

PLANNING APPLICATION 21/03709/FU

OTLEY RUGBY UNION FOOTBALL CLUB, CROSS GREEN, OTLEY

FULL PLANNING APPLICATION FOR RETIREMENT CARE VILLAGE CONSISTING OF 73 APARTMENTS AND 16 BUNGALOWS (USE CLASS C2), INCLUDING ASSOCIATED VILLAGE GREEN/ACTIVITY LAWN, LANDSCAPING, VEHICULAR ACCESS, CAR PARKING (INCLUDING PROVISION FOR CRICKET CLUB AND SQUASH CLUB), GARAGING AND SUBSTATION FOLLOWING DEMOLITION OF EXISTING BUILDINGS AND RELOCATED SUBSTATION

Otley Town Council wishes to make the following detailed objections and comments, in respect of the full planning application outlined above, regarding 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 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;*

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 site includes areas of habitat along the north-west, north and east boundaries of the site, which fall within the Extended Leeds Habitat Network within Otley, which will be lost to the proposed development. While it is clear, from the Landscaping Details accompanying the application, that the proposed design of the development includes new landscaping which will provide some new areas and opportunities for wildlife, thereby partly meeting the requirements of policy clause ii., it is not considered, by the town council, that overall this constitutes the enhancement of existing wildlife habitats.

In relation to clause i., no biodiversity net gain assessment appears to have been provided as part of the scheme, making it impossible to assess the scheme against either the policy or LCC requirements, or industry standards. This would appear to be a shortcoming of the proposals which the town council would expect to be remedied before any decision is made on the application proposals.

As such, the town council objects to these aspects of the proposals.

Policy GE6: Protection of Local Green Space

Policy states that site xlv. Otley RUFC Ground and Otley Cricket Club Ground (G1767) 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.

It is clear from the proposals that the Otley RUFC component of the designated Local Green Space (LGS) will be lost to residential development, in direct conflict with the policy requirement.

As such, the town council objects in principle to the proposed development on this basis

Policy GE9: Surface Level Sustainable Urban Drainage Systems

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

The Drainage Strategy accompanying the planning application indicates no incorporation of sustainable urban drainage systems – surface or otherwise.

As such, this aspect of the proposals is not supported by the town council.

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;

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.

v. Development should....be... mindful of the potential to create new views and juxtapositions which add to the variety and texture of its setting.

In relation to clause i., it is considered that the scale and form of the 3-storey apartment building in the north of the site do not respond sufficiently positively to the setting of Otley Conservation Area to the south. The large mass of the apartment form will be clearly visible from the conservation area, separated only by open land and 1-storey bungalows and inadequately shielded by the proposed tree planting. The council cannot agree with the assertion, in the DAS, that “long range views of the apartment building create a ‘steady rise’ of rooflines so that the largest forms do not dominate” or that “there is a staged hierarchy to the mass of forms”. **The town council objects to the proposals on this basis.**

Further, with regard to sub-clause a., the design principle of “buildings of two, two and a half or three storeys” is not well-observed. In an area where, by the DAS’s own admission, two-storey properties predominate, with the exception of the 2.5 storey Fern Bank, a development of predominantly 3-storey, mixed with single storey bungalows does not fit well. **The town council objects to the proposals on this basis.**

In relation to clause iii., aside from the stated intention to provide a low stone wall to the site’s southern boundary, all other proposed boundary treatments appear to be of native hedging. The town council considers that, particularly within the conservation area, at the southern end of the site, and within its immediate wider setting, this does not meet the policy aspiration of preserving and enhancing the special character of the area, and that as such, stone walling with/without hedging should be substituted, within and within the setting of the conservation area as a minimum.

In relation to clause v., there is an opportunity to create new views north from the conservation area, across the Wharfe Valley to the hills north of Otley. The proposed development currently takes no account of this potential.

Policy H2: Housing Mix

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

iii. Subject to viability considerations, a proportion of dwellings for private and social renting that reflects the latest assessment of local need.

The planning application seemingly provides no information on or indication of the availability of new dwellings for rent within the proposed development.

As such, the town council is unable to support the housing mix element of the development.

Policy H4: Affordable Housing

Policy states that:-

To be supported, proposals required to include affordable housing must make provision on-site.

It is understood, with reference to Core Strategy affordable housing policy (see comment at P4), that the proposed development is required to provide a proportion of affordable housing in line with that policy. The planning application makes no reference to such provision.

As such, the town council is unable to support the affordable housing provision approach to the development.

Policy CF1: Protection and Enhancement of Community Facilities

Policy states that development which would result in the loss of any sports and leisure facilities, such as Otley RUFC, as shown on The Neighbourhood Plan Map and detailed in Appendix 9, “*must provide alternative equivalent facilities that are equally accessible to existing users, wherever a sufficient level of continuing community need is identified*”.

It is clear from the proposals that the Otley RUFC sports and leisure facility will be lost to residential development, with no equivalent facilities provided as part of the development, in direct conflict with the policy requirement. There can be no dispute of course as to the high level of continuing community need for the facility.

While it is acknowledged that Otley RUFC, as stated in the Design and Access Statement (DAS) accompanying the application, “wish to relocate to their East Otley site, with new playing pitches”, indicating that the provision of equivalent facilities is likely, these are not to be provided as part of the development and there is no guarantee offered that this will be the case.

As such, the town council objects in principle to the proposed development on this basis.

B: LOCAL PLAN POLICIES

Core Strategy Policy H5: Affordable Housing

Policy states that on major housing developments (i.e. of 10 or more dwellings), affordable housing provision should be provided on-site at a minimum target level of 35% in Zone 1, in which Otley falls. It states further that:-

The mix of affordable housing should be designed to meet the identified needs of households as follows:

- *40% affordable housing for Intermediate or equivalent affordable tenures;*
- *60% affordable housing for Social Rented or equivalent affordable tenures.*

The development proposals currently make no provision for affordable housing – for sale or rented.

On this basis, the town council objects to the proposed development.

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 proposed development includes no information regarding such provision within 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.

The proposed development involves the removal of the vast majority of trees on site, even though an accompanying Arboricultural Report indicates a life expectancy of 20+ years in all cases and finds no significant evidence of disease or danger to public safety warranting their removal. This will have a particularly devastating effect in respect of the poplar trees along the northern and north-west boundaries of the site. These are currently highly visible from the conservation area to the south and should be seen as the mature basis for the new landscaping of the proposed development. **The town council objects strongly to the proposal on this basis.**

In respect of the policy requirement set out in the policy's second paragraph, neither the DAS, Arboricultural Reports nor Landscaping Details accompanying the application provide any information as to the number of replacement trees to be provided to compensate for those currently proposed for removal. As such, it is not possible to measure whether or not the policy requirement is currently met. **The town council objects to the proposal on this basis.**

Natural Resources and Waste Local Plan Policy WATER7: Surface Water Run-Off

Policy states that *"all developments are required to ensure no increase in the rate of surface water run-off to the existing formal drainage system"* and that *"development will be expected to incorporate sustainable drainage techniques wherever possible"*, with previously developed sites required to reduce peak flow rates by at least 30%.

The application proposals and supporting documentation currently provide no indication as to surface water run-off from the proposed development. As such it is not possible to measure whether the policy requirement is met. **The town council objects to the proposal on this basis.**

The Drainage Strategy accompanying the application indicates 3 attenuation tanks and no incorporation of the expected Sustainable Drainage Systems (SUDS). No information is provided as to the feasibility or otherwise of SUDS on site. **The town council objects to the proposal on this basis.**

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. Otley RUFC/Cross Green 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 immediately below).

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 Otley RUFC/Cross Green development occupies a prominent town centre site and is significant in an Otley context. It offers a great opportunity for McCarthy Stone to take bold and practical action in pursuit of the town council and LCC's shared carbon neutrality goals and the achievement of an exemplar, climate change responsive development.

The DAS accompanying the planning application identifies "provision of a sustainable development" (P20) as the number one opportunity for the development. As such, it is therefore very disappointing that nowhere in the application is there any mention of how the development proposes to address the climate change agenda. The town council urges a rethink on the proposal and a commitment to climate change and energy efficiency, thereby being true to the developer's own sustainability claims 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 the Future Homes Standard ;
- Conformity to the Healthy Homes principles established by the Town and Country Planning Association;
- Consideration regarding the installation of ground source heat pumps within the Otley RUFC/Cross Green site.

Management and Maintenance

The management/maintenance of the newly created landscape and its constituent habitats, is essential to their future health and survival.

As such, the town council expects to see the production and agreement, by LCC, of a management plan covering habitats and landscaping embedded within any planning permission covering the site.