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**Report of the Chief Planning Officer**

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

**Date: 20<sup>th</sup> November 2014**

**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**

**APPLICANT**

Taylor Wimpey UK Ltd

**DATE VALID**

10.09.2013

**TARGET DATE**

31.05.2014

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**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 ☐

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**RECOMMENDATION:**

**Refuse Outline planning permission for the following reasons:**

- 1. The indicative masterplan relies on one point of vehicular access into and out of the site, this is poor urban design and fails to take the opportunities available to maximize the connections to and from the site to spread the impact of traffic, create connected streets and integrate fully a new development within an existing community to the detriment of sustainable development. This is contrary to policy P10 of the Core Strategy and the guidance contained with the Neighbourhoods for Living SPG.**
- 2. The proposed principal means of access to and from the site would result in significant traffic movements (both vehicular and pedestrian) going past properties of the residents of Moseley Wood Rise which would result in harm to the living conditions of the residents on Moseley Wood Rise contrary to policy P10 criteria (i) and (iii) of the Core Strategy and the guidance in the Neighbourhoods for Living SPG which seeks to maximise connections to spread the impacts of traffic rather than concentrating it.**

- 3. In the absence of a completed Section 106 Agreement to provide for Affordable Housing, Public Open Space, Education, off site highway works and public transport and travel planning matters the development is contrary to policies ID22 of the Core Strategy and Supplementary Planning Documents Travel Plan, Public Transport Developer Contributions and Supplementary Planning Guidance's 4 and 11 relating to Green Space and Education.**

## **1.0 INTRODUCTION:**

- 1.1 This application is brought to Panel with a recommendation to refuse the application for the reasons stated above. Members may recall this application was brought to City Plans Panel in April 2014 with a Position Statement report. Members visited the site in April and heard Officers report the details of the application and then table for discussion a series of questions relating to the principle of bringing this site forward for housing in advance of the Site Allocation process, site specific matters of drainage, accessibility, impact on trees and local amenities. In April Members were also presented with a Position Statement report relating to the application (14/00190/FU) to create a second vehicular access into the site from Cookridge Drive over land designated as Green Belt and covered by a Tree Preservation Order. Both applications are departures from the Development Plan. The second access road is also brought to Panel with a recommendation to refuse on the grounds of harm to the Green Belt and loss of protected trees and habitats.
- 1.2 The Outline application 13/04148/OT is for residential development on a site designated as a Protected Area of Search (PAS site under policy N34) in the adopted UDP which is intended to provide for long term development needs if required. Key considerations in reaching a recommendation are 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 a number of sites where the criteria were examined and judged to have been met:
- Royds Lane , Rothwell – outline and detailed approval
  - Fleet Lane, Oulton - outline and detailed approval
  - Owlery Farm, Morley – outline and detailed approval
  - Calverley Lane, Farsley – outline approval
  - Spofforth Hill, Wetherby – resolution to approve outline subject to S106 to deliver housing on stalled brownfield site in Easel.
  - Station House, Mickletown – resolution to approve outline subject to S106 and delivery of flood relief scheme for wider village

In addition members have refused schemes at Breary Lane, Bramhope; Bradford Road, East Ardsley; Morwick Grove and East of Scholes; Leeds Road, Collingham and Otley Road, Adel ( 2 applications on adjacent sites) which were considered not to meet the Interim PAS policy.

Members have also resisted the bringing forward of the site at Kirklees Knoll, Farsley where the Public Inquiry is to reopened to hear further evidence on 11<sup>th</sup> November

and the site at Green Lane, Boston Spa where following a Public Inquiry a decision is now expected on or before 8<sup>th</sup> December 2014.

- 1.4 This planning application and the application for the creation of the second means of vehicular access into the site from Cookridge Drive have generated a significant amount of local objection and are contentious planning applications. The suggested reasons for the reasons for refusal are site specific matters. City Plans Panel advised in April that if the drainage matters for this site could be resolved then the principle of developing the site for housing could be established as the site broadly meets the criteria of the Interim Housing Release Policy. The applicant has recently submitted a detailed drainage scheme for the site which has been reviewed by the Council's Flood Risk Management Team including advice from its Geotechnical Section. They conclude that the ground investigation carried out to date is considered adequate to inform the proposed land drainage system. Two sources of groundwater have been identified by the ground investigation comprising the unrestricted outfall of the existing surface water drain on the eastern boundary of the site and perched groundwater present within the surface soils. The distribution of the perched groundwater within the surface soils is highly variable; typical of Head deposits. The proposed land drainage system will provide substantial attenuation and storage both above and below ground. The proposed land drainage system also includes a substantial network of infiltration trenches below both the new watercourses and the perimeter drain constructions. These infiltration trenches will allow losses of collected ground and surface waters back into the bedrock. It is accepted that the volume of these potential losses will be very difficult to calculate however it is the opinion of The Flood Risk Management team that these losses are likely to at least balance if not exceed the intercepted perched groundwater inflows. It is the opinion of Flood Risk Management team that the proposed land drainage system will adequately collect and manage both sources of groundwater and should allow the successful development of the site area for its intended purpose. It is the opinion of Flood Risk Management that the overall inflow to the existing Moseley Beck watercourse will be reduced post development
- 1.5 On the basis of the drainage scheme submitted the site is considered in principle suitable for residential development. This application seeks permission for up to 200 dwellings to be constructed utilising Moseley Wood Rise as the only vehicular access. The planning policy relating to good urban design principles would advocate creating a series of connections into existing streets and neighbourhoods. This has not been achieved with the current masterplan arrangements. Furthermore Officers consider that up to 200 dwellings using Moseley Wood Rise as its principal point of access would result in significant harm to the living conditions of residents of Moseley Wood Rise through increased activity, comings and goings and general levels of disturbance.
- 1.6 Members should note that the applicant submitted an additional Outline planning application for the site (reference 14/04270/OT) following the April City Plans Panel meeting that sought to respond to the issues raised by Members and Officers. Application 14/04270/OT is an Outline application for circa 135 dwellings, accessed from Moseley Wood Rise. This application will likely be presented to City Plans Panel on 11<sup>th</sup> December for a determination. Officers had advised the applicant that the Outline application (13/04148/OT) for 200 dwellings could be withdrawn in light of the discussions at City Plans Panel in April and following the submission of the additional Outline application for circa 135 dwellings but the applicant has asked officers to present the application to City Plans Panel for a determination.

Accordingly the application is recommended for refusal for the reasons set out above and as explained in detail in the report below.

## **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 was 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 by the submission of application 14/00190/FU 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's 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; metocard contribution; Travel Plan Review fee; greenspace contribution.

## **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:**

- 4.1 14/04270/OT: Outline application to for residential development of circa 135 dwellings and means of access from Moseley Wood Rise. Pending determination, likely to be presented to City Plans Panel on the 11<sup>th</sup> December subject to satisfactory resolution of all matters raised in the April 2014 Position Statement report.
- 4.2 14/00190/FU: Full application for the creation of a vehicular access into the site from Cookridge Drive. Presented to City Plans Panel 20<sup>th</sup> November for a determination with a recommendation to refuse.

#### **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 has also taken place in light of revised drainage details, site notices were displayed on the 10<sup>th</sup> November and any representations received after the date the Panel Report is produced will be reported verbally on the day of the Panel meeting. 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 An objection has also been received on behalf of the Cookridge Residents Action Group (CRAG), and 258 further representations have been received, 254 object to the Outline application 13/04148/OT development of the site for housing. There have also been 224 circular letters of objection submitted by residents. There have

been 71 objections received to the publicity of the application for the access road from Cookridge Drive. Members should also note there have been 153 objections to the application 14/04270/OT and a further 474 circular letters objecting to the application *for circa 135 dwellings*.

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 Kirkstall Road
- Highway safety issues on Cookridge Drive and at the junction of Cookridge Lane and Green Lane and the junction of Cookridge Avenue 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, rebuttals to developers revised drainage details
- 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.

#### 6.5 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. Mr Mulholland wrote a second letter of objection in July 2014 setting out that his concerns had not been addressed by the developer's revised plans and details.*

- 6.6 *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.*
- 6.7 *The PAS Site total is 9.88 hectares (this includes the areas 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.*
- 6.8 *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".*
- 6.9 *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 ear supply demand.*
- 6.10 *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.

- 6.11 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:**

- 7.1 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".

- 7.2 Highways: Require a second point of access to be created to promote connectivity, travel options and to improve accessibility criteria. 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:**

- 7.3 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.

- 7.4 Network Rail: No objection subject to conditions.

- 7.5 Mains Drainage: No objection following the submission of the detailed drainage scheme. Further information on the volume of potential storage that will be provided for both drainage proposals for each of the Outline applications for comparison purposes has been requested.
- 7.6 Yorkshire Water: No objections to sewer diversion subject to suitable conditions.
- 7.7 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.
- 7.8 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
- 7.9 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).
- 7.10 Coal Authority. No objection subject to a condition requiring sites investigations to be completed in accordance with Desk Study before development.
- 7.11 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 pedestrian's links should be formally dedicated or adopted.
- 7.12 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.
- 7.13 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.
- Paragraph 47 of the NPPF requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%.
- Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Whether the development is sustainable needs to be considered against the core principles of the NPPF. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 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 draft Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The Submission Draft Core Strategy was examined by an Inspector in October 2013 and May 2014. The Inspector has approved two sets of Main Modifications to the Core Strategy. Following the recent receipt of the Inspectors report the Core Strategy is considered sound with agreed modifications and the Strategy is expected to be adopted by Executive Board on 12th November 2014. The Plan is therefore at a very advanced stage and significant weight can be attached to its policies
- 8.3 The Core Strategy plans for the longer term regeneration and growth of the District over a 16 year period, as part of an overall and integrated framework. Central to this approach is the need to give priority to sustainable development in planning for economic prosperity, seeking to remove social inequality, securing opportunities for regeneration, and planning for infrastructure, whilst maintaining and protecting and enhancing environmental quality for the people of Leeds. Underpinning these broad objectives and supported by the Core Strategy evidence base, is the desire to respond to current and emerging population pressures and associated needs across the District, especially within inner urban areas. Key priorities therefore include: planning for the provision of homes and jobs in sustainable locations, respecting local character and distinctiveness in the delivery of the Plan's objectives and maximising opportunities to recycle previously developed land (PDL), whilst minimizing greenfield and Green Belt release, in planning for longer term growth.
- 8.4 The level of housing growth expected to occur by 2028 within Leeds is high. Bringing this future growth and prosperity to all residents remains a key consideration for the District. In directing future development, the Strategy must also consider what makes

Leeds unique and distinctive, and seek to preserve and enhance these features. It is considered that the historic pattern of development is key to delivering future growth, and will be used to guide future development. This will ensure that the majority of growth is focused within the Main Urban Area, but that other established settlements will also benefit from new development. The focus of this strategy is to achieve opportunities for growth in sustainable locations as part of a phased approach and as a basis to meet development needs. The delivery of the strategy will entail the use of brownfield and greenfield land and in exceptional circumstances (which cannot be met elsewhere), the selective use of Green Belt land, where this offers the most sustainable option. The characteristics of Leeds' settlements have therefore been reviewed and the Settlement Hierarchy and Policy SP1 is the framework to guide future development opportunities. The hierarchy prioritises the location of future development and sets out those areas towards which development will be directed. By concentrating growth according to the Settlement Hierarchy, development will occur in the most sustainable locations whilst respecting the overall pattern of development within the District. The hierarchy acknowledges that there are still development opportunities within settlements and that these are determined through the Site Allocations Plan and the implementation of Policy SP6 and SP7. Relevant policies include:

SP6: The housing requirement and allocation of housing land

SP7: Distribution of housing land and allocations

H1: Managed release of sites.

H2: New housing development on non-allocated sites.

H3: Density of residential development.

H4: Housing mix

H5: Affordable housing

P10: Design

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

Site Allocations DPD – Issues and Options 2013

- 8.5 The Council is also currently progressing a Site Allocations Plan. Following extensive consultation, including 8 weeks of formal public consultation from 3/6/13 to 29/7/13 the Council is currently preparing material for Publication of a draft plan.

#### Interim Policy relating to the release of PAS sites

- 8.6 A report on Housing Delivery was presented to Executive Board on the 13th March 2013. The report outlines an interim policy which will bolster and diversify the supply of 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:-

8.7 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.

8.8 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 within paragraph 3.3 of the submitted report 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.

8.9 It has been confirmed following a High Court challenge from Miller Homes that the Council's interim PAS policy is legal. However, the case is due to be heard in the Court of Appeal in March 2015.

8.10 The policy has been used to support the release of land at four sites at Fleet Lane, Oulton, Royds Lane, Rothwell, Owlery Farm, Morley and Calverley Lane, Farsley. The policy has also been used to resist permission for PAS sites at Kirkless Knoll and Boston Spa which were subject of a public inquiry late last year and early this year respectively with the Kirklees Knowl inquiry due to re-open in the Autumn. The decision on Boston Spa is expected in later this year with the Kirklees Knowl decision not due until the end of the year. PAS sites at Bradford Road, East

Ardsley, West of Scholes, East of Scholes and Adel have also been recently refused.

- 8.11 The Council's interim PAS policy does not supersede the Development Plan but is a relevant material consideration. The starting point remains the Development Plan and in particular policy N34.

#### 5 Year Housing Land Supply Position

- 8.12 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.
- 8.13 The Council's Five Year Supply requirement between 1st April 2014 and 31st March 2019 is set out below and rests at 22,570 homes. The Council are advocating that a local approach to calculating the housing requirement is used whereby any backlog against Core Strategy targets since 2012 (the base date of the plan) is caught up by spreading under delivery over a ten year period rather than the five years stated as the aim in the National Planning Practice Guidance (NPPG). The Council does not consider that the authority is one where a 20% buffer is required, which the NPPF advises should only apply where persistent under delivery has occurred but does not define what this means. It should be noted that appellants at the Bagley Lane Inquiry consider that the Leeds requirement should be 30,685 homes which includes spreading backlog over 5 years and a 20% buffer.

COMPONENT	HOMES
Base requirement	20,380
NPPF Buffer 5%	1,019
Under delivery	1,171
Total	22,570

- 8.14 The Leeds land supply position is summarised in the table below and indicates a supply of 29,504 homes. The majority of the supply is identified via the Strategic Housing Land Availability Assessment (SHLAA) process. This was undertaken by a Partnership at the beginning of the year which comprised housebuilders and elected Members. House builders on the SHLAA contended that the deliverability of the Leeds land supply continues to be affected by the market and that a more realistic level of supply is much lower. The appellants at Bagley Lane state that Leeds has a supply of only 16,873 homes.
- 8.15 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.

- 8.16 The Council's Five Year Supply requirement between 1st April 2014 and 31st March 2019 is set out below and rests at **22,570 homes**. The Council are advocating that a local approach to calculating the housing requirement is used whereby any backlog against Core Strategy targets since 2012 (the base date of the plan) is caught up by spreading under delivery over a ten year period rather than the five years stated as the aim in the National Planning Practice Guidance (NPPG). The Council does not consider that the authority is one where a 20% buffer is required, which the NPPF advises should only apply where persistent under delivery has occurred but does not define what this means. It should be noted that appellants at the Bagley Lane Inquiry consider that the Leeds requirement should be **30,685 homes** which includes spreading backlog over 5 years and a 20% buffer.

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CATEGORY OF SUPPLY		2014 to 2019
	Sites under construction	4,983
	Sites with planning permission	5,215
	Allocated sites without planning permission	1,731
	Sites with expired planning permission	2,781
	Sites with no planning permission	7,793
	PAS sites meeting the interim policy	1,238
<b>A</b>	<b>TOTAL SHLAA SUPPLY CAPACITY</b>	<b>23,741</b>
	Additional PAS sites granted permission	181
	Estimated Windfall Delivery (<5 units)	2,500
	Estimated Windfall Supply (>5 units)	600
	Estimated Long Term Empty Properties	2,000
	Identified Pre-Determinations	316
	Estimated Pre-Determinations	316
<b>B</b>	<b>TOTAL ADDITIONAL SUPPLY CAPACITY</b>	<b>5,913</b>
<b>A+B</b>	<b>TOTAL GROSS SUPPLY</b>	<b>29,654</b>
<b>C</b>	<b>MINUS DEMOLITIONS (30 per annum)</b>	<b>150</b>
<b>A+B-C</b>	<b>NET FIVE YEAR DELIVERABLE SUPPLY</b>	<b>29,504</b>

The Council considers that the five year supply rests at 6.5 years. However, Panel members should be aware that there are alternative approaches to calculating the supply as set out below.

	Leeds City Council	NPPG advice	Appellants at Bagley Lane
	Under delivery spread over 10 yrs and 5 % buffer	Under delivery spread over 5yrs and 5% buffer	Under delivery spread over 5 years and 20% buffer
<b>Requirement</b>	22,570	23,741	30,685
<b>Supply</b>	29,504	29,504	16,873
<b>Five Year Supply</b>	6.5 yr	6.2 yr	2.7 yr

- 8.18 The current 5 year supply contains approximately 24% Greenfield and 76% previously developed land. This is based on the sites that have been considered through the SHLAA process and accords with the Core Strategy approach to previously developed land as set out in Policy H1. This also fits with the Core Planning principles of the NPPF and the Secretary of State's recent speech to the Royal Town Planning Convention (11 July 2013) where he states that not only should green belts be protected but that "we are also sending out a clear signal of our determination to harness the developed land we've got. To make sure we are using every square inch of underused brownfield land, every vacant home and every disused building, every stalled site."
- 8.19 In addition to the land supply position, the Site Allocations Document is in the process of identifying specific deliverable sites for the remainder of the plan period. It is this document which will create the pool of sites from which the 5 year supply can be based in future years.

## 9.0 MAIN ISSUES –

1. Development Timing in advance of the Site Allocations Plan
2. 5 year land supply and Interim Housing Release Policy
3. Highway matters including Accessibility
4. Flood Risk
5. Masterplan layout
6. Section 106 Package
7. Other policy considerations
8. Visual amenity and character
9. Residential amenity
10. Ecology

## 10.0 APPRAISAL

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

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the National Planning Policy framework indicates that development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The

starting point for any consideration of the development must therefore be the provisions of the LUDPR (2004), in order to assess whether the development is in accordance with the development plan. Other material considerations include the NPPF, the Core Strategy now close to adoption, the requirement for a 5 year supply of housing, the interim housing policy adopted by the Council and matters relating to sustainability, highways, layout/design/trees/landscaping, amenity, other matters and the Section 106 package being offered in this case.

10.2 Having established that the proposal is contrary to the provisions of the development plan it is still necessary to assess the proposal against other material considerations.

10.3 Paragraph 14 of the NPPF reiterates that development proposals should be approved if they accord with the development plan but also indicates that permission should be granted where 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 this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.*

10.4 The NPPF at paragraph 85 states that when defining green belt boundaries, local planning authorities should:

*make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development.*

#### **5 year land supply & Interim Housing Release Policy Assessment**

10.5 On 13th March 2013 the Council's Executive Board, resolved to enhance housing delivery by releasing some designated PAS sites in advance of the preparation of the Site Allocations Plan so as to bolster the diversity of the land supply. The Board agreed that some sites could be released provided they met agreed criteria set down in an Interim PAS policy.

10.6 The interim PAS policy does not supersede the Development Plan but is a relevant material consideration that the Panel should have regard to. The starting point remains the Development plan and in particular policy N34.

10.7 The purposes of the Interim PAS Policy are to broaden the land supply and (along with a number of other measures e.g. the interim affordable housing policy) to promote housing delivery, and to reduce the risk of ad hoc development on greenfield and potentially on Green Belt sites by ensuring a continuous supply of housing land to meet housing requirements. This is in line with the NPPF and especially paragraph 47 on significantly boosting the supply of housing.

10.8 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.

- 10.9 The application would seek to provide up to 200 dwellings, this would make a contribution towards the Core Strategy objective of delivery of 70,000 homes over the Plan period but as stipulated in the NPPF housing applications should be considered in the context of sustainable development. As sustainable development includes the need to provide good design and promote healthy communities and not impact upon existing residents in an unacceptable harmful way this application has been found to not meet the principles of sustainable development.
- 10.10 The interim policy only supports housing development on PAS sites subject to the following criteria.
- 10.11 Criteria (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. The application site is within the Main Urban Area which complies with draft Core strategy Policy SP1. 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.
- 10.12 Criteria (ii) Sites must not exceed 10ha in size and there should be no sub division of larger sites to bring them below the 10ha threshold. The application site is 9.8 ha.
- 10.13 Criteria (iii) Land is not needed, or potentially needed for alternative uses. The application site is not needed for alternative uses and therefore satisfies this criterion.
- 10.14 Overall, however the site is considered to be reasonably well related to the Main Urban Area and satisfies this criterion.
- 10.15 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.
- 10.16 The land is not considered to be needed for other uses. Children's 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 agreed in principle.
- 10.17 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.
- 10.18 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.

- 10.19 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. Overall therefore the application is considered to comply with the aims of the Interim housing Release Policy.

#### **Highway matters including Accessibility**

- 10.20 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. The original Highway consultation concluded that a 'usable link' on to Cookridge Drive would marginally improve the accessibility of the northern end of the site by providing a shorter average walk distance to bus stops (55m) and primary health services (270m). Local residents have disputed the walking distances set out by the applicant and argue that the development is unsustainable as it exceeds the Accessibility criteria in the emerging Core Strategy,
- 10.21 The access point from Moseley Wood Rise 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 allowed 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 about 85m from the Moseley Wood Rise access and the centre of the northern half of the site (69 properties) would be about 180m from the Cookridge Drive access.
- 10.22 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. It is noted the topography of the site and its relationship to existing amenities and infrastructure does slightly compound the issue of distances but this situation is common across this part of the City and in itself is not a reason for refusal but has a cumulative effect on the weight to be attached to material planning considerations in the determination of this planning application.

10.23 The table below compares the difference between the Core Strategy accessibility standards that would be achieved from the centre of around 70 dwellings from the northern access (Cookridge Drive) to the walk distances from two centre points on the 135 scheme (one north and one south) out through Moseley Wood Rise. The walking distances via the northern access are not altered significantly by provision of a vehicular carriageway but the link would be considered significantly more user friendly and more likely to be used throughout the year. 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 (northern estate 135 dwellings)</b>					
775m 9.2 mins	775m 9.2 mins	2175m 25.9 mins	775m 9.2 mins	Walk 24.4 mins	Bus 9.2 mins
					775m 9.2 mins
<b>Moseley Wood Rise (southern estate 135 dwellings)</b>					
725m 8.6 mins	725m 8.6 mins	2125m 25.3 mins	725m 8.6 mins	Walk 23.8 mins	Bus 8.6 mins
					725m 8.6 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	Bus
					695m 8.3 mins

10.24 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 would be improved by introducing a second vehicular access on to Cookridge Drive which would be more attractive to future users particularly in winter months which are identified by local residents as being harsher than other suburban locations in north west Leeds. Considering the above and how the site compares with the accessibility standards set out by the Council, it was important that the second vehicular access 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. The site does not fully comply with the standards set out in the Core Strategy but it could be difficult to sustain a refusal on accessibility at appeal given recent planning appeal decision and the need to take a balanced approach to determining planning applications. However, the impacts on place making (good urban design principles) and adjoining existing residents, particularly those on Moseley Wood Rise by not having a second vehicular access which is attractive to all users, in all weathers and times of the day is considered significantly harmful to warrant refusal on the grounds of poor masterplanning/urban design and loss of amenity to neighbouring residents.

- 10.25 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. This second vehicular access was essential for Officers to consider that the site could be developed for up to 200 dwellings. Given that development traffic would dissipate through a choice of routes but would be concentrated on Moseley Wood Rise, it is considered unreasonable to expect the residents of Moseley Wood Rise to have to accommodate the entire sites development traffic. The increased comings and goings, although not likely to result in harm to highway safety is envisaged to be significant to affect the quality of life of the residents of Moseley Wood Rise to warrant refusal of the planning application.
- 10.26 Moseley Wood Rise 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. The developer has also committed to the funding of a pedestrian crossing on Green Lane which would also improve pedestrian safety. These off site benefits whilst positive do not outweigh the harm that has been identified in the recommendation box at the start of this report.
- 10.27 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.

- 10.28 The application for the second point of access to the site from Cookridge Drive (reference 14/00190/FU) was submitted to address 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 proposed access road was also 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. However, this access road would require development through the Green Belt and would require the removal of protected trees and habitats. Officers had requested the second access came through existing development, probably through the demolition of one or two properties on Cookridge Drive or Moseley Wood Gardens, to facilitate the access. The applicant submitted legal information showing restrictive covenants to try to justify why they could not reasonably achieve this preferred access option. Officers have appraised this information and taken legal advice. The advice officers have received is that it at this point the applicant has not sufficiently demonstrated that the covenants prevent them from creating a second vehicular access outside of the Green Belt. In light of this the applicant's justification for only being able to provide a second access through Green Belt land is not endorsed and very special circumstances are not considered to exist to outweigh the harm to the Green Belt. Members will recall discussing this matter at the April City Plans Panel.

### **Flood Risk**

#### **Sewer Flooding**

- 10.29 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 has been affected by surface water sewer flooding, which runs down Moseley Wood Rise and onto the site. It is reasonable to place land drainage system in place which would mean the water can be picked up by the highway drainage within the proposed development site. The Council's drainage engineers and external consultees including the EA, Network Rail and Yorkshire Water are in agreement that this can be achieved.

#### **Boggy Site**

- 10.30 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 had requested additional ground investigation to be carried out, to determine the source of this water. Two sources of groundwater have been identified by the ground investigation comprising the unrestricted outfall of the existing surface water drain on the eastern boundary of the site and perched groundwater present within the surface soils. The distribution of the perched groundwater within the surface soils is highly variable; typical of Head deposits. It is reasonable to utilise land drainage systems to mitigate the impacts of changing the current (boggy) nature of the site by the proposed development. The proposed land drainage system will provide substantial attenuation and storage both above and below ground. The proposed land drainage system also includes a substantial



network of infiltration trenches below both the new watercourses and the perimeter drain constructions. These infiltration trenches will allow losses of collected ground and surface waters back into the bedrock. It is accepted that the volume of these potential losses will be very difficult to calculate however it is the opinion of Officers that these losses are likely to at least balance if not exceed the intercepted perched groundwater inflows. It is the opinion of officers that the overall inflow to the existing Moseley Beck watercourse will be reduced post development.

#### Drainage Summary

- 10.31 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. It is important that this new land drainage system is maintained in the long-term and officers have advised the applicant that the Council would seek to take on the major new watercourses, subject to the payment of a commuted sum. The smaller land drains would probably be the responsibility of the land owners, so it is important that they made aware of the existence and their responsibility – therefore they would need to be included within the property deeds. Where these smaller drains connect to the “watercourses” and pass through Public Open Space, The Council would also take the these on. The development will therefore comply with the requirements of GP5, N38a and N39b of the LUDPR in relation to matters of flood risk and drainage. On this basis it is not considered there is grounds to refuse the planning application matters relating to drainage or flood risk.

#### School provision

- 10.32 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. Although there is a lack of current capacity in these schools Children Services are considering how to provide additional school places, this work will be supported by the contribution secured from the developer to meet the education needs of the children who would live on their site. Although the nearest schools are currently full this does not preclude them from being included in the accessibility criteria assessment as children are allocated school places on the validation criteria which has proximity to school as being the 3<sup>rd</sup> tier of school placement acceptance. There could be children already at the school with young siblings who move into these houses that would be higher up the legibility criteria for school placement acceptance and therefore some children who move into the development could go to the nearest primary schools.
- 10.33 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 but is within acceptable travel distances. Accordingly a developer contribution is required to enhance secondary education provision.

- 10.34 The developer has agreed to meet both the primary and secondary school contributions as laid out in the Section 106 package.

### **Section 106 package**

- 10.35 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.

- 10.36 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.

- 10.37 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- the junction improvement at Green Lane/Cookridge Drive and a pelican crossing on Green Lane.
  - 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.
  - Biodiversity Enhancement & Management Plan

**In the absence of a signed Section 106 these matters form the basis of reason for refusal 3 but could be overcome if a Section 106 were completed.**

### **Other policy considerations**

- 10.38 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.
- 10.39 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. The NPPF states at paragraph 56 “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

- 10.40 High quality buildings and spaces are achievable through good planning. National, regional and locally important design objectives should not be compromised by ill-founded perceptions of what will or will not stand up at appeal. Design is about how places look and work. Design is about responding to the existing character, movement patterns, appearance and other attributes of the area. It is about how people will be able to use the development when it is built. The existing topography are important considerations when masterplanning a new site. The need to create varied and attractive connections and accesses into existing street and communities are central to integrating new development with existing neighbourhoods. A development should be linked to, and integrated with, what is around as well as internally, by convenient, safe and direct routes that will encourage walking and cycling as well as provide vehicular access options. The indicative masterplan does provide 3 points of access but 2 of these are not overlooked in sections and will not be attractive or safe routes. The NPPF at paragraph 64 states “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”.

#### **Visual amenity and character**

- 10.41 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.
- 10.42 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 new houses to existing neighbouring residents in relation to privacy and overlooking would 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**

- 10.43 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 state 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.
- 10.44 The harm to living conditions on the residents of Moseley Wood Rise from the increased comings and goings, noise and disturbance and general activity on their cul de sac has been discussed in this report. It is noted that the site is designated as PAS and when assessed against the Interim Housing Release Policy is could be considered favourable however, site specific matters mean that the details of the current application are not acceptable. Officers have considered that Moseley Wood Rise could be a point of access into the site but should not be the only point of access into the site. As such the activity associated with the 200 dwellings proposed by this application shifts the planning balance in favour of protecting the amenity of the residents of Moseley Wood Rise

### **Ecology**

- 10.45 The developer has submitted a Biodiversity Enhancement & Management Plan which has been assessed by officers as being acceptable and able to mitigate any impacts of the development on matters of ecology. Additional areas of land within the applicant's ownership were proposed to be included within the Biodiversity Enhancement & Management Plan and overall there would have been an enhancement to the loss of any biodiversity and ecology features on the site.
- 10.46 The final bat survey report submitted by the developer is satisfactory and has not raised any new issues. It confirms that there is a moderate amount of bat foraging/commuting activity along the woodland edge.
- 10.47 Planning conditions would have been recommended to address all the sites ecology matters and the developer had agreed in principle to delivering this.

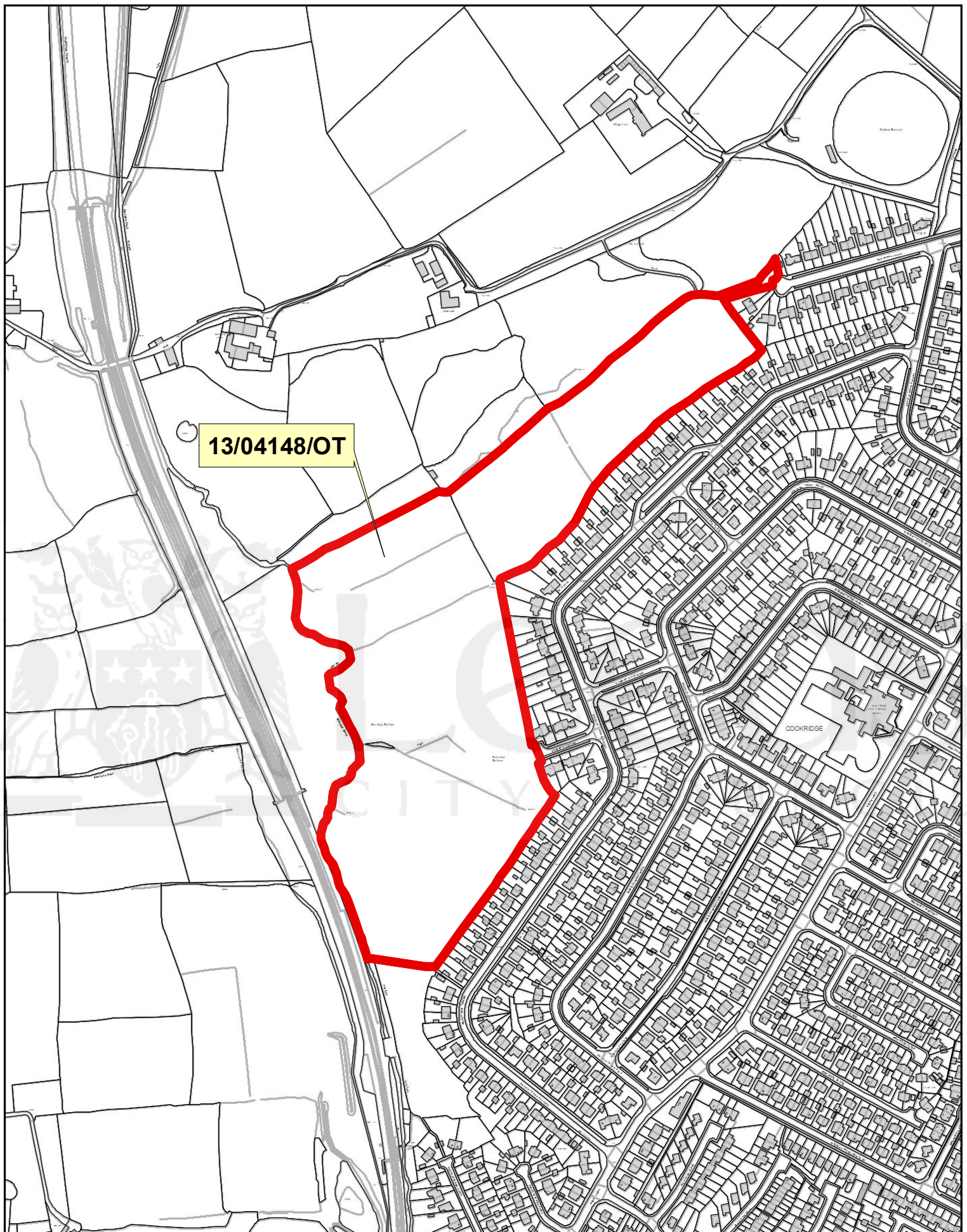
## **11.00 CONCLUSIONS**

- 11.1 Taking account of all the relevant planning considerations the proposal is considered harm to the amenity of the neighbouring residents on Moseley Wood Rise. The proposed means of access into the site is considered unacceptable to provide sufficient safe and convenient access options contrary to good urban design principles. The benefits of the development have been clearly set out which include development of a significant number of houses to meet the Core Strategy's aim and also enabling a commitment towards funding affordable housing, greenspace, education provision and off site highway works and ecological enhancement. In the absence of a completed Section 106 to cover the matters identified above the proposal is recommended for refusal.

### **Background Papers:**

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





# CITY PLANS PANEL

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