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City Plans Panel

30th January 2020

Supplementary Information

Agenda Item No. 8 - Land off Haigh Moor
Road and Westerton Road, West Ardsley,
WF3 (Application No.17/0826

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Leeds
CITY COUNCIL

Originator: Mark Jackson
Tel: 0113 378 8136

Supplementary Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 30th Jan 2020

Subject: Outline planning application for a residential development with all matters reserved save for the two principle accesses off Westerton Road and Haigh Moor Road, (but not to include access within the site), three points of access at Upper Green Avenue, Sandringham Drive and Hill Top Lane, associated works, public open space provision and accessibility and qualitative improvements to local green space

APPLICANT

West Ardsley Development
Consortium

DATE VALID

15 December 2017

TARGET DATE

16 March 2018

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Ward Members consulted
(referred to in report)

Yes

Electoral Wards Affected:

Morley South

Ardsley and Robin Hood

SUPPLEMENTARY REPORT

- 1.0 This report is submitted to clarify a number of matters set out in the original report. This supplementary report should therefore be read in conjunction with the original report, with the following corrections highlighted.
- 1.1 Paragraph 1.1 of the Case Officer's recommendation states that the application was deferred from determination at the City Plans Panel of the 6th January 2020 due to concerns raised by Cllr Finnigan and Andrea Jenkyns MP. Whilst these concerns had been raised, it should be emphasised that Cllr Lisa Mulherin had also written to the Chair of the City Plans Panel raising similar concerns and requesting the application be deferred.
- 1.2 Paragraph 14.4 has a typo and should read *West* Ardsley instead of East Ardsley.
- 1.3 Paragraph 15.4 refers to 2-199-TR-007 Rev B, this is the drawing to be approved. The applicant has confirmed that the visibility splays shown on drawing 12/199/TR/007 Rev C, are to be adopted by the Highways Authority. The Highways Authority are satisfied with this approach.
- 1.4 Further consideration has been given to the access off Haigh Moor Road and it is considered that in addition to the proposed condition 13, relating to details of the construction of the proposed footpath, a condition requiring details of the proposed layout of the footpath in a scale of no less than 1:200 should be submitted and approved to the Local Planning Authority. This is considered necessary, to ensure that footpaths are widened without any intrusion into the public highway.

2.0 Further Representations

- 2.1 Further representations have been received since the application was published on the 22nd January 2020.
- 2.2 Seven representations have been received and the concerns can be summarised as:
 - Recent housing developments have increased traffic in the area and this will make things considerably worse;
 - The road infrastructure is at capacity and junction 28 of the M62 and sections of the A653 and the A650 are particularly bad;
 - Insufficient doctors and schools for additional families
 - The applicant has a responsibility to improve ecological networks such as Haigh Woods and achieve biodiversity net gains;
 - The development is unsustainable;
 - The development will adversely affect Haigh Woods;
 - The area has had its fair share of housing
- 2.3 The above comments do not raise any new issues and have been responded to in the original report. However, it should be clarified that Haigh Woods itself is not proposed to be developed and the proposal seeks to enhance the

woodlands both in terms of the biodiversity and accessibility for all local residents.

2.4 One of the representations raises concerns with the following issues:

- No information has been provided as to the actual content of proposed conditions 10 and 12, or of the Section 106 Agreement;
- No details appear in the report of how the off-site highway works will be linked to the progress of the development;
- No explanation is given of how compliance with the environmental policies will be achieved in practice (nor, indeed, whether they will be achievable at all);
- No details on the planning portal of the revised proposals which have enabled Highways England and the Council's own Highways Services to withdraw their original objections which were of course objections in principle;

2.5 In response to the above:

2.5.1 The full wording of the draft conditions had not been attached to the original report, with a summary provided instead. Appendix 1 now provides the full wording of the proposed draft conditions including conditions 10 and 12. It should be noted that the Section 106 agreement has not been formalised at this stage and could be subject to change; however, it has been clearly outlined in the officers report what is to be secured in the Section 106 agreement;

2.5.2 Highways England have been in discussion with Kirklees Metropolitan Borough Council and the Local Planning Authority regarding the cumulative impact of the proposal upon the transport infrastructure surrounding the site. Highways England have formulated a financial contribution towards works to improve junction 28 of the M62 and the applicant is proposing to pay contributions towards these improvements, as required in the Site Allocations Plan. As such, Highways England have issued their response to this application which states no objections. There is no further information available to put on the application file that outlines Highways England removal of their holding response. The works to junction 28 are the remit of Highways England and it will be for them to formulate the details of this.

2.5.3 Further to the above, some of the Off-site highway works will be carried out under the jurisdiction of a third party (Highways England) and consequently it will be for them to programme in the required works. The accesses into the sites will be controlled through the above Grampian condition, whilst the works relating to the junctions within the wider area will be implemented by the Local Highways Authority once it is clarified, through the conditions, how the development is to be phased and implemented. At this stage, whilst the proposal is for outline planning consent, the timescales regarding the

implementation of the development is not known and planned timescales for Highways works cannot be given.

- 2.5.4 The Officers report includes a section relating to climate change policies and how they relate to this proposal (section 19). Although the SAP was adopted prior to the Council's Declaration of a Climate Emergency, the adopted plan has been found to be sound and sustainable by an independent government inspector (and following a number of stages of public consultation). The SAP Inspectors Report states that "*The CS includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. This is further supported through individual site requirements in the SAP such as those relating to flood risk, ecology, and public transport measures*". The SAP and adopted Core Strategy provide the spatial planning and policy framework within which the application needs to be assessed. These Plans provide the Council with an up to date Policies as part of a plan-led system, consistent with national planning guidance. Consequently this allows the Local Planning Authority to have more control over development, and the ability to ensure that the requirements of policies EN1, EN2 and EN8 are fully met at the Reserved Matters stage.
- 2.5.5 It is also the case here that the SAP makes it clear through an attached site requirement that further improvements to Haigh Woods will be required. As outlined in the Officers report, the proposal will significantly improve the management and biodiversity of Haigh Woods, which is especially relevant to working towards achieving the Council's climate change goals (which reflect adopted Policies of the Local Plan).

3.0 Representation from West Ardsley Action Group (WAAG)

- 3.1 A representation from WAAG was received on 23 December 2019 the points raised can be summarised as:
- Information relating to the application has not been uploaded including speed surveys, a Highways Technical Note and discussions between the Local Planning Authority and Highways England;
 - Errors and omissions have been made regarding numbers of representations and those received from Cllrs;
 - The proposal conflicts with Leeds Street Design Guide SPD highlighted by many objectors
- 3.2 This supplementary report corrects the factual inaccuracies, but in response to the above, the following comments are made:

- 3.3 As previously emphasised, Highways England have been in discussion with Kirklees Metropolitan Borough Council and the Local Planning Authority regarding the cumulative impact of the proposal upon the transport infrastructure surrounding the site. There is no further information available to put on the application file that outlines Highways England removal of their holding response;
- 3.4 The Highway Technical Note, including speed surveys and details of access points is on the application file. The case officer has been made aware that members of the public have had difficulty viewing this since it was originally uploaded to the file, however, this problem has since been resolved;
- 3.5 Ward Cllrs were formally notified of the proposal on 09 Jan 2018 and have been updated throughout the application process.
- 3.6 The application is for outline permission only at this stage and the Street Design Guide cannot be rigorously applied at this stage. All reserved matters application will be subject to assessment against the Local Planning Authority's guidance and policies regarding design and layout.

4.0 Further Representations from Ward Members

- 4.1 Cllr Mulherin has made a further representation with regards to the application and has queried why the Relevant Planning History section of the report has not included several previous planning applications in the area (but lie outside of the planning applications red line boundary).
- 4.2 In section 4.0 of the Officer's recommendation, the historic applications that are listed are those that are linked to this specific site/ owner. The applications referred to in the Cllrs representation relate to one site that was refused consent for 10 dwellings adjacent to the Ardsley Reservoir and the residential development of 32 dwellings off Haigh Moor Road.
- 4.3 The applications are historic and not significant material considerations to this application, due to being assessed under different local and national planning policies, or by virtue of being developed and completed prior to the adoption of the current SAP and Core Strategy Select Review.
- 4.4 Cllr Mulherin has also requested that the report clarifies the historic planning status of the site. The site has not formed part of the designated Green Belt. However, the land was previously protected under Policy N11 of the Unitary Development Plan. N11 designated tracts of open land, where building was only allowed if it was necessary for farming or recreational uses, and it did not affect the open character of the area. With the adoption of the SAP, the sites which are the subject of this application have now been allocated as sites for residential development. Because of this, the principle of residential development has been established through this plan making and adoption process. The remainder of the Haigh Wood area (which is not within the applications red line boundary) is still retained as N11 Open Land. Part of this

area is further protected through a group Tree Preservation Order and a green space designation under policy GS1 of the SAP. The application itself does not impact on these designations other than via the enhancements that are being sought.

Appendix 1

Applicant West Ardsley Development Consortium

Application Number: 17/08262/OT

Agent: Walker Morris Solicitors
Planning Unit
Kings Court
12 King Street
Leeds
LS1 2HL

Proposed Development At: At Land Off Haigh Moor Road And Westerton Road, West Ardsley, Leeds, WF3

Proposal: Outline planning application for a residential development with all matters reserved save for the two principle accesses off Westerton Road and Haigh Moor Road, (but not to include access within the site), three points of access at Upper Green Avenue, Sandringham Drive and Hill Top Lane, associated works, public open space provision and accessibility and qualitative improvements to local greenspace

- 1) Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before any works associated with the residential development of each relevant phase is commenced.

- layout (including road layout);
- access(es) (other than those approved under condition 3);
- scale;
- appearance;
- the landscaping of the site;

Plans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved.

Because the application is in outline only and as no details have been submitted of the reserved matters, they are reserved for subsequent approval by the Local Planning Authority.

- 2) Application for approval of all reserved matters for the first phase of residential development shall be made to the Local Planning Authority before the expiration of three years from the date of the approval of the first phase of groundworks and site preparation under condition 3 of this permission. Thereafter, applications for approval of all subsequent reserved matters relating to all additional phases shall be made to the Local Planning Authority before the expiration of two years from the date of approval of the reserved matters of the preceding phase.

The development of the first phase shall be begun within five years of the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be agreed for that phase, whichever is the later. All further phases shall be commenced within two years of the approval of the last reserved matters for that phase.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

For the avoidance of doubt and in the interests of proper planning.

- 4) Details for the first phase of groundworks and site preparation shall be submitted to the Council within two years from the date of this permission. Thereafter, applications for approval of all subsequent phases of groundworks and site preparation shall be made to the Local Planning Authority before the expiration of two years from the date of approval of the groundworks and site preparation of the preceding phase.

No groundworks or site preparation shall commence within any phase until a groundworks scheme for that phase has been submitted to and approved in writing by the local planning authority. The groundworks scheme shall include details of:

- the location and extent of the proposed works;
- the relationship with any drainage proposals;
- the extent to which such works influence the final layout of the development;
- any spine roads or other service infrastructure proposed as part of the ground works.

The groundworks and site preparation for that phase shall be carried out in accordance with the approved groundworks scheme.

- 5) The submission of all Reserved Matters and the implementation of the development hereby permitted shall be carried out to deliver a maximum of 299 dwellings.

To define the scope of this permission and in the interests of proper planning.

- 6) Prior to the commencement of development other than the commencement of groundworks and site preparation / investigation, a scheme of phasing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with this scheme and the requirements of conditions 2 and 3.

To ensure the site is developed in a co-ordinated and sustainable way in accordance with the submitted application details.

- 7) The details submitted pursuant to condition 2 above shall demonstrate how the development shall comply with policy H4 of the adopted Core Strategy with regard to achieving an appropriate housing mix.

To provide a sustainable form of development that meets the requirements of Policy H4 of the Core Strategy.

- 8) All phases of residential development shall accord with policies H9 and H10 of the Core Strategy (amended 2019). All phases of residential development shall be carried out in accordance with the agreed details.

In the interests of creating a balanced and sustainable community.

- 9) No phase of residential development shall be commenced until details of the quantum of Green Space (in accordance with Policy G4 of the Core Strategy (amended 2019)) for that phase have been submitted to and approved in writing by the Local Planning Authority. Each phase shall be accompanied with a scheme detailing the siting, layout, landscaping, maintenance, and long term management of the open spaces. The on-site public open space shall be provided prior to completion of the development in accordance with the approved scheme and the approved phasing arrangements for the erection of dwellings. All phases of residential development shall be carried out in accordance with the agreed details.

To ensure the provision of adequate open space.

- 10) No phase of residential development shall be commenced until a scheme for the reduction of carbon dioxide emissions, reduction of water consumption and provision of low carbon energy in accordance with Policies EN1 and EN2 of the Core Strategy (amended 2019) for that phase have been submitted to and approved in writing by the Local Planning Authority. All phases of residential development shall be carried out in accordance with the agreed details.

To reduce pollution and the consumption of natural resources.

- 11) Prior to the commencement of any groundworks or site preparation works a Design Code detailing the parameters of residential development (scale, massing, height and materials) shall be submitted to and approved in writing by the Local Planning Authority. All phases of residential development shall be carried out in accordance with the agreed details and implementation scheme.

In the interests of creating a cohesive development.

- 12) Details of off-site highways works together with a programme of implementation shall be submitted to, and approved in writing by, the local planning authority. The approved details shall be implemented in accordance with the approved

programme and in accordance with the approved phasing for the erection of dwellings and retained and maintained thereafter.

In the interest of highway safety

- 13) Prior to the commencement of the development the applicant will submit for approval by the Local Planning Authority construction details of the proposed footway crossings [and/or reinstatement to full height footway of any redundant existing crossings] along the site boundaries. The crossings [and/or reinstatements] must be constructed in accordance with the approved details and be fully implemented prior to the first occupation of the development to the satisfaction of the Local Planning Authority.

In the interests of the free and safe use of the highway and in accordance with Core Strategy policy T2.

- 14) The access(es) hereby approved shall not be brought into use until works have been undertaken to provide the visibility splays / sight lines shown on the approved plans to an adoptable standard. These visibility splays shall be retained clear of all obstructions for the lifetime of the development. These sight-lines shall be retained clear of all obstruction to visibility greater than 600mm in height above the adjoining carriageway for the lifetime of the development.

To ensure the free and safe use of the highway.

- 15) Development shall not be occupied until all areas shown on the approved plans to be used by vehicles have been fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

To ensure the free and safe use of the highway.

- 16) No dwelling with a dedicated parking space and/or garage shall be occupied until it has been provided with an electric vehicle (EV) charging point, readily accessible from the parking space or garage. The electrical circuits shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET Code of Practice on Electrical Vehicle Charging Equipment Installation 2012 ISBN978-1-84919-515-7. All EV charging points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack/travel planning guidance.

In the interests of climate change and emission reductions

- 17) No development shall take place until details of cycle/motorcycle parking and facilities have been submitted to, and approved in writing by, the local planning authority. Details shall include the method of securing the cycles and their location and the approved details shall be implemented prior to occupation of the dwelling it relates to and thereafter retained for the lifetime of the development.

In the interest of sustainable travel

- 18) No development shall take place until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the local planning authority.

In the interests of the preservation of the historic environment

- 19) Development shall not commence within the approved phases for the erection of dwellings until details of the proposed means of disposal of surface water drainage at agreed rates, including details of any outfall, balancing works or off-site retention works, for each of those phases have been submitted to, and approved in writing by, the local planning authority. The works shall be implemented in accordance with the approved schemes before the development is brought into use, or as set out in the approved phasing details and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme

The surface water scheme forms an integral part of the overall design of the development and failure to provide an appropriate scheme would be harmful to interests of flood prevention and sustainable drainage.

- 20) The site shall be developed with separate systems of drainage for foul and surface water on and off site.

in the interests of drainage and pollution prevention.

- 21) The approved Phase I Desk Study report indicates that a Phase II Site Investigation is necessary, and therefore development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority.

Where remediation measures are shown to be necessary in the Phase II Report and/or where soil or soil forming material is being imported to site, development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site 'suitable for use'.

- 22) If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. An amended or new

Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Statement.

To ensure that any necessary remediation works are identified to make the site suitable for use.

- 23) Remediation works shall be carried out in accordance with the approved Remediation Statement. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all verification information has been approved in writing by the Local Planning Authority.

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use.

- 24) Prior to commencement of the development a Construction Environmental Management Plan (CEMP) for minimising the emissions of dust and other emissions to air during the site preparation and construction phases of the development shall be submitted to and approved in writing by the local planning authority. The CEMP must be prepared with due regard to the guidance set out in the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the local planning authority

In the interests of the amenities of the surrounding area

- 25) No construction work shall take place outside of the following times: 07.15 to 18.00 hours from Monday to Friday, and 07.30 to 13.00 hours on Saturdays. There shall be no construction work at any time on Sundays, Bank Holidays or Public Holidays. Any sheet piling works that may be necessary shall only take place within the following hours: 09.00 to 16.30 hours from Monday to Friday.

In the interests of the amenities of the surrounding area

- 26) No development in each approved phase for the erection of dwellings shall commence until details of access, storage, parking, loading and unloading of all contractors plant, equipment, materials and vehicles (including workforce parking) for that phase has been submitted to and approved in writing by the local planning authority. The approved facilities shall be provided for the duration of construction and site works.

In the interest of the amenities of the surrounding area

- 27) No development shall take place until the following ecological reports and details and based on the recommendations in the approved Ecological Appraisal by Brooks Ecological, including details for implementation, have been submitted to, and approved in writing by, the local planning authority:

- A Biodiversity Enhancement and Management Plan (BEMP);
- Checking surveys for birds nests (if clearance and other works scheduled for March to August)

The approved plans and reports shall be implemented in accordance with the approved details.

- 28) The development hereby permitted shall not begin until a scheme for the quantitative and qualitative enhancement of the landscape, recreational and biodiversity value of the central area of land (shown within the blue edge line on the approved STEN Site Location drawing ref and in substantial accordance with the proposals shown on the approved Pegasus Enhanced Landscape, Recreational and Biodiversity Management Masterplan drawing ref) has been submitted to, and approved in writing by, the local planning authority. The scheme shall include long term design objectives, a management plan and management responsibilities, phasing and maintenance programmes. It shall include the retention and improvement of the existing PROW's through the site and the establishment of the proposed new PROW's. Thereafter the landscape, recreation and biodiversity management plan shall be implemented and retained as approved.

In the interests of biodiversity

- 29) No phase of the development hereby permitted shall commence until full details of both hard and soft landscape works for each phase, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority.

Hard landscape works shall include:

- (a) proposed finished levels and/or contours,
- (b) boundary details, means of enclosure and retaining structures,
- (c) car parking layouts,
- (d) other vehicle and pedestrian access and circulation areas,
- (e) hard surfacing areas,
- (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),

Soft landscape works shall include

- (h) planting plans
- (i) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- j) schedules of plants noting species, planting sizes and proposed numbers/densities.

All hard and soft landscaping works for each phase of development shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General

Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

To ensure the provision and establishment of acceptable landscaping.

- 30) a) No works shall commence (including any demolition, site clearance, groundworks or drainage etc.) until all existing trees, hedges and vegetation shown to be retained on the approved plans are fully safeguarded by protective fencing and ground protection in accordance with approved plans and specifications and the provisions of British Standard 5837 (2012) Trees in relation to design, demolition and construction, unless otherwise agreed in writing by the Local Planning Authority. Such measures shall be retained for the full duration of any demolition and/or approved works.
- b) Seven days written notice shall be given to the Local Planning Authority that the protection measures are in place prior to demolition/ approved works commencing, to allow inspection and approval of the protection measures as implemented on site. The written notice shall include evidence, such as a written appointment (including site specifics), that confirms that a qualified Arboriculturist/competent person has been appointed to carry out the Arboricultural monitoring/supervision referred to at c) below
- c) No works shall commence until a written Arboricultural Method Statement (AMS) in accordance with BS5837 for a tree care plan has been submitted to and approved in writing by the local planning authority. Works or development shall then be carried out in accordance with the approved method statement. The AMS shall include for on- site monitoring including site visits at key stages and on-site supervision of specific operations that relate to trees. Proposals shall include for reporting back to the LPA at each intervention.
- d) No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services, without the prior written approval of the Local Planning Authority.

To ensure the protection and preservation of trees, hedges, bushes and other natural features that make a positive contribution to the character and amenities of the area. In the absence of appropriate measures the retention and long term health of such vegetation could be compromised by the carrying out of the approved development.

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