



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:

APPROVE the application subject to conditions set out below and the completion of a s106 to cover the following items:

- (a) Provision of Metro Cards - (10 x £475.50 plus any increase in costs).**
- (b) Greenspace contribution - £30,465.69 (based on 10 units).**
- (c) Retention of car park for users of Reservoir for lifetime of development.**
- (d) Provision, management and maintenance of landscape buffer**

1. Full three year time limit on implementation.
2. Development in accordance with approved plans
3. Walling and roofing - materials to be submitted and approved
4. Hard surfacing details to be submitted and approved
5. Visibility splay to be laid out prior to occupation.
6. All surfaces to be hard surfaced drained and sealed
7. Landscaping Implementation and timetable.
8. Preservation of existing trees
9. Replacement planting
10. Landscape management plan
11. Submission of drainage scheme for foul and surface water along with implementation details.
12. Construction management plan (including Hours of construction, routing and parking of construction and staff vehicles, storage of materials and control of noise, mud and dust nuisance during construction) – to relate to construction phase.
13. Reporting of unexpected contamination.
14. Submission of verification reports.
15. Protection for nesting birds and bats during construction.
16. Provision for bat's and birds in long-term.
17. Coal Recovery Management Plan to be submitted and include details of:
 - a. Timetable for commencement and end of works.
 - b. Site plan showing location of compounds, storage areas, access etc.
 - c. Details of measures to protect local occupants from noise, dust, vibrations and other such impacts.
 - d. Finalised details of traffic movements including vehicle types, sizes, routes.
 - e. Schedule of traffic movements including hours of movements.
 - f. Hours of coal extraction and other related works on site.
 - g. Methodology of removal of coal including type of machinery used.
 - h. Methodology for remediation of site.
 - i. Impact assessment on surrounding environment and ecology and any mitigation required.

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 should have received a decision by 25/09/14, however very late on in the process the applicants decided that coal removal at the site was viable - this has delayed the application to enable consultation on this element of the proposal. Unfortunately due to the delay the applicant has now appealed against non-determination and the Planning Inspectorate have confirmed that this application will now be determined by an independent Inspector. The Council can therefore no longer make a decision on this application. Instead Members of Panel are asked to consider whether, if they had been in a position to determine the application, they would have recommended it for approval or refusal. This will determine what representations the Council will make in the forthcoming appeal.
- 1.3 This 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. Since the submission of this application the scheme has been revised, following negotiation, to reduce the number of dwellings from 12 to 10.

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, the long term maintenance of which will be subject to a s106 legal agreement. 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. A 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, grouped so as to provide small copses.
- 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. Details of this is given in the appraisal below.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is the frontage to Haigh Moor Road that comprises a small paddock to either side of the access road and car park to Ardsley 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 relatively level with land in the northern half slightly higher in level than the southern half. To the east land falls away to the reservoir, whilst to the south and east land then starts to rise again towards a small farmhouse grouping. Views are long distance of green fields, clusters of trees and hedges, and glimpses of the reservoir itself. These views are helped by the low boundary treatment along the road frontage and the lack of any significant tree growth within the site. It is an attractive view that is only gained on this section of Haigh Moor Road, views elsewhere are restricted by existing residential development.
- 3.3 The car park sits just to the side of the centre of the site, and is hard surfaced although parking bays are not marked out. There are two access points to it, each with a height restrictor barrier, although there are no other gates. The car park has a small hawthorn hedge to two sides, and is partially bound by a stone wall on the access side. At the time of a site visit, (mid morning) the car park was well-used although not full, and the footpath to the reservoir was also well-used.

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 intensive 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 required further revision if it was to be supported. Since this point the number of units has been

reduced to 10, and the layout has been altered to address concerns regarding views and highway matters.

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 then 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. The issues raised are as follows and are dealt with in the appraisal below:

- The area has already seen too much development.
- The site is a Special Landscape Area and there will be loss of long distance views.
- The development is out of character with the area
- Haigh Moor Road was never designed for so much traffic
- The new access will create visibility problems
- There is a lack of public transport in the area
- There are a shortage of school places, doctors
- There is little greenspace left in the area
- The reservoir car park is already too small leading to parking on Haigh Moor Road.
- West Ardsley has already seen more than its fair share of development
- It will be harmful to local wildlife
- There are a large number of unsold properties within the area
- 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
- Lack of information on coal extraction, vehicle movements, routes and remediation.
- Impact of extraction on local ecology not assessed.
- Closure of car park for extraction time period will lead to parking on the road and highway safety implications.

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

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

7.0 CONSULTATIONS RESPONSES:

Statutory

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

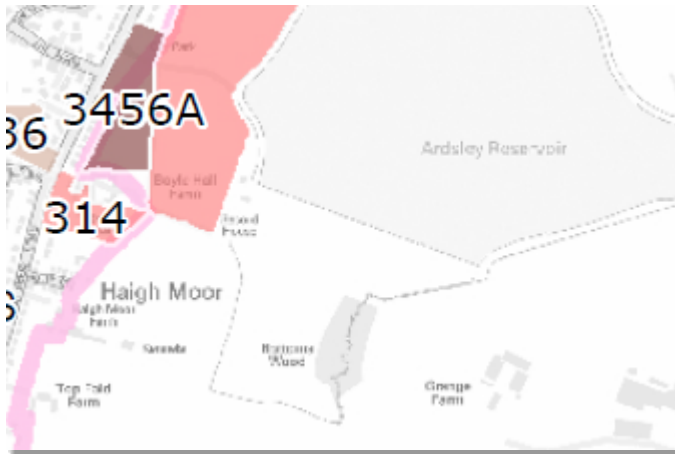
Non-Statutory

- Environmental services (waste) - No objections
- Sustainability (Design) – No objections following revisions.
- Sustainability (Nature) – No objection subject to conditions.
- Metro - Metro – No objection subject to S106 contributions to enter into Metros Residential Metrocard scheme.
- Highways – No objection subject to conditions
- Public Rights of Way – No objection
- Land Contamination – No objections subject to conditions.
- Minerals – Refusal based on coal extraction would not be justified, details of extraction should be covered by condition.

8.0 PLANNING POLICIES:

Development Plan

- 8.1 The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the 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 unallocated in the Development Plan however it does form part of a wider housing allocation in the draft Site Allocations DPD which is currently being drawn up and where details of sites have been recently published. The site is indicated with the reference 3456A (the brown area in the plan below) and is shown as having a site area of 1.6 hectares, with a proposed capacity of 41 units. Part of the site allocation is within the current Green Belt but it is considered that it would represent partial residential infill and help to retain openness between the built up area and the reservoir. An additional, and larger, adjoining area, known as 3456B (the pink area) has been discounted as a suitable housing area due to the impact on Green Belt and openness.
- 8.3 It should be noted that although the site provides access the reservoir, the access route is not designated as a Public Right of Way.
- 8.4 The whole site comes within the area designated as Special Landscape Area with the eastern boundary forming the boundary with the Green Belt designation beyond.



Extract from Draft Site Allocations Plan

Relevant Policies from the Core Strategy are:

- SP1 – Location of development.
- SP6 – Housing requirement and allocation of housing land.
- H1 – Managed release of housing sites.
- H2 – New housing development on non-allocated sites – new housing development will be acceptable in principle on non-allocated land providing the number of dwellings does not exceed local capacity, the development accords with accessibility standards. Greenfield land should not be developed if it has intrinsic value as amenity space.
- H3 – Housing density (30 dwellings per hectare in smaller settlements).
- H5 – Affordable housing (site lies in Outer Suburbs where affordable housing is required on sites providing 15 or more dwellings).
- 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.

Relevant DPD Policies are:

- b GENERAL POLICY1 – Presumption in favour of sustainable development.
- c MINERALS 3 – Mineral safeguarding areas – Surface coal present on a site should be removed prior to or during development unless:
 - It can be shown that it is not economically viable to do so, or
 - it is not environmentally acceptable to do so, or
 - The need for the development outweighs the need to extract the coal, or
 - The coal will not be sterilized by the development.

d WATER1 – Water efficiency, including incorporation of sustainable drainage

e WATER7 – No increase in surface water run-off, incorporate SUDs.

f LAND2 – Development should conserve trees and introduce new tree planting.

- 8.5 The NRW DPD designates a Coal Mineral Safeguarding Area (MSA) where if feasible and viable coal extraction should take place prior to development to avoid sterilization of a resource. Coal extraction also helps prepare a site for development by removing problems of combustion and instability. The MSA does not preclude development from taking place but encourages developers to consider prior extraction of important minerals at the earliest possible stage in the development process. Planning applications will need to include sufficient information to demonstrate that applicants have considered prior extraction. Proposals for prior extraction will be subject to environmental assessment and the criteria in MINERALS 9.
- 8.6 Recent advice given by the Coal Authority suggests that small scale, short term recovery operations by opencast methods are possible on small sites within heavily developed areas. The Council wishes to maintain a flexible approach to the recovery of coal by surface working within the MSA for coal where this is possible.
- 8.7 MINERALS 9 – Applicants will need to demonstrate adequate consideration has been given to a number of matters including; effect on visual amenity; effect on natural environment; environmental and amenity aspects such as noise, dust, odour, gas emissions etc; adequacy of highway network and safety of access and egress; routing and frequency of vehicle movements; measures to prevent dirt on the highway; hours of operation; protection of public rights of way; screening and restoration.

Relevant Saved Policies from the UDP are:

- GP5 – General planning considerations
- N1 – Greenspace
- N23 – Incidental open space around development.
- N24 – Development adjacent to countryside (buffer zones).
- N25 – Landscaping
- N39A – Use of SUDs.
- N37 – Special Landscape Areas
- N49 – Development not permitted if threatens significant net depletion of biodiversity.
- N51 – Enhancement of biodiversity.
- T7A – Secure cycle parking.
- T7B – Secure motorcycle parking.
- BD5 – General amenity issues.
- LD1 – Landscaping
- Car Parking Guidelines (volume 2).

Supplementary Planning Documents

- Neighbourhoods for Living
- Street Design Guide
- SPG25 Development adjacent to countryside.

National Planning Policy

- 8.8 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.
- 8.9 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.
- 8.10 Paragraph 003 requires that planning authorities should set out Mineral Safeguarding Areas and adopt clear development management policies for proposals of non-minerals development in these area, and the actions that developers should take to address the risk of losing the ability to extract any resources. This may include policies that encourage the prior extraction of minerals where practicable to prevent sterilization of mineral resources.
- 8.11 Paragraph 147 states that the environmental impacts of coal extraction should be considered in the same way as for other minerals, but that planning authorities should have regard to the environmental duty placed on them under section 53 of the Coal Industry Act 1994.

Coal Industry Act 1994

- 8.12 This Act sets out the environmental duties in relation to planning for coal mining operations or the restoration of land following coal mining operations. This requires both planning authorities and anyone formulating coal extraction proposals to have regard to the desirability of the preservation of natural beauty, the conservation of flora, fauna and any geographical or physiographical features of special interest.

9.0 MAIN ISSUES:

- 9.1 The principle of development.
- 9.2 Design and character.
- 9.3 Impact on Special Landscape Area and Assimilation into Green Belt.
- 9.4 Access and highway safety considerations
- 9.5 Greenspace
- 9.6 Education
- 9.7 Affordable Housing.
- 9.8 Public Transport.
- 9.9 Coal Removal
- 9.10 Representations

10.0 APPRAISAL:

The principle of development.

- 10.1 The application site is greenfield land made up of 2 paddock areas either side of an access road and a car park and the site is designated in the UDP as a Special Landscape Area, borders Green Belt but is otherwise unallocated. The draft Site Allocations DPD, in its early stages, includes the site as part of a housing allocation. As this document has not yet been subject to public consultation it carries limited weight and until its adoption this site would fall for consideration under policy H2 of the Core Strategy – housing on unallocated land.
- 10.2 H2 states that housing development will be acceptable in principle on non-allocated land, providing that;
- a The number of dwellings does not exceed capacity of transport, educational and health infrastructure (as existing or proposed to be improved).
 - b Where there are more than 5 dwellings then the location should meet accessibility standards set out in Table 2 of Appendix 2.
 - c Green belt policy is satisfied for green belt sites.
- 10.3 Greenfield land should not be developed if it has an intrinsic value as amenity space or for recreation or nature conservation.
- 10.4 Appendix 2 accessibility standards indicates the following:
- Local services (small convenience shop, post office, grocer, newsagents etc.) within 15 minute walk. (The site is approximately a 6 minute walk from limited local services).
 - Employment within 5 minute walk to a bus stop offering a 15 minute service frequency to a major public transport interchange (city centre – Leeds, Bradford, Wakefield). (Walk times based on speed of 3 miles per hour). (The site is a 2 minute walk from bus stops on Haigh Moor Road with access to buses that serve Leeds/Wakefield – 117 running 1 per hour and Morley/Dewsbury – 205 running 1 per hour. Further bus stops are on Westerton Road with services serving Leeds, Wakefield and Bradford with approximately a 30 minute frequency).
 - Primary health or education facility within 20 minute walk. (Primary school within 16 minute walk time, primary health facility within 20 minute walk time).
 - Secondary education within 30 minute walk or 5 minute walk of a bus stop with 15 minute service frequency. (Secondary school within 30 minute walk).
 - Town centre within 5 minute walk of a bus stop with 15 minute service frequency. (Bus services as above).
- 10.5 The application site falls within a Smaller Settlement as defined by the Core Strategy, therefore a judgment needs to be made as to whether the location is demonstrably sustainable. Approximate walk times to local facilities are given above, and whilst the site is not located within a wholly accessible area it is sufficient, from an officer perspective, to justify acceptance of the principle of development. It is acknowledged that facilities such as local schools and doctors may be oversubscribed, however this is a matter for service providers to address. The development is not of a size that would require any contributions to be made in this regard.
- 10.6 Under Policy H2, the contribution to local character a site makes would be an important consideration in determining whether residential development was acceptable. The impact on views and green belt land is addressed below, however the site has a frontage onto a public highway and being the only section of open land for some

distance either side has a significant impact on the public street scene. The developer has sought to address the visual impact by reducing the numbers of units, and providing clear breaks between both buildings, and the green belt buffer landscaping in order to retain longer distance views and a sense of openness. The car park is also retained which provides a large break in the built form and retains an open area of ground. As such, the impact of the development on local character is considered to have been mitigated against to a large extent.

- 10.7 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.
- 10.8 Additionally, the proposal contributes to the overall supply in housing stock (the outer south west area is expected to provide 11% of the total housing need for the district), contributing family homes in a sustainable location and as such, it is considered that the benefits of providing housing outweigh the small harm that would be caused as a result of the loss of open space. The principle of residential development is therefore considered acceptable subject to detailed considerations.
- 10.9 In relation to wider housing land supply the position of the Council is that it has a 5 year housing land supply and so the provisions of paragraph 49 of the NPPF are not triggered where the presumption in favour of sustainable development is given greater weight than the local policies of the Core Strategy and saved UDP policies. This site will contribute little to overall supply and so in this case the 5 year supply issue is not a determining factor in the consideration of the application. The main issues to be considered therefore relates to impact on local character and local residents.

Design and character

- 10.10 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 10 as it currently stands.. 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 street scene.
- 10.11 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.
- 10.12 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 street scene and whilst the original proposal was for all gabled properties, the current proposal now has hipped properties that are more representative of the existing character in this locality.
- 10.13 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 irregularly shaped. 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 is therefore considered that the site now proposes a scheme that is acceptable in terms of design and character.

Impact on Special Landscape Area and Adjacent Open Land (Green Belt).

- 10.14 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.
- 10.15 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.
- 10.16 The site is almost singular in being one of very few breaks in built development along Haigh Moor Road between Westerton Road and Batley Road. To the west of Haigh Moor Road are suburban style estates, whilst to the east development is limited to frontage development with open fields beyond. The local area has seen development recently including the closure of the gap formed by Judes Pond, further up Haigh Moor Road. It is understandable therefore that local residents have raised concerns regarding the loss of views through the site, and the loss of openness. The impact of the development therefore needs to be weighed against the economic benefits of providing family housing in a relatively sustainable area.
- 10.17 The retention of the car park and the access road retains some open views of the land to the rear and provides a continued break in the built form. The development continues the existing 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. The reduced number of units has enabled gaps between the properties to be opened up helping to improve inter visibility into the area beyond. The site does form a natural infill to the existing settlement form, and has been identified as potential housing site in the draft Site Allocations DPD. On balance it is considered that the harm to the open views would not be so great as to be unduly detrimental to the character and appearance of the area, and that any harm caused is outweighed by the positive benefits to the economy of the local and wider area. Policy N24 of the UDP requires that where development proposals about 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 provide the requisite assimilation. The landscape proposal has been amended to group the trees, this is with the intention of improving visibility through to the open land beyond, whilst replicating the small copse dotted landscape of the local area. A Landscape Management Scheme will be required to ensure the long term management and retention of the planting. It is considered that the proposal would produce a boundary treatment in keeping with, and improving upon, the established pattern of planting in the locality

Access and highway safety considerations

- 10.18 The scheme was initially acceptable in principle from a highways perspective but had small detailed issues which were addressed within subsequently revised drawings and as such, it is considered that there was no significant harm to the free and safe use of the highway and the proposal is 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.
- 10.19 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.

Greenspace

- 10.20 The proposal is for 10 properties and therefore a greenspace contribution is 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 need to be agreed between the parties and the green space figure (calculated on the basis of 10 units) of £30,465.69 is required to meet greenspace policies. Should the appeal be determined after 6th April then the application will become liable for a Community Infrastructure Levy contribution of £45 per sq m.

Education

- 10.21 The amount of development proposed by the application is below 50 properties and therefore in line with policy and guidance, the application is not therefore liable for Education contributions. Should the appeal be determined after 6th April then the application will become liable for a CIL contribution of £45 per sq m which includes pooled contributions such as off site greenspace, education and public transport.

Affordable Housing

- 10.22 The amount of development does not trigger the requirement for affordable housing required by policy and guidance in that it is a proposal for 10 units (contributions to trigger at 15 units) and therefore the application is under the threshold for such payments. Nationally the Government has announced recently that affordable housing contributions should not be sought on schemes under 10 units.

Public Transport

- 10.23 Metro requested that the developer should enter Metro's Residential Metro Card scheme for each property. The price to the developer would have been 10 x £475.75 which gives a contribution of £4757.50 which again would need to be secured via a section 106 agreement.

Coal Removal

- 10.24 Initially the developers did not propose any coal removal from the site, initial investigations suggesting this would not be viable. Further investigations however showed 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 this investigation was that this seam of coal should be removed, prior to any development of the site. The applicants have therefore been asked to provide additional information to allow the impact of the coal removal proposal to be assessed against relevant policies and guidance.
- 10.25 It is estimated that approximately 2000 tonnes of coal could be removed from the site. This would require transportation off-site via 90 lorries of 25 tonne capacity each.

Assuming it takes three weeks to excavate all of this, with operations between 0900 and 1600 Mondays to Fridays only, then this will result in 6 lorry loads per day leaving the site (or 12 lorry movements in total per day). A temporary road would be needed to allow two way access for residents, the applicants describe this as being to the southern side of the existing road, linking Haigh Moor Road to the existing drive beyond the site boundary. A plan of this has not yet been received but full details of it would be required before any works could take place.

- 10.26 As well as lorry loads taking coal away from site, material will also need to be brought in to rectify the difference in levels following extraction. The applicants estimate that around 1,400 cubic metres of imported material will be needed, requiring 105 lorries of 25 tonne capacity. This would require 7 lorry loads a day over a three week period between the hours of 0900 and 1600 Mondays to Fridays (or 14 lorry movements per day). The import of fill material would take place following extraction, but where possible empty coal lorries can be used to carry imported materials to site rather than undertaking “empty” journeys. On this basis total works are estimated to take in the region of 6 weeks.
- 10.27 The route that lorries would take is not yet known and will depend on where the coal needs to be sent to be sold on. The lorry routing needs to balance the need to minimise residential impact with the minimization of environmental impact. To this end details of the proposed lorry routing could be conditioned for along with details of how neighbours would be protected from noise, dust, mud, vibrations etc. as a result of the coal extraction processes or lorry movements. It is recommended that such details are subject to a condition separate to a more general construction management plan so there is no confusion between the two processes.
- 10.28 The car park will also be affected by the coal removal and the applicants estimate that it will be closed for a 12 week period to allow for coal removal and subsequent resurfacing. The car park is provided by Yorkshire Water who are under no known obligation to provide such facility. Any proposal to provide a temporary replacement would need to be subject to a further planning application. The applicants propose to re-instate the car park as part of the development, with new surfacing and landscaping.
- 10.29 Policy MINERALS 9 of the NRW DPD requires applicants to demonstrate that adequate consideration is given to a number of issues including any impact on visual amenity, natural environment, highway safety and residential amenity. In general terms the removal of coal is a positive, providing additional resource for the nation, and the fact is that even without removal works would need to be undertaken to make the site safe for use (to prevent spontaneous combustion of the coal seam). Were the coal to remain in-situ it would need to be capped with 1m depth of imported material. The applicant’s estimate this would involve a greater number of lorry movements as the amount of material to be brought in would be greater than the amount required to backfill, although of course there would be no movements as a result of coal removal.
- 10.30 The removal of coal is something that is encouraged in both national and local planning policy, and there are many methods of mitigating against the short term impacts that would result from the process. Further details will need to be submitted and assessed to ensure that neighbours are protected and that there is no longer term damage to the local environment. It is considered that such matters could be reviewed and controlled through condition, and on balance, whilst recognizing local concerns, it is considered the proposal to remove coal prior to development is in accordance with our policies in the adopted NRW DPD and will be a relatively short lived operation.

Representations

- 10.31 There has been significant local objection to this scheme, both to the development itself and to the coal removal proposal. Issues relating to design, highway safety and residential amenity are addressed above, other matters are mentioned below.
- 10.32 With regard to local ecology the site is currently grassland and it is considered that birds and bats are the species most likely to be affected by the proposal. Conditions regarding protection of these species, as well as long term provision of suitable habitat will enable the site to enhance its ecological provision. The proposal for landscape buffering at the rear will also help to develop new habitats and corridors for wildlife.
- 10.33 The size of the car park has been raised as an issue with comments that it already becomes over full with users then having to park on street. The car park itself is provided by the land owners and there is no obligation to continue with such provision. The retention of the car park, in its current location has been sought through this scheme, both to ensure the continued provision, and to ensure a visual break in the built environment. The car park will be retained at its current size, but will be re-surfaced and properly laid out with enhanced landscaping and boundary treatments. It is therefore considered that this is a positive aspect of the development.
- 10.34 The local area has seen a number of developments recently, including nearby at Jude's Pond, at the Church of the Nazarene, and at the former East Ardsley library site. These developments are predominantly smaller residential infill schemes which have all complied with relevant planning policy. The district is facing a large requirement to provide more houses and the provision of small infill sites such as this will help the Council to achieve its house building targets.
- 10.35 Comments have been made with regard to the site being in green belt, this is incorrect, whilst the site has a Special Landscape Area designation it is not within the green belt but does adjoin the Green Belt on the eastern boundary..

11.0 CONCLUSION:

- 11.1 On balance it is recognized that local residents have very real concerns regarding coal removal, and that there will be some loss of views and openness. However it is considered that the impacts have been mitigated against through design, or can be carefully controlled through condition, such that officers do not feel that a refusal would be justified on this occasion.
- 11.2 Members are asked to consider the proposal in front of them and to recommend how they would wish officers to proceed with the appeal in terms of supporting or objecting to the appeal proposal.

Background Papers:

Application files 14/03674/FU

Certificate of ownership:

Certificate A signed by applicant