that serious consideration be given to such provision in relation to the junction of East Busk Lane with the EORR. **The town council objects to this aspect of the proposal.**

In relation to policy sub-clause f., the proposed re-provisions in relation to pitches and related infrastructure, together with related improvements, are generally welcomed. The town council would however make the following detailed comments:-

- there appears to be no safe pedestrian crossing of the EORR to enable access to Otley FC. Given the club's large children constituency and spectator base on match days, this needs to be addressed, ideally through provision of a signal crossing;

- proposed parking provision at Otley Town FC is inadequate and is likely to lead to unwanted and potentially dangerous kerbside parking on the EORR in the vicinity of the ground.

- the proposed EORR alignment at its northern end brings it into very close proximity to Otley FC's westernmost pitch. This is likely to cause operational/highway safety issues (i.e. relating to balls leaving the site) or else visual/amenity/wildlife issues from the most likely ball netting solution (i.e. relating to necessary height of netting and obstruction of wildlife movements). Could this be resolved by a slight re-alignment of the road to the west, i.e. towards Stephen Smiths and possibly involving some land take from that site? NB similar comments regarding ball netting problem and wildlife also relate to any netting associated with the roadside rugby pitches.

Footpaths and Cycle Links:-

Clause xviii

In relation to the provision of surface-level footpath/cycle highway crossing points, it is considered that there is a strong case for the provision of a Pegasus crossing at level towards the southern end of the EORR, east of the A660 roundabout, in order to facilitate safe access to the proposed Wharfedale Greenway. The comments regarding elevated/columned stretches of the EORR made in respect of clause xvi are also relevant here.

There is considered to be a similarly strong case for signal crossings of the A659 Pool Road to both the west and east of the proposed EORR/A659 roundabout junction.

Clause xx

Policy clause requires the *“retention of East Busk Lane as a walking and cycling route, embedded into the site’s green infrastructure, incorporating a ‘green bridge/tunnel’ crossing of the relief road”*.

The Phase 1 scheme fails both to retain East Busk Lane and to incorporate a ‘green bridge/tunnel’ as required. There is a prime opportunity here to embed the lane within the scheme, retaining its hedgerows and its rural feel, and in so doing setting the tone for an imaginative, natural green infrastructure-led development. The comments regarding elevated/columned stretches of the EORR made in respect of clause xvi above (P4) are also relevant here.

The town council objects to the scheme’s failure to address the policy requirements.

Environment:-

Clause xxvi

Policy clause requires the *“provision of electric vehicle charging infrastructure in parking spaces in accordance with the latest assessment of local need”*.

The submitted proposal states (DASS P57) that car parking throughout the masterplan site will include the provision of electric vehicle charging points (EVCPs) (where feasible).

The latest assessment of local need is reflected in LCC Core Strategy Policy EN8 (Electric Vehicle Charging Infrastructure). This policy includes no test of feasibility. As such provision must be in accordance with the policy standard.

The Phase 1 scheme includes no information regarding such provision within the residential element of the scheme.

The town council objects to the scheme’s failure to address the policy requirements.

The council would also encourage provision in any parking which forms part of the application’s sport pitch re-provision.

Policy GE2: Local Green Infrastructure

Policy states that:-

To be supported, development proposals must not harm the function of the following Local Green Infrastructure Areas, identified on the Neighbourhood Plan Map, as part of a multifunctional wildlife, amenity and recreational network:-

i. Otley Disused Railway & Bypass

Any development within or adjacent to Local Green Infrastructure must, subject to viability considerations, include measures to enhance or extend it.

There is an opportunity here, in the construction of the new EORR arm to the A660 roundabout, to include measures to enhance the specified Local Green Infrastructure area. Measures to increase biodiversity would be particularly welcome and apposite. The submitted Phase 1 scheme makes no reference to such an opportunity and as such does not meet the policy requirement.

The town council objects to the proposal on this basis.

Policy GE5: Protection and Improvement of the Biodiversity of the Extended Leeds Habitat Network within Otley

Policy states that in order to be supported, development must demonstrate that:-

- i. There will be an overall net gain for network biodiversity, including a positive contribution to the network through habitat protection, enhancement and creation;*
- ii. The design of new development, including landscaping, enhances existing wildlife habitats and provides new areas and opportunities for wildlife;*
- iii. There is no significant adverse impact on the integrity and connectivity of the network.*

The comments and **objection** made below (see P17) in relation to the outline application apply equally here in respect of the full application.

The town council would comment additionally, to the effect that no information appears to have been provided as part of the Phase 1 scheme regarding biodiversity net gain, making it impossible to assess the scheme against the policy requirements. This would appear to be a serious shortcoming of the proposals which the council would expect to be remedied before any decision is made on the application proposals.

Policy GE9: Surface Level Sustainable Urban Drainage Systems

Policy states that “development that incorporates open surface level sustainable urban drainage systems will be supported”.

Reference in the site-wide submission and the Phase 1 scheme, to open swales, attenuation ponds/basins and blue infrastructure more generally, indicates an overall and detailed approach that could be broadly supported.

There is however also reference, in relation to the EORR drainage strategy, to an attenuation tank beneath the proposed Pool Road roundabout. The town council would encourage that further thought be given to the design of a drainage system for the northern catchment of the EORR which is 100% at surface level, thereby removing the need for any underground attenuation. This would not only fit the GE9 policy aspiration more closely but also increase on-site habitat and biodiversity.

Policy H2: Housing Mix

Policy states that development will be supported which provides a housing mix in accordance with the following:-

- i. A predominant proportion of smaller dwellings (1-2 bedrooms) including units suitable for independent living for older people.*
- ii. A smaller proportion, relative to numbers of 1-2 bedroom properties, of medium-sized and larger (3-4+ bedroom dwellings) suitable for families. Developments consisting primarily of such dwellings will normally be resisted.*
- iii. Subject to viability considerations, a proportion of dwellings for private and social renting that reflects the latest assessment of local need.*

In relation to clause i, rather than providing a predominant proportion of smaller dwellings, the Phase 1 scheme provides only 38 such dwellings, representing just 26% of the scheme total.

In relation to clause ii, 3 and 4 bedroom dwellings make up 74% of the scheme total, almost three times the number of smaller dwellings, rather than the smaller proportion sought by policy.

In relation to clause iii, there would appear to be no provision for private or social renting in the Phase 1 scheme.

As such, the scheme fails to meet any of the policy clauses and the town council objects to this aspect of the proposals.

Policy further states that *“developments should provide a range of housing types, including flats, bungalows, terraced, semi-detached and detached units, respecting and taking into account surrounding types of housing.”*

The DASS promises (P44) a Phase 1 housing mix incorporating “a variety of house types, including detached, semi-detached, terraced and apartments.” Analysis of the proposed site plan appears to indicate an overwhelming predominance of semi-detached (68) and detached (66) dwellings, with only 12 apartments and a single terrace comprising 3 dwellings. It is considered that this does not constitute the promised ‘variety of house types’; neither does it provide the range of housing types sought by policy.

As such, the town council also objects to this aspect of the proposal.

Policy TT1: Improved Cycling, Walking and Bridleway Provision

Policy states that:-

- i. Development directly affecting the Otley cycleway, footpath and bridleway network, as shown on The Neighbourhood Plan Map, must be compatible with it and contribute to it.*
- ii. Development likely to increase pedestrian footfall and/or cycle usage within the network must contribute to new desired provision in its immediate vicinity and to provide connections to the network.*
- iii. Development proposals which would add to and/or improve the network will be supported.*
- v. Where development of the network results in users sharing an existing route, the design must ensure the safety of all users.*
- vi. Surfacing proposals within the network must be tailored to the urban or rural character of their surroundings, avoiding urbanisation of rural environments.*

In relation to clauses i. to iii., it is clear that the proposed development both affects the existing network and is likely to increase usage of it. As such, the development is required to be compatible with it, to contribute to it, to contribute to new desired provision in its immediate vicinity and to connect that new provision to it. While the proposals do indicate some efforts to meet the requirements, they currently fall short, lack clarity and need to be improved upon. As they do not currently either add to or improve the network, the town council cannot support them under the terms of clause iv.. The comments made below (P8) in respect of a safe cycle route between the site and Prince Henry’s Grammar School are particularly relevant here. Such a route would additionally

require re-design of the EORR/Pool Road roundabout, in order to safely accommodate cyclists, together with the creation of a dedicated cycle lane using the Pool Road verge to Mill Way.

In relation to clause v., the Planning Statement (PS) states (P37) that the EORR will include “a 4-metre combined footway and cycleway...along the western edge of the proposed relief road”. The apparent lack of separation between footway and cycleway, as shown on submitted plans, raises concerns as to the safety of both sets of users.

In relation to clause vi., it would seem that no proposals have been put forward regarding the surfacing of Public Rights of Way/non-definitive footpaths proposed in the Phase 1 scheme. In line with policy, proposals when forthcoming, must ensure that the surfacing of paths embedded within the green infrastructure elements of the site is of soft materials in keeping with the natural framework of the development.

Policy TT3: White Bridge Improvements and Associated Works

Policy states that *“development which would provide for improvements to The White Bridge, including raised pedestrian and cycle access above the 1:100 plus climate change level, will be supported”*.

It has for some 20 years been town council policy to secure a safe cycling route from a future EORR, along Pool Road and Mill Way to the White Bridge crossing of the River Wharfe, through Wharfemeadows Park and along Old Farnley Lane/Farnley Lane to Prince Henry’s Grammar School (PHGS). The stretch through the park has recently been completed.

Recent consultations by town councillors with PHGS indicate the school’s concerns regarding pressures which the new development will place on its pupil capacity. It is clear that the development will increase pupil flows to/from the school from the new East of Otley housing and that the route outlined above, within which the White Bridge is a crucial link, will be the key and most direct cycle/pedestrian route. As such, improvements to the White Bridge, as part of the development, would be supported by the town council.

Policy TT4: Improved Public Transport

Policy states that:-

Developments which are likely to increase the patronage for public transport services must contribute to facilitating access to those services through, for example, enabling new bus service routes, improvements to existing bus routes and provision of associated infrastructure such as bus shelters.

Clearly, a development of 149 new dwellings, itself part of a prospective scheme of up to circa 700 dwellings (NB exact number of dwellings still to be agreed – see comments elsewhere – P21), is likely to increase public transport patronage. As such, it is surprising, although detailed reference is made in the proposals to the number and location of bus stops surrounding the development site and the range of destinations accessible from them, that there are no proposals put forward to address the requirements of the policy. The Residential Framework Travel Plan is also silent on this subject.

The Transport Assessment submitted in support of the submission does however consider public transport accessibility and admits that accessibility is “not strictly in accordance with LCC’s accessibility standards”. It goes on to consider what options exist to better serve the site and

concludes that the provision of a local 'hopper' service "is most likely to be commercially sustainable". Possible changes to public transport access are apparently being discussed further with LCC and the West Yorkshire Combined Authority.

On this basis, the town council is disappointed that the Phase 1 scheme make no mention of public transport provision and requests that proposals be put forward regarding the servicing of this site by public transport, together with indicative locations for new bus stops, in line with the transport assessment findings.

B. LOCAL PLAN POLICIES

Core Strategy Policy SP13: Strategic Green Infrastructure

Policy states that *"the Council will maintain and, in partnership with others, enhance...key corridors, including (iv) The Wharfe Valley and Chevin Ridge"*.

The entirety of the Phase 1 site falls within the strategic green infrastructure corridor as defined by Leeds City Council. While clearly, development is not precluded within such corridors, equally clearly, policy requires that such corridors be both maintained and enhanced in partnership with others, in this case the Otley East Consortium. While the Phase 1 proposal plans indicate that some consideration has been given to the incorporation of green infrastructure elements into the scheme, the town council is of the view that this consideration currently falls short of 'maintaining' and 'enhancing' the Wharfe Valley and Chevin Ridge Corridor.

Core Strategy Policy T2: Accessibility Requirements and New Development

Policy states that:-

New development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.

(i) In locations where development is otherwise considered acceptable new infrastructure may be required on/off site to ensure that there is adequate provision for access from the highway network, by public transport and for cyclists, pedestrians and people with impaired mobility, which will not create or materially add to problems of safety, environment or efficiency on the highway network,

(ii) Developer contributions may be required for, or towards, improvements to the off site highway and the strategic road network, and to pedestrian, cycle and public transport provision. These will be secured where appropriate through Section 106 Agreements and/or the Community Infrastructure Levy, and by planning conditions.

In respect of policy clause (i), the town council considers that the proposals as submitted do not make adequate provision for access by public transport or for cyclists and pedestrians. **The council objects to the proposals on this basis.**

In respect of clause (ii), the council would refer specifically to its comments in respect of a safe cycle route between the site and Prince Henry's Grammar School made in relation to Policy TT3 (see P8).

Core Strategy Policy G1: Enhancing and Extending Green Infrastructure

Policy states that:-

Where a development is considered to be acceptable within or adjoining areas defined as Green Infrastructure on Map 16 or on any future LDF Allocation Documents, development proposals should ensure that:

- (i) Green Infrastructure/corridor function of the land is retained and improved, particularly in areas of growth,*
- (iii) A landscaping scheme is provided which deals positively with the transition between development and any adjoining open land,*
- (iv) The opportunity is taken to increase appropriate species of woodland cover in the District,*
- (v) Provision for and retention of biodiversity and wildlife,*
- (iv) Opportunities are taken to protect and enhance the Public Rights of Way (PROW) network through avoiding unnecessary diversions and by adding new links.*

In relation to clause (iii), it is considered that the scheme does not deal sufficiently positively with the transition between the proposed development and the adjoining open land to the east. Although the scheme proposes landscaping and habitat provision along the eastern edge of the EORR, there are no proposals for wildlife crossings. As such, the EORR as proposed currently constitutes a ring of concrete/tarmac around the development, precluding the movement of key wildlife species, particularly mammals.

In relation to all other clauses, the council would refer to comments made at P22.

On the basis of non-compliance with all above clauses, the town council objects to the submitted infrastructure proposals.

Core Strategy Policy G2: Creation of New Tree Cover

Policy states that “*development which would result in harm to, or the loss of, Ancient Woodland and Veteran Trees will be resisted*”.

The submitted proposals indicate the presence of 2 veteran trees on site and propose the removal of one such tree (T79), due to the proposed alignment of the EORR running in close proximity to it. As the Biodiversity Net Gain Assessment accompanying the proposals states, “this is considered to be an irreplaceable habitat”.

Such proposed removal is clearly contrary to the policy. Proposals should be amended to avoid such removal.

The town council objects to this aspect of the proposals.

Core Strategy Policy G9: Biodiversity Improvements

Policy states that:-

Development will be required to demonstrate:

(i) That there will be an overall net gain for biodiversity commensurate with the scale of the development, including a positive contribution to the habitat network through habitat protection, creation and enhancement, and

(ii) The design of new development, including landscape, enhances existing wildlife habitats and provides new areas and opportunities for wildlife, and

(iii) That there is no significant adverse impact on the integrity and connectivity of the Leeds Habitat Network.

The comments and **objection** made below (see P23) in relation to the outline application apply equally here in respect of the full application.

The town council would comment additionally, to the effect that no information appears to have been provided as part of the Phase 1 scheme regarding biodiversity net gain, making it impossible to assess the scheme against the policy requirements. This would appear to be a serious shortcoming of the proposals which the council would expect to be remedied before any decision is made on the application proposals.

Core Strategy Policy H3: Density of Residential Development

Policy states that:-

Housing development in Leeds should meet or exceed the following net densities unless there are overriding reasons concerning townscape, character, design or highway capacity:

(iii) Fringe urban areas - 35 dwellings per hectare.

The submitted Phase 1 scheme provides no information on net housing density. As such, it is impossible to establish whether it meets the policy requirement.

See also comments on the outline planning application on P27.

Core Strategy Policy H5: Affordable Housing

Policy states that on major housing developments, such as East of Otley, affordable housing provision should be provided on-site at the minimum target level of 35%.

The DASS indicates (P45) that affordable dwellings will be interspersed throughout the Phase 1 site, should the full policy requirement of 35% be achievable in viability terms. It is understood that a viability assessment is ongoing at the time of writing. The town council considers, irrespective of the outcome of the assessment, i.e. even if a lower percentage is ultimately deemed to be appropriate, that affordable dwellings should be included on the Phase 1 site. It is further held that consideration needs to be given, in both the Phase 1 scheme and on the wider site, regarding the location of affordable housing relative to the best possible and easiest access to town centre facilities (see also Policy TT4 comments at P7 and P20/1).

The town council fully expects that national planning policy, as set out in National Planning Policy Framework paragraph 57, together with National Planning Practice Guidance in respect of viability assessments and developer returns, will be rigorously applied in respect of this application.

Core Strategy Policy P11: Conservation

The comments made in relation to the outline planning application apply equally here in relation to any actual or potential heritage assets within the Phase 1 application site (see P24/5).

Core Strategy Policy EN8 Electric Vehicle Charging Infrastructure

Policy states that:-

All applications for new development which include provision of parking spaces will be required to meet the minimum standard of provision of electric vehicle charging points. This requires:

i) Residential: 1 charging point per parking space and 1 charging point per 10 visitor spaces

The Phase 1 scheme includes no information regarding such provision within the residential element of the scheme.

The town council objects to the scheme's failure to address the policy requirement.

Natural Resources and Waste Local Plan Policy LAND2: Development and Trees

Policy states that:-

Development should conserve trees wherever possible and also introduce new tree planting as part of creating high quality living and working environments and enhancing the public realm.

Where removal of existing trees is agreed in order to facilitate approved development, suitable tree replacement should be provided on a minimum three for one replacement to loss. Such planting will normally be expected to be on site, as part of an overall landscape scheme.

In respect of policy paragraph 1, it is considered that the development proposals currently involve the unnecessary removal of too many trees and that insufficient effort has been made to “conserve trees wherever possible” as required by the policy. Greater tree conservation would obviously facilitate the achievement of BNG requirements. **The town council objects to the proposal on this basis.**

In respect of policy paragraph 2, the submission details the actual number of trees proposed to be removed across the entire East of Otley site (ref the Arboricultural Report accompanying the submission), although not the numbers involved on the Phase 1 site. Equally, there is no detail as to the number of trees to be planted as part of the Phase 1 scheme, relative to the number to be removed, and as such no measure of whether the 3 for 1 policy requirement is met, or indeed whether it is to be met within the scheme or deferred across the entire East of Otley development.

This information needs to be clearly provided. It goes without saying, given the nature of the Phase 1 site, indeed the East of Otley site as a whole, and the high premium that must be placed on the natural environmental setting of the new development, that all replacement trees must be provided on site.

C. ADDITIONAL MATERIAL MATTERS

Comments made below (P26-8) in relation to the outline application should also be applied to the Phase 1 scheme.

2. OUTLINE APPLICATION

The town council would make the following detailed objections and comments, in respect of the need for better compliance with certain Otley Neighbourhood Plan and Local Plan policies as specified below, and on a number of additional material matters :-

A. OTLEY NEIGHBOURHOOD PLAN POLICIES

Policy MU1: East of Otley Key Guiding Development Principles

An Agreed Strategic Approach:-

In order to be supported, policy requires that the development must be undertaken in accordance with the preparation and agreement of the following four documents:-

- a. a comprehensive development brief and concept masterplan.*
- b. a comprehensive transport study (to be informed by the outline brief at Appendix 8).*
- c. an outline design code*
- d. an infrastructure delivery plan.*

The town council acknowledges the preparation of the 4 specified documents (NB either standalone or embedded in other submitted documentation), but points to numerous outstanding issues highlighted in this planning application response which require addressing before it can agree the content of those documents.

In relation to the required ‘comprehensive transport study’ and the supporting outline brief in Appendix 8, the town council acknowledges broad compliance with the outline brief, but considers that the assessment is lacking in terms of:-

- Survey times coverage – morning and peak times only are insufficient; there is a need for midday peak surveys;
- Highway network survey points;
- Consideration of other possible developments, including retirement housing at Cross Green, Otley RUFC rugby club relocation, Midgley Farm mineral extraction and the current Springwood Park development at nearby Bramhope, which will use Otley as a service centre.

Design Concepts:-

Clause iii

Policy clause requires the “*creation of a genuine ‘village-like’ feel with a local, neighbourhood ‘community hub’, including green spaces and a shop*”.

The concept plan for the ‘Otley East’ development completely fails to meet this requirement, providing only for the inclusion of green spaces, with no consideration of a community hub with shop and no attempt through either layout or proposed design to create a genuine ‘village-like’ feel.

The requirement to provide both primary school and employment uses, together with substantial residential development and a green infrastructure framework, lends itself clearly to the designing in of a small, widely accessible, community hub, servicing the local needs of the residential community, school community and locally-based workers. This would serve to create a new ‘Otley East’

community/neighbourhood, rather than just a new housing estate. In addition to a shop, a new hub could also include a small café development.

A more imaginative layout, based on smaller, more varied housing parcels, broken up by a more local and intricate web of green infrastructure links and corridors, would move the development away from the feel of a housing estate with some green infrastructure, towards a looser, rural, village-type feel, more fitting to the site's countryside location.

On the basis of the current concept plan, the town council objects to this aspect of the proposal.

Clause iv

Policy clause requires the *"identification of a green infrastructure framework as the basis for the development"*.

While the concept plan has clearly made some attempt to define a green infrastructure framework on which to hang the development, the general comment made in relation to clause iii above, and earlier on several occasions in relation to East Busk Lane, indicate what more could easily be done.

In terms of other specific suggestions (as examples) regarding the improvement of what is proposed, the town council considers that the northern edge of the school site as identified provides an obvious opportunity to link up the Cambridge Drive (Ings Tip) POS/LGS with Ings Lane Allotments and existing tree belt to the west. This, together with the proposed new green space to the east of the POS/LGS, would also serve to compensate for the annexing of the north-west corner of the POS/LGS into the school site (see comment at P17-18 below).

A further example suggestion is set out in relation to the employment site (see clause xxii at P15 below).

Clause v

Policy clause requires the *"development of a unique 'East of Otley Brand', to create a distinctive sense of place, reflective of the organic growth of Otley including:-*

a. visual interest across the development;

b. unregimented layout, featuring irregular neighbourhoods each with a distinct architectural character;

c. progression of character areas from traditional in the north (reflecting Otley's stone Victorian heritage and adjacent conservation area), to contemporary in the south, but with an underlying architectural unity.

Regarding sub-clause a., and based on the information submitted to date, the visual interest across the development is to be delivered via the mixing and matching of 10 standard house types/designs, distributed throughout 4 residential character areas of varying densities, with a mix and match of predominantly 4 building materials, 3 of which are brick. Red roofs feature in 3 of the character areas. Brick wall and timber fencing boundary treatments only are proposed for 3 of the 4 character areas.

In the town council's view, this does not deliver the level of visual interest needed for the development of a unique 'East of Otley Brand' or the creation of a sufficiently distinctive sense of place, reflective of Otley. The palette of house types and materials are standard for Persimmon estates, shuffled across the development to create some variety but falling well short of the policy

requirement. There is a need for house types/designs to display some originality; for a greater variety of materials and more emphasis on stone, including varied stone types; and for more imaginative boundary treatments reflective of the landscape onto which the development is being superimposed – alternating timber fencing and red brick walls across the vast majority of the development speak neither Otley nor unique/distinctive. In particular:-

- Character Area 1 – terraced development and stone need to predominate and be the sole option adjacent/nearest to the conservation area, with any semi-detached and brick development subservient.
- Character Area 2 – stone should be part of the palette, particularly fronting the EORR in order to signal Otley's historic market town character to both visitors and those passing through.
- Character Area 3 – there should be a balance of stone and brick, not predominantly brick.
- Character Area 4 – as with Character Area 2, stone-built dwellings should front the EORR.

On the basis of the above, the town council objects to the proposal.

Regarding sub-clause b., it is acknowledged that an attempt has been made to design a development with irregular neighbourhoods and an unregimented overall layout. The town council however considers that the individual housing parcels could be broken down further (ref comments at clause iii. above) and that on the evidence of the detailed Phase 1 scheme, much more could be done to achieve unregimented layouts within parcels.

Regarding sub-clause c., comments made in relation to sub-clauses a. and b., if acted upon, should result in a more gradual progression across the development, rather than the current more abrupt north west-south east move to fairly standard estate development, and in so doing provide greater architectural unity than currently displayed. **The town council objects to the proposed character area progression across the site.**

To repeat the earlier comment, East of Otley deserves better than this. The East of Otley development is the most significant for the town in a generation and is being superimposed on a treasured, locally valued and rich natural landscape. The least that can be expected is a development which respects and works within this critical context and which makes special effort to respond positively and imaginatively to the policy context which has been set for it.

Building Design Code:-

Clauses vii and x.

Policy clauses require:-

vii. Varied building design throughout the development to avoid standardised house types and plots.

x. Careful choice of form, materials and colour palette, reflective of existing local variety and quality.

Comments made at clause v. above address both of these policy requirements.

The town council objects to the building design proposals as set out in the concept masterplan, in line with those comments.

Green Infrastructure and Greenspace:-

Clause xvi

Policy clause requires that *“the green infrastructure framework be based on existing landscape/ habitat features and Public Rights of Way (PROW), incorporating:-*

a. new greenspace;

b. children’s play facilities;

d. wildlife habitats and features;”

As already stated in comments on the Phase 1 scheme (ref Full Planning Application – comments on Clauses xvi and xx, P3-4), the proposed green infrastructure framework fails to respect East Busk Lane as the core, existing element of the site’s green infrastructure and what should be one of the key green spines running through the development site.

The concept plan also proposes development which will result in a significant loss of habitat within the Leeds Habitat Network towards the southern end of the site. It is not unreasonable to suggest that the proposal for an increase of 150 new dwellings over and above the Local Plan allocation of 550 (see comments at P21 below) is a prime driver of the need to develop land and habitat which otherwise could be incorporated into the site’s green infrastructure framework. The admitted inability to achieve the required habitat gain on the site (see comments at P17) and to make good the losses occasioned on-site is a direct consequence of this increase in proposed housing numbers.

On both grounds, the town council objects to the proposal.

In relation to clause a., it would appear that the main proposed area of greenspace within the site is the already existing Cambridge Drive/Ings Tip POS/LGS, with a further pocket in the south-west corner. The extension of the POS/LGS to the east is of course compensation for the annexing of the north-west corner of the POS/LGS into the indicative school land parcel. All other greenspace would appear to fall within green infrastructure corridors and links. As such, there would seem to be little in the way of the required ‘new greenspace’. The point made immediately above regarding proposed increased housing numbers is clearly also pertinent here.

The town council objects to the proposal on this basis.

In relation to clause b., there is no reference to the provision of the required children’s play facilities in the submission.

The town council objects to the proposal on this basis.

In relation to clause d., although the proposed green infrastructure framework does incorporate ‘wildlife habitats’ and there is reference in the submission to the incorporation of ‘wildlife features’ (‘nesting features and bat boxes’) and ‘habitat hopping points’, the points already made above make it clear that such incorporation is piecemeal and inadequate given the amount of identified Leeds Habitat Network (as extended through the Neighbourhood Plan) on the site. The council would refer again to proposed increased housing numbers as a key factor here.

The town council objects to the proposal on this basis.

Footpath and Cycle Links:-

Clause xx

Policy clause requires the *“retention of East Busk Lane as a walking and cycling route, embedded into the site’s green infrastructure”*.

As already stated elsewhere in this response, the submitted proposals fail to retain East Busk Lane as required.

The town council objects to the proposal’s failure to address the policy requirements.

Employment Provision:-

Clause xxii

Policy clause requires the *“location of employment area(s) for easy access to the relief road and designed to avoid nuisance to residents with appropriate screening and buffering”*.

The concept plan indicates that the proposed location of the employment land parcel is in line with the policy requirement, with regard to EORR access. There is however concern regarding the small housing parcel shown abutting the western corner of the site and how nuisance to future residents within that parcel is to be avoided.

As regards the general requirement for ‘appropriate screening and buffering to avoid nuisance to residents’, it is considered that significant landscaping needs to be provided along the southern/spine road edge of the parcel in order to effectively screen housing parcels to the south. Such landscaping presents a significant opportunity to create a new green infrastructure corridor linking the sports pitches/countryside to the east with Todd’s Allotments to the north-west, bolstering a retained ‘rural’ East Busk Lane in the process.

The town council has a further concern regarding Todd’s Allotments in its ownership to the north-west of the employment site. The submission indicates building heights of up to 15m on the employment site, which of course is to the south of the allotments. This would have a detrimental shading effect. Further consideration needs to be given to maximum building heights and to the disposition of any tall buildings on site in relation to the allotments and prevailing sunlight. Potential noise is a further concern which is picked up later in this response (ref Comment on P20).

Education Provision:-

Clause xxiii

Policy clause requires that the school be located *“to maximise non-motorised vehicular travel from its catchment”*.

The concept plan seems to indicate good footpath/potential cycle access from both within the East of Otley site and from the adjacent Cambridge Estate to the west and residential development to the north. Provided access via both existing PRow and indicative proposed routes of new links between the Cambridge Estate and the development are carried through into detailed proposals to follow, the policy requirement will be met.

Clause xxiv

Policy clause requires the *“location of (the) school to facilitate direct motorised vehicular accessibility from the relief road”*.

The concept plan locates the school land parcel at the western end of the East of Otley site, with motorised vehicular access either directly via the indicated central spine road or the northern spine road and connecting road.

In the town council’s view, neither route constitutes direct EORR access. The former involves a route through much of the development, while the latter route utilises road access to the employment area coupled with one of two possible minor residential roads and is of comparable distance from the EORR.

If the location is confirmed, it is then imperative that the required ‘adequate parking and drop-off provision’ is delivered off-road, and with sufficient capacity to prevent on-street parent parking at drop-off and pick-up times, in order to avoid what will inevitably result in considerable nuisance to local residents and adverse effects on highway safety.

Consideration should also be given to traffic management measures in the vicinity of the school – particularly on potentially affected minor residential roads - in order to direct traffic along what would then effectively be a designated access route to/from the school.

Environment:-

Clause xxv

Policy clause requires *“the former tip sites at Ings Lane (where it lies within the site) and East Busk Lane to be remediated in line with best practice”*.

The concept plan provides no indication regarding the remediation of the former tip sites and how this relates to the proposed enhancement of Ings Lane. The accompanying Environmental Statement chapter on ground conditions however, indicates that required remedial measures will include installation of capping layers in public open space and installation of ground gas protection measures. The town council expects full details of remediation to be included in any future reserved matters application for the former Ings Lane Tip area.

Clause xxvi

Policy clause requires the *“provision of electric vehicle charging infrastructure in parking spaces in accordance with the latest assessment of local need”*.

The submitted proposal states (DASS P57) that car parking throughout the masterplan site will include the provision of electric vehicle charging points (EVCPs) (where feasible).

The latest assessment of local need is reflected in LCC Core Strategy Policy EN8 (Electric Vehicle Charging Infrastructure). This policy includes no test of feasibility. As such provision must be in accordance with the policy standard.

The submission provides no indication of proposed provision.

The town council objects to the proposal’s failure to address the policy requirements.

Policy GE5: Protection and Improvement of the Biodiversity of the Extended Leeds Habitat Network within Otley

Policy states that in order to be supported, development must demonstrate that:-

- i. There will be an overall net gain for network biodiversity, including a positive contribution to the network through habitat protection, enhancement and creation;*
- ii. The design of new development, including landscaping, enhances existing wildlife habitats and provides new areas and opportunities for wildlife;*
- iii. There is no significant adverse impact on the integrity and connectivity of the network.*

In addition, LCC requirements and industry standards stipulate a 10% Biodiversity Net Gain (BNG) outcome (not including irreplaceable and unacceptable losses) for the proposed scheme.

The BNG Assessment accompanying the submission reaches the following key conclusions:-

-There is an unacceptable loss of irreplaceable veteran tree T79 and 2 areas of very-high distinctiveness purple moor-grass rush pasture and lowland dry acid grassland, resulting in the proposed scheme not being able to achieve a scheme-wide BNG outcome;

-The proposed scheme returned a net loss of:-

- -45% area-based habitats;
- -57% linear habitats;
- -3% river habitats

-And as such does not return a BNG.

It is further stated, variously within the BNG Assessment and the Mitigation Report, that there is likely to be off-site compensation/mitigation and/or commuted sum payments due to an inability to provide same on-site.

On this basis, it is clear that the proposed development fails to meet both clause i and clause ii policy requirements. It is also clear that the occasioning of such losses resulting from the proposals must constitute a significant impact on both the integrity and connectivity of the network and, as such, a failure to also meet the clause iii policy requirement. Further, the town council is seriously concerned that consideration is being given to off-site compensation/mitigation for biodiversity losses. Without question, the priority must be to maximise on-site compensation/mitigation, however should there be no way of avoiding off-site provision, the town council would express a strong preference for the use of the town council-owned Gallows Hill Nature Reserve site as a local solution, easily accessible from the East of Otley site. The consortium is known to own land at Gallows Hill, which the council would be prepared to accept as an addition to its existing reserve.

The town council also needs to understand how the developer proposes to work with relevant local organisations active in the conservation field, in order to radically improve its approach to this critical aspect of the overall development.

The town council objects in the strongest possible terms to the biodiversity impacts of the proposals.

Policy GE6: Protection of Local Green Space

Policy states that xxvii Cambridge Drive POS (G1089) as listed in the policy and shown on the Neighbourhood Plan Map *"is designated as Local Green Space, where new development is ruled out other than in very special circumstances"*.

As explained in the policy preamble, and as stated in the NPPF, as a result of this provision, such areas enjoy a high level of protection against development, consistent with that afforded by Green Belt designation.

The concept plan shows the north-west corner of the LGS in question annexed into the proposed school land parcel to the west, clearly contrary to the policy requirement. The submission fails to acknowledge this.

While minded to object to the proposal on this basis, the town council acknowledges that in practice (although not seemingly by explicit design) the proposed new area of green space with water body to the east of the LGS provides some compensatory provision for the loss. On the basis that further compensation can be provided, through the creation of a green infrastructure habitat corridor along the northern edge of the school site to link up the LGS with Ings Lane Allotments (LGS G1088) and existing tree belt to the west (ref comment at P12), the council will not object at this stage. It will however be looking closely at detailed proposals in future reserved matters applications.

Policy BE9: Otley Conservation Area – Design and Development

Policy states that:-

i. To be supported, development within, or within the setting of, Otley Conservation Area, as defined on The Neighbourhood Plan Map, must demonstrate a positive response to its setting in terms of scale, form, materials and the nature of construction; and demonstrate regard for the following design principles:-

a. buildings of two, two and a half or three storeys;

b. coarse Chevin gritstone masonry;

c. stone or slate roofs;

d. window openings of a vertical proportion, with stone lintels and cills or stone surrounds;

e. sliding-sash timber window frames;

f. panelled timber doors;

g. classical proportions.

iii. Development should retain historic boundary treatments, such as stone boundary walls and gate posts, and ensure new boundary treatments preserve and enhance the special character of the area.

In relation to the above, the town council has already commented generally elsewhere in this response on scale, form, materials and nature of construction.

Here, the council would highlight the detailed design principles specified in the policy to which development in Residential Character Area 1, within the setting of the conservation area, should aspire.

Policy H2: Housing Mix

Policy states that development will be supported which provides a housing mix in accordance with the following:-

- i. A predominant proportion of smaller dwellings (1-2 bedrooms) including units suitable for independent living for older people.*
- ii. A smaller proportion, relative to numbers of 1-2 bedroom properties, of medium-sized and larger (3-4+ bedroom dwellings) suitable for families. Developments consisting primarily of such dwellings will normally be resisted.*
- iii. Subject to viability considerations, a proportion of dwellings for private and social renting that reflects the latest assessment of local need.*

Developments should provide a range of housing types, including flats, bungalows, terraced, semi-detached and detached units, respecting and taking into account surrounding types of housing.

In relation to all aspects of the policy, the town council is concerned, based on the evidence of the Phase 1 scheme submission (ref comments at P6-7), that applications for future development phases will also pay little regard to the policy aspiration.

The town council would emphasise that the Neighbourhood Plan policy is based on a robust 2015 assessment for Otley, undertaken on its behalf by AECOM consultants. While acknowledging that the submission is accompanied by a more up-to-date 2021 Local Needs Assessment (NB covering a much wider catchment), the evidence presented is not considered compelling in terms of support for a housing mix very much at odds with local 2015 findings. Moreover, undue emphasis has been placed in the conclusions on the admitted “temporary disruption” of Covid-19, with no evidence that the stated “shift from office to home working is real and long lasting”. Only time will tell if this is the case and such a conclusion is far too premature. Neither has it in any way been translated into either national or local planning policy.

As such, the town council will be looking for mixes more in keeping with Policy H2 in future phases.

The council would also highlight the importance it places upon terraced housing development, not only from the point of view of smaller dwellings, but also from local characteristic design and energy efficiency perspectives.

Policy H3: Housing for Independent Living with Poor Access to Facilities

Policy states that “*development proposals for sheltered or other housing for elderly and disabled people will be supported where there is good accessibility to town or local centres or a range of local community facilities*”.

The submission includes provision of elderly accommodation and independent living, ‘where practical to do so’ (NB Core Strategy Policy H8 ‘expects’ such provision on developments of over 50 dwellings), but provides no indication as to where on the site such accommodation will be located.

The Residential Framework Travel Plan provided as part of the submission indicates the nearest supermarket i.e. Asda on Cross Green (NB the nearest source of essential food and other supplies) to be just within a 500m walking catchment, measured from the centre of the site. By implication, any location further east lies broadly speaking outside this minimum catchment.

In line with the policy aspiration, the town council would urge that all locations for housing for independent living should maximise opportunities for access to local facilities – whether on-site (see community hub comments at P11-12) or town centre – via footways, cycleways or public transport. In line with Travel Plan findings, this should be within the 500m catchment and ideally towards the western end of the site. If located outside this catchment, with consequent poorer access to facilities, then measures should be put in place (e.g. local ‘hopper’ bus) to address access issues and detailed in a revised Residential Framework Travel Plan. It needs to be remembered that occupants of housing for independent living, i.e. the elderly and disabled will generally be less able to walk or cycle the minimum 500m distance. Neither the submission nor the supporting Travel Plan takes any account of this fact or of measures to address it.

Policy E4: New Employment Development

Policy states that *“development on... allocated ... employment sites, which generates additional employment uses, including serviced office/incubator space, will be supported”*.

The submitted proposals offer no detail regarding the types of space/units to be provided. The town council would urge inclusion of serviced office/incubator space as specified in the policy aspiration.

The proposals do indicate the provision of employment uses in classes E, B2 and B8. The town council is particularly concerned at the inclusion of class B2 uses which can include industrial uses prejudicial to the amenity of an area by reason of noise, vibration, smell, fumes, soot, ash, dust or grit. Such uses are deemed to be entirely inappropriate in a predominantly residential area, adjacent to allotments and a garden centre. **As such, the council objects to the inclusion of class B2 uses.**

The council is also concerned that use class E would allow shop use in excess of 280 sqm. While Neighbourhood Policy MU1 requires provision of a shop, a shop in use class F2 is what is envisaged. The possibility of a shop in use class E raises the potential prospect of ‘out of town’ retail, thereby creating a ‘destination’ with significant and unwanted traffic generation implications. As such, the town council requests that there be a limitation on class E uses, to exclude shop use in excess of 280sqm.

Policy CF4: Improvement of Health Facilities

Policy states that *“development which provides health facilities to meet existing and/or evolving demand in the town will be supported”*.

The proposed development of circa 700 dwellings (NB increased number still to be agreed) will, in the town council’s view, inevitably lead to an evolving demand for local health facilities and yet proposes no direct provision or contribution to local provision to meet that demand.

Discussion with the town’s two GP practices during early 2017, as part of the Otley Neighbourhood Plan preparation process, indicated that neither foresaw any problems with their patient list sizes, with both still taking new patients and no cut-off numbers in place. Recent (July 2021) town councillor discussions with the Leeds Clinical Commissioning Group (CCG) however indicated that *“significant numbers of patients will need additional workforce and subsequently increased estate need. We are in discussions with the local practices to review the developments and look at options for future growth.”* It also emerged that there has been no consultation with the CCG regarding the development. The current Springwood Park development in Bramhope, together with a new

potential retirement village at Cross Green, Otley will both further increase demand, particularly given that Chevin Medical Practice serves both Otley and Bramhope.

In the light of this situation, the development is not one which the town council can support in relation to this policy.

Policy CF5: New Educational Provision

Policy states that *“development proposals for a new school or extensions to existing schools, in order to increase capacity and/or improve facilities, will be supported”*.

The proposed development of circa 700 dwellings (NB increased number still to be agreed) will, in the town council's view, inevitably lead to increased demands on both primary and secondary schools within the town.

It is of course readily acknowledged that the proposed development includes expanded primary school provision which is welcomed. It does not however propose any direct secondary school provision or contribution to such provision.

In respect of secondary school provision, recent consultations by town councillors with Prince Henry's Grammar School (PHGS) indicate the school's concerns regarding pressures which the new development will place on its pupil capacity. The school head stated that the school is unlikely to be able to cope with the additional demand, not only from the East of Otley development, but from the Springwood Park development in Bramhope also, without multiple extra classrooms and other facilities for which there is currently no budgetary provision.

In the light of this situation, the development is not one which the town council can support in relation to this policy.

Additionally, in respect of the new primary provision, the proposals currently include no information regarding phasing of the school development. The town council would suggest that the school should be a priority element in the next detailed phase, with the aim of it being operational on completion of 250 new homes. The council would also encourage the inclusion of nursery provision within the new school, given that existing provision within Otley is in the north and west of the town.

Policy TT1: Improved Cycling, Walking and Bridleway Provision

Policy states that:-

- i. Development directly affecting the Otley cycleway, footpath and bridleway network, as shown on The Neighbourhood Plan Map, must be compatible with it and contribute to it.*
- ii. Development likely to increase pedestrian footfall and/or cycle usage within the network must contribute to new desired provision in its immediate vicinity and to provide connections to the network.*
- iii. Development proposals which would add to and/or improve the network will be supported.*
- v. Where development of the network results in users sharing an existing route, the design must ensure the safety of all users.*

vi. Surfacing proposals within the network must be tailored to the urban or rural character of their surroundings, avoiding urbanisation of rural environments.

In relation to all clauses, the town council expects detailed proposals for future phases to meet the specified policy requirements. Comments made at P7-8 in respect of the full application are equally applicable here.

Policy TT3: White Bridge Improvements and Associated Works

Policy states that *“development which would provide for improvements to The White Bridge, including raised pedestrian and cycle access above the 1:100 plus climate change level, will be supported”*.

Comments made at P8 in respect of the full application are equally applicable here.

Policy TT4: Improved Public Transport

Policy states that:-

Developments which are likely to increase the patronage for public transport services must contribute to facilitating access to those services through, for example, enabling new bus service routes, improvements to existing bus routes and provision of associated infrastructure such as bus shelters.

Clearly, a proposed development of circa 700 new dwellings (NB exact number of dwellings still to be agreed – see comments immediately below), is likely to increase public transport patronage. As such, it is surprising, although detailed reference is made in the proposals to the number and location of bus stops surrounding the development site and the range of destinations accessible from them, that there are no proposals put forward to address the requirements of the policy. The Residential Framework Travel Plan is also silent on this subject.

The Transport Assessment submitted in support of the submission does however consider public transport accessibility and admits that accessibility is “not strictly in accordance with LCC’s accessibility standards”. It goes on to consider what options exist to better serve the site and concludes that the provision of a local ‘hopper’ service “is most likely to be commercially sustainable”. Possible changes to public transport access are apparently being discussed further with LCC and the West Yorkshire Combined Authority.

On this basis, the town council is disappointed that the submission proposals make no mention of public transport provision and requests that proposals be put forward regarding the servicing of this site by public transport, together with indicative locations for new bus stops, in line with the transport assessment findings.

B. LOCAL PLAN POLICIES

Site Allocations Plan Policy MX1-26

This policy carries forward UDP policy for ‘land at East of Otley, Off Pool Road’, comprising mixed use development for housing (550 homes) and employment (5 ha), conditional on the construction of an Eastern Relief Road, adding the proposal for a school.

Contrary to the agreed allocation, the submission proposes circa 700 new dwellings. While acknowledging the Site Allocations Plan (SAP) statement (as also set out in the submission) that ‘capacity for 550 dwellings represents a potential housing capacity for the site and is neither a maximum nor minimum requirement’, together with RDUDP evidence regarding potential capacity up to 850 dwellings at allowable densities, **the town council nonetheless strongly objects** to the proposed housing number on the following grounds:-

- The additional circa 150 new dwellings are not needed in order to meet LCC’s housing targets – Leeds already has allocated sites with capacity well in excess of the required 5 year housing supply.
- Provision of in excess of 550 homes will constitute over-provision in respect of the Core Strategy housing target for the Outer North West Housing Market Characteristic Area as agreed by the Core Strategy inspector.
- The Transport Assessment submitted in support of the proposed housing numbers is considered flawed in a number of respects – see comments at P11 - leading to concerns as to the true traffic impacts from the increased housing on both the proposed EORR and the existing highway network, in particular existing and longstanding congestion issues in Otley town centre. The assessment also fails to take into account likely mineral extraction at Midgley Farm, the possible windfall retirement housing development at Cross Green and the proposed relocation of Otley RUFC to a site east of the EORR.
- The severe impacts of the proposed development on habitats and biodiversity are well-documented throughout this response. It is clear that the increased housing numbers proposed are directly responsible for the biodiversity losses occasioned and the inability of the development, by its own admission, to deliver ecological mitigation and required biodiversity gains on site. There is simply insufficient undeveloped land available to meet these policy requirements.

Core Strategy Policy SP13: Strategic Green Infrastructure

Policy states that *“the Council will maintain and, in partnership with others, enhance...key corridors, including (iv) The Wharfe Valley and Chevin Ridge”*.

The entirety of the East of Otley site falls within the strategic green infrastructure corridor as defined by Leeds City Council. While clearly, development is not precluded within such corridors, equally clearly, policy requires that such corridors be both maintained and enhanced in partnership with others, in this case the Otley East Consortium. While the concept plan indicate that some consideration has been given to the incorporation of green infrastructure elements into the scheme, the town council considers that this consideration currently falls short of ‘maintaining’ and ‘enhancing’ the Wharfe Valley and Chevin Ridge Corridor.

Core Strategy Policy T2: Accessibility Requirements and New Development

Policy states that:-

New development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.

(i) In locations where development is otherwise considered acceptable new infrastructure may be required on/off site to ensure that there is adequate provision for access from the highway network, by public transport and for cyclists, pedestrians and people with impaired mobility, which will not create or materially add to problems of safety, environment or efficiency on the highway network,

(ii) Developer contributions may be required for, or towards, improvements to the off site highway and the strategic road network, and to pedestrian, cycle and public transport provision. These will be secured where appropriate through Section 106 Agreements and/or the Community Infrastructure Levy, and by planning conditions.

The comments made at P9 above apply equally here.

Core Strategy G1: Enhancing and Extending Green Infrastructure

Policy states that:-

Where a development is considered to be acceptable within or adjoining areas defined as Green Infrastructure on Map 16 or on any future LDF Allocation Documents, development proposals should ensure that:

(i) Green Infrastructure/corridor function of the land is retained and improved, particularly in areas of growth,

(iv) The opportunity is taken to increase appropriate species of woodland cover in the District,

(v) Provision for and retention of biodiversity and wildlife.

(iv) Opportunities are taken to protect and enhance the Public Rights of Way (PROW) network through avoiding unnecessary diversions and by adding new links.

In relation to clause (i), it is considered that the green infrastructure/corridor function of the land is neither sufficiently retained nor improved by the concept plan proposals, particularly so given that East of Otley is a significant area of housing growth.

In relation to clause (iv), the submission presents no evidence to suggest that the opportunity to increase woodland cover, of appropriate species, is being taken. The council would expect not only evidence as to the taking of the opportunity but also some clarity as to how the opportunity is to be realised.

In relation to clause (v), the submission is sadly lacking regarding provision for and retention of biodiversity and wildlife, and admits as much itself (ref Biodiversity Gain Assessment – see comments at P17).

In relation to clause (vi), it is considered that the concept plan proposals do not sufficiently protect or enhance the PROW network or add new links. There is no certainty at this stage regarding the avoidance of necessary diversions. Given the relatively small number of PROW on the site, coupled with the site's size, it is not unreasonable to expect a development scheme which accommodates all existing PROW.

On the basis of non-compliance with all above clauses, the town council objects to the submitted infrastructure proposals.

Core Strategy Policy G9: Biodiversity Improvements

Policy states that:-

Development will be required to demonstrate:

- (i) That there will be an overall net gain for biodiversity commensurate with the scale of the development, including a positive contribution to the habitat network through habitat protection, creation and enhancement, and*
- (ii) The design of new development, including landscape, enhances existing wildlife habitats and provides new areas and opportunities for wildlife, and*
- (iii) That there is no significant adverse impact on the integrity and connectivity of the Leeds Habitat Network.*

In addition, LCC requirements and industry standards stipulate a 10% BNG outcome (not including irreplaceable and unacceptable losses) for the proposed scheme.

The BNG Assessment accompanying the submission reaches the following key conclusions:-

-There is an unacceptable loss of irreplaceable veteran tree T79 and 2 areas of very-high distinctiveness purple moor-grass rush pasture and lowland dry acid grassland, resulting in the proposed scheme not being able to achieve a scheme-wide BNG outcome;

-The proposed scheme returned a net loss of:-

- -45% area-based habitats;
- -57% linear habitats;
- -3% river habitats

-And as such does not return a BNG.

It is further stated, variously within the BNG Assessment and the Mitigation Report, that there is likely to be off-site compensation/mitigation and/or commuted sum payments due to an inability to provide same on-site.

On this basis, it is clear that the proposed development fails to meet both clause i and clause ii policy requirements. It is also clear that the occasioning of such losses resulting from the proposals must constitute a significant impact on both the integrity and connectivity of the network and, as such, a failure to also meet the clause iii policy requirement. Further, the town council is seriously concerned that consideration is being given to off-site compensation/mitigation for biodiversity losses. Without question, the priority must be to maximise on-site compensation/mitigation, however should there be no way of avoiding off-site provision, the town council would express a strong preference for the use of the town council-owned Gallows Hill Nature Reserve site as a local solution, easily accessible from the East of Otley site. The consortium is known to own land at Gallows Hill, which the council would be prepared to accept as an addition to its existing reserve.

The town council also needs to understand how the developer proposes to work with relevant local organisations active in the conservation field, in order to radically improve its approach to this critical aspect of the overall development.

The town council objects in the strongest possible terms to the biodiversity impacts of the proposals.

Core Strategy Policy H3: Density of Residential Development

Policy states that:-

Housing development in Leeds should meet or exceed the following net densities unless there are overriding reasons concerning townscape, character, design or highway capacity:

(iii) Fringe urban areas - 35 dwellings per hectare.

The Planning Statement accompanying the application is both inaccurate and unclear (P33) in respect of net housing density pertaining to the site. It erroneously states that the East of Otley site is a 'development site in an urban area' to which a net density of 40dph applies, when in fact Otley and the site are defined as 'fringe urban area' in the terms of the policy to which 35dph applies. It further states that an indicative capacity of 550 dwellings would represent a net density of circa 24dph, but provides no indication of the developable area on which this assertion is based. In short, more and clearer information is required in order to form any view as to compliance with the policy requirement.

It is the town council's view that 550 dwellings delivered at the required 35dph maximises the amount of site available on which to in turn maximise the amount of biodiversity gain.

Core Strategy Policy H5: Affordable Housing

Policy states that on major housing developments, such as East of Otley, affordable housing provision should be provided on-site at the minimum target level of 35%.

While accepting that the policy also includes a viability 'get-out clause', and understanding that a viability assessment is ongoing at the time of writing, the town council would strongly urge that provision be at the minimum 35% target level. The council would stress that 35% is a 'minimum' target and that given the size of the development, all efforts should be made to achieve that minimum.

The town council fully expects that national planning policy, as set out in National Planning Policy Framework paragraph 57, together with National Planning Practice Guidance in respect of viability assessments and developer returns, will be rigorously applied in respect of this application.

Consideration needs also to be given regarding the location of affordable housing relative to the best possible and easiest access to town centre facilities (see also Policy TT4 comments at P20).

Core Strategy Policy H8: Housing for Independent Living

Policy states that *"developments of 50 or more dwellings are expected to make a contribution to supporting needs for Independent Living. Very large scale development will have potential to provide sheltered schemes, as part of a wide housing mix. Sheltered and other housing schemes aimed at elderly or disabled people should be located within easy walking distance of town or local centres or have good access to a range of local community facilities"*.

The submission includes provision of elderly accommodation and independent living, 'where practical to do so'. By contrast, the policy 'expects' such provision on developments of over 50

dwelling and indicates the additional potential for sheltered schemes on 'very large scale development', which East of Otley is assumed to be.

The submission provides no indication as to where on the site such accommodation will be located. The Residential Framework Travel Plan provided as part of the submission indicates the nearest supermarket i.e. Asda on Cross Green (NB the nearest source of essential food and other supplies) to be just within a 500m walking catchment, measured from the centre of the site. By implication, any location further east lies broadly speaking outside this minimum catchment.

In line with the policy requirement, the town council would expect that all locations for housing for independent living should maximise opportunities for easy access to local facilities – whether on-site (see community hub comments at P11-12) or town centre – via footways, cycleways or public transport. In line with Travel Plan findings, this should be within the 500m catchment and ideally towards the western end of the site. If located outside this catchment, with consequent poorer access to facilities, then measures should be put in place (e.g. local 'hopper' bus) to address access issues and detailed in a revised Residential Framework Travel Plan. It needs to be remembered that occupants of housing for independent living, i.e. the elderly and disabled will generally be less able to walk or cycle the minimum 500m distance. Neither the submission nor the supporting Travel Plan takes any account of this fact or of measures to address it.

Core Strategy Policy P11: Conservation

Policy states that:-

The historic environment, consisting of archaeological remains, historic buildings townscapes and landscapes, including locally significant undesignated assets and their settings, will be conserved and enhanced.

Development proposals will be expected to demonstrate a full understanding of historic assets affected, including any known or potential archaeological remains. Where appropriate, heritage statements assessing the significance of assets, the impact of proposals and mitigation measures will be required to be submitted by developers to accompany development proposals.

The 'Heritage and Archaeology' chapter of the Environment Statement accompanying the Phase 1 scheme and outline submission clearly highlights the presence of actual and potential heritage assets on the site and the potential for direct impacts – significant in some cases – from development.

The town council is also aware of comments made by the West Yorkshire Archaeological Advisory Service in relation to the site and the submission proposals, regarding the potential for early prehistoric remains and its general potential heritage value, together with the works necessary to carry out a full investigation of the site before the commencement of any development activity.

The council is supportive of the views expressed and would urge that any forthcoming planning permissions be conditional on the carrying out of the proposed investigative works and the agreement, between LCC and developers, regarding any recommended actions to be carried out as a result of those investigations, prior to or as part of any development.

The town council would also make the following points regarding local history. In its recent 'Position Statement' on the East of Otley development, it stated that:-

“Currently, the park area in the centre of the development is called Fairfax Park, presumably after Thomas Fairfax. It is on the Ings estate, but close to Irish Fields. A more resonant name would be Constable Park, given the specific Otley history which this recalls. To continue the theme, we suggest the adoption of Irish names for the residential roads and that the new housing area be called Irish Fields. The council is happy to lead on this and to tie this into a wider remembrance of this period of our town’s history.”

In addition, it is considered that historical field names would also form a good basis for street naming. The overall aim should be to properly reflect the area’s historical context. The involvement of the Otley history Group would also be useful in this regard.

Core Strategy Policy EN4: District Heating

Policy states that:-

Where technically viable, appropriate for the development, and in areas with sufficient existing or potential heat density, developments of 1,000 sqm or more or 10 dwellings or more (including conversions where feasible) should propose heating systems according to the following hierarchy:

- (i) Connection to existing District heating networks,*
- (ii) Construction of a site wide District heating network served by a new low carbon heat source,*
- (iii) Collaboration with neighbouring development sites or existing heat loads/sources to develop a viable shared District heating network,*
- (iv) In areas where District heating is currently not viable, but there is potential for future District heating networks, all development proposals will need to demonstrate how sites have been designed to allow for connection to a future District heating network.*

Map 21 of the Core Strategy indicates Otley to be one of the locations of greatest potential for the creation of heat networks within Leeds district, i.e. an area ‘with sufficient existing or potential heat density’ in policy terms. East of Otley is also a qualifying development in size terms and would appear to be an ‘appropriate development’ for a heating system approach. As such, the town council would expect the developer to propose a heating system in line with clauses (ii) to (iv) in the policy hierarchy as appropriate, or at the very least to provide information as to the technical viability or not, of a heating system. There appears to be no consideration of district heating system potential within the submission.

Such consideration would also be in line with town council and LCC climate change emergency aspirations (see P26-7)

Core Strategy Policy EN8 Electric Vehicle Charging Infrastructure

Policy states that:-

All applications for new development which include provision of parking spaces will be required to meet the minimum standard of provision of electric vehicle charging points. This requires:

- i) Residential: 1 charging point per parking space and 1 charging point per 10 visitor spaces*

ii) Office/Retail/Industrial/Education: charging points for 10% of parking spaces ensuring that electricity infrastructure is sufficient to enable further points to be added at a later stage

The submitted proposals include no information regarding such provision within the East of Otley development.

The town council objects to the proposal's failure to address the policy requirement.

Natural Resources and Waste Local Plan Policy LAND2: Development and Trees

Policy states that:-

Development should conserve trees wherever possible and also introduce new tree planting as part of creating high quality living and working environments and enhancing the public realm.

Where removal of existing trees is agreed in order to facilitate approved development, suitable tree replacement should be provided on a minimum three for one replacement to loss. Such planting will normally be expected to be on site, as part of an overall landscape scheme.

The submission details the actual number of trees proposed to be removed across the entire East of Otley site (ref the Arboricultural Report accompanying the submission). There is, however, no detail as to the number of trees to be planted across the site, relative to the number to be removed, and as such no measure of whether the 3 for 1 policy requirement is met.

This information needs to be clearly provided. It goes without saying, given the nature of the East of Otley site as a whole, and the high premium that must be placed on the natural environmental setting of the new development, that all replacement trees must be provided on site.

C. ADDITIONAL MATERIAL MATTERS

Climate Change

In March 2019, Otley Town Council issued a 'Declaration of a Climate Emergency and Commitment to Action to Achieve Carbon Neutrality by 2030 through an Otley Carbon Neutral 2030 Plan'. Leeds City Council declared its own climate emergency in the same month. As part of the declaration, the town council resolved to continue to work with partners across the town and Leeds City Council to deliver this new goal through all relevant strategies and plans.

The proposed East of Otley development, including its Phase 1 scheme, is the most significant in Otley for a generation and offers a golden opportunity for the Otley East Consortium, which includes the City Council, to take bold and practical action in pursuit of shared carbon neutrality goals and the achievement of an exemplar, climate change responsive development.

The DASS accompanying the submission makes great play of Persimmon Homes' energy efficiency credentials, stating that "energy efficiency and Future Homes Standards are at the forefront of the Persimmon Homes sustainability agenda" and that it "is committed to significantly reducing carbon emissions". On a similar theme, the accompanying Planning Statement lists as one of its core principles the provision of energy and climate mitigation, while also proposing the utilisation of "sustainable and best practice construction techniques".

Within this context, it is therefore very disappointing that the development of the Phase 1 scheme, commencing January 2022 will not be built out in accordance with the interim uplift of energy

performance requirements in Part L of the Building Regulations, whereas those delivered from June 2023 will be. There will as a result be a need for future and costly retro-fitting of early build dwellings to bring them up to new technology standards. This could easily be avoided by future proofing of early build properties in line with the developer's stated/claimed 'gold star' credentials. The town council urges a rethink on this proposal and a commitment to June 2023 standards from the outset, thereby being true to the developer's own rhetoric and helping to deliver on Otley Town Council and LCC climate emergency goals.

In addition, the town council would also urge the following as bold but feasible actions to help deliver an exemplar development in pursuit of declared carbon neutrality goals:-

- Full incorporation of Future Homes Standard requirements from the outset of Phase 1 development – it is worth noting that, given the likely protracted timescale for determination of the Phase 1 scheme application, together with the time then necessary to complete the development, it is unlikely that the first new homes will be occupied until the interim update comes into force. As such, it would seem entirely logical to apply the interim uplift from the outset;
- Conformity to the Healthy Homes principles established by the Town and Country Planning Association;
- Consideration regarding the installation of ground source heat pumps in all domestic and non-domestic properties within the East of Otley site.

Active Travel

In 2019, the town council launched its Street Vision 2030 initiative, with the prime objective of increasing opportunities for safe cycling to reduce congestion, increase active travel, promote good health and wellbeing and a calmer street environment for all users – pedestrians, cyclists and motorists. In practical terms, this could involve measures such as rethinking roundabouts to account equally for all users, no lights zebras on residential streets and changing a busy school road in favour of active travel. In 2020, the council engaged Mobycon consultants to produce a vision document and outline action plan to guide the initiative.

All 3 of the examples given above are directly applicable to the East of Otley development. The council would urge that both the overall concept plan and Phase 1 scheme be designed with the Street Vision 2030 aspirations firmly in mind.

Management and Maintenance

The management/maintenance of the newly created green and blue infrastructure framework, together with all constituent landscaping and habitats, is essential to the future health and survival of that framework.

As such, the town council expects to see the production and agreement, by LCC, of a management plan covering habitats, landscaping and the site's drainage system, embedded within all future planning permissions covering the site.