



**Position Statement Report of the Chief Planning Officer**

***PLANS PANEL: City Plans Panel***

**Date: 10<sup>th</sup> April 2014**

**POSITION STATEMENT:**

**APPLICATION: 13/04148/OT – Outline application for development of circa 200 dwellings, including access from Moseley Wood Rise at Land at rear of Moseley Wood Gardens, Cookridge**

**APPLICATION: 14/00190/FU – Proposed second access road from Cookridge Drive to Land at rear of Moseley Wood Gardens, Cookridge.**

**APPLICANT**

Taylor Wimpey UK Ltd

**DATE VALID**

10.09.2013

**TARGET DATE**

31.05.2014

**Electoral Wards Affected:**

**Adel and Wharfedale**

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**

**Members are asked to note the contents of the report and the presentation and provide any comments they may have.**

**1.0 INTRODUCTION:**

- 1.1 These applications are reported to Panel as a position statement to inform members of the applications and to provide an assessment of the main issues identified. The application for residential development on the PAS land is a Departure from the Development Plan (13/04148/OT). The application for the creation of a second point of access to the site from Cookridge Drive is also a Departure from the Development Plan (14/00190/FU) as it constitutes inappropriate development in the Green Belt which requires very special circumstances to be demonstrated by the applicant to outweigh the harm to the Green Belt.

- 1.2 The first application is an application for new residential development on a site designated as a Protected Area of Search ( PAS site under policy N34) in the adopted UDP intended to provide for long term development needs if required. Key considerations in reaching a recommendation will be matters of housing land supply and sustainability in the context of progress on the Site Allocations Plan. The City Council at Executive Board in March 2013 has approved an Interim Policy which has been designed to facilitate the release of some smaller PAS sites in the Main Urban Area and Major settlements to strengthen the delivery of housing in the city ahead of the Site Allocations Plan.
- 1.3 Members have used the Interim housing policy to support the release of PAS land at Fleet Lane and Royds Lane where the criteria were met:
- Application 12/03400/OT Outline application for Residential Development on land at Royds Lane, Rothwell
  - Application 12/03401/OT - Outline Application for Residential Development at Fleet Lane, Oulton.
  - Both sites have now been granted outline planning permission
  - Members have also considered Application 13/00902/OT – Outline Application for Residential Development on land at Owlars Farm, Morley and have resolved to support the application in principle as it complies with the interim policy subject to resolution of the access details.

## **2.0 PROPOSAL:**

- 2.1 This is an outline planning application for the development of the site with circa 200 houses. Approval is sought for approval of the access to the site from Moseley Wood Rise but all other matters (appearance, landscaping, layout and scale) are reserved for subsequent approval. A second planning application reference 14/00190/FU has recently been submitted for the creation of a second point of vehicular access into the site from Cookridge Drive.
- 2.2 Although the majority of matters are reserved for subsequent approval the applicants have submitted an indicative layout to illustrate that the site can be developed for up to 200 houses.
- 2.3 The layout has been amended to provide two access points with an estate road running from Cookridge Drive, through the site and out on to Moseley Wood Rise. Within the site the indicative masterplan shows houses fronting on to the internal roads and overlooking the areas of public open space and landscaping areas with a traditional estate style layout. These properties are described as providing a mixture of detached and semi-detached properties to reflect the existing local character of this part of Cookridge.
- 2.4 The applicant', agent has indicated that the following obligations, to be included in the 106 Agreement and detailed in this report, are acceptable: affordable housing provision; education contribution; Highway Improvements; Transport SPD contribution; metrocard contribution; Travel Plan Review fee; greenspace contribution (including the woodland to the north of the application site, though this woodland is not required as part of the Greenspace policy requirements and the benefits of the woodland should not be considered when Panel determine the planning application).

- 2.5 There is potential for the developer to off set the loss of biodiversity that will result from the creation of the second access road from Cookridge Drive by planting new woodland area adjacent to the PAS site, within the Green Belt and within their wider ownership. This new woodland would take the overall size of the two application sites beyond the 10 hectare threshold stipulated in the Interim Housing Development Policy. The detail of the new woodland is still negotiated with the applicant.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is protected under Policy N34 Unitary Development Plan Review (2006) (UDPR) and is allocated as 'Protected Area of Search for Long Term Development' (PAS). PAS sites are allocated by Leeds City Council (LCC) to maintain the permanence of Green Belt boundaries and to provide some flexibility for the City's long-term development. The UDP identifies the site as being 9.9 hectares. The applicant states that in total the application site measures 9.71 ha (24.01 acres), with 6.1 hectares being developed for residential uses. The recent application for the creation of the second point of access from Cookridge Drive takes 0.18ha of land. The applicant has recently reconfirmed the exact cumulative site area as 9.88ha following local residents representations that the site area exceeds the 10 hectares threshold set out in the Interim Housing Policy. Taylor Wimpey UK Ltd also controls 5.99 ha of land to the north of the application site which is designated within the UDPR as Green Belt. This parcel of land is defined by the blue line boundary in the submitted plans. It is not the intention of Taylor Wimpey UK Ltd to develop this land, however Taylor Wimpey did want to offer this land as public open space but as it is not required by the Greenspace UDP policies N2 and N4, if it is provided by the applicant it should not form part of the Panels consideration when determining the Outline planning application.
- 3.2. The proposed land on which the main housing estate would be sited is currently an open field which slopes down to the south and east towards the beck and the railway line from Cookridge Drive and the rear of Moseley Wood Gardens to the north and west. The site is predominantly used as pasture land and agricultural land.
- 3.3 Beyond the railway line is open land designated within the UDPR as Green Belt. The general character of the built area surrounding the site is residential.
- 3.4 The site has a provisional TPO that covers all trees within the site. The adjoining woodland area to the north of the main site is also covered by a TPO. The Leeds Strategic Flood Risk Assessment shows that there is a thin strip of flood zone 3a(i) along the western boundary of the site adjacent to the beck. The majority of the site is in flood zone 1.

### **4.0 RELEVANT PLANNING HISTORY:**

N/A

### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Following submission of each of the planning applications the developer held pre-application meetings with officers. Councillor Anderson also attended a pre-application meeting with the applicant and officers. The applicant also held community consultation events prior to each application being submitted, notably

the 27<sup>th</sup> June 2013 for the Outline application and then 5<sup>th</sup> December 2013 for the second access application. The applicants statement of community involvement acknowledges that the over whelming response from residents was to oppose the principle of developing the site.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application was publicised by site notices and it was also the subject of a notice in the Yorkshire Evening Post. A reconsultation with residents is also taking place in light of revised drainage details. The application for the second point of access has also been advertised by site notices. The representations and objections received to both the Outline and Full planning application are summarised below
- 6.2 Objections were received from Councillor Anderson to the Outline application on the basis that this is a PAS site and should only be considered as part of a review as indicated by the Inspector's report relating to the Leeds UDP Review. Councillor Anderson also supports the residents objection that the site is not suitable for development because of concerns about flood risk and drainage and due to the site being saturated and having a high water table level. The objection also rebuts the submitted Flood Risk Assessments and Drainage strategy.
- 6.3 Councillor Anderson has objected to the application to create a second access from Cookridge Drive on the following grounds:
1. Road safety issues on Cookridge Drive
  2. Road safety issues at the junction of Cookridge Drive and Green Lane
  3. Road safety issues at the junction of Cookridge Avenue and Cookridge Drive
  4. Road safety issues at the junction of Moseley Wood Avenue and Cookridge Drive
  5. It will lead to increased traffic going along Cookridge Avenue which is not going to benefit from any improvements at all and as Highways colleagues in Highway Maintenance will be able to confirm the road surface is not of standard construction and the increased wear and tear by HGVs accessing the site will damage it, never mind the increased volumes of traffic.
  6. In the winter period, at the bowl of Cookridge Drive it will be very difficult to get off Cookridge Drive due to winter conditions Again, evidence from Highways will be able to show that this area is not one which is gritted.
  7. Potential loss of trees is unacceptable.
  8. The potential damage that could be done to the garages in the area, at the bottom of Cookridge Drive and the danger associated with using those garages make this access unacceptable.
  9. The construction of the internal roadway along the rear of the properties in Moseley Wood Gardens is unacceptable and the dust, mud, number of HGVs and other construction traffic make this unacceptable and no form of mitigation will be able to resolve this problem.
  10. Bearing in mind that because of the phased building proposed on this site it will be getting close to 5 years before any houses are getting constructed outside of the properties nearest Moseley Wood Gardens and Cookridge Drive yet they will have had to put up with all the flooding damage that will be done during the construction of this road as the road will not be at adoptable standard.

11. The area already suffers from flooding and drainage issues never mind putting more hard standing on it. This will cause more flooding in the gardens on Moseley Wood Gardens that are currently already flooded.
12. The water displacement that will occur during the construction phase of this road will cause problems to the residents on Moseley Wood Gardens.
13. The amount of construction traffic that will sit at the top of Cookridge Drive to await access on a daily basis will be unacceptable and experience shows that planning do not enforce construction management plans agreed with the developers.
14. Planning do not enforce rigorously any road cleaning, noise nuisance, vibration or general poor behaviour by construction traffic despite them being conditioned.
15. Overall this entrance does nothing to enhance the already unacceptable development.

6.4.1 An objection has also been received on behalf of the Cookridge Residents Action Group (CRAG), and 247 further representations have been received, all of which 243 object to the Outline application 13/04148/OT development of the site for housing. There have been 71 objections received to the publicity of the application for the access road from Cookridge Drive.

6.5 The objections from residents submitted relate to the following issues:

- Highway Safety matters
- Cars are parked already on both sides of Cookridge Drive making it unsafe for further access
- Photos submitted to show parking on both sides of Cookridge Drive
- Impact of traffic- particularly along Bramhope/Otley/Ilkley route and toward Kirksall Road
- Highway safety issues on Cookridge Drive and at the junction of Cookridge Lane and Green Lane and the junction of Cookridge Avune and Cookridge Drive
- Cookridge Drive is not suitable for access during the winter
- Second access proposals harmful to highway safety and amenity
- Impact on use of existing garages
- Loss of trees not supported
- Cookridge Drive is not suitable for a through access road
- Lack of capacity in local facilities (schools, doctors, dentists) and infrastructure (foul and surface water). Development therefore not sustainable.
- Existing flood risk problems
- Submitted flood risk assessments inaccurate and contradictory
- Site floods
- Surrounding streets flood
- Evidence submit to show flooding; photos, videos, songs
- Loss of greenfield land. Site should be returned to Green Belt.
- Likely flooding of railway line
- Brownfield first approach to housing development
- Development of PAS area should be the subject of proper consultation through development plan process as indicated by LUDPR Inspector.
- Housing development should be on brownfield sites first (reference to NPPF).
- Parking provision will be insufficient.

- Harm to biodiversity and nature conservation.
- Too many houses have already been built in Cookridge/Horsforth and area.
- Improvements to railway station and rolling stock required
- Public transport facilities inadequate – too far to bus stops and train stations. Site is not accessible as defined in SPD.
- There are plenty of vacant properties for sale in the area, these houses are not needed.
- Application was not sufficiently publicised.
- The development of the site will not make a sufficient impact on the housing shortfall to justify releasing it.
- Application has been cynically timed to pre-empt Local Plan consideration.
- Site abuts Green Belt
- Insufficient study of impact on bats. Loss of wildlife habitat.
- Methodology of Transport Assessment is inadequate.
- Loss of privacy, outlook and light
- Noise pollution
- Disturbance during construction, especially mud on roads and HGV traffic
- Contrary to Localism Act
- Over development of the area
- CRAG conclude:
  - “this proposal runs contrary to a number of the Council’s UDP Review policies and does not represent sustainable development;*
  - ☐ these adopted UDP policies carry significant weight in the determination of the application;*
  - ☐ there are no relevant material considerations, including the economic benefits of the proposal, planning obligations associated with the proposal and the need for housing, that carry sufficient weight to override the application’s conflict with the development plan;*
  - ☐ there is a potential alternative future for the site that should be considered as part of the Site Allocations DPD plan led process.*

*CRAG hope that the Council appreciate the strength of feeling in the local community about the unsustainable nature of this proposed development. Over 600 people objected to the conclusions of the Site Allocations DPD: Issues and Options Consultation this summer in connection with this site and over 400 people have objected to this planning application. The latter would have been greater, but there has been some confusion in the local community on whether an objection to the former was sufficient to object to the latter.*

*Therefore CRAG urge the Leeds City Council Plans Panel to refuse this planning application for the reasons and conflicts given in this statement. The Plans Panel may consider that the proposal’s potential adverse impacts can be satisfactorily controlled through attaching conditions to an outline planning approval so as to deal with some outstanding issues at the reserved matters application stage. CRAG disagree with this conclusion because they view these outstanding matters e.g, flooding/drainage and wildlife are fundamental to the acceptability of this proposal for up to 200 dwellings.*

*However even under these circumstances, it is CRAG's opinion that the proposal's conflict with Policy N34 (PAS sites) of the UDP and its purpose of safeguarding land for later plan led consideration will remain carrying significant weight and will independently justify a refusal of planning permission.*

6.6 Greg Mulholland MP has objected to the application:

*Firstly there are very serious concerns about the effect that building houses at the site near Moseley Wood Gardens could have on the local environment and in turn the local rail network. The proposed site off Moseley Wood Gardens is currently marsh land with poor drainage. Moseley Wood Beck already overflows in times of heavy rainfall and this has caused delays on the trainline, which runs through the area, in the past. There is a very real concern that the risk of flooding would be greatly increased if the area were to be developed.*

*I also have serious concerns about the effect that this development could have on local infrastructure. There is only one point of access into the site and there will be severe traffic problems if these 200 houses are built. In addition it is possible that there would be a serious impact on access to medical services and primary and secondary schools. There is increasing pressure on public services, especially school places, and no consideration appears to have been given to the effect that this development would have in the local area. Indeed I understand that no infrastructure audit has been carried out by the Council.*

*Additionally there are concerns about the impact development could have on wildlife on the site, especially considering that the site is home to a large number of protected species.*

*The site has been designated as a Protected Area of Search (PAS land) in the ongoing site allocations process, meaning development would not be considered by Leeds City Council until 2015. The developers are clearly aware of this. Submitting their application prior to decisions being made on the final site allocations is premature.*

*Finally, I have concerns about proposed development on a green field site, whilst there are a number of brown field sites in the local area.*

6.7 *A local residents has objected on the grounds that the planning application exceeds the 10hectare threshold "I have obtained a measurement for the total development at Moseley Bottom from Blackwell's Mapping (a company authorised by the OS) and taking into account the second access and the encroachment onto greenbelt as shown on the plans outlined in red the total is now over 10 hectares. The PAS Site measured includes the area outside the red outline on the basis that a PAS site should not be sub-divided.*

6.8 *The PAS Site total is 9.88 hectares (this includes the ares of the PAS site outside the red outline) the second access area as measured by Taylor Wimpey (or their agent) is 0.18 taking the total to 10.06. There is also a small strip of greenbelt land included in the red boundary for which I have been given a verbal estimate of size between 0.21 and 0.35 hectares. giving a total of 10.27/10.41 hectares.*

6.9 *Whilst I appreciate this is only marginally over the 10 hectares a cut off point is specified for a purpose, could you advise what the position is and the potential for using this information".*

- 6.10 Councillor Anderson has submitted on behalf of local resident's evidence to show the proposals are unsustainable not just on flooding or highways or transport or education or lack of infrastructure but the cumulative impact of all of them. Councillor Anderson has also raised concerns relating to the need for independent reviews of the traffic assessments submitted, a review of school places over the next 5 years and how this affects the development, housing mix negotiations, an accurate assessment of the site size including any adjoining developable land that could be accessed from this development and an acknowledgement that other sites in the Holtdale area can be developed to meet the 5 year supply demand.
- 6.11 An objection to the proposals has been submitted relating to a Walking Assessment carried out to demonstrate that the distances from the site exceed the set distances as outlaid in the emerging Core Strategy accessibility criteria and the guidance in the adopted SPD Street Design Guide.
- 6.12 An objection submitted relating to the recently published National Planning Policy Guidance paragraph 012 in the Design section which relates to access and inclusion. The objector considers this point should be dealt with during the application process and not via condition.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory:**

Environment Agency: "Further to our letter of 30 September (our ref: RA/2013/126318/01-L01), we have received additional information in response to the concerns raised by local residents, which we highlighted in our previous letter.

Having considered the additional information (dated 16 October on the Council's website) we have no objections to the application as submitted. However, we consider that outline planning permission could be granted for the proposed development if the following planning conditions are included as set out below

1. No development approved by this planning permission shall take place until such time as a scheme to manage surface water runoff has been submitted to, and approved in writing by, the local planning authority.

A surface water drainage scheme should be implemented to attenuate capacity of the up to and including 1 in 100 year storm event plus climate change allowance and should limit surface water runoff to 5 litres per second per hectare (in accordance with the LCC 'minimum development control standards for flood risk' document).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

2. No development approved by this planning permission shall take place until such time as a final site layout plan showing all more vulnerable development is located within flood zone 1 has been submitted to, and approved in writing by, the local planning authority".



Highways: Require a second point of access to be created. There is concern about the site being outside of the distances set out in the accessibility criteria but this is not in itself sufficient to warrant refusal.

**Non-statutory:**

Contaminated Land Team: No objection subject to conditions.

Sustainability – Nature Conservation: No objection subject to condition.

Transport Development Services (Travel Wise): Travel Plan and monitoring fee (£2500) to be required through 106 Agreement.

NGT/Public Transport: Contribution of £1226 per dwelling

Local Plans: 2.18 hectares of public open space is proposed on site on the indicative masterplan. A financial contribution of £75,878.95 towards the laying out of green space is required along with a financial contribution of £125,746.32 towards children's equipped play and a contribution of £12,368.27 towards professional fees. The total green space contribution is £213,993.53. This equates to £1070 per dwelling.

Neighbourhoods and Housing (Affordable Housing): The scheme falls within the outer suburbs housing market zone where there is a requirement for 15% affordable housing split 50/50 social rent/submarket housing.

Network Rail: No objection subject to conditions.

Mains Drainage: No objection subject to conditions to include; surface water drainage scheme, feasibility study for use of infiltration methods, additional site investigation report for boggy area in south east section of the site, approval of flood mitigation measures, interim drainage measures to be employed during construction phase, post development monitoring condition.

Yorkshire Water: No objections to sewer diversion subject to suitable conditions.

Housing: The site fall within the Outer Suburbs Housing Market Zone therefore there is a requirement for 15% affordable housing split 50/50 submarket/social housing. Based on 200 units, there would therefore be a requirement for 30 affordable units split 15 for submarket and 15 for social rent. The units should represent a pro-rata mix of the units on the site as a whole and this mix and their location should be agreed with the Housing Investment Team and then shown highlighted on a plan attached to the S106 agreement.

Children's Services (Education Leeds): Primary: (dwellings) 200 X £12,257(cost multipliers) X 0.25 (yield per pupil) X 0.97 (location cost) = £594,464  
Secondary: (dwellings) 200 X £18,469(cost multipliers) X 0.10(yield per pupil) X 0.97 (location cost) =£358,298  
Total £952,762

Metro: Metro have concerns about the accessibility of the site to public transport options. Bus and rail zone 1-3 only metrocards should be secured through 106 Agreement (£572.55 per house based on 2013 prices but cost to be applied at time

of commencement of development). In order to improve the waiting environment when bus passengers access stops on Green Lane. Funding should be provided for the procurement and installation of Real Time Passenger Information displays at bus stops 11735 and 11736 (total £20,000).

Yorkshire Water: No objection subject to conditions.

Coal Authority. No objection subject to a condition requiring sites investigations to be completed in accordance with Desk Study before development.

Rights of Way: Public Bridleway No.1 Leeds subsists along the northern boundary of the site and a claimed footpath lies on the western boundary of the site. The claimed footpath should be dedicated under a Creation Agreement of Section 25 of the Highways Act 1980. Any new pedestrians links should be formally dedicated or adopted.

Leeds Civic Trust object to the application as presented and consider that determination of the application should await the outcome of the Site Allocations DPD. They also objected to the site being served from one point of access which is contrary to the aims of Manual for Streets.

Yorkshire Wildlife Trust: object due to increased activity on adjacent woodland (UK BAP priority habitat). Loss of important grassland. SUDs should be employed. There are Great Crested Newts in the area. There are bats not accounted for. Woodland Management plan required.

## **8.0 PLANNING POLICIES:**

### National Planning Policy Framework (2012):

- The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.
- The NPPF states at paragraph 85 that Local Planning Authorities should identify safeguarded land and that planning permission for permanent development should only be granted following a local plan review which proposes the development. Paragraph 14 of the NPPF emphasises the presumption in favour of sustainable development and indicates that in making decision on planning applications, planning permission should be granted where the development plan in absent, silent or relevant policies are out of date, unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF or taken as a whole; or
  - Specific policies in the NPPF indicate development should be restricted.

The Government recently published the Beta guidance National Planning Policy Guidance NPPG. This guidance is intended to provide clarity to the NPPF.

## Leeds Unitary Development Plan (2006 Review)

- 8.1 The Development Plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the adopted Natural Resources and Waste DPD. The Local Development Framework will eventually replace the UDP but at the moment this is still in production with the Core Strategy at an advanced stage with examination having taken place in October 2013 and the Inspectors proposed modifications have been published for consultation.
- Proposals Map: the site is shown as a protected area for search for long term development (PAS).
  - SA1: Secure the highest possible quality of environment.
  - SA3: Adequate provision for housing needs.
  - SA7: Promote physical and economic regeneration of urban areas.
  - SP3: New development concentrated largely within or adjoining the main urban areas.
  - GP5: General planning considerations.
  - GP11: Sustainable development.
  - N4: Provision of greenspace.
  - N19: Development within and adjacent to Conservation Areas.
  - N 24: Developments adjacent to Green Belt Boundary
  - N32 Green Belt
  - N34: Development in Protected Areas of Search for Long Term Development
  - N38b: Flood Risk Assessments.
  - N39a: Sustainable drainage.
  - T2: Transport infrastructure.
  - T24: Parking provision.
  - BD5: General amenity issues.
  - LD1: Landscape schemes.

## Leeds City Council Supplementary Planning Guidance/Documents

- SPG4 Greenspace relating to new housing development.
- SPG10 Sustainable Development Design Guide.
- SPG13 Neighbourhoods for Living.
- SPG22 Sustainable Urban Drainage.
- SPD Street Design Guide.
- SPD Public Transport Improvements and Developer Contributions.
- SPD Designing for Community Safety.
- SPD Travel Plans.

## Local Development Framework:

- 8.2 The Emerging Core Strategy was examined by an Inspector in October 2013. The Inspector has subsequently indicated that two issues must be addressed if it is to be found sound, these are Affordable Housing and Provision for Gypsy and Traveller Sites. It is likely that an Inquiry on these matters will be held in May (2014). The Inspector's main modifications were published on the 13th March 2014 for six weeks public consultation – significant weight can now be attached to the Draft Core Strategy as amended by the main modifications.

Relevant policies include:

H1: managed release of sites.

H2: New housing development on non-allocated sites.

H3: Density of residential development.  
H4: Housing mix  
H5: Affordable housing  
P11: Conservation  
P12: Landscape  
T1: Transport management  
T2: Accessibility requirements and new development  
G3: Standards for open space, sport and recreation  
G4: New greenspace provision  
G7: Protection of species and habitats  
G8: Biodiversity improvements  
EN1: Climate change  
EN2: Sustainable design and construction  
EN5: Managing flood risk.  
ID2: Planning obligations and developer contributions

Interim Policy relating to the release of PAS sites

8.3 A Housing delivery report was presented to Executive Board on the 13th March 2013. The report outlines an interim policy which will assist Leeds in strengthening its supply of achievable housing land pending the adoption of Leeds Site Allocations Development Plan Document which will identify a comprehensive range of new housing sites and establish the green belt boundary. The Interim Policy is as follows:-

In advance of the Site Allocations DPD , development for housing on Protected Area of Search (PAS) land will only be supported if the following criteria are met:-

*(i) Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft;*

*(ii) Sites must not exceed 10ha in size ("sites" in this context meaning the areas of land identified in the Unitary Development Plan ) and there should be no sub- division of larger sites to bring them below the 10ha threshold; and*

*(iii) The land is not needed , or potentially needed for alternative uses*

*In cases that meet criteria (i) and (iii) above, development for housing on further PAS land may be supported if:*

*(iv) It is an area where housing land development opportunity is demonstrably lacking; and*

*(v) The development proposed includes or facilitates significant planning benefits such as but not limited to:*

*a) A clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area;*

*b) Proposals to address a significant infrastructure deficit in the locality of the site.*

*In all cases development proposals should satisfactorily address all other planning policies, including those in the Core Strategy.*

- 8.4 Leeds City Council Executive Board resolved (Paragraph 201 of the Minutes 13th March 2013 ) that the policy criteria for the potential release of PAS sites ,as detailed above be approved subject to the inclusion of criteria which
- (i) Reduces from 5 years to 2 years the period by which any permission granted to develop PAS sites remains valid: and
  - (ii) Enables the Council to refuse permission to develop PAS sites for any other material planning reasons.
- 8.5 It is important to have in mind that the Interim Policy is not part of the council's Development Framework and has not been subject to consultation. It set out a series of highly relevant criteria which the Council should have regard to. It should be noted that the decision to introduce the Interim policy was challenged in the High Court by Miller Homes and the challenge was resisted by the Council and dismissed by the Judge. It is understood that an appeal may be made to this decision. In the meantime the policy has not been found to be unlawful.

#### 5 Year Housing Land Supply Position

- 8.6 The Core Strategy Inspector suggests that in order for the plan to be sound the submitted housing "step-up" should be removed and that the housing requirement should be 4,375 dwellings per annum between 1st April 2012 and 31st March 2028. The overall 70,000 requirement remains the same and will be delivered via the site allocations plan (including UDP safeguarded / PAS land and green belt release for 66,000 homes and a windfall allowance (4,000 for the plan period i.e. 250 homes per annum on sites less than 5 units).
- 8.7 The Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against its housing requirements (NPPF, para 47). The previous five year supply position was released in March 2013 and was based on site information from September 2012. This demonstrated a five year supply when assessed against the housing requirement set out in the submission draft Core Strategy. It also identified a significant stock of supply which fell just outside of the five year supply picture on the basis of the conclusions of the SHLAA partnership in 2012. The Council noted at the time that under more favourable economic conditions this stock could be brought forward sooner.
- 8.8 Notwithstanding this the five year supply also included a stock of Protected Area of Search to be released in advance of the impending site allocations plan by means of an interim policy which has been held to be lawful by the High Court. This was expressly to help diversify the land supply position and followed the release of the remaining UDP phase 3 greenfield sites in 2011.
- 8.9 The Council is currently advancing a Strategic Housing Land Availability Assessment to identify specific deliverable housing sites this should be completed by the end of April 2014. Once this technical assessment of potential has been completed a five year supply position will be calculated by the middle of May 2014. A lot has changed since the previous five year supply position not least the state of the economy and Government initiatives such as Help to Buy which should have an impact on the deliverability of housing and the latest supply picture.

- 8.10 In addition the National Planning Practice Guidance has been published. This guidance document seeks to provide further information to support the National Planning Policy Framework.
- 8.11 In the meantime there remains a considerable number of units with planning permission and on allocated land (over 26,500 units as at September 2013) that can come forward at any time and we would expect commencement on these sites to increase as the economy recovers and the housing market improves.
- 8.12 In addition the Council is taking numerous steps to boost the delivery of housing in Leeds. The draft Core Strategy sets a requirement of 70,000 (net) homes which on the basis of objective evidence is towards the upper end of housing need. The Council's Housing Investment Programme is directing finance, resources and land towards delivering homes, including building Council Houses, in the inner area where needs are greatest.

## **9.0 MAIN ISSUES –**

- 1. Development Timing in advance of the Site Allocations Plan**
- 2. 5 year land supply**
- 3. Highways and sustainability**
- 4. Flood Risk**
- 5. School provision**
- 6. Section 106 Package**
- 7. Other policy considerations**
- 8. Other matters**

## **10.0 APPRAISAL**

### **Development Timing in advance of the Site Allocations Plan**

- 10.1 The application site is identified as a Protected Area of Search for Long Term Development in the Leeds Unitary Development Plan Review (2006). Policy N34 of the LUDPR states that development of PAS sites will be restricted to that which is necessary for the operation of existing uses together with such temporary uses as would not prejudice the possibility of long term development.
- 10.2 Paragraph 5.4.9 of the LUDPR states that the suitability of protected sites will be reviewed as part of the preparation of the Local Development Framework. As part of this work, the Executive Board considered how to progress PAS sites on 13 March 2013, and agreed that housing delivery should be enhanced by the release of a selection of PAS sites in advance of the preparation of the Site Allocations Plan, provided the sites meet agreed criteria set down in an Interim PAS policy. This is the most recent policy relating to PAS sites and in view of this the principle for the development of this site falls to be considered against these agreed criteria. Each of the criteria is considered below.
- (i) *Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft.*
- 10.3 The site is bounded by roads, and the railway which separates the site from the Green Belt. Much of the site boundary with the rear gardens of properties on

Cookridge Drive is defined by mature trees. The southern and eastern boundary of the site abuts, for much of its length, existing housing development which is visible across the site from Scotland Land across the valley in Horsforth. The site is within the Main Urban Area.

- 10.4 The Transport Assessment submitted by the applicant sets out a comparison between Leeds City Council accessibility standards and provides average walk distances from three of the pedestrian access points. Working on averages it argues that the higher frequency of bus services available on Green Lane than is required by LCC standards compensates for the additional walk distances from the site. It concludes that the only accessibility indicator that is not met is the distance to secondary schools.
- 10.5 The access point from Moseley Wood Drive is approximately 530m from the nearest bus stops, the indicative masterplan shows 2 proposed footpath and cycle pathways from the site on to Moseley Wood Gardens and Moseley Wood Close. These pathways would bring some of the proposed dwellings within the recommended maximum but the routes will not be attractive in all conditions and the vast majority of dwellings would be well outside the maximum recommended distance of 400m. The application for the second access road from to Cookridge Drive allows the accessibility criteria to be applied to two distinct halves of the indicative masterplan, the centre of the southern half of the site (130 properties) would be 85m from the Moseley Wood Drive access and the centre of the northern half of the site (69 properties) would be 180m from the Cookridge Drive access.
- 10.4 The site is also relatively well located in relation to existing facilities. Although it is acknowledged the site is outside of the defined accessibility criteria of the adopted SPD for some of the assessments, notably the bus stops for high frequency services and also health facilities.
- 10.5 The table below shows how the development site compares with the Councils draft Core Strategy Accessibility Standards assuming bus stops at Green Lane/Kirkwood Drive for the Moseley Wood Rise access and at the north end of Green Lane for Cookridge Drive. The following services and facilities are assessed to be the nearest from both access points:-
- Local Services – Tesco Express/Post Office Green Lane
  - Primary Health - Holt Park Centre
  - Primary Education – Cookridge Holy Trinity
  - Secondary Education – Ralph Thoresby High School

To Local Services	To Employment	To Primary Health	To Primary Education	To Secondary Education	To Town Centres/City Centre
<b>Accessibility Standards</b>					
Within a 10 minute walk	Within 5 min walk to a bus stop offering a 15 min service frequency to a major public transport interchange	Within a 20 min walk	Within a 20 min walk	Within a 30 min direct walk or 5 min walk to a bus stop offering a 15 min service frequency to a major public transport interchange	Within a 5 min walk of a bus stop offering a direct 15 min frequency service
<b>Moseley Wood Rise (single access)</b>					
750m 8.9 mins	750m 8.9 mins	2150m 25.6 mins	750m 8.9 mins	Walk 24.1 mins	Bus 8.9 mins
<b>Moseley Wood Rise (southern access 130 dwellings)</b>					
615m 7.3 mins	615m 7.3 mins	2015m 23.98 mins	615m 7.3 mins	Walk 22.5 mins	Bus 7.3 mins
<b>Cookridge Drive (northern access 69 dwellings)</b>					
875m 10.4 mins	695m 8.3 mins	1880m 22.38 mins	875m 10.4 mins	Walk 20.75 mins	Bus 8.3 mins

- 10.6 The routes to Local Services and Primary Education are increased for the northern access but remain within the Core Strategy standards, links to all other services and facilities are improved by introducing a second access on to Cookridge Drive. Considering the above and how the site compares with the accessibility standards set out by the Council, it is important that the link to Cookridge Drive is achieved in order to improve accessibility and this second access would also have the benefit of reducing vehicular impact on the Moseley Wood estate.
- 10.7 Overall, however the site is considered to be reasonably well related to the Main Urban Area and satisfies this criterion.
- (ii) Sites must not exceed 10ha in size (“sites” in this context meaning the areas of land identified in the Unitary Development Plan ) and there should be no sub- division of larger sites to bring them below the 10ha threshold;
- 10.8 The site is 9.88 hectares in size (including the second access option from Cookridge Drive) and does not form part of a larger area of land, and is defined as a single PAS site in the LUDPR.
- (iii) The land is not needed, or potentially needed for alternative uses.
- 10.9 The land is not considered to be needed for other uses. Childrens Services have explored the potential for the site to accommodate any new schools. They have discounted this site as not being suitable for education purposes but have requested that the developer make a contribution towards primary and secondary school provision which has been secured.



- 10.10 The site therefore complies with the relevant criteria of the Interim Policy. Whilst there are two other criteria these relate specifically to sites exceeding 10 hectares. In terms of the Interim Policy the site is therefore acceptable in principle, subject to the caveat that in all cases development proposals should satisfactorily address all other planning policies, including those in the Core Strategy.
- 10.11 Whilst the Interim Policy has not been subject to consultation it does set out a series of highly relevant criteria which have been adopted by the Council as the basis for determining the release of PAS land to broaden the land supply and promote housing delivery, along with a number of other measures e.g. the interim affordable housing policy. It should be noted that the decision to introduce the Interim Policy was challenged in the High Court by Miller Homes. The challenge was resisted by the Council and the criteria of the Interim Policy are considered to be the appropriate way of assessing the suitability of PAS sites for early release.
- 10.12 In addition to the need to consider the proposal in relation to other material policies and considerations, and where appropriate to refuse permission on this basis, it should also be noted that in adopting the policy members added a further caveat reducing from 5 years to 2 years the period by which any permission granted to develop PAS sites remains valid. In this instance the developer has offered to reduce further the time limit for the commencement of development in order to show its commitment to build houses on the site from 2 years to 1 year for the submission of Reserved Matters and then 1 year for the implementation of approval of the last Reserved Matter. The purpose of this amendment was to discourage land banking and ensure that where permission is granted for the development of PAS sites the proposal is implemented in a short timescale in order to meet the purpose of the policy to promote housing delivery.

### **5 year land supply**

- 10.13 The NPPF provides that Local Planning Authorities should identify and update annually a supply of specific deliverable sites to provide five years worth of housing supply against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence that it will be delivered. Housing applications should be considered in the context of the presumption in favour of sustainable development, articulated in the NPPF.
- 10.14 In the past, the Council has been unable to identify a 5 year supply of housing land when assessed against post-2008 top down targets in the Yorkshire and Humber Plan (RSS to 2026) which stepped up requirements significantly at a time of recession. During this time (2009-2012) the Council lost ten appeals on greenfield allocated housing sites largely because of an inability to provide a sufficient 5 year supply and demonstrate a sufficiently broad portfolio of land. This was against the context of emerging new national planning policy which required a significant boosting of housing supply.
- 10.15 The five year supply (as at 31st September 2012) is made up of the following types of supply:
- allocated sites with planning permission
  - sites with planning permission

- allocated sites without planning permission
- an estimate of anticipated windfall sites
- SHLAA sites without planning permission
- an element of Protected Area of Search sites which have fallen into the current five year supply and may come forward on the basis of the interim release policy

- 10.16 The Core Strategy Inspector suggests that in order for the (Core Strategy) plan to be sound the submitted housing “step-up” should be removed and that the housing requirement should be 4,375 dwellings per annum between 1st April 2012 and 31st March 2028. The overall 70,000 requirement remains the same and will be delivered via the site allocations plan (including UDP safeguarded / PAS land and green belt release for 66,000 homes and a windfall allowance (4,000 for the plan period i.e. 250 homes per annum on sites less than 5 units). The Council has recently published its Main Modifications draft which accepts the Inspectors Modifications.
- 10.17 The Council is currently advancing a Strategic Housing Land Availability Assessment to identify specific deliverable housing sites this should be completed by the end of April 2014. Once this technical assessment of potential has been completed a five year supply position will be calculated by the middle of May 2014. A lot has changed since the previous five year supply position not least the state of the economy and Government initiatives such as Help to Buy which should have an impact on the deliverability of housing and the latest supply picture.
- 10.18 The 2012 published 5 year housing land supply report identified 1619 dwellings being delivered through the release of PAS sites in the period 2013-14 to 2017-18. The assessment of which PAS site would be released would be determined by applying the guidance contained within the interim housing delivery policy.

### **Highways and sustainability**

- 10.19 The Council recognises that the short length of existing cul de sac of Moseley Wood Rise would be used by a large proportion of site traffic and would need to continue to accommodate existing resident needs with the introduction of a much increased amount of pedestrian and vehicular use. The sensible approach in accommodating this increase would be to maximise the carriageway and footway widths over this short length. However, 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. Looking at the various routes out to Green Lane from Moseley Wood Rise, traffic from the site would pass somewhere between approximately 50 dwellings (Moseley Wood Bank/Moseley Wood Drive) up to 125 dwellings (Moseley Wood Gardens/Moseley Wood Avenue). The latter option would be an unusual route to take from the site but the most obvious routes would mean development traffic would pass between approximately 50 and 100 dwellings before reaching Green Lane. The threshold of 300 dwellings is not exceeded on any route, a second vehicular access from the site would clearly reduce the impact of the development on those routes. Given that development traffic would dissipate through a choice of routes but would be concentrated on Moseley Wood Rise, it is considered desirable to provide a 6m width on that short section of road. With regard to footway widths, modern guidance recommends footway widths of 2m but a minimum 1.5m can be considered adequate as this provides enough space for a wheelchair user to pass an able bodied person. The existing footway widths on the

Moseley Wood estate are considered adequate to accommodate existing and proposed development.

- 10.20 Moseley Wood Road has no traffic accidents recorded on the road in the last 5 year period, a standard length of time used to consider accident history on the highway network. Traffic Management have advised that a 20mph zone should be introduced to help mitigate against any adverse traffic impact in the area and funding would be sought from the developers if a planning consent were to be granted, it should be noted that this would also have the benefit of improving the pedestrian environment on the estate. Funding of other improvements would also be sought including the provision of a pedestrian crossing on Green Lane.
- 10.21 The shortcomings of the sites' distance from bus stops, employment centres, health facilities, schools and town centres are acknowledged and highlighted in the Highway teams consultation response dated 30th September 2013. These shortfalls must be considered, however the Council lost a Public Inquiry appeal at the Clariant site in Horsforth which has similar deficiencies and is more isolated from services than the site at the rear of Moseley Wood Gardens. An objection to the development on accessibility grounds could be difficult to substantiate on its own. Metro have requested funding toward a MetroCard scheme and improvements to bus shelters if the development is permitted. In meeting housing land supply requirements the Council has to balance many benefits and deficiencies with all sites to make a rounded decision as to the acceptability of a site which means that in some instances not all guidance can be met.
- 10.22 The application for the second point of access to the site from Cookridge Drive addresses a significant concern about accessibility and connectivity by making the site a 'through' site and avoiding the creation of one large cul de sac. The principle of the road alignment from Cookridge Drive and raised ramp arrangement is acceptable from a highway perspective. Forward visibility on the way in to the proposed development past no.79 is limited to around 25m within the footway, this meets Street Design Guide standard for a Type 2 street (suitable for up to 200 dwellings) but there is space between the footway and the boundary of 79 that could be adopted in order to provide a bit more forward visibility. Details of the surfacing and how the area adjacent to the cluster of driveways might be treated still needs to be resolved but a highway objection to the proposed alignment of the road would be difficult to justify, the proposed link would provide a suitable and attractive pedestrian and cycle link to the site.
- 10.23 Following negotiation with the applicant and on balance there are no objections to the development of the site in terms of the impact on the highway network and the safety of pedestrians, subject to a number of matters to be covered through a Section 106 Agreement and the implementation of off-site highway works.

### **Flood Risk**

#### **Sewer Flooding**

- 10.24 One of the main issues surrounding this application site are the concerns relating to the land drainage and flooding. The Flood Risk Assessment FRA made a general statement that Cookridge is not identified as an area that suffers from sewer flooding, whereas the residents have provided photographic and video evidence that contradicts this. An important consideration is whether or not the site itself is affected by sewer flooding. From the information that has been provided it would seem that the site could potentially be affected by surface water sewer flooding, which runs down Moseley Wood Rise and onto the site. If correct, it is likely that

such water would be picked up by the highway drainage within the proposed development site, and at detailed design stage the developer would be required to take account of this additional in-flow into their system.

#### Boggy Site

- 10.25 Site inspections and the submitted details have shown that the majority of the site is reasonably dry. The SE corner of the site, near to Moseley Wood Rise is however very boggy and officers have requested additional ground investigation to be carried out, to determine the source of this water. It is possible that the water is originating from a YW surface water outfall located in the garden of No.7 Moseley Wood Rise. If however, the ground investigation identifies that the source of the water is from natural springs, the current masterplan will need to be revised to reflect the nature of the land at this location. This is a detailed layout matter that can be adequately addressed during the submission of the Reserved Matters applications. It is thought that it is possible to mitigate the impacts of changing the current (boggy) nature of the site by the proposed development, with the introduction of: infiltration trenches /soakaways, swales, and attenuation storage. The details of which have yet to be fully worked out, but these can be adequately be dealt with via planning conditions.

#### Land Drainage

- 10.26 The initial proposals put forward by applicant indicated that the land drainage would connect directly into the beck. However, LCC drainage will be looking for these to be attenuated through either a: (1) discharge to soakaway, or (2) connect into the attenuation ponds at the bottom of the site. (the attenuation ponds are unlikely to be adopted by YW and as such will be able to receive land drainage). This matter can be dealt with at the detail design stage.

#### Attenuation Ponds

- 10.27 The revised drawing submitted by the applicant of the attenuation ponds demonstrates that these could easily be enlarged to deal with additional inflow, either from the land drains, or from the over-land flows entering the site from Moseley Wood Rise. The exact size of the ponds will be dealt with at the detail design stage which is addressed through a planning condition.

#### Drainage Summary

- 10.28 The drainage element of the application is perhaps the most contentious and has attracted the most detailed of the objections received from local residents. The submitted application includes a detailed Flood Risk Assessment and Drainage Statement which has been considered by the Environment Agency and Flood Risk Management, Network Rail and Yorkshire Water. It has been the subject of revisions to address the issues raised by both residents and the consultees. It is their view that the proposal, subject to appropriate conditions, is acceptable and will not increase the risk of flooding, rather it is likely that the existing drainage problems affecting residents and the railway line should be improved by the proposals. The development will therefore comply with the requirements of GP5, N38a and N39b of the LUDPR.

#### School provision

- 10.29 The nearest primary schools to this development are Holy Trinity C of E Primary School and Cookridge Primary. There are not enough places for those children born/nearest to both schools at present, excluding the new children that would result from this development. As such the developer is required to contribute towards enhancing primary school provision in the locality.

- 10.30 The nearest secondary school to this development is Ralph Thoresby High School then Horsforth School and then Abbeyfield Grange C of E Academy. There is no capacity in any of these schools from 2016/17 onwards. There is capacity at Lawnswood School but this school is located furthest away from the site compared to the other local schools. Accordingly a developer contribution is required to enhance secondary education provision.
- 10.31 The developer has agreed to meet both the primary and secondary school contributions as laid out in the Section 106 package.

### **Section 106 package**

- 10.32 The Community Infrastructure Levy Regulations 2010 set out legal tests for the imposition of planning obligations. 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.

- 10.33 The proposed obligations listed below have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly they can be taken into account in any decision to grant planning permission for the proposals. The applicants will be required to submit a Section 106 Agreement to address the policy requirements for this application. The need for any off site highway works and school site will need to be firmed up as the application progresses.

- 10.34 Section 106 package as currently drafted and based on 200 dwellings:
- 15% Affordable Housing Provision (based on 200 dwellings this would be 30 affordable units with a 50-50 split between submarket and social rented tenure.
  - Education Contribution- Primary £594,464.50 and Secondary £358,298.60 . Total contribution £952,763.10
  - Laying out and maintenance of onsite Greenspace and an offsite Greenspace Provision to contribute towards local parks. In total the green space contribution is £213,993.53
  - Highway Works Provision (possibly under Section 278 to be confirmed)
  - Public Transport Contribution of £245,243 should be sought based on 200 residential houses which equates to £1226 per dwelling
  - Travel Plan monitoring fee £2500, metrocards and bus stop improvements in accordance with Metros recommendations.

### **Other policy considerations**

- 10.35 The principle in favour of sustainable development is enshrined in the NPPF where it is stated that permission should be granted where the development plan is out of date. In this case the Council has specifically adopted an interim housing policy to address the need to bring forward additional housing land over and above that which is being developed on allocated housing sites, and in circumstances where additional sites are shown to be sustainable and have already been identified as having potential for long term development.

- 10.36 The key tests in the case of the present proposal are whether: the site is acceptable in principle in the context of the criteria of the Interim PAS Policy and whether it would be acceptable in terms of other considerations. These include impact on visual amenity and the character of the area; residential amenity; drainage and other matters raised by representations.
- 10.37 The proposed second access point into the site as stated would be within the Green Belt. Very special circumstances need to be demonstrated to overcome the policy objection as stipulated in NPPF if this element is to be accepted. The proposed access road is required to ensure the site is connected and permeable and to balance the impact on the neighbouring residents from the associated comings and goings of circa 200 dwellings on the living conditions of residents of Moseley Wood Rise. It is clear that the introduction of a new access road in this location would have some detrimental effects upon the visual amenity of the immediate area and Cookridge Drive and in relation to local character. The area of land where the access road would be sited is designated as Biodiversity Action Plan Priority Habitat. The loss of this area of UK BAP Priority Habitat (lowland mixed deciduous woodland) could be compensated for by new woodland creation on land immediately adjacent to this woodland –applicants ownership extends to fields adjoin the site, which are also in the Green Belt. These fields to the western boundary of the wood are considered suitable to create new woodland area. Further negotiations with the applicant are required. Officers will be requesting the applicant to supply details on the woodland compensation that is proposed. The details to be provided should show the area (at least double the area to be lost in order to off-set the loss of quality as well as quantity), location, planting specifications, timing of planting, and details on long-term management. Requesting compensatory woodland creation would take the overall development site beyond the 10 hectare threshold stipulated in the Interim housing policy however, given that no housing development or change of use of land is taking place in this extra area this approach should be viewed favourably.
- 10.38 Overall it is considered that the impact of the proposed access road on balance can be acceptably mitigated through appropriate landscaping of the area around the proposed road and biodiversity off setting. The proposed road would require the remove of category B trees (Members will be verbally updated on the exact numbers of trees to be removed at Panel) but given these trees exist in a woodland setting it would be difficult to demonstrate wider harm as the new road would be largely obscured from wider views beyond users of the road or the residents of Cookridge Drive. The creation of a second point of access to enable the development of the site to take place will require a balanced decision in light of the other material considerations identified in this report.

### **Visual amenity and character**

- 10.39 The site is well screened along the majority of the boundary with Moseley Wood Gardens by the existing properties and therefore the development will have limited impact on views from the east and north. The effect of this is that the site is not seen in wider views, other than from long distance across the valley from Scotland Lane and from passengers on the railway line. The railway line provides a clear defined boundary between the site and the Green Belt and the woodland to the north of the site also contains the site. The views of the back gardens of properties on Mosley Wood Rise would be obscured by the creation of a housing development but there are no serious concerns with the loss of this view. In view of this it is not considered that its development will have any significant visual impact on the local

area. The indicated areas of landscaping and public open space will provide additional screening and 'greening' of the new built edge. In view of this the visual impact of the development on the Green Belt will be limited.

- 10.40 The indicative masterplan shows a layout of detached a semi detached properties, the majority have garages and driveways for car parking and all have private rear garden areas. All have dedicated car parking areas. The layout shows that sufficient spaces between properties can be achieved in order to promote good street pattern design and also to prevent a cramped form of development that would be detrimental to the wider character of the area. It should be noted that the exact mix of house types and designs is a matter that is Reserved. Overall it is considered that the relationship of the site to its neighbouring residents and to the Green Belt, is such that development would be acceptable when assessed against policies GP5 and N24 (development adjacent to the Green Belt).

### **Residential amenity**

- 10.41 The only existing residential development abutting the site is the rear gardens of the properties on Moseley Wood Gardens except for 3 dwellings backing onto the site from Cookridge Drive. As stated the development will impact on views from these properties but the illustrative layout and the sections show that if developed along these lines the development would not impact on the amenities of the existing houses by reason of overlooking, loss of privacy or overshadowing. In any event the detailed layout will be considered against the provisions of the criteria set down in Neighbourhoods for Living, including garden lengths and window to window distances whilst conditions will ensure that means of enclosure and any additional planting are appropriate and adequate between existing and proposed properties on this boundary. In view of the above it is considered that the proposal will comply with the requirements of LUDPR Policy GP5 in terms of impacts on residential amenity.

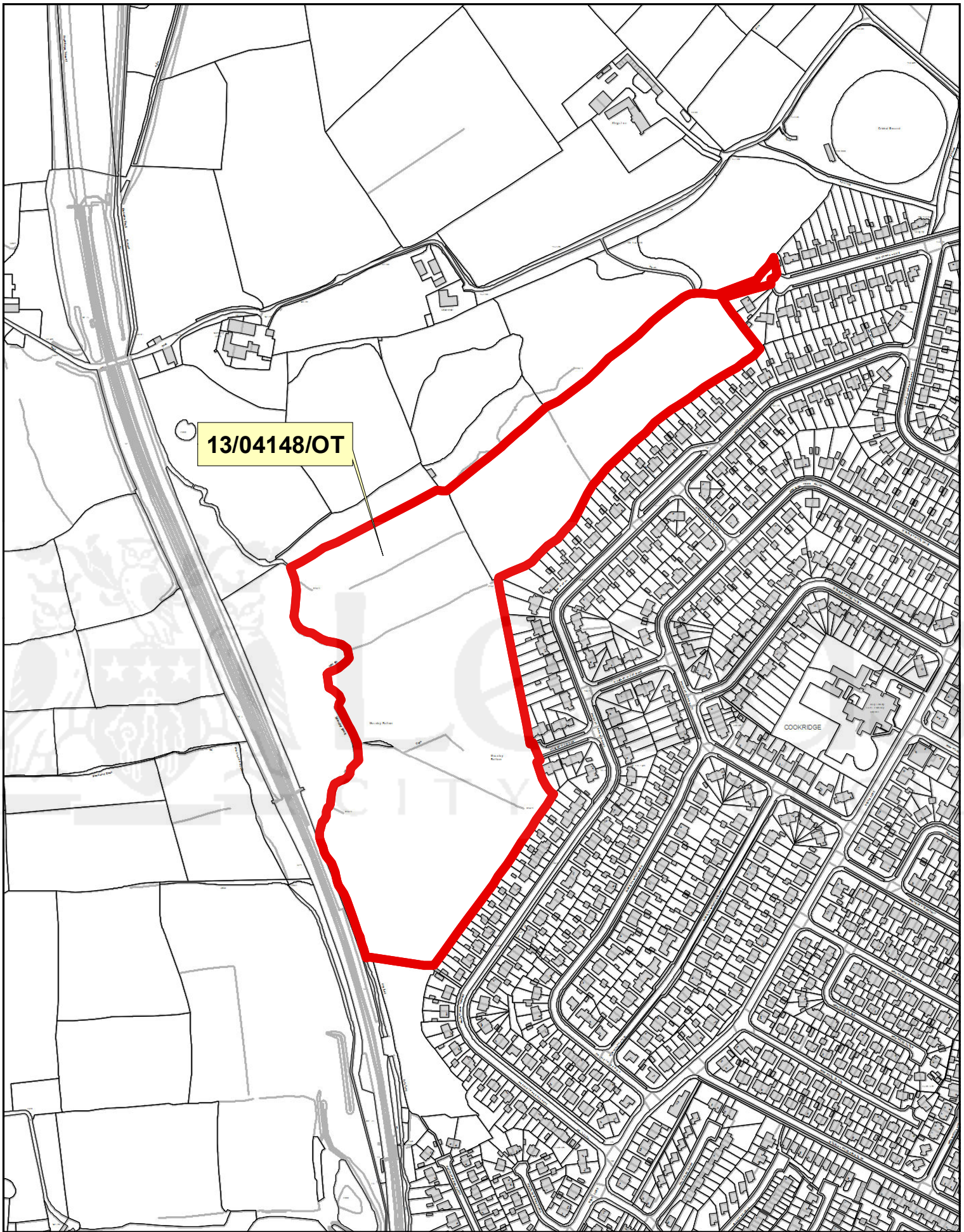
## **11.00 CONCLUSIONS**

- 11.1 Members are asked to note the contents of the report and the presentation, and are invited to provide feedback on the questions and issues outlined above, summarised below:
1. Do Members have any concerns regarding the principle of development?
  2. Do Members have any comments to make on the proposed access arrangements or any other highway safety concerns?
  3. Do Members have any comments to make on the sustainability or capacity of the site?
  4. Do Members have any comments to make about the emerging Section 106 package?
  5. Do Members have any other comments to make at this stage?

### **Background Papers:**

Application files 13/04148/OT & 14/00190/FU





13/04148/OT

# CITY PLANS PANEL

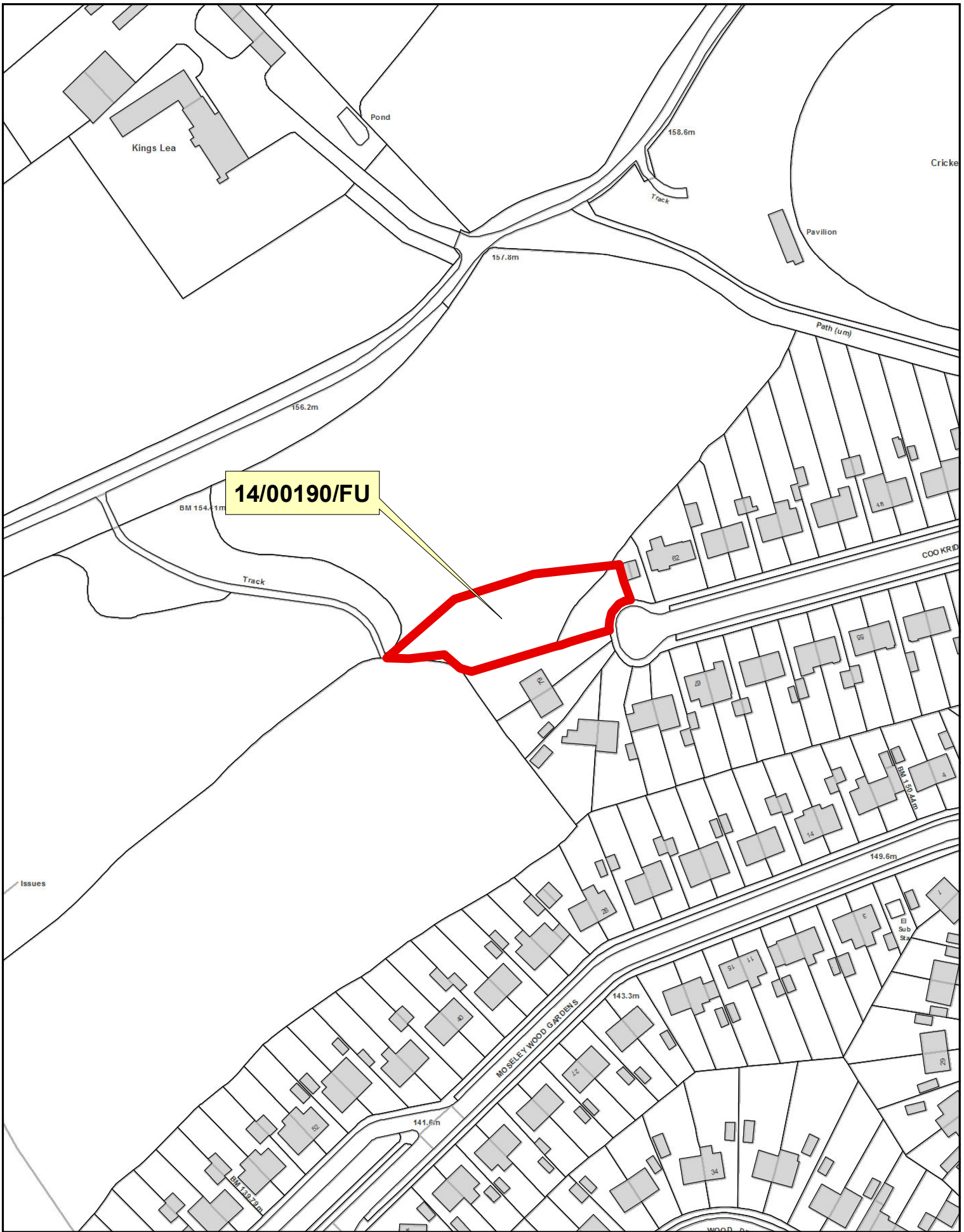
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# CITY PLANS PANEL

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