
Report of the Chief Planning Officer

South and West Plans Panel

Date: 9th June 2022

Planning Reference: 21/07156/RM

Reserved Matters application for erection of 289 dwellings with access within the site, garaging, parking, landscaping and public open space

Applicant: Redrow Homes Limited

Address: Nook Farm, Haigh Moor Road, Tingley, Wakefield, WF3 1EF

Electoral Wards Affected:

Morley South

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER AND DELEGATE to the Chief Planning Officer for approval subject to the specified conditions identified below (and any amendments or additional conditions that the Chief Planning Officer may consider appropriate)

Summary of Draft Conditions

1. Development in line with approved plans
2. Details and provision of vehicle spaces to be laid out
3. Removal of permitted development rights to convert garages
4. Affordable housing mobility housing to be delivered in agreement with details submitted

Introduction

- 1 The application is brought before the Elected Members of the South and West Plans Panel, following the resolution concluded by the South and West Plans Panel on 14 April 2021 to defer until further information, clarity and details have been received. The previous report relating to this Reserved Matters application is attached at Appendix 1 and should be read in conjunction with the update provided in this report. The report and decision notice for the Outline Planning Consent that was approved by Members of the City Plans Panel in 2020, are also attached at Appendix 2 and Appendix 3 for completeness.
- 2 This application seeks approval of Reserved Matters pursuant to details approved in an Outline Planning Consent that was granted consent by the City Plans Panel for the erection of up to 299 dwellings. The outline planning application 17/08262/OT was subject to conditions and a Section 106 legal agreement; the approval related to the principle of developing the site, and the proposed accesses only. All other matters relating to scale, layout, landscaping and appearance were to be determined via separate Reserved Matters application(s).
- 3 The proposal seeks consent for the Reserved Matters relating to the erection 289 dwellings on four parcels of land that have been granted consent for access only. The 289 dwellings comprise of 28 different house types with 245 units for private sale, and 43 of which being affordable housing in line with the Section 106 legal agreement entered into at the Outline consent stage (15% required).
- 4 The proposal relates to the collective and comprehensive development of the four parcels of land sited to the north and south of Baghill Beck and Haigh Woods. The development will include the erection and layout of 289 dwellings and the creation of various public open spaces and the means to facilitate the enhancement and improvement to Haigh Wood and surrounding public rights of way network.
- 5 This application retains the four separate points of access into the parcels of land that were approved at the Outline consent stage. The outline application included an illustrative Masterplan (ref: SK07) and a Landscape Accessibility and Green Infrastructure Masterplan, and these documents have informed and set out the parameters for the Reserved Matters submissions. The Reserved Matters application seeks approval of the development with regards to scale, layout, appearance and detailed landscaping.
- 6 The resolution at the Plans Panel of 25th November 2021 deferred the application with a resolution that sought further information, details and clarity. The resolution sought:
 - Consideration of the provision of four and five bedroom homes for affordable housing.
 - Consideration of the provision of bungalows.
 - Further information on trees including a full tree survey to include the quality of trees and detail regarding carbon capture.
 - Further information on compliance with street design guidance.
 - More detail on placemaking.
 - More clarity on cycle segregation and the footpath network
 - Invitation of a policy officer to discuss policy H4 and the housing mix.
 - Further consultation with Ward Councillors.

7 The recommendation brought back to Members is made in light of additional information that has been submitted in relation to the above details at paragraph 6. The additional information has been publicised with the siting of further site notices and includes:

- A revised layout including the provision of 4 bungalows and affordable housing layout plan;
- Further information relating to the landscaping and arboricultural details;
- Further details relating to design and place making, including a boundary treatment plan and Place Making statement;
- Further details relating to energy and sustainability, including an Energy and Sustainability Statement and Electric Vehicle Charging Point plan

Update

8 The submitted additional information sets out the Applicant's response to the various issues raised at South and West Plans Panel on 14 April 2022. Since the Plans Panel further information and drawings have been submitted and subsequently publicised with site notices being put up around the local area on the 18th May 2022. Ward Members for Morley North and Morley South were notified by email (23 May 2022) that the additional information had been received.

9 With regards to the further publicity given to the received information, five representations have been received. The representations can be summarised as raising the following issues pertinent to this deferral, however, issues were raised that have previously been covered in the original Plans Panel report:

- Bungalow on plot 170 would improve relationship between the plot and existing residential properties on Upper Green Avenue;
- Loss of a hedge along plot 170 would lead to a loss of privacy;
- The engagement with the public has been very limited and unproductive;
- Documents have been uploaded after site notices have gone up but further information has been uploaded to the file after the date on the notices;
- The details regarding place making do not go far enough to address the concerns with design;
- No details relating to how the proposal addresses the National Design Guidance is provided;
- The length of various streets exceeds the requirements of the Streets Design Guide;
- The Housing Needs Assessment does not take into account local needs of the area;
- Who will maintain Haigh Wood and who makes sure that the contributions are spent in the way they are supposed to

10 In response to the above, the issues relating to design, landscaping, street design and housing needs are addressed in the subsequent report.

11 The Section 106 legal agreement that was entered into by the Applicant provides the mechanism for the Councils to secure the monies from the developer. The legal agreement outlines trigger points for when the developer is to pay the contributions

and it provides specific areas for the monies to be spent by departments of the Council, such as the Highways Authority. The agreement also secures the arrangement of a maintenance company, for which the details are to be agreed.

- 12 The publicity given to the additional information is still ongoing as the site notices were posted around the Site on 18th May 2022 and such notices allow comments until 9 June 2022. It is noted that this is the date of the Panel meeting, and therefore the wording of the recommendation is phrased to enable the application to be deferred and delegated to the Chief Planning Officer subject to the expiration of the publicity period. Furthermore, any comments received since the Panel report was published will be reported verbally at the Panel meeting.
- 13 In relation to the above concerns that information has been uploaded following the site notices being posted, it is noted that information/ documents uploaded following the posting of the site notices relates to supplementary information and small amendments, which would not individually have triggered the requirement for further consultation.

MAIN ISSUES

- Policy Context
- Consideration of Affordable Housing and Housing Mix
- Landscaping and Tree Surveys
- Street Design Guidance and Placemaking
- Connectivity and cycle segregation and footpath network

Policy Context

- 14 The Chief Planning Officer's original report outlined both local and national planning policies and the context in which this Reserved Matters application needs to be assessed and considered. There are no new policy considerations pertinent to the additional information and drawings received.

Consideration of Affordable Housing and Housing Mix

- 15 Members will recall that concerns were raised regarding the mixture of house types and sizes, together with the mixture of house sizes offered for the affordable housing contribution across the site.
- 16 The Applicant has submitted further details regarding these matters and notably the proposal includes 4, two bedroomed bungalows. To further corroborate the information provided within the Housing Mix Assessment, the Plans Policy section of the Planning Department have confirmed that the mix of affordable housing offered (and secured through the Section 106 Legal Agreement entered into at Outline consent stage) is acceptable when viewed in the context of the current affordable housing waiting lists for the area.
- 17 Policy H4 seeks to provide a good range of house types and tenures, to ensure that forecasted growth of households and the need for different sized properties across the city are met. Policy H4 states that developments should 'provide 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'. The policy also requires for developments over 250 units to submit a Housing Needs Assessment so that local needs can be taken into account.

- 18 The Strategic Housing Market Assessment (SHMA) provides evidence of the forecast growth of households and the need for different sized properties and is considered an appropriate evidence base for the purposes of assessing an application against policy H4. The Applicant has provided a Housing Mix Assessment, which has used the SHMA as required by policy H4 and that is considered to be acceptable for the purposes of assessing this planning application. Policy H4 outlines a 'preferred housing mix' for large scale developments, and the policy is worded to provide some flexibility to take into account the preferences and differences in demand in different parts of the city as outlined in the SHMA.
- 19 The proposed housing mix (including the 2 bed bungalows) comprises of 12, 1 bed units (5%), 72, 2 bed units (28%), 74, 3 bed units (25%), 110, 4 bed units (38%) and 10, 5 bed units (4%). The mixture of house types has taken into account the findings of the Housing Mix Assessment and the nature of the site and wider area, which is defined by its rural character and medium to large dwellings.
- 20 The revised housing mix, with the provision of 4 new 2 bed roomed bungalows, is considered to take into account the findings of the Housing Mix Assessment, together with the comments raised by Members at the Plans Panel and is, accordingly, considered to be acceptable with regards to the requirements of Policy H4.
- 21 Policy H5 outlines the need for affordable housing for all major housing developments. The Applicant has outlined their commitment to providing affordable housing in the Outline planning consent through the Section 106 legal agreement that was entered into. Policy H5 requires development within this area to provide 15% affordable housing split as follows:
 - 40% affordable housing for Intermediate or equivalent affordable tenures
 - 60% affordable housing for Social Rented or equivalent affordable tenure
- 22 The policy further states that the affordable units should be pro-rata mix in terms of sizes and house types unless there are specific needs which indicate otherwise.
- 23 The affordable housing waiting lists for both the Morley and Ardsley and Robin Hood areas principally require 2 bed roomed affordable dwellings, although significant numbers of 1 and 3 bed roomed houses are also required. The proposal offers 13 no. (30%) 1 bed, 18 no. (42%) 2 bed and 12 no. (28%) 3 bed affordable units, spread across all development parcels. The Registered Social Landlord (RSL) have further confirmed with Redrow that this proposed mix meets the over-riding affordable housing needs within the area, which together with the Policy Teams confirmation, corroborate the original findings of the Housing Mix Report submitted prior to the previous Plans Panel meeting.
- 24 The affordable housing provisions meets the overriding need in the Outer South West area of the city for 1 and 2 bed roomed affordable units, however, with the provision of nearly a third of the units being 3 bed roomed units, it is considered that the affordable housing provisions is a balanced approach across all sizes and

tenures, which address the specific needs of the area. The split of intermediate and Social Rented houses is in full accordance with the policy and the spread of units around all four development parcels is considered to be suitably integrated with the wider scheme. As such, in light of the above, the proposal is therefore compliant with Core Strategy Policies H4 and H5.

Landscaping and Tree Surveys

- 25 The Applicant has submitted significant details regarding the impact of the development upon the trees across the whole development site. The information follows concerns raised by Members that the loss of three mature trees at the entrance to the western most parcel of land accessed from Upper Green Avenue.
- 26 The Applicant has looked at the landscaping across the site in significant detail and package of information shows the quality of individual/ groups of trees. The information also outlines the trees that are to be removed due to health reasons and which will ensure the long term health of others in close proximity. The strategy of the overall landscaping is considered to be of significant benefit to the ecology and biodiversity of the overall site.
- 27 In relation to the specific concerns raised at the Plans Panel of the 14th April 2022 regarding the trees at the entrance to Upper Green Avenue, the Applicant has further looked at these trees and it is proposed to retain T66. However, regrettably the trees T68 and T67 are required in all instances to be removed to provide access to this part of the site. It has been confirmed by the applicant that any deviation in the exact route of the road would still require the removal of these trees due to the topography and narrow shape of the site at this pinch point. The SAP and the Outline consent have allocated this site for development and this access to be used; unfortunately there are no other options available to provide access into this site. However, in assessing the overall impact of the proposal upon the existing landscape, notably it should be stressed that the proposal does facilitate long term improvements to the ancient woodland and large groups of existing trees that would not otherwise be managed in an effective way. The site as a whole retains the vast majority of existing trees and hedgerows and as Members are aware this proposal does provide substantial enhancements to Haigh Wood.

Street Design Guidance and Placemaking

- 28 Members may recall that concerns were raised with the overall scheme and how the design would contribute to the overall Placemaking of the area. The original report to Members sought to address the issues of design in relation to the scale, layout, appearance and landscaping of the site. Members raised concerns regarding the general street designs and the overall approach to the layout and connectivity of the scheme. Furthermore, details relating to climate change were questioned, including whether the proposal would incorporate solar panels.
- 29 The Applicant has submitted a document that outlines significant elements of the proposal that contribute towards the wider concept of 'Placemaking'. The term 'Placemaking' is generally considered to be a multi-faceted approach to planning, design and management of spaces, which at the core, seek to enhance and capitalise on the existing built environment and community assets.

- 30 The application is a Reserved Matters application that was approved at Outline consent stage following the sites being brought forward for development through the adoption of the SAP. The adoption of the SAP recognised that the irregular shaped parcels of the land would ultimately require various accesses, and that these would result in developments that were not too dissimilar to the layout that is before Members. The Outline consent has approved 5 accesses into the parcels of land and the layout and arrangement of the development is underpinned by the SAP and the outline consent. This detailed Reserved Matters application has balanced the efficient development of housing on the site (density of units) with high quality landscaping proposals (biodiversity net gains), open space provisions within each parcel of land and improved connectivity with the ancient woodlands through the provision of new and enhanced existing public rights of way.
- 31 The proposal is relatively unique in so far as the proposal has four parcels of land that have been proposed for comprehensive development. This will ensure that the ancient woodlands are managed and enhanced, and made available to the wider community through the new access via public rights of way.
- 32 The proposed development, as previously stated has been laid out to ensure that topography of the site is utilised and the development reflects the character of the surrounding area. The house types and sizes are reflective of the wider areas that they sit within, and all parcels of land utilise views and vistas of the ancient woodland that sit centrally within them. The National Design Code seeks to promote and enhance inclusion and community cohesion and, this proposal in the broadest sense can achieve this through the unique position that the development is able to ensure that the woodlands are opened up, enhanced and protected, and made accessible to the wider community as a whole. In line with the Design Code, the preservation and enhancement of the woodlands was identified as a priority and concern since the sites were brought forward through the SAP.
- 33 The original indicative Masterplan that accompanied the Outline consent had been prepared with the accesses (approved at Outline stage) and the parameters and requirements that form the LPA's Development Plan (Core Strategy and SAP requirements). This Reserved Matters application is considered to be reflective of the surrounding residential areas, but also the wider natural environment through the comprehensive landscaping and provisions of open space. The open spaces and landscaping are considered to reflect and build upon the existing infrastructure used by the existing community. The open spaces and layout of the site provide legible and logical routes through the site and are inviting to the wider residential communities through the opening up of the woodlands. The boundary treatment plan has been submitted which further demonstrates that spaces are to be defined and treated to enhance legibility through the site.
- 34 The proposed layout shows a strong hierarchy of streets which accommodates various types of movement in a convenient and safe manner. The approach enables good navigation through the sites, but also enables the users to understand the transition between roads where motor vehicles may be more dominant and roads that primarily residential streets dominated by pedestrian use. The SPG relating to Street Design gives guidance on the standards that will be required to allow the highways to be put forward for adoption. It is however guidance and worded with flexibility. Since the Outline consent approved the main accesses the Highways Authority have ensured that the accesses and road layout are safe and acceptable with regards to the NPPF and policy T2 of the Core Strategy.

- 35 The proposal has also provided a further Energy Statement that confirms that Photovoltaic Panels will be used as part of a package of measures (including the use of air source heat pumps) to ensure that the development minimises its energy use and seeks to use re-newable energy sources.
- 36 The proposal is considered to be a well designed scheme that can be considered as meeting the overarching aims and objectives of all local and national design guidance.

Connectivity and cycle segregation and footpath network

- 37 The Reserved Matters proposal enhances existing footpath connections with surface upgrades of existing Public Rights of Way's (PROW) and sensitively designed additional footpath links, immeasurably improving the pedestrian connectivity of the site as a whole. This approach has been welcomed by the PROW team, which has also confirmed that PROW's 107 and 108 should only be used by pedestrians rather than cyclists.
- 38 Due to the topography and ecological sensitivity of Haigh Wood (an ancient woodland), it is considered that formalised cycleway connections between development parcels through the Wood should not be accommodated. The provision of such would require significant intervention into this ecologically sensitive area and be inconsistent with good planning.
- 39 The 20mph speed limit in the development parcels will render shared use of the proposed highways safe for cyclists and motorists. The balance of providing good PROW and minimising the impact of the paths upon the wider ecology of the site are considered to be acceptable on balance.

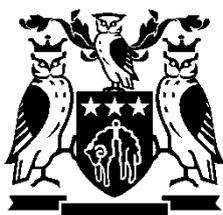
Summary

- 40 The Applicant has sought to give Members clarity regarding all issues raised in the South and West Plans Panel of 14 April 2022.
- 41 The proposal has given further consideration to the layout and design and has changed the mix of the housing types and tenures to include 2 bedroomed bungalows as requested by Members. The changes do not alter the schemes full compliance with the provision of 15% affordable housing, which is provided and considered acceptable by the Registered Social Landlords. The affordable housing is secured through the Section 106 Legal agreement that was entered into at the Outline planning permission stage.
- 42 The additional information demonstrates that the proposed housing layout is a unique design that is grounded by good design principles, creating a foundation for a strong community. The density of housing enables an efficient use of an allocated site, whilst the housing design and layout facilitates good residential and visual amenity.
- 43 The landscaping that is interspersed through the scheme has been illustrated further through the thorough Arboricultural Impact Assessment that have been provided. The information demonstrates that whilst certain trees are to be removed to facilitate

this development, the enhancement and preservation of the ancient woodland and various groups of trees outside of the woodlands, further improves the biodiversity of the site and protects and enhances the health and life spans of numerous other trees.

- 44 The parcels of housing were identified and approved in principle for housing at Outline permission stage; the accesses into the sites were the only matters not reserved for approval at this Reserved Matters stage. The parcels of land have been through various stages of scrutiny, including the adoption of the SAP and the Outline planning stage. The unique shapes of the development sites were approved on the basis of the five approved accesses and, the guidance within the guidance within the LPA's Street Design Guidance has influenced the proposal as far as practical. The design and layout of the proposal is considered to be safe and legible with a clear hierarchy of roads, which are identifiable by their widths and the use of a variety of materials. The street layout is compliant with Core Strategy policy T2 and the aims of paragraph 110 of the NPPF.
- 45 The proposed scheme is constrained by the topography of the land and the shape of the development plots. However, such constraints also provide opportunities to develop residential estates that are of a high design standard and, which can provide a strong sense of place. The scheme provides a housing scheme that respects the character of the existing residential areas, whilst incorporating green spaces - both for recreational uses and biodiversity purposes -which link well to the wider rural landscape. The design of the scheme is not one which could be easily replicated else where and the sense of place is considered to be unique. The overarching principles of design found within the National Design Guide and within the LPA's Neighbourhoods for Living and the Street Design Guide.

Appendix 1



Leeds
CITY COUNCIL

Originator: Mark Jackson
Tel: 0113 378 8136

Report of the Chief Planning Officer

South and West Plans Panel

Date: 9th June 2022

Planning Reference: 21/07156/RM

Reserved Matters application for erection of 289 dwellings with access within the site, garaging, parking, landscaping and public open space

Applicant: Redrow Homes Limited

Address: Nook Farm, Haigh Moor Road, Tingley, Wakefield, WF3 1EF

Electoral Wards Affected:

Morley South

Yes

(Ward Members consulted referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER AND DELEGATE to the Chief Planning Officer for approval subject to the specified conditions identified below (and any amendments or additional conditions that the Chief Planning Officer may consider appropriate)

Summary of Draft Conditions

1. Development in line with approved plans
2. Details and provision of vehicle spaces to be laid out
3. Removal of permitted development rights to convert garages
4. Affordable housing mobility housing to be delivered in agreement with details submitted

Introduction

- 1 This application seeks approval of Reserved Matters pursuant to details approved in an outline planning consent that was granted consent by the City Plans Panel for the erection of up to 299 dwellings. The outline planning application 17/08262/OT was subject to conditions and a Section 106 legal agreement; the approval related to the principle of developing the site, and the proposed accesses only. All other matters relating to scale, layout, landscaping and appearance were to be determined via separate Reserved Matters application(s).
- 2 The outline planning application was granted consent for up to 299 dwellings and, as per this application, related 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.
- 3 This Reserved Matters application seeks consent for the construction of 289 dwellings and is considered to comply with all local and national planning policies. The original application was determined by the City Plans Panel due to the scale of development proposed; the wider strategic land use policy implications of the outline consent; and the significant level of opposition. The proposal has complied with the parameters of the Outline consent (i.e. the locations of development, the protection, enhancement and management of open spaces and Haigh Woods) and the details are considered to be of significant importance to the local community. Accordingly, the details relating to the Reserved Matters are considered to be appropriately presented and determined by the South and West Plans Panel, due to their specific impacts upon the local area on matters detail for this application.

PROPOSAL

- 4 The proposal seeks consent for the Reserved Matters relating to the erection 289 dwellings on four parcels of land that have been granted consent for access only at outline stage in 2020. The 289 comprise of 28 different house types with 245 units for private sale, and 43 of which will be affordable housing in line with the Section 106 legal agreement entered into at the Outline consent stage (15% required).
- 5 The proposal relates to the collective and comprehensive development of the four parcels of land sited to the north and south of Baghill Beck and Haigh Woods. The development will include the erection and layout of 289 dwellings and the creation of various public open spaces and the means to facilitate the enhancement and improvement to Haigh Wood and surrounding public rights of way network.
- 6 This application retains the four separate points of access into the parcels of land that were approved at the Outline consent stage. The outline application included an illustrative Masterplan (ref: SK07) and a Landscape Accessibility and Green Infrastructure Masterplan, and these documents have informed and set out the parameters for the Reserved Matters submissions. The Reserved Matters application seeks approval of the development with regards to scale, layout, appearance and detailed landscaping.
- 7 The largest of the four parcels of land is to the south of the wider site and accessed principally from Haigh Moor Road. This parcel of land will host the erection of 164 dwellings.
- 8 To the northwest of the site a long narrow parcel of land is proposed to be developed with up to 54 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.
- 9 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 35 dwellings. This parcel of land is currently in agricultural use.
- 10 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 36 dwellings
- 11 The housing mix across the four parcels of land comprises of a mixture of dwelling tenures and these are summarised as:

Unit Type	Market	Affordable	No of units	Proportion on site
1 bed Apartment	0	13	13	4.5%

2 Bed Apartment	0	5	5	1.7%
2 Bed Terrace	29	12	41	14.2%
2 Bed semi/detached	29	1	30	10.4%
3 Bed Terrace	0	12	12	4.2%
3 Bed Terrace	67	0	67	23.2%
4 Bed Detached	112	0	112	38.7%
5 Bed Detached	9	0	9	3.1
TOTAL	246	43	289	100%

12 Technical reports such as the Transport Assessment, Contaminated Land, Biodiversity and Ecological Reports, amongst others, were submitted as part of the outline application. Conditions and the legal agreement secure a development that is in line with policy requirements in these respects.

13 The application is supported by a package of drawings and the following supporting documents:

- Housing Needs Assessment Housing Needs Assessment
- Planning Statement
- Statement of Community Involvement
- Design and Access Statement
- Landscaping and Biodiversity Strategies
- Proposed Drainage Strategy
- Sustainability Design Principles Statement
- Proposed Materials Plans
- Boundary Treatment Plan

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SITE AND SURROUNDING

15 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*).

- 16 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 are 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.
- 17 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. Haigh Moor Woods has recently been designated as ancient woodland.
- 18 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.
- 19 Outline planning permission application for a residential development of up to 299 dwellings including means of access (Ref. 17/08262/OT) was determined by the City Plans Panel of the 21 May 2020 with a resolution for approval. The application was subject to a Section 106 legal agreement which was entered into prior to the decision notice being issued on the 21 October 2020. The legal agreement secured the following obligations:
- Provision of 15% affordable housing;
 - £898,212.00- improvements to M62 Junction 28 with a 10% uplift provision;
 - £100,823.43 – improvements to A650/Common Lane;
 - £121,944.72 – improvements to A650/A6029 Rein Road;
 - Travel Plan Fund £495.00 per dwelling (143,055.00 for 289 dwellings);
 - Bus service improvements amounting to £750,000.00 over 5 years;
 - Bus shelters contribution of £46,000.00;
 - £2,500,000.00 contribution to Haigh Wood Maintenance in 10 instalments;
 - Contributions towards Public Rights of Way Creations and Travel Plan monitoring;

- The creation and implementation of a Haigh Wood Management Company – also to serve the maintenance of on site open space provisions.
- 20 The aforementioned consent places a duty for the Reserved Matters approval to be submitted within 3 years following the determination date of the application, which was 21st October 2020.
- 21 Following the determination of the above application, the application 21/07748/DEM was submitted to facilitate the demolition of buildings close to the access of the southern parcel of land off Haigh Moor Road.
- 22 The Applicant has amended the scheme through the course of the planning application incorporating where possible, design changes that have been influenced by comments that have been raised by residents. Following discussions with a local community group the Applicant has, amongst other things, made the following changes:
- Relocated the trim trail equipment proposed to outside of the woodland areas to minimise any adverse impact upon the woodland from either the equipment itself or the end users;
 - Changes to the width of private drives to plots 9-13, 15-16, 212-216, 255-258 and 259-263 to 5.5 metres;
 - Inclusion of one parking space on all plots being 2.6 metres in width and the provision of one electric vehicle charging point (EVCP) to each dwelling.
 - Visitor parking bays have been added to parcels A and C.
 - Plots 170-175 have been replanned to ensure greater distance from existing residents. 2 ½ storey type removed from this area.
 - The private drive serving plots 14 and 15 was replanned to reduce the number of units served in this area and repositioned to provide greater distance from existing residents.
 - Plot 110 repositioned further from the site boundary.
 - Allowance made for new hedge planting behind plots 37-43 to provide continuous planted screen to existing residents, once established. Space allowed for this area to fall within the Management Company area.
 - Layout updated to ensure plots 177-180, 255 garden sizes meet the minimum requirements.
 - Defensible space to plots 239-250 has been defined with a railing.
 - Footpath added adjacent to plots 173-175 to connect with POS and existing PROW.

PUBLIC/LOCAL RESPONSE:

- 23 The application was originally publicised by 6 site notices, which were posted adjacent to the parcels of land on 1st October 2021, an advert was placed in the local press on 29th October 2021.
- 24 The revisions that were submitted were also advertised by 6 further site notices which were posted adjacent to the parcels of land on the 1st March 2022.
- 25 To date 82 representations have been received from 59 local addresses. The material considerations raised in these representations are summarised as:
- The public footpath to the rear of 53 Woollin Crescent should be retained
 - The boundaries and ground levels should retain privacy
 - Lighting of footpaths should not impact on residents or wildlife
 - How are the footpaths and open spaces are to be managed
 - The blocks of four houses Parcel A plots 177 – 180 would be overbearing and overshadow the existing neighbouring residents
 - There is no evidence that the obligations set out in the outline planning consent have been met
 - The layout creates a rat run for traffic to get to Batley Road
 - The proposal impacts upon privacy and natural light
 - Drainage and sewer facilities are inadequate and unacceptable
 - The access from Sandringham Drive is dangerous and inadequate
 - Plot C has poor access for emergency vehicles
 - Why are no bungalows being built
 - The design does not adhere to the National Planning Policy Guidance and Redrow's own design principles
 - Poor connectivity with shared footpath/cycle paths
 - Increase in crime as a result of the proposal
 - Highway safety issues relate to the road speeds and lack of enforcement
 - A nature reserve is wanted not trim trials and benches
 - No details of sustainable measures are to be proposed
 - Biodiversity measures are insufficient
 - Density is high and fewer houses should be built with more green space
 - Design of the dwellings are poor and bog standard
 - Plots 14 to 17 will have an adverse impact upon privacy
 - House designs are poor with roofs that are too tall
 - Plot 119 will be overbearing and overshadow the neighbouring existing resident
 - Plot 175 will impact upon drainage and ground stability
 - Development will hem in the existing residents
 - The proposal has a significant impact upon the climate in terms of its carbon footprint
 - Does not meet policy G3
 - Not a sustainable development and contrary to UDP and Core Strategy policies
- 26 The above comments are discussed in the subsequent report.

- 27 The representations have also raised the following concerns relating to the communication of information between the developer and the local community:
- Redrow and LCC have had extremely poor and unacceptable communications;
 - Full information not available to comment on when application was validated
 - Limited time to respond to LCC's site notices
 - Design and Access statement Rev D is missing
- 28 Redrow consulted with the surrounding community through leaflet drops prior to the application being submitted. It has also met and discussed the proposal with Ward members and West Ardsley Action Group (WAAG) during the course of the application.
- 29 The representations raise concerns with the principle of the development that were discussed at length in the Plans Panel determination of the Outline consent. As there is a lawful Outline consent, weight cannot be given to issues relating to the principle of development. The following issues relating to the principle of development are summarised below for clarity, but not given further weight in the planning assessment:
- Lack of doctors, schools and other amenities for a development of this scale
 - *These issues were addressed through the allocation of the sites in the SAP prior to the Outline consent. Sites for potential schools were addressed within the SAP and local Clinical Commissioning Groups are responsible for medical facilities in the future.*
 - The roads are congested and this will only get worse due to traffic raised as a result of this proposal
 - *Traffic generation was modelled as part of the Outline consent and significant contributions were secured through the legal agreement to improve junctions and promote sustainable modes of travel.*
 - Bus routes are being stopped not provided and the applicant has no control over this, further houses will therefore increase traffic
 - *Contributions were secured through the legal agreement to improve bus services and bus stops in the area. Contributions towards promoting sustainable travel were also secured in the legal agreement seeking to mitigate against the impacts of this proposal.*
 - Development is excessive and takes areas of amenity space away from the existing residents
 - *The provisions of open space and enhancements to the wider access of the Woodlands address the issues relating to amenity and sought to ensure significant public benefits to amenities within the area: ie, improved PROW, enhancements to biodiversity and childrens play.*
 - Development should not be removing green spaces and should be on brownfield sites
 - *The SAP adoption process thoroughly assessed and balanced the existing land uses and housing requirements for the area.*

- The junction between Hill Top Lane and Batley Road is dangerous
- *The junction is outside of the red line boundary of this application and consideration was given at the Outline consent, and mitigation sought where modelling demonstrated that the proposal would have an impact, on junctions within the wider surrounding area. Improvements and contributions towards improvements were secured through the legal agreement.*
- Work across the site needs to be limited reasonable times to prevent unacceptable noise and disturbance to local residents
- *Conditions were imposed on the Outline consent to ensure that a construction management statement is provided before the development commences and adhered to after.*
- The affordable housing needs to be supported by local amenities
- *The issues relating to local amenities were addressed through the adoption of the SAP and the provision of affordable housing is secured through the legal agreement and a condition.*

30 The following issues that are summarised below, are not material considerations that can be given weight in the following assessment because they are civil matters between land-owners and the developer or, they are issues to be dealt with by separate legislative powers:

- Hill Top Lane is 5.49 metres in width which is less than the 5.5 metre LCC standard and the road infrastructure will lead to highway safety issues
- Redrow didn't ask permission to use photos of some existing residential properties
- Areas relating to an existing management company agreement are within the site boundary of this proposal.
- How are vermin to be controlled?
- The coal on the site will need to be removed
- The hedge between 40- 43 is not within the ownership of the Applicant

31 Extensive comments have been received from the West Ardsley Action Group (WAAG) opposing the proposal. The comments received are also supported by an Ecological objection statement. The comments are extensive and are therefore summarised as:

- The housing mix is not acceptable and does not meet the requirements of policy H4
- The density has risen from 23 houses per hectare in the Outline application to 30
- The affordable housing is allocated away from the green spaces and are not connected to the wider area
- The design has not evolved since the sites were originally allocated
- The street designs are unacceptable and contrary to guidance
- The buffers between the Ancient Woodland should be increase from 15 metres to 25 metres
- The proposal does not meet the requirements of the National Design Guide

- The landscape needs address recreation uses more widely through the site
 - The proposed footpath and enhancements are minimal overall
 - The type and standard of green space are sub-standard in terms of quality
- 32 The above issues and all other material considerations raised by WAAG, are considered as part of this planning assessment.
- 33 The comments raise various issues with the sustainability of the site and refer to the land use principles of the sites that were accepted in the Outline consent and at the SAP adoption stage.
- 34 A representation has been received from Councillor Jim Aveyard which can be summarised as objecting to proposal due to the following issues:
- The proposal does nothing to assist efforts to reduce the city's Carbon footprint
 - The information provided regarding the standards of the houses is limited and do not mention how they will incorporate renewable energy sources
 - All houses should be 'Passivhaus' standard
- 35 All local Ward Members have been notified of the proposal. One representation has been received from Cllr Mike Foster, which can be summarised as:
- The social rented plots appear to have very little supporting infrastructure or amenities
 - Impractical locations for people without personal transport. Disabled or residents without transport could become prisoners in their own home
 - The proposal should be suspended as it is unsuitable for social housing and the assessment of deprivation in the area is miscalculated

CONSULTATION RESPONSES:

- 36 Conservation Team
No objection
- 37 Flood Risk Management
Overall strategy is considered to be acceptable, but detailed design including calculations are still required as subjected to by condition on the Outline consent
- 38 Environmental Studies - Transport Strategy
90 Part of the site is subject to heightened levels of night-time noise and any noise mitigation measures would be welcomed
- 39 Contaminated Land
Conditions imposed on the Outline consent and no further comments regarding this proposal

- 40 Yorkshire Water
Holding objection until sewer diversions are agreed. Details are connected to conditions imposed on the Outline consent and no objections were raised at outline consent, subject to the conditions being imposed.
- 41 Public Rights of Way
The footpaths shown through the public spaces help achieve wider connectivity and are supported
- 42 Nature Team
Interpretation Panels should show all the site that is being managed. Clarity needs to be given to residents to show exactly what their management fees cover. Questions details regarding the management company, which is secured through the S106 legal agreement
- 43 Highways
Section 38 Adoption Team to comment at a later stage. Small amendments required to layouts, including widths of private drives and illustration of EVCP to all dwellings.
- 44 Natural England
Confirm that the woodlands are designated as Ancient Woodland. They confirm that they do not consider the proposal to have a significant adverse impact upon statutorily protected nature or conservation sites or landscapes
- 45 **PLANNING POLICIES:**
- 46 Section 38 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.
- 47 The Development Plan for Leeds currently comprises the following documents:
- The Leeds Core Strategy (as amended 2019)
 - Saved Unitary Development Plan (UDPR) Policies (2006)
 - The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) including revised policies Minerals 13 and 14 (Adopted September 2015).
 - Any Neighbourhood Plan, once made
 - Aire Valley Area Action Plan (adopted 2017)
 - The Site Allocations Plan (adopted in July 2019). Following a statutory challenge, Policy HG2, so far as it relates to sites which immediately before the adoption of the SAP were within the Green Belt, has been remitted to the Secretary of State and is to be treated as not adopted. All other policies within the SAP remain adopted and should be afforded full weight.

- 48 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.

Local Planning Policy

- 49 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
 - 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

50 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

51 The four sites are designated or identified for housing within the SAP under reference numbers, HG1-394, HG2-168 and HG2-169. The two adopted housing allocation sites (HG2-168 and HG2-169) are subject to specific site requirements relating to ecology, cumulative highway impact assessments and assessment of existing culverts.

Relevant Local Supplementary Planning Guidance/Documents

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

- 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)

National Planning Policy

53 The National Planning Policy Framework (2021) (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.

- 54 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.
- 55 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.
- 56 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.
- 57 Paragraph 57 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 58 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.
- 58 Section 5 of the NPPF is entitled ‘Delivering a sufficient supply of homes’. Paragraph 75 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.
- 59 Section 8 of the NPPF is entitled ‘Promoting healthy and safe communities’ and sets out at paragraph 92 that planning decisions should aim to achieve healthy, inclusive and safe places including encouraging layouts that would encourage walking and cycling. Paragraph 93 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 98 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 100 sets out that planning decisions should protect and enhance public rights of way and access.

- 60 Section 9 of the NPPF is entitled 'Promoting sustainable transport' and sets out at paragraph 104 that transport issues should be considered from the earliest stage of development proposals including opportunities to promote walking, cycling and public transport. Paragraph 106 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.
- 61 Paragraph 110 sets out, amongst other things, that development should be safe and suitable and reflective of current national guidance, including the National Design Guide and National Model Design Code.
- 62 Paragraph 111 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.
- 63 Section 11 of the NPPF is entitled 'Making effective use of land' and at paragraph 119 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.
- 64 Section 12 of the NPPF is entitled 'Achieving well-designed places' and at paragraph 126 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 126 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.
- 65 Paragraph 130, 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
- 66 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.
- 67 Paragraph 131 sets out the importance of trees in contributing to the character and quality of Urban Environments. It seeks to ensure that opportunities are taken to plant new trees and secure long term maintenance.
- 68 Section 14 of the NPPF is entitled 'Meeting the challenge of climate change, flooding and coastal change and at paragraph 152 sets out that the planning system should support the transition to a low carbon future in a changing climate.

- 69 Section 15 of the NPPF is entitled ‘Conserving and enhancing the natural environment’. Paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment including through minimising impacts and enhancing biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 70 Section 16 of the NPPF is entitled ‘Conserving and enhancing the historic environment’. Paragraph 189 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 199 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.

National Planning Practice Guidance

- 71 The National Planning Practice Guidance (NPPG) offers guidance in addition to the NPPF.
- 72 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.

- 73 In this particular instance, apart from the four main accesses that were approved at outline stage, all other matters are to be assessed in the subsequent report.
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MAIN ISSUES

- Principle of development
- Climate Change
- Layout
- Scale/ Density
- Spacing Standards
- Appearance/ Design
- Designing Out Crime
- Gardens Areas
- Impact on Adjacent Occupiers
- Highways
- Affordable Housing
- Greenspace/ Landscaping
- Drainage
- Rights of Way
- Other Issues

APPRAISAL

Principle of Development

- 75 The principle of development has already been established through the granting of outline planning permission for residential development for up to 299 units. It is also noted here that the site is allocated within two SAP housing allocations referenced HG2-168 and HG2-16. The principle of developing the site for housing has been established previously and the outline consent is still extant and valid and it is the Reserved Matters which are being applied for under this application. The Reserved Matters are:
- Layout
 - Scale
 - Appearance
- Landscaping
- 76 These issues will form the appraisal of this application. Many of the points raised in the objections are concerned with the principle of development, such as: the loss of green land; capacity on the local highway network; and the impact upon education facilities and other local amenities. These matters were considered under the outline application which was approved, and do not therefore form part of this application.

Climate Change

- 77 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.
- 78 Policies EN1, EN2 and EN8 consider ways to reduce carbon and energy use in developments. Policy EN1 relates to the reduction of carbon and emissions; EN2 seeks to ensure that development is of a sustainable design and construction, and; EN8 requires developments to provide electric vehicle charging points to facilitate. The proposed development will seek to use sustainable construction techniques and sustainably sourced materials ensuring that where possible reductions in energy are made from the beginning of the development.
- 79 The outline planning consent conditioned details to be provided in relation to how the development will reduce carbon emissions and energy use. A separate condition was also imposed requiring electric vehicle charging points to be provided. These conditions remain in force and will need to be complied with, but it has been confirmed that every dwelling will have a EVCP and that this development will reduce carbon through a combination of improvements to insulation, reductions in thermal bridging, PV panels and further passive design measures. The exact break down of the EN1 policy requirements are to be determined through the discharge of the outline planning conditions.
- 80 The Reserved Matters application has sought to provide a layout that is logical, legible and accessible, whilst balancing issues such as surface water drainage and landscaping improvements. The proposal adheres to the general principles of the Outline Masterplan and the open spaces are connected, but set out in a way that enables the enhancement and improvement of the woods and areas for biodiversity across the site. The layout is considered to be in accordance with the Neighbourhoods for Living SPD and the proposed 10% biodiversity net gains, together with accessible and usable open spaces enable the proposal to meet the aims and objectives of local and national climate change policies.
- 81 Layout
- 82 The layout of the development has been amended since the proposal was originally submitted, to try and reflect where possible some of the issues raised by local residents. Some of the changes include amendments to the private drives and the siting of specific dwellings, other changes have sought to improve and balance the legibility of the site; the function of the open spaces and the relationship of the proposed development on Haigh Woods.

- 83 The site is split into four parcels of land and the irregular shapes, together with the topography of the site and existing landscaping, are constraints that will help define the character of the development and ensure that it is not replica of previous Redrow schemes.
- 84 The proposed layouts have similar characteristics to the approved Masterplans and the constraints of the site have created some long streets accessed by one point of entrance. These general principles, however, were agreed at Outline through the granting of permission for the accesses only. The layouts have however, considered the context of the surrounding areas and are considered to have shown an appreciation for the natural and topographical constraints of the area. The design has looked at how the layout can be beneficial to the wider community in terms of connectivity and enhancement to the Woodlands and how it can minimise its impact upon climate change.
- 85 The scale of the site, together with its separation into four parcels allows for a variety of focal points, feature areas and different land marks to be created that can be used to navigate through the site. Whilst upon entering the parcels from different access points, the topography of the land will mean that the parcels will be visually present at various points within the sites to one another. The various open spaces provide various views through the site and landscaped buffers integrate the housing into the wider area and the green spaces.
- 86 Each development parcel is set out around a spine road that is accessed from the accesses that were approved at Outline stage. The irregular shapes of the parcels of land mean that in order to efficiently use the land, the development does create various cul-de-sac formations. This will create distinctive character areas and provide visually interesting streetscapes.
- 87 The open spaces are dispersed around each parcel of land to ensure views of the wider area are achieved and these areas of open space will act as nodes for navigation. Each parcel of land has some open space close to, or at the entrance, to ensure that the development does not have the initial impression of being cramped and closed in. The topography of the area will ensure that views through the site are achieved and the parcels of land open up when accessed. The areas of open space will be visible from multiple locations within each parcel of land, which will ensure that the sites are legible to pedestrians, cyclists and motor vehicles alike.
- 88 The density of development is marginally higher than the prescribed density within the Core Strategy, however, the character of the site is reflective of the historic residential character areas that surround the site as a whole. The wider areas vary significantly in terms of house styles and sizes, but the general character is houses that are set in uniformed rows. Furthermore, the density of development is similar to the houses off Sandringham Drive, Upper Green Way, Woollin Crescent and Hill Top Lane. The prevailing characteristic of the development is not one that is dominated by car parking and hard landscaping. The density and layout of the houses reflects the

wider housing areas, but with the use of dispersed areas of open space within each parcel of land, this proposal will also effectively blend with the wider green spaces and Woodland. The density and layout of the houses, together with the provision of extensive landscaping and green spaces, creates visually interesting scheme that will have a distinct sense of place.

89 The adopted SPD ‘Neighbourhood for Living’ states *‘the scale, massing, height of proposed development should be considered in relation to its surroundings. It needs to respond well to that of adjoining buildings, the context of the development in terms of scale massing and height in relation to adjacent buildings, topography, and general patterns in the area’*. The proposal is considered to achieve a positive design and layout of houses that will have a sympathetic relationship with the existing residential area, whilst efficiently developing the land. The topography of the site and the irregular shaped parcels of land, whilst potentially being constraints to development, have been used to an advantage to minimise the impact upon the existing residential areas (two storey buildings are set lower than existing neighbours), whilst also providing opportunities for a unique layout to be achieved that has a significant number of houses viewing the Woodlands and wider green spaces.

90 The layout of the proposal is considered to respond to the form, density and character of the wider area. The vision for the wider area is in line with broad design principles outlined in the National Model Design Code, and the proposal will create a strong built identity that is respectful of the surrounding area. The proposal is considered to be acceptable with regards to policy P10 of the adopted Core Strategy and the design guidance of the adopted ‘Neighbourhoods for Living’, together with Paragraph 130 of the NPPF and recent national design guidance.

Scale (Density)

91 The site is also allocated for housing development through the SAP. Policy H3 of the adopted Core Strategy recommends a minimum of 30 dwellings per hectare in Smaller Settlements , such as this.

92 The submitted D&A provided the following information with regard to densities

Total Site Area	25.9 ha (including woodland and blue line boundary area)
Net residential development	9.6 ha
Open Space red and blue line areas	13.8 ha
Density of Development (net development only)	34.6 dwelling per ha

- 93 This density is slightly higher than the guidance of policy H3, which states that a density of 30 dwellings should be achieved. However, this policy does allow for variances, to allow proposals to reflect local context and character. The proposed density differs from the Outline application as it relates to the net development area, rather than averaging the density out across the entire allocated sites, including the areas demonstrated as open space area. On balance it is considered that the density of the development is acceptable with regard to unit numbers, given that the proposal does reflect the general character of the area in terms of housing types and sizes. As such, the proposal complies with policy H3.
- 94 The housing types vary in form with a range of property sizes and designs. The scale of the properties within the wider area vary significantly and it is considered a positive trait of the development to offer an array of house types and sizes. A Housing Needs Assessment has been carried out and the range of housing is considered to be acceptable in this area of the city. The assessment has taken into consideration the range of houses provided in the context of the existing markets and having regard to development across the city as a whole. The variety of house types and sizes enable the scheme to comply with the aims and objectives of policy H4 (housing tenure and mix).

Space and Mobility Standards

- 95 Since the application was submitted revised plans have been submitted which now ensure the internal floor area of all the units types meets with the guidance of policy H9. Furthermore, in line with policy H10, 30% of the houses meet the mobility standard M4(2) and 2% of dwellings are M4(3) compliant. All other dwellings have the ability to be easily modified to meet individuals requirements.

Appearance/ Design/ Elevations

- 96 The design of the proposal utilises standard Redrow House types, which have been constructed elsewhere on other sites within Leeds. The house types vary in height, scale and appearance and these are considered to be acceptable in terms of the general appearances of the street and the individual buildings. The applicant proposes a variety of materials, including different colours of brick, render and tiles in a variety of colours.
- 97 The house designs vary in size and architectural styles, but a common thread through the design approach is the use of small details to enhance elevations. Roof pitches vary, and the use of cat slide roofs adds further interest to the individual designs. Contrasting brick courses are used to enhance elevations and small brick details or even circular windows are used to break large expanses of brick or render. Bay windows and strong overhanging eaves, create areas of shadow and light and provide characterful dwellings which are considered to be well designed.

- 98 Although it is acknowledged that the buildings proposed are similar to other schemes that Redrow have delivered within the city, the dwellings provide a range of styles and these all have detailing within them that set them apart from other volume house builders. Details such as chimneys on some properties, strong window hierarchies and aesthetic brick detailing will provide variety to the house types and create visually interesting streetscapes. Such details will be the subject of a condition, should the application be approved and it is considered that adding design features such as these will enhance the schemes character and sense of place.
- 99 The apartments are set within the northern parcel of land in a location that ensure the amenity of its residents is of a high quality, but also to ensure that as the tallest building, they are not overly prominent. The elevation of the building are acceptable with a hierarchy of windows and a legible entrance point. The siting of the apartments ensures that the buildings are not close to the public highway and overly prominent within what is a fairly rural setting. The design and siting of these buildings is considered to be acceptable with regards to policy P10 of the Core Strategy.
- 100 It is also considered that the proposed layout has tried to disperse the different house types taking into account the topography of the site and the character of the wider area. For instance, some of the larger house types are set close to the entrance of the large southern parcel of land off Haigh Moor Road, to reflect upon the character of the area along The Nook where properties vary in architectural styles and design. Similarly, along the northern parcel of land, the thinner parcel of land has a ribbon of development where the properties are set within various irregular shaped plots that are reflective of the wider character to the north. The house designs and types are complementary to the character of the wider area and, whilst taller than some of the existing properties, they take advantage of the topography of the site.
- 101 The properties proposed are characterful and considered to be well designed with well proportioned elevations and strong design features, such as clear window hierarchies, decorative porch entrances, bay windows and decorative brick detailing. It is acknowledged that the designs are similar to other schemes across the city, however, when placed within the layout/ context of this proposal, the scale of the buildings and their settings and individual designs are considered to provide a visually attractive scheme that is sympathetic to the different surrounding historic housing estates. Accordingly, with regards to both local and national policies relating to design (National Design Guide, Policy P10, Paragraphs 130) the proposal is considered to be acceptable .

Designing Out Crime

- 102 The layout of the proposal is considered to be acceptable in this respect as boundary treatments are proposed to define public and private spaces and

natural surveillance is achieved where properties face the public open spaces. The strong frontages onto the public rights of way and the Woodland areas improve security. It is proposed to have strong boundary treatments to the rear gardens for privacy as well as security and overall the proposal is considered to be satisfactory in this regard.

Garden Areas

- 103 The application submission shows the detailed layout of the scheme and the private garden areas for each dwelling. The submitted layout shows that the gardens are two thirds the size of the internal space of the dwelling and have acceptable distances to the rear boundary to ensure acceptable privacy standards.

Impact on Adjacent Occupiers and Residential Amenity

- 104 The proposed dwellings are set down from the immediate neighbouring properties and land level information has been submitted to demonstrate that the proposed dwellings are acceptable in terms of their heights and impact upon the neighbouring residential properties in terms of overbearing/overshadowing and loss of natural light.
- 105 All properties have been set sufficiently away from the boundaries with the neighbouring properties and the neighbouring properties themselves, to ensure that any impact to the existing neighbouring properties will not be severe. Although it is recognised that some of the neighbouring buildings are bungalows, the topography of the site is considered to minimise any impact upon these buildings.
- 106 It is also noted that boundary treatments, together with the distances to the rear boundaries, will prevent any adverse impact with regards to loss of privacy to existing neighbouring units and where possible, hedges are to be retained or replaced to increase privacy levels.
- 107 The properties have been arranged with sufficient external garden space to meet the aims and requirements of local guidance and the layout of the proposal is not considered to give rise to any significant adverse impact upon the living conditions of either existing or future occupants.

Highways

- 108 A significant majority of the objections received on highways grounds to this application are concerned with the impact on the local highway network, as opposed to the internal arrangement of this proposed development. The traffic impact of the proposal was addressed, and the accesses proposed in this application that link to the wider road networks were approved when the outline planning application was consented in 2020. The Reserved Matters can only relate to the issues of car parking associated with the individual plots and the layout and specification of the proposed roads.

- 109 The new dwellings are to be served from a hierarchy of streets, each accessed from the four primary accesses that were approved at the outline stage. Each parcel for development has one entrance into the site, apart from the southern most parcel of land which will have a spinal road accessed from Haigh Moor Road, looping around to the Hill top Lane. From the main arterial roads, the patterns of houses are further set onto secondary routes, shared surfaces (to private drives); all of which are interspersed with the existing and proposed footpaths (including the alterations to public right of ways no.81, 107 and 108). This layout is considered to cater for cyclists and pedestrians.
- 110 The proposed dwellings have sufficient off street car parking per dwelling and the EVCP are to be provided in line with the condition that was imposed on the original Outline consent. The proposal is considered to have addressed the details raised by the Highways Authority and it is considered that the proposal would not give rise to any significant highway safety concerns. In this respect, subject to conditions, the proposal is considered to be acceptable in terms of both local (policy T2) and national (paragraph 109) planning policies.

Affordable Housing

- 111 Policy H5 states that *'The affordable units should be a pro-rata mix in terms of sizes and house types of the total housing provision, unless there are specific needs which indicate otherwise, and they should be suitably integrated throughout a development site'*.
- 112 Affordable Housing (AH) is proposed at 15% provision. The table in paragraph 11 of this report highlights the proposed AH provision. The proposed AH contribution is illustrated on the site layout and the houses are spread across the development.
- 113 The applicant has supported their Affordable Housing offer with a submitted Housing Needs Assessment, which is based on the Council's SHMA with regard to the need for affordable flats.
- 114 The affordable housing mix that is proposed is considered to be acceptable and compliant with policy H5. The Section 106 legal agreement that was entered into by the applicant in the Outline Planning application, secures the provision and delivery of the affordable housing proposed.

Greenspace/ Landscaping

- 115 The application proposes significant areas of green space across the four parcels of land that are accessible to all residents. The quantum proposed in relation to the number and mix of housing is satisfactory and it has been designed to promote the existing public rights of way and link the sites to the wider Woodland that is to be enhanced and managed.

- 116 The quantum of open space is distributed across the parcels of land and where possible linked with the wider Woodland, or used to provide a buffer between the development and the Woodland. The proposal includes a mixture of recreational spaces that include children's trim trail equipment, and parcels of land that will allow recreational use such as dog walking or just an area for kids to play. The proposal is considered to be appropriate to the needs of the development and the wider area and is acceptable with regards to policy G3.
- 117 The exact landscaping of the green space (number of trees, species to be planted) are subject to the landscaping conditions attached to the outline planning application. However, the landscaping masterplan gives sufficient detail to understand that the areas can function both in terms of biodiversity net gains, but also as functional recreation space for existing and future occupants of the site and wider areas. The areas of Green Space provided are sufficient enough in quantity and of an acceptable quality overall to ensure that the proposal is compliant with policy G4.
- 118 The updated Landscaping Masterplan shows an increase in hedging across the parcels of land and significant green landscaping corridors/ areas across all four parcels of land. Whilst the Masterplan outlines the overall strategy to integrate the open spaces with the proposed built environment, the full details will still be subject to landscaping and biodiversity requirements outlined in the conditions of the outline consent, but also the requirements of the legal agreement. The Masterplan outlines the vision for the landscaping of the site and the biodiversity improvements and it is considered that these details are acceptable, subject to details of numbers and species being proposed to be provided through the existing conditions.
- 119 The legal agreement associated with the Outline consent secures the management of the open spaces and the Woodland. Contributions are to be made over a 10 year period for the management of the Woodland and a management company is to be set up before the dwellings are occupied.

Mains Drainage

- 120 Mains Drainage have stated the revised layout does not provide any additional drainage information and therefore the outline planning application conditions still apply. The proposed site layout plan shows ground attenuation tanks located within various parts of the overall site.
- 121 The outline planning consent was subject to several conditions relating to drainage of surface water run-off from the site. The conditions require the developer to submit for approval details of the drainage of surface water run-off from the development, together with details of the interim surface water drainage measures to be implemented during construction. The conditions remain in force and they sufficiently deal with the issues of drainage associated with this proposal.

Rights of Way

- 122 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.
- 123 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.

Other issues

- 124 Issues raised by the representations received include certain aspects that are not relevant to this Reserve Matters application. These include the principle of development, loss of green land, the impact on local services, amenity, and infrastructure. These were considered at the outline stage where planning consent was granted for up to 299 units. The CIL payment would contribute towards additional infrastructure including education provisions. The S106 package linked to the Outline consent also includes contributions towards off-site improvements works, including significant contributions to highway junctions improvements.
- 125 Concerns have been raised relating to the contributions that were agreed in the previous application and questioning why this application is not linked to the contributions. The contributions secured through the legal agreement towards highway improvements, open space management and contributions towards bus improvements, are to be paid at various stages of the development. Once the development commences, the LPA monitors the progress and invoices the developer in accordance with the payment triggers outlined in the legal agreement.

CONCLUSION

- 126 The amended proposal is considered to be acceptable in terms of the scale, density, layout and design detailing of the propose dwellings. The scheme has created a satisfactory layout that provides a good mixture of housing that is required within the area. The site is an important strategic housing site and the proposed layout provides a housing scheme that responds to the general character of the wider area, whilst enhancing biodiversity across the site and maintaining the Woodlands.

127 With consideration being given to all other matters, the proposal is considered to be acceptable and recommended for approval subject to conditions.

Appendix 2



Originator: Mark Jackson

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

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.

1.0 INTRODUCTION:

- 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



Leeds
CITY COUNCIL

Originator: Mark Jackson

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

Electoral Wards Affected:

Morley South

Ardsley and Robin Hood

Ward Members consulted
(referred to in report)

Yes

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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.

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

SA Scores of Publication Draft Sites within the OSW HMCA

Town and Country Planning Act 1990

Grant of Outline Planning Permission

Applicant:	West Ardsley Development Consortium	Application Number:	17/08262/OT
Agent:	Walker Morris Solicitors Planning Unit Kings Court 12 King Street Leeds LS1 2HL	Date Accepted:	15 December 2017
		Date of Decision:	21 October 2020

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

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

Outline planning permission granted in accordance with the approved plans and specifications and subject to the condition(s) set out below:-

- Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before any works associated with the residential development of each relevant phase is commenced.
 - layout (including road layout);
 - access (es) (other than those approved under condition 3);
 - scale;
 - appearance;
 - the landscaping of the site;

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

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

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

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

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

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

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

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

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

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

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

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

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Grant of Outline Planning Permission

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

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

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

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

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

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

In the interests of creating a balanced and sustainable community.

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

To ensure the provision of adequate open space.

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

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Local Planning Authority. All phases of residential development shall be carried out in accordance with the agreed details.

To reduce pollution and the consumption of natural resources.

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

In the interests of creating a cohesive development.

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

In the interest of highway safety

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

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

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

To ensure the free and safe use of the highway.

- 15) Development shall not be occupied until all areas shown on the approved plans to be used by vehicles have been fully laid out, surfaced and drained such that surface water

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does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

To ensure the free and safe use of the highway.

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

In the interests of climate change and emission reductions

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

In the interest of sustainable travel

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

In the interests of the preservation of the historic environment

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

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

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

in the interests of drainage and pollution prevention.

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

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

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

- 22) If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. An amended or new Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Statement.

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

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

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

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

- i) details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking);
- ii) details of wheel washing and other measures to ensure that mud is not carried onto the public highway;
- iii) details of dust suppression measures during demolition and construction phases;
- iv) details to ensure that work on site only takes place between 07.15hrs - 18.00hrs Monday to Friday, from 07.30hrs - 13.00hrs on Saturdays with no working on Sundays or Bank Holidays;
- v) details of the delivery routes and hours of deliveries for construction traffic; and
- vi) details of measures to engage with local Ward Members and nominated representatives in relation to matters associated with site construction.

The approved Construction Method Statement and Management Plan shall be implemented in full for the duration of construction works. All works on site shall be undertaken in accordance with the approved CEMP.

Reason: In the interests of the amenities of the surrounding area

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

In the interests of the amenities of the surrounding area

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

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In the interest of the amenities of the surrounding area

- 27) No development shall take place until the following ecological reports and details and based on the recommendations in the approved Ecological Appraisal by Brooks Ecological, including details for implementation, have been submitted to, and approved in writing by, the local planning authority:
- A Biodiversity Enhancement and Management Plan (BEMP);
 - Checking surveys for birds nests (if clearance and other works scheduled for March to August)

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

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

In the interests of biodiversity

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

Hard landscape works shall include:

- (a) proposed finished levels and/or contours,
- (b) boundary details, means of enclosure and retaining structures,
- (c) car parking layouts,
- (d) other vehicle and pedestrian access and circulation areas,
- (e) hard surfacing areas,

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- (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),
Soft landscape works shall include
(h) planting plans
(i) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
j) schedules of plants noting species, planting sizes and proposed numbers/densities.

All hard and soft landscaping works for each phase of development shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

To ensure the provision and establishment of acceptable landscaping.

- 30) a) No works shall commence (including any demolition, site clearance, groundworks or drainage etc.) until all existing trees, hedges and vegetation shown to be retained on the approved plans are fully safeguarded by protective fencing and ground protection in accordance with approved plans and specifications and the provisions of British Standard 5837 (2012) Trees in relation to design, demolition and construction, unless otherwise agreed in writing by the Local Planning Authority. Such measures shall be retained for the full duration of any demolition and/or approved works.
- b) Seven days written notice shall be given to the Local Planning Authority that the protection measures are in place prior to demolition/ approved works commencing, to allow inspection and approval of the protection measures as implemented on site. The written notice shall include evidence, such as a written appointment (including site specifics), that confirms that a qualified Arboriculturist/competent person has been appointed to carry out the Arboricultural monitoring/supervision referred to at c) below
- c) No works shall commence until a written Arboricultural Method Statement (AMS) in accordance with BS5837 for a tree care plan has been submitted to and approved in writing by the local planning authority. Works or development shall then be carried out in accordance with the approved method statement. The AMS shall include for on-site monitoring including site visits at key stages and on-site supervision of specific operations that relate to trees. Proposals shall include for reporting back to the LPA at each intervention.

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d) No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services, without the prior written approval of the Local Planning Authority.

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

Plans Schedule - as referred to in Condition No. 2 above:-

Plan Type	Plan Reference	Received
Site Location Plan/Red Line/OS Plan	1706.02	
Other	12/199/TR/010 Hill Top Access	
Other	12/199/TR/011 Sandringham Access	
Other	12/199/TR/012 Access Upper Green Avenue	
Other	12/199/TR/007 Rev C Access off Westerton Road	
Other	12/199/TR/008 Rev C Access off Haigh Moor Road	

For information:-

- 1) In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way to produce an acceptable scheme in accordance with the National Planning Policy framework.
- 2) In order to discharge condition 13 of this permission it is necessary to apply for a dropped crossing via the Leeds City Council website to obtain separate Highway Authority approval of the specification and construction details. and enter an agreement under Section 278 of the Highways Act 1980. The applicant is advised to make early contact with the Department of Highways and Transportation (0113 378 8089, email: catherine.kimuli@leeds.gov.uk) prior to submission of condition discharge details.

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The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

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Grant of Outline Planning Permission

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Applicants are requested to remove any site notices related to this application from outside the property to which the application relates.

Important Information about Your Planning Permission

Town and Country Planning (Development Management Procedure) (England) Order 2015

This decision notice only relates to the grant of outline planning permission. It does not give any approval or consent which may be needed under any legislation, enactment, bye-laws, order or regulation other than the Town and Country Planning Act 1990 as amended. You may need other approvals, consents or licenses for the development e.g. reserved matters approval or building regulations approval.

This permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) A variation from the approved plans following commencement of the development is likely to constitute unauthorised development and may be liable to enforcement action.
- (b) Variation to the approved plans will require the submission of a new planning application.

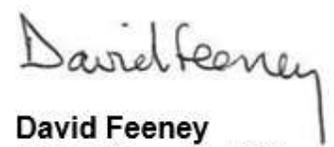
This planning permission is granted subject to conditions. Please read the conditions carefully and make sure that you understand what is required to comply with them. It is the responsibility of the owner(s) and the person(s) implementing the development to ensure that the approved plans and these conditions are complied with throughout the development and beyond. Failure to comply with any of the conditions may result in enforcement action.

Conditions which require work to be carried out or details to be approved prior to commencement are very important and are called '**conditions precedent**'.

This means:

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Merrion House 110 Merrion Centre Leeds LS2 8BB


David Feeney
Chief Planning Officer

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- (a) If a condition precedent is not complied with, the whole of the development might be unauthorised and you may be liable to enforcement action.
- (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify this is by the submission of a new application to obtain a fresh planning permission.

A fee of £116 per request or £34 if the request relates to a householder application is payable to discharge condition(s). The request needs to identify the planning application number and the condition(s) concerned; a form is available from our website www.leeds.gov.uk/planningforms titled Approval of Details application form.

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to grant permission for the proposed development subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 as amended.

If you want to appeal, you must do so within **six months** of the date of this notice, unless a valid Enforcement Notice exists for the same or substantially the same development. In this case the period for appeal is **28 days** from the date of this notice. You should use a form which you can obtain from www.gov.uk/government/organisations/planning-inspectorate or by email from enquiries@pins.gsi.gov.uk or by phoning 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to do so unless there are special circumstances which excuse the delay in giving notice of appeal.

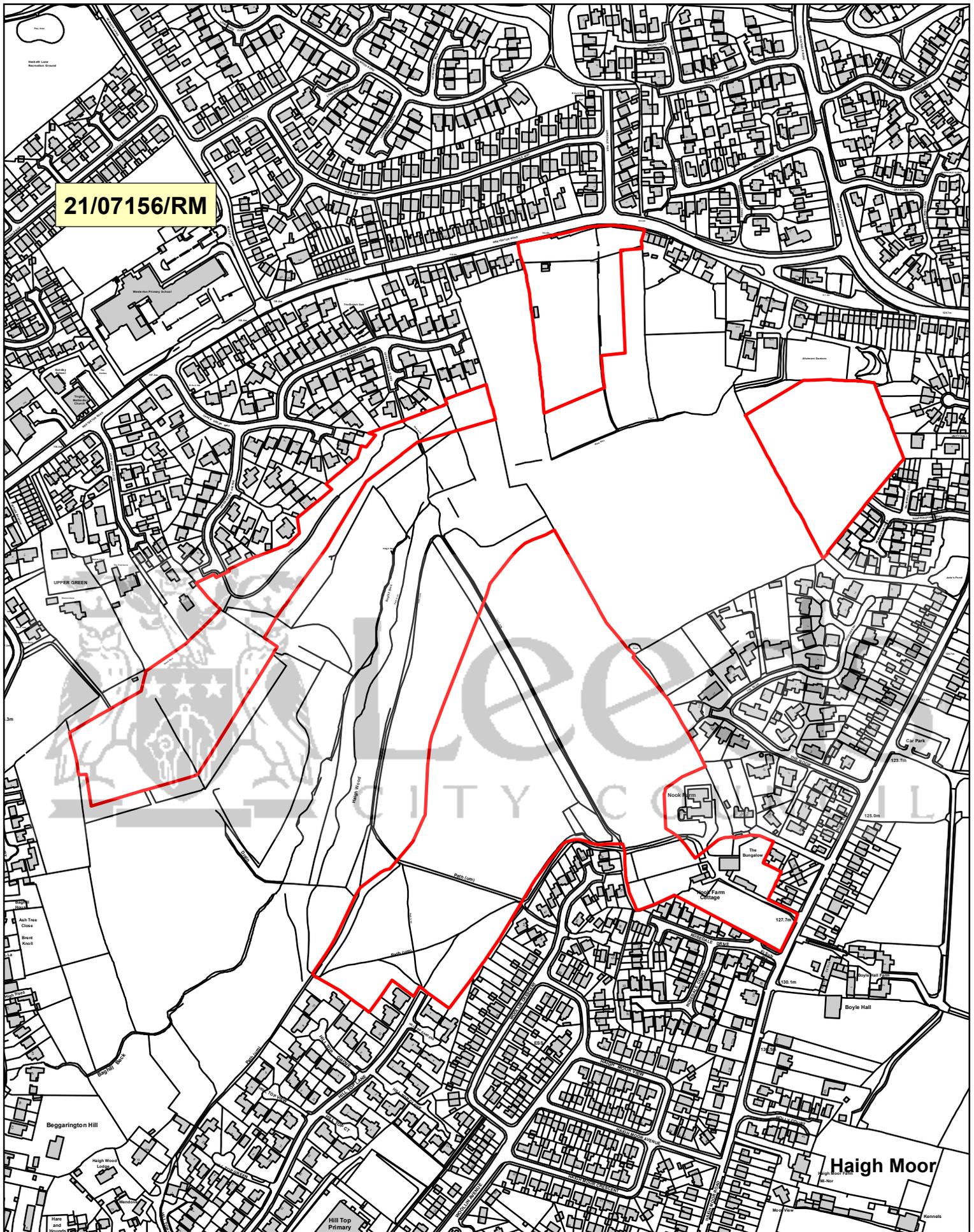
You must send one copy of the completed form to planning.appeals@leeds.gov.uk or Appeals Administration, Planning Services, Leeds City Council, Merrion House, 110 Merrion Centre, Leeds, LS2 8BB as well as to the Planning Inspectorate at the address on the form.

If you intend to submit an appeal that you would like examined by inquiry, you should notify the Local Planning Authority (planning.appeals@leeds.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) of your intention to appeal a minimum of 10 working days before the appeal is submitted to the Planning Inspectorate.

The notification form and further guidance is available at www.gov.uk/government/publications/notification-of-intention-to-submit-an-appeal

Town and Country Planning Act 1990

Grant of Outline Planning Permission



21/07156/RM

SOUTH AND WEST PLANS PANEL

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

SCALE : 1 / 4500



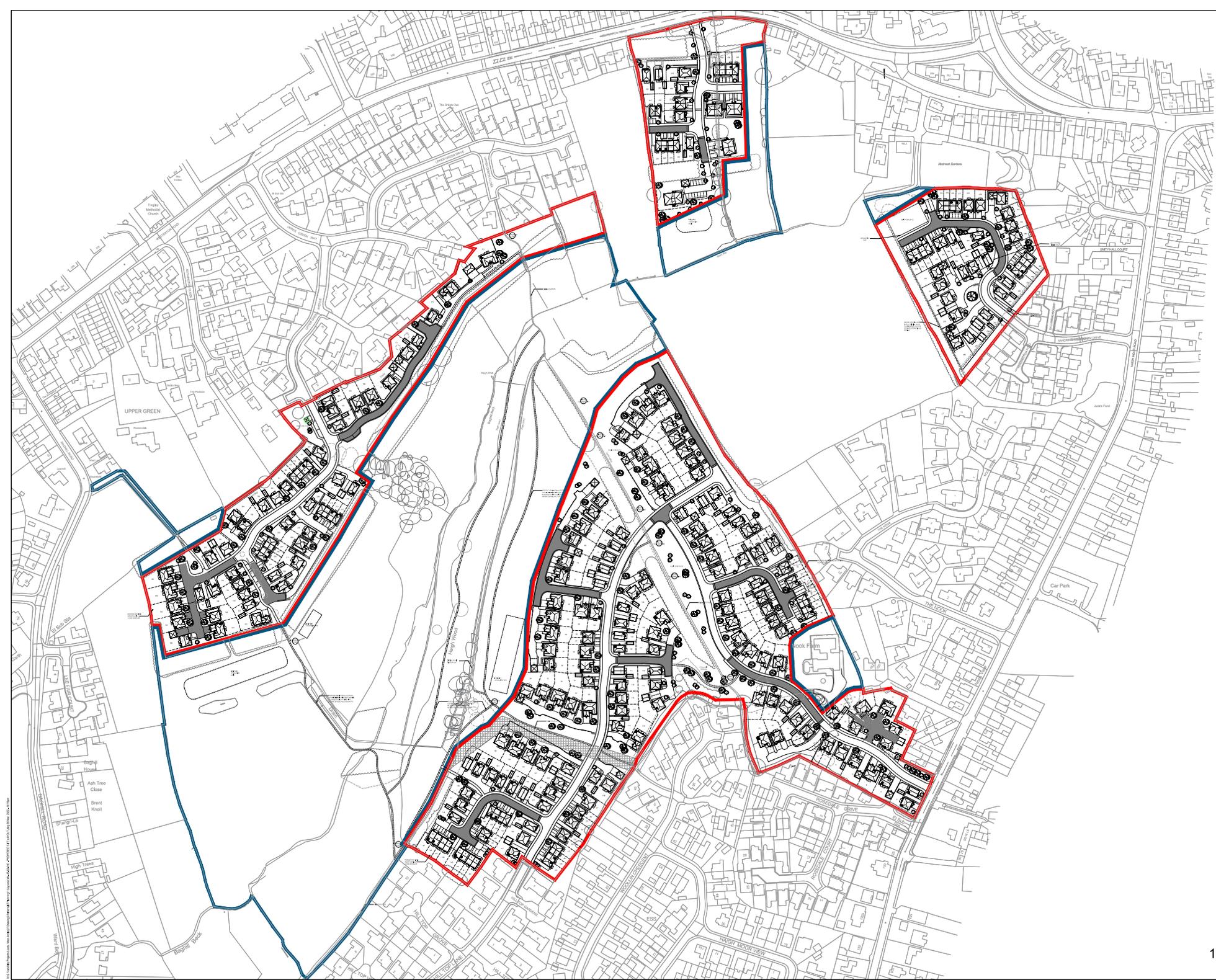


KEY

- RED SITE BOUNDARY
- BLUE SITE BOUNDARY
- RED SITE BOUNDARY WITH BUILDING FOOTPRINT
- BLUE SITE BOUNDARY WITH BUILDING FOOTPRINT
- RED SITE BOUNDARY WITH BUILDING FOOTPRINT AND PARKING
- BLUE SITE BOUNDARY WITH BUILDING FOOTPRINT AND PARKING
- RED SITE BOUNDARY WITH BUILDING FOOTPRINT AND PARKING AND LANDSCAPING
- BLUE SITE BOUNDARY WITH BUILDING FOOTPRINT AND PARKING AND LANDSCAPING
- RED SITE BOUNDARY WITH BUILDING FOOTPRINT AND PARKING AND LANDSCAPING AND AMENITY
- BLUE SITE BOUNDARY WITH BUILDING FOOTPRINT AND PARKING AND LANDSCAPING AND AMENITY

SCALE SHOULD BE USED TO DETERMINE DIMENSIONS FOR ALL PLOTS WITHOUT SPECIFIED DIMENSIONS OR RATIO.

THE PROPOSED DEVELOPMENT PLAN IS SHOWN IN PLACE OF EACH PLOT AND IS SUBJECT TO LOCAL AUTHORITY APPROVAL.



1	1000	1000	1000	1000	1000
2	1000	1000	1000	1000	1000
3	1000	1000	1000	1000	1000
4	1000	1000	1000	1000	1000
5	1000	1000	1000	1000	1000



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WEST ARDSLEY
LEEDS

PROPOSED SITE LAYOUT

PROJECT	DATE	BY	CHKD	APPD
LWA	16-02-01	D		