

# **HOLBECK NEIGHBOURHOOD PLAN 2017-2028**

**Report to Leeds City Council of the Independent Examination**

**By Independent Examiner, Tony Burton CBE BA MPhil (Town Planning) HonFRIBA FRSA**

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# 1. Executive Summary

1. I was appointed by Leeds City Council with the support of Holbeck Neighbourhood Forum to carry out the independent examination of the Holbeck Neighbourhood Plan.
2. I undertook the examination by reviewing the Plan documents and written representations, and by making an unaccompanied visit to the Neighbourhood Area.
3. I consider the Plan to be an effective expression of the community's views and ambitions for Holbeck. It is based on a wide ranging programme of public consultation which has informed a clear Vision and Objectives for the Neighbourhood Area. These are translated into planning policies dealing with issues distinct to the locality. They are supported by relevant projects and a delivery plan. The Plan relates well to the planning policy context provided by Leeds City Council. It is well structured and clearly written and presented, making appropriate use of tinted boxes, maps and photographs. It is supported by a helpful interactive map providing detail for the large number of site based policies. An essential minimum of supporting evidence is provided on most aspects of the Plan and there is good evidence of community support.
4. I have considered the small number of representations made on the submitted Plan and addressed them in this report as appropriate.
5. Subject to the recommended modifications set out in this report I conclude that the Holbeck Neighbourhood Plan meets all the necessary legal requirements, including satisfying the Basic Conditions. I make a small number of additional recommendations.
6. I recommend that the modified Plan should proceed to Referendum and that this should be held within the Neighbourhood Area.

## 2. Introduction

7. This report sets out the findings of my independent examination of the Holbeck Neighbourhood Plan. The Plan was submitted to Leeds City Council by Holbeck Neighbourhood Forum as the Qualifying Body.

8. I was appointed as the independent examiner of the Holbeck Neighbourhood Plan by Leeds City Council with the agreement of Holbeck Neighbourhood Forum. My selection was facilitated by the Neighbourhood Planning Independent Examiner Referral Service.

9. I am independent of both Holbeck Neighbourhood Forum and Leeds City Council. I do not have any interest in any land that may be affected by the Plan. I possess the appropriate qualifications and experience to undertake this role.

10. My role is to examine the Neighbourhood Plan and recommend whether it should proceed to referendum. A recommendation to proceed is predicated on the Plan meeting all legal requirements as submitted or in a modified form, addressing the required modifications recommended in this report.

11. As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
- contribute to the achievement of sustainable development; and
- be in general conformity with the strategic policies of the development plan in the area; and
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

12. I am also required to make a number of other checks under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

13. In undertaking this examination I have considered the following documents as the most significant in arriving at my recommendations:

- the submitted Holbeck Neighbourhood Plan
- the Basic Conditions statement
- the Consultation Statement, including the Strategic Environmental Assessment and Habitat Regulations Assessment screening report and responses
- the interactive Neighbourhood Plan map hosted by Leeds City Council
- relevant parts of the Leeds development plan for the Neighbourhood Area (Core Strategy, Site Allocations Plan)
- representations made on the submitted neighbourhood plan
- relevant material held on Holbeck Neighbourhood Forum's website
- National Planning Policy Framework
- Planning Practice Guidance
- relevant Ministerial Statements

14. Having considered the documents provided and the representations on the submitted Plan and visited the area I was satisfied that the examination could be undertaken by written representations without the need for a public hearing.

15. I carried out an unaccompanied visit to the Neighbourhood Area on a sunny October weekday. I walked around much of the area and visited all parts affected by site specific policies, including the proposed Green Infrastructure Opportunities, Local Green Corridor Opportunities, Local Green Spaces, Historic Core, Industrial Heritage Area, Housing Heritage Area, Local Centre, Mixed Use areas, Housing Regeneration Area, views and vistas, focal points, non-designated heritage assets and improved opportunities for walking and cycling among others. It is apparent that Holbeck is a well-defined neighbourhood area with strong boundaries and distinct sub-areas. There is a rich story of how the area has changed

evident in its physical heritage and there are significant opportunities for further change and development.

16. I noted the low rise character of development, with the notable exception of Meynell Heights flats, and the distinct industrial areas. I also noted the distinct character of the significant area of back to back housing and important industrial heritage alongside new development. Finally, I explored the remarkably small number of links between the neighbourhood area and the rest of the city, including its relationship to Leeds station and the nearby city centre.

17. Throughout this report my recommended modifications are bulleted. Where modifications to policies are recommended they are highlighted in **bold** print with new wording in *italics*. Modifications are also recommended to some parts of the supporting text. A small number of modifications are not essential for the Plan to meet the Basic Conditions and these are indicated by [square brackets].

18. Producing the Holbeck Neighbourhood Plan has clearly involved significant effort by a wide range of people and organisations, led by the Board of Holbeck Neighbourhood Forum and benefitting from both the Government's frontrunner and neighbourhood planning support programmes. There is evidence of good collaboration which will be important in ensuring delivery of the Plan. I should like to congratulate all those who have worked so hard over a long period of time to prepare the Plan and to thank the officers at Leeds City Council and the representatives of Holbeck Neighbourhood Forum who have supported this examination process.

### **3. Compliance with matters other than the Basic Conditions**

19. I am required to check compliance of the Plan with a number of matters:

#### Qualifying body

20. I am satisfied that the Plan has been prepared by a suitable Qualifying Body – Holbeck Neighbourhood Forum – which was recognised by Leeds City Council on 27 March 2014.

#### Neighbourhood Area

21. I am satisfied that the Plan relates to the development and use of land for a designated neighbourhood area and that this does not overlap with any other designated neighbourhood area.

22. The Holbeck Neighbourhood Area was agreed by Leeds City Council on 11 October 2013 and a map depicting the area is included in the Plan and available online. The Plan and accompanying documents erroneously refer to the Area being designated at the same time as the Forum although the correct date is provided in the Consultation Statement timeline.

- Amend all references to designation date of Holbeck Neighbourhood Area to 11 October 2013

#### Land use issues

23. I am satisfied that the Plan relates to relevant land use planning issues. While there are a number of wider considerations raised, the Plan identifies other mechanisms (e.g. projects) to take these forward. The planning policies are clearly distinguished in the presentation of the Plan.

Plan period

24. I am satisfied the period of the neighbourhood plan is clearly stated as being from 2017 – 2028 at the beginning of the Plan.

Excluded development

25. I am satisfied that the neighbourhood plan makes no provisions for excluded development (such as national infrastructure, minerals extraction or waste).

## 4. Consultation

26. I reviewed the Consultation Statement and relevant information provided on the Holbeck Neighbourhood Forum website. This adequately describes the process of community consultation and engagement from the genesis of neighbourhood planning in the area. It also describes how the process was able to build on earlier community involvement in relevant regeneration projects in the area led by Leeds City Council.

27. Public consultation on the neighbourhood plan was achieved through a range of techniques including surveys, workshops, maps and events including film nights, market stalls, walkabouts and business breakfasts - which have engaged residents, landowners, local businesses, statutory consultees and others with an interest. Information has been widely distributed, including to all local businesses, and made available at key locations such as the Post Office and at events such as Holbeck Gala.

28. Over 60 responses were received to a comprehensive questionnaire in 2014. The Consultation Statement records the key issues raised throughout the process and strong engagement with both DCLG and Leeds City Council.

29. Consultation on a pre-submission plan was undertaken between May and July 2016. This was publicised by posters, flyers and banners along with letters to all businesses, 48 local organisations and 19 statutory consultees and service providers. Copies of the plan were made available in the Post Office and St Matthew's Community Centre and online. A simple summary setting out the main proposals was provided.

30. The Consultation Statement provides a detailed breakdown of how responses to the pre-submission consultation have been addressed in finalising the Plan. There is evidence of the Plan being amended in response to consultation feedback.

31. 12 representations have been made on the submitted Plan, including four statements of support from individuals. Leeds City Council did not make representations on the submitted plan but provided detailed comments on the pre-submission draft.

32. I am satisfied with the evidence of the public consultation undertaken in preparing the Plan over a long period of time and commend all those who have worked so hard over such a long time to engage and involve people in the future of Holbeck. The Plan has been subject to systematic and structured community engagement, including wide public consultation at different stages in its development. This has allowed community input to shape the Plan as it has developed and as proposals have been firmed up. The local planning authority has been engaged throughout the process.

## 5. General comments on the Plan's presentation

### Vision, Objectives, Topics and Policies

33. I have reviewed the Vision and the seven Objectives prepared for 32 Policies around eight Topics. The Vision takes a positive approach and reflects the feedback received through consultation. The Objectives are often detailed and their delivery is to be achieved through a mix of policies and 34 projects which are brigaded into a delivery plan that identifies relevant timescales, partners and funding sources. I do not address the detail of the projects.

34. Each topic has an introduction and supporting text for each policy. The policies are clearly distinguished by being presented in a green tinted box. I consider this an effective way of distinguishing the policies from the other Plan content.

35. Only limited information is provided on the evidence supporting each policy and there is no separate evidence base referenced, although much information is available on the Holbeck Neighbourhood Forum website. There are also a number of unreferenced sources of evidence and I highlight these where appropriate.

- Reference and provide a link to the evidence base hosted on Holbeck Neighbourhood Forum's website in the Introduction and where indicated in my recommendations to support the policies

36. There are some inconsistencies in the wording used to describe the Topics and Objectives – an example is the “Respecting and Enhancing Heritage and Local Character” topic included in the Contents on page 2 and described as “Respecting the heritage and local character of the area” in the tinted box on page 3.

- Amend the Plan to provide consistent wording for each Topic and Objective

## Other issues

37. The Plan is clear and well written. It includes helpful maps and photos, although their scale means that detailed boundaries can be unclear except where detailed additional information is provided, such as for Local Green Spaces. This is largely addressed by provision of an interactive map which does supply the necessary detail. The interactive map could be more prominently referenced. Leeds City Council has confirmed its intention to host and support the interactive map.

38. There are some tinted boxes providing additional information – such as on pubs (page 19) and Views and Vistas (page 55) – using the same tint as for the Plan’s objectives. The photo on page 15 lacks a description and the sub-headings used in the supporting text for each policy are bold in some topics and not bold in others. The Plan implies that Holbeck Neighbourhood Forum will be succeeded by other arrangements (e.g. paragraph 11.1.2) which need not be the case if it is re-designated by Leeds City Council within five years (before 26 March 2019).

- Promote the availability of the interactive map more prominently (including a link) and the commitment to it being maintained by Leeds City Council
- Use a distinctive tint for boxes providing information – such as provided on page 60 for pedestrian and cycle links
- [Provide a description for the photo on page 15]
- [Be consistent in using bold sub-headings for the text supporting each policy]
- [Recognise the possibility of Holbeck Neighbourhood Forum continuing beyond 2019]

## 6. Compliance with the Basic Conditions

### National planning policy

39. The Plan is required to “*have regard*” to national planning policies and advice. This is addressed in the Basic Conditions statement which relates the Plan’s policies to the National Planning Policy Framework.

40. The Basic Conditions statement provides a simple comparison of the Plan’s policies with relevant sections of the National Planning Policy Framework.

41. There are some areas where the drafting of the Plan’s policies needs to be amended in order to meet the National Planning Policy Framework’s requirement for plans to provide a clear framework within which decisions on planning applications can be made. In addition the policies should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). It is also important for the Plan to address the need expressed in Planning Practice Guidance for policies in neighbourhood plans to be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications (paragraph 41). Policies should also be concise, precise and supported by appropriate evidence.

42. Generally, the Plan has regard to national planning policies and guidance but there are some exceptions set out in my comments below. These cover both conflicts with national planning policy and the need for some policies to be more clearly expressed and/or evidenced. The lack of a strong evidence base and key references is a significant issue for some of the Plan.

43. I am satisfied that the Plan meets this Basic Condition other than where identified in my detailed comments and recommendations on the Plan policies.

### Sustainable development

44. The Plan must “*contribute to the achievement of sustainable development*”. This is addressed in the Basic Conditions statement which scores the policies against their

economic, social or environmental role on a 1 (Very Positive) to 3 (Neutral) scale. This analysis does not allow for the possibility of a policy having a negative impact on any of the three dimensions to sustainable development. This undermines its utility. Nevertheless, my own assessment is that the Plan is well balanced and encourages economic, environmental and social progress.

45. I am satisfied that the Plan meets this Basic Condition. It takes a positive approach to meeting the social and economic development needs of the Neighbourhood Area and respecting the natural and historic environment.

#### Development plan

46. The Plan must be *“in general conformity with the strategic policies of the development plan”*. The statement provides a brief commentary on each Plan policy against the Core Strategy adopted in 2014. It is considered that this is the only source of strategic policies and no counter view has been provided by Leeds City Council. The statement finds there is general conformity and in many cases shows how the Plan applies the strategic policy to the particular circumstances of Holbeck. There have been no representations on development plan conformity. The Plan also gives careful consideration to its relationship with related planning and regeneration initiatives, including the Holbeck, South Bank Supplementary Planning Document and the South Bank Planning Framework.

47. I am satisfied that the Plan meets this Basic Condition.

#### Strategic Environmental Assessment

48. The Plan must be informed by a Strategic Environmental Assessment if it is likely to have significant environmental effects and by a Habitats Regulations Assessment if it is likely to lead to negative significant effects on protected European sites.

49. This has been addressed through publication of an SEA & HRA Screening Report by Leeds City Council prepared in March 2016. This related to the pre-submission draft plan. It concluded that *“a Strategic Environmental Assessment and a Habitats Regulations*

*Assessment are not required*". The Environment Agency, Historic England and Natural England agree with this assessment.

50. I have considered whether a further screening is required of the submitted Plan. I have concluded that the changes to the Plan since these assessments were undertaken are not significant for these purposes and therefore conclude that the Plan meets this Basic Condition.

#### Other European obligations

51. The Plan must be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations. I am satisfied that the Plan has appropriate regard to the rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and no contrary evidence has been presented. There has been every opportunity for those with an interest in the Plan to make their views known and representations have been handled in an appropriate and transparent manner. The Plan meets this Basic Condition.

## 7. Detailed comments on the Plan policies

52. This section of the report reviews and makes recommendations on each of the Plan's policies to ensure that it meets the Basic Conditions. I provide comments on all policies in order to give clarity on whether the Plan meets the Basic Conditions. The final Policy numbers will need to be amended to take account of the recommended changes.

### Continuing regeneration

53. **Policy R1** – This establishes priorities as considerations for future development.

54. The Policy is broadly based and non-prescriptive. It satisfies the Basic Conditions.

### A thriving local centre

55. **Policy LC1** – This encourages retail and community development to take place in Holbeck Local Centre.

56. This is more of a statement of intent towards *“creating a thriving new ‘heart’ for Holbeck”* than a planning policy, although the objective is clear.

- [Delete “thus creating a thriving new “heart” for Holbeck” at end of Policy LC1]

57. **Policy LC2** – This encourages town centre uses in Holbeck Local Centre.

58. The Policy is clear and positively worded. Policy LC2 meets the Basic Conditions. Its clarity is reduced by the statement that such development will be encouraged “in principle”. This makes no material difference.

- [Delete “in principle” at end of Policy LC2]

59. **Policy LC3** – This encourages supermarket development in Holbeck Local Centre.

60. There is a clear rationale for the intent of this Policy and it supports the Core Strategy. Nevertheless, the Policy lacks definition for “medium sized” and “general food supermarket”. Leeds’ Core Strategy uses the helpful term “convenience retailing”. The Policy should also recognise that it may not be possible to find suitable alternative sites.

- **Amend Policy LC3 to:**

- **Replace references to “supermarket” with “convenience retailing”**
- **Insert “suitable” before “alternative sites”**

61. **Policy LC4** - This supports development which makes a positive contribution to the appearance of Holbeck Local Centre.

62. This Policy is clearly written and provides practical guidance on an issue of significant public interest. Policy LC4 meets the Basic Conditions.

#### A range of community facilities

63. **Policy C1** – This encourages development which retains or adds to the range of community facilities.

64. The Policy is positively worded and has clear intent. Its clarity is reduced by the statement that such development will be encouraged “in principle”. This makes no material difference.

- [Delete “in principle” at end of Policy C1]

65. **Policy C2** - This seeks to retain a defined list of existing community facilities or require alternative provision.

66. This Policy lacks clarity and strays beyond land use planning considerations in supporting delivery and use of community services per se. The evidence base supporting the conclusion that the nine facilities identified are “particularly valued” and their loss would be “detrimental” is not directly referenced, although there is some information

provided in the Consultation Statement and the list was included in the pre-submission draft Plan. I have visited each of the facilities and they have prima facie value. On examining the evidence provided I am satisfied they perform an important role. Policy C2 aligns with Core Strategy Policy P9 but lacks its clarity and strength. It would be helped by aligning the wording more closely.

- **Amend Policy C2 to read:**

***“Where proposals for development would result in the loss of any of the following facilities or services, satisfactory alternative provision should be made elsewhere within Holbeck Neighbourhood Area if a sufficient level of need is identified:***

- 1. St Matthew’s Community Centre**
- 2. etc”**

67. **Policy C3** – This supports development which contributes to health and wellbeing.

68. The Policy is clear and positively worded. There will be instances where such measures are not appropriate, including for some small scale development.

- **Amend Policy C3 to insert “where appropriate” after “should”**

69. **Policy C4** – This supports the development of a health hub.

70. Policy C4 is positive and supported through community consultation. The need for potential sites in the Local Centre to be “suitable” needs clarification. The intent to seek a location in Holbeck Local Centre as a priority could be strengthened and references to the neighbourhood area clarified.

- **Amend Policy C4 to insert “suitable” before “site within”**

- [Amend Policy C4 to:
  - Insert “*in Holbeck Local Centre*” after “encouraged”
  - Replace “Neighbourhood Plan area” with “*Holbeck neighbourhood area*”]

A choice of quality but affordable housing

71. **Policy H1** – This seeks the provision of affordable housing on site or otherwise in the neighbourhood area.

72. This Policy makes a modest refinement to existing planning policy in Core Strategy Policy H5. The Plan should clarify that the definition of “affordable housing” is the same as that used by Leeds City Council. It should also clarify references to the neighbourhood area. The Policy meets the Basic Conditions.

- [Amend Policy H1 to delete “Plan”]
- [Amend supporting text for Policy H1 to clarify that the definition of “affordable housing” is consistent with that used by Leeds City Council for the Core Strategy.]

73. **Policy H2** – This establishes a desired housing mix for the Holbeck neighbourhood area.

74. The Policy applies the intent of Core Strategy Policy H4 to secure a housing mix appropriate to the neighbourhood area. The Policy is supported by selective references to the Holbeck Housing Market Assessment and acknowledges this may be updated. It is prescriptively worded in stating that such housing “*should be provided*”. There may be instances where this is not appropriate and the Policy should establish priorities not requirements.

- **Amend Policy H2 to replace “provided” with “*prioritised*”**

75. **Policy H3** - This establishes expectations for development of the Matthew Murray site and a requirement for a development brief.

76. This is a substantial site which has the potential to make a significant contribution to the needs for both housing and green space identified through community consultation. The Policy meets the Basic Conditions.

77. **Policy H4** – This identifies specific areas where mixed use development will be supported. It includes particular detail for the area south of Sweet Street.

78. The Policy is prescriptive in stating that employment and residential uses “*must*” be compatible and could be more clearly worded. Extra detail for the area south of Sweet Street could be included in a separate Policy.

- **Amend Policy H4 to replace “ingredient” with “uses”**
- **Amend Policy H4 to replace “must” with “should”**
- [Amend Policy H4 to place the second section in a separate H policy which begins “Development in the area south of Sweet Street which includes the following will be encouraged:”]
- [Amend Policy H4 to replace “Neighbourhood Plan area” with “*neighbourhood area*”]
- [Amend Policy H4 to delete “where possible” at end]

79. **Policy H5** – This supports development improving the condition of existing housing in or on the edge of the Holbeck Housing Heritage Area.

80. The Policy is clear and positively worded. It does not include direct reference to all the issues raised in the fourth bullet of the supporting text and refers more generically to

“streetscape”. The supporting text also refers to work identifying priority areas for improvement in the final bullet of the supporting text. I understand these do not form part of the neighbourhood plan and were removed at an earlier stage and so the reference is a possible cause of confusion. The Policy meets the Basic Conditions.

- [Replace “This could” with “These improvements to the streetscape could” in fourth bullet on Page 30.]
- [Delete last bullet on page 30]

81. **Policy H6** – This establishes specific thresholds for the number of Houses in Multiple Occupation in an area.

82. This Policy is very prescriptive. The evidence base for the thresholds is unreferenced research from the National HMO Lobby and the evidence of impacts draws on national research. No specific evidence for either the concentration of HMOs or the issues they raise for the local community in the neighbourhood area is presented. I consider the Policy to be restrictive and lacking a sound evidence base. It does not meet the Basic Conditions.

- **Delete Policy H6** and make consequential changes to the supporting text

A variety of local job opportunities

83. **Policy E1** – This encourages new employment uses in the area north of the Viaduct.

84. Policy E1 is clearly and positively worded. To avoid confusion there is a need to reference Map 8 when defining the area “north of the Viaduct”.

- **Amend Policy E1 by inserting “shown in Map 8” after “north of the Viaduct”**
- [In supporting text include references to Maps 4 and 8 when referring to the area north of the Viaduct]

- [In supporting text replace “Croyden Street” with “Croydon Street”]

85. **Policy E2** – This establishes expectations for development of the land at Sweet Street West.

86. The Policy is flexibly and positively worded. To avoid confusion there is a need to reference Map 8 when defining the area of the Sweet Street West site. The Policy’s clarity is reduced by the statement that such development will be encouraged “in principle”. This makes no material difference.

- **Amend Policy E2 by replacing “(south of Sweet Street and west of Marshall Street)” with “shown in Map 8”**
- [In supporting text include references to Maps 4 and 8 when referring to the area of Sweet Street West]
- [In supporting text replace “Croyden Street” with “Croydon Street”]
- [Amend Policy E2 to replace “Neighbourhood Plan area” with “neighbourhood area”]
- [Delete “in principle” in Policy E2]

87. **Policy E3** – This establishes specific expectations for the space around new commercial development.

88. The Policy is specific and clearly expressed. To avoid confusion its support for “Secure[d] by Design” principles needs to be referenced.

- In supporting text include a reference to the “Secured by Design” principles

89. **Policy E4** – This encourages temporary use of vacant sites.

90. This Policy is clear, flexible and positive in its approach. It meets the Basic Conditions. Its clarity is reduced by the statement that such development will be encouraged “in principle”. This makes no material difference.

- [Delete “*in principle*” in Policy E4]

#### Set in a green environment

91. **Policy G1** – This establishes a network of Strategic Green Infrastructure and Local Green Corridors.

92. This Policy develops Core Strategy Policy G1 for the Holbeck neighbourhood area. The areas have been identified through community engagement and I have visited each of the proposed locations. They have prima facie value.

93. Policy G1 identifies four areas of Strategic Green Infrastructure and five Local Green Corridors. It also includes additional Local Green Corridors “*elsewhere as appropriate*”. This creates uncertainty and lacks an evidence base.

94. There is a mismatch between the description of Strategic Green Infrastructure area SG1 and the boundary on Maps 4 and 9.

95. There is a boundary on Maps 4 and 9 relating to Policy G1 in the Leeds’ Core Strategy that extends around each of the four Strategic Green Infrastructure areas. It is not referenced in the key and the physical relationship is unclear. This is exacerbated by the use of similar colours and the coincidence of having a “Policy G1” in both the Core Strategy and neighbourhood plan.

96. Network Rail objects to the inclusion of the Viaduct in the locations identified as Strategic Green Infrastructure but I am satisfied that public access is not a requirement of the Policy.

- **Amend Policy G1 to delete “elsewhere as appropriate”**
- Amend supporting text in paragraph 13.2 accurately to describe the area of Strategic Green Infrastructure area SG1 as shown on Maps 4 and 9
- Provide greater clarity in the boundary of the Core Strategy green corridor in Maps 4 and 9, including by use of a contrasting colour and inclusion in the key. This should show the Core Strategy green corridor extending beyond the neighbourhood area

97. **Policy G2** – This designates 14 areas as Local Green Space and applies a policy that their development will only be acceptable in very special circumstances.

98. The ability to designate areas as Local Green Space is an important neighbourhood planning power. The National Planning Policy Framework (paragraph 77) sets out the requirements which need to be met:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.

99. The National Planning Policy Framework notes that designation will not be suitable for most green spaces. Once designated Local Green Space has protection equivalent to Green Belt.

100. The main justification for the Local Green Space designations is the general support for retention and improvement of green space during community consultation. The Local

Green Space proposals were included in the pre-submission draft Plan and I note the boundary of one of the proposed areas has been amended in response to representations. A factual breakdown describing each of the proposed sites is included in the Plan, including a detailed map of their boundary.

101. There is only limited evidence provided that these areas are “*demonstrably special*” as required by the National Planning Policy Framework. While 78% of respondents to the consultation thought green spaces could be improved this did not relate specifically to each of the areas proposed. Supportive public comments have been made on a number of the proposed areas but the Plan does not include a systematic analysis of how they each perform against the requirements of national planning policy.

102. I visited or viewed each of the proposed Local Green Spaces and have considered them individually. LGS1 (Holbeck Moor) clearly plays an important role at the heart of Holbeck with significant cultural and historic significance. A majority of the other proposed sites (LGS2, LGS3, LGS4, LGS7, LGS8, LGS11, LGS13, LGS14) provide green buffers or routes which offer space in the urban fabric and movement corridors. Some have historic significance (e.g. LGS7, LGS13). LGS5 is well-used allotments and LGS6 supports playing fields. LGS9 and LGS10 are areas of grass which are of amenity value to the surrounding housing. LGS12 is a triangular area of tarmac at a road junction.

103. I am concerned that Policy G2 does not pay sufficient heed to the National Planning Policy Framework’s statement that designation will not be suitable for most green spaces. I also note that the Plan acknowledges that the areas designated as LGS12 and LGS13 are for their potential rather than existing use. Nevertheless I also observe that the green space and memorial at Jenkinson Close has not been designated as evidence that a blanket approach has not been applied.

104. On the basis of the evidence provided and my own visit to each of the proposed Local Green Spaces I am satisfied that all but LGS12 and LGS13 are appropriate proposals. LGS12 is an area of tarmac with no demonstrable existing value as a Local Green Space. Its future potential is not a relevant consideration. LGS13 could play an important green space

function in the future but does not currently do so and the opportunity to strengthen the connection with Hol Beck is addressed in Policy HC1.

105. To ensure clarity Policy G2 should simply designate Local Green Spaces to which national policy will then apply.

- **Amend Policy G2 to delete LGS12 and LGS13 as Local Green Spaces**
- Make consequential amendments to paragraph 13.4.2, the numbering of Local Green Spaces and the maps
- **Amend Policy G2 to delete “where development will only be acceptable in very special circumstances”**
- [Amend supporting text to replace reference in 13.4.2 to “para 8.3.3” with “para 8.4.3”]

106. **Policy G3** – This supports development which impacts on green space to take measures to make improvements.

107. The supporting text to Policy G3 shows it is intended to apply to all green spaces but the wording limits it to “*local green spaces*”. The Policy is widely drawn and would impact on even small scale development. Its clarity would be supported by more definition of “child friendly activities” and “interactive play” in the supporting text.

- **Amend Policy G3 to insert “*significant*” before “visual impact” and “*a significant number of*” before “additional users”**
- **Amend Policy G3 to delete “local” before “green space”**

- [Amend Policy G3 to replace “and” with “including” between “activities” and “interactive”]
- [Provide definitions of “child friendly activities” and “interactive play” in the supporting text]

108. **Policy G4** – This supports measures to improve the public realm.

109. The Policy has clear intent and is flexible. It meets the Basic Conditions. The Policy could be more clearly expressed to minimise uncertainty.

- [Amend Policy G4 to relocate “where appropriate” after “the site”]
- [Amend Policy G4 to start a new sentence after “tree cover” beginning “*Development proposals*” and ending “*where appropriate*”]

#### Respecting and enhancing heritage and local character

110. The Plan contains information about the existing Holbeck Conservation Area in section 9.3 and referenced in the supporting text to Policy HC1. Map 11 is referenced as providing details of the designation but, as noted by Network Rail, there is no mention of Holbeck Conservation Area in Map 11.

- [Provide a boundary for Holbeck Conservation Area in Map 11 and a reference for the designation by Leeds City Council in section 5.3]

111. **Policy HC1** – This defines the Holbeck Industrial Heritage Area as including a part of the Holbeck Conservation Area and an additional area supported through community consultation and subject to proposals by Leeds City Council for a Conservation Area extension.

112. It is not possible for a Conservation Area to be defined through a neighbourhood plan policy. This is rightly identified as a proposal to be brought forward through Project HC-a. The effect of Policy HC1 is to require development in the defined area to “*preserve or enhance*” its character as if it were all designated as a Conservation Area. As a result the Policy does not meet the Basic Conditions and a more nuanced approach is required which recognises some of the proposed area lies within a Conservation Area and some without.

- **Amend Policy HC1 to delete “*preserve or enhance*” and add “*respect the Conservation Area and*” after “Maps 4 and 11) should”**
- **Amend Policy HC1 to replace “*area*” after “*character of the*” with “*Holbeck Industrial Heritage Area*”**
- **Amend Policy HC1 to replace “*area*” after “*characteristics which give the*” with “*Holbeck Industrial Heritage Area*”**
- **Amend Policy HC1 to add “*within the Conservation Area or otherwise respect them*” after “*heritage attributes*”**

113. **Policy HC2** – This defines the Holbeck Historic Core based on community consultation, professional support and emerging proposals for designation of a new Conservation Area.

114. I visited the proposed Holbeck Historic Core which has significant historic interest. As with Policy HC1 it is not appropriate to introduce policies for a Conservation Area through a neighbourhood plan and no Conservation Area exists in the proposed Historic Core. As a result the Policy does not meet the Basic Conditions without amendment.

- **Amend Policy HC2 to replace two instances of “*preserve or enhance*” with “*respect*”**

115. **Policy HC3** – This defines the distinct streets of terraced and back-to-back housing as the Holbeck Housing Heritage Area.

116. The proposed Housing Heritage Area displays a remarkable architectural and townscape integrity, rich in historic interest. As with Policy HC1 it is not appropriate to introduce policies for a Conservation Area through a neighbourhood plan and no Conservation Area exists or is proposed for the Housing Heritage Area. As a result the Policy does not meet the Basic Conditions without amendment.

- **Amend Policy HC3 to replace two instances of “preserve or enhance” with “respect”**

117. Any subsequent designation by Leeds City Council of new or extended Conservation Areas for Holbeck will introduce new legal tests for development which will be complemented by the Plan as amended.

118. **Policy HC4** – This applies criteria for supporting development which involves any heritage asset, including listed buildings. It includes additional criteria for heritage assets outside a Conservation Area.

119. As with Policy HC1 it is not appropriate to introduce policies for a Conservation Area through a neighbourhood plan and the Policy applies to assets inside and outside a Conservation Area. It is also inappropriate for a neighbourhood plan policy to amend national planning policy for development affecting listed buildings. This conflicts with the Basic Conditions and could weaken necessary protections.

- **Amend Policy HC4 to replace the second bullet with “protects its historic, archaeological or architectural character, including any artefacts of historic interest.”**

120. The second part of Policy HC4 addresses non-designated heritage assets found outside the areas defined by Policies HC1 and HC2 (but not HC3). This includes, but is not

limited to, some of the 30 heritage assets identified in paragraph 14.3 through the characterisation study, regeneration plan and community consultation. The approach has been informed by Historic England’s good practice guide for local listing. While it is not appropriate for such assets to be added to the Local List through a neighbourhood plan policy I am satisfied with the evidence base for identifying these assets.

121. This part of Policy HC4 requires development proposals to demonstrate how they will “*seek to enhance*” heritage attributes of such assets. This extends a policy approach for designated heritage assets to undesignated ones and is not in conformity with national planning policy. The policy approach also applies to listed buildings and is not in conformity with national planning policy. As a result this part of Policy HC4 does not meet the Basic Conditions.

122. Nevertheless, the intent to recognise the importance of non-designated heritage assets outside the areas designated (including the Holbeck Housing Heritage Area) is valid and supported through community consultation and the evidence base. It should be addressed through an additional Policy.

- **Introduce a new HC Policy “*Non-designated heritage assets*” which reads:**  
**“Proposals for development involving any *non-designated* heritage asset (*including those identified in paragraph 14.3*) outside *the areas designated in Policies HC1, HC2 and HC3* should demonstrate:**
  - **an understanding of the historic significance of the *asset*; and**
  - **how the development will *respect* its heritage attributes in ways which will be particularly beneficial to the future of Holbeck.”**

123. **Policy HC5** – This supports development which contributes positively to the History Trail.

124. This Policy is sufficiently flexibly worded to permit development which would require changes to the History Trail and it meets the Basic Conditions subject to minor changes to the title used in Maps 4 and 11 to ensure consistency.

- Correct the title used in Maps 4 and 11 from “Heritage Trail” to “History Trail”

125. **Policy HC6** – This establishes sustainability and other design criteria for new development, including identified focal points, local vistas and long distance views.

126. The Policy addresses relevant issues although there is limited evidence that these matters have been identified as priorities through community consultation. It includes a superfluous mention of the neighbourhood area.

127. Policy HC6 requires development to “*aim to exceed the current standards for minimising the use of non-renewable energy resources*”. The Forum acknowledges this policy is “aspirational”. The Plan lacks an evidence base on the environmental performance of development in the neighbourhood area and how it compares to others to justify this approach.

128. The Written Ministerial Statement of 27<sup>th</sup> March 2015 indicates that plans should not include any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. These matters are to be addressed in existing and future versions of the Building Regulations. It is not appropriate for a Plan policy to require higher standards.

129. The Plan identifies two focal points, three vistas and four views on the Policies map and provides some additional information in a tinted box. These are presented as “*examples*” and Policy HC6 would apply to other unidentified focal points, vistas and views and also to “*corner sites*”. No specific evidence of the results of public consultation on these proposals is provided. For policies to be effective in protecting such features they also need to identify the positive attributes within each view, vista or focal point that should be considered. Only limited information on the positive attributes (such as the spire of St Matthew’s) is provided.

130. I visited each of focal points, views and vistas and found them to be of varying quality and distinctiveness. I have considered the merits of each of those identified:

Focal point – Holbeck Moor: This provides an important focus for the neighbourhood area and is clearly defined by its surrounding buildings and St Matthew’s church.

Focal point – Stocks Hill, Balm Walk, St Matthew’s St, Pleasant St junction: This junction lacks identity. It is characterised by low rise development which is set back from the junction and also includes a vacant site. This is in marked contrast to the Holbeck Moor focal point and I do not consider it to be a sufficiently distinct focal point to warrant recognition.

Vistas – spire of St Matthew’s: This is a distinct and important feature which clearly defines the vistas along Holbeck Moor Road and Top Moor Side.

View – west along Pleasant Terrace: This is inconsistently labelled as a view in the tinted box and a vista on Map 11. It is a distinctive view of the listed former United Methodist Free Church.

View – to hillsides beyond Wortley: This is a more distinct view than those from the north/south roads in the Housing Heritage Area.

Views – north and south within Housing Heritage Area: There is considerable variation in the nature and quality of the view along the north/south running roads (e.g. Crosby Road and Crosby Avenue) and the overall impression is frequently one of distant trees. I do not consider the view or its location to be sufficiently distinct.

- **Amend Policy HC6 to delete “exceed current standard for minimising the use of non-renewable energy resources and” and insert “*by reducing reliance on non-renewable resources and*” before “recognising and enhancing”**

- **Amend third bullet of Policy HC6 to insert “*and the*” after “corner sites” and to delete “particularly those”**
- Amend Maps 4 and 11 and the tinted box on page 55 to delete focal point “b” and north/south views “f”
- Retitle the tinted box “Views, Vistas and Focal Point” and label the contents to match the labels on Map 11 and make the identified deletions
- **Amend Policy HC6 to insert “*by*” after “excellence in design”**
- [Amend Policy HC6 to delete “throughout Holbeck Neighbourhood Area”]

131. I note that Historic England has not made any comment on this section of the submitted Plan.

Well connected to the city centre and adjoining neighbourhoods

132. **Policy T1** – This seeks to improve cycling and walking opportunities, including by identifying 10 specific links.

133. I have visited each of the 10 links and note that the green bridge over the A643 has been omitted from Maps 4 and 12. The links provide very important connections beyond the neighbourhood area and all are appropriate. Their inclusion on Map 12 addresses the representations of the Leeds Local Access Forum

134. The links include proposals for a “*potential foot and cycle bridge across the railway connecting Nineveh Parade and Marshall Street*”. This is a significant proposal which should be considered separately from the other nine existing links with an enabling Policy.

135. The Policy is not prescriptive and meets the Basic Conditions subject to some small grammatical changes.

- Amend Policy T1 to delete “where appropriate” after “safe routes to schools” and insert “*area*” after “neighbourhood”
- Add a new T policy “*Development which supports a new foot and cycle bridge across the railway connecting Nineveh Parade and Marshall Street shall be supported.*”
- Amend Maps 4 and 12 to include the green bridge over the A643
- Provide labels for each of the links in the tinted box on page 60 and use these on Map 12
- Clearly label the new foot and cycle bridge as a proposal in the tinted box separate from the other existing links and address it in the supporting text

136. **Policy T2** – This addresses air quality and pollution.

137. This Policy is not prescriptive and meets the Basic Conditions. It should clarify the reference to Holbeck Local Centre.

- [Amend Policy T2 by inserting “Holbeck” before “Local Centre”]

138. **Policy T3** – This addresses measures to improve movement in residential areas.

139. This Policy needs to recognise there will be instances where such measures are not appropriate and can be worded to allow a wider range of possible measures.

- Amend Policy T3 to replace “designs for, or improvement to the layout of the public realm which” with “*measures to*” and to add “*where appropriate*” after “road design”

## **8. Recommendation and Referendum Area**

140. I am satisfied the Holbeck Neighbourhood Plan meets the Basic Conditions and other requirements subject to the modifications recommended in this report and that it can proceed to a referendum. I have received no information to suggest other than that I recommend the referendum area matches that of the Neighbourhood Area.