

Thorp Arch Neighbourhood Plan – Independent Examination

Questions to Thorp Arch Parish Council and Leeds City Council from Rosemary Kidd, NPIERS Independent Examiner

Joint Response, Leeds City Council (LCC) and Thorp Arch Parish Council (TAPC)

Questions:

- 1. Is it intended that Policy BE2 applies to all the plan area outside the conservation area or only to the housing areas in the section in the justification on evidence? How is it intended that the term “does not overwhelm neighbouring buildings” should be interpreted? Does this refer to the height and massing of the building or its impact on residential amenity through overlooking or loss of daylight?*

TAPC: BE2 applies to all the plan area outside the conservation area. The term ‘does not overwhelm neighbouring buildings’ refers to height and massing of the building.

- 2. Representations propose that Policy BE2 should make provision for modern design and technology materials. Would the QB comment on the suggested addition to the policy that “Innovative building designs will be encouraged, where appropriate.”*

TAPC: Would agree to the suggested addition.

- 3. Would the LPA confirm whether the cricket pitch and tennis court are protected by other planning policies that would protect the areas unless they were replaced by improved facilities as stated in the representation from Carter Jonas. The LDF Policies Map (2015) appears to show the cricket ground and school playing field but not the tennis court. Is that correct. Will this safeguarding continue through into the emerging Local Plan?*

TAPC: Have consulted with landowners both before and as part of Regulation 14 consultation.

LCC response to Question 3:

The Council confirms that Thorp Arch cricket pitch (proposed TANDP LGS C) is currently a protected playing pitch through Saved UDP Policy N6 and the primary school playing field is currently protected by Saved UDP Policy N1 as a green space. Both sites are currently proposed greenspace designations in the submission draft of the Site Allocations Plan (references: G1466 and G1628 respectively).

The tennis court, however, is not protected as green space by any existing policy. It sits within the Rural Land designation as identified by Saved UDP Policy RL1. The site is proposed as a greenspace designation in the submission draft Site Allocations Plan (reference G1561). The Council is also proposing that this site becomes part of the Green Belt in the submission draft Site Allocations Plan.

In conclusion, the Cricket Pitch will continue to be safeguarded by the emerging Local Plan and the emerging Local Plan introduces safeguarding for the tennis court. Core Strategy Policy G6 protects green space from development.

- 4. In view of the uncertainty about the proposals for the improvement of the cricket club's facilities, would the QB and LPA comment on whether the following policy wording derived from UDP Policy N6 would provide safeguarding of the cricket ground and some flexibility to enable the improvement of the facilities: "The cricket ground is a safeguarded playing pitch. Development of the cricket ground will not be permitted unless there is a demonstrable net gain to overall pitch quality and provision by part redevelopment of the site or through the suitable relocation of the cricket pitch and associated facilities to an accessible location within the plan area."**

TAPC: Would prefer that any suggested wording be tightened up somewhat. The Special Nature of the Cricket Pitch contributes to local character and identity which clearly contributes to place making in Thorp Arch and it is the wish of the community that the area remains as a greenspace without dwellings. We refer to LCC response to Question 3, the Cricket Pitch is already safeguarded through saved UDP Policies and they are proposing it as a green space designation in the SAP

TAPC would prefer the wording "The cricket ground is a safeguarded playing pitch and proposed as a green space designation in the SAP (G1466). Proposals for the changes of use of existing facilities will only be permitted if it can be demonstrated that reasonable efforts have been made to secure its use as a cricket pitch and/or alternative provision is made within the Neighbourhood Area.

- 5. Proposed Local Green Space site D is a small area of verge. Appendix 4 states that it has historic value and character. Would the QB explain what this amounts to.**

TAPC: This triangular piece of grass is in the process of being adopted by the Parish Council. It is believed to be of historic value and character because it forms part of the old North Lodge entrance to Thorp Arch Hall and provides an uninterrupted view of the old gateway to The Hall which is an attractive feature at the entrance to the village, (Key View 10).

- 6. Does site F have any public right of access other than the footpath? Why is it considered to be more special than adjoining fields?**

TAPC: This site has been an uncultivated meadow for many years. It provides a space that has been used for many years by members of the public who gain access from the public footpath running through the field. It provides one of the key views of the church (Key View 8,) that is described on Map 2. The adjoining fields are either used for animals or are cultivated.

- 7. The map to site H appears to exclude a small area by the church entrance where the small building and seating is located. Is this intentional? The boundary of site G also appears to be incorrectly drawn omitting land next to the road.**

TAPC: This area was left off the delineation of site H because it was proposed to be the area to form a new access drive to the church driveway. It is the subject of the NP Project P7 (see page 44 of the NP). The planning application for the drive has been withdrawn after some objections and the NPSG would like to extend site H to include the area but do continue to support its use to improve the entrance to the church as a future project.

The boundary of site G should also extend to the road as indicated by the Examiner.

8. Site K the Walton Road Pitches is being proposed for housing in the Leeds SAP and the landowners have placed signs on the land to state that it is private land. It is considered that its designation as a LGS would amount to a blanket restriction on its development. It is noted that there are proposals within the projects section to secure a football pitch and allotments within the site. Would this be compatible with the development of the site for housing as proposed in the SAP?

TAPC: We would point out that the old football pitches are protected playing fields in the UDP.

We note that the response from the owner of the land to the NP consultation at Regulation 14 was that they might be able to incorporate the required playing fields and allotments and an access path into the design of any housing development on the site. Thus the protection of the playing fields and an area sufficient for allotments could be designated as Local Green Spaces without it being a blanket restriction on its development.

We would also comment that site SHLAA 4079 (0.9Ha) the old Prison Social Club with a capacity to provide 23 dwellings, was in the SAP Revised Publication Draft Area Proposals for the Outer North East **NOT** allocated for housing, but sieved out on the grounds that it was not within the settlement hierarchy. This despite been supported for housing in the Neighbourhood Plan which receiving no adverse comment at Regulation 14 consultation.

However site HG2-227 (6.6Ha) land to the north of HMP Wealstun Prison, which includes the area of land to SHLAA 4079 was allocated to provide 142 dwellings on the grounds of "Other Rural Infill" with a mix of 80% Greenfield and 20% Brownfield, the small area of brownfield land is site SHLAA 4079. The SAP Revised Publication Draft was not described in the NP and so HG2-227 has not received any comment at consultation, but the allocation of this site for housing was vigorously opposed by the Parish Council and local residents.

It is the view of the NPSG that Thorp Arch housing needs analysis does not show a need for 142 dwellings in the NP area but does identify the need for `20 to 30 dwellings` described in the evidence section of Policy H1 Residential Development .The site area of the proposal within the projects section to secure a football pitch and allotments within site HG2 227 is 3.17Ha, so this would not result in a `blanket restriction` on development, but would reduce the capacity.

We would also draw to the Examiners attention that outline planning permission was granted at the June 2017 North & East Plans Panel meeting for residential development for up to 23 dwellings on the site of the old Prison Social Club site 4079.

LCC Response to Question 8:

The Green Space Background Paper which forms part of the evidence base to the submission draft Site Allocations Plan identifies that Outer North East HMCA and Wetherby ward specifically are deficient of a number of green space typologies (parks and gardens, allotments and natural green space). 71% of the green space sites in Outer North East are below the required quality score, which indicates that there is a marked issue of substandard green space provision across the HMCA.

TANDP Proposed Local Green Space K is proposed in the submission draft Site Allocations Plan as a housing allocation (reference HG2-227 Land to the North of HMP Wealston Prison). Onsite provision of Green Space (calculated using Policy G4 of the Core Strategy at 80 metres square per residential unit x by site capacity 142) would provide for 1.14ha of green space on site. The provision of a football pitch and allotments on this site may preclude housing development from coming forward on the site and could introduce viability issues. The proposed blanket Local Green Space designation in the Thorp Arch Neighbourhood Plan would be incompatible with the development of the site for housing as proposed in the SAP.

The Proposed Local Green Space designation excludes the former prison social club that is currently a brownfield site. Policy H1 of the TANDP supports housing development on this brownfield site with reference to a dormant SHLAA site (reference 4079).

The Examiner is referred to Pages 7 and 8 of the TANDP Consultation Statement of Appendix 6 which sets out Leeds City Council's comments made at the formal Pre-Submission Consultation (Regulation 14) on the Thorp Arch Neighbourhood Plan:

"3.14 The proposed Local Green Space designation currently forms part of a proposed housing allocation (HG2-227) within the revised Outer North East HMCA Site Allocations Publication Draft document which is currently out for consultation. The proposed housing allocation indicates that the site has a capacity of 142 units. The proposed local green space designation would significantly restrict the potential capacity of the site and consequently the housing needs for the wider area (Outer North East HMCA) would not be met to the detriment of achieving sustainable development. The proposed Local Green Space designation is therefore not supported."

The Council feels that blanket designation of the whole of site TANDP K as Local Green Space would not be compatible with the development of the site for housing but an amended Neighbourhood Plan policy could set out a greenspace site requirement for that site in the event that it is allocated through the SAP.

9. Policy BE3 does not include any planning policy statement about how future development on these areas will be considered. Is it intended to rely solely on NPPF paragraph 7u8 or should there be a policy statement such as "The openness of Local Green Spaces will be safeguarded. Development that impacts on their openness will not be permitted other than in very special circumstances."?

TAPC: We would be happy for the first sentence of the Policy to be replaced with "The following sites, shown in the plans below, are designated as Local Green Spaces, where development is ruled out other than in very special circumstances."

Would the Examiner find this policy statement appropriate for Policy BE3?"

10. Can the QB provide a map of the proposed non-designated heritage assets showing the curtilages of the properties. Would they confirm that the owners/ occupiers have been consulted on the proposed designation.

TAPC are pleased to attach Maps 8A, 8B, 8C and 8D indicating the `Non Designated Heritage Assets.`

We can confirm that all the owners of all the buildings listed were consulted at Regulation 14 and one additional building was added to the list as a result of this consultation. The ownership of the weir to the centre of the River Wharfe is vested in The Thorp Arch Mill Management Company representing the property owners, all who were consulted. The owner of the old railway bridge crossing the River Wharfe is not known but all local landowners and Consultees were consulted about the NP at Regulation 14 and no comments were received about the proposals to designate the structure. We understand that detailed consultation would be needed before they could actually be designated.

11. Is the boundary of the neighbourhood plan area in the middle of the river? If so only that part of the weir within the plan area can be identified as a non-designated heritage asset.

TAPC: We confirm that the boundary of the Neighbourhood Area is in the middle of the River Wharfe as defined by the Parish Boundary. Please see attached Map 1 which shows the Parish Boundary.

12. Policy CNE1 refers to “development beyond the existing built up areas”. How is this area to be defined as there are no settlement limits around the built up areas? The Character Areas Map makes no distinction between built up areas and countryside.

TAPC: The built up areas are described in Appendix 2 which has a map on page 53 of the NP. We accept that the map is not detailed enough to delineate the built up areas and we are pleased to attach a copy of Map 9 identifying the ‘built up areas’.

13. Viewpoints 11 and 13 appear to be from locations in fields where the public do not have access. Could alternative locations be suggested?

TAPC: Viewpoint 11 is a view from the public footway across the open field, if the Examiner would prefer the key viewpoint to be repositioned to the footway then this can be done. Viewpoint 13 is on a footway which is accessible by the public at the rear of the houses in Woodland Drive.

14. Will the QB provide a map showing the boundaries of the two green corridors referred to under Policy CNE2.

TAPC: Map 5 on page 41 of the NP shows the area of the Yorkshire & Humber Green Infrastructure Corridor R17 and delineates the Tadcaster-Wetherby railway line corridor. In view of the question raised by the Examiner we have uploaded the maps and description pages from the Yorkshire and Humber Green Infrastructure Mapping Project onto our website. (<http://thorparchnp.org.uk/get-involved>)

We are also pleased to attach a copy of Map 10 which indicates the boundaries of the two green corridors referred to.

15. The justification to Policy CNE4 refers to landscape designations including the historic parkland however the policy itself only refers to locations identified as important for biodiversity. Is this correct? Would the QB provide a map of sites covered by this policy to be shown on the Proposals Map?

TAPC: We confirm that policy CNE4 is meant to only refer to biodiversity. We believe other existing regulations already cover other aspects of wildlife protection.

We would comment that the SEGI areas are shown on the map on page 22 and key environmental sites and areas are shown on map 5 on page 41. However if the Examiner considers these not to be adequate then a composite map showing all the areas that are important for policy CNE4 on one map can be provided.

16. Would the QB and LPA explain why Policy H1 has been presented as supporting the development of the former Social Club site for housing rather than allocating the site for housing development. Has an assessment of alternative sites been undertaken?

TAPC did undertake assessments of alternative sites, all the SHLAA sites in the SAP Issues and Options Consultation June / July 2013 were looked at and ranked by the SG. In fact all the sites were sieved out by LCC except a site that became the Walton Gardens development and the former Social Club site. Evidence of this process is on the NP website a copy of which is attached for the Examiner's information.

LCC response to Question 16:

An earlier draft of the Thorp Arch Neighbourhood Plan included an allocation at SHLAA Site 4079. When the Council advised the Parish Council that an SEA may be required if the NP was to include an allocation, the Parish Council took the decision to make this an aspirational Policy.

17. Is the Thorp Arch Trading Estate considered to be a strategic employment location? Are the factors set out in the criteria to Policy LE1 already addressed in policies in the Core Strategy?

LCC response to Question 17:

The Thorp Arch Estate hosts over 140 businesses and over 2 million square feet of business space, clearly playing an important role in the provision of employment in the area. It is not defined in the Core Strategy as a Strategic Location for Growth because it is not envisaged that the Thorp Arch Estate will grow as an employment location. However, this does not undermine its significant contribution to the local economy and provision of overall general employment land in the district.

Neither the Core Strategy or the UDP identified existing employment sites as Strategic Employment Locations, so whilst it is reasonable to consider it as a strategic employment location, there is no existing policy basis.

Policy T2 of the Core Strategy already addresses TANDP Policy LE1 which sets out that developments will be assessed against their traffic impacts. Policies G8 of the Core Strategy and to some extent Policy G9 of the Core Strategy address criterion b of Policy LE1. In terms of criterion c of Policy LE1, the Core Strategy does not currently have a policy to address this.

18. Does the Core Strategy include a specific policy on small business development?

LCC response to Question 18:

The Core Strategy does not include a specific policy on small business development.