

## Leeds City Council

### Decision Statement – Scarcroft Neighbourhood Development Plan

### Planning & Compulsory Purchase Act 2004 The Neighbourhood Planning (General) Regulations 2012

### Regulation 18 Decision Statement

#### 1. Summary

- 1.1 Following an independent examination, Leeds City Council now confirms that it is making modifications to the Scarcroft Neighbourhood Plan as set out in Table 1 below. The Plan will then proceed to a Neighbourhood Planning Referendum.
- 1.2 In accordance with the independent examiner's recommendations, the Scarcroft Neighbourhood Plan will proceed to referendum based on the Scarcroft Neighbourhood Area as designated by Leeds City Council on 15<sup>th</sup> November 2016.
- 1.3 This Decision Statement, the examiner's report and the draft Scarcroft Neighbourhood Plan and supporting documentation are available on the Council's website:  
<http://www.leeds.gov.uk/council/Pages/Neighbourhood-planning.aspx>.
- 1.4 They are also on the Scarcroft Parish Council website  
<http://www.scarcroft.org/neighbourhood-plan/>
- 1.5 Hard copies of the Decision Statement and the examiner's report are available for inspection at:

- Leeds City Council, The City Centre Hub, Woodhouse Lane, Leeds, LS2 8LX (Mon, Tues, Thurs, Fri 8.30 – 17.00, Weds 9.30 - 17.00),
- Wetherby Library, 17 Westgate, Wetherby, LS22 6LL (Mon 10.00 – 17.00, Tues 09.00 – 19.00, Weds, Thurs, Fri 9.00 – 17.00, Sat 10.00 – 16.00)
- Scarcroft Village Hall, Wetherby Road, Scarcroft, LS14 3BN (during opening hours)

#### 2. Decisions and Reasons

- 2.1 The examiner has concluded that subject to the specified modifications being made to the Plan, the Scarcroft Neighbourhood Plan meets the Basic Conditions stated and other relevant legal requirements.
- 2.2 The Council accepts all of the modifications and the reasons put forward by the examiner for them. The examiner's reasons and Recommendations are set out in Table 1, followed by the Council's decisions.

- 2.3 The Council is satisfied that subject to the modifications specified in Table 1 below the Plan meets the relevant Basic Conditions mentioned in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with the Convention Rights and complies with the provision made by or under s38A and s.38B of the Planning & Compulsory Purchase Act 2004
- 2.4 To meet the requirements of the Localism Act 2011, a referendum which poses the question “Do you want Leeds City Council to use the Neighbourhood Plan for Scarcroft to help it decide planning applications in the neighbourhood area?” will be held in the Scarcroft Neighbourhood Area. It is anticipated that the referendum will take place in February 2019.

**This Decision Statement is dated 5<sup>th</sup> December 2018**

**TABLE 1 Schedule of Modifications Recommended in the Examiner’s Report**

Modification Number	Page/Part of the Plan	Examiner’s recommended changes	Examiner’s reason	Leeds City Council’s decision
<b>Introduction</b>				
M1 - Recommendation 1	Introduction, page 4  The Neighbourhood Plan Area, Page 6	a) In Chapter One (Introduction) clarify that the Plan does not allocate land for future development but relies on the LCS and the emerging SAP to establish future housing requirements and to identify sites for development. b) Replace the last sentence in the ‘Local Economy’ sub section on page 6 with ‘The National Power operation has now ceased and the site is earmarked for housing development in the emerging Site Allocations Plan being prepared by Leeds City Council’.	A number of minor changes are however required to future proof and to improve the clarity of the text in a number of places.  First, to avoid giving the misleading impression that the scope of the Plan includes allocating land for development references to future house building should acknowledge that the Plan relies on the Leeds Core Strategy and the emerging Site Allocations Plan to establish the future housing requirement and to allocate land for development.  Fourth, the status of the former National Power offices in the ‘Local Economy’ sub section on page 6 should be updated.	Agree to modify the text and maps as indicated to comply with the examiner’s recommendations.
M2 – Recommendation 2	The Neighbourhood Plan Preparation Process, page 7	Replace ‘as well as within the Neighbourhood Area’ in the final sentence in paragraph 3 in the first column on page 7 with ‘following which the Neighbourhood Area was amended to coincide with the revised Parish boundary’.	A number of minor changes are however required to future proof and to improve the clarity of the text in a number of places.  Second, the explanation provided in Chapter 2 (the Neighbourhood Plan Preparation Process) concerning the amended Parish and Neighbourhood Area boundaries should clarify that the original Neighbourhood Area boundary was amended to ensure it coincides with the revised Parish boundary following a boundary review.	Agree to modify the text as indicated to comply with the examiner’s recommendations.
M3 – Recommendation 3	The Neighbourhood Plan Preparation Process, pages 7 and 8	Update the final paragraph in the right hand column on page 7 and the first paragraph in the left hand column on page 8 to reflect the stage reached in the preparation of the Neighbourhood Plan at the time the Plan is ‘made’.	A number of minor changes are however required to future proof and to improve the clarity of the text in a number of places.	Agree to modify the text as indicated to comply with the examiner’s recommendations.

The Vision & Objectives for Scarcroft				
M4 – Recommendation 4	The Vision & Objectives for Scarcroft, page 10	<p>a) Replace ‘the needs’ in line 1 of Objective Four with ‘identified housing needs, including local housing needs, or which meets other needs.....’ and delete ‘housing,’ in line 2.</p> <p>b) Delete Objective Six.</p> <p>c) Replace ‘To protect and enhance’ in Objective 7 with ‘To conserve and enhance’.</p>	<p>The vision and objectives capture the concerns and key issues raised by the local community during the preparation of the Plan. They are relevant to the local area and demonstrate how particular local issues have influenced the overall approach in the Plan and justify the inclusion of specific policies.</p> <p>However in order to fully reflect national planning policy Objective 4 should acknowledge that provision for new housing should be based on ‘objectively assessed housing need’ across the whole housing market rather than just local housing need. (NPPF paragraph 47 refers). Discrimination in favour of providing housing for local people only would also be at odds with the proposed allocation of land for approximately 100 dwellings on the Scarcroft Lodge site on Wetherby Road in the emerging SAP, particularly since this proposal is supported in the Plan.</p> <p>Objective Five is only tenuously related to land use planning, while Objective Six is concerned with influencing the investment decisions and operational practices of transport providers rather than the development and use of land, and should therefore be deleted.</p> <p>I also agree with <b>Gladman Developments</b> that it is more appropriate to refer to the ‘conservation and enhancement’ of the historic environment in Objective 7, rather than ‘protection and enhancement’, in line with national planning policy.</p>	Agree to modify the text as indicated to comply with the examiner’s recommendations.
5.1 Green Environment				
GE1: The Collingham/East Keswick/Bardsey/Scarcroft/Thorner/Shadwell Special Landscape Area				
M5 – Recommendation 5	<p>Policy GE1, page 12</p> <p>Introductory text, page 11</p>	<p>a) Delete ‘as set out above’ in line 4 of Policy GE1.</p> <p>b) Replace ‘All of Scarcroft’s hinterland’ in line 9 in the right hand column on page 11 with ‘While Scarcroft Village is inset within the Green Belt the surrounding countryside’.</p>	<p>While the policy generally meets the Basic Conditions a number of minor corrections are required to improve the clarity of both the policy wording and the supporting text.</p> <p>First, the reference to ‘as set out above’ in line 4 of Policy GE1 is superfluous and potentially confusing.</p>	Agree to modify the text as indicated to comply with the examiner’s recommendations.

		<p>c) Insert 'in Leeds Core Strategy' after 'Strategic Green Infrastructure' in line 12 in the right hand column on page 11.</p>	<p>Second, the supporting text should clarify that while most of the Plan area is affected by Green Belt designation Scarcroft village is inset within the Green Belt for planning purposes.</p> <p>Third, while the supporting text acknowledges that the Special Landscape Area was previously designated by LCC through extant LUDP polices, in order to be consistent a similar approach should be taken when referring to 'Strategic Green Infrastructure' which is identified in the LCS.</p>	
<b>GE21: Local Green Infrastructure</b>				
<p>M6 – Recommendation 6</p>	<p>Policy GE2, page 13</p> <p>Introductory text, page 12</p>	<p>a) Replace 'Development proposals will have regard for this where such proposals may sever it or harm' with 'The design of development proposals affecting designated Local Green Infrastructure should take into account the desirability of avoiding severance or harming' in line 2 of Policy GE2.</p> <p>b) Incorporate a reference in the accompanying text to reflect the fact that the inclusion of land within the Local Green Infrastructure network does not mean that no development can take place (unless precluded by other policies) and that development may in certain circumstance create an opportunity to enhance and/or extend the green space network.</p>	<p>In order to ensure a consistent approach with LCS Spatial Policy and national planning policy I do however recommend rephrasing the wording of the first part of the policy to clarify that the policy does not necessarily preclude development within the designated Local Green Infrastructure network, and making specific reference to this in the supporting text.</p> <p>My recommended wording clarifies and strengthens the policy in line with LCS Policy G1 (Enhancing and Extending Green Infrastructure) by emphasising that the desirability of retaining continuous linkages and avoiding harm to the operation of the multi-functional green space network should be taken into account in the design of development proposals.</p>	<p>Agree to modify the text and include new maps as indicated to comply with the examiner's recommendations.</p>
<b>GE3: Local Green Space</b>				

<p>M7 – Recommendation 7</p>	<p>Policy GE3, page 15</p> <p>Map 1, page 30</p> <p>Map 3, page 33</p> <p>Appendix 3, pages 47 to 49</p> <p>Introductory text, page 13</p> <p>Map 2, page 32</p>	<p>a) Insert ‘Development on these areas will not be permitted other than in very special circumstances’ after the first sentence in Policy GE3.</p> <p>b) Delete sites 1, 2, 3, 4, 5, 6, 8, 9, &amp; 14 from Policy GE3, Scarcroft Neighbourhood Plan Map 1 on page 30 and map key, and Scarcroft Neighbourhood Plan Map 3 on page 33.</p> <p>c) Make consequential changes to Appendix 3.</p> <p>d) Delete the last sentence in the right hand column on page 13.</p> <p>e) Amend the boundary of (Policy GE2) Local Green Infrastructure on the Scarcroft Neighbourhood Plan Policy Map 2 on page 32 by excluding the areas covered by Local Green Space sites 11 and 13.</p>	<p>While the desire to protect locally important green space is a laudable aspiration, since sites 1, 2, 3, 4, 5, 6, 8, 9, &amp; 14 do not comply with national Local Green Space designation criteria and/or Planning Practice Guidance it is necessary to delete them from Policy GE3 in order to meet the Basic Conditions.</p> <p>Consequential changes are required to Neighbourhood Plan Map 1 and the accompanying map key, Map 3 and Appendix 3.</p> <p>With regard to the remaining sites I note that site 11 and site 13 are also affected by (Policy GE2) Local Green Infrastructure designation. In order to avoid a potential policy conflict I therefore recommend excluding site 11 and site 13 from the area identified as Local Green Infrastructure on the Scarcroft Neighbourhood Plan Map 2.</p> <p>The last sentence in the right hand column on page 13 should also be deleted as this is superfluous in the light of my recommended changes.</p> <p>While the text accompanying the policy makes it clear that designated Local Green Space is intended to be afforded the same level of protection as Green Belt, this is not reflected in the policy wording.</p> <p>Rather than rely on national planning policy to manage development within Local Green Space it would be more appropriate to incorporate specific wording in the policy as referred to in paragraph 78 of the NPPF.</p> <p>I therefore recommend re-instating the wording from the pre-submission version of the policy, which has been omitted from the submission version. Although this widens the scope of the policy I do not consider any third party interests will be prejudiced as the pre-submission version of the policy was previously consulted on without attracting comment on the policy wording, and as referred to above the wording is consistent with national planning policy.</p>	<p>Agree to modify the text and maps as indicated to comply with the examiner’s recommendations</p>
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<b>GE4: Local Green Space Enhancement</b>				
M8 – Recommendation 8	Policy GE4, page 15  Community Actions, page 16	Delete Policy GE4 and the accompanying justification and incorporate the Parish Council’s priorities for enhancing open spaces in the ‘Community Actions’ section.	Although the policy is effectively redundant as a consequence of my recommendation above to delete all three sites from the list of Local Green Space sites, I am also mindful of the fact that it is aspirational in nature and represents a proposed action on the part of the Parish Council. As such it could more appropriately be included as a ‘Community Action’ in the Plan rather than as a land use policy. This would also enable the Parish Council’s priorities to be taken into account in any future negotiations regarding the disbursement of CIL funding.	Agree to modify the text as indicated to comply with the examiner’s recommendations
<b>5.2 Built Environment</b>				
<b>BE1: Scarcroft Hill Local Heritage Area</b>				
M9 – Recommendation 9	Policy BE1, page 17  Introductory text, page 17  Community Actions, page 22	<p>a) Replace bullet point 1 in Policy BE1 with ‘Respect the historic character of the area’.</p> <p>b) Replace bullet point 2 with ‘Be sympathetic to the character and context of surrounding buildings’.</p> <p>c) Delete ‘avoiding infill’ in bullet point 3.</p> <p>d) Delete bullet point 4.</p> <p>e) Replace bullet point 5 with ‘Take into account key views towards open space and rural surroundings, as delineated on Map 4’.</p> <p>f) Replace bullet point 6 with ‘Continue the use of traditional materials such as millstone grit/sandstone in new buildings and boundary walls’.</p> <p>g) Replace the last sentence in paragraph 2 of the ‘Local Heritage Area’ sub section on page 17 with ‘Following a Conservation</p>	<p>While the policy generally conforms with local strategic policy on design and conservation (LCS Policies P10 and P11) I have a number of reservations regarding the level of prescription in the policy, the justification for particular elements of the policy, and the accuracy and clarity of both the policy wording and the accompanying justification.</p> <p>First, a number of policy criteria introduce detailed design considerations such as specific building heights and material types whereas national planning policy (NPPF paragraph 60) indicates that planning policies should not impose architectural styles or particular tastes or require development to conform to certain development forms or styles. The emphasis should instead be on reinforcing local distinctiveness.</p> <p>Second, the meaning of the phrase ‘respect the prevalence of historic architecture’ in bullet point 1 is unclear.</p> <p>Third, I disagree that the existing scale of development and massing within the area is ‘largely domestic’ as referred to in bullet point 2 since the area is typified by farmsteads, agricultural buildings and</p>	Agree to modify the text as indicated to comply with the examiner’s recommendations

		<p>Area Review minor amendments to the Conservation Area boundary have been suggested by the City Council although there are no current plans to progress the review’.</p> <p>h) Insert a new paragraph after paragraph 2 explaining that while Leeds City Council is responsible for Conservation Area designation and review through specific legislation, Neighbourhood Plans may identify and manage those parts of the historic environment most valued by the local community but which do not qualify for Conservation Area status, as non-designated heritage assets.</p> <p>i) In paragraph 3 of the ‘Local Heritage Area’ sub section replace ‘similar’ with ‘local’, and replace ‘village’ with ‘hamlet’.</p> <p>j) Replace the final paragraph in the left hand column on page 17 with the last sentence in the right hand column (and delete this sentence from the right hand column).</p> <p>k) Incorporate a reference in the ‘Community Actions’ section regarding the Parish Council’s intention to continue lobbying Leeds City Council to upgrade the designated Local Heritage Area to Conservation Area status.</p>	<p>buildings associated with the stabling and training of horses, as well as a small number of dwellings.</p> <p>Third, I disagree that the existing scale of development and massing within the area is ‘largely domestic’ as referred to in bullet point 2 since the area is typified by farmsteads, agricultural buildings and buildings associated with the stabling and training of horses, as well as a small number of dwellings.</p> <p>Fourth, no explanation or justification is provided as to why bullet point 3 precludes infill development when national planning policy (NPPF paragraph 89) defines limited infilling as an appropriate form of development in the Green Belt, provided development would not have a greater impact on the openness of the Green Belt.</p> <p>Fifth, in line with national planning policy objectives, rather than constrain development, bullet point 5 should ensure that where development is otherwise acceptable in principle it should take account of the visual significance of key views. The reference to ‘key views.....particularly to the north and west’ is also insufficiently precise to provide a practical framework for objective decision making and should be cross referenced to the specific views identified in Map 4.</p> <p>Sixth, while there is some justification in ensuring that new development reflects the historic character of the area through the use of traditional building materials, in order to provide an element of flexibility the policy should clarify that traditional materials are not limited to millstone grit and sandstone.</p>	
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			<p>Seventh, it is misleading to imply that Conservation Area status can be pursued through the Neighbourhood Plan and to state that the proposed Scarcroft Hill Local Heritage Area is worthy of a similar level of protection to the existing Conservation Area. It is also inappropriate to refer to Policy BE1 as interim guidance, particularly since the City Council has no plans to progress the Conservation Area review at the present time.</p> <p>I therefore recommend amending the accompanying text to clarify that Conservation Area designation and review is the responsibility of Leeds City Council under specific legislation and to explain the relative status of 'local designations' such as Local Heritage Areas as non-designated heritage assets. I further recommend that the Parish Council's intention to pursue Conservation Area status for Scarcroft Hill should be included within the 'community actions' section rather than the land use planning section.</p> <p>Minor amendments are required to clarify the status of the Conservation Area Review and to correct the description of Scarcroft Hill which seems to me should more appropriately be described as a hamlet rather than a village.</p>	
<b>BE2: Protection and Enhancement of Non-Statutory Local Heritage Assets</b>				
M10 – Recommendation 10	<p>Policy BE2, page 20</p> <p>Introductory text, page 17</p>	<p>a) Delete 'Non-Statutory' from the Policy BE2 heading and from the section heading.</p> <p>b) Replace 'The non-statutory' in line 1 of Policy BE2 with 'Development proposals should take into account the effect on the significance of the'.</p>	<p>While I do not agree with Gladman Developments that the policy wording elevates the significance of locally identified heritage assets to that of designated heritage assets, in order to ensure that the policy wording is fully compliant with national planning policy (as set out in paragraph 135 of the NPPF), reference should be made to the requirement to specifically consider the effect of an application on the significance of a non-designated heritage asset.</p>	<p>Agree to modify the text as indicated to comply with the examiner's recommendations</p>

		<p>c) Delete the second sentence of the policy and replace the last sentence of the policy with 'The protection, preservation, and/or sympathetic enhancement of local heritage assets will be supported and encouraged'.</p> <p>d) Delete 'Other buildings within the conservation area are identified as positive buildings within the CAAMP. The evidence base includes a map showing all such buildings' from paragraph 1 in the right hand column on page 17.</p> <p>e) Delete "Protection and Enhancement of Non Statutory' in line 21 in the right hand column on page 17.</p>	<p>A number of minor corrections are also required to remove an element of duplication in the policy and to improve the clarity and accuracy of the supporting text.</p> <p>First, reference to 'non-statutory local heritage assets' is a rather convoluted expression which contrasts with the reference to non-designated heritage assets in national planning policy. I recommend adopting the phrase 'Local Heritage Assets' which is used by Historic England to describe non-designated heritage assets, and which would complement the phrase 'Local Heritage Area' in Policy BE1</p> <p>Second, reference to supporting and encouraging the sympathetic enhancement of local heritage assets in the final sentence of the policy duplicates the first part of the policy.</p> <p>Third, the references in the supporting text (paragraph 1 on page 17) to buildings within the conservation area and supporting evidence in the CAAMP, are superfluous as these concern designated heritage assets and should be deleted.</p> <p>Fourth, the phrase 'Protection and Enhancement of Non Statutory' in line 21 in the right hand column on page 17 is superfluous and should be deleted.</p>	
<b>BE3: Development and Design in and Adjacent to Scarcroft Conservation Area</b>				
M11 – Recommendation 11	Policy BE3, page 21  Introductory text, page 20	<p>a) Replace bullet point 1 in Policy BE3 with 'Respect the historic character of the area',</p> <p>b) Delete 'positive' in bullet point 2.</p> <p>c) Delete bullet point 3.</p> <p>d) Delete bullet point 5.</p> <p>e) Delete bullet point 6.</p> <p>f) Replace 'Use' in bullet point 7 with 'Continue the use of</p>	<p>While neighbourhood plans may supplement higher tier policy I agree with the view put forward by objectors to the policy <b>(Gladman Developments and Barton Willmore)</b> that it is not appropriate to impose detailed design considerations such as specific building heights or architectural styles in line with paragraph 60 of the NPPF. This proviso does not extend to the use of traditional building materials which are normally required in conservation areas, for example in accordance with LUDP Policy BC7.</p> <p>However, in order to provide an element of flexibility the policy should clarify that traditional materials are not limited to millstone</p>	Agree to modify the text as indicated to comply with the examiner's recommendations

		<p>traditional building materials such as’.</p> <p>g) Insert ‘where appropriate’ after ‘articulate the roofscape’ in bullet point 13.</p> <p>h) Delete ‘(ref draft CAAMP 2016)’ in line 15 in the left hand column on page 20.</p> <p>i) Delete ‘new 2016’ in line 16 and insert ‘Area’ after ‘Scarcroft Conservation’.</p> <p>j) Insert ‘draft’ after ‘in the’ in line 1 of the right hand column on page 20.</p>	<p>grit and sandstone and that the provision of chimney stacks and pots will only be required where appropriate.</p> <p>I also have reservations about the extent to which some other policy requirements provide a practical framework for managing development proposals.</p> <p>For example as the conservation area is typified by farmsteads and large imposing buildings in a rural setting it is not appropriate to require proposals to respect the domestic scale of development within the area.</p> <p>In addition while I acknowledge that a number of plans have policies in place to protect important views, both into and out of conservation areas, no indication is given as to which views or vistas are particularly valued and worthy of protection in order to safeguard the character and appearance of the conservation area. As the principle of protecting a view cannot realistically be extended to protecting general, undefined views, in the absence of specifically identified views on a Policies Map I recommend that this bullet point be deleted.</p> <p>For clarification while the draft Conservation Area Appraisal and Management Plan (CAAMP) referred to in the Plan usefully forms part of the evidence base, this document has no formal status as it has not been subject to formal consultation and has not been adopted by the City Council. Reliance on ‘positive’ buildings or key views which have been identified in the CAAMP, but which are not specifically identified in the Plan, is not appropriate, particularly since the City Council has no plans to take the CAAMP forward at the present time.</p> <p>Minor amendments are required to the supporting text in order to clarify the status of the CAAMP.</p>	
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<b>BE4: Development and Design Outside the Conservation Area and Local Heritage Area</b>				
M12 – Recommendation 12	Policy BE3, page 21	<p>a) Insert ‘character and context of the local area including’ after ‘should respect the’ in line 2 of Policy BE4, and insert ‘where these are a dominant characteristic of the locality’ after ‘following features’.</p> <p>b) Delete bullet point 6.</p>	<p>The policy reflects the emphasis in national planning policy on reinforcing local distinctiveness, and generally conforms with principles established in LCS Policy P10 (Design) which requires development to respect the character and quality of surrounding buildings, streets and spaces that make up the public realm and wider locality, and to protect and enhance natural assets and features.</p> <p>My only reservation is that the policy ignores the fact that Scarcroft comprises a number of different character areas which are identified in Appendix 6, with no one dominant style of design or materials, a point which is referred to by Barton Willmore in their response to the Regulation 16 Publicity. It is therefore inappropriate to impose a requirement for development to respect the prevalence of traditional building and roofing materials, in line with national planning policy on design (NPPF paragraph 60).</p> <p>As worded the policy also includes the unrealistic expectation that the design of all development proposals should respect specific features which may or may not be found within every locality. I therefore recommend a more general form of wording.</p>	Agree to modify the text as indicated to comply with the examiner’s recommendations
<b>5.3 Community Facilities</b>				
<b>CF1: Protection and Enhancement of Community Facilities</b>				
M13 – Recommendation 13	Policy CF1, page 23	<p>a) Insert ‘Development proposals that result in’ at the beginning of Policy CF1.</p> <p>b) Replace ‘should result in the’ in line 2, with ‘will not be supported unless’.</p> <p>c) Insert ‘is made’ after ‘equivalent facilities’ in line 3.</p> <p>d) Replace ‘unless’ in line 4 with ‘or’.</p> <p>e) Replace ‘Commercial facilities must demonstrate they’</p>	As drafted however the policy implies that the closure of the local pub and/or golf club would be dependent on alternative provision being made elsewhere, whereas planning policy has no control over whether commercial businesses continue operating or not. I therefore recommend redrafting the policy to clarify that the policy is intended to manage development proposals which would result in the loss of premises which accommodate a local facility/business (either through change of use or redevelopment) rather than to control whether the facility/business continues to operate or not.	Agree to modify the text as indicated to comply with the examiner’s recommendations

		<p>in line 5 with 'Alternatively in the case of commercial facilities it must be demonstrated that the premises'.</p> <p>f) Insert 'at a reasonable price' after 'been marketed' in line 6</p> <p>g) Delete paragraph 2 of Policy CF1.</p>	<p>Further amendment is required to remove the duplication between the first and second paragraphs of the policy.</p>	
<b>CF2: Provision of New Community Facilities</b>				
M14 – Recommendation 14	Introductory text, page 23	<p>Insert a reference in the text supporting Policy CF2 to the effect that proposals for development will be supported within the Green Belt provided they constitute an appropriate form of development in the Green Belt, as defined in national planning policy and local strategic policy, such as the re-use, extension or replacement of buildings and partial or complete redevelopment of previously developed sites.</p>	<p>Policies CF2 and CF3 clearly reflect strong community support for the provision of additional community facilities, including a new retail store. However by not identifying specific sites or linking the policies to delivery mechanisms such as CIL or Planning Obligation mechanisms, the effectiveness of the policies is likely to be rather limited, although I appreciate a more robust approach would require evidence of demand and engagement with service providers and/or the retail sector.</p> <p>On balance this does not prevent the policies satisfying the Basic Conditions although to avoid conflict with Green Belt policy the text accompanying Policy CF2 should clarify that only appropriate forms of development will be acceptable in the Green Belt.</p>	<p>Agree to modify the text as indicated to comply with the examiner's recommendations.</p>
<b>5.4 Housing</b>				
<b>H1: Wetherby Road – Scarcroft Lodge Development Requirements</b>				
M15 – Recommendation 15	<p>Policy H1, page 26</p> <p>Introductory text, page 25</p>	<p>a) Replace the first sentence in Policy H1 with 'Proposals for residential development affecting land and property in the vicinity of Scarcroft Lodge as identified on Neighbourhood Plan Policies Map 1 will be supported provided the following requirements are met'.</p> <p>b) Delete bullet point 2 and insert 'In order to protect the setting of Scarcroft Lodge areas of</p>	<p>First, while the intention (in bullet point 2) to preclude development on part of the site in order to safeguard the setting of a listed building is a reasonable objective, this should not be confused with the requirement in the emerging SAP for development to avoid creating a major increase in the developed part of the site, which is linked to Green Belt objectives.</p> <p>Second, no evidence has been put forward to justify the provision of off-site highway works (bullet point 3) and the provision of pedestrian and cycle routes (bullet point 7) in connection with the scheme. Technical highway requirements should in any case be</p>	<p>Agree to modify the text as indicated to comply with the examiner's recommendations.</p>

		<p>new development should be restricted to previously developed land to the east of the Lodge , including areas of hardstanding’ at the end of bullet point 5 (Listed Buildings).</p> <p>c) Delete bullet points 3, 7, and 9.</p> <p>d) Insert ‘Where feasible’ at the beginning of bullet point 8.</p> <p>e) Delete ‘Deliver varying density levels across the site reflecting the variety of local architectural forms and building styles’ in bullet point 10.</p> <p>f) Delete ‘positive’ in line 3 of bullet point 5</p> <p>g) Delete the final part of the policy from ‘The following measures .....’ to the end of the policy and incorporate reference in the supporting text to</p> <p>i. The desirability of securing viable uses for Scarcroft Lodge such as residential, hotel/leisure or hotel/conference in conjunction with proposals for new development on the site, and</p> <p>ii. The opportunity to secure developer contributions toward increased use of public</p>	<p>considered as part of a Transport Assessment and in consultation with the Local Highway Authority. Similarly since it is not clear how the provision of off-site green space may be achieved on land outside the control of the developer the policy wording should be qualified by reference to ‘where feasible’.</p> <p>Third, the introduction of a maximum housing density of 30 dwellings per hectare (in bullet point 9) conflicts with minimum density requirements in national planning policy and the emerging SAP.</p> <p>Fourth, the requirement (in bullet point 10) to ‘deliver varying density levels across the site reflecting the variety of local architectural forms and building styles’ is at odds with national planning policy (NPPF paragraph 60) which indicates that planning policies should not impose architectural styles or particular tastes or require development to conform to certain development forms or styles.</p> <p>I also recommend deleting the final part of the policy which is aspirational in nature and does not provide a practical basis for making decisions on the development and use of land. In particular the inclusion of preferences in the policy for the re-use of Scarcroft Lodge could be counter- productive as this may restrict the range of alternative uses that could help secure a viable future for the building, contrary to the flexible approach in national planning policy and extant LUDP Policy N15.</p> <p>Reference to securing the viable re-use of Scarcroft Lodge in conjunction with development proposals could instead be incorporated in the accompanying text together with guidance on the type of public transport and community facility improvements that may be secured through developer contributions.</p> <p>A further change is required to remove the reference to Woodlands as a ‘positive’ building in bullet point 5 of the policy as</p>	
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		<p>transport and community facilities.</p> <p>h) Incorporate a reference in the supporting text to clarify that the Plan is relying on LCS and the SAP to establish the level of housing need and spatial distribution of housing and that the Plan does not specifically allocate land for development.</p> <p>i) Replace 'via a concept statement cum outline brief' in line 8 of the final paragraph in the right hand column on page 25 with 'should proposals come forward for development'.</p> <p>j) Replace 'Wetherby Road-Scarcroft Lodge Boundary - LCC Site Designation' in the key supporting Scarcroft Neighbourhood Plan Map 1 with 'Wetherby Road-Scarcroft Lodge H1 Policy Area'.</p>	<p>this relates to terminology and buildings identified in a draft Conservation Area Appraisal and Management Plan produced by Leeds City Council which (as referred to previously in my comments on Policy BE3) has not yet been formally consulted on or adopted.</p>	
<b>H2: Development on Non-Allocated Sites</b>				
M16 – Recommendation 16	Policy H2, page 27	<p>a) Delete 'should' in line 1 of Policy H2 and insert 'in Scarcroft will be supported provided proposals'.</p> <p>b) Replace bullet point 1 with 'Respect and enhance local distinctiveness'.</p> <p>c) Replace bullet point 2 with 'Do not compromise highway safety'.</p> <p>d) Insert 'unacceptable' after 'Avoid' in bullet point 6.</p>	<p>First, there is an unrealistic expectation that all housing proposals should promote positive impacts on special local environmental and local heritage features, although this may not necessarily be appropriate in each case, for example where proposals are not located near local features.</p> <p>As the 'special environmental features' considered worthy of protection are not identified in the policy, and local heritage features are afforded protection through policies BE1, BE2, and BE3 I recommend replacing bullet point 1 with a general requirement for proposals to 'respect and enhance local distinctiveness'. This captures the policy intention to safeguard and enhance distinctive</p>	<p>Agree to modify the text as indicated to comply with the examiner's recommendations.</p>

			<p>local features in line with national planning policy. My recommended modification also reduces the amount of duplication with Policy BE4.</p> <p>Third, it is also inappropriate to require proposals to avoid any adverse impact on neighbouring amenities since all proposals must have some degree of adverse impact. While the impact of excessive overshadowing and over dominant designs are relatively clear cut considerations it is less easy to assess the potential impact of overlooking.</p> <p>I therefore recommend that the test as to whether a proposal has an adverse effect on amenity should be qualified by reference to whether it has an 'unacceptable adverse effect' or not. I appreciate that decision makers would still be required to make a judgement as to whether an impact is considered unacceptable or not but on the whole this is a more realistic approach.</p>	
<b>H3: Housing Density</b>				
M17 – Recommendation	<p>Policy H3, page 27</p> <p>Introductory text, page 27</p>	Delete Policy H3 and the accompanying justification and Appendix 8.	<p>While national planning policy (NPPF paragraph 47) supports the establishment of housing densities which reflect local circumstances this is written from the perspective of 'significantly boosting the supply of housing'.</p> <p>I therefore agree with the point made Gladman Developments in their response to the Regulation 16 Publicity that restricting net densities to no more than 10 dph is contrary to sustainable development principles in both national planning policy which promotes the most effective use of land, and LCS Policy H3 (Density of Residential development) which establishes minimum rather than maximum densities.</p> <p>Neither do I consider that the case for imposing such an exceptionally low housing density requirement has been adequately demonstrated, particularly since the current average housing density referred to in the Plan includes highway land, greenspace and non-residential buildings and curtilages in the</p>	Agree to modify the text as indicated to comply with the examiner's recommendations.



			<p>calculation giving a gross density of 7dph, whereas net residential density is likely to be much higher.</p> <p>Crucially the policy also ignores the fact that densities vary across the built up area, as evidenced by my site inspection and the character area assessments provided in Appendix 6 of the Plan.</p> <p>Although there may be a case for establishing character area specific densities or a general policy requiring densities to respect the character of the local area it is outside the scope of the examination to introduce new or revised density requirements which have not previously been subject to consultation during the preparation of the Plan. I am also mindful of the fact that LCS (paragraph 5.2.9) indicates that density requirements do not apply in villages such as Scarcroft which are not identified as 'smaller settlements' in the LCS because housing policies only allow for a small amount of housing development in those 'other areas'.</p>	
<b>H4: Housing Mix</b>				
M18 – Recommendation 18	<p>Policy H4, page 28</p> <p>Introductory text, page 28</p>	<p>a) Replace 'a mix of dwelling types to include particular' in line 3 of Policy H4 with 'an appropriate mix of dwelling types and sizes including'.</p> <p>b) Replace 'including' in line 4 with 'and'.</p> <p>c) In the second paragraph in the left hand column on page 28 replace the reference to the conclusions from the East Keswick housing needs assessment being reasonably applied to Scarcroft with a reference to the conclusions providing an indication of need within the general locality.</p> <p>d) Replace 'H5' with 'H4' in line 14 of the final paragraph in the</p>	<p>By encouraging the provision of more housing for older people the policy reflects the additional emphasis given to the housing needs of older people through recent changes to Planning Practice Guidance<sup>31</sup> in the light of the projected national increase in the number of households aged 65 and over.</p> <p>However I do not consider that the evidence of local housing need reproduced from a nearby Parish survey can be accepted as anything other than an indicative guide to housing need in the general locality. As the conclusions from that survey cannot be specifically applied to Scarcroft amendment to the policy wording is therefore required to emphasise that development proposals should provide an appropriate mix of dwellings which includes provision for smaller households and elderly persons rather than prioritising specific housing type requirements identified in the East Keswick survey.</p>	<p>Agree to modify the text as indicated to comply with the examiner's recommendations.</p>

		left hand column on page 28, and in line 3 of the first paragraph in the right hand column.	To more accurately reflect national policy and local strategic policy, reference should also be made to the provision of a mix of dwelling types and sizes not just housing types.  Minor amendments are required to correct the inaccurate references to Policy H5 rather than Policy H4 in the accompanying text.	
<b>6. Monitoring, Review, Implementation</b>				
M19 – Recommendation 19	Monitoring, Review, Implementation, page 34	Amend the second paragraph in column 2 on page 34 to clarify that the community facilities referred to are ‘potential’ Assets of Community Value and that the Parish Council is an eligible body for the purposes of nominating buildings or land for inclusion in the statutory ‘List of Assets of Community Value’ maintained by Leeds City Council.	A minor factual correction is required in the sub-section on Community Actions and Approaches to qualify the status of the community facilities referred to as ‘potential’ Assets of Community Value, and to clarify the respective roles of the Parish Council and Leeds City Council with regard to Assets of Community Value.	Agree to modify the text as indicated to comply with the examiner’s recommendations.
<b>Neighbourhood Plan Maps and Appendices</b>				
M20 – Recommendation 20	Map 4 (Scarcroft Hill Local Heritage Area), page 19  Map 1, Map 2, Map 3, pages 30 – 33  Maps in Appendix 3, pages 50 – 56  All maps (throughout the Plan)	a) Improve the legibility of Map 4 (Scarcroft Hill Local Heritage Area) on page 19 by upgrading the quality of the Ordnance Survey base, and incorporate the proposed Local Heritage Area boundary notation in the map key. b) Insert ‘Policies’ after ‘Neighbourhood Plan’ in the titles of Scarcroft Neighbourhood Plan Map 1, Map 2, and Map 3, and in all references to ‘Neighbourhood Plan Maps’ throughout the text of the Plan. c) Change the Special Landscape Area notation in the key	In line with Planning Practice Guidance it is not only important that the meaning of policies and proposals is clear and unambiguous but also that the areas to which they apply are identified in sufficient detail to be of use for development management purposes.  However this is questionable in the case of Map 4 (Scarcroft Hill Local Heritage Area) since the poor quality ordnance survey base makes it difficult to interpret the position of the proposed Local Heritage Area boundary in relation to physical features such as highways and field boundaries.  Similarly the maps identifying areas of Local Green Space in Appendix 3 are potentially confusing, particularly sites 3, 7, 10, 11 and 14, since both principal roads and Local Green Spaces are	Agree to modify the maps as indicated to comply with the examiner’s recommendations.

		<p>accompanying Scarcroft Neighbourhood Plan Map 1 on page 31 to correspond with the notation on the Map.</p> <p>d) Replace 'Green Infrastructure' in the key to Map 2 (Strategic Green Infrastructure) on page 14 with 'Strategic Green Infrastructure'.</p> <p>e) Improve the legibility of the maps in Appendix 3 by removing the green notation from all highways and providing a larger scale Site 11 map to identify the boundaries of individual A58 highway verges.</p> <p>f) Ensure all maps have north points and map scales.</p>	<p>coloured green, and the boundaries of the A58 verges (referred to collectively as site 11) are insufficiently well defined.</p> <p>It is also important to differentiate between information maps that are presented within the main body of the Plan (Map 1, Map 2 etc.) and the three maps presented on pages 30 – 33 (incl) which are specifically intended to inform the decision making process. It would therefore be more appropriate to refer to these as 'Scarcroft Neighbourhood Plan Policies Maps' throughout the Plan.</p> <p>I also recommend a number of changes to correct anomalies and inaccuracies on some of the maps and appendices, including the addition of north points and map scales.</p> <p>While the Google Earth generated base to identify individual areas of Local Green Space in Neighbourhood Plan Map 3 does not provide the level of accuracy necessary to be of use for development management purposes I am satisfied that in combination with the ordnance survey based maps in Appendix 3 (as recommended to be amended) it is possible to identify precise site boundaries.</p>	
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