

# Public Document Pack

City Plans Panel – 10<sup>th</sup> April 2014

Additional information for agenda item 9 – Applications 13/04148/OT and 14/00190/FU –  
land rear of Moseley Wood Gardens and Land off Cookridge Drive LS16

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## **Introduction**

As part of Outline Planning Application 13/04148/OT/NW, Moseley Wood Rise would be widened in accordance with a Street Type 2 in the LCC Street Design Guide. The Street Design Guide recommends that a carriageway width of 5.5m is suitable to serve development up to 300 dwellings, a 6m width is recommended for more than 300 dwellings. The Outline application indicates that the site would seek to accommodate 200 dwellings therefore in highway safety terms one single point of access would be sufficient to meet the guidance, however the guidance does state that for developments between 200-300 dwellings two access points are preferred. To reduce the impact of the increased traffic arising from the development on the residents of Moseley Wood estate and in particular residents on Moseley Wood Rise Officers considered it essential to create a second point of access to ameliorate this concern and in order to facilitate the development of the entire site.

The Outline application proposed to create an emergency vehicle and cycle and pedestrian link from the site out on to Cookridge Drive. By creating a full adopted and vehicular access onto Cookridge Drive the indicative layout would show two distinct halves, the centre of the southern half of the site (130 properties) would be 85m from the Moseley Wood Rise access and the centre of the northern half of the site (69 properties) would be 180m from the Cookridge Drive access. The applicants in response to these concerns have submitted a Full application to create an adopted highway in place of this emergency link route from the site to Cookridge Drive.

## **Cookridge Drive proposed road details**

- The incursion in to Green Belt is between 60 and 70m in length, the total distance along the centreline of the road from the back edge of the existing footway is approximately 75m.
- The retaining wall is approximately 50m in length and requires a 5m easement behind it. No trees or planting will be permitted within the 5m easement.
- The plan indicates a retained height of 2.18m at Section A-A, reducing to 1.4m at Section B-B (as shown on attached plan)
- Footways are 2m wide and the carriageway is 5.5m wide, therefore a maximum highway width of 9.5m plus the retaining wall are proposed.
- The maximum width including the 5m easement and embankments is indicated at 20m.
- The road would be lit by standard street lamps.

## **Planning Policy**

This second point of access into the site requires the creation of an adopted road over approximately 60-70metres of land designated as Green Belt. The initial 10 metres of new adopted road from Coorkidge Drive would be on land designated outside of the Green Belt. The land required to accommodate the new access road is covered in a Tree Preservation Order. The land is also designated UK BAP Priority Habitat (Lowland Mixed Deciduous Woodland).

Nick Boles in his ministerial statement of the 6th March 2014 launching the new streamlined national planning policy guidance (NPPG) has stated that 'we are ... re-affirming Green Belt protection, noting that unmet housing need is unlikely to outweigh harm to the green Belt and other harm to constitute very special circumstances justifying inappropriate development'.( NPPG Methodology – Stage 5: Final evidence base)

NPPF Paragraph 79 states "The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence".

NPPF Paragraph 80 sates: "Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;

- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”.

NPPF Paragraph 88 states “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

Paragraph 90 of the NPPF states “certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These are:

mineral extraction;

engineering operations;

local transport infrastructure which can demonstrate a requirement for a Green Belt location.

the re-use of buildings provided that the buildings are of permanent and substantial construction; and

development brought forward under a Community Right to Build Order”.

### **Analysis**

The applicant has stated that they consider the proposal under the Town and Country Planning Act 1990 (c8) Part XV: Miscellaneous and General Provisions S.336 ‘Engineering Operations’ “includes the formation or laying out of means of access to highways” and therefore the proposals do fall under the classification of paragraph 90 of the NPPF.

As there are no residential units being created in land designated as Green Belt, Officers would agree that the creation of an adoptable access road over this stretch of Green Belt would fall within the definition of an Engineering Operation and therefore are a form of development which is not considered inappropriate in the Green Belt, provided (as set out in paragraph 90) that such works ‘preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.’ If the paragraph 90 test is satisfied Very Special Circumstances are not required. The impact on the Openness of the Green Belt as a result of the construction of a new road must be tested as identified in paragraph 79 of the NPPF. The potential effect of development on trees whether statutorily protected or not is a material consideration that is taken into account in dealing with planning applications. The woodland areas affected by the proposed access road are identified as UK BAP Priority Habitat (Lowland Mixed Deciduous Woodland) and therefore the LPA has a biodiversity duty to consider the conservation of this resource.

The creation of the access road would result in the removal of 12 Category B trees and 6 category C trees. A further 6 Category B trees and 4 category C trees may also be required to be removed once the detailed construction and highway requirements are clarified. The location of the access road would be constrained from wider views beyond Cookridge Drive by the topography of the land, the location of the existing houses on Cookridge Drive and by the remainder of the majority of the woodland.

The creation of the access road from Cookridge Drive should not conflict with the purposes of including land within the Green Belt otherwise it could fail the assessment of paragraph 90 of the NPPF and therefore would become a form of inappropriate development. The most applicable criteria of paragraph 80 (5 purposes of including land within the Green Belt) has been identified by

Officers as being “to assist in safeguarding the countryside from encroachment”. In assessing the impact Officers have looked at the character of land in relation to its existing setting - is it urban fringe or is it part of the wider open countryside? the degree of openness or containment provided by the relationship with the built up area and the presence of strong physical boundaries separating open countryside from the built up area. The site is characterised by a woodland, located on a sloping site and bound by the side and rear boundaries of properties on Cookridge Drive. A small part of the site would adjoin the field designated as PAS land and the subject of the Outline application. It is likely that the impact from the encroachment into the Green Belt from the access road would be fairly minimal in this regard.

Significant tree planting is proposed as part of the landscape strategy of the wider site to mitigate the harm arising from the loss of TPO trees. If Members accept that losing an area of UK BAP Priority Habitat can be justified Planning conditions can be used to ensure that there is adequate compensation to offset its loss.

The creation of this second point of access would bring the northern area of proposed housing on the site within the accessibility criteria stipulated in the Council’s emerging Core Strategy and adopted Supplementary Planning Document Street Design Guide. Although Officer note that the walk times to high frequency bus stops would take 8 minute which exceeds the 5minutes stated in the accessibility criteria. The second access therefore allows for the efficient use of land to take place by utilising the entire site for housing.

Members are asked to consider, if the site is otherwise acceptable but development is limited by access restrictions then the second access from Cookridge Drive means not having to make up numbers of dwellings elsewhere on other sites that are potentially less suitable/more environmentally sensitive.

**Members are asked to consider the impact of the proposed access road from Cookridge Drive upon the Openness of the Green Belt and whether they consider the creation of an access road in this location would conflict with the purposes of including land within the Green Belt.**

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