



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 21st May 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 greenspace

APPLICANT	DATE VALID	TARGET DATE
West Ardsley Development Consortium	15 December 2017	16 March 2018

Electoral Wards Affected:

**Morley South
Ardsley and Robin Hood**

Yes Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

THIS REPORT IS AN UPDATE FOR MEMBERS, INCLUDING THE PRESENTATION OF ADDITIONAL INFORMATION RECEIVED FROM THE APPLICANT. THIS REPORT RELATES TO THE PLANS PANEL MEETING ON 30TH JANUARY 2020, WHERE MEMBERS RESOLVED THAT THE APPLICATION BE DEFERRED TO ALLOW THE CHIEF PLANNING OFFICER TO PREPARE AND BRING BACK TO PANEL DETAILED REASONS FOR REFUSAL. THE ADDITIONAL INFORMATION HAS SIGNIFICANT IMPLICATIONS FOR THE ORIGINAL RESOLUTION AND THEREFORE A DUAL RECOMMENDATION IS MADE.

DUAL RECOMMENDATION:

RECOMMENDATION (1)

REFUSAL OF PLANNING PERMISSION FOR THE REASONS SET OUT BELOW

- 1) The Local Planning Authority consider that the narrowness and nature of the access roads leading to the sites are unacceptable and detrimental to highway safety. The proposal is contrary to Policy T2 of the Core Strategy, Policy GP5 of the UDP Review and the sustainable transport guidance contained in the NPPF (paragraph 109).**
- 2) The Local Planning Authority consider that the proposal fails to demonstrate that the impact of the development on the local highway infrastructure, including junctions 28 of the M62, A650/Common Lane and A650/A6029 Rein Road and the wider highway network, which will be affected by additional traffic as a result of this development, can be adequately mitigated against. The proposal is contrary to Policy T2 of the Core Strategy, Policy GP5 of the UDP Review and the sustainable transport guidance contained in the NPPF (paragraph 109), which combined, requires development not to create or materially add to problems of safety, environment or efficiency on the highway network.**
- 3) The Local Planning Authority considers that there is insufficient information submitted with the application to demonstrate that an acceptable level of accessibility can be achieved for the scale of development proposed. The site does not meet the accessibility standards for housing to be located within a 5 minute walk to a bus stop that offers a direct service to a major public transport interchange at a 15 minute frequency as set out in the adopted Accessibility Standards of the Core Strategy. The proposal is contrary to policies SP1, T2 and H1 of the Leeds Core Strategy and policy GP5 of the adopted UDP Review and guidance in the NPPF (paragraphs 109 and 110).**

Or,

RECOMMENDATION (2)

DEFER AND DELEGATE TO THE CHIEF PLANNING OFFICER FOR APPROVAL subject to the specified conditions outlined in the Officer's First Report dated 30 January 2020 (outlined in Appendix 1 of this report) and (any others which he might consider appropriate) and also the completion of a S106 agreement.

- 1.1 This application is brought to Plans Panel to update Members following the resolution not to follow the Officer recommendation and to refuse planning consent at the Plans Panel of 30th January 2020. Since the approval of the minutes of the meeting, further information has been received from the applicant and in addition to setting out the Chief Planning Officer response to the provisional reasons formulated by the Panel for refusing permission, the further information is put forward to Members for consideration.
- 1.2 The report sets out detailed reasons for refusal based on the issues Members raised at the last Panel meeting, however, a dual recommendation is put forward for consideration as the further additional information provided by the Applicant strongly supports the original Chief Planning Officer's recommendation. The report has also set out, in accordance with the requirements of the Council's Planning Code of Good Practice, the implications of each putative refusal reason, should Members still resolve to refuse planning consent.
- 1.3 It should be made clear to Members that the additional information does not change the application, in terms of houses proposed or the locations and numbers of accesses. Therefore, there is no requirement to further publicise such information. The additional information confirms further improvements to accessibility through the offer of further contributions towards bus service improvements and this information is presented to Members to enable a further assessment of the application to be undertaken and is the reason a dual recommendation is being presented as effectively, the additional improvements offered weakens the defensible position of the original resolution to refuse planning consent and requires full consideration.
- 1.4 Panel Members will recall that the application is for outline planning consent for five access points into four parcels of land to enable the development of 299 dwelling houses. All other matters are reserved for future consideration.
- 1.5 The proposed development sites HG2-168 and HG2-169 are allocated for housing development within the adopted Site Allocation Plan (SAP). The principle of the sites for housing has therefore been considered and established by the plan making process of the adopted SAP. The SAP was found to be sound and sustainable by independent Government Inspectors, provided that site allocation requirements are satisfied. The refusal of planning permission is a departure from the recently adopted development plan and the following report provides Members with clarification of the implications of departing from the adopted plan.
- 1.6 Following the resolution by Members at Plans Panel to defer the application, to allow the Chief Planning Officer to prepare and bring back to Panel detailed Reasons for Refusal, officers have formulated reasons for refusal which are based on the clear basis and reasons of Members not accepting the Officer recommendation. In line with paragraph 6.3 of the Council's Planning Code and Good Practice, where a decision by Members differs from the Planning Officer's recommendation, the Chief Planning Officer should provide provisional reasons for refusal, with an explanation of the implications of such action.
- 1.7 The resolution to defer for refusal was based on the following reasons raised by Members:
 - The narrowness and nature of the access roads leading to the entrances to the sites

- The lack of information on the mitigation that is required to address the impact on the local highway junctions
- The failure of the site to meet the Core Strategy accessibility standards for housing development

1.8 This report up-dates Members regarding additional information received from the applicant to allow Members to reach their own conclusion as to the acceptability of the proposal. The report is set out into two sections. Firstly, in line with the resolution of Members to defer and prepare Reasons for Refusal, the report has outlined the reasons for refusal and the implications of these reasons. The resolution to refuse planning consent is contrary to the Local Planning Authority's (LPA) recently adopted, up to date plan, and together with the additional information, the second section of the report will give further policy context to the application and an appraisal of the proposal in light of the additional information.

1.9 The additional information, as it will be demonstrated, does support the Chief Planning Officers original recommendation to grant permission and further satisfies the application's compliance with both national and local plan policies.

2.0 UPDATE

2.1 Since the last Panel meeting a representation has been received dated 3rd February 2020 from the agent of the applicants, Walker Morris LLP. The letter raises various material considerations; these can be summarised as:

- It is regarded that the resolution is unreasonable and of significant concern given the implications such a decision has on the implementation of the recently adopted Development Plan;
- The decision sends a wrong signal to those within the development industry and undermines several years of working with the Council to adopt a sustainable strategy for this site;
- Contact with the housebuilding industry is ongoing and serious concerns over investment in Leeds is raised due to this application disregarding the clear aims of the Development Plan;
- The matters motioned to form the basis of the refusal have all been clearly identified at the Examination in Public of the SAP

2.2 Further information has been received from the applicant, which seeks to address concerns raised by Members regarding the accessibility of the site in regards to Policy T2 of the Core Strategy. The additional information has included 2 technical notes responding to the three points referenced in paragraph 1.7 of this report.

2.3 The correspondence most significantly includes agreement for the applicant to make further contributions, secured through the proposed Section 106 agreement, for improvements to the local bus services. The applicant has discussed the existing bus services within the area with West Yorkshire Combined Authority (WYCA) which has outlined potential improvements that could be made to the local bus services, and their costs, that would improve the overall accessibility of the site and wider area.

2.4 WYCA consider the site as effectively 2 parcels of land (north and south of Haigh Woods). The detailed accessibility in terms of access to services (including transport) across the individual parcels is considered to be varied due to the linear

layout of the application site. The majority of the parcels of land are extensions to existing housing areas so it is considered that these parts of the site will be outside the desired walking distances to bus services (400 metres). It is therefore considered by WYCA that there are limited opportunities to improve this from a bus operating perspective. However, the sites are located between the main bus corridors on the A650 and Dewsbury Road.

- 2.5 The bus service frequencies in the area between these corridors is currently considered to be low and there is a desire to facilitate some enhancements but this is reliant on demand and funding being available through developments such as the proposed. The services that operate are done on a commercial basis (routes 117, 425) and through the Combined Authority (route 48).
- 2.6 The 117 service presents the best opportunity to improve the service level, although this is based on the current demand levels and the 425 is desirable for improvement too. These services are currently operated on a commercial basis by Arriva and on an hourly basis. As commercial services, any enhancement would require further discussions with Arriva, but WYCA anticipate that to enhance the 117 service from an hourly service to half hourly service for the section between Leeds and the site, would require 2 to 3 buses. This would equate to an annual contribution of £300,000 to £450,000 per annum based on current standard costs. However, in the circumstances it would be expected that Arriva would cover some of this cost and require a lower contribution. It is considered by WYCA that £150,000 per annum for five years would be a proportionate requirement from the applicant to improve the frequency of the 117 service; however, the monies would potentially be used to improve the 425 also.
- 2.7 In terms of infrastructure, with respect to the Northern parcels of land, although ideally improvements would be sought to the bus stops, the existing residential frontages and lack of footpath width prevent further bus shelters being provided. However, with respect to the Southern Parcel, WYCA have suggested that the applicant funds 2 new bus shelters with real time displays (total £46,000) that would improve the existing stops with stops 16091 and 50378 (virtual stop as 16091 is a two direction stop) moved south and incorporated into the frontage at the new access point onto Haigh Moor Road.
- 2.8 The applicant has confirmed that they will fund the new bus shelters with a contribution of £46,000.00 and contribute £750,000 towards the bus service improvements (£150,000 set over 5 years), which would fully satisfy WYCA's request for bus stop and service improvements.

SECTION 1:

3.0 REASONS FOR REFUSAL AND THEIR IMPLICATIONS

Putative Refusal Reason 1

The narrowness and nature of the access roads leading to the entrances to the sites

- 3.1 Concerns were raised by Members that the width of the access roads into several parts of the two SAP sites can often be congested with existing residential on street

car parking and increased traffic along these small streets would give rise to highway safety issues.

- 3.2 Members raised questions regarding the suitability of the width of the existing roads where accesses are taken from existing residential streets with a width of 5.5 metres. The existing roads are 5.5 metres in width and are adopted. The proposed roads would be the same width and also of an adoptable standard that would be acceptable and in line with carriageway widths outlined for residential streets in the Supplementary Planning Document; Street Design Guide. Therefore Members can be reassured that the existing street widths are not substandard in relation to current standards and all future roads within the sites would also be required to be of an acceptable width and compliant with the guidance or Policy T2 of the Core Strategy.
- 3.3 To pursue a reason for refusal of this planning application on grounds of highway width is not supported by technical evidence and planning policy. In light of the matters set out above officer advice is that it would be very difficult to substantiate the suggested reason for refusal and that as a consequence the council could be at a risk of a costs award against it in the event of an appeal.

4.0 Putative Refusal Reason 2

Lack of information on the mitigation that is required to address the impact on the local highway junctions

- 4.1 Extensive discussions were held at the Plans Panel meeting outlining the extent of the mitigation measures proposed as a result of the identified cumulative impact upon the local highway network. It was discussed that although the proposal would contribute money to a collective pot that will ultimately contribute to improvements identified in Officer's report, the sums were not sufficient enough to provide the infrastructure before the development was completed and occupied, in its entirety. As such, it was considered that the proposal was not sustainable and when coupled with a very infrequent local bus services, such an increase in vehicular movements would have an adverse impact upon the identified junctions and the wider area at this present time.
- 4.2 For clarity, Officers confirm that any refusal of development on this site will not alter, the baseline level of traffic in the area which will not stagnate. The Council requires the growth of local communities and the demand that comes with it to ensure that the communities remain sustainable and further infrastructure is delivered. The SAP allocates a collection of sites that are deemed to be sustainable as collectively they deliver housing and thus the demand that lead to the regeneration of the area in terms of local facilities/ infrastructure. The planning application's scope is limited and 299 dwellings will not in itself provide funds to deliver complete highways improvements and infrastructure improvements that are currently considered to be necessary. However, it was never the intention of the SAP that the allocated sites, individually should or could do so. Instead, the contributions made will be an important and necessary catalyst for the improvements to be designed and delivered in the future.
- 4.3 The applicant has identified the cumulative impact of the proposal and proportioned contributions towards a scheme of mitigation works. The contributions proposed are considered by Officers to be appropriate to the scale of this development, and have been based on speculative proposals for improvement works. Although the applicant has not, as part of this application, drawn up any proposal for improvement works,

high level feasibility work has been carried out by the Highways Authority on LCC junctions and Highways England are looking at the scheme required to the motorway junction in association with other potential developments. This work has resulted in a S106 contribution by the applicant for these off site junctions of £903,000 towards cumulative impact. These funds are not mitigating severe impacts from this site but are only needed to accommodate traffic generated from developments delivered across the whole plan period (2033). Delivery of these cumulative impact schemes lies with the City Council and Highways England when sufficient funds are available from Development and other funding sources. A list of these schemes sits with LCC's Transport Strategy team to locate the necessary top up funding and these locations will come forward more quickly when they have secured some Developer funding.

- 4.4 The LPA has not yet adopted its Supplementary Planning Guidance for cumulative impact contributions. However, officers consider that the proposed contributions are proportionate Highways contributions based on ongoing highways works that are being investigated by the Highways Authority and Highways England for the junctions identified in this area, and the emerging SPD formula. The contributions are considered to take into account the emerging SPD.
- 4.5 It is acknowledged that Members' desire to ensure that the full mitigation works are implemented before the development is completed and as such the issue primarily relates to one of timing. Whilst officers acknowledge this concern, the SAP site requirements for the application sites do not require that the highway mitigation is in place or complete prior to development of the site or even occupation of it. The site requirement only requires that the cumulative impact monies are secured (paid). In light of this, Members are advised that the application, in relation to cumulative impact highways mitigation fully complies with the SAP and the specific site requirement of the allocations.
- 4.6 Accordingly, it is considered by Officers that it would be difficult to substantiate a refusal of permission for lack of mitigation required to address the impact on the local highway junctions, again putting the council at a risk of a costs award against it.
- 4.7 In light of the additional monies offered and the further clarity around the timing of such contributions established through the SAP, and the impact that has in terms of policy compliance, Members are requested to further consider the application in terms of cumulative impact on highways junctions and whether the second reason for refusal is still appropriate.

5.0 Putative Refusal Reason 3

The failure of the site to meet the Core Strategy accessibility standards for housing development

- 5.1 Great concern was raised by Members that the bus services in the area are infrequent and that the proposal would not be served by adequate school provisions. As such, it was considered by Members that the site was unsustainable and did not meet all of the accessibility standards within Policy T2 of the Core Strategy; in particular, bus frequency was of great concern. The Policy T2 Accessibility Standards are as follows:

Smaller settlements and other rural areas - Accessibility Standards

- Within 5 min walk of a bus stop/ 10 min walk of a rail station. Ensure that arrival and departure of services coincide with work start and finish times.
- Located within 10 min walk of a bus stop/ rail station. Ensure that arrival and departure of services coincide with appointments / start and finish times of schools.
- Located within 10 min walk of a bus stop/ rail station. Ensure that arrival and departure of services coincide with visiting hours / start and finish times.
- Located within 5 min walk of a bus stop offering 15 min service frequency* to a major public transport interchange.

5.2 For clarity it is reiterated here that the applicant has discussed this issue with WYCA since the Plans Panel meeting and offered further contributions to new bus shelters and further bus services over a 5 year period, amounting to £796,000. In light of the further contributions offered towards increasing bus services in the area, the proposal is considered, on the basis of the additional information (and funding) provided since the last panel (i) to meet the funding required and (ii) to improve the overall accessibility of the site with only one parcel of land being marginally outside of the 5 min walk to the nearest bus stop, albeit not within a 15 min frequency required by Policy T2. The parcel of land served from Upper Green Avenue is considered 425 metres away, which would relate to 5min 20 seconds based on a 3mph walk, which is only 20 seconds longer than the accessibility standard. Whilst bus services would still not be expected to meet the 15 minute service frequency required by the Accessibility Standards they would be significantly better than current service levels and they would benefit the wider community as well as residents of this development.

5.3 Notwithstanding the issues outlined above in relation to Policy T2, the matters relating to accessibility were extensively covered through the SAP process and the inspectorate has looked at the overall merits of the site being allocated for housing and whether the accessibility standards achieved are acceptable. They were considered acceptable and the further contributions would only serve to enhance the public transport infrastructure.

5.4 The concept of sustainability was thoroughly assessed during the SAP process and the bus services were considered acceptable. Moreover, in light of the further contributions offered, Officers are of the opinion that the application's compliance with accessibility standards set out in policy T2, is further increased.

5.5 In light of the additional information received, since the last Panel meeting and the impact that has in terms of policy compliance, Members are requested to further consider the application in terms of accessibility of the site and whether the third reason for refusal is still appropriate.

SECTION 2:

6.0 APPRAISAL OF FURTHER INFORMATION PROVIDED

6.1 As illustrated above, additional information provided by Officers and the Applicant significantly impact on the credibility of the putative reasons refusal.

- 6.2 With regards to putative refusal reason the road widths have been clarified and it is confirmed that the road widths fully accord with current planning policy T2 of supplementary guidance.
- 6.3 The report also provides Members with further clarity regarding putative refusal reason 2, as to how the development plan (through the SAP) requires cumulative impact contributions to be fed into ongoing high level feasibility works and the timing as to when those works should be delivered, that the SAP only requires monies to be secured prior to development, rather than actual junction improvement being carried out. Furthermore, given that the cumulative impact contributions are aimed at mitigating against traffic generated throughout the entire development plan period (upto 2033), the contributions to be secured in relation to this application are considered to be acceptable and in full compliance with SAP policy HG2 and specific site requirements of HG2-168 and HG2 - 169
- 6.4 With regards to putative refusal reason 3, the applicant has confirmed that they would fund two new bus shelter (£46,000.00), and contribute £750,000 towards bus service improvements (£150,000 set over 5 years). Such contributions have been considered by WYCA's as being acceptable contributions.
- 6.5 The funding would not in itself make the scheme fully compliant with regards to the Council's accessibility standards, given walking distances from the centre of the parcel of land served from Upper Green Avenue and the service frequencies still fall short of the required 15 minute frequency. However, it would significantly improve the public transport offer to the site and, importantly, to existing residents as well. In light of the further contributions offered, it is considered that the accessibility standards set out in policy T2 are substantially met and are acceptable.
- 6.6 The above appraisal outlines how the additional information further supports the original recommendation of the Chief Planning Officer to grant permission.

7.0 POLICY CLARIFICATION AND SITE SUSTAINABILITY CREDENTIALS

- 7.1 Whilst Members raised concerns with the general sustainability of the site, the information contained in paragraphs 7.1 to 7.25 outline how the principle of the development of these SAP sites was considered to be sound through the adoption process of the SAP.
- 7.2 The application is an outline application with the principle of the site for housing having already been approved by the Planning Inspectorate through the adoption of the SAP, and adopted and endorsed by Members in July 2019. The SAP has site specific requirements for any application to meet, but ultimately its adoption has been as a result of the Planning Inspectorate finding the sites to be the most sustainable sites for residential development within West Ardsley.
- 7.3 The first Officer report did not go into detail of how the SAP was appraised in terms of its sustainability. The issue of sustainability was discussed at length in the Plans Panel and the following section is provided to give clarity to Members as to how the sites were appraised in terms of their sustainability credential. The principle of sustainability of developing the site has been thoroughly examined by the Planning Inspectorate and it is advisable that any refusal reason relating to the in principle sustainability of the site could not be successfully defended at appeal and on that basis it is not recommended as a robust or reasonable reason for refusal.

Sustainability Appraisal:

- 7.4 The SAP accepts that not all allocated sites are as sustainable as each other. For example City Centre and Inner Area sites close to major transport networks will have a greater level of sustainability than sites in smaller settlements or outer areas where accessibility is less. This is a fundamental part of the Core Strategy with the prime focus for development on the most sustainable locations (based upon the settlement hierarchy set out in Spatial Policy 1), but with an understanding that in order to meet needs throughout the City, some areas may be relatively less sustainable, but still in accordance with Leeds' Local Plan. To that end, some allocated sites may have some constraints which will need to be addressed through implementation of the site requirements and application of wider development plan policies. However, such constraints on their own terms should not be reasons for refusal of allocated sites.
- 7.5 The SAP has been informed by a Sustainability Assessment (SA). It should be noted that SA cannot ensure that development will be absolutely sustainable in all aspects. It can only show how sustainable the effects of a policy or site are likely to be and where there are harmful impacts how far they can be mitigated (and site requirements applied). A policy or site may have negative environmental impacts which could be outweighed by positive social and economic aspects of the policy, which in balance allow it to be regarded as sustainable overall. The SA for sites HG2-168 and HG2-169 are found in Appendix 2.
- 7.6 As shown in Appendix 2, both sites score positively (SA3, SA4, and SA8) and neutrally (SA9, SA13, SA1) for indicators related to accessibility. Neutral scores can be mitigated against or improved through detailed planning applications.
- 7.7 The sites are comparatively sustainable when you review their scores against others that are allocated within the plan and Housing Market Character Area (HMCA). The Site Allocations Plan Sustainability Appraisal Addendum 2 details the SA scores for every site within the plan, and page 21 clearly shows that HG2-168 and HG2-169's SA scores are comparatively positive within the context of the OSW. Please see Appendix 3 of this document for OSW HMCA SA scores.
- 7.8 Ultimately, the sites were found by the Inspectors to meet the sustainability requirements necessary to find the sites sound.

Highways Accessibility:

- 7.9 Both sites score 3/5 for highways accessibility. The SAP infrastructure background paper (paragraph 173, Table 1) defines an accessibility to public transport rank of 3 as *"Public transport offer not in line with Core Strategy standards but availability of local services (e.g. Local Centre, schools etc.)"*
- 7.10 HG2-169: Accessibility Rank of 3/5. Comments were "Site has access to 2/3buses per hour and meets core strategy standards for primary and secondary education and primary health"
- 7.11 HG2-168: Accessibility Rank of 3/5 "The site lies within the accessibility standards for 2/3buses per hour, primary and secondary education and primary health"

- 7.12 The SAP assessment states that the sites are accessible to primary health whereas the Transport Development Services consultee response provides more detail to indicate that parts of the application site do not meet those standards. This is because the SAP assessment takes into account the strategic accessibility of the site as a whole. It is for the detailed planning applications such as this to consider mitigation measures on this aspect. This eventuality is also consistent with the SAP which in paragraph 2.54 describes how Core Strategy Policy P2 requires developers to provide contributions towards public transport provision where necessary.

Education and School Provisions

- 7.13 Again, the SAP infrastructure background paper justifies the Council's approach to school provision. Only completed housing or housing currently under construction is accounted for in school place planning forecasts and therefore the mechanism for providing new schools within the locality is driven by the delivery of the housing allocations and the Education Authority responding to the fluid changes of demand. Within the Outer South West HMCA and the East Ardsley area, there is school allocation HG5-8 (Bradford Road, East Ardsley), which is found to the west of East Ardsley Local Centre. The delivery of the residential schemes such as HG2-168/169 will be the driver for new school provision within the HMCA.

Health Provisions

- 7.14 Paragraphs 2.46 and 2.47 of the SAP explain the Council's approach for the provision of health facilities to serve new allocations. Based on the initial 66,000 housing target (reduced to 52,000 in the amended Core Strategy), it was calculated that an average of 5-6 new GPs would be needed per year, which is not a significant number for the population of Leeds. Whilst the SAP did not specifically allocate land for health facilities (due to providers planning for their own operating needs and local demand) the SAP was supported by a comprehensive Infrastructure Delivery Plan, seeking to coordinate investment in infrastructure across the District. Outside of the plan making process, the City Council is working closely with Health providers. However, under current arrangements existing practices determine for themselves (as independent businesses) whether to recruit additional clinicians in the event of their practice registered list growing. Practices can also consider other means to deal with increased patient numbers, including increasing surgery hours.
- 7.15 The site is within public transport distance to Leigh View Medical Centre on Bradford Road, and there is the possibility to reach Batley Local Centre (in Kirklees) which has several doctors' surgeries via public transport along Batley Road. With respect to Duty to Cooperate (DtC) and other cross boundary issues, the SAP Inspectors concluded that:

*There is a structured approach to cross boundary issues including agreement between the authorities on how to assess the impact of housing and employment allocations in the SAP on the adjoining authorities in respect of traffic and transport, schools including planning school places, **local healthcare facilities**, the impact of gypsy and traveller and Travelling Showpeople sites on traffic and transport movements, and the effect of development at Leeds Bradford Airport.*

- 7.16 There has been consultation with Kirklees both at plan making stage and on the Haigh Wood applications. Through the adoption of the SAP, the site has been subject to discussion through DtC meetings with Kirklees. The DtC background paper details Kirklees potential concerns for sites HG2-168 and HG2-169 as:

These proposed housing allocations will add to traffic congestion on the A653. Kirklees Council is also proposing housing and employment development off the A653

- 7.17 These concerns were addressed through a main modification to the highways site requirements for both sites that required a direct reference to the impact on Kirklees' highways.
- 7.18 The Leeds Clinical Commissioning Group (CCG) was contacted in February 2020 for an update on surgeries within the Outer South West (OSW) HMCA. Their response was as follows:

Back in 2017, we undertook some local work with practices in the locality about the need for any new practice in the area in anticipation of future housing growth based on the SAP. At that time, it was agreed that there was not a need for a new practice as specific practices in the area were actively looking at expanding their lists. In light of this, it was agreed that there wasn't a need for a new surgery but continue to work with practices to ensure their clinical workforce can continue to expand in preparation for the new housing sites.

- 7.19 It should also be noted that the CCGs did not have any objections to the plan through the SAP process.

Phasing: Inspector's report on phasing

- 7.20 Phasing policies were removed from the SAP as they were not justified due to the plan only allocating sufficient housing up to 2023 (years 1 -11 of the plan period). This is detailed within paragraph 41 of the Planning Inspector's report.
- 7.21 However, the site HG2-168 and HG2-169 were initially designated as Phase 2 within the publication draft of the plan. Phase 1 sites were identified as commencing from the base date of the Core Strategy (2012) whilst Phase 2 sites were seen a coming forward in the medium term (5-10 years). Even if the adopted SAP had retained phasing, as these sites were Phase 2 initially, it was always envisaged that these sites would be delivered 5- 10 and we are currently in year 8.

SAP Review:

- 7.22 The SAP contains Policy HGR 1 which requires the Council to review the Site Allocations Plan following the Core Strategy Selective Review adoption. The review is to be submitted no later than the 31st December 2021 and will seek to ensure that there is still a 5 year housing supply. Work has commenced in preparing the scope of the review.
- 7.23 It is worth noting that prior to adoption of the SAP in 2019, the Council lost 9 appeals on Protected Areas of Search (PAS) sites when the Council did not have a

5 year supply of housing. It is therefore important to ensure the delivery of allocated SAP sites if they are determined to be policy compliant, in order to maintain the 5 year housing land supply and reduce the likelihood of speculative piecemeal development being considered.

- 7.24 The Inspectors were clear that the allocated SAP sites are in sustainable allocations. Paragraph 109 of the Inspectors Report states:

Driven by the CS guiding principles, the key factors were identified. An appropriate selection of potential sites was assessed. The reasons for selecting the preferred sites and rejecting others issufficiently clear. The overall process represents a sound approach to identifying those sites considered to represent the best and most sustainable choice for development in each HMCA to contribute to the target requirement.”

- 7.25 Refusals on allocated sites in an adopted plan could lead to speculative and piecemeal development and potentially less sustainable sites being considered for allocation within the SAP review. The SAP has provided evidence that the application sites are more sustainable than other discounted sites within the OSW HMCA. Development such as this is the mechanism for delivery to provide the required infrastructure that would improve the sustainability and accessibility in the locality. The SAP allocations and identified sites have been cumulatively assessed to ensure that appropriate infrastructure can be provided where this is within the power of the Council. It also provides clarity on how much growth is planned to occur in different areas so that infrastructure providers, for their own investment plans working closely with the Council, may provide for the housing pipeline.

8.0 CITY WIDE IMPLICATIONS FOR THE REFUSAL OF PLANNING PERMISSION

- 8.1 It should be borne in mind that the application needs to be determined in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, which states that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The SAP has to be afforded full weight in the determination process of any application and any refusal of planning permission for housing sites identified within the SAP, must clearly demonstrate that there are material planning considerations which indicate otherwise.
- 8.2 Further, the wider implications of the refusal and the risk that presents on the delivery of the LPA's Development Plan needs to be considered. The SAP has identified housing land that is considered to include the most suitable locations across the city that collectively deliver sustainable development. The National Planning Policy Framework requires the LPA to have a 5 year supply of housing across the city and the adopted SAP and Core Strategy enables the LPA to have an up to date plan with sufficient housing to be delivered over the Development Plan period. However, the refusal of housing sites that have been identified and allocated in the Plan jeopardises the LPA's 5 year housing supply and erodes the effectiveness of the Development Plan. This in turn could mean development outside of the SAP will need to be considered in future and piecemeal development is likely to prevail that will not contribute significantly towards local infrastructure, due to their individual scale and nature.
- 8.3 The Council has declared a Climate Emergency and the SAP contributes significantly to the delivery of sustainable development at both the macro and micro

levels. On the macro scale, the SAP seeks to deliver housing supply which grows local communities at a sustainable rate, whilst at the micro level, the up to date plan can be effectively used to ensure that policies specific to housing designs, layout and construction are effectively implemented to achieve the highest quality developments.

- 8.4 Most pertinent to this application, the site has been allocated for housing and this application provides an opportunity to comprehensively develop the two parcels of land and secure significant contributions to improve the highways network and legitimise/ improve access to Haigh Woods. Alternatively, a refusal is likely to increase the chances that the allocated areas are brought forward for development in a piecemeal fashion, similar to historic developments along Haigh Moor Road that would not contribute effectively to the sustainability of the wider community or required infrastructure.

9.0 DECISION MAKING

- 9.1 When assessing the application Members are reminded it is for them, as decision-maker to ascribe the amount of weight to be afforded to the conflict or compliance with national policy and the development plan overall, making their decision in the interests of the whole City (rather than their individual Ward), without discrimination, based on sound judgement and for justifiable planning reasons.

- 9.2 Members have a statutory obligation to determine all planning applications in accordance with the adopted development plan, unless other material considerations indicate otherwise. They also have an obligation to have regard to all views expressed, having regard to the context that planning law does not require an applicant to prove that no harm would arise from a proposal.

- 9.3 The correct test for granting or refusing planning permission is whether or not it has been demonstrated that, on the balance of probabilities, the proposed development would have a detrimental effect on one or more material planning considerations. Therefore, in coming to a decision on a proposal Members must determine the application on its own merits having taken into account planning law, planning policy and other material considerations which include all relevant written and oral representations and apply appropriate weight to each in order to reach a decision. Whilst the weight given to each factor is a matter for the decision maker, there is a requirement to apply weight reasonably. For example, it would be reasonable to give more weight to objective professional reports and technical data than other opinion, which is not supported by evidence.

10.0 CONCLUSION

- 10.1 In conclusion, although Members have previously resolved that the application be deferred to allow the chief planning officer to prepare and bring back to panel detailed reasons for refusal, the additional information and offer from the applicant must also now be considered and taken into account.

- 10.2 Members are therefore requested to further consider the application in light of the additional information and determine whether, in light of the further clarification and additional information (and increased offer from the applicant) they wish to support the Officer Recommendation (2) to grant permission, subject to the required

planning obligations and conditions outlined in the first officer report (at Appendix 1), as set out in Recommendation (2) at the head of this report.

- 10.3 Alternatively, if Members are still minded to refuse the application (recommendation 1), they are asked to consider the impact such a refusal may have upon the delivery of the SAP sites across the city and whether in light of the additional information and offer received and implications of each refusal reason outlined in the report, they wish to support this recommendation or instead amend or withdraw one or more reasons for refusal.

Background Papers

Application Files: 17/08262/OT

APPENDIX 1



Originator: Mark Jackson
Tel: 0113 378 8136

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 21st May 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 greenspace

APPLICANT

West Ardsley Development
Consortium

DATE VALID

15 December 2017

TARGET DATE

16 March 2018

<p>Electoral Wards Affected: Morley South Ardsley and Robin Hood</p> <p>Ward Members consulted (referred to in report)</p>	<p>Specific Implications For: Equality and Diversity Community Cohesion Narrowing the Gap</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p><input type="checkbox"/> Yes</p>
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RECOMMENDATION: DEFER AND DELEGATE to the Chief Planning Officer for approval subject to the specified conditions identified below (and any others which he might consider appropriate) and also the completion of a S106 agreement.

The S106 agreement is to include the following:

- provision of 15% affordable housing;
- £816,000- improvements to M62 Junction 28 with a 10% uplift provision;
- £87,000 – improvements to A650/Common Lane; and
- £111,000 – improvements to A650/A6029 Rein Road.
- Travel Plan Fund £148,005

In the event the S106 agreement has not been completed within three months of the panel resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

Conditions

1. Approval of reserved matters (layout, scale, appearance and landscaping)
2. Time limit of five years for submission of Reserved Matters
3. Approved Plans
4. Phasing for ground works
5. Up to 299 dwellings only
6. Phasing
7. Housing mix
8. Space and mobility standards
9. Green space provision
10. Sustainability requirement carbon emission reduction
11. Design code and landscaping masterplan
12. Details of off-site highways works
13. Footpath construction
14. Visibility splays
15. Vehicle space to be laid out
16. Provision of EVCP
17. Provision of cycle storage;
18. Archaeology
19. Flood risk and drainage
20. Separate systems for foul and surface water
21. Phase II ground investigations
22. Remediation Statement
23. Remediation Verification
24. Construction management
25. Construction time restrictions
26. Construction facilities
27. Ecological details
28. Biodiversity management
29. Landscape details
30. Tree protection

1.0 INTRODUCTION

- 1.1 This application was put forward to City Plans Panel for consideration on the 6th January 2020. The application was deferred by Members following concerns raised by Councillor Finnigan and Andrea Jenkyns MP regarding insufficient time following the Christmas period to scrutinise the case officer's recommendation report and the Highway's Technical Guidance that had been put on the application file.
- 1.2 The outline planning application seeks permission for up to 299 dwellings and relates to two sites that are identified for housing in the adopted Site Allocation Plan (SAP). The two sites *HG2-168 Haigh Wood, Ardsley North* and *HG2-169 Haigh Wood, Ardsley South* sandwich Baghill Beck and Haigh Woods. The application was submitted in December 2017, but is only now coming forward for determination following the Council's formal adoption of the SAP in July 2019.
- 1.3 The application relates to an outline planning application and, as such, it should be made clear that the proposal relates to the principle of the development on the sites identified in the submitted location plan and the proposed accesses into them. Matters of scale, layout, landscaping and appearance are to be determined via separate Reserved Matters application(s), should approval be granted for this outline planning application.
- 1.4 The application is presented to City Plans Panel as the scale, nature and location of the proposed development means it requires detailed consideration before Members. The scale of the proposal and its siting close to a strategic road network (M62, A653 and A650 which are major contributory roads) raised significant concerns from Highways England and a holding response was imposed. The holding response has been lifted based on details submitted from the applicant, including contributions to be made for specific local highway improvements and future improvements to Junction 28 of the M62.

2.0 PROPOSAL:

- 2.1 As noted above, this outline planning application proposes up to 299 dwellings within two sites that are allocated under the Council's recently-adopted SAP, with associated works, creation of public open spaces, a nature reserve and wider accessibility and qualitative improvements. The developable parts of the two SAP sites are separated into four plots. The collective development of the four plots will facilitate the creation of various public open spaces and the enhancement and improvement to Haigh Wood and surrounding public rights of way.
- 2.2 The outline application seeks approval for the use of the land for residential purposes and accesses into the four parcels of housing land including two principle accesses from Westerton Road and Haigh Moor Road; and three points of access from Upper Green Avenue, Sandringham Drive and Hill Top Lane.
- 2.3 The site is split into four parcels of land that are to be developed, collectively supplying up to 299 dwellings which will range in size, type and tenure. (15% Affordable housing is proposed). The four parcels of land for development are to be accessed separately from one another by vehicles, however, open spaces and improvements to the woodlands in between the sites, would improve overall public access across the wider area.
- 2.4 The largest of the four parcels of land is to the south of the wider site and accessed principally from Haigh Moor Road. However, it is indicatively shown that the

residential properties will be accessed from Hill Top Lane. It is considered that the southern parcel of land will provide circa 182 dwellings.

- 2.5 To the northwest of the site a long narrow parcel of land is proposed to be developed with up to 57 dwellings. Sited to the south of Upper Green Avenue/ Upper Green Drive and north of Haigh Woods, access is proposed via an extension to the existing access road, Upper Green Avenue. Upper Green Avenue links to Westerton Road to the north. This part of the development site is currently used partly for agricultural purposes, although some land is unmanaged scrub and neutral grassland.
- 2.6 The eastern parcel of land is to be accessed through Sandringham Drive (which in turn is accessed from Haigh Moor Road) and will create circa 32 dwellings. This parcel of land is currently in agricultural use.
- 2.7 The northernmost parcel of land is to be accessed directly off Westerton Road and is currently used for agricultural purposes. The land is surrounded by a hedge and trees and it is proposed to develop the parcel of land with circa 28 dwellings.
- 2.8 The application has been supported by an Illustrative Masterplan (ref: SK07) and a Landscape Accessibility and Green Infrastructure Masterplan which will inform and set out parameters for the Reserved Matters submissions that are proposed to deal with scale, layout, appearance and landscaping. The plans are illustrative of how 299 dwellings could be laid out on the site and has been informed by a landscape architects, ecologists, engineers and arboriculturalists.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to two sites that have been allocated for housing use in the adopted SAP. The two sites sit to the north and south of Haigh Wood/ Baghill Beck and in the SAP are identified as amounting to 16.44 hectares. The proposed parcels of land identified for housing development within this application amounts to 13.54 hectares of developed land. The proposed areas of land to be developed are completely within the redline boundaries of the sites approved in the SAP (site references *HG2-168 and HG2-169*).
- 3.2 Collectively, the sites are located within West Ardsley, approximately 8 km south of Leeds city centre and 6km northwest of Wakefield city centre. The two SAP sites is approximately 1km south of the junction 28 of the M62 motorway and surrounded by the Westerton Road to the north, Haigh Moor Road to the east, Woolin Crescent and Hill Top Lane to the south and Baghill Road to the southwest. Although these roads are unclassified and defined as secondary distributor roads, they link to the more strategic A roads of Dewsbury Road and Bradford Road, which are less than 1km away.
- 3.3 As previously described, the site is to be broken into four parcels for development. The land proposed for developing comprises of grassland, scrub, and agricultural land, albeit none of the land has recently been used for grazing. This is set amongst a mixture of boundary treatments, including trees and hedging. Outside of the land identified for development, but in the ownership and control of the applicant, is Haigh Wood and Baghill Beck.
- 3.4 The areas surrounding the site comprise of residential properties, interspersed by local facilities, including small shops, schools, public houses and other local community facilities. The areas of residential properties are interspersed with public open spaces and wider agricultural fields that are defined as Green Belt land. To the

east of Haigh Moor Road there is Ardsley Reservoir, whilst to the west – within the middle of this site – there is Baghill Beck and Haigh Woods. Various public footpaths cross the application site and link the residential streets with the wider public green spaces. There are some historic Grade II Listed buildings within the wider area, however, none are sited within the proposed development site.

4.0 RELEVANT PLANNING HISTORY:

4.1 The following planning applications are considered most pertinent in relation to this planning application:

4.2 23/539/02/OT – Outline application to erect residential development – Approved 24.02.2003

4.3 06/01180/RM – Laying out of access road and erection of 28 houses with landscaping – Approved 11.01.2007

5.0 HISTORY OF NEGOTIATIONS:

5.1 The applicant has been in extensive talks with the Local Planning Authority regarding issues relating to highway concerns, footpaths, the drainage strategy, overall layout and ecological/ biodiversity of the site. Since the application was originally submitted in 2017, the applicant/ agent has been instrumental in discussions relating to the adoption of the SAP and attended the public hearings.

5.2 Following on from the adoption of the SAP, the applicant has been in discussions with the Highways Authority and Highways England. Further investigations have been carried out into the impact of the proposal upon the highway network and costs of improvement works to significant surrounding junctions to mitigate against such impact. The work carried out has resulted in Highways England removing their holding response and the Highways Authority being satisfied that any cumulative impact will be mitigated through contributions towards junction improvements.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The development has been advertised by Site Notice posted on 23 February 2018 and within the Yorkshire Evening Post on 12 January 2019.

6.2 Since the submission of the application 3,424 representations have been received from public. The material planning considerations that have been raised in the objections can be summarised into the following:

Principle of Development

- The site is unsustainable and contrary to the aims of the NPPF
- The proposal will have a negative impact upon the local community and the environment
- There are plenty of other sites within the Leeds/ Wakefield areas that should be developed before this area is even considered
- The development sacrifices Green Belt and there are empty buildings and brownfield land that could be used
- The area has already seen great expansion of housing with no corresponding infrastructure
- Tingley, West and East Ardsley have all been overdeveloped with housing

- The site is not sustainable or located within an accessible location adequately served by existing or programmed highway works
- The site at the side of Upper Green Avenue was designated as a green space
- In light of the Housing White Paper, further consideration of a lower housing requirement is needed and the Core Strategy Select Review needs to be concluded
- This application is premature and should not be determined until a full review of the Site Allocation Plan has been made
- If adopted in the SAP, the site should be developed comprehensively
- There has not been consultation on the scope of works relating to CIL
- The proposal does not meet the requirements of the Core Strategy, Unitary Development Plan or the NPPF
- The area needs affordable housing not large 4-5 bedroomed dwellings
- The developer is not contributing to local facilities in terms of health care and education
- A climate emergency has been declared and this is a material consideration

Traffic Issues

- The roads in the village are busy enough already and at full capacity
- The proposal does not take account of all the other developments and the cumulative traffic they generate, including a large housing site in Chidswell, amongst many others
- The roads are excessively parked on, congested and therefore dangerous
- Although speed limits on some road have been reduced to 20mph, people still speed and the roads have become very dangerous
- The accesses are close to Hill Top School and the extra traffic will put children at risk
- Public transport links are minimal and accessibility is poor – it does not meet the Councils own accessibility standards
- The extra traffic will increase pollution - both noise and air
- The goals set for public transport and bicycle use will not impact upon the numbers of cars in the area
- The local Tesco Express on Westerton Road is the only local facility which attracts significant volumes of traffic
- The roads are impassable at school drop off and pick up times because of inconsiderate parking
- The traffic figures do not convey the true problem with traffic on the roads
- Most traffic in the area has to navigate through the Tingley interchange, which is often affected by traffic from the M62
- The access off Westerton Road is dangerous and accidents have occurred on this bend
- Increased traffic onto the A650 and A653 that are already congested
- Junctions in the area are already over capacity (Rein Road - Dewsbury Road - Syke Road, Smithy Lane - Bradford Road) or severely impacted at peak times (Westerton - Haigh Moor Road, Upper Green Way - Westerton, Westerton - Constable)
- The site is not sustainable if people are having to use their cars more to access education and doctors facilities further away
- Single access into the northern site is unacceptable as it leads from an existing cul-de-sac
- No cycle lanes are proposed and the natural tracks available now are to be removed. This does not encourage cycling

Amenity Issues

- Existing public facilities and infrastructure are barely coping with the existing number of residents
- The local schools are already oversubscribed even after extensions have already been carried out
- No support for young or elderly

- The doctors surgery cannot cope with the amount of patients as it is and it often takes 4 or more weeks to get an appointment and there is no NHS dentist in the area
- No mention of green spaces for children to play on
- The construction would add to noise pollution and inconvenience local residents
- Existing houses will lose their privacy and will be overshadowed
- The proposal will impact upon the Lee Fair Gap Horse Fair and the areas cultural heritage
- Increased crime and anti-social behavior
- Internet speeds are already bad and more houses will make this worse. People can't therefore work from home
- There are potential land contamination issues not mentioned by the developer
- Impact upon the local views and outlook
- Construction noise and disturbance - restrictions on deliveries should be imposed should the proposal go ahead

Design Issues

- The drainage system is archaic and already struggles to cope with waste
- The plans show the buildings very close to the existing houses
- The design contravenes the 2009 Leeds City Council Design Guide where it states that 60 metres between junctions is required
- The scale and massing of the proposed houses does not represent the characteristics of the wider area
- Further information regarding the house designs is necessary

Landscaping Environmental Issues

- People value the open spaces and consider them to be part of their quality of life
- There are minimal safe areas for children to play and the green spaces need to be replaced
- Haigh Woods are frequently used by walkers and children
- The proposal will severely impact upon local wildlife that needs special protection, including light intrusion
- The proposal will impact upon the landscape and increase the risk of flooding
- The public rights of way need to be protected
- The proposal does not improve existing ecological systems, habitats or improve biodiversity
- Although some footpaths are to be retained, they lose their attractiveness once close to the built environment
- The area has N11 status and is a major visual amenity and stops the merging of existing developments
- The proposal will mean the loss of a green buffer
- Endanger the native bluebells

The above comments have been taken into account and assessed in the subsequent report.

6.3 Comments and concerns objecting to the proposal have been raised from Andrea Jenkyns MP and six Ward Councillors (Councilors Mulherin, Garner, Renshaw, Dunn, Dawson and Finnigan). The comments reiterate the comments that have been raised by the public and can be summarised as follows:

- Further pressure on schools and health facilities
- Lack of local amenities
- Cumulative impact upon the highway network and dangerous accesses
- Highways England's concerns have not been satisfied
- Lack of public transport

- Impact on small local roads
- Impact/ pressure upon the local environment
- Doesn't meet local and national planning policies

6.4 Comments have also been received from West Ardsley Action Group and Morley Town Council. Again, the comments raised reiterate the comments raised by the public, but can be summarised as follows:

- Lack of housing need
- Prematurity of releasing the site for housing
- Conflicts with the development plan
- Significant ecological and issues
- Significant highway safety concerns and cumulative impact of traffic on the local and wider highway networks

7.0 CONSULTATION RESPONSES:

Highways England	No Objection
Flood Risk Management	No objection in principle, but outstanding issues to be resolved
Nature Team	Ecological surveys are adequate, further agreement as to exact locations of green infrastructure and its long term management needed
Highways	Require cumulative impact contributions to mitigate potential impact upon Junction 28 of the M62, £816,000 with 10% uplift provision, £111,000 A650/A6029 Rein Road and £87,000 A650/ Common Lane
Landscape	Raise concerns relating to distribution / typology of greenspaces and design of paths
Children's Services	No education requirement made during the adoption of the SAP.
Environmental Studies	Noise report required
Planning Policy	Principle acceptable, sites identified in the adopted SAP
Travelwise	Note the need for Residential Travel Plan Fund (RTPF) contributions (£148,005), Travel Plan, bus service contribution, and the need for cycle parking within residential plots.
Contaminated Land	No objection subject to conditions
Coal Authority	No objection subject to conditions
Yorkshire Water	No objection subject conditions

Neighbourhoods and Housing	No objection subject to conditions
West Yorkshire Police	The proposal appears to meet Bronze/Silver Secured by Design
West Yorkshire Archaeology	Recommend conditions if minded to approve
Public Rights of Way	Footpath 81 would be better left as is. However, no overall objection and the new footpath is welcomed

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds comprises the Core Strategy (as amended 2019), Site Allocations Plan (adopted 2019), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and any made Neighbourhood Development Plans (No Neighbourhood Development Plans are applicable here).

8.2 It should be noted here, that Leeds City Council has made a declaration of a Climate Emergency and, that the overall aim of the Local Planning Authority's Development Plan seeks to support this statement of intent. The Core Strategy and Unitary Development Plan seek to ensure that all development is sustainable and that wherever possible, a development minimises its impact upon global warming and its carbon emissions.

9.0 Local Planning Policy

9.1 The following Core Strategy policies are relevant to the proposal:

General Policy – Sustainable Development and the NPPF
 Spatial Policy 1 – Location of Development
 Spatial Policy 6 – The Housing Requirement and Allocation of Housing Land
 Spatial Policy 7 – Distribution of Housing Land and Allocations
 Spatial Policy 11 – Transport Infrastructure Investment Priorities
 Spatial Policy 13 – Strategic Green Infrastructure
 Policy H1 – Managed Release of Sites
 Policy H3 – Density of Residential Development
 Policy H4 – Housing Mix
 Policy H5 – Affordable Housing
 Policy H9 – Minimum Space Standards
 Policy H10 – Accessible Housing Standards
 Policy P10 – Design and context
 Policy P11 - Conservation
 Policy P12 – Landscape
 Policy T1 – Transport Management
 Policy T2 – Accessibility and New Development
 Policy G1 – Enhancing and Extending Green Infrastructure
 Policy G2 – Creation of Tree Cover
 Policy G3 – Standards for Open Space, Sport and Recreation

Policy G4 – New Greenspace Provision
 Policy G6 – Protection of Green Space
 Policy G8 – Protection of Important Species and Habitats
 Policy G9 – Biodiversity Improvements
 Policy EN1 – Climate Change (Carbon dioxide reduction in developments of 10 houses or more, or 1000m² of floor-space)
 Policy EN2 – Sustainable Design and Construction (Achievement of Code Level 4 or BREEAM Excellent (in 2013) for developments of 10 houses or more or 1000m² of floor-space)
 Policy EN5 – Managing Flood Risk
 Policy EN8 – Electric Vehicle Charging Infrastructure
 Policy ID1 – Implementation and Delivery Mechanisms
 Policy ID2 – Planning Obligations and Developer Contributions

9.2 The following saved UDPR policies are also relevant:

GP1 - Land use and the Proposals Map
 GP5 - Development control considerations including impact on amenity
 BD5 - New buildings
 LD1 - Landscape design
 LD2 - New and altered roads
 N1 - Protection of Urban Green Space
 N8 - Urban Green Corridors
 N9 - Urban Green Corridors and Development
 N11 – Open Land in Built Up Areas
 N23 - Incidental Open Space
 N24 - Development and Incidental Open Space
 N25 - Site boundaries
 N29 - Sites of Archaeological Importance
 LD1 - Development and landscape schemes

9.3 The following NRWLP policies are also relevant:

Air 1	Major development proposals to incorporate low emission measures
Minerals 3	Development proposals and surface coal
Water 1	Water efficiency, including incorporation of sustainable drainage
Water 4	Effect of proposed development on flood risk
Water 6	Flood risk assessment
Water 7	Surface water run-off and incorporation of SUDs
Land 1	Contaminated Land
Land 2	Development and Trees including the need to conserve trees and introduce new tree planting

9.4 The sites are not phased within the SAP and, following its adoption in July 2019, the SAP is a significant material consideration in the planning decision-making process and forms part of the local plan for the Leeds Metropolitan area.

9.5 The two sites within the SAP are designated for housing under reference numbers HG2-168 Haigh Wood, Ardsley North and HG2-169 Haigh Wood, Ardsley South. The two adopted housing allocation sites are subject to specific site requirements relating to ecology, cumulative highway impact assessments and assessment of existing culverts.

10.0 Relevant Local Supplementary Planning Guidance/Documents

10.1 The most relevant local supplementary planning guidance (SPG) and supplementary planning documents (SPD) are outlined below:

Sustainable Urban Drainage SPG (2004)
Public Transport Improvements and Developer Contributions SPD (August 2008)
Street Design Guide SPD (August 2009)
Travel Plans SPD (February 2015)
Parking SPD (January 2016)
Accessible Leeds SPD (November 2016)
Affordable Housing SPG (Interim Policy)

11.0 National Planning Policy

- 11.1 The National Planning Policy Framework (2019) (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. One of the key principles at the heart of the NPPF is a presumption in favour of sustainable development.
- 11.2 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to note that achieving sustainable development means that the planning system has three overarching objectives - economic, social and environmental objectives – which are interdependent and need to be pursued in mutually supportive ways.
- 11.3 Paragraph 10 sets out that at the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 states that decision taking this means approving development proposals that accord with an up-to-date development plan without delay. Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 11.4 Paragraph 48 sets out that in decision taking local planning authorities may give weight to relevant policies in emerging plans according to the stage of its preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.
- 11.5 Paragraph 56 sets out that planning obligations must only be sought where they are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development. Paragraph 57 sets out that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable.
- 11.6 Section 5 of the NPPF is entitled 'Delivering a sufficient supply of homes'. Paragraph 73 sets out that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing.
- 11.7 Section 8 of the NPPF is entitled 'Promoting healthy and safe communities' and sets out at paragraph 91 that planning decisions should aim to achieve healthy, inclusive and safe places including encouraging layouts that would encourage walking and cycling. Paragraph 92 requires planning decisions to take into account and support the delivery of local strategies to improve health, social and cultural well-being for all

sections of the community. Paragraph 96 sets out that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 98 sets out that planning decisions should protect and enhance public rights of way and access.

- 11.8 Section 9 of the NPPF is entitled 'Promoting sustainable transport' and sets out at paragraph 102 that transport issues should be considered from the earliest stage of development proposals including opportunities to promote walking, cycling and public transport. Paragraph 102 also sets out that the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account and that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
- 11.9 Paragraph 108 states that appropriate opportunities to promote sustainable transport modes should be taken up; safe and suitable access provided for all users; and any significant impacts on the highway mitigated.
- 11.10 Paragraph 109 states the development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context, paragraph 110 sets out, amongst other things, that development should give priority to pedestrian and cycle movements both within the scheme and with neighbouring areas, minimize the scope for conflicts between pedestrians, cyclists and vehicles and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 11.11 Paragraph 111 states that all developments that will generate significant amounts of movement should be required to provide a travel plan.
- 11.12 Section 11 of the NPPF is entitled 'Making effective use of land' and at paragraph 117 sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 11.13 Section 12 of the NPPF is entitled 'Achieving well-designed places' and at paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 124 goes on to state that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 11.14 Paragraph 127, amongst other things, states that planning decisions should ensure development is visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 129 sets out that in assessing planning applications, local planning authorities should have regard to the outcome of design discussions, including with the local community.
- 11.15 Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 11.16 Section 14 of the NPPF is entitled 'Meeting the challenge of climate change, flooding and coastal change and at paragraph 148 sets out that the planning system should support the transition to a low carbon future in a changing climate.

- 11.17 Section 15 of the NPPF is entitled 'Conserving and enhancing the natural environment'. Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment including through minimising impacts and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 11.18 Section 16 of the NPPF is entitled 'Conserving and enhancing the historic environment'. Paragraph 184 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate their significance, so that they can be enjoyed for the contribution to the quality of life of existing and future generations. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

12.0 National Planning Practice Guidance

- 12.1 The National Planning Practice Guidance (NPPG) offers guidance in addition to the NPPF.
- 12.2 The NPPG advises that reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of at outline planning application stage (i.e. that can be 'reserved' for later determination). These reserved matters are defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as:
- 'Access' – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
 - 'Appearance' – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
 - 'Landscaping' – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
 - 'Layout' – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
 - 'Scale' – the height, width and length of each building proposed within the development in relation to its surroundings.

In this particular instance, all matters are reserved for later determination, apart from access.

13.0 **MAIN ISSUES**

- 1) Principle of Development
- 2) Highway Matters
- 3) Public Rights of Way

- 4) Flood Risk and Drainage
- 5) Landscape Character / Landscape Quality / Heritage Assets
- 6) Layout / Visual Amenity / Residential Amenity
- 7) Education and Healthcare Provision
- 8) Planning Obligations and CIL

14.0 APPRAISAL

Principle of Development

- 14.1 In line with the NPPF, the Local Planning Authority has identified a five year supply of housing and therefore has an up to date Local Plan. Underpinning this is the Site Allocation Plan, which has been scrutinised by the Secretary of State and is the foundation for identifying and releasing housing sites that make up the housing supply for the Development Plan period. The allocated sites HG2-168 and HG2-169 are acceptable in principle, subject to any proposal being found acceptable with regards to all other local planning policies.
- 14.2 Although the principle of development has been identified in the SAP as sustainable and acceptable, the following issues relate to the principle of development and are planning considerations that informed the adoption of the SAP.
- 14.3 Policy SP1 of the Core Strategy seeks to promote the most sustainable forms of development, seeking the development of brownfield land over greenfield, and adopting a hierarchical spatial approach to the location of development which promotes development in urban areas first and rural areas last. Policies SP6 and SP7 set broad targets for the quantum and distribution of housing land throughout the city, and policy H1 commits to the delivery of allocated housing sites.
- 14.4 Policy SP1 does not preclude development within such smaller settlements as long as the scale of growth has regard to the settlement's size, function and sustainability. In this case, the application sites are not considered to be excessively large, which in the context of the wider settlement of East Ardsley, is not considered to exceed the settlement's size, function and sustainability.
- 14.5 This application is considered to represent a 'rounding-off' of part of the wider settlement, whilst presenting an opportunity to improve upon the existing wood land and beck that separates the two identified development sites.
- 14.6 The site is, and has been acknowledged through the SAP, as being a sustainable location that sufficiently complies with the Council's Accessibility Standards. During the SAP adoption process, the issue of sustainability was rigorously scrutinized and sustainability appraisals were undertaken. It is deemed to be within a sustainable location within the boundary of the settlement of West Ardsley with suitable access to local services and facilities and public transport, and access to larger neighbouring settlements.
- 14.7 Spatial Policy 6 (ii) does express a preference for brownfield, which this site is not. However, the proposal would have the least impact on the wider surrounding green infrastructure as, although a proportion of this green field land is to be developed, it is surrounded by woodland where significant mitigation measures (landscape and biodiversity management plan) will ensure are enhancement to offset the impact of the development. The proposed housing will not therefore be overly conspicuous from the wider area and the use of an allocated housing site will ensure that the

Development Plan is properly implemented so as not to undermine the overarching Green Belt policies that protect areas of land within the wider area. With regard to design (iv), this is assessed fully in the report below, however, it is considered that the scheme will reinforce the character of the existing built surrounding residential area. In terms of construction (v) it is understood that the development could be started immediately. The impacts with regard to nature conservation (vi) and flood risk (vii) have been fully considered and are addressed in the report below but none of these issues are considered to preclude development commencing in accordance with Spatial Policy 6.

- 14.8 Spatial Policy 7 considers the distribution of housing across the City and identifies the provision of 5,714 dwellings (11% of the 51,952) within the Outer South area within which the application site lies. This application, if granted, would result in a medium sized housing development in the short to medium term, which would contribute to overall housing delivery across the City.
- 14.9 With specific regard to the managed release of sites, Policy H1 of the Adopted Core Strategy confirms that the LDF Allocations Documents will phase the release of allocations. This is to ensure sufficiency of supply, geographical distribution in accordance with Spatial Policy 7, and the achievement of a previously development land target of 65% for the first five years and 55% thereafter and the following five criteria:
- i. Location in regeneration areas,
 - ii. Locations which have the best public transport accessibility,
 - iii. Locations with the best accessibility to local services,
 - iv. Locations with least impact on Green Belt objectives,
 - v. Sites with least negative and most positive impacts on existing and proposed green infrastructure, green corridors, green space and nature conservation.
- 14.10 Policy H1 seek to ensure that housing areas are in sustainable locations, are managed and phased in a timely manner consistent with the spatial priorities of the Plan, provide an appropriate balance of brownfield and greenfield sites, make best use of current and planned infrastructure and those sites that are sequentially less preferable are released only when needed. This is consistent with the objectives of the NPPF including the need to meet objectively assessed needs for market and affordable housing, identify and maintain a supply of 5 years' worth of deliverable sites and identify a supply of specific developable sites over the Plan period.
- 14.11 As outlined above, the proposal will have a limited impact upon the wider green infrastructure and the Green Belt areas defined west of Baghill Road and east of Haigh Moor Road. This is considered to be the case given the location of the site and the developments main back drop being the residential estates to the north and south. As the proposal will not detrimentally impact upon the woodland to the south - as it will be discussed in the subsequent report - the proposal will not impact upon the green and open character that defines the wider surrounding areas to an unacceptable level that would warrant a refusal of planning permission.
- 14.12 Owing to the aforementioned paragraphs, it is also considered to be the case that as the low density proposal will enhance the wider green network and not adversely affect the open character of the area, ensuring the proposal also accords with saved UDPR policy N11.

- 14.13 With regard to H1 above, with mitigation measures secured through conditions and a legal agreement, the proposal is not considered to compromise the surrounding green infrastructure, significantly impact upon the wider Green Belt and is sustainable and accessible. It is also noted, and reiterated here, that these views reflect the adoption of the sites within the SAP.

Housing Density, Mix and Space/ Mobility Standards

- 14.14 Policy H3 of the Adopted Core Strategy relates to the appropriate density of development and advises that housing development in Leeds should meet or exceed the relevant net densities unless there are overriding reasons concerning townscape, character, design or highway capacity. In this case, as a 'smaller settlement area' a minimum density of 30 dwellings per hectare is required to comply with Policy H3. Based on the proposed number of dwellings and the site being 13.54 hectares in size, the site delivers a density of approximately 23 dwellings per hectare. Although the density is slightly below the minimum density target, it is consistent with the form of surrounding residential development and acceptable with regards to the Core Strategy as it reflects the wider rural area. As the application is for outline consent for access only, the proposal should be conditioned to ensure that any Reserved Matters application achieve appropriate density figures.
- 14.15 With regard to housing mix, Core Strategy Policy H4 advises that developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long term taking into account the nature of the development and the character of the location. It is noted that the Masterplan that has been submitted as part of this application is indicative only and the mix targeted in policy H4 will be the subject to a condition, similar to policy H3.
- 14.16 Again, at this stage, whilst the proposal is only to approve access and the principle of up to 299 dwellings, policies H9 and H10 relating to space standards and mobility standards should be the subject of conditions to ensure that any Reserved Matters applications are compliant with such policies when further detailed design are progressed.
- 14.17 Policies H3, H4, H9 and H10 are at the heart of whether the proposal can be considered acceptable in principle; however, as the application is for outline consent, specifics relating to these policies have not been submitted. As the applicant has agreed to conditions relating to future Reserved Matters applications complying with policies H3, H4, H9 and H10, it is considered that the principle of housing can be considered to be acceptable subject to these details being the subject of conditions.

Affordable Housing

- 14.18 Policy H5 of the Adopted Core Strategy sets out the requirement for on-site affordable housing, which is expected to comprise 15% of the development in this part of the City. The applicant has advised that the scheme will deliver 15% affordable housing in accordance with Policy H5 (equating to 45 units). This provision will be secured by means of a Section 106 Legal Agreement and ensures compliance with Policy H5.

Summary of Principle of Development

- 14.19 The land is a greenfield site and, thus should be of the lowest priority for development when applying policy SP1. However, the land proposed for development accords with

two key strategic allocations for housing within the SAP and, as such, significant material weight has to be given to these allocations.

14.20 As the adoption of the SAP was not subject to any phasing and, in light of the above policies, the proposal is considered to be in accordance with the up to date local plan and aims and principles of the NPPF, subject to the delivery of the key site requirements identified within the SAP as the sites come forward for development.

15.0 Highways Matters

15.1 Policy T2 of the Core Strategy requires that development proposals adequately address highway safety and accessibility. These policies are in accordance with section 9 of the Framework which promotes sustainable transport.

15.2 The proposal seeks outline consent with access being the only matter not reserved as the subject matter of future applications. The accesses proposed comprise two principle accesses from Westerton Road and Haigh Moor Road; and three points of access from Upper Green Avenue, Sandringham Drive and Hill Top Lane.

15.3 In relation to Core Strategy accessibility standards, as previously discussed, the site is considered to be accessible and sustainable as determined by the adoption of the SAP. Full weight is given to this. In relation to highways issues, the proposal needs to meet the requirements of the SAP and demonstrate that the proposed accesses are safe.

15.4 In terms of the principle accesses into the site via Westerton Road and Haigh Moor Road, these accesses are considered to be acceptable because:

- A speed survey was undertaken on 12/12/2018 between the period 13:30 – 15:30 hours at Westerton Road, which covered the school peak period. Drawing no. 12-199-TR-007 Rev B shows the visibility splay at the proposed access junction which is commensurate with the speed of vehicles on the Westerton Road. The area of land within the visibility splay both to the left and to the right of the access on to Westerton Road should be laid out as footway and this can be secured through condition.
- A speed survey was undertaken on 13/12/2018 between 08:30 – 11:15 hours at Haigh Moor Road, which covered the AM peak. Drawing no. 12-199-TR-008 Rev B indicates the revised access on to Haigh Moor Road with the required visibility splay commensurate with the speed of vehicles on Haigh Moor Road. In view of the visibility splays indicated drawing no. 12-199-TR-008 Rev B the proposal does not give rise to any significant highway safety concerns.

15.5 In terms of accesses into the site via existing roads, these are considered to be acceptable because:

- Drawing no. 12/199/TR/010 indicates the proposed access from Hill Top Lane (via a junction from Batley Road). The access will be an extension of the existing carriageway. The geometry of the existing carriageway is 5.5m wide with 2m wide and 1.8m wide footways at the west and east flanks respectively. The existing road width allows two-way vehicle passing. The visibility from Hill Top Lane on to Batley Road is good and therefore the intensification is not considered to result in any severe highway safety concerns.

- Drawing no. 12/199/TR/011 indicates the proposed access from Sandringham Drive (via a junction with Haigh Moor Road). The access will be an extension of the existing carriageway. The geometry of the existing carriageway at 5.5m wide with 1.8 m footways at either flank allows two-way vehicle passing. Whilst the proposed access arrangements will result in longer cul-de-sacs, the visibility at the Sandringham Drive/Haigh Moor Road junction is acceptable. There is on-street parking at Haigh Moor Road although this is not considered to significantly exacerbated as a result of the proposal.
- Upper Green Avenue (via junctions from Upper Green Way and Westerton Road) Drawing no. 12/199/TR/012 indicates the proposed access from Upper Green Avenue. The access will be an extension of the existing carriageway. The geometry of the existing carriageway at 5.5m wide with 1.8 m footways at either flank allows two-way vehicle passing. Whilst the proposed access arrangements will result in a longer cul-de-sac the visibility at the Upper Green Avenue/ Upper Green Way junction is good. Whilst the technical note indicates the on-site observations indicate limited evidence of on-street parking on the existing streets, it is noted from Officer's observations that the location of Westerton Primary Academy in the vicinity of the site results in the surrounding streets experiencing on-street parking during the school drop off/pick up period. The issue is an existing problem that happens for short periods of time and, although there may be a slight increase in such short term parking, it is not considered that such parking would be made significantly worse as a result of the proposal, especially to the extent that severe highway safety concerns are likely to arise.

15.6 The SAP allocations acknowledge that the proposal will have a cumulative impact upon junctions A650/ Common Lane, A653/ Rein Road and junction 28 of the M62 (Tingley roundabout). There is, therefore, a requirement that any proposal will have to contribute to appropriate mitigation measures in the form of junction capacity improvements, taking into account the cumulative impact of developments in the wider surrounding area.

15.7 The application has been submitted with a Transport Assessment and supplementary Technical Note, further to the initial comments made by the Local Highways Authority. The assessment has looked at trip generation, network capacity, reported accidents, junction analysis and was the basis for understanding the wider cumulative impact on the main surrounding junctions. The TA identifies that all the priority junctions assessed around the site area will operate within capacity, however, problems arise with traffic signal junctions on the A650 and the A653. Since the TA was initially submitted, further discussions have been held between the Highways Authority, Highways England, Kirklees Local Authority and the applicant regarding what mitigation measures can be deployed and what is proportionate to a development of this scale.

15.8 In line with the SAP requirements, the applicant has assessed the impact of the proposal upon the highway network and the following contributions are proposed towards junction capacity improvements. These proposed contributions are considered proportionate to the cumulative impact attributed to the development and can be secured by a legal agreement. The contributions will amount to no less than:

- £816,000- M62 Junction 28 with a 10% uplift provision;
- £87,000 - A650/Common Lane; and
- £111,000 - A650/A6039 Rein Road.

- 15.9 The SAP has preceded the adoption of a Supplementary Planning Document that will outline how the cumulative impact policy will be calculated. In the interim, each application has to be assessed on its own individual merits. The proposed contributions are considered proportionate to the impact of the proposal upon the sites surrounding highway network and meet the tests for Section 106 legal agreements.
- 15.10 Highways England have lifted their original holding response to the application as it is now considered that the proposed contributions towards local mitigation works and, those at junction 28, are commensurate with the assessed impact of the proposal on the highways network.
- 15.11 The provision of internal access points and access roads does not form part of the detailed consideration of this application, and thus is a matter that will be conditioned to be dealt with at the Reserved Matter stage. As the indicative master plan does not include the full extent of the SAP sites any Reserved Matters applications will have to demonstrate that the internal road layouts do not prejudice the future development of the remaining portions of the site.
- 15.12 Consideration of parking provision for individual dwellings is a detail that will be dealt with at Reserved Matters stage and, provision of Electric Vehicle Charging Points (EVCP), retention of parking and cycle storage within plots will be conditioned.
- 15.13 In light of the above, subject to contributions towards the offsite highway works, and detailed consideration of all other highway matters at reserved matters stage, the development is considered acceptable in highway safety and accessibility terms.

16.0 Public Rights of Way

- 16.1 The two SAP sites, and the wider Haigh Woods, are linked currently by four established footpaths. The definitive footpath no.108 starts from Batley Road and extends northeast up to Upper Green Close. Footpaths 107 and 81 link Haigh Moor Road with no.108, merging just before Baghill Beck. The defined footpaths skirt the edge of Haigh Woods, although there are informal footpaths within the woods.
- 16.2 The proposal seeks to improve and enhance access through existing and proposed residential and open space areas. It is proposed to create a further footpath through the woods and manage the woods and open spaces to improve the overall biodiversity of the site and wider area. The proposal is considered to make the existing spaces more accessible, whilst improving the quality and biodiversity of the existing spaces.

16.0 Drainage and Flood Risk Management

- 16.1 As noted above (site and surroundings) the parcels of land for development are sited up on either side to Haigh Woods. The site is a Flood Zone 1 as defined by the EA flood maps. A section of Baghill Beck is culverted and a drainage scheme will seek to ensure that this is not adversely affected. The proposal seeks to use attenuation systems to reduce run-off from the site to agreed discharge rates of 4.7 l/s/ha to ensure no increase in flood risk downstream. Such a strategy is achievable on the site, and thus subject to clarification of the drainage strategy by conditions, the development is considered acceptable in this regard.

17.0 Landscape Character / Landscape Quality / Heritage Assets

- 17.1 Section 12 of the NPPF highlights the importance of good design, and paragraph 127 provides a series of principles that should be followed to ensure developments are of good quality. Authorities are encouraged to refuse “development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policy P10 of the Core Strategy seek to ensure that new development is of high quality and is appropriate to its context whilst policy P12 seeks to protect the character, quality and biodiversity of Leeds’ townscapes and landscapes. Section 13 of the NPPF requires the protection of heritage assets and this is replicated within policy P11 of the Core Strategy. In order to be acceptable development should not harm either the landscape or heritage value of an area and these will be discussed in turn.

Landscape Character

- 17.2 The site is visible within the surrounding landscape, being set up on either side of Baghill Beck. The sites surround the woodlands and agricultural fields through which footpaths and tracks have been created. The main section of woodland through the site is of clear habitat value and has significant visual and ecological value. The immediate context and main function of the site in landscape terms is in ensuring that the amenity areas of the central wooded area and the beck retain an appropriate setting and that the quality of these is not degraded through becoming overly urbanised.
- 17.3 The development of the site for housing will undoubtedly alter the character and quality of the land, changing it from a semi-rural environment of agricultural fields and woodlands to an urbanised housing estate. However whilst this change will result in some harm to the semi-rural character of the wider area, from the crucial areas around the woodland and beck this change will not be overly perceptible given the housing will blend/ extend the existing urban pattern. Although the changes will undoubtedly be visible from various vistas, the enhancements to the woodlands and the incorporation of public open spaces within the proposed estate respect the prevailing character of the existing settlement and its surroundings. As such, the visual intrusion is considered to be minimised and the proposal is not considered to impinge upon the character of the area.

Landscape Quality

- 17.4 Policies G8 and G9 of the Core Strategy, Saved UDP policy LD1 as well as Land 2 of the NRWLP all seek to ensure that Leeds’s landscapes, green infrastructure and biodiversity are protected and enhanced.
- 17.5 The proposal has been assimilated into the wider general landscape, with the proposed areas for development being on the less steep slopes of the valley. Significant provisions for public spaces within the proposed estates and significant improvements to the existing woodlands in terms of enhancements and long term management plans will improve the balance and access between nature conservation and more recreational areas. Additional footpaths are proposed to improve the links between all areas of the site, whilst maintaining wider wildlife habitat settings.
- 17.6 The open spaces will include trim trails and the nature reserve areas will include interpretation boards to provide clear information about the habitats and flora and fauna. The proposal, subject to conditions and a legal agreement, will secure

significant improvements to the quality of the natural environment and the way in which it is managed and maintained.

Heritage

- 17.7 As noted above (site and surroundings) the wider site context includes a number of listed buildings. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of listed buildings. This statutory framework is reinforced by the NPPF at Section 12 and Core Strategy policy P11 reflects this special duty, seeking to ensure that development is appropriate to its context and preserves the city's heritage assets.
- 17.8 The listed buildings are set within the existing urban grain and the proposal is not considered to fundamentally alter the character and landscape form to the extent that substantial harm to the setting of the listed buildings would be caused.
- 17.9 Although the Lee Gap Horse Fair is sited on a field proposed to be developed as part of this application, the site itself does not hold significant heritage value, given that other surrounding fields are also believed to have been used. The site itself is not protected and no planning legislation could prevent the land owner from refusing access if they so wished. Although it would be regrettable should the Fair cease altogether, it is a civil matter between the organisers and local land owners to find an alternative venue close by.
- 17.10 An archaeological and heritage desk based survey has been carried out and no constraints have been identified that cannot be mitigated through the imposition of a planning condition. Accordingly, the proposal in this regard is considered to be acceptable in terms of local and national planning policies.

Layout / Visual Amenity / Residential Amenity

- 17.11 It is also important to consider the architectural and spatial character of the proposed development. Although the application is only in outline, an indicative master plan has been submitted which identifies a hierarchy of streets and spaces and seeks to demonstrate that the development can deliver up to 299 dwellings. Although this master plan is only indicative, it is clear from the submitted information that the development is not likely to be dense, with areas of open space provided by the existing woodland and spaces in and around the site.
- 17.12 At this stage, the exact mix of housing has not been determined and the house types and sizes will be the subject of conditions and come forward via reserved matters application(s).. Approval of this application will set the parameters of the development in so far as the Masterplan indicates the main accesses and the Green Infrastructure Masterplan outlines the identified areas for green spaces and biodiversity enhancement. Detailed layouts including garden sizes, room sizes, provision of accessible dwellings and consideration of overlooking, overdominance and overshadowing will all be considered at Reserved Matters stage.
- 17.13 The density of the proposed scheme is slightly less than Policy H3 targets. However, the density will reflect the character of the area and ensure that the layout can reflect the immediate surrounding residential areas. The visual amenity of the street is to be enhanced with public green spaces being interspersed throughout the various parcels of development.

- 17.14 The noise impact assessment has been carried out across the sites. These matters have been considered within the submitted information and it is considered that the proposal will ensure an adequate standard of amenity.
- 17.15 An air quality assessment was commissioned and submitted as part of this planning application. On review of the findings, air quality impacts from traffic generation were predicted to have a negligible impact at all sensitive receptor locations. These findings were related to monitoring and dispersion modelling assessments in accordance with national guidance from the Institute of Air Quality Management.
- 17.16 In light of the above, in order to create a well-balanced community it will also be necessary for the development to adequately address housing mix and space standard policies, accommodate dwellings to assist independent living in accordance with H8 and provide the requisite level of affordable housing. These will be conditioned or delivered through the S106 agreement as appropriate.

18.0 Education and Healthcare Provision

- 18.1 The proposal has generated significant numbers of objections to this proposal and a key theme through the representations is the lack of infrastructure already in the area, and the additional pressure this proposal will have on it. Two key issues are the lack of education and healthcare provisions, which are discussed below.
- 18.2 With regard to health infrastructure (including Doctor and Dentist services) the provision of healthcare facilities falls within the remit of NHS England and at a local level, Leeds' three Clinical Commissioning Groups (CCGs). Existing practices determine for themselves (as independent businesses) whether to recruit additional clinicians in the event of their practice registered list growing. Practices can also consider other means to deal with increased patient numbers, including increasing surgery hours but it is for individual practices to determine how they run their business. Practices consult with the NHS about funding for expansion albeit that funding is limited.
- 18.3 With regard to education provision, the SAP process considered whether contributions towards additional education provision were necessary in respect of development of these allocated sites. Although it is acknowledged that there is a shortage of school places (both primary and secondary schools), other sites within the locality have been identified as future school sites and this was taken into account during the examination of the SAP. Accordingly, it was concluded during the SAP examination that no education contributions were required / arose specifically as a consequence of development at this location. However, it should be noted that this application will be subject to the Community Infrastructure Levy, which can contribute towards the provision of infrastructure within the locality including primary and secondary education.
- 18.4 The issues of health and education infrastructure are considered above and it is concluded that, given the scale of development, a refusal on the grounds of the scheme exceeding the capacity of existing health and education infrastructure cannot be substantiated.

19.0 Sustainability & Climate Change

- 19.1 The Council declared a climate emergency on the 27th March 2019 in response to the UN's report on Climate Change.
- 19.2 The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear at paragraph 148 and footnote 48 that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
- 19.3 As part of the Council's Best Council Plan 2019/20 to 2020/21, the Council seeks to promote a less wasteful, low carbon economy. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.
- 19.4 Further to above, the applicant has recognised the Council's position in relation to reducing the carbon emissions and any proposal will be subject to conditions, ensuring that the proposal is compliant with Core Strategy policies EN1, EN2 and EN8. Such conditions, are also complemented with the proposal's provision of extensive new tree planting and the enhancements to the wider green infrastructure. The above commitments will result in considerable benefits in respect of climate change matters.

20.0 Planning Obligations and CIL

- 20.1 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010 (as amended in 2019). These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms,
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 20.2 According to the guidance, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.
- 20.3 Further to this, and taking adopted policy requirements into consideration, the proposed scheme produces the need for the following obligations which it is considered meet the legal tests:
- provision of 15% affordable housing;
 - £816,000- improvements to M62 Junction 28 with a 10% uplift provision;
 - £87,000 – improvements to A650/Common Lane; and
 - £111,000 – improvements to A650/A6029 Rein Road.
 - Travel Plan Fund £148,005
- 20.4 This development will be liable to the Community Infrastructure Levy (CIL). Consideration of where any Strategic Fund CIL money is spent rests with the Council's Executive Board and will be decided with reference to the Regulation 123 list (or Infrastructure Funding Statement as the case may be) at the time that decision is made.

21.0 CONCLUSION

- 21.1 As discussed above, the principle of the development for 299 dwellings on this site is supported by the up to date Local Plan and the adopted SAP. That the proposal is in accordance with the existing site allocations should be afforded very significant weight in consideration and determination of the application.
- 21.2 The development will provide an acceptable quantum of affordable housing, and is capable of delivering diverse and accessible dwellings that will provide an adequate standard of residential amenity (mitigation measures identified). The application will provide safe access, and provides for mitigation measures to improve the existing highway network.
- 21.3 Although the development will result in the loss of some green infrastructure, the Ecological Assessment that has been carried out does indicate the opportunities that exist to improve the rural setting and enhance biodiversity of the wider area through a long term enhancement and management plan.
- 21.4 It is considered that the principle of developing the site for residential purposes is acceptable in terms of all local and national planning policies subject to the imposition of conditions and a legal agreement relating to the enhancement/ management of the wider green/ open spaces, together with the provision of affordable housing and highways improvement contributions. With consideration being given to all other matters, the application is recommended for approval.

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APPENDIX 2

HG2-168:

SA1 - Employment	0	No existing or proposed employment use	▼
SA2 - Economic growth	0	No existing or proposed employment use	▼
SA3 - Education	1	Site entirely within accessibility zones for primary (20min walk) and secondary education (30min walk)	▼
SA4 - Health	1	Site entirely within accessibility zone for primary health facilities (20min walk)	▼
SA5 - Crime	0	Outside scope	▼
SA6 - Culture, Leisure, Recreation	0	Site not near or in a centre but reasonably accessible	▼
SA7 - Housing	1	Housing site	▼
SA8 - Community participation	1	Site has good access to existing services in the City Centre	▼
SA9 - Community cohesion	0	Site size considered to be in scale with settlement scale	▼
SA10 - Greenspace	1	Site has 5 typologies access	▼
SA11 - Greenfield/Brownfield	-2	Greenfield site	▼
SA12 - Biodiversity/Geology	-1	Site supported with mitigation	▼
SA13 - Greenhouse emissions	0	LCC Highways accessibility rank 3	▼
SA14 - Flood risk	1	Flood Zone 1 and greenfield	▼
SA15 - Transport network	0	LCC Highways overall rank 3	▼
SA16 - Local needs met locally	0	LCC Highways accessibility rank 3	▼
SA17 - Waste	0	All other sites	▼
SA18a - Contaminated land	0	All other sites	▼
SA18b - Air pollution	0	All other sites	▼
SA18c - HSE major hazard zone	0	All other sites	▼
SA18d - Land stability	-2	Mine entry Zone of Influence within boundary of site	▼
SA19 - Landscape	-1	Woodland coverage and hedges or attractive landscape which would be lost	▼
SA20 - Local distinctiveness	0	Greenfield site in scale with settlement/development could maintain distinctiveness	▼
SA21 - Historic environment	0	No effect on heritage asset	▼
SA22a - Agricultural land	-2	Grade 1, 2, 3 or 3a agricultural land	▼
SA22b - Water resources	0	All other sites	▼
SA22c - Minerals resources	1	Site within Sand and Gravel MSA or Surface Coal MSA	▼

HG2-169

SA1 - Employment	0	No existing or proposed employment use	▼
SA2 - Economic growth	0	No existing or proposed employment use	▼
SA3 - Education	1	Site entirely within accessibility zones for primary (20min walk) and secondary education (30min walk)	▼
SA4 - Health	1	Site entirely within accessibility zone for primary health facilities (20min walk)	▼
SA5 - Crime	0	Outside scope	▼
SA6 - Culture, Leisure, Recreation	0	Site not near or in a centre but reasonably accessible	▼
SA7 - Housing	1	Housing site	▼
SA8 - Community participation	1	Site has good access to existing services in the City Centre	▼
SA9 - Community cohesion	0	Site size considered to be in scale with settlement scale	▼
SA10 - Greenspace	1	Site has 5 typologies access	▼
SA11 - Greenfield/Brownfield	-2	Greenfield site	▼
SA12 - Biodiversity/Geology	0	Site supported	▼
SA13 - Greenhouse emissions	0	LCC Highways accessibility rank 3	▼
SA14 - Flood risk	1	Flood Zone 1 and greenfield	▼
SA15 - Transport network	0	LCC Highways overall rank 3	▼
SA16 - Local needs met locally	0	LCC Highways accessibility rank 3	▼
SA17 - Waste	0	All other sites	▼
SA18a - Contaminated land	0	All other sites	▼
SA18b - Air pollution	0	All other sites	▼
SA18c - HSE major hazard zone	0	All other sites	▼
SA18d - Land stability	-2	Mine entry Zone of Influence within boundary of site	▼
SA19 - Landscape	0	No existing landscape features or feature could be retained	▼
SA20 - Local distinctiveness	0	Greenfield site in scale with settlement/development could maintain distinctiveness	▼
SA21 - Historic environment	0	No effect on heritage asset	▼
SA22a - Agricultural land	-2	Grade 1, 2, 3 or 3a agricultural land	▼
SA22b - Water resources	0	All other sites	▼
SA22c - Minerals resources	1	Site within Sand and Gravel MSA or Surface Coal MSA	▼

APPENDIX 3



NORTHERN PARCEL

Name	Floor Area Sq Ft	Bed	Parking	Description	Total Units	Total
Type B	875	3	parking spaces	2 storey semi	6	5250
Type C	1075	3	parking spaces	2.5 storey semi	11	11825
Type D	1175	4	integral garage	2 storey detached	2	2350
Type E	1300	4	integral garage	2 storey detached	14	18200
Type F	1350	4	integral garage	2 storey detached	17	22950
Type G	1375	4	integral garage	2 storey detached	1	1375
Type H	1525	4	integral garage	2 storey detached	1	1525
Type J	1650	5	detached garage	2 storey detached	8	13200
Type K	1950	5	detached garage	2 storey detached	8	15600
Type L	2250	5	detached garage	2 storey detached	4	9000
Sub-Total					72	50085

Affordable Units						
Name	Floor Area Sq Ft	Bed	Parking	Description	Total Units	Total
Type A	750	2	parking spaces	2 storey semi	8	6000
Type B	875	3	parking spaces	2 storey semi	9	7875
Sub-Total					17	13875

Total					89	111750
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SOUTHERN PARCEL

Name	Floor Area Sq Ft	Bed	Parking	Description	Total Units	Total
Type B	875	3	parking spaces	2 storey semi	27	23625
Type C	1075	3	parking spaces	2.5 storey semi	28	30100
Type D	1175	4	integral garage	2 storey detached	15	17625
Type E	1300	4	integral garage	2 storey detached	23	29900
Type F	1350	4	integral garage	2 storey detached	17	22950
Type G	1375	4	integral garage	2 storey detached	17	23375
Type H	1525	4	integral garage	2 storey detached	30	45750
Type J	1650	5	detached garage	2 storey detached	7	11550
Type K	1950	5	detached garage	2 storey detached	8	15600
Type L	2250	5	detached garage	2 storey detached	10	22500
Sub-Total					182	242825

Affordable Units						
Name	Floor Area Sq Ft	Bed	Parking	Description	Total Units	Total
Type A	750	2	parking spaces	2 storey semi	8	6000
Type B	875	3	parking spaces	2 storey semi	24	21000
Sub-Total					32	27000

Total					214	269825
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COMBINED SCHEDULES

Name	Floor Area Sq Ft	Bed	Parking	Description	Total Units	Total
Type B	875	3	parking spaces	2 storey semi	33	28875
Type C	1075	3	parking spaces	2.5 storey semi	39	41925
Type D	1175	4	integral garage	2 storey detached	17	19975
Type E	1300	4	integral garage	2 storey detached	37	48100
Type F	1350	4	integral garage	2 storey detached	34	45900
Type G	1375	4	integral garage	2 storey detached	18	24750
Type H	1525	4	integral garage	2 storey detached	31	47275
Type J	1650	5	detached garage	2 storey detached	15	24750
Type K	1950	5	detached garage	2 storey detached	16	31200
Type L	2250	5	detached garage	2 storey detached	14	31500
Sub-Total					254	343500

Affordable Units						
Name	Floor Area Sq Ft	Bed	Parking	Description	Total Units	Total
Type A	750	2	parking spaces	2 storey semi	12	9000
Type B	875	3	parking spaces	2 storey semi	31	28875
Sub-Total					43	37875

Total					299	381375
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