



JohnsonMowat
Planning & Development Consultants

Newall Hall, Newall Carr Road, Otley

B Houldsworth & Sons Ltd

PLANNING STATEMENT

December 2023



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LIMITATIONS

The assessments and interpretation have been made in line with legislation and guidelines in force at the time of writing, representing best practice at that time.

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1.0 INTRODUCTION

1.1 This Report has been produced on behalf of B Houldsworth & Sons Ltd in support of a full planning application for the conversion of Newall Hall to form apartments and the development of four dwellings to the rear on land off Newall Carr Road, Otley:

“Conversion of Newall Church Hall to form 2no. dwellings and residential development of land to the rear for 4no. dwellings with associated greenspace, landscaping and infrastructure.”

1.2 This Report sets out the key matters to be considered in the determination of the planning application and should be read in conjunction with the suite of accompanying documents which consider the various technical matters relevant to the proposed development. These are as follows:

Suite of Architectural Plans – **Enjoy Design**
Landscape Design - **New Leaf**
Design and Access Statement – **Enjoy Design**
Planning Statement – **Johnson Mowat**
Heritage Impact Assessment – **MB Heritage**
Geophysical Survey – **WYAS Archaeological Services**
Highways Supporting Statement – **AMA**
Ground Investigation Report – **ARP Associates**
Arboricultural Report – **AWA Trees**
Arboricultural Impact Assessment – **AWA Trees**
Ecological Impact Assessment – **Futures Ecology**
Biodiversity Impact Assessment – **Futures Ecology**
Flood Risk and Drainage Strategy – **AMA**
Topographical Survey – **MT Surveys**
Marketing Information – **DE Commercial**

1.3 The remainder of this Report is set out as follows:

Section 2 describes the Site and its surroundings along with details of those designations affecting the Site;



Section 3 sets out the planning history, proposed development and the design rationale;

Section 4 outlines those planning policies material to the determination of this planning application;

Section 5 provides an appraisal of the proposed development demonstrating it to be sustainable development in accordance with the Development Plan; and

Section 6 concludes the development to be sustainable development in accordance with the relevant policies of the Development Plan and should be approved without delay.



2.0 LOCATION & SITE DESCRIPTION

- 2.1 The application site (“the Site”) measures 0.33 hectares and is located off Newall Carr Road in Otley, immediately north of an existing children’s park and greenspace. The land lies immediately east of Newall Carr Road and comprises the existing Newall Hall building, with pedestrian access off Newall Carr Road, and unused scrubland to the rear. There are a number of boundary trees.
- 2.2 Newall Hall is a single storey stone building with a two-storey height roof pitch, which axis runs west to east, and the western gable end fronts Newall Carr Road. The building was constructed as a Sunday school in around 1927.
- 2.3 A stone wall forms the western boundary to the footpath on Newall Carr Road.
- 2.4 The rear boundaries of existing semi-detached properties on The Crescent form the northern boundary. The boundary treatment mainly comprises close boarded fencing.
- 2.5 Boundary treatment on the eastern and southern boundaries comprises a mix of trees and low boundary stone walling.
- 2.6 The Site is privately owned, having been purchased from the Parochial Church Council (PCC) in June 2020. In June 2020 the PCC declared publicly that *“for the past 20 years...the hall has been under-used and has been costing the parish church money”*. Originally built as a Sunday School Newall Church Hall is no longer fit for purpose.
- 2.7 The Site lies in a predominantly residential area that has a mixed architectural and spatial character, comprising semi detached two storey properties to the north on Newall Carr Road and The Crescent, and a mixture of detached two storey and detached dormer bungalows to the north west off Croft House Drive. Prince Henrys Grammar School lies to the immediate south of the local greenspace and park off Newall Carr Road. The school playing fields lie to the immediate east of the Site and the main school buildings to the south east of the Site.
- 2.8 The Site is located in a highly sustainable location, as is recognised in the Leeds 20 minute neighbourhood accessibility maps which scores the site cell as 11.41 out of 18, which represents high level of accessibility. The Site is north of the River Wharfe and within walking distance to Otley town centre which contains a range of local services and shops,



including supermarkets, restaurants, cafes, public houses, Doctors Surgeries, Dentists, a large Post Office, a Library, Churches, and Public Houses. Access to the town centre from the Site is provided via footpaths on Newall Carr Road which turns into Billams Hill and Bridge Street, leading into the main services in the Town Centre.

- 2.9 Wharfedale Hospital lies a short distance away to the north west of the Site.
- 2.10 There are 5 no. Primary Schools in Otley, 2 no. of which are north of the River Wharfe, and are within an appropriate walking distance from the Site. Ashfield Primary School, off Weston Lane is circa 900m west of the site, and Whartons Primary School is circa 900m to the north east. As referred previously, Prince Henrys Grammar School lies within very close proximity to the south east of the Site.
- 2.11 Otley is a Main Settlement within the Leeds District. It lies 10 miles north west of Leeds and 10 miles north east of Bradford. Smaller settlements within proximity include Menston and Guiseley to the south east and south, Pool in Wharfedale to the east, and Ilkley to the west.
- 2.12 The Site lies within walking distance (1.2km) to Otley Bus Station, and closer bus stops are located Newall Carr Road and Prince Henry's Crescent (circa 160m away) with local services to Otley town centre and on to Menston train station (Otley Dash) with regular services up to every 30 minutes. Further, regular destinations are available from Otley Bus Station, to Leeds City Centre, Ilkley and Skipton.
- 2.13 The Site lies outside the Otley Conservation Area and Newall Hall is not a Listed Building. Newall Hall is referred to by the Council as a non-designated Heritage Asset. More information is contained within the Heritage Impact Assessment.
- 2.14 The Site is located within Flood Zone 1 and is at limited risk of flooding (as shown on the Environment Agency's flood risk maps).
- 2.15 The existing ground levels of the Site are practically level with shallow gradients and variations within the site.



3.0 PLANNING HISTORY & DEVELOPMENT PROPOSAL

Planning History

- 3.1 A Full planning application (23/00202/FU) was submitted to Leeds City Council on 11 January 2023 for the demolition of Newall Church Hall and development of 8 semi-detached dwellings with associated greenspace and landscaping. However, the application was withdrawn following feedback from the Council which related to the development of protected areas of green space, loss of a non-designated heritage asset and the quality of the proposed site layout.
- 3.2 The Council advised that with regards to taking the scheme forward, the Applicant should consider the retention and conversion of the church hall, which would be a significant benefit in weighing up the planning balance. It was indicated that the retention of the church hall together with an improved layout of development on the area of protected greenspace would merit further discussion and the Council welcomed a pre-application submission.
- 3.3 A pre-application submission was made on 29 June 2023 for a scheme which retained and converted Newall Hall into 2 no. apartments and developed land to the rear for 4no. dwellings. Although a meeting was requested, this was not accepted by the Council, and a written pre-application response was received on 11 September 2023.
- 3.4 This confirmed that the Council would be unlikely to support the loss of greenspace, despite the outcome of the Ash Grove appeal and the Otley Neighbourhood Plan not designating the land as greenspace. The pre-application response stated: -
- “The advice is that the Ash Grovel appeal decision is a material consideration in assessing applications which relate to the appeal site and its reasonable for the Council to afford less weight to the decision on other greenspace sites such as the site subject to this pre-application enquiry. The appeal decision will be weighed up along with other material planning considerations.*
- 3.5 On the basis the Council consistently refers to other Inspectors decisions when defending positions at appeal, the stance cited above is simply not logical.
- 3.6 The Conservation Officer welcomed the retention of the Church Hall, and indicated that the conversion to 2 no. apartments would provide good quality amenity and living conditions



for future occupiers. The Case Officer confirmed that this would weigh in favour of the development proposals. The Design Officer provided a number of suggestions for layout improvements, including rotating plots 1 and 2 to be south facing with wider garden areas.

- 3.7 A primary concern for the Applicant in retaining the hall for conversion, was the ability to provide an acceptable access road. However, the Council confirmed through the pre-application that the private drive to the north of the hall at 4.8m width for the first 10m with visibility splays of 2.0m x 45m would be acceptable. A number of design comments were made in regards to parking and bin storage.
- 3.8 The Council advised that if an application is pursued emphasis should be given to developing an exceptionally high quality scheme that would clearly outweigh this presumption against development resulting in the loss of the greenspace. Whilst the Applicant does not agree with the Councils approach with regard to the loss of greenspace in light of the Ash Grove appeal, the proposed layout accounts for all of the design comments made within the pre-application to deliver a layout which is considered to be of an exceptionally high quality.

Development Proposals

- 3.9 This planning application seeks full planning permission for conversion of Newhall Church Hall to form 2 no. dwelling and the residential development of 4 no. dwellings on land to the rear with the point of access (vehicular and pedestrian) into the Site from Newall Carr Road along the north of Newall Church Hall. The description of development is as follows:
- “Conversion of Newall Church Hall to form 2 no. dwellings and residential development of land to the rear for 4 no. dwellings with associated greenspace, landscaping and infrastructure.”
- 3.10 The scheme seeks to make efficient use of land with the conversion of Newall Hall and redevelopment of the land to the rear for residential development, taking into account the retention of all possible trees within the site and the desire to create ecological enhancement via additional tree, hedgerow and native planting both on and off site.
- 3.11 Given the visibility requirements for a vehicular access into the site, and the requirement to retain Newall Church Hall, the most appropriate access point is located to the south of the road frontage. The access comprises of a 4.8m wide carriageway, perpendicular to existing Newall Carr Road. After extending back 10m, the access bends into the site at a



10m centreline radius. The carriageway then tapers into a 4.1m carriageway width, which allows a min. 0.5m clearance from existing hall. Visibility splays are achieved at 2m x 45m, due to the existing site constraints, and this has been confirmed as acceptable by the Local Highways Authority.

- 3.12 The proposed residential development comprises a mix of 2, 3 and 4 bedroom dwellings in the following mix.

2 x 2 bed dwellings within the existing Church Hall;
2 x 3 bed dwellings (Housetype A); and,
2 x 4 bed dwellings (Housetype B).

- 3.13 Dwellings have been positioned to respect the building line of Newall Carr Road and have been determined by the required location of the internal access road, presence of existing trees and requirement to retain Newall Hall. The linear nature of the Site has resulted in 2 no. dwellings within the Church Hall and 4 no. dwellings to the rear. The proposed dwellings have been carefully selected and designed to ensure their successful and sympathetic integration with the existing dwellings to the north and west. The Site layout shows how the Site can be appropriately and sustainably developed for residential use and adopts the principles of 'good design'.

- 3.14 The layout has been carefully considered in line with comments made during the pre-application, where it was accepted that plots A, B, 3 and 4 were all appropriately designed however plots 1 and 2 should be orientated to be south facing towards Otley Chevin and existing open space. Of equal consideration is the root protection zones of existing mature trees, both on Site and adjacent to the Site with plots avoiding development within these to ensure the trees remain healthy. A buffer zone has been provided at the rear of plots 3 and 4, as was previously requested by the Councils Tree Officer under 23/00202/FU.

- 3.15 In terms of scale the dwellings, the 2 no. and 3 no. bed house types is two storey with the 4 bed house type being designed to provide an additional storey within the roof. Examples of both 2 and 2½ storey accommodation can be seen within the existing houses to the immediate North. Furthermore, all housing within the immediate surroundings are of the same scale.

- 3.16 The proposed dwellings very much take their design cues from nearby housing with particular reference to Prince Henry's Court. Split face stone walling with ashlar detailing



to the heads and cills will provide a timeless palette which will retain a quality, timeless appearance and very much aligned to the more historic Otley housing provision.

- 3.17 A number of new trees and scrub planting is proposed within the Site in privately managed areas lying outside the residential curtilages. The additional tree planting will mitigate the loss of a small number of trees required to deliver the scheme and provide ecological enhancement. In addition, the applicant is proposing to enhance the recreational greenspace to the immediate south of the Site with the provision of additional tree planting beyond the southern boundary of the Site and adjacent to Newall Carr Road frontage. This will provide an additional ecological and landscape enhancement on what is currently an underused recreational green space. It is proposed that the additional tree planting is secured to ensure delivery prior to commencement of development by either a Grampian condition or a legal agreement.
- 3.18 Significant greenspace is provided throughout the Site, significantly the land to the immediate rear of Newall Hall and between plots 2 and 3. A landscape planted margin is also provided along the northern boundary of the site, along the proposed access road.
- 3.19 Further detailed design information is contained within the detailed application drawings and the Design and Access Statement.



4.0 PLANNING POLICY

4.1 The whole purpose and intention of the planning system is to enable the development of appropriate sites which are sustainable as defined by the National Planning Policy Framework (the Framework) and in particular as set out at paragraph 8.

4.2 The duty in Section 38(6) of The Planning and Compulsory Purchase Act 2004 enshrines in statute the primacy of the Development Plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

“If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.”

4.3 Paragraph 2 of the Framework recognises the provisions of Section 38(6) stating: -

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account when preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements”.

4.4 The footnote to paragraph 2 makes specific reference to the development plan including any local and neighbourhood plans that have been brought into force.

The correct approach to determining whether a proposal is in compliance with a development plan is uncontroversial: -

All the relevant policies should be identified;

An assessment should be made as to whether the proposal complies or not with each of those policies and the weight to be given to these;

The development plan must be read as a whole;

It must be recognised that separate policies within the same development plan can pull in different directions, and;

A development can conflict with one individual policy and still comply with the development plan as a whole.



- 4.5 Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.
- 4.6 The reason for a decision must be intelligible and they must be adequate. They must enable the reader to understand why the matter was decided as it was and what conclusions were reached on the principle important controversial issues, disclosing how any issue of law or fact was resolved.

National Planning Policy

- 4.7 The updated Framework, which was published in September 2023, sets out the Government's planning policies for England and how these should be applied. It states that the "purpose of the planning system is to contribute to the achievement of sustainable development", which requires the delivery of economic, social and environmental objectives. The Framework is a material consideration.
- 4.8 The overall objective of the Framework is to promote development with a presumption in favour of sustainable development. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Para. 11 of the Framework identifies how this presumption is to be applied in making decisions on individual applications stating: -
- 4.9 "For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.



4.10 With specific regards to housing development, the Framework states at paragraph 60 that:

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

4.11 The sections of the Framework considered of relevance to this application are listed below.

Section 5: Delivering a sufficient supply of homes;

Section 11. Making effective use of land;

Section 12. Achieving well-designed places;

Section 14: Meeting the challenge of climate change, flooding and coastal change;

Section 15: Conserving and enhancing the natural environment; and,

Section 16. Conserving and enhancing the historic environment.

The Development Plan

4.12 For the purposes of decision making at this site, the Development Plan for Leeds City Council currently comprises the following documents: -

Leeds Core Strategy September 2019 (as amended by the Core Strategy Selective Review 2019);

Leeds Site Allocations Plan (July 2019);

Saved policies of the Unitary Development Plan (Review 2006);

Otley Neighbourhood Development Plan (approved 21st May 2020); and,

The Natural Resources and Waste Local Plan (2015).

Leeds Core Strategy (2019)

4.13 The policies of the Core Strategy and of relevance to the application are identified below.

4.14 The General Policy of the Core Strategy identifies the Council will take a positive approach which reflects the presumption in favour of sustainable development as detailed within the Framework. This policy explains the Council will work proactively with applicants in order to find solutions which result in proposals being approved where possible and in securing development that makes an improvement to the social, economic and environmental conditions of Leeds. Furthermore, where planning applications accord with the policies of



the Plan these will be approved without delay unless material considerations indicate otherwise.

- 4.15 Spatial Policy 6: The housing requirement and allocation of housing land
- 4.16 This spatial policy sets out the Council's housing provision that is required over the plan period between 2017 and 2033. A target of 3,247 new dwellings per year are to be delivered with an additional 500 new dwelling per annum anticipated on small and unallocated sites.
- 4.17 The delivery of 6 no. dwellings will contribute towards meeting the overall housing need, located within the confines of a Major settlement development limit.

H2 New housing development on non-allocated sites

- 4.18 This policy states that new housing development will be acceptable in principle on non-allocated land, providing that:

"The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development.

- 4.19 In addition, greenfield land *"should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, or makes a valuable contribution to the visual, historic and/or spatial character of an area."*

- 4.20 The redevelopment of this part brownfield and part greenfield site is considered to be acceptable in principle. The greenfield part of the Site is not of intrinsic value as demonstrated by the various application documents and evidenced when the Otley Neighbourhood Plan didn't designate the area as greenspace as it was considered that it did not meet landscape, recreation and accessibility criteria for doing so.

H3 Density of residential development

- 4.21 Policy H3 provides a density expectation of housing development, which in urban areas is expected to meet or exceed 40 no. dwellings per hectare unless there are overriding reasons concerning townscape, character, design or highway capacity. The density of development is driven by the constraints of the Site, with the access requirements and root protection areas limiting the developable area on-site. There is also a requirement to



consider the balance of retaining and enhancing the Church Hall, whilst also delivering a viable scheme.

Housing Mix

- 4.22 Policy H4 requires developments to include an appropriate mix of dwelling types and sizes and a preferred housing mix with target is included in the justifying text. The justifying text also explains that *“for small developments, achievement of an appropriate mix to meet long term needs is not overriding.”*
- 4.23 The proposed mix equates to 33% 2 bed dwellings, 33% 3 bed dwellings and 33% 4 bed dwellings. For a minor development of 6 no. dwellings, the inclusion of such a mix is deemed positive, with all dwellings falling within the Council’s minimum and maximum preferred range identified within Table H4.

H9 Minimum space standards

- 4.24 Policy H9 sets out the minimum space standards to which new dwellings must comply which reflect the Nationally Described Space Standards (NDSS). The policy covers internal space within dwellings and sets requirements for the Gross Internal Floor Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions of key areas of the home. These being bedrooms, storage and floor to ceiling height.
- 4.25 The 6 no. dwellings exceed the NDSS gross internal floor areas as demonstrated in the Plans and Elevation drawings for each house type in compliance with Policy H9.

H10 Accessible Housing Standards

- 4.26 Policy H10 has been developed to address changes to national planning policy and the Building Regulations in 2015 which requires the provision of accessible dwellings as part of new residential dwellings to meet the needs of residents.
- 4.27 New dwellings must meet the optional accessible housing standards provided in Part M Volume 1 of the Building Regulations. The optional housing standard M4(2) ‘accessible and adaptable dwellings’ contained within the Part M Volume 1 Regulations provides a higher level of accessibility and adaptability than standard dwellings. Furthermore, there is also the optional accessible housing standard M4(3) ‘wheelchair user dwellings’ provides a standard for dwellings which are accessible for wheelchair users or can easily be adapted to be suitable for wheelchair users.



- 4.28 The policy requires that 30% of dwellings meet the requirements of M4(2) and 2% of dwellings meet the requirement of M4(3). The M4(3) requirement applies to schemes with 25 no. or more new dwellings and is therefore not applicable in this instance.
- 4.29 The 6 no. dwellings all meet the M4(2) requirements and therefore exceed the requirements of Policy H10.

P10 Design

- 4.30 Policy P10 is a design related policy and requires that schemes provide good design that is appropriate to its location, scale and function. Development is expected to deliver high quality inclusive design and for developments to respect such features as existing spaces and buildings according to their local distinctiveness and wider setting of the place.
- 4.31 Proposals will be supported where they accord with a number of key principles which, for the purposes of this application, include:

“i) the size, scale, design and layout of the development is appropriate to its context and respects the character and quality of surrounding buildings; the streets and spaces that make up the public realm and the wider locality.

ii) the development protects and enhances the district’s existing, historic and natural assets, in particular, historic and natural site features and locally important buildings, spaces, skylines and views.

iii) the development protects the visual, residential and general amenity of the area through high quality design that protects and enhances surrounding routes, useable space, privacy, air quality and satisfactory penetration of sunlight and daylight.

iv) car parking, cycle, waste and recycling storage should be designed in a positive manner and be integral to the development;

v) the development creates a safe and secure environment that reduces the opportunities for crime without compromising community cohesion;

vi) the development is accessible to all users”.



- 4.32 As demonstrated by the design proposals, the detailed information in the Design and Access Statement it is considered the proposals accord with Policy P10. The design has taken into consideration the size, scale and layout having regard to the local context and the existing dwellings abutting the northern boundary.
- 4.33 The archaeological potential of the Site is deemed to be low, and the proposed retention of Newall Hall as a non-designated heritage asset is a significant benefit to the revised design which weighs heavily in favour of the proposals.
- 4.34 The Church Hall has been redundant for a number of years, marketing for over a year proving unsuccessful resulting in no meaningful offers, resulting in the Hall and land to the rear attracting anti-social uses and illegal trespassing. This has had a negative impact on the visual, residential and general amenity of the area, and the proposed development has been sensitively designed to provide a significant benefit to local amenity with open space being provided throughout alongside substantial landscaping both on and off site.
- 4.35 The proposals provide adequate parking for each dwelling as well as visitor parking and the design proposals include areas for bin storage on site and a bin collection point within 25m of the adopted highway.
- 4.36 The proposed development has been guided by Secured by Design principles, as well as guidance provided by Council consultees under application ref 23/00202/FU. Furthermore, the conversion of the Church Hall and development of land to the rear will remove any existing security issues at the site with regards to trespassing and opportunities for crime. The security of neighbouring residents will be improved as a result of the development proposals.
- 4.37 The scheme proposals are accessible for all users, and result in a well-considered design which will fit in with the surroundings, with the scheme considered to align with Policy P10 and design related guidance in the Framework.

Policy P11 Conservation

- 4.38 This policy relates to the historic environment and states that development proposals will be expected to demonstrate a full understanding of historic assets affected. Where appropriate, heritage statements assessing the significance of assets, the impacts of proposals and mitigation measures will be required to be submitted by developers to accompany development proposals. The proposed development seeks to retain an



enhancement a non-designated heritage asset, which is considered to be of importance locally by the Council, and as such the proposals are designed in full accordance with Policy P11.

P12 Landscape

- 4.39 Policy P12 advises that “character, quality and biodiversity of Leeds’ townscapes and landscapes, including their historical and cultural significance, will be conserved and enhanced to protect their distinctiveness through stewardship and the planning process”.

T2 Accessibility requirements and new development

- 4.40 This policy identifies that new development should be located in accessible locations and adequately served by either existing or programmed highways, by public transport. Furthermore, development needs to be safe and have secure access for pedestrians, cyclists, and people with impaired mobility.

G6 Protection and Redevelopment of Existing Green Space

- 4.41 This Policy protects development of Green Space unless one of three criteria is met. The criteria includes whether there is an adequate supply of accessible green space / open space within the analysis area; the green space / open space is replaced by an area of at least equal size, accessibility and quality in the same locality; or where supported by evidence and in the delivery of wider planning benefits, redevelopment proposals demonstrate a clear relationship to improvements of existing green space quality in the same locality.
- 4.42 It is important to note that the application site is not identified as Local Green Space in the Otley Neighbourhood Plan.
- 4.43 A recent Appeal Decision is particularly important to the consideration of this application. The Inspector in the Appeal Decision relating to Ash Grove, Otley (APP/N4720/W/22/3304440) dated 30 November 2022 assessed the differences between the deficit of natural greenspace in the LCC administrative area for the purposes of the Core Strategy Policy G6 and the surplus of natural greenspace identified in the Neighbourhood Plan Area which encompasses areas of land within Harrogate Borough Council (outside LCC boundary). The Inspector found that: -



“The ONP when taken with the SAP demonstrates that there is a surplus of natural greenspace in Otley. This is unaffected by the fact that the ONP straddles the boundaries of two different local authorities. Furthermore, the site was considered for allocation as local greenspace in the ONP but the surveyor recommendation was not to proceed to allocation...When taken together, these considerations support the loss of the greenspace and outweigh the conflict with the development plan that I have found.”

- 4.44 There are clear similarities with that Appeal Site and this Site which cannot be overlooked or simply disregarded. Both sites were considered for allocation as local greenspace in the Neighbourhood Plan and were not recommended to proceed to allocation. It is clear from the recent Appeal Decision mentioned above that the redevelopment of the Site meets one of the criteria in Policy GE6 as it has been demonstrated and agreed by an Inspector that there is a surplus of natural greenspace in Otley.
- 4.45 The Council indeed acknowledge through the pre-application that the recent Ash Grove appeal decision is a material consideration in assessing applications which relate to the Site. The Inspector placed material weight on land within the Otley Neighbourhood Plan being included within the greenspace calculation for the local area, regardless of whether land was within either the Harrogate or Leeds administrative boundaries. The Applicant agrees that this approach is the correct one, however we are aware that the Council are choosing to maintain that this weight should be limited regardless of the Inspectors findings. This approach is ill-advised.
- 4.46 The Applicants position is in line with that of the Planning Inspectorate, that the proposals meet Policy G6 (i) in identifying that there is a surplus of greenspace, with the Otley Neighbourhood Plan providing a suitable up-to-date analysis area. The Neighbourhood Plan was made in November 2021, post-adoption of the Core Strategy. Furthermore, the development site offers no potential for use as greenspace, as shown through the preparation of the Neighbourhood Plan, Therefore the proposals comply with Policy G6 in full.

G9 Biodiversity improvements

- 4.47 This policy requires development to demonstrate 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.



The policy also requires development to demonstrate that the design, including landscape, enhances existing wildlife habitats and provides new areas and opportunities for wildlife.

- 4.48 The Ecological Impact Assessment identifies no ecological features of note on Site. The BNG assessment results in a positive on-site gain, exceeding the net gain requirement and therefore in compliance with Policy G9.

EN5 Managing Flood Risk

- 4.49 Policy EN5 relates to the management and mitigation of flood risk and seeks to avoid development in flood risk areas, protect the function floodplain and requires flood risk to be considered for all development. The policy also relates to surface water run-off and requires this to be reduced as part of new build developments.

Leeds Sites Allocation Plan (SAP) (July 2019)

- 4.50 The Site is located within the Outer North West Sub Area of the SAP and within the Otley urban area, which is a Major Settlement. The Site is designated on the 2019 Proposals Map as Green Space (Core Strategy Policy G6) within the Major Settlement boundary. The redevelopment of the Site therefore requires compliance with one of the criteria in Policy G6.

Unitary Development Plan (Review 2006)

- 4.51 The saved UDP policies considered of relevance to this application are as follows: -

GP5 – General Policy

- 4.52 GP5 is a general policy and states that “*development proposals should resolve detailed planning considerations (including access, drainage, contamination, stability, landscaping and design). Proposals should seek to avoid problems of environmental intrusion, loss of amenity, pollution, danger to health or life, and highway congestion, to maximise highway safety, and to promote energy conservation and the prevention of crime. Proposals should have regard to the guidance contained in any framework or planning brief prepared for the site or area*”.

BD5 New Buildings

- 4.53 Policy BD5 requires “all new buildings should be designed with consideration given to both their own amenity and that of their surroundings. This should include usable space, privacy and satisfactory penetration of daylight and sunlight”.

LD1 Landscape

- 4.54 This policy addresses the topic of landscape design and requires that all landscape schemes should complement and where it is possible enhance the quality of the existing physical environment. The Council identify this could be met through hard and soft landscaping elements and the policy identifies a number of areas that a landscape scheme should achieve.






Otley Neighbourhood Development Plan 2020

- 4.55 The Policies within the Otley Neighbourhood Plan (‘ONP’) seek to meet the overall aim to “develop, maintain and improve a vibrant and sustainable Otley by stimulating a thriving economy with a range of employment opportunities and ‘affordable’ housing that supports an active and inclusive community.” It seeks to ensure that homes, of the right types, are built to meet the needs of local people.
- 4.56 Within the ONP the application site is identified as Local Green Infrastructure. The road frontage is identified as part of the Extended Leeds Habitat Network and Newall Hall is identified as a Community Facility. See the below extract from the ONP Policies Map.





Green Environment

-  Local Green Infrastructure (ref POLICY GE2)
-  Riverside (ref POLICY GE3)
-  Former Bridge End Cattle Market Site (ref POLICY GE4)
-  Extended Leeds Habitat Network Within Otley (ref POLICY GE5)
-  Local Green Spaces (ref POLICY GE6)

4.57 Importantly, the ONP does not designate the Site as Local Green Space, which is protected from new development other than in very special circumstances (Policy GE6). A Local Green Space Assessment was undertaken by Otley Town Council of the application site and all other local Green Space in the neighbourhood plan area, the results of which are summarised in Appendix 3 of the ONP. The Local Green Space Assessments forms part of the background evidence to the ONP. The below is an extract from the background evidence, providing reasons why the application site was not recommended for designation as Local Green Space.

Newall Parish Church Hall Field	
Location	As green space G771 Newall Carr Road.
Size	0.34 ha
Adjacent to existing properties?	Yes - Church Hall and adjacent houses on Newall Carr Road and houses on The Crescent to the north of site.
Local or community value	No evident practical value, other than as a wild amenity area to look out on
Landscape value	No in sense that not easily visible from the road and neglected appearance in being heavily overgrown.
Historical value	None known
Recreational value	Little evident though appears used as a shortcut by schoolchildren to housing on Newall estate
Wildlife or green infrastructure value	Local only - some natural regeneration provides some habitat value being bordered by managed grassland in PHGS playing field to east and Newall green play space to south. Within Local Green Infrastructure.
Summary Assessment/Basis of Recommendation	Site has some limited wildlife/infrastructure value but does not meet any other criteria.
Recommendation	Not designate as Local Green Space

4.58 The key policies within the ONP that are therefore relevant to this proposal are: -



Policy H1: Housing Development on non-allocated sites

- 4.59 This policy supports new housing development on non-allocated sites providing that infrastructure capacity, either as existing or provided as a condition of development, is not exceeded in relation to the local highway network, the local public transport network, the availability of primary and secondary school places, and the availability of patient places at local GP and dental practices.

Policy GE2: Local Green Infrastructure

- 4.60 This is a permissive policy, in order for development to be supported development proposals must not harm the function of the Local Green Infrastructure areas. Development proposals must, subject to viability, include measures to enhance or extend it.
- 4.61 It is considered that the proposed ecological enhancements and tree planting proposed within the application site result in measures to enhance the Local Green Infrastructure in accordance with Policy GE2.

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

- 4.62 This policy is a permissive policy which sets out criteria for development to meet in order for development to be supported. It states that development must demonstrate that:
1. There will be an overall net gain for network biodiversity, including a positive contribution to the network through habitat protection, enhancement and creation;
 2. The design of new development, including landscaping, enhances wildlife habitats and provides new areas and opportunities for wildlife;
 3. There is no significant adverse impact on the integrity and connectivity of the network.
- 4.63 The policy further states that *“Development which includes measures that would fill gaps in or further extend the Extended Leeds Habitat Network, will be supported.”*
- 4.64 The supporting documentation that forms this application includes an Ecological Impact Assessment and Biodiversity Net Gain Report that provides further detail of the value of



the proposed ecological enhancements and overall BNG net gain. Further detail contained in these reports and summarised in Section 5 of this Statement demonstrate that the criteria in ONP Policy GE5 are met. Further, the proposed additional tree planting within the green space to the immediate south of the Site will create a further enhancement to the Extended Leeds Habitat Network.

Policy GE8 Development and Replacement Trees

- 4.65 This policy aligns with Core Strategy and Natural Resources and Waste Local Plan tree policies in relation to the replacement tree ratio of 3:1. It also allows for off-site planting within the Neighbourhood Area where on-site replacement tree planting is not achievable and allows for an agreed financial contribution where lack of opportunity for suitable replacement tree planting exists.

Policy BE8: Protection and enhancement of non-designated heritage assets

- 4.66 This policy requires proposals that affect the significance of non-designated heritage assets to be assessed having regard to the scale of any harm or loss and the significance of the heritage assets, including their importance to local distinctiveness, character and sense of place. Newall Hall, a non-designated heritage asset, is being protected and enhanced as a result of the development proposals.

Policy CF1: Protection and Enhancement of Community Facilities

- 4.67 Newall Hall is listed in Appendix 9 (No.34) as a Community Facility. Policy CF1 supports development where it can be demonstrated that the operation of the existing facility is no longer viable following the marketing of the facility for at least one year.
- 4.68 The Site has been the subject of a marketing campaign since August 2021, the details of which are contained in a statement from the Marketing Agents DE Commercial, at Appendix 1 of this statement. The marketing information has proven the very limited interest in re-using the existing building with no credible offers received during the marketing period. The current state of the building is no longer fit for purpose, with considerable money required to bring the building back into a useable state. The marketing campaign has proven a lack of interest for the continued use of Newall Hall for community purposes and it is therefore considered the loss of Newall Hall for a community use can be supported by ONP Policy CF1.



Natural Resources and Waste Local Plan DPD

4.69 The policies considered of relevance to this application are as follows: -

Land 1: Contaminated Land

4.70 This policy has regard to the Council being supportive of previously developed land however to ensure the risk created by actual and potential contamination is addressed developers need to submit information regarding the status of the Site in terms of contamination with their planning application.

4.71 The Ground Investigation report concludes that strip or trench fill foundations are anticipated to be acceptable, subject to intrusive investigation. The existence of possible contamination sources is uncertain and therefore recommends further investigation pre-commencement.

Land 2: Development and Trees

4.72 Policy Land 2 states: -

“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. Where in certain circumstances on-site planting cannot be achieved, for example due to lack of suitable space in City Centre locations, off-site planting will be sought, or where the lack of suitable opportunity for this exists, an agreed financial contribution will be required for tree planting elsewhere. Planting design and specification should in all cases meet the current best practice”.

Water 7: Surface water run-off

4.73 This policy requires all development to ensure that there is no increase in the rate of surface water run off to the existing formal drainage system. Development is expected to incorporate sustainable drainage techniques wherever possible.



Other Material Local Planning Guidance

- 4.74 Neighbourhoods for Living – A guide for residential design in Leeds – 3rd Edition 2015
- 4.75 This residential design guide provides guidance on the concepts of good housing design, and guides developers as to what the Council considers is good practice in housing design. The guidance includes information on layout, space about dwellings, outdoor private spaces, materials, and responding to local character.

Transport Supplementary Planning Document – March 2022

- 4.76 The Transport SPD supplements the Neighbourhoods for Living document and supersedes a number of SPD's (Street Design Guide SPD, Parking SPD, Travel Plans DPD, and Public Transport Improvements and Developer Contributions). It contains detailed information and technical specifications relating to Street Design, including parking requirements.



5.0 THE PLANNING CASE

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined against the development plan, unless material considerations indicate otherwise. The Development Plan in this case comprises the development control policies of the Leeds Core Strategy (2019) and the policy aims of the Otley Neighbourhood Plan.

5.2 This section of the report identifies the main considerations and provides an assessment of the planning and design merits of the case in support of the proposed development.

Principle of Development

5.3 Paragraph 60 of the Framework seeks to significantly boost the supply of homes, helping to meet local needs and address the national housing crisis. To deliver this level of growth at the local level, the Leeds Core Strategy Spatial Policy 6 relates and sets out a housing requirement of 3,247 new dwellings per year. In addition, 500 new dwellings per annum are anticipated on small unidentified sites. In terms of the location for growth in housing, the Core Strategy looks to allocate the majority of new housing in the main urban areas, including town centres.

5.4 Core Strategy Spatial Policy 1 Location of development sets out the Council's spatial development strategy based on the Leeds settlement hierarchy and seeks to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services and high levels of accessibility. SP1 additionally, prioritises the development of previously developed land. The hierarchy prioritises the location of future development and sets out those areas towards which development will be directed. Table 1 identifies settlement types in the hierarchy as being the Main Urban Area of Leeds, Major Settlements, Smaller Settlements, and finally Villages. Otley is defined as a Major Settlement. The proposed development on partially brownfield and partially underused private green space close to the town centre boundary, within the urban area of Otley is therefore consistent with the spatial approach to development set out in the adopted Core Strategy.

5.5 Policy H2 of the Core Strategy states that new housing development on unallocated sites will be acceptable in principle on non-allocated land, providing that the number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development.



- 5.6 The proposed development consists of the conversion of Newall Hall to from 2 no. apartments and redevelopment of land to the rear for 4 no. dwellings. It is considered that the addition of 6 no. new dwellings is unlikely to exceed the capacity of transport, educational and health infrastructure in the locality.
- 5.7 The scheme accords with the accessibility standards set out in Table 2 of Appendix 3 of the Core Strategy in that it meets those criteria in relation to the access of local services, employment and education within walking distance. The proposed development is compatible with the surrounding uses with residential properties bounding the site to the north and west. The Site is in close proximity to good public transport links to both Leeds City Centre and other local centres including Guiseley and Ilkley. As such, it is not considered that it could be reasonably argued that the proposal would lead to harmful impacts in these respects.
- 5.8 The conflict between the SAP Green Space allocation of the application site (Policy G6) and the ONP designation, which does not identify the site as Local Green Space, has been recently established and addressed by an Appeal Decision in Otley (Ref APP/N4720/W/22/3304440).
- 5.9 The recent Appeal Decision referenced above is particularly important to the consideration of this application. The Inspector in the Appeal Decision relating to Ash Grove, Otley dated 30 November 2022 assessed the differences between the deficit of natural greenspace in the LCC administrative area for the purposes of the Core Strategy Policy G6 and the surplus of natural greenspace identified in the Neighbourhood Plan Area which encompasses areas of land within Harrogate Borough Council (outside LCC boundary). The Inspector found that:
- “The ONP when taken with the SAP demonstrates that there is a surplus of natural greenspace in Otley. This is unaffected by the fact that the ONP straddles the boundaries of two different local authorities. Furthermore, the site was considered for allocation as local greenspace in the ONP but the surveyor recommendation was not to proceed to allocation.... When taken together, these considerations support the loss of the greenspace and outweigh the conflict with the development plan that I have found.”*
- 5.10 It is therefore considered that the principle of the redevelopment of the Site meets criteria (i) and (iii) of Core Strategy Policy G6. Criterion i allows development of Green Space where “*There is an adequate supply of accessible green space / open space within the*



analysis area and the development site offers no potential for use as an alternative deficient open space type, as illustrated in the Leeds Open Space, Sport and Recreation Assessment.” It has been very recently demonstrated and agreed by an Inspector that there is a surplus of natural greenspace in the Otley Neighbourhood Plan Area. There are surpluses of all other greenspace types in the Otley and Yeadon Ward. Only one criterion of Policy G6 is required to be met in order to allow the principle of the redevelopment of G6 Green Space, however in this instance it is considered that criterion iii is also met. This supports redevelopment where in the delivery of wider planning benefits, redevelopment proposals demonstrate a clear relationship to improvements of existing green space quality in the same locality. The application proposals involve the planting of an additional 15 trees in designated Green Space to the immediate south of the Site located within Newall Carr Road Public Open Space (G772). This will offer a measurable improvement of the quality of this currently underused POS, for the benefit of the public, and can be secured via a Grampian Condition or Legal Agreement.

- 5.11 The principle of the loss of Newall Hall as a community facility is supported following the marketing of the Hall for at least one year, in accordance with ONP Policy CF1. The Site has been the subject of a marketing campaign since August 2021, the details of which are contained in a statement from the Marketing Agents DE Commercial, at Appendix 1 of this statement. The marketing information has proven there is very limited interest in re-using the existing building, with no credible offers received during the marketing period. The current state of the building is no longer fit for purpose, with considerable money required to bring the building back into a useable state. The marketing campaign has proven a lack of interest for the continued use of Newall Hall for community purposes and it is therefore considered the principle of the loss of Newall Hall for a community use can be supported by ONP Policy CF1.

The Presumption in Favour of Sustainable Development

- 5.12 At the heart of the Framework is the presumption in favour of sustainable development, which should be at the heart of plan-making and decision-taking. This is the overarching consideration laid out in Government policy.
- 5.13 The Framework confirms that the presumption in favour of sustainable development applies when determining development proposals, including housing applications.



- 5.14 There are three dimensions to sustainable development: economic, social and environmental. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 5.15 The consideration of whether a development proposal represents sustainable development is a question unaffected by whether it accords with policies in an up-to-date Development Plan. The determination of whether a proposal represents sustainable development is a planning judgement based upon criteria set in the Framework.
- 5.16 In making the planning balance the Framework does not indicate that any one element should represent a trump card¹. However equally that does not mean that a proposal has to pass all three of the sustainability tests to be acceptable and that any of the three roles can act as a trump card against the development. The Framework is clear, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 5.17 It is rare for any development to have no adverse impacts and on balance many fail one of the roles. For the Framework's sustainability test to have meaning then, all of the competing considerations have to be assessed together and an overall balanced conclusion reached.
- 5.18 Whilst the starting point for decision making is the development plan, the presumption in favour of sustainable development always applies and feeds in to the planning balance. Consequently, it is necessary to consider the proposals against the three dimensions of sustainable development.

Economic Role

- 5.19 Whilst it is acknowledged that the economic benefits arising from the residential development of 6 no. dwellings are relatively small in scale they must not be overlooked and can still make an important contribution to the local economy.
- 5.20 It is useful to identify the economic contribution of house building in terms of both direct impacts (through house builders themselves and their contractors) and well as indirect and

¹ Appeal Ref: APP/N1350/A/14/2217552 – Land off Sadberge Road, Middleton St George, Darlington - §70



induced impacts (from other sectors and firms that rely on house building and its supply chains and spending). The benefits are broadly categorised (all are relevant) as:-

- Capital Investment and Expenditure Benefits
- Construction Benefits
- Direct Employment Benefits
- Indirect and Induced Employment Benefits
- Resident Expenditure Benefits
- Public Finances
- Local Authority Revenue Benefits (New Homes Bonus and Council Tax)
- Local Community Benefits (Section 106); and,
- Other “Softer” Benefits

5.21 When the quantitative and qualitative benefits are considered in tandem the wider economic benefits are as follows: -

Housing as a Driver of Economic Growth

5.22 Improving the long-term competitiveness of the UK economy, including through its significant network of supply chains and contracting relationships, where domestic spin-off benefits from house building activity are far greater than for many other economic sectors.

Delivering “Real” Jobs and Economic Value

5.23 House building is a major source of national employment, with construction supporting more jobs compared with investment in many other sectors of the economy. The house building industry (and construction more widely) provides a crucial labour market entry point for young, lower skilled workers and those moving out of unemployment.

Supporting Labour Market Mobility

5.24 A healthy, well-functioning labour market requires a good supply of housing. A dysfunctional housing market can inhibit market mobility, in turn stifling economic growth.

Sector Skills and Employability

5.25 The house building industry offers a range of opportunities across different trades and skill sets from bricklaying and carpentry through to plumbing and maintenance. Apprenticeship opportunities are particularly prevalent, and have been increasing over the last few years.



Enhancing Place Competitiveness and Local Economic Development

- 5.26 A well-functioning housing market is considered important for an area to remain competitive and attractive to business and economic activity, which in turn will drive the economic growth the country needs.

Social Role

- 5.27 The social role of sustainable development supports strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. It also involves creating a high-quality built environment, with accessible local services that reflect the community's needs and support health, social and cultural well-being. The application proposals will result in a range of social benefits.
- 5.28 The development provides a benefit in contributing an additional 6 dwellings to help meet the Council's market housing need. Additional dwellings within the housing market helps to promote choice and can offer variety.
- 5.29 In addition the new residents of this development will help to support local shops and services helping to maintain the vitality and vibrancy of the local community.
- 5.30 The Design and Access Statement which supports the application sets out the details of the high-quality design proposals.
- 5.31 Policy H9 of the CSSR requires all development to meet the Nationally Described Space Standards. It is confirmed that the layout of both proposed dwellings meet these requirements. The proposals are therefore compliant with Policy H9.
- 5.32 Furthermore, Policy H10 seeks that 30% of the dwellings meet the requirements of M4(2) 'accessible and adaptable dwellings' Part M Volume 1 of the Buildings Regulations. For a proposal of 6 no. dwellings, it would therefore be expected that 2 no. dwellings met this standard. The Design and Access Statement is clear that all properties are built to M4(2) standards, therefore rendering the proposals compliant with Policy H10.
- 5.33 It is acknowledged that the residential amenity of both existing and future residents is an important consideration. Each property is provided with private outdoor amenity space and appropriate shared amenity space. It is considered the proposed garden spaces meet the requirements for private amenity as set out in Neighbourhood for Living.



- 5.34 The siting and orientation of the proposed properties has had careful consideration for the outlook and amenity of existing residents on The Crescent to the north. As a result, the proposals allow for appropriate separation and ensure that there is no direct overlooking between habitable rooms.
- 5.35 The development of this Site does not therefore result in adverse residential amenity harms to either the existing residents or the future residents of the proposal.

Environmental Role

- 5.36 The environmental dimension is concerned with protecting and enhancing our natural, built and historic environment. In this regard the various technical documents that form the application submission are relevant, each of which are summarised below.

Highways and Access

- 5.37 At present there is no vehicular access into the Site. There is an existing pedestrian access. A new private access road is proposed off Newall Carr Road in the north west corner of the site to serve the 6 no. dwellings. Visibility splays are achievable at 2m x 45m, which was confirmed as acceptable when presented at pre-application alongside two other access solutions which would allow for the retention of the Church Hall. The Applicant acknowledges that a S27 agreement would be needed to create the new access, with the existing pedestrian guard rails in front of the Church Hall requiring removal. The trip generation associated with the proposed 6 no. dwelling scheme is considered to be negligible and would have no noticeable impact on the local highway network.
- 5.38 The Highways Supporting Statement considers that the Site is considered to be well located to the local and regional highway networks. It is considered to be in a sustainable location for access by non-car modes in line with local and national transport policy. Given there are no existing road safety issues within close proximity to the site it is considered that the proposed access and residential proposals would not detrimentally impact upon highway safety.
- 5.39 The internal access layout, parking provision (including visitor spaces) and servicing arrangements are proposed in accordance with the Council's Transport SPD. It is therefore considered that the proposals comply with criterion iv of Core Strategy P10, Core Strategy Policy T2, and the requirements of the Transport SPD.



Flood Risk and Drainage

- 5.40 The application site is located within Flood Zone 1 and therefore at the lowest risk of flooding.
- 5.41 The drainage strategy proposes that the new dwellings will connect into the Mains with regard to foul drainage.
- 5.42 In relation to surface water drainage, the Drainage Strategy identifies that in line with the drainage hierarchy, following a percolation test, the ground conditions of the Site could not support infiltration. Surface Water is proposed to discharge into the existing Yorkshire Water public combined sewer in Newall Carr Road.
- 5.43 It is considered that the proposals incorporate the most sustainable drainage techniques in compliance with Natural Resources and Waste Local Plan Policy Water 7, and Core Strategy Policy EN5.

Heritage Considerations

- 5.44 The Geophysical Survey (Magnetometer and earth resistance) was undertaken by WYAS to provide additional information on the known archaeology within the area. The results concluded that the archaeological potential of the site is deemed to be low.
- 5.45 No further investigation is deemed necessary; however it is acknowledged that the West Yorkshire Archaeology Advisory Service have requested trial trenching take place in order to fully assess the sites archaeological potential. If the Council are minded to agree with this approach, it is respectfully requested that these works are conditioned prior to commencement given the limited findings of the supporting Geophysical Survey.
- 5.46 The retention and refurbishment of the Church Hall should be considered a significant benefit to the proposed development when considering the planning balance. The proposed works minimised the extent of impact upon the fabric of the building and the principal elements contributing to its architectural and historical interest will be sustained.
- 5.47 The principal elements contributing to the significance of the building, relating to external fabric and historic interest, will be sustained. Having regard to the heritage/planning benefits derived from the retention and new use of the building it is considered that this limited level of harm is outweighed having regard to the test set out in paragraph 203 of the Framework.



Landscaping Considerations

- 5.48 The application is supported by an Arboricultural Report and detailed Landscaping scheme. There are a number of existing trees on the site, primarily along the site boundaries. The trees have been surveyed to understand their current condition. The tree survey revealed 30 items of woody vegetation, comprised of 26 individual trees and 4 groups of trees, hedges or shrubs, some of which were located on the outside edge of the Site boundary. Not including the sycamores located on the outside edge of eastern boundary (which are category B trees) the majority of the trees were identified as Category C, with 2 trees identified as category U.
- 5.49 It is recommended that T1 (which is Dead) and T2, both category U trees, are removed regardless of the development proposals.
- 5.50 In order to facilitate the development, the supporting Arboricultural Impact Assessment identifies that 4 trees will need to be removed (T3, T7, T24 and T29). Trees T7, T24 and T29 are all low value category C trees. One tree to be removed falls within category B. To mitigate against the loss of trees on site a detailed Landscaping Plan demonstrates the proposes on site additional tree planting, mixed native hedge, scrub mixes and flowering lawn mix within the site. The Landscaping Plan proposes the planting of an additional 15 trees at a replacement ratio above the recommended 3:1, all of which are proposed outside the residential curtilages. The on-site tree replacement accords with the Natural Resources and Waste Local Plan 'Land 2' Policy.
- 5.51 In addition, further off-site landscaping is proposed, with the addition of 15 native broadleaved trees to the immediate south of the application site, which will increase tree provision in the neighbourhood area, offering further landscape and ecological enhancements.
- 5.52 It is considered the proposals are compliant with Core Strategy Policy P12, UDPR Policy LD1 and Natural Resources and Waste Local Plan Policy Land 2.

Ecology and Biodiversity

- 5.53 Policy G9 of the Council's Core Strategy requires that there is an overall biodiversity net gain within development proposals proportionate to the scale of the development. ONP Policy GE2 requires development within or adjacent to Local Green Infrastructure to (subject to viability considerations) include measures to enhance or extend it. ONP Policy



GE5 supports development within the Extended Leeds Habitat Network that demonstrate there will be an overall biodiversity net gain, including positive contribution to the network through habitat protection, enhancement and creation; the enhancement of existing wildlife habitats and new areas and opportunities for wildlife via design; and no significant adverse impact on the integrity and connectivity of the network. Development which includes measures to fill gaps in or further extend the Extended Leeds Habitat Network will be supported.

- 5.54 The Ecological Impact Assessment (EclA) prepared by Futures Ecology has assessed the Site via both a desk study and field surveys of the site and surrounding area. This has included a Phase 1 habitat survey, preliminary protected species survey, bat nocturnal and reptile surveys, the details of which are found in the EclA.
- 5.55 The EclA found that no impacts are expected on any of the designated sites within the specified zone of influence. The assessment recognises the loss of improved grassland, bramble scrub and six trees as a result of the proposals, however concludes that the majority of the habitats to be lost are of low ecological importance.
- 5.56 In relation to the retained habitats, the impacts will be minimised through careful control of construction activities through a Construction Environmental Management Plan (CEMP) and precautionary working methods. It is therefore considered that all other predicted effects on important ecological features are not anticipated to be significant.
- 5.57 The proposed landscaping scheme that forms part of the development proposals will provide extensive new native tree, scrub and hedgerow planting which is identified will provide an enhancement and extension to the Extended Leeds Habitat Network along the southern, western and eastern boundaries. Overall, it is anticipated that tree losses to facilitate the development will be offset by the provision of 15 new native broadleaved trees, which complies with local policy regarding replacement tree provision. In addition, the addition of 15 native broadleaved trees to the south will increase tree provision and further extend and enhance the local green infrastructure and Extended Leeds Habitat Network. In the long term this would result in a significant positive effect at a Local level. The landscape proposals and ecological benefits accord with ONP Policies GE2, GE5 and GE8 and Core Strategy Policy G9.
- 5.58 The BNG assessment results in a positive on-site gain exceeding the net gain requirement and therefore in compliance with Core Strategy Policy G9 and ONP Policy GE5.



Residential Amenity

- 5.59 Residential Amenity principles, including whether the development provides a good standard of amenity for existing and potential future residents, are defined within: Framework Paragraphs 130, 174 and 185 and Adopted Core Strategy Policy P10, H9 and saved UDP Policy GP5.
- 5.60 Framework Paragraphs 130, 174 and 185 seek to support the creation of a high-quality residential amenity, promoting well designed and visually attractive places to live, active and healthy lifestyles and preventing negative impacts on current and future occupants resulting from noise and vibration, ground instability, ground and water contamination, air quality, light pollution, odours and hazardous installations.
- 5.61 The Framework also seeks to ensure that development sites are suitable for their proposed use taking account of ground conditions and any risks arising from land instability, contamination and remediation and that applications are accompanied by appropriate assessments in order to determine this as well as appropriate mitigation measures.
- 5.62 At the local level, Policy P10 requires that development proposals protect the visual, residential and general amenity of the area through high quality design. The proposed development has been designed to create 6 no. high-quality residential properties that are in keeping with the surrounding residential character of the area. The inclusion of residential uses will ensure the development does not generate any long-term noise and vibration/contamination/air pollution risks.
- 5.63 In terms of Policy H9, this seeks to ensure minimum space standards are met for new dwellings. The Council's Neighbourhoods for Living SPG also looks to ensure development proposals provide a good level of amenity for future occupiers.
- 5.64 The 6 no. dwellings are all of a size and layout which are considered appropriate to provide a good level of amenity and as shown on the submitted drawings, the proposed dwellings meet the requirements of the policy, both in terms of the individual sizes of rooms and the overall size of the dwellings. Each house will also have an appropriately sized outdoor private amenity space. The internal layout is considered to provide a good level of accommodation and it is therefore considered that the proposal would provide a good level of amenity for future occupants.



- 5.65 In terms of the amenity of existing residents on The Crescent to the north, the required separation distances between the properties have been maintained and accord with the requirements as set out in the Council's Neighbourhoods for Living guide. The layout and orientation of the properties have been carefully considered to ensure a sufficient distance from neighbouring properties to prevent any harmful overshadowing or loss of light. The proposed houses are sited within a predominantly residential area and given the modest size of the proposed development any disturbances will be minimal in this respect. It is therefore considered that the proposals are in accordance with guidance set out in the Framework and would provide adequate standard of residential amenity for future occupiers as well as existing neighbouring residents. The scheme is considered to accord with Core Strategy Policy P10 and saved UDP policy GP5.
- 5.66 Policy H10 relates to accessible standards and requires the provision of accessible housing as part of new residential developments. In terms of the proposed development, the 6 no. dwellings are accessible and adaptable and in accordance with Part M Volume 1 of the Buildings Regulations M4(2) and this exceeds the policy requirement of 30% of new dwellings. Given that a 100% provision of M4(2) is proposed, it is considered the proposals satisfy Policy H10 of the Core Strategy.

Design and Sustainability

- 5.67 In terms of sustainably located development, the Core Strategy sets out the accessibility standards for housing developments in Table 2 of Appendix 3. The site is located within the built-up area of Otley and is situated in a predominately residential area, in close proximity to good public transport links (with regular services to Leeds, Skipton, Ilkley, and Guiseley) and is close to a range of local shops, services and leisure facilities. It is therefore considered that a proposal for 6 no. dwellings would not lead to harmful impacts in these respects. The scheme is therefore in accordance with Policy H2 of the Core Strategy.
- 5.68 Policy P10 relates to the design of new buildings and requires the thorough contextual analysis and development that is appropriate to its location, scale and function. It goes on to state that developments should respect and enhance streets and spaces according to the particular local distinctiveness and wider setting of the place with the overall intention of contributing positively of place making, quality of life and wellbeing. Proposals will be supported where they accord with the principles of the size, scale, design and layout of the development is appropriate to its context and respects the character and quality of surrounding buildings.



- 5.69 The surrounding area has a mixed character in terms of building design with properties neighbouring the site ranging in style, materials and scale. It is considered the proposed, well considered design, scale and siting of the properties along with the materials are appropriate in this location in the context of the surroundings.
- 5.70 The proposed layout of the 6 no. dwellings follows the general principles in Neighbourhoods for Living (NfL), with appropriate separation between each dwelling and properties on The Crescent. It is considered the layout and density of the dwellings proposed are acceptable and appropriate in their setting and do not harm the character of the area. As such, the proposal is in accordance with the aims and intentions of policies P10 and of the Core Strategy, saved UDP policy, BD5 and GP5, and guidance contained within Neighbourhoods for Living SPD.
- 5.71 In terms of site density, Core Strategy Policy H3 relates and sets out a minimum density requirement across Leeds to ensure sustainable housing development, and the site in Otley sets a guide of 40 dwellings per hectare. The housing density of the proposal is circa 18 dwellings per hectare, which is below the policy requirement however is justified by the local character and context of this site. The 6 dwelling scheme has had regard for the site context, the retention of boundary trees, access requirements, site shape and on-site green space and ecological enhancements, resulting in a density which is deemed appropriate and in accordance with Policy H3.
- 5.72 All 6 no. meet NDSS, provide a good level of residential amenity (for existing neighbours and future occupiers), soft landscaping and additional tree planting is achieved within the site and parking is in accordance with the guidelines set out in the Council's Neighbourhood for Living SPD.



6.0 SUMMARY AND CONCLUSIONS

- 6.1 The Framework introduced a presumption in favour of sustainable development. The policies set out in the Framework taken as a whole constitute the Government's view of what sustainable development means in practice.
- 6.2 At a national, strategic and local level the principle of development is supported and therefore there should be a presumption in favour of development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 6.3 This planning application seeks the conversion of Newall Hall to form 2 no. apartments and the development of 4 no. dwellings to the rear with a private access road off Newall Carr Road, with associated green infrastructure.
- 6.4 The starting point for any determination of a planning application is the development that accords with an up-to-date Local Plan should be approved without delay. The technical reports which accompany this application submission, and the contents of this Planning Statement, confirm that the proposals comply with the relevant local policies.
- 6.5 Taking account of all of the above factors including all merits of the scheme taken as a whole, this Planning Statement has demonstrated that when assessed against policies of the adopted Development Plan, there are no adverse impacts that would arise from the conversion of Newall Hall and the residential redevelopment of the site.
- 6.6 For the reasons explained in detail above, and having regard to the development plan, supplementary planning documents and all other material considerations, including the Framework, it is respectfully submitted that the application represents sustainable development and good design and the proposal would preserve the amenities of the occupiers of all neighbouring properties and the future occupiers of the proposed dwellings, and it would be acceptable in highway safety terms. The proposal will provide much needed family housing in a sustainable location.
- 6.7 There are limited impacts that would arise from the development of the site by way of the loss of a non-designated heritage asset. The balanced judgement of the loss of Newall Hall as a non-designated asset is considered to be outweighed by the planning benefits associated with the delivery of housing and its associated social, economic and



environmental benefits in this sustainable location, in particular the positive ecological enhancements. Newall Hall has been redundant for a number of years with no credible offers having come forward for its retention as a result of the marketing exercise. The proposed on-site landscape proposals and additional off-site planting (to be secured via a Grampian Condition or Legal Agreement) will result in an overall significant positive effect to the Extended Leeds Habitat Network.

- 6.8 We respectfully invite the Council to grant planning permission for the proposed development, subject to the imposition of any necessary conditions, in accordance with the provisions in Section 38(6) of the Planning and Compulsory Purchase Act 2004.



APPENDIX 1

Marketing Information (DE Commercial)



20 September 2022

M Houldsworth Esq
Basil Houldsworth & Sons
30 Leeds Road
Otley
LS21 1BT

Dear Mr Houldsworth

RE : NEWALL HALL NEWALL CARR ROAD OTLEY LS21 2ES

Further to our recent correspondence I set out below a summary of the marketing campaign regarding the above property.

(i) Introduction

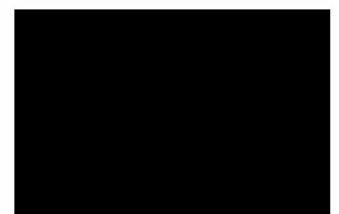
In accordance with your instructions, DE Commercial was instructed by you in August 2020 to market the land and buildings known as Newall Carr Village Hall, Newall Carr Road Otley LS21 2ES.

DE Commercial was selected as preferred agent given the spread of instructions the company is involved with in the town from the relocation of Produmax to selling and leasing buildings on the 4.5-acre Ashfield Works development (formerly Jefferies of Otley depot). Consequently, the firm has an extensive database of end users wishing to be located within the environs of Otley.

(ii) Marketing Strategy

It was agreed that DE Commercial would implement the following marketing strategy, to generate interest on both a freehold and leasehold basis. The land and buildings were to be marketed as “a former church hall and amenity land suitable for community use.”

- Preparation of marketing particulars advertising the availability of the property on either a leasehold or freehold basis.
- Upload the particulars to Zoopla Commercial and DE Commercial own website.





- Erection of freestanding board in a prominent position in front of the property and fronting the main road to be visible from passing traffic in both directions.
- Eshot to an extensive database held by DE Commercial of local companies, charities, private individuals and community groups known to be looking for suitable accommodation in and around Otley.
- Offering the property on a freehold or leasehold basis with the option of a flexible lease term in order to appeal to as wide a market as possible.

(iii) Interest Generated

Over the 12-month marketing period from August 2021 there were 27 enquiries, 9 viewings and 2 offers.

(a) Schedule of Enquiries

The viewings and offer are detailed below, and all occurred within the first 6 months of the marketing campaign. Thereafter interest diminished significantly over the remaining marketing period.

1. J.Hamilton Esq. Viewed 9th September. Offered £180,000
2. R. Hayre Esq. Private investor. Requested particulars 9th September. No further interest. Cited lack of parking.
3. S. Manson Esq. Viewed property on 16th September. Looking for offices. Too expensive to bring building up to scratch. Also, no parking. No further interest.
4. Milner Richards. Requested details 22nd September. No further interest.
5. R. Gray Esq. Requested details 28th September. No further interest.
6. Mr and Mrs Miles. Requested details . Viewed property 2nd October. Looking for premises for a wellness centre. Not suitable. Required parking for visitors.
7. Norton Brown. Requested details 17th October. No further interest.
8. Deane Richards. Requested details . No further interest.
9. Smart Modular. Requested details. Looking for freehold offices. Viewed property 2nd November. Not suitable – lack of parking. No further interest.
10. D. Waterhouse Esq. Requested details. No further interest.
11. Venturi Homes. Requested details. Viewed property 2nd November. Too risky as no planning in place. No further interest.
12. Stonebridge Homes. Requested details. No further interest.
13. G. Smallwood Esq. Requested details. Viewed property. Not suitable due to lack of parking and access issues. No further interest.
14. Otley Methodist Church. Requested details and viewed property on 17th November. Building too expensive. No further interest.



15. Otley Scouts and Guides. Requested details. Viewed the property on 24th November. Building not suitable for their needs. No parking
16. Mr and Mrs Long. Viewed property on 3rd December. Looking for a house. Offered £160k. Offer turned down. No further interest.
17. EIG. Requested details. No further interest.
18. Horizon Life Training. Requested details. No further interest.
19. P. Slater Esq. Requested details 11th January. No further interest.
20. Lead Tech Ltd. Requested details 5th February. No further interest.
21. Stocktake Ltd. Requested details 24th February. No further interest.
22. P. Smith Esq. Requested details 9th March. No further interest.
23. R. Glendinning Esq. Requested details 17th April. No further interest.
24. Mrs S Ogden. Requested details 7th May. No further interest.
25. United Churches. Requested details 24th May. No further interest.
26. Calvert Construction. Requested details 1st June. No further interest.
27. P. Golightly Esq. Requested details 7th July. No further interest.

(iv) Conclusion

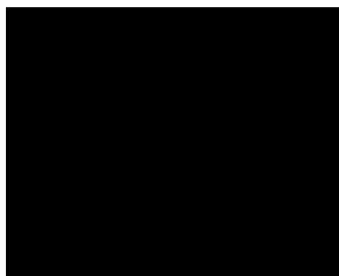
The marketing campaign reached far and wide and DE Commercial is confident that all potential interested parties were made aware of the opportunity. Throughout the campaign DE Commercial promoted the flexibility of any potential deal. However, the building is an awkward one to re purpose and those interested parties believed there were better opportunities elsewhere.

Please let me know if I can be of further assistance in this matter

Regards

Yours sincerely

DE COMMERCIAL LTD



RICHARD J HESLOP MRICS

Director

