



Report of the Chief Planning Officer

PLANS PANEL (EAST)

Date: 1st December 2011

Subject: APPLICATION 11/01014/OT: Outline application to erect 32 Houses, land adjacent to Jude's Pond, Haigh Moor Road, West Ardsley

APPLICANT	DATE VALID	TARGET DATE
Barraclough Developments Ltd & Betterspot Ltd.	10 March 2011	13 June 2011

Electoral Wards Affected:

Ardsley & Robin Hood

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER and DELEGATE approval to the Chief Planning Officer subject to the conditions specified (and any others which he might consider appropriate) and the completion of a legal agreement to include the following obligations:

- 15% (5) Affordable Housing built on site, if commenced within two years (30% if implemented thereafter);
- Greenspace to be laid out on site, including enhancements to Jude's Pond; and
- Improvements to provide raised kerbs at the local bus stop

In the circumstances where the Section 106 Agreement has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

Conditions:

1. Time Limit On Outline Permission
2. Details of scale, appearance and scale
3. In accordance with approved plans
4. Details of Levels
5. PD right removal (Garages)

6. Details and samples of external walling, roofing and surfacing materials to be submitted
7. Details of boundary treatments to be approved
8. Landscape scheme to be submitted and implemented
9. Replacement trees
10. Area used by vehicles laid out, surfaced and drained
11. Details of visibility splay in the form of widened footpath onto Haigh Moor Road
12. Details of cycle parking
13. Specified operating hours (construction); no Sunday / Bank Holiday operations
14. Construction management plan
15. Bin storage details
16. Relevant drainage conditions
17. Further site investigation required
18. Amendment of remediation statement
19. Submission of verification report
20. Details of sustainable construction

Reasons for approval: The principle of development is considered to be acceptable as it is considered to comply with housing planning policy, and that it is in a relatively sustainable location. Having regard to all other material considerations, including residential amenity, character and highway safety the application is acceptable. The application is considered to comply with policies GP5, GP7, BD5, H3, H11, H12, H13, LD1, N2, N4, N12, N13, N24, N25, N38B, T2, T5, T6, T24 of the UDP (Review 2006), and relevant supplementary and national planning policy guidance. As such the application is recommended for approval.

INTRODUCTION:

- .1 This application is brought to the Plans Panel because it relates to a substantial development proposal and is subject to local concern by nearby residents. The proposal is for the residential development of a Greenfield site that is allocated for such purpose (phase 3) in the Unitary Development Plan.
- .2 On 18 May 2011, the Council's Executive Board approved an Interim Affordable Housing Policy which, in the case of this site, now allows affordable housing at a lower ratio of 15%. The applicant has submitted a Section 106 Agreement on the basis of provision at this 15% level.

2.0 PROPOSAL:

- 2.1 The proposal is an outline application for 32 dwellings, with access and layout being applied for. Appearance, landscaping and scale are matters left for future determination.
- 2.2 Vehicular access would be taken from an approximately central point along the Haigh Moor Road frontage. The houses types incorporate a mix of terrace, semi-detached and detached properties, in a mix of two, three and four bedroom accommodation.
- 2.3 An area of Public Open Space (POS) is proposed, adjacent to and incorporating Jude's Pond, a Leeds Nature Area which fronts onto Haigh Moor Road at the southern part of the site frontage.
- 2.4 A substantial hedge (marked as biodiversity corridor), at a width between 6m and 12m is proposed, to link the POS with the open land to the west of the site. A 5m

wide landscape buffer is proposed on land to the west of the application site (within the applicant's ownership).

- 2.5 Although scale has not been applied for, the applicant has stated that the dwellings would be two storey, to match surrounding houses.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is a 1.2 hectare area of open grassland off Haigh Moor Road, containing Jude's Pond to the south east corner of the site. The land rises gently from the north east to the south west.
- 3.2 The land is abutted to the north and south by mainly detached two storey houses, and to the east, on the far side of Haigh Moor Road, by mainly two storey semi-detached houses.
- 3.3 Land to the west is open and undeveloped and is designated 'Other Protected Open Land' under Policy N11.
- 3.4 There are bus routes along Haigh Moor Road and Westerton Road, with bus stops within walking distance. There are shops, including a Post Office at the junction of Westerton Road and Haigh Moor Road, to the north of the site, and primary schools on Westerton Road, Hill Top and Blackgates, also within walking distance.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 No recent relevant planning history.
- 4.2 Planning permission was granted in 1994 to erect residential development on part of the Phase 3 allocated site, to the south of the application site, and these dwellings are now constructed (Nook Green). (23/429/94/FU).

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Pre-application, the scheme was for 25 dwellings, with a greater number of terrace properties, with the higher density towards the Haigh Moor Road frontage. The pre-application advice was that the scheme was overly dense and didn't sufficiently respect local character.
- 5.2 The application was submitted for 33 dwellings, but further negotiations have taken place, as follows:
Six semi-detached dwellings and triple garage block to Haigh Moor Road frontage replaced with four detached houses
Three detached dwellings replaced with terrace of four towards rear of the site.
Biodiversity Corridor and Landscape Buffer doubled in width.
Enhancements to local bus stop.
Section 106 to include affordable housing and on-site greenspace.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 This application was advertised as Proposed Major Development by Site Notices on 25th March 2011 In addition, the application was advertised in the Morley Advertiser on 6th April 2011. Revised plans were also advertised by site notices on 1st July

2011 and 28th October 2011. Letters of objection have been received from 10 local households. The objections are on the following grounds:

- 6.2
- (i) Even modest rain in the vicinity of the pond causes flooding on Haigh Moor Road, and the development proposal would exacerbate this. Flooding of the carriageway and footpath should be considered in the Flood Risk Assessment.
 - (ii) The Tingley, West Ardsley and East Ardsley areas have undergone excessive new builds on green field area's over the past 20 years already.
 - (iii) A 33 house new development would have no beneficial effects to the local area. The local schools, both primary and secondary are already over subscribed and the local GP surgery already struggles to provide the local population with suitable timely appointments.
 - (iv) Various residents of Haigh Moor Road have recently been turned down for planning for extensions to their properties on the grounds that the build would not be in keeping with the area. A 33 house development is certainly not in keeping with this section of Haigh Moor Road.
 - (v) Haigh Moor Road is an already busy enough road without all the extra cars the development would bring. The planners have stated they would encourage the use of public transport by providing those residents with bus passes and encouraging them to cycle. This would not reduce car usage. People will still use their vehicles.
 - (vi) Existing residents park across the pavements due to speeding cars and visibility restrictions. Many motorists fail to adhere to the 30mph speed limit.
 - (vii) The proposed access is close to the bend in Haigh Moor Road, therefore there would be insufficient visibility, leading to likelihood of serious accident.
 - (viii) 50+ cars coming and going from one access point would create noise and dust, as well as a traffic hazard.
 - (ix) The local bus service is infrequent and unreliable. You could expect a minimum of 50-60 cars with a development of the proposed size.
 - (x) A substantial number of properties will have their outlook affected or blocked.
 - (xi) Potential overlooking of nearby residents.
 - (xii) Clear and unspoilt views across the site would be lost.
 - (xiii) Daylight/sunlight would be reduced.
 - (xiv) The pond and meadow have a high nature conservation value and the pond in particular supports a diverse range of species.
 - (xv) Value of properties would be reduced.

7.0 CONSULTATIONS RESPONSES:

Statutory:

- 7.1 Highways – no objections to the revised layout, which demonstrates adequate visibility onto Haigh Moor Road
- 7.2 Environment Agency – no objections.

Non-statutory:

- 7.2 Flood Risk Management: No objections are raised.
- 7.3 Yorkshire Water – no objections, subject to conditions.
- 7.4 Metro – no objections, subject to enhancement of local bus stop.

8.0 PLANNING POLICIES:

8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development including housing. The site is designated as housing under Policy H3.3A.4 of the UDP (Review 2006). In addition, the land abutting the site to the south and east is designated as Green Belt.

8.2 Regional Spatial Strategy (RSS) (adopted May 2008)

H1: annual average additions to housing stock and previously developed target.

H2: Sequential approach to allocation of land.

H3: managed release of housing land.

ENV5: 10% renewable energy requirement.

YH1: Spatial pattern of development and core approach.

YH2: Sustainable development.

YH4: focus development on regional cities.

YH5: Focus development on principal towns.

YH7: location of development.

LCR1: Leeds city region sub area policy.

LCR2: regionally significant investment priorities, Leeds city region.

8.3 Unitary Development Plan Review (adopted July 2006)

The 1.1 hectare site is part of a larger area allocated for housing in the UDP Under Policy H3:3A.4. The remainder of the 3.57 hectare allocation (to the south of the application site) has already been developed for housing. Jude's Pond is a Leeds Nature Area (LNA059). Land to the west of the application site is 'Other Protected Open Land' under Policy N11.

- Policy GP5: refers to development proposals should seek to avoid loss of amenity.
- Policy GP7: Use of planning obligations.
- Policy GP11: Sustainable Design Principles.
- Policy BD2: Siting and Design of New Buildings.
- Policy BD5: new buildings design consideration should be given to own amenity and surroundings
- Policy H1: provision for completion of the annual average housing requirement identified in the RSS.
- Policy H2: Monitoring of annual completions of dwellings.
- Policy H3: Housing allocations.
- Policy H11, H12, H13: affordable housing considerations
- Policy N12: all development proposals should respect fundamental priorities for urban design.
- Policy N13: design of new buildings should be of high quality and have regard to character and appearance of surroundings.
- Policy T2: development should be capable of being served by highway network and not adding to or creating problems of safety.
- Policy T5: ensure the safe and secure access and provision for pedestrians and cyclists within highway and new development schemes.
- Policy T6: satisfactory access and provision for people with mobility problems within highway and paving schemes and within new development should be provided.

- Policy T24: parking guidelines for new developments
- Policy N2: support given to establishment of a hierarchy of greenspaces
- Policy N4: provision of greenspace to ensure accessibility for residents of proposed development
- Policy N24: Development abutting the Green Belt or other open land should achieve assimilation into the landscape.
- Policy N25: Site boundaries should be designed in a positive manner.
- Policies N49; N50 and N51: Nature conservation and enhancement.
- Policy LD1: landscape schemes should meet specific criteria of good design.

8.4 Supplementary Planning Guidance:

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- SPG3: Affordable Housing;
- SPG4: Greenspace Relating to New Housing Development;
- SPG 11: Contributions For School Provision From Housing Developments;
- SPG13: Neighbourhoods for Living;
- SPG 25: Greening The Built Edge.

8.5 As well as the supplementary planning guidance documents that have been retained, new supplementary planning documents are relevant:

- Affordable Housing SPD (2009);
- Sustainable Design and Construction SPD (2011); and
- Street Design Guide.

8.6 National Planning Policy:

In addition to the principal elements of planning policy other advice contained in Planning Policy Guidance Notes and replacement national Planning Policy Statements (PPS) may be of relevance to the submitted proposal. This includes:

- PPS1: Delivering Sustainable Development (2005);
- PPS3: Housing;
- PPS9: Nature Conservation;
- PPG13: Highways;
- PPS25: Development and Flood Risk.

9.0 **MAIN ISSUES**

9.1 It is the considered view that the main issues are:

- Principle of development
- Sustainability
- Highway Safety
- Design and Layout considerations (visual amenity and character)
- Impact on Landscape and Ecology
- Residential Amenity
- Flood Risk management
- Affordable Housing requirements
- Greenspace

10.0 **APPRAISAL**

Principle of development

- 10.1 Section 38(6) of the Planning and Compensation Act 2004 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The application is on a Phase 3 allocated Greenfield site, within the settlement of West Ardsley. The first issue is whether it is appropriate for this Greenfield site to be released.
- 10.2 The implications that flow from the Grimes Dyke appeal decision, which was reported to Plans Panel on 14th July 2011, have been the subject of reports to Executive Board on 22nd June and the Joint Plans Panel of 30th June 2011. In the light of the Inspectors and the Secretary of State's findings, Executive Board agreed in principle to release all phase 2 and 3 housing sites for development, and as this site is allocated for housing in Phase 3, no objections in principle are raised.

Sustainability

- 10.3 It is considered that the application site is in a reasonably sustainable location. There are bus routes along Haigh Moor Road and Westerton Road, with bus stops within walking distance. There are shops, including a Post Office at the junction of Westerton Road and Haigh Moor Road, and primary schools on Westerton Road, Hill Top (Batley Road) and Blackgates, also within walking distance (all approximately 0.5miles from the application site).
- 10.4 32 family dwellings is likely to generate in the region of 8 pupils across all year groups. An issue in respect of local primary school provision is that the Ardsley/Tingley Planning area will be over capacity by 2013/14, due to a significant increase in birth rates. Blackgates Primary School has recently increased its admission number, therefore has a small amount of surplus capacity that could accommodate pupils from the development. Westerton Primary will be over capacity by 2013/14 and wouldn't be able to accommodate the pupils. There is limited availability at present at Hill Top.
- 10.5 However, under SPG 11: Contributions For School Provision From Housing Developments, a threshold of 50 dwellings or more will determine whether proposed housing developments should qualify for consideration of the need to provide educational benefits. As the proposal is for 32 dwellings, there is no policy support for seeking a contribution, notwithstanding the limited local capacity in the nearest schools.
- 10.6 To conclude on the principle, therefore, Executive Board has resolved that Phase 3 allocated housing sites such as this one should be released immediately for housing, and, subject to resolution of technical/amenity considerations, should be supported.

Highway safety

- 10.7 One of the major concerns raised by residents is highway safety. The visibility requirement on this stretch of road is based on an 85th percentile wet weather speed of 37mph. A driver emerging from the proposed junction and 2.4m back from the give way line must be able to see the full width of the carriageway for 59m. However, the footway could be widened to accommodate the required visibility and improve visibility around the bend, or alternatively the access could be moved to the north in order to achieve the required visibility. A satisfactory plan detailing adequate visibility has been submitted. The visibility splay would take the form of a widened footpath along Haigh Moor Road frontage.

- 10.8 The internal layout of the estate conforms to the current highways guidance (Leeds Street Design Guide). The parking arrangements appear to be acceptable, all houses with three or more bedrooms have at least two off street parking spaces. Driveways are a minimum 3m in width, or 3.3m where pedestrian access is shared. Garages have minimum internal dimensions of 3m x 6m unless separate cycle storage is provided or they would not be counted as parking bays. On this basis, no highway safety concerns are raised.

Design and layout considerations (visual amenity and character)

- 10.9 The layout has been amended, and the scheme is now supported by Officers. Six dwellings on the Haigh Moor Road frontage have been replaced by two storey detached houses, which have spaces between them similar to the spacings on the opposite side of Haigh Moor Road. Although the scheme is outline only, the applicant has stated that brickwork would be used, which is the predominant building material in the locality. The density, scale and layout is considered to be in keeping with the local character.

- 10.10 The layout shows Jude's Pond to be retained and featured within the area of POS. Houses would front onto the POS to ensure good surveillance of the area.

Impact on Landscape and Ecology

- 10.11 Jude's Pond is a designated Leeds Nature Area, and although the pond is not directly impacted upon, the applicant was requested to submit an amphibian survey. No great crested newts were found so the possible presence of a European protected species does not need to be considered further. The pond, however, provides a local resource for wildlife and an amenity for local people, and is to be retained and enhanced within the POS. A Section 106 Agreement is to be completed in this respect. In addition, the biodiversity corridor will provide a resource for wildlife.

Assimilation into wider open area

- 10.12 Policy N24 requires that where development proposals abut the green belt, green corridors or other open land, their assimilation into the landscape must be achieved as part of the scheme. A 5 metre wide landscape buffer is proposed to the north-west boundary which will produce an acceptable green boundary to the development site. This will be dealt with at reserved matters stage but the layout allows for this.

Residential amenity

- 10.13 It is considered, in view of the size of the site and the distance from neighbouring properties, that appropriate separation distances (in line with the guidance set out in Neighbourhoods for Living) from existing dwellings could be achieved. The proposed detached houses to the south-western corner would be 17-18m from the rear boundary, and would look onto the proposed biodiversity corridor, therefore well exceeding the usual 10.5m required, and as such, although final details need to be submitted at reserved matter stage, it is unlikely that any overlooking problems would be caused. Similarly, at the north end of the site, the two proposed houses would present blank gables towards the boundary

Flood risk

- 10.14 Residents have raised the concern that there are existing difficulties even in moderate rainfall, of flooding occurring with water discharging from the pond onto Haigh Moor Road. The Environment Agency and Flood Risk Management sections

raise no objections, subject to conditions. A bund is to be provided to the north and west of the bund, to prevent flooding of the POS and adjoining houses.

Affordable Housing

- 10.15 The application proposes 15% affordable housing provision on site in accordance with the adopted Interim Affordable Housing Policy. Affordable Housing The provision is in the form of a 50/50 mix of social rent and shared equity properties. The proposal has not been subject to any previous applications/decisions.
- 10.16 The Council has recently adopted a revised Interim Affordable Housing Policy. The revised Policy was adopted by Executive Board on 18 May 2011, to be implemented with effect from 1st June 2011. The relevant minute states that the policy would therefore apply to all relevant decisions made on or after 1st June 2011.
- 10.17 It will apply until replaced by the formal Local Development Framework policies within the Core Strategy and Affordable Housing Supplementary Planning Document (SPD), anticipated in 2012 unless there is clear evidence of a change in market circumstances to warrant any further change in the meantime. Permissions granted on the basis of the interim policy will normally be time limited to 2 years implementation to ensure that permissions are implemented reasonably swiftly, and to reflect the fact that the affordable housing policy will be reviewed through the Core Strategy and Affordable Housing SPD.
- 10.18 The proposed changes were adopted in light of the findings of the DTZ Economic Viability Assessment (EVA) published in February 2011 which provided an up to date assessment of what affordable housing can be delivered in the current market and concluded viability was compromised in most areas of Leeds in the current recession as a result of the Affordable Housing Policy being applied prior to 1 June 2011.
- 10.19 In relation to the application site the Interim Policy applies a requirement of 15% affordable housing (a reduction from the SPD figure of 30% applied to the application and from the 30% figure of the previous Interim Guidance adopted in July 2008). The requirement for a 50/50 mix of social rent and shared equity is unchanged.
- 10.20 The implication of this is that under current policy instead of the 10 affordable units required and provided in relation to the original policy the requirement is reduced to 5 affordable units. The units are still to be identified on a plan, but the approved Affordable Housing SPD requires the houses to be 'pepper-potted' in a pro rata mix of houses sizes. The completed Section 106 would identify those plots.
- 10.21 The Policy indicates that permissions granted will normally be time limited to 2 years. The proposed Section 106 would have a clause which states that if not commenced within 2 years, the requirement will revert to 30%.

Greenspace

- 10.22 The applicant is to enter into a Section 106 agreement to lay out an area of the site as Public Open Space. Members will be aware from previous officer reports that new tests relating to the legality of planning obligations have been introduced by way of new secondary legislation in the form of the Community Infrastructure Levy (CIL) Regulations introduced by Central Government as of 6 April 2010 which impact on planning obligations.

- 10.23 Whilst the focus of the CIL is to give local authorities the ability in future to levy a charge on a wide range of development proposals within their area the regulations also introduce a new legal test relating to the use of planning obligations based on the existing policy tests. The effect of this is that it will be unlawful for a planning obligation to be taken into account in a planning decision to authorise development if the obligation is not:
- (a) necessary to make the development acceptable in planning terms (test (a))
 - (b) directly related to the development (test (b)); and
 - (c) fairly and reasonably related in scale and kind to the development (test (c)).
- 10.24 These legal tests have been applied to the obligation in the S106 agreement which the applicant is to enter into as part of the application relating to the greenspace contribution and this obligation is considered particularly necessary as future residents will rely on the on-site greenspace provision, the requirement is directly related to the development as it will secure provision in a location which as closely as possible meet the needs of the residents of the development and is therefore reasonably related to the scale and kind of development. As such, the obligation is considered to be compliant with the three new legal tests. This contribution is in accordance with policy clearly set out in SPG4 and the development would not be considered acceptable without this obligation.
- 10.25 Similarly, the affordable housing provision above is also considered to be compliant with the CIL Regulations.

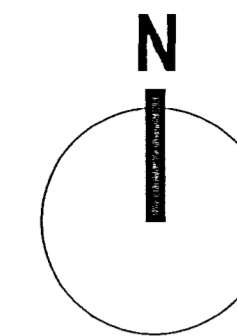
11.0 CONCLUSION

- 11.1 The principle of residential development on this site, a Phase 3 allocated housing site is acceptable in principle, given previous appeal decisions and the resolution of Executive Board in June 2011. The proposal is compliant with PPS3 and UDP policies.
- 11.2 The applicant is proposing 15% affordable housing, in accordance with the Interim Housing Policy, which is acceptable. The provision of on-site greenspace, focusing on the retention and enhancement of Jude's Pond, is to be supported. Otherwise, the site layout is of a high quality, and is supported in principle. There are no technical objections to the proposal.
- 11.3 The application is considered to comply with the relevant policies of the Unitary Development Plan and National Planning Guidance and as such the recommendation is that the application be approved subject to the completion of the Section 106 Agreement incorporating the developer contributions in accordance with current policy.

12.0 Background Papers:

Application file

Certificate of Ownership: As owner



SCHEDULE OF ACCOMMODATION

TYPE	BEDS	No
A	2	6
B	2	1
C	3	6
D	3	4
E	3	2
F	3	2
G	4	6
H	4	3
J	4	2
TOTAL		32

7 No 2 BED
 14 No 3 BED
 11 No 4 BED

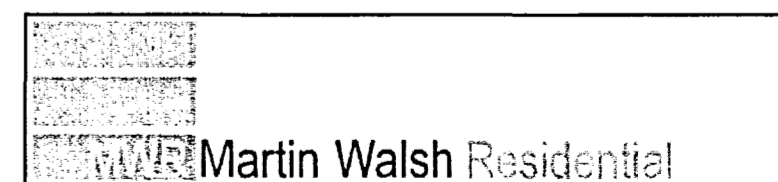
LEEDS CITY COUNCIL
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REVISED



REVISIONS:

B	Alterations to layout following feedback from Local Authority.	03/09/11	JP
C	Alterations to layout following further feedback from Local Authority.	04/09/11	JP
D	Junction visibility extended to 50 metres	12/10/11	JP

DRAWING STATUS: PLANNING PERMISSION TENDER
 PRELIMINARY BUILDING REGULATION CONSTRUCTION



Firth Buildings, 99 - 101 Leeds Rd, Dewsbury, WF12 7BU t 01924 464342 f 01924 450662
 e martin.walsh@martinwalshassociates.co.uk w www.martinwalshassociates.co.uk

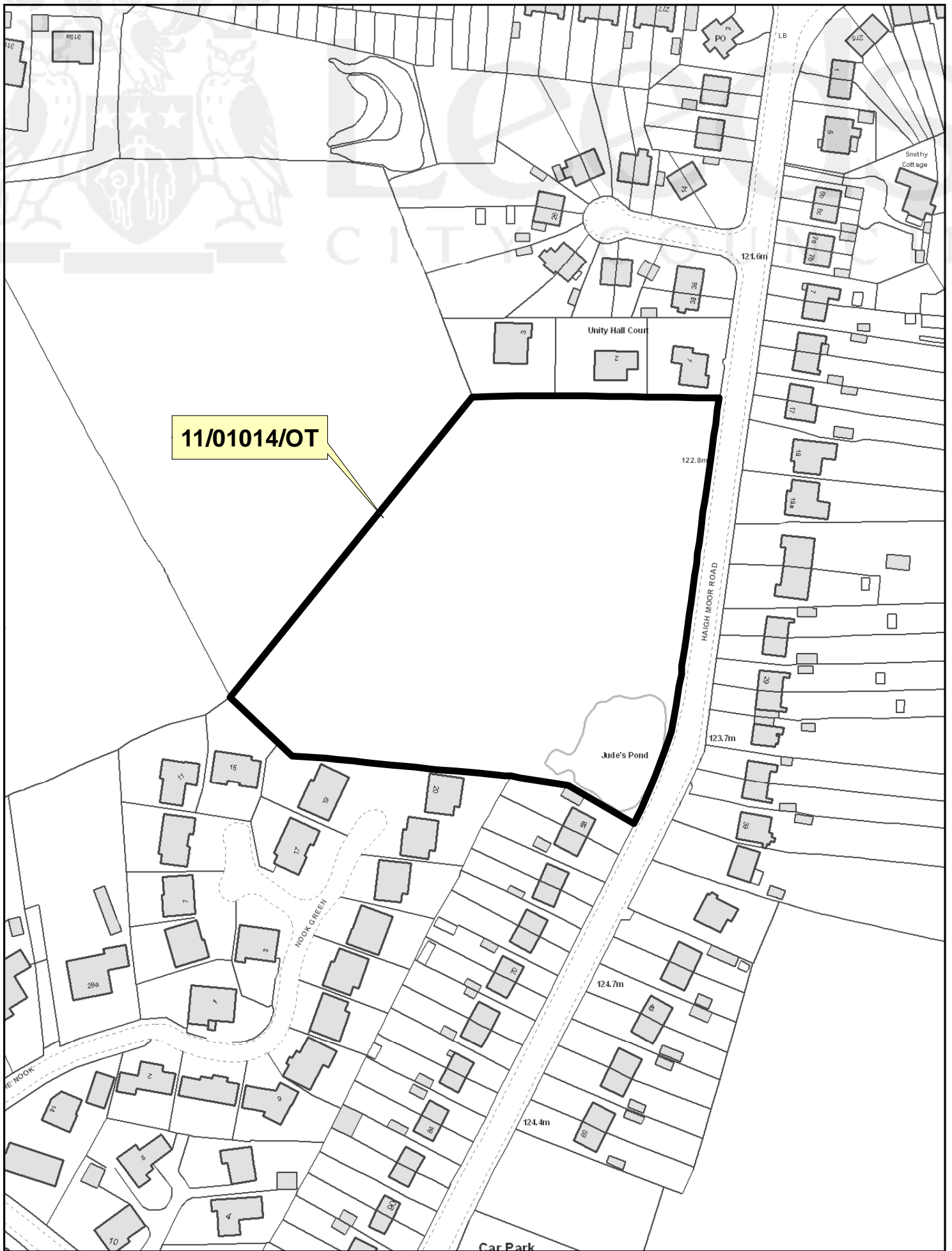
JOB TITLE
 HAIGH MOOR ROAD, WEST ARDSLEY

DRAWING TITLE
 PROPOSED SITE LAYOUT PLAN

CLIENT
 BINKS EXECUTIVE HOMES LTD / BARRACLOUGH DEVELOPMENTS LTD

DRAWN	CHECKED	DATE	SCALE	SHEET SIZE	DRAWING NO.	REV.
JP		FEB 11	1:500	A2	0107/02	D

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EAST PLANS PANEL

