



Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 15th January 2015

Subject: 14/03674/FU – Construction of 10 dwellings and associated car parking and landscaping on Land at Haigh Moor Road, West Ardsley, WF3 1EE.

APPLICANT	DATE VALID	TARGET DATE
Stonebridge Homes and Keyland Development	26/06/14	25/09/14

Electoral Wards Affected:
Ardsley & Robin Hood

Y

Ward Members consulted referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

An application against non-determination of the application by Leeds City Council has been submitted by the applicant. Members of Panel cannot therefore determine the application. However, Members are asked if they had been in a position to determine the application they would be minded to support the officer recommendation below:

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;

- (a) Provision of Metro Cards - £5,709.10
- (b) Greenspace contribution - £30,465.69
- (c) Retention of car park
- (d) Provision, management and maintenance of buffer

In the circumstances where the Sec.106 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.

1. Full three year time limit.
2. Development in accordance with approved plans
3. Materials to be submitted and approved
4. Hard surfacing details to be submitted
5. Visibility splay to be laid out
6. All surfaces to be hard surfaced drained and sealed
7. Landscaping Implementation
8. Preservation of existing trees
9. Replacement planting
10. Landscape management plan
11. Submission of drainage scheme
12. Construction management plan (including Hours of construction and control of noise nuisance during construction)
13. Reporting of unexpected contamination.
14. Submission of verification reports.
15. Provision for nesting bats and birds
16. Protection for nesting birds.

1.0 INTRODUCTION:

- 1.1 The application is for new residential development on a greenfield site. The application was due to be determined by Plans Panels as a result of the level of local objection including Ward Members and concerns related to the coal extraction proposed as part of the remediation of the site prior to development.
- 1.2 The application submission followed the withdrawal of a residential scheme submitted in 2013, that had a higher number of units proposed, and involved the relocation of an existing car park into the Green Belt which was considered, by officers, to be inappropriate. As a result, this application was subsequently withdrawn.
- 1.3 An appeal against non determination was received on 12 December 2014 and Plans Panel are now asked to advise officers of the determination that would have been made should no appeal have been made, to enable officers to defend the appeal in the appropriate manner

2.0 PROPOSAL:

- 2.1 The application is for 10 detached dwellings to the site and includes retention of an existing car park used by visitors to the nearby Ardsley Reservoir. The car park is owned and maintained by Yorkshire Water. An existing access road will be retained and will provide access to the car park and to plots 3 to 7. Plots 1, 2, 8, 9 and 10 will be accessed directly off Haigh Moor Road. 7 of the plots will have detached garage facilities, but all will have adequate off street parking and turning facilities included in-curtilage. A 10m wide landscape buffer is also proposed along the eastern boundary with the Green Belt. Access through to the Reservoir is to be retained.
- 2.2 8 of the dwellings will be 4 bed, and two are to be 5 bed houses. All are two storey's and there is a mix of house styles. Roof forms are predominantly hipped with gable features. Features such as bay windows, canopies, heads and sills are incorporated into the elevational treatments. An indicative landscaping scheme shows Beech hedging to front garden areas, timber fencing to private garden areas, and lawned gardens with small trees interspersed. The landscape buffer is shown with various mixes of native trees and shrubs.
- 2.3 There is a public sewer which currently crosses the site from east to west, and requires an easement. A drainage scheme has been submitted which shows how the housing layout incorporates this easement requirement, and includes relocation of part of the

existing sewer as well as provision of new surface water sewers and attenuation features.

- 2.4 The preparation of the site to enable development to proceed would require remediation works which would include the extraction of coal deposits which lie in a shallow seam, approximately 0.5 metres below the surface.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is the frontage to the Ardsley Reservoir that comprises a small paddock to either side of the access road and car park to the reservoir. To the road side, the site is bounded by low drystone walls with post and wire fencing bounding the rest of the site. The site is surrounded to the North South and West by residential properties with open land to the East towards Ardsley Reservoir
- 3.2 The site is not allocated within the Leeds UDP (review 2006) although it is indicated as a “green” site (sites which have greatest potential to be allocated for housing) within the site allocations plan of the Issues and options document of the emerging Leeds LDF.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The planning history for the site is as follows.

13/05318/FU Construction of 13 houses, replacement car park and associated works.
Withdrawn 07.03.2014

H23/75/92/ Erection of 6 dwellings comprising 4, 3 bedroom detached houses with integral garage, 2, 4 bedroom semi-detached houses Refused 08.06.1992. Reason for refusal Loss of open views and unacceptable residential development of Green Belt.

H23/253/85/ Outline application to erect 7 detached houses to 2 vacant agricultural sites. Refused 21.10.1985. Reason for refusal – Loss of open land and views

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The 2013 application was submitted with no pre-application discussions and the applicant was advised during the period of that application that the proposal could not be supported by officers in that form as it constituted overdevelopment of the site.
- 5.2 As a result, the application was withdrawn with officer advice suggesting that the principle of development would be more acceptable provided that the car park was retained on the site, that open views were maintained and that the proposal consisted of a less intense scheme that paid more regard to local character and the existing form of development.
- 5.3 The application was resubmitted for twelve dwellings and whilst more in character in terms of design, was still too dense and failed to have regard to the spacing between dwellings that formed the local character and as a result, the applicant was advised that the application could still not be supported in that form and that it require further revision if it was to be supported.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by site notice on 11 July 2014 and neighbour notification on 1 July 2014. The application was the re-advertised on 18 August 2014 following revision of the application from 12 to 10 properties and again on 27 November 2014 when further highways revisions and details of the extraction of coal were received. To date 245 letters of objection and petitions containing 159 signatures and 3 letters of general comment have been received from this consultation. The issues raised are as follows and are dealt with in the appraisal below:

- i) The area has already seen too much development.
- ii) The site is a special landscape area
- iii) The development is out of character with the area
- iv) Haigh Moor Road was never designed for so much traffic
- v) The new access will create visibility problems
- vi) There is a lack of public transport in the area
- vii) There are a shortage of school places, doctors
- viii) There is little greenspace left in the area
- ix) The reservoir car park is already too small
- x) West Ardsley has already seen more than its fair share of development
- xi) It will be harmful to local wildlife
- xii) There are a large number of unsold properties within the area
- xiii) There will be unacceptable levels of vehicle movements and activity as a result of the coal removal required prior to the redevelopment of the site

6.2 Local Ward Councillors Mulherin and Dunn have made comment raising the following issues and these are discussed in the report below.

- i) The site is an area of great beauty visited by hundreds from across the area.
- ii) Existing highways issues will be exacerbated by this proposal.
- iii) Further stress on the infrastructure will be imposed by the proposal
- iv) The proposal is an unacceptable use of the Green Belt
- v) There will be the unacceptable loss of the car park.
- vi) Schools and GP's are already oversubscribed
- vii) Public transport is almost non existent in the area.

7 CONSULTATIONS RESPONSES:

Statutory

- 7.1 Yorkshire Water – has no objection in principle to the drainage scheme proposed. The developer will need agreement with Yorkshire Water regarding adoption/diversion agreements.
- 7.2 Coal Authority – The applicant has satisfactorily addressed the requirements of the Policy Minerals 3 of the NRW DPD and therefore no objection is raised.

Non-Statutory

- 7.3 Environmental services (waste) - No objections
- 7.4 Sustainability (Design) – No objections following revisions.
- 7.5 Sustainability (Nature) – No objection subject to conditions.
- 7.6 Metro - Metro – No objection subject to S106 contributions to enter into Metros Residential Metrocard.
- 7.7 Highways – No objection subject to conditions
- 7.8 Public Rights of Way – No objection

8 PLANNING POLICIES:

Unitary Development Plan (Review 2006) Policies:

Local Policy:

- 8.1 The development plan for Leeds is made up of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

8.2 The site is allocated in the UDP as a Special Landscape Area and the designated Green Belt runs across the rear of the site. The following UDP policies are relevant to the consideration of the application:

- GP5 – General planning considerations
- N1 – Greenspace
- N12 – Urban design principles.
- N13 – Building design principles.
- N23 – Incidental open space around development.
- N25 – Landscaping
- N39A – Use of SUDs.
- H4 - Housing sites on unidentified sites
- N37 – Special Landscape Areas
- N49 – Development not permitted if threatens significant net depletion of biodiversity.
- N51 – Enhancement of biodiversity.
- T2 – New development and highway safety
- T5 – Safe access for pedestrians and cyclists.
- T6 – Safe access and provision for disabled.
- T7A – Secure cycle parking.
- T7B – Secure motorcycle parking.
- BD5 – General amenity issues.
- LD1 – Landscaping
- Car Parking Guidelines (volume 2).

8.3 The following DPD policies are also relevant:

- GENERAL POLICY1 – Presumption in favour of sustainable development.
- MINERALS 3 – Mineral safeguarding areas – Surface coal
- WATER1 – Water efficiency, including incorporation of sustainable drainage
- WATER7 – No increase in surface water run-off, incorporate SUDs.
- LAND2 – Development should conserve trees and introduce new tree planting.

Draft Core Strategy

8.4 The Inspector's Reports into the Core Strategy and the CIL examinations have now been received and reports on these were considered by Executive Board on 17 September 2014 with a view to the CS being referred to full Council for formal adoption. As the Inspector has considered the plan, subject to the inclusion of the agreed Modifications, to be legally compliant and sound, the policies in the modified CS can now be afforded substantial weight. Once the CS has been adopted it will form part of the Development Plan

- P10 – High quality design.
- P12 – Good landscaping.

- T2 – Accessibility.
- G8 – Biodiversity improvements.
- EN1 – Carbon dioxide reduction in developments of 10 houses or more, or 1000 m² of floorspace
- EN2 – Achievement of Code Level 4, or BREEAM Excellent (in 2013) for developments of 10 houses or more or 1000 m² of floorspace.

Supplementary Planning Documents

- i) Street Design Guide
- ii) Neighbourhoods for Living

National Planning Policy

- 8.5 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 8.6 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.
- 8.7 Specifically the NPPF advises that a '...site, area or landscape identified as having a degree of significance meriting consideration in planning decisions,

9.0 MAIN ISSUES:

1. The principle of development.
2. Design and character.
3. Access and highway safety considerations
4. Greenspace
5. Education
6. Affordable Housing.
7. Public Transport.
8. Assimilation into the wider open area
9. Representations

10.0 APPRAISAL:

1. The principle of development.

- 10.1 The application site is two pieces of Greenfield land either side of an access road and a car park and the site is allocated in the UDP as a Special Landscape Area.
- 10.2 Proposals for housing on land not specifically identified for that purpose in the UDP would be considered against Policy H4. This policy states that on sites not identified for that purpose in the UDP but which lie within the Main and Smaller Urban Areas as defined on the proposals map, or are otherwise in a demonstrably sustainable location, development will be permitted provided it is acceptable in sequential terms, is clearly within the capacity of existing and proposed infrastructure, and complies with

all other relevant policies of the UDP. Paragraph 7.2.15 of the UDP states that although most H4 sites will be in the Main and Smaller Urban areas, proposals are also likely to be acceptable in other locations which are demonstrably sustainable. “Judgments will be made on the basis of consideration of the availability and frequency of bus and train services to service centres, and on the range of services available locally, including shops, health facilities and schools”.

- 10.3 The application site falls outside the Main and Smaller Urban Areas as defined, therefore a judgment needs to be made as to whether the location is demonstrably sustainable. Primary Education is available 1300m from the site, with Secondary Education 2500m from the site. There are 20 minute bus services available on Westerton Road some 500m from the site and that there are 30 minute bus services that are available on Haigh Moor Road some 150m from the site. There are limited local services some 450m from the site, and primary health facilities are available 1550m from the site. As a result, whilst the application does not fully meet the accessibility standards in the Draft Core Strategy which require a 15 minute daytime frequency within a 400m walk, it is not considered that this would be sufficient to provide a reason for refusal.
- 10.4 Under Policy H4, the contribution to local character a site makes would be an important consideration in determining whether residential development was acceptable. The site has a frontage onto a public highway and therefore has a significant impact on the public street scene. As such, the reduction in the number of properties and the retention of the car park to retain open views of the open land to the rear are important factors in retaining the character of the area.
- 10.5 The site has been specifically left out of the Green Belt with the boundary drawn across the rear of the site so it is assumed that at the time of the formation of this boundary it was concluded that the site did not warrant the protection that Green Belt affords. The site does fall within the Special Landscape Area and it is for this reason that the retention of the car park to retain open views of the open land to the rear are such important factors to protect the character and appearance of the Special Landscape Area. The eastern boundary is to be protected by suitable N24 planting to provide a strengthened boundary to the Green Belt alongside the developed part of the site and as such there would be no substantial harm to the character of the area.
- 10.6 Additionally, the proposal contributes to the overall supply in housing stock, contributing family homes in a sustainable location and as such, it is considered that the principal of residential development is acceptable in this location.

2. Design and character

- 10.7 The application proposes 10 detached properties. The scheme has been amended several times and reduced down from an initial 13 properties within the original withdrawn application to 12 at the time of the initial submission of this proposal and subsequently reduced to the 10 that formed the current proposal that is now subject of the appeal. The initial proposal presented a cramped and out of character development that was wholly unacceptable in terms of design and character and also lost the car park to the rear of the development which is now left in situ. Leaving the car park in this location alongside the access road allows for some open views to remain within the streetscene and thus minimising the harm to the streetscene
- 10.8 The initial proposal failed to address any of the existing character of the area in terms of the building line, deep front gardens and space between the properties. However, significant modifications to the proposal including pushing development back into the

site following the reduction in numbers were made meaning that proposal sat more comfortably alongside the existing building line both to the south and north of the access road and appears more comfortable within the street scene than previously.

- 10.9 The reduction in numbers also allows for the properties to feel less cramped with appropriate amounts of land between properties that are more representative of the existing streetscene and whilst the original proposal was for all gabled properties, the current proposal now has hipped properties that are more representative of the existing streetscene.
- 10.10 All properties were designed with an amount of private useable garden space that is in accordance with the guidance given in Neighbourhoods For Living and those gardens are of a more conventional style than their predecessors which were rather awkward and irregular shaped gardens. The design and layout of the proposal was amended to ensure that properties address the street where possible and in particular in the case of plot 7 which now has a dual frontage addressing the previous issue of presenting a blank gable to the access road. It was therefore considered that the site proposed a scheme that would be acceptable in terms of design and character.

3. Access and highway safety considerations

- 10.11 The scheme was initially acceptable in principle but had small detail issues which were addressed within subsequently revised drawings and as such, it was considered that there was no significant harm to the free and safe use of the highway and the proposal was acceptable in terms of highway considerations. All properties provide 2 off street parking spaces and all access points accord with the necessary visibility requirements as set out in guidance given in the Leeds Street Design Guide.
- 10.12 The car park to the reservoir that was, in the previous application, shown for removal from the application site and to be relocated to the rear of the site within the Green Belt, was re-instated into the scheme and left within its current location and as a result, any highways objections to this part of the scheme were removed and the scheme would have been acceptable subject to appropriate conditions listed above.

4. Greenspace

- 10.13 The proposal is for 10 properties and therefore a greenspace contribution would have been required for the provision of both on and off-site greenspace within the local area in the event of an approval. A section 106 agreement would have to have been agreed between parties and the green space figure was calculated on the basis of 10 units for which a contribution of £30,465.69 would have been required for the site.

5. Education

- 10.14 The amount of development proposed by the application was below 50 properties and therefore in line with policy and guidance, the application would not have been liable for Education contributions. Whilst it is appreciated that there can be a cumulative issue of several developments bringing stress to the local education situation, there is currently no policy mechanism for dealing with such occurrence's and therefore the application was acceptable in this regard.

6 Affordable Housing

- 10.15 The amount of development did not trigger the requirement for affordable housing required by policy and guidance in that it is a proposal was for 10 units (contributions

to trigger at 15 units) and therefore the application was under the threshold for such payments.

7. Public Transport

- 10.16 Metro requested that the developer should enter Metros Residential Metro Card scheme for each property. The price to the developer would have been 10 x £475.75 which gave a contribution of £5,709.10 which again would have been secured via a section 106 agreement.

8. Special Landscape Area

- 10.17 The site falls within a Special Landscape Area. The East Ardsley Special Landscape Area is an area of undulating arable fringe agricultural land centred on the axis of a tributary of the Hey Beck containing several mature woodlands and the major water body of the Ardsley Reservoir and enjoying long-distance views to the South. It is considered within the UDP that the area constitutes the best landscape in the Morley Area.
- 10.18 Positive features are its strong structure and visual unity, interesting topography, local rarity, natural or semi-natural woodlands, trees, hedgerows and water bodies. The negative factors are views of the motorway.
- 10.19 The retention of the car park and the access road retains open views of the land to the rear protecting the character and appearance of the Special Landscape Area. The development continues only across the site frontage and not into the land behind and as such continues the built form in a similar manner to that that already exists and to the rear landscaping will continue the theme of native planting creating small woodland areas that, as well as protecting the open land from the built form, will assimilate into the natural form of the Special Landscape Area and as such there would be no substantial harm to the character of this area.

8. Assimilation into wider open area

- 10.20 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. Other residential gardens share a boundary with the open land to the rear. In the immediate vicinity of the application site these boundaries are planted with a mixture of boundary treatments including hedging, fences and walls. In this case the proposal was for a significant buffer along the rear boundary of the site with a mix of native planting that would have provided the requisite assimilation. A Landscape Management Scheme, to ensure the long term management and retention of the planting would have been required. It was considered that this would have produced a boundary treatment that was in keeping with, and improved upon, the established pattern of planting in the locality.

9. Coal Removal

- 10.21 The ground site investigation revealed of the existence of a seam of coal approximately 1 metre in depth located around half a metre below the surface of the site and it was the conclusion of that investigation that this seam of coal should be removed, prior to any development of the site. This removal would involve the removal of approximately 2000 tonnes of coal which would represent approximately 90, 25 tonne capacity vehicle movements over a three week period, to which would be added a further 105 vehicle movements over a further three week period for the importation of replacement material.

10.22 These movements, added to the removal of the coal itself, would undoubtedly bring noise and disturbance to the residents over a period of approximately six weeks and would of course be followed by the development of the site itself, bringing further inconvenience to existing residents. Whilst this would be less than desirable, the viable extraction of coal deposits is now a policy requirement of such development and is therefore unavoidable and as such would not be a reason to refuse an application

10. Representations

10.22 There were a heavy amount of representations to this scheme raising a number of issues. Most are dealt with in the points above but others are addressed as follows. The Nature officer commented on the application and identified that the proposal could be successfully carried out provided that protection of existing wildlife and their habitats are included and therefore the relevant conditions to this end were included above. Comments that the site is in the Green Belt is incorrect. The boundary of Green Belt designation runs along the rear of the site and no development is proposed within this area but the landscape buffer would have been within the green Belt. As with education, there is currently no policy requirement or mechanism for assisting with GP places and therefore this issue could not be dealt with through this application.

11.0 CONCLUSION:

11.1 On balance, it was considered that, subject to appropriate conditions as discussed above, the proposal was acceptable given that the principle of residential development was considered to be acceptable with the site situated in a sustainable location. The layout and scale of the proposal was appropriate in regard to its surroundings, it raised no issues of detrimental harm to visual or residential amenity and no issues of harm to highways safety and as a consequence, it would have been recommended that the application be approved.

Background Papers:

Application files 14/03674/FU

Certificate of ownership:

Certificate A signed by applicant



SOUTH AND WEST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500

