



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 18th August 2011

Subject: 10/04068/OT: CLARIANT SITE, CALVERLEY LANE, HORSFORTH – OUTLINE APPLICATION INCLUDING MEANS OF ACCESS TO ERECT RESIDENTIAL DEVELOPMENT FOR UP TO 400 DWELLINGS WITH ASSOCIATED PUBLIC OPEN SPACE, PARKING, LANDSCAPING, ANCILLARY RETAIL UNIT, ALLOTMENTS, RETENTION OF SPORTS GROUND WITH PAVILION AND OFF-SITE HIGHWAY WORKS.

Subject: 10/04261/OT: RIVERSIDE MILLS, HORSFORTH – OUTLINE APPLICATION INCLUDING MEANS OF ACCESS TO ERECT RESIDENTIAL DEVELOPMENT FOR UP TO 150 DWELLINGS WITH ASSOCIATED OPEN SPACE AND OFF-SITE HIGHWAY WORKS.

APPLICANT

Harrow Estates/Horsforth
Riverside LLP

DATE VALID

n/a

TARGET DATE

n/a

Electoral Wards Affected:

Horsforth (also affecting Calverley and Farsley)

Y

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Following refusal of both applications at Panel on 31st March 2011 and submission of subsequent appeals, Panel are requested to support a case at Public Inquiry which does not contest reasons for refusal 5 and 6 of both appeals and elements of reasons for refusal 2 and 3 of both appeals.

1.0 INTRODUCTION:

- 1.1 Members will recall a report considered at West Plans Panel on 3rd March 2011 recommending approval for both applications, subject to resolution of certain matters, conditions and a Section 106 agreement. After lengthy debate, Panel resolved to refuse both applications and requested that officers come back with suggested reasons for refusal.
- 1.2 Following West Panel on 31st March 2011 both applications were refused with the same reasons for refusal as follows.
1. The site lies outside the main urban area, in a location which is remote from local services. As such, the site is not in a demonstrably sustainable location for residential development and the sustainability measures promoted are considered insufficient to outweigh this locational disadvantage. The proposal is therefore detrimental to the aims and objectives of sustainability policy, contrary to adopted Leeds UDP Review (2006) strategic goal SG4, strategic aim SA2, policies H4, T2, T9; RSS (2008) policies YH7, LCR1, T1 and government guidance in PPS1, PPS3 and PPG13.
 2. The site is poorly served by non car modes of transport. The proposed bus service is insufficient to meet the minimum standards suggested by the SPD "Public Transport Contributions" and proposals for Calverley Lane North result in disbenefits for cyclists. Consequently residents would be primarily dependent upon use of the private car. The proposal is therefore detrimental to the aims and objectives of sustainability policy, contrary to adopted Leeds UDP Review (2006) strategic goal SG4, strategic aim SA2, policies GP5, H4, T2, T2D, T5, T9; RSS (2008) policies YH7, T1, T3; SPD "Public Transport Improvements and Developer Contributions" (August 2008) and government guidance in PPS1, PPS3 and PPG13.
 3. The submitted Travel Plan is unacceptable as regards baseline mode splits and targets, penalties and mitigation if targets not met, travel to school by sustainable transport and the form, timing and length of monitoring. The proposal is therefore detrimental to the aims and objectives of sustainability policy, contrary to adopted Leeds UDP Review (2006) strategic aim SA2, policy GP5, para 6.3.9., 6.3.12, RSS policy T1, SPD "Travel Plans" (May 2007) and government guidance in PPG13.
 4. The development is accessed from the A6110 (Ring Road) which is a high speed, heavily trafficked primary route. The access from Calverley Lane South onto the A6110 does not have adequate capacity to cater for the development and is considered unsafe. The proposal is therefore detrimental to highway safety, contrary to adopted Leeds UDP Review (2006) policies GP5, T2 and T5 of the and government guidance in PPS3 and PPG13.
 5. The proposed access works to Calverley Lane North fail to take proper account of cyclists returning to the site, detrimental to their safety and convenience. The proposal is therefore detrimental to highway safety, contrary to adopted Leeds UDP Review (2006) policies GP5, T2, T5; RSS policy T1 and government guidance in PPG13.
 6. The Transport Assessment is based on a VISSIM model which has a number of serious flaws, in particular the queue lengths in the existing situation do not validate which has implications for the fallback and development case results. This means that the model does not provide an acceptable representation of impacts on the local highway network and the Transport Assessment cannot be relied upon to make a sound planning decision. The application is therefore detrimental to highway interests contrary to adopted Leeds UDP (2006) policies GP5, T2, T2B and PPG13 para 23-25.

- 1.3 Both refusals were subsequently appealed on 13th June 2011. The Secretary of State has called in both appeals, to be co-joined and heard together at a Public Inquiry lasting 8 days, programmed for 8th November until 18th November 2011.
- 1.4 Since refusal of both applications the appellants have been seeking to overcome a number of reasons for refusal and elements of others to minimise Public Inquiry time. Revised highways modelling, revised plans for Calverley Lane North and a revised Travel Plan have been provided. This results in a situation where reason for refusal nos 5 and 6 could be overcome and elements of reasons for refusal 2 and 3 could also overcome.
- 1.5 Members are requested to support officer advice to agree these elements as part of a Statement of Common Ground, currently being prepared and due to be submitted to the Planning Inspectorate by 31st August 2011. These elements of the Council's case would then not be contested at the Public Inquiry.

2.0 PROPOSAL:

- 2.1 The revised proposals take the form of:

- A revised Travel Plan.

-A revised proposal for Calverley Lane North which provide a 2-2.5 m joint footway/cycleway (as opposed to a 2m joint footway/cycleway as determined).

-A revised VISSIM model following comments from the Council's consultants Mouchel's prior to determination.

3.0 PUBLIC/LOCAL RESPONSE:

- 3.1 The applications are no longer with the local planning authority to determine and rest with the Secretary of State. As such the planning authority has no statutory duty to consult on the proposed amendments. The appellant has therefore advertised the revised proposal for Calverley Lane North by letter to c 52 local businesses and residents as well as putting an advertisement in the Yorkshire Evening Post on 22nd July.
- 3.2 The local planning authority has only received one public comment (as at 4th August 2011) from 30/32 Calverley Lane that the verge in front of that property would be replaced by a footway where other existing verges would be retained. It should be noted that the local planning authority is not in position to respond to objections formally as these would be considered by the Planning Inspector holding the Public Inquiry.

4.0 CONSULTATIONS RESPONSES:

STATUTORY CONSULTEES

HIGHWAYS: Revised Highway proposal for Calverley Lane North acceptable. As regards VISSIM it is agreed that the VISSIM model is fit for purpose in order to inform the engineering judgement of the network everywhere except in relation to Calverley Lane South, where an alternative form of analysis is required.

NON-STATUTORY CONSULTEES

TRAVELWISE: Baseline mode splits and targets now agreed as well as form, timing and length of monitoring.

TRANSPORT PLANNING: Whilst the proposal remains substantially below the relevant Local Transport Notes it is an improvement on previous proposals. There does not seem to be a reasonable possibility of better alternative route and therefore no objection.

EDUCATION TRAVEL COORDINATOR: Revised plan now provides a segregated walking route to local schools by incorporating a dedicated footway along Calverley Lane North.

LANDSCAPE: Given the recent site meeting and subsequent revised layout, concludes that although the loss of trees along Calverley Lane North damages the character of the lane, on balance the proposal is acceptable subject to the submission of a combined arboricultural/highway construction statement as agreed on site.

5.0 PLANNING POLICY

The Planning Inspectorate: Planning appeals and called in planning applications 01/2009

- 5.1 Para 1.10.2 confirms that the main parties should work together during the application process to seek to ensure that the evidence before an appeal is that which was before the local planning authority. However para 1.9.2 notes that it is important for the applicant and local planning authority to maintain constructive dialogue. Para 1.10.1 also states that the Inspector can take into account material that was not before the local planning authority at the time of the decision.

6.0 MAIN ISSUES

Reason For Refusal Five (Calverley Lane North Footway/Cycleway)
Reason For Refusal Six (VISSIM Model)
Reason For Refusal Two (Sustainable Transport)
Reason For Refusal Three (Travel Plan)

7.0 APPRAISAL

REASON FOR REFUSAL FIVE (CALVERLEY LANE NORTH FOOTWAY/CYCLEWAY)

- 7.1 The Panel report of 31st March 2011 noted at para 1.5 that highway issues relating to the footway on Calverley Lane North were unresolved. The 2m footway was insufficient to be designated as a formal two-way cycleway. This was detrimental on highway safety grounds for pedestrians and cyclists.
- 7.2 Highways confirmed that a 2.5 m joint footway/cycleway would be acceptable. Following the refusal, a subsequent proposal has been submitted for discussion purposes that provide a 2.5m footway/cycleway, with localised narrowing to retain significant trees.

- 7.3 The works to Calverley Lane North, by providing a potential dedicated public footway/cycleway, will offer benefit in highway safety to cyclists and pedestrians that could use it in both directions that was not available at the time of the Panel decision. This would allow for cyclists returning to the site and would no longer be detrimental to their safety and convenience, hence overcoming the reason for refusal.
- 7.4 The applicant intends to submit the proposal to the Inspector and request that the drawings be considered as part of the appeal proposal. Officers recommend that this is agreed in the Statement of Common Ground and that this reason not be pursued at the Public Inquiry.

REASON FOR REFUSAL SIX (VISSIM MODEL)

- 7.5 The Panel report of 31st March 2011 noted at para 1.7 that the revised VISSIM modeling assessment submitted on 10th February had been assessed by the Council's consultants, who concluded that the model still contained a number of flaws. Accordingly an additional highways reason for refusal was added at Panel.
- 7.6 Following further discussion around validating the model and the submission of a further iteration of the model, Highways have now agreed that the model is fit for purpose in order to inform the engineering judgement of the highway network i.e. that the highway improvements to Horsforth and Rodley roundabouts are sufficient to mitigate the impact of development traffic. However this does not apply in relation to Calverley Lane South, where an alternative form of analysis is required. Officers therefore recommend that this is agreed in the Statement of Common Ground and that this reason not be pursued at the Public Inquiry (although the highway reason for refusal relating to Calverley Lane South remains).

REASON FOR REFUSAL TWO (SUSTAINABLE TRANSPORT)

- 7.7 The provision of a 2-2.5 m joint footway/cycleway to overcome reason for refusal five also has implications for reason for refusal two; in that the proposals for Calverley Lane North no longer have disbenefits for cyclists.
- 7.8 Whilst the remainder of the reason for refusal remains valid, officers recommend that this element is agreed in the Statement of Common Ground and that this element of the reason is not pursued at the Public Inquiry.

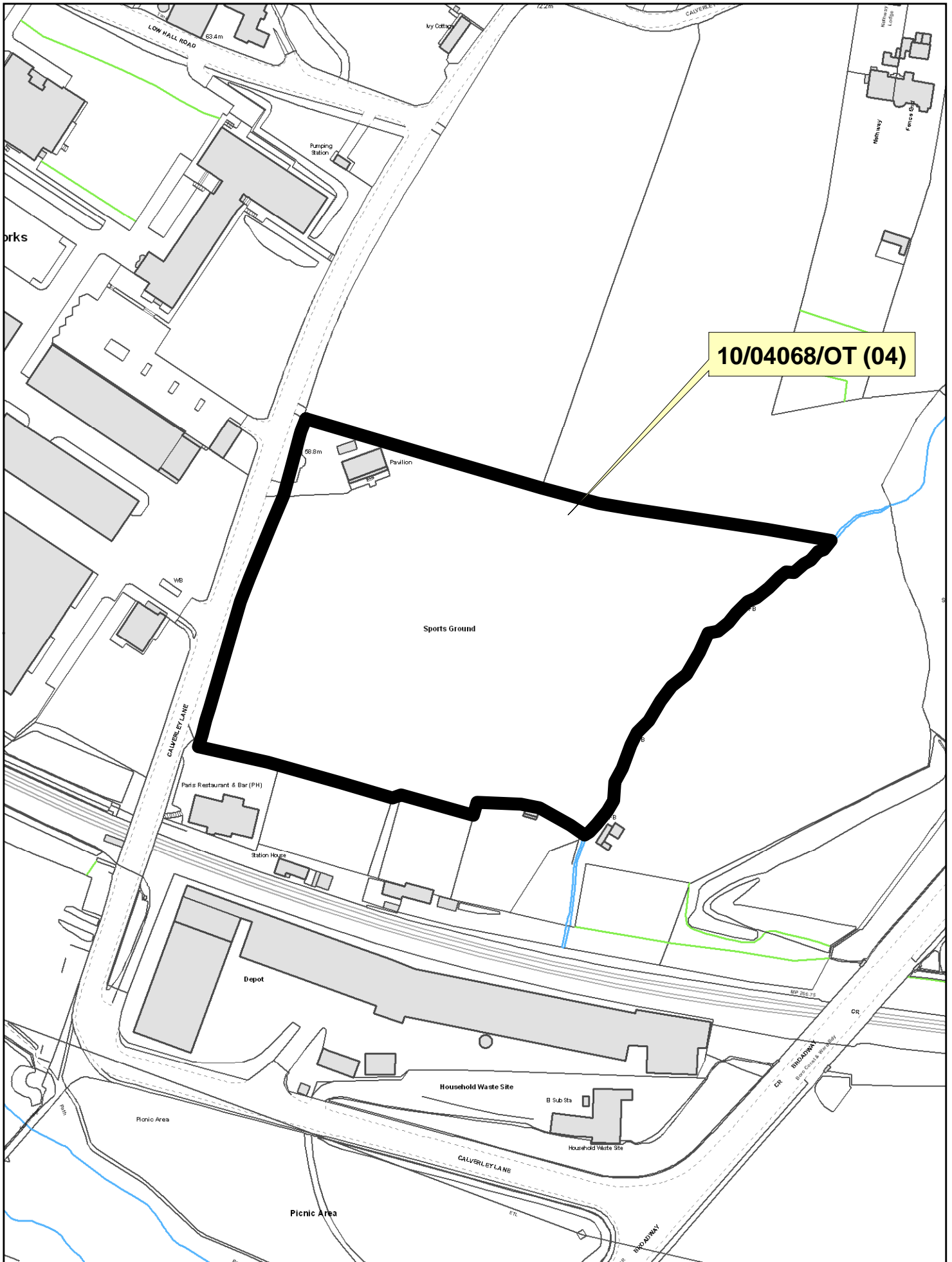
REASON FOR REFUSAL THREE (TRAVEL PLAN)

- 7.9 The Panel report noted that a revised Travel Plan had only recently been submitted and that Travelwise comments would be reported to Panel. Travelwise subsequently commented that the Travel Plan remained unacceptable. Following the refusal discussions have resulted in agreement over baseline mode splits and proposed targets as well as the proposed form, timing and length of monitoring. A further version of the Travel Plan has been submitted with these revisions.
- 7.10 Whilst the Travel Plan remains unacceptable and remainder of the reason for refusal remains valid, officers recommend that these elements are agreed in the Statement of Common Ground and that these elements of the reason are not pursued at the Public Inquiry.

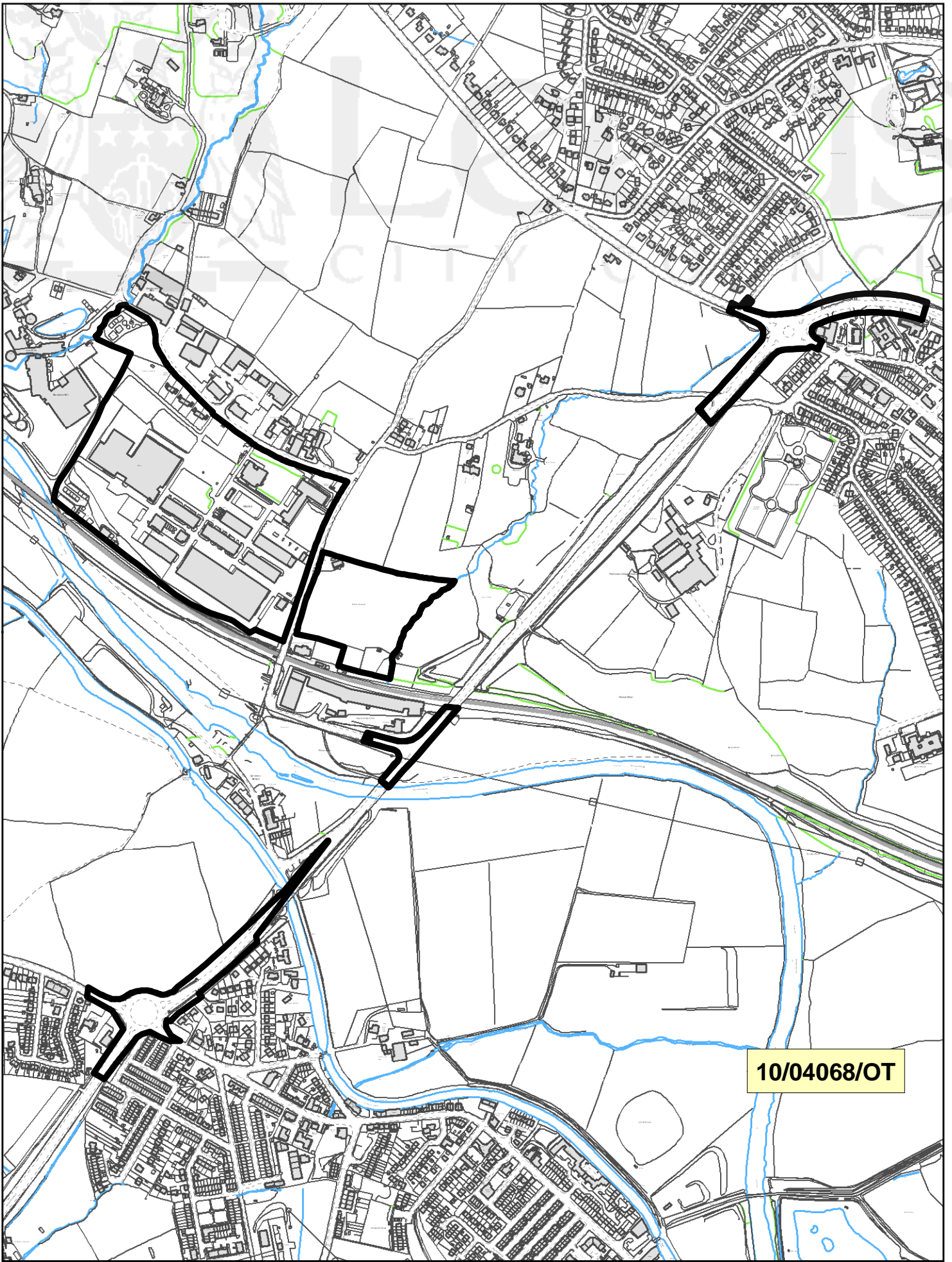
8.0 CONCLUSION

- 8.1 Whilst good practice suggests matters should be resolved prior to determination, the applicants late submission of VISSIM modeling, proposals for Calverley Lane North and a revised Travel Plan did not allow for resolution of outstanding issues within the agreed PPA timescales. As such the appellant is seeking to remedy this post decision.
- 8.2 Good practice suggests that parties should work positively together post decision to seek to reduce Public Inquiry time wherever possible. On the basis that the above matters are acceptable to Council officers, it is recommended that the Council agree these elements as part of the Statement of Common Ground and agree that they will not form part of the Council's case at the forthcoming Public Inquiry.

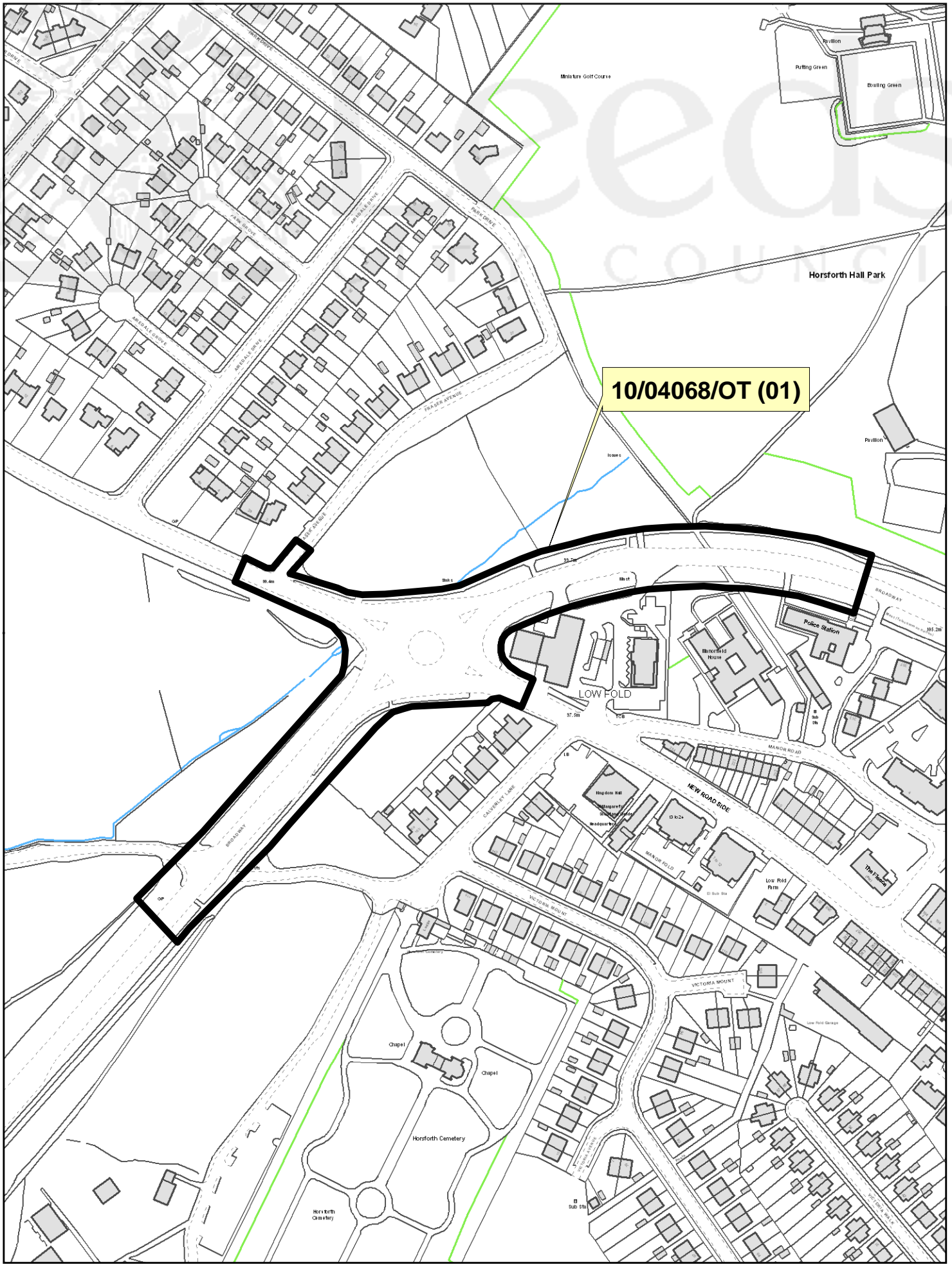
Background Papers: Panel Papers for 31st March 2011.



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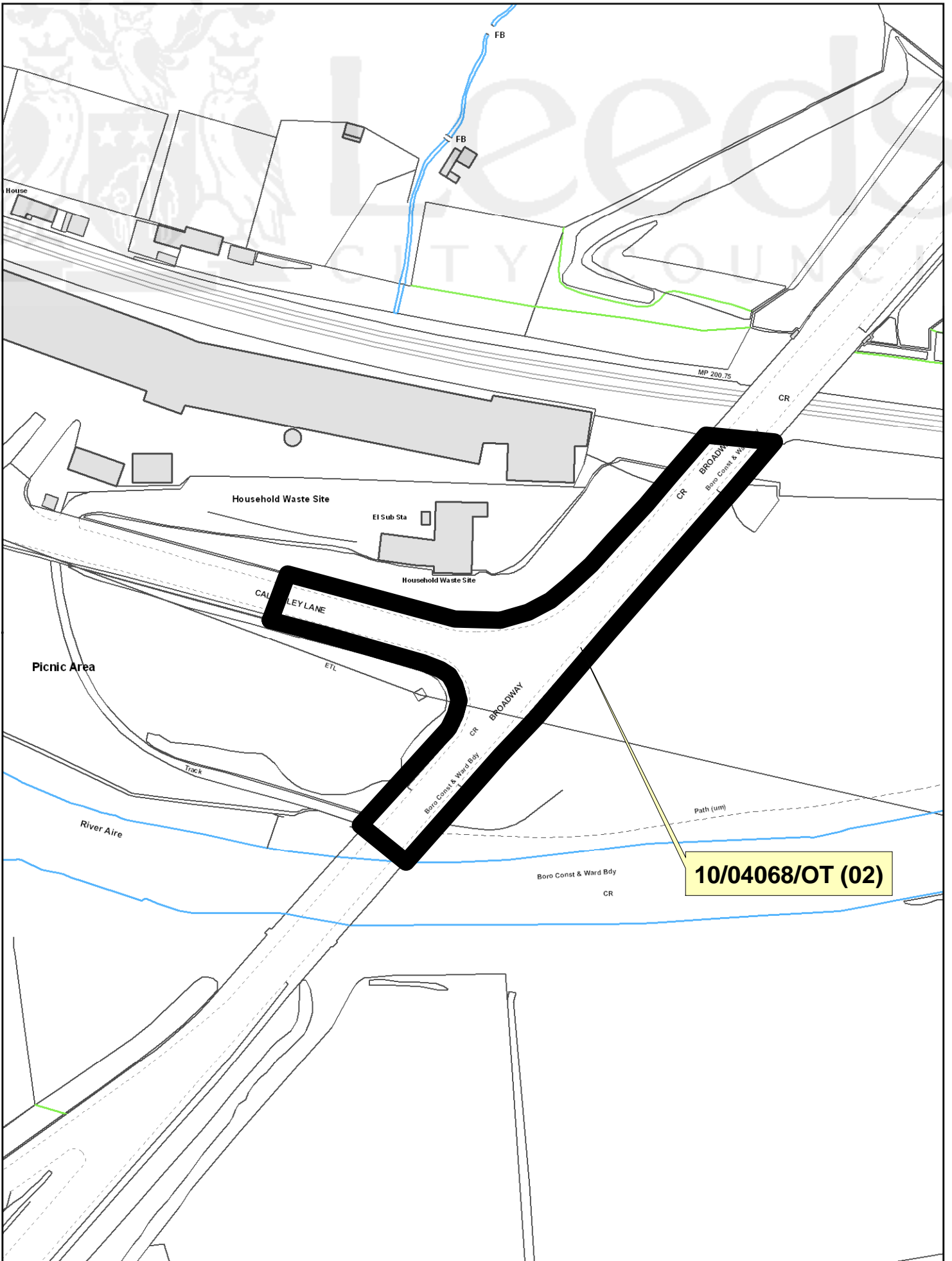
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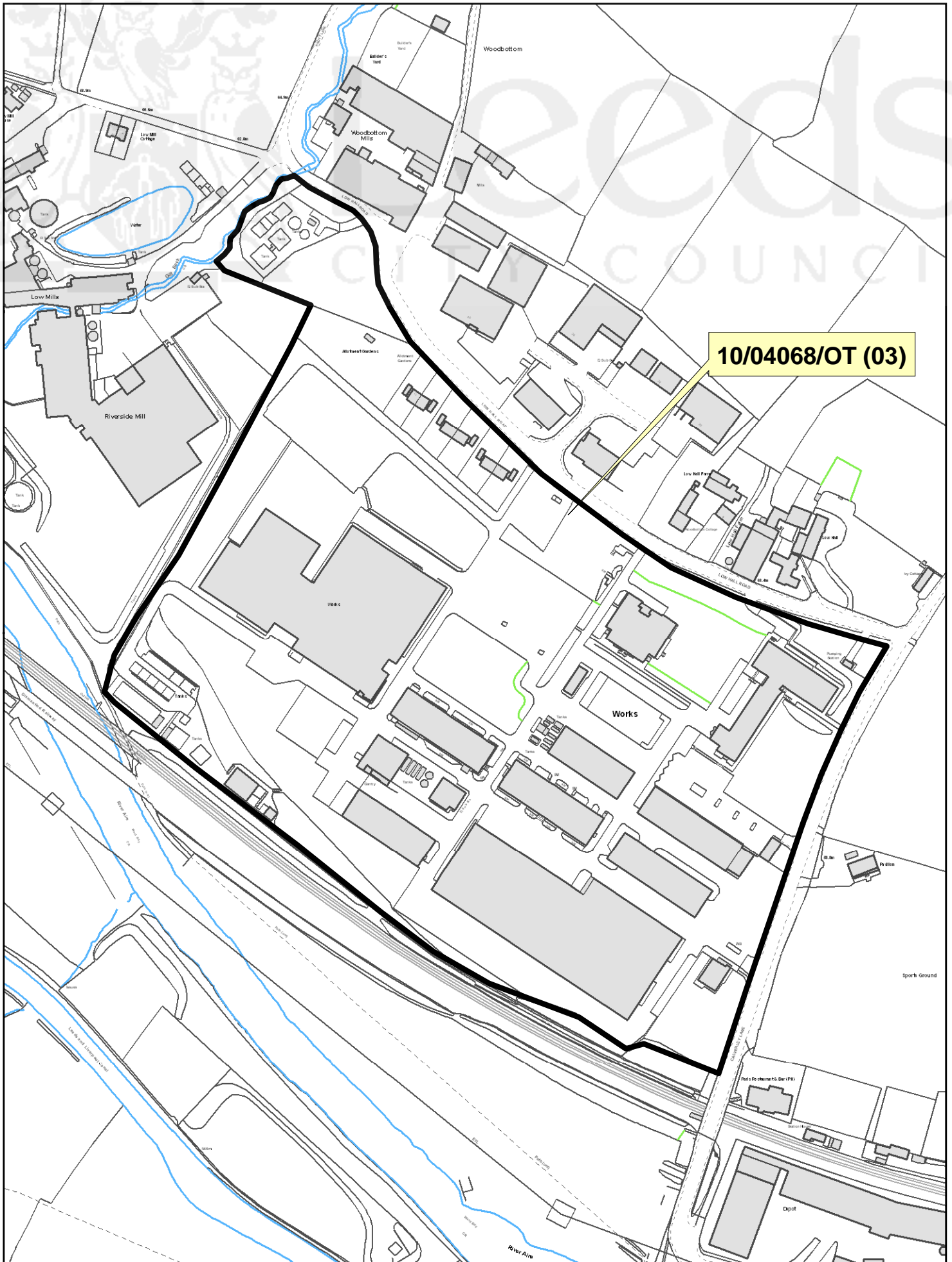
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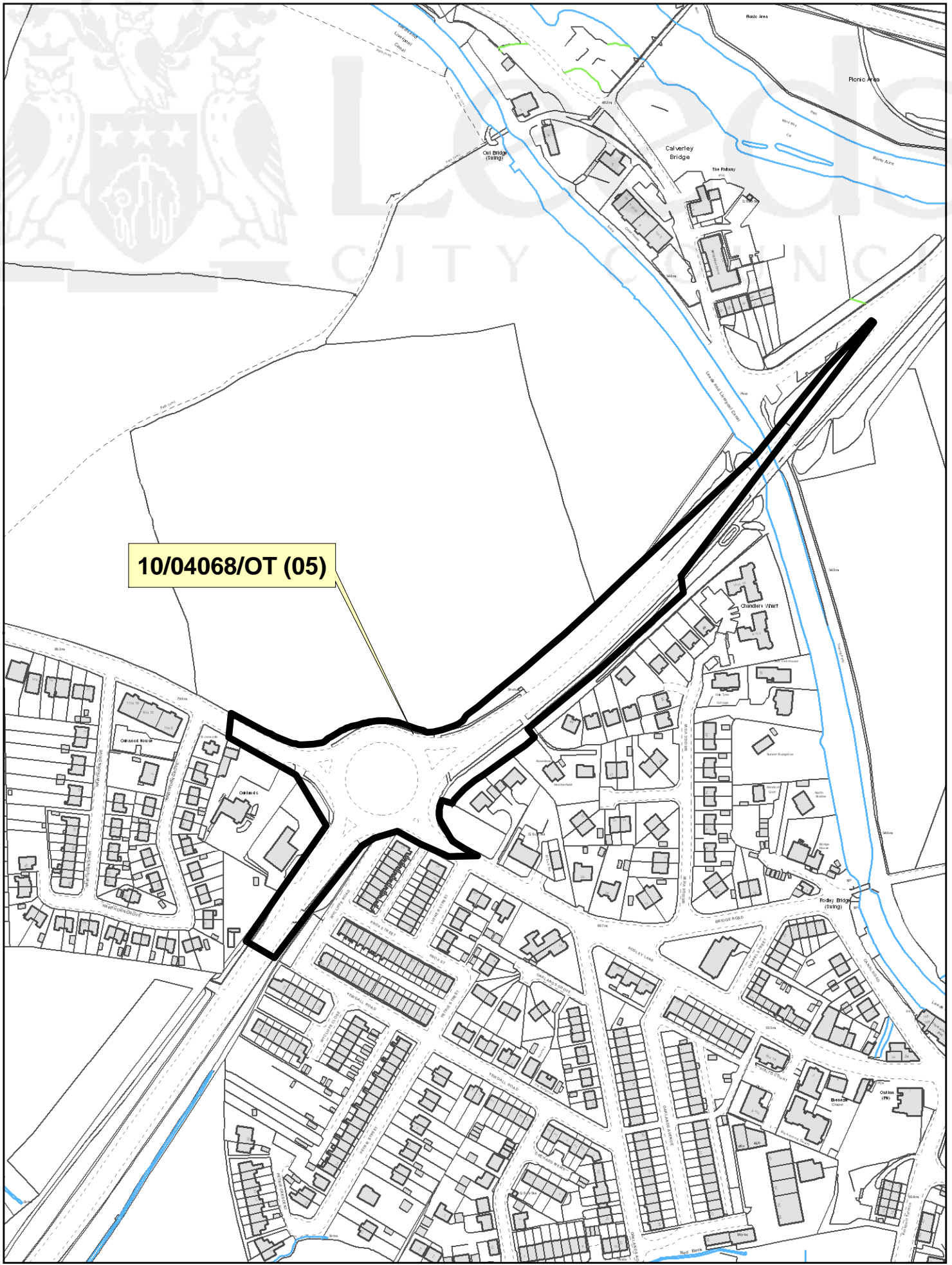


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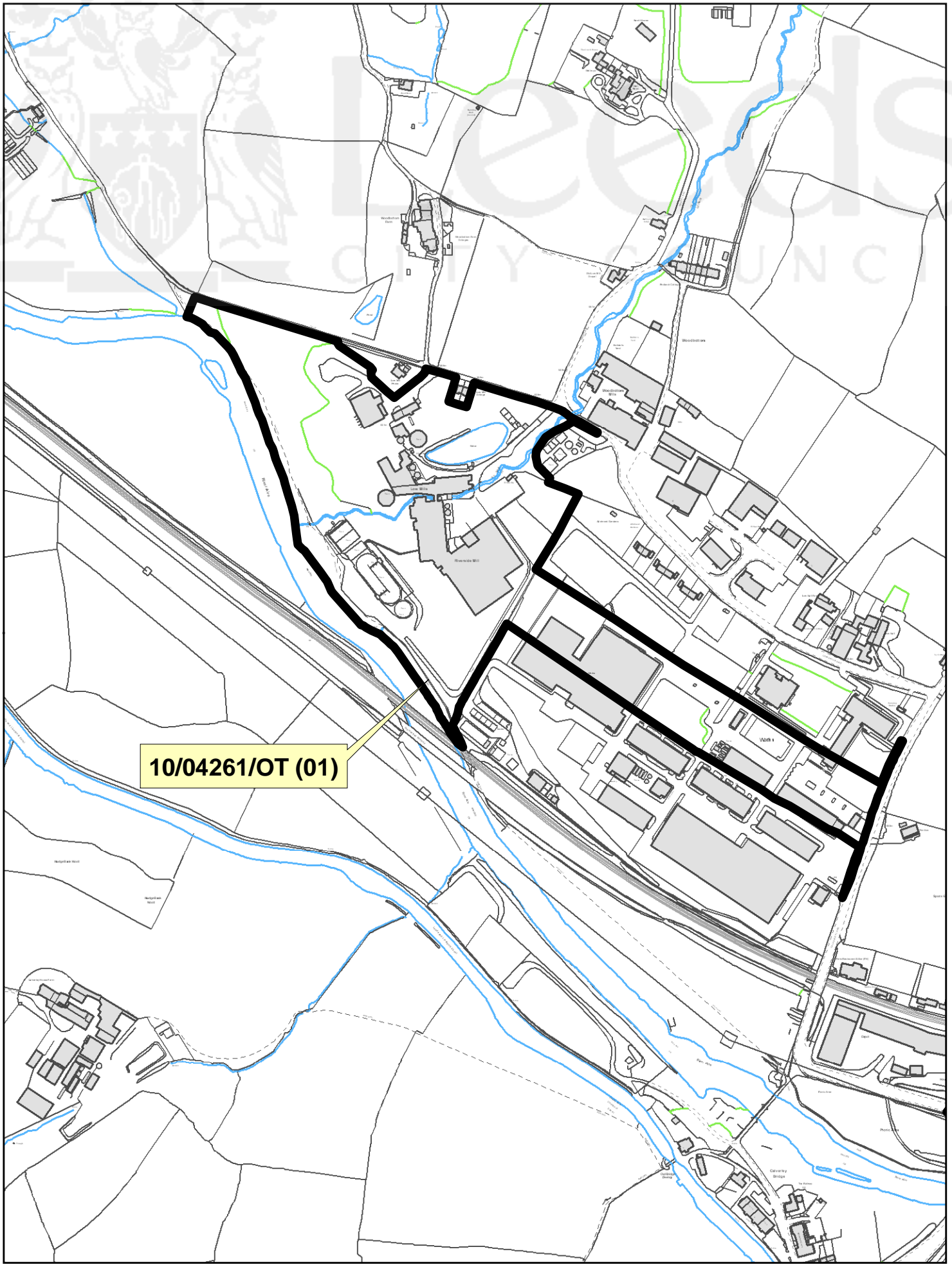


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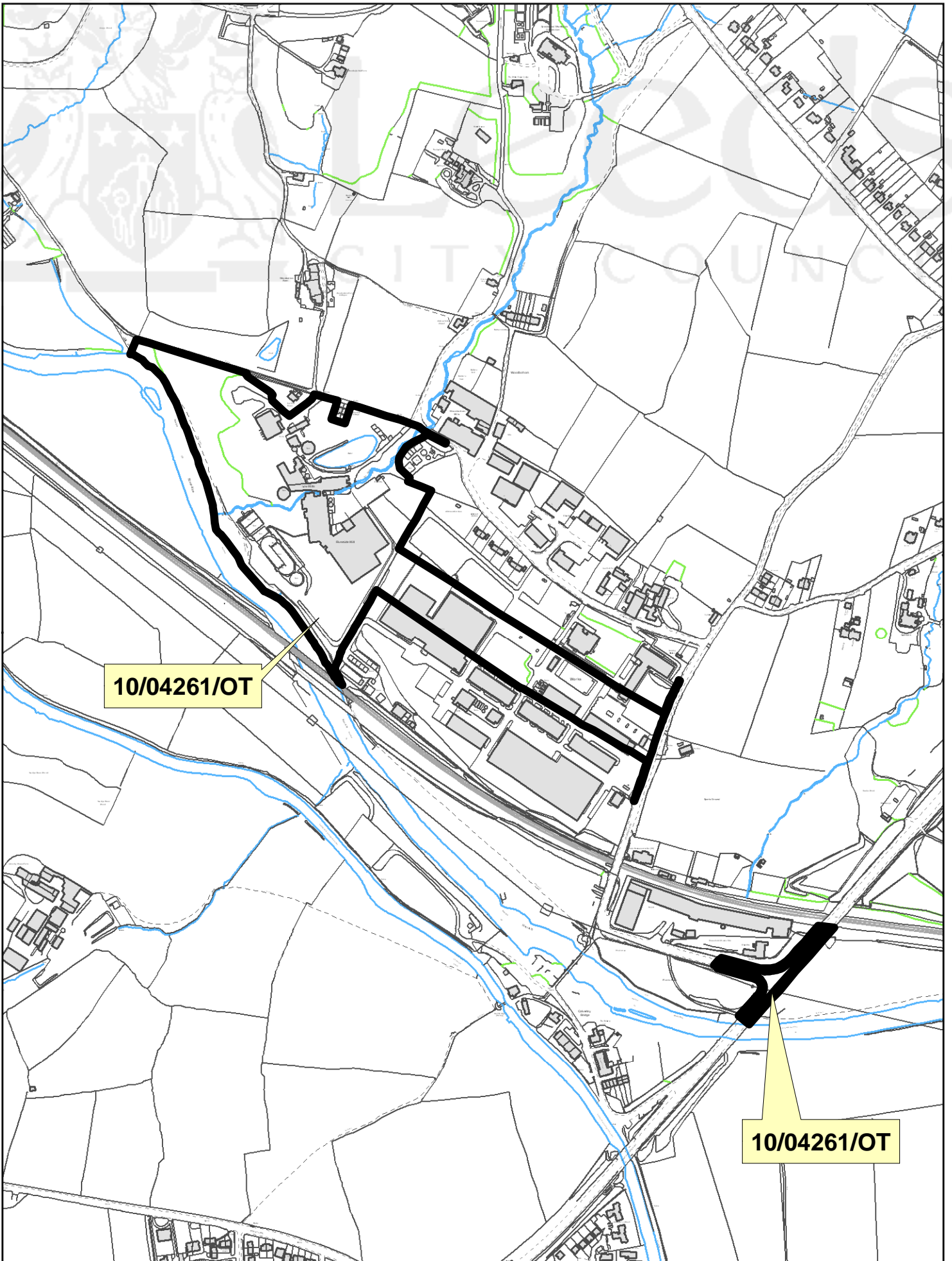
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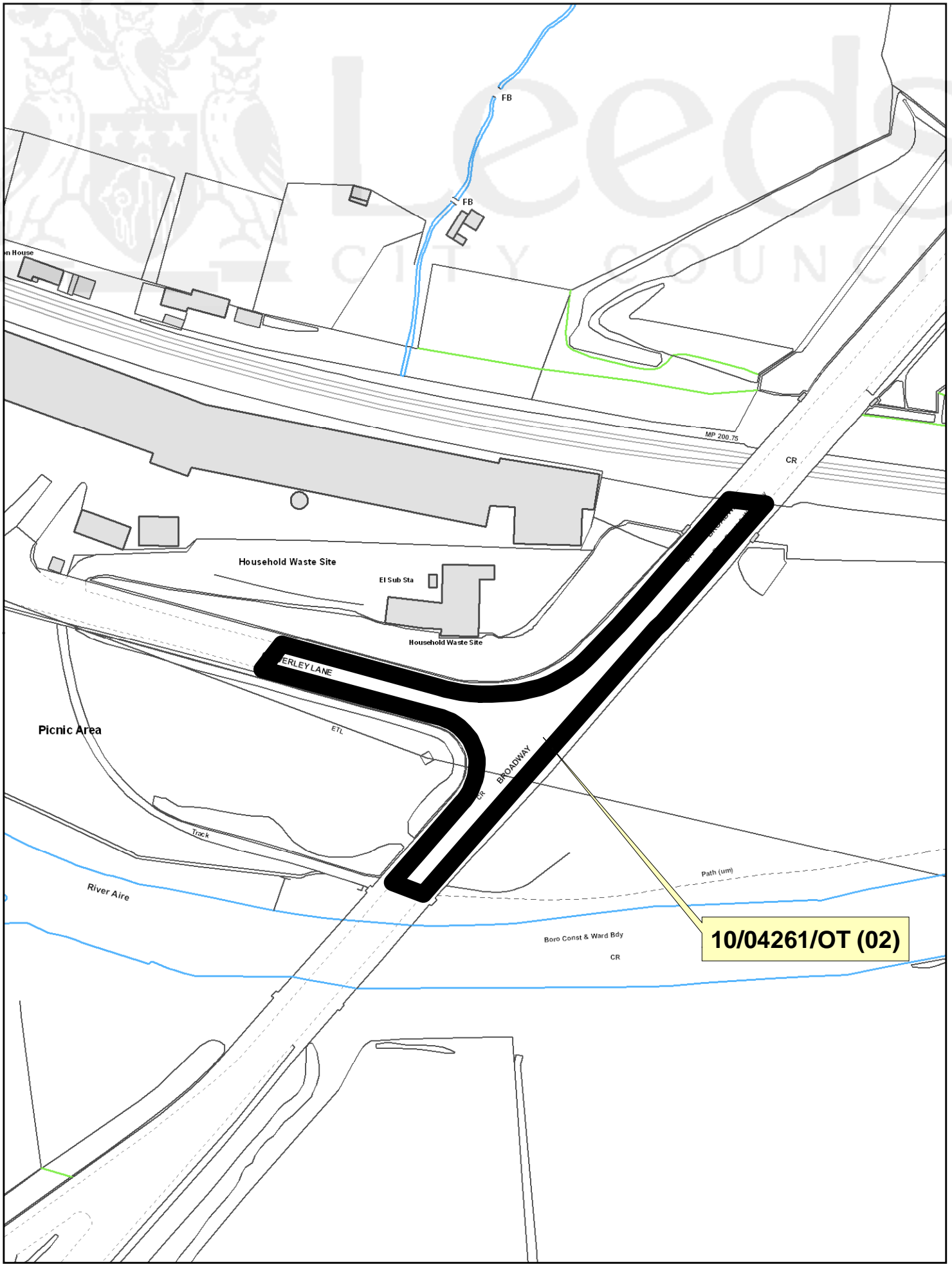
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