

Added congestion



Overwhelming local opposition



TATE ACTION GROUP
TAG



Gridlock on the bridge again



Does this look like brownfield to you?

TAG - THORP ARCH TRADING ESTATE ACTION GROUP OBJECTION TO PLANNING APPLICATION 16/05226/OT

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VOLUME 1

STRATEGIC OVERVIEW

Objection to Planning Application 16/05226 for 874 dwellings etc.
Volume 1.

Strategic Overview of planning application 16/05226/OT/NE for 874 dwellings on Thorp Arch Trading Estate.

Executive summary:

- Unsuitable location
- Poor highways fed by two 'pinch points'.
- Car dominated dormitory community.
- Inadequate buses
- No train service
- Walking/cycling accessibility - badly failing accessibility standards
- Unsupported by Core Strategy, SAP draft, local PC's, neighbourhood plan.
- 70% not brownfield
- Significant numbers of people living/working onsite are not achievable
- Determining this application before the SAP is finalised would be premature
- Contamination and remediation are detrimental to the financial viability and preservation of the ecology - see separate submission

Detailed Submission:

1. As a former ROFF, the site was chosen to be remote from habitation, and away from large roads, in order to be less easy to identify from the air.

2. The site is at the furthest point of Leeds district boundary, with a round trip distance to Leeds City centre of about 30 miles.
3. The site is separated from all destinations in the Leeds area by the A1(M) running north/south, and by the River Wharfe, running approximately east/west. The only practical routes to Leeds area destinations (without a very large detour) are either via the single track bridge linking Thorp Arch to Boston Spa, or via the roundabout on the Walton-Wetherby road (situated on the local access road which runs alongside, and to the west of, the A1(M)). Both of these access routes are already showing significant traffic queuing at peak hours (despite what is reported in the Environmental Statement volume 6).
4. The local road network is not resilient. The recent (June 15, 2016) fatal accident on the A1(M) demonstrated the problem. The local network completely grid-locked (not surprising, it can't be expected to cope with the complete closure of the A1(M)). However it remained grid-locked for over two hours **after** the A1(M) was running freely. The bridge/Bridge Road/A659 junction acts as one complex traffic obstacle. It is not amenable to modelling, because of the unusual and multiple obstacles to traffic flow. With on-street parking (required by Boston Spa residents) it is effectively a 250m long "single track road with passing places" - the passing places being the very limited gaps between the parked cars. A characteristic of such roads is that once traffic volumes reach a critical level, the "passing places" no longer have the capacity to cope, and the system grid-locks. To make matters worse, the junction with the A659 has very tight turning radii. Visibility for the full length of the single track section is very limited, and sometimes completely obscured. It is therefore very difficult for a driver to assess whether to enter the single track section of road. Additionally, the vulnerability of old bridges was demonstrated by flooding at the turn of the year, which has closed both Tadcaster and Linton bridges over the Wharfe. If the same happened to Thorp Arch Bridge that would leave the area with only one, overloaded and congested, point of access. Clearly the local highways network is unsuitable for the addition of the traffic generated by the proposed development.
5. Public Transport is totally inadequate for a site of this size and location. The 770/771 is the only all-day practical service. It runs at half-hourly intervals to Leeds or to Harrogate via Wetherby. The journey times are over 1 hour to Leeds, and about 40 minutes to Harrogate. It is also very expensive, with a return ticket to Harrogate costing £7. There is no local train station, with the nearest station for Leeds being

at Garforth, 12 miles away.

6. The site has virtually no facilities (apart from the proposed primary school) within a 2km walking distance. A convenience store is proposed, but there is no evidence that a site of this size, even when fully occupied, is sufficiently large for such a store to be financially viable. The employment areas are sufficiently distant from such a store that people are unlikely to walk there, particularly as almost all employees have their own transport. So they would shop by car. But if they are using their cars, then there is no reason to shop on the Estate - they can shop at bigger, cheaper and more convenient locations on their commute to and from the site.
7. The application proposes providing premises for health facilities, but again there is no evidence that they would be taken up.

Core Strategy:

1. Spatial policy 6 requires housing sites to be **guided by the settlement hierarchy**, be in a sustainable location, meet the accessibility and public transport standards, and be supported by existing or new local facilities and services including health.

It fails these criteria:

Sustainability:

- a. The Inspector at the UDP review in 2005/6 found that “ the location is not, and has not been shown capable of being made, sufficiently sustainable to warrant residential development of such a scale”.
- b. This scale was for 1500 dwellings, and it is well accepted that the smaller numbers in this application would make it even less sustainable.
- c. The criteria on which the Inspector based this judgement were highways, public transport links and accessibility to services.
- d. The “offer” being made now is considerably worse than at the UDP on these criteria. It offered an improved bus frequency, more destinations, on site health provision, a car pooling scheme, and a bigger community centre.
- e. These sustainability criteria remain as important in judging sustainability today under the NPPF.
- f. More detail on the lack of sustainability is covered in the ‘Sustainability’ objection.

Accessibility:

- g. The site fails all the accessibility criteria in the Core Strategy appendix 3, by a factor of 2 or more (exception: access to a primary school, if/when it were provided on site).

Local services:

- h. The only local services within a ‘neighbourhood walking distance’ of 800 metres will be those provided on site. Although the application offers **premises** for shops, health and a convenience store, there is no evidence that the site has the capability to support them financially. Indeed the previous application failed to come up with any occupants for a health facility, and that on a site with over twice the housing.
- i. The small settlement of Boston Spa has a range of local services, but it is over 2000m distant by foot, including a steep descent and ascent at the bridge, and a very narrow and unpleasant/dangerous footway on the bridge.

Conflict with Leeds Core Strategy Policy T2:

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

- j. It is plain from the above that the proposed development is diametrically opposed to the policy:
In considering the above, although the access to the site for pedestrians is good in that there are footpaths, some recently renovated, **there are no services near enough to walk to for everyday requirements.**
- k. The application refers to the adjacent cycle route 665. It runs from Wetherby to TATE, and may soon be extended over the river Wharfe. This is an excellent, fine weather, **leisure** facility. It is completely unsuited to all-year use for commuting or shopping. It has no lighting, and passes through dense overhanging vegetation in many places. In winter it gets icy, and is not gritted. There is currently almost no commuting use of the route (either on bike or on foot), and therefore no reason to expect any change in this.

Settlement Hierarchy:

- l. It is not possible to claim that a site **clearly not in the defined Settlement Hierarchy** can fulfil the need to be **'guided by it'**.
- m. The applicant quotes clause 4.6.16 of the Core Strategy as a justification. Note that the text of the Core Strategy is there to clarify and explain. It cannot over-ride the policy statements, and policy SP6 is absolutely clear - **settlement hierarchy only**.
- n. If in any doubt, refer to policy SP10, where **an exception** is clearly spelt out **in the policy**:
Exceptionally, sites unrelated to the Main Urban Area, Major Settlements and Smaller Settlements, could be considered, where they will be in sustainable locations and are able to provide a full range of local facilities and services and within the context of their Housing Market Characteristic Area, are more appropriate in meeting the spatial objectives of the plan than the alternatives within the Settlement Hierarchy. Otherwise review of the Green Belt will not be considered to ensure that its general extent is maintained.

Note that policy SP10 **only applies to sites in the Green Belt**. TATE is not in the Green Belt.

Aspiration:

- o. LCC's aspiration is to be the best city in the UK to live and work (launch of the Core Strategy, Councillor Keith Wakefield, 12/11/2014). How is this served by developing a new settlement, which has easier access to both Harrogate and York by car, and of which the UDP inspector found "TATE would become more of a dormitory settlement for workers in York, Harrogate and Leeds than one with a high degree of self-containment."? There is no change in circumstances requiring a review of this opinion. With the high level of house prices in the area, residents are mainly in senior professional jobs, and some use the proximity to the A1(M) to commute as far as Manchester, Darlington and Halifax. Shopping trips, too, are often made to destinations other than Leeds Centre. This location would not support the aspiration.

Affordable Housing:

- p. Just as with the previous 2000 house application, the financial viability will constrain the supply of affordable housing. The applicant's Environmental Statement, volume 1, section 3.3.7 is already anticipating this. Our objection on contamination (which will follow) will make it clear that the applicant's proposed approach to decontamination is not in line with Environmental Agency guidance or good practice. Their approach will have to be changed to comply, and will require more expensive remediation. So the decontamination is likely to be more expensive, and the affordable housing even less, than they currently anticipate.

Live/work on site:

- q. This concept underlies much of the applicant's justification for this development. They use it to claim compliance with the NPPF Social Role dimension. Is part of their attempt at showing sustainability.

The live/work concept has no basis - it was discredited by the UDP Inspector, and has demonstrably not happened in practice, in the new local developments of Walton Chase and Woodlands. The Inspector was not convinced that the site was likely to have much self-containment, saying:

24.57 Decisions as to where to live are complex, when family members may have different work/school destinations, and they involve more than the convenience of one worker. I would doubt whether significant numbers of workers currently living in say York or Harrogate, which offer a quality of services, facilities and life that could not be approached by TATE, would actually choose to live near their work at TATE. In this respect I am also mindful that it is intended that TATE should retain its character as a former ROFF and that the residential areas are proposed close to the prisons, the BL and existing and proposed industrial areas which, with the best of intentions and planning, would be unlikely to provide an overly attractive general environment or perception of the settlement. I am therefore unconvinced by the Council's arguments that there would be a high degree of self-containment here because of the juxtaposition of residential development and employment uses.

Local experience since then has shown how right he was. Even with new housing adjacent, only about 20 site employees live in the nearby developments. There does not seem to be any

ongoing demand, so they represent the total number likely to do so. One reason is clear - house prices. The cost of housing in this area is such that the vast majority of the employees would not be able to afford local housing, even if they wanted to live on site. And there is no evidence that any but a very small minority do want to.

This therefore removes at a stroke one of the three dimensions of sustainability required by the NPPF.

2. SAP

The initial 'issues and options' stage of the SAP process mentioned TATE, site 1055, as a possible housing site for 1700 houses. It was stated to need significant public transport measures and a new 'relief' road.

Council will consider opportunities outside the Settlement Hierarchy, where the delivery of sites is consistent with the overall principles of the Core Strategy, including the regeneration of previously developed land, and are in locations which are or can be made sustainable. Land at Thorp Arch has been identified as one such example.

The response to that option was very strong public opposition, on many grounds.

The site was not included for housing in the deposit draft, after being discussed at some length in the Development Plans Panel.

After the withdrawal of Headley Hall, its replacement was again discussed in detail at the DPP, including having the officers review the option for TATE at a second DPP meeting on the subject.

The result of all this analysis and examination is that TATE is not being included in the next draft for consultation.

Bearing in mind that the new planning application does not have the 'relief' road or significant public transport measures, and is smaller, so will be unable to support any significant local services, it is clear that the site has been fully examined and found wanting.

3. Localism

The NPPF says that planning should:

*be genuinely plan-led, **empowering local people to shape their surroundings**, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.*

It is clear from the responses to the SAP that local people are strongly opposed to any housing development on TATE. Despite setting up a 'consultative forum' to try to involve locals in creating an acceptable and sustainable plan during the previous planning application, the final

result has been a conviction locally that such a development is just not desirable. It is now, we understand, opposed by the Parish Councils in Thorp Arch, Boston Spa and Walton. It does not comply with the Thorp Arch Neighbourhood Plan (currently out for pre-submission consultation, so at an advanced stage). TAG continues to oppose, with over 200 Supporters on our mailing list.

4. Brownfield status?

The NPPF definition of pre-developed land (commonly still referred to as 'brownfield') is:

*Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; **and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.***

This leaves us with several problems. The definition is based on 'curtilage', a term normally used for the land immediately associated with a domestic premise. We do know that the term 'curtilage' has nothing to do with ownership, a well established legal point. So how should 'curtilage' be applied on a very large site containing very obviously different and discrete areas, some even fenced off? Areas immediately associated with a building (or possibly a group of buildings) might be considered as within a 'curtilage'. This may also be extended to areas around a demolished building(s), provided that the remains were clearly distinguishable.

We would suggest that the best approach would be divide the site into areas, defined by having a similar physical character. This was the approach taken by LCC in their environmental analysis of the previous application.

Using that approach we can define the previously undeveloped (but NOT necessarily uncontaminated - see the Royal Ordnance report) areas as one 'character', the former railway sidings as a second, groups 1 and 2 as a third, the retail area as a fourth, and the burning grounds as a fifth.

On this basis the site has only about 30% of its area which could

possibly qualify as pre-developed under the NPPF. Not only that, but much of the undeveloped portions are also of high ecological value, being classified as LWA by the council.

To call the whole site 'brownfield', and treat it as such, is therefore a complete misuse of the NPPF, and totally misleading.

The application refers to the UDP Inspector's report deciding that the site was 'brownfield'. This is not relevant for the following reasons: It pre-dated the NPPF, with the new term and definition of 'pre-developed land'

The site being considered then included large areas southeast of the British Library which contained many buildings that we accept as 'brownfield'. These areas are no longer included.

The question the Inspector was addressing was about building up to the curtilage of a 'brownfield' site, and not what should be considered 'brownfield' (it was Mr Locke's question).

Over 10 years have passed since the Inspector's report. The vegetation (and therefore consideration of 'return to nature') and has grown extensively since then. The status has to be considered based on current conditions.

5. Prematurity.

The discussions of the SAP in the Development Plans Panel, related to the Outer North East area, have centred on the choice between 'pepper-potting' all the local smaller settlements versus providing a significant proportion of the new housing in a strategic new settlement. This has still to be finally resolved when the deposit draft is put out for consultation and the results reviewed.

The current position is that a strategic site is desired as part of the mix, and that site is currently Parlington.

This decision is clearly fundamental to the development of the LDF. If this current application were approved now, it would in effect be an alternative strategic site, and would undermine the viability of Parlington. It is therefore of such importance that to grant planning approval would significantly undermine the development of the LDF, and would therefore be premature.

