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**Report of the Chief Planning Officer**

**CITY PLANS PANEL**

**Date: 11<sup>th</sup> December 2014**

**Subject: APPLICATION 14/04270/OT- OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR CIRCA 135 DWELLINGS, INCLUDING MEANS OF VEHICULAR ACCESS FROM MOSELEY WOOD RISE AND PEDESTRIAN/EMERGENCY LINK FROM COOKRIDGE DRIVE, COOKRIDGE, LEEDS**

**APPLICANT:** Taylor Wimpey UK Ltd    **DATE VALID:** 18.07.2014    **TARGET DATE:** 11.12.2014

**Electoral Wards Affected:**

**Adel & 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:**

**DEFER and DELEGATE to the Chief Planning Officer for approval subject to conditions to cover those matters outlined below (and any others which he might consider appropriate) and the completion of a Section 106 agreement to cover the following:**

- **Affordable housing at 35% on site (47 units on current indicative masterplan split 60%/40% between Social Rent and Submarket).**
- **Public transport contribution £1226 per dwelling.**
- **Off-site highways works for Crossing on Green Lane and build out on Cookridge Drive.**
- **Education contribution of £643,115.09 equivalent of £4763 per dwelling.**
- **Greenspace contribution (The current layout results in an indicative contribution of £1097).**
- **Travel Plan measures including car club contribution of £4,000 monitoring fee of £2675 and £10,000 penalty should travel plan targets not be achieved.**

- **Bus stop contribution of £30,000 and Metro Card contribution £64,226.25.**
- **Local employment and training initiatives during the construction of the development.**
- **Public access to public open space and Biodiversity and Ecology Enhancement Management Plan.**
- **Indexed linked contributions**

**In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.**

Conditions:

1. Two year time limit for commencement and reserved matters submission deadlines.
2. Outline relates to Access only. All other matters Reserved.
3. Plans to be approved.
4. Maximum units to be 135 dwellings
5. Samples of walls, roofing, doors, windows, surfacing material to be approved.
6. Details of means of enclosure including retaining walls.
7. Existing and proposed levels to be provided with Reserved matters applications
8. Details bin and cycle stores.
9. Scheme for electric vehicle charging points on all plots
10. Landscape scheme.
11. Implementation of landscape scheme.
12. Tree protection conditions.
13. Tree replacement conditions.
14. Biodiversity enhancement conditions.
15. Access roads and car parking to be complete prior to first use.
16. Development to be carried out in accordance with Flood Risk Assessment (FRA) by URS dated 23 June 2014
17. Drainage details as specified by Network Rail, Yorkshire Water and LCC Flood Risk Management.
18. Construction Management Plan to include interim drainage measures, arrangements for construction traffic including access routes, on site provision for contractors during construction, location of compounds, measures to prevent mud on road and dust suppression and hours of construction and delivery.
19. Contamination reports.
20. Unexpected contamination.
21. Verification reports.
22. Condition relating to specified off-site highway works.
23. Provision of emergency/cycle access link from Cookridge Drive and additional footpath links prior to first occupation.
24. Adherence to the Design and Access Addendum at Reserved Matters stage.
25. Archaeological evaluation.

## **1.0 INTRODUCTION**

- 1.1 Members will recall that an outline application 13/04148/OT was refused at City Plans Panel on the 20<sup>th</sup> November on the grounds of harm to residential amenity and poor urban design along with a lack of a compelled Section 106 to address the planning policy requirements. Members will recall that this site was discussed at the April 2014 City Plans Panel as a Position Statement. Members discussed the

principle of the development, the 5 year housing supply position, site specific matters of drainage which needed resolving before the principle could be accepted for developing the site, accessibility criteria and the impact on local infrastructure including schools. The applicants, Taylor Wimpey, as a result of the comments received during that Position Statement discussion submitted an additional Outline application for the site for a reduced number of dwellings that would be served from Moseley Wood Rise.

- 1.2 The current application presented to Panel with a recommendation to defer and delegate approval subject to the completion of a Section 106 agreement is for residential development of the site for circa 135 dwellings accessed from Moseley Wood Rise with an associated emergency/cycle link from Cookridge Drive. This application is considered on balance to have overcome the reasons for refusal set out in application 13/04148/OT.
- 1.3 The application proposes the development of a large Greenfield site in Cookridge which is designated as a Protected Area of Search (PAS) in the adopted Leeds UDP.
- 1.4 The current application 14/04270/OT is a reduction of 65 dwellings from the 200 dwellings proposed by Outline application 13/04148/OT. That application is also brought to Panel with a recommendation to refuse the application on the grounds that this site requires 2 fully accessible forms of access for a development of 200 dwellings that occupies the entire site area designated within the adopted UDP as PAS land and that to rely on one form of access would be detrimental to the amenity of residents of Moseley Wood Rise. The associated application (14/00190/FU) for the creation of a second vehicular access through the Green Belt and on to Cookridge Drive is also brought to Panel with a recommendation to refuse on the grounds that the loss of protected trees and valuable biodiversity habitat would be detrimental to the amenity of the area and would harm the openness of the green belt.
- 1.5 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
- 1.6 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.
- 1.7 Members have also resisted the bringing forward of the site at Kirklees Knoll, Farsley where the Public Inquiry is to be reopened to hear further evidence on 11th November

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

- 1.8 Members will recall discussing this site at City Plans Panel in April 2014 when a Position Statement Report was presented for applications 13/04148/OT & 14/00190/FU which have both now been refused. At the April meeting Members noted that they could accept the principle of development of the site for housing if the drainage matters were resolved. Members also noted that a reduced number of dwellings served off one access road could also be acceptable. An extract from the minutes of the April City Plans Panel meeting are appended to this report.

## **2.0 PROPOSAL:**

- 2.1 This amended application proposes a residential development of up to 135 houses. Outline permission is sought for the principle of development plus the means of access and landscaping. Matters in respect of appearance, layout and scale are reserved for later consideration. The indicative masterplan shows the site being accessed from Mosley Wood Rise with an emergency link/cycle link shown from Cookridge Drive.
- 2.2 The indicative masterplan differs from the earlier application 13/04148/OT in that the land to the north of the site behind the gardens of 28 through to 90 Moseley Wood Gardens are excluded from residential development except from the cycle link through to Cookridge Drive. These fields will be retained as agricultural grazing land.
- 2.3 A mix of new homes are proposed as part of the development. The developer has amended his Design and Access Statement to ensure that the houses would be between two and two and a half storeys in height. The majority of the houses are semi detached and detached properties. The applicant has also confirmed that Reserved Matters submissions would accord with the guidance in Neighbourhoods for Living SPG.
- 2.4 The interim affordable housing policy for this area seeks an on-site provision of 35% (45 dwellings). These dwellings would be provided on site, in pepper potted locations and would be a mix of dwelling types. It should be noted that this is a significant increase in the delivery of affordable housing above the interim Affordable Housing policy for this site which previously would have secured 15% of the total number of dwellings. The developer have committed to meeting this new affordable housing requirement for the site.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is designated under Policy N34 Unitary Development Plan Review (2006) (UDPR) as 'Protected Area of Search for Long Term Development' (PAS). PAS sites are designated 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 PAS site as being 9.9 hectares though the applicant are only proposing to develop 6.9 hectares with this

application. 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 and is envisaged to be managed as part of the Biodiversity Management Plan for the site.

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 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. Presented to City Plans Panel 10<sup>th</sup> April 2014 with a Position Statement. Refused at Panel November 2014.

4.2 14/00190/FU – Proposed second access road from Cookridge Drive to Land at rear of Moseley Wood Gardens, Cookridge. Presented to City Plans Panel 10<sup>th</sup> April 2014 with a Position Statement. Refused at Panel November 2014.

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

5.1 A position statement was presented to City Plans Panel on 10<sup>th</sup> April 2014. A copy of the minutes is provided at Appendix 1 and a brief summary of the issues raised is provided below. A full response to the issues raised is provided in the appraisal at section 10 below.

- The Panel indicated that it required certainty on the issue of drainage and what was causing part of the site to be wet and that the outcome of this could affect the layout and number of dwellings the site might be able to accommodate. In the event that Members were satisfied about the drainage issues, it was likely that the principle of development would have to be acknowledged, although at this stage, the application was considered to be premature without knowing the drainage details
- Members discussed the 5 year housing land supply position
- Members were clear that they did not see a justification for creating a second access that relied on green Belt land and removing protected trees.
- In respect of the emerging Section 106 package, to note that the education contribution complied with policy but that further information was required on the number of places this would provide and at which schools

5.4 The applicant did not undertake any pre-application community consultation for the current application for 135 dwelling. However they did undertake community consultation for the earlier application 13/4148/OT and after the current application had been validated approximately 1,500 leaflets were distributed to households within the immediate area of the site. The leaflet provided details of the submitted 135 dwelling scheme and included a short summary of the proposals, the revised layout, the planning application reference as well as the link to the public access system at Leeds City Council whereby residents are able to view all the documentation forming the outline submission including the layout plan and technical reports.

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

6.1 The application was advertised as a departure that does not accord with the provisions of the UDPR and affects a right of way. A reconsultation with residents has also taken place in light of revised drainage details, site notices were displayed on the 10th November and any representations received after the date the Panel Report is produced will be reported verbally on the day of the Panel meeting

6.2 159 representations had been received by 01.12.2014 and representations continue to arrive, with all objecting to the proposals. There have also been 474 circular letters of objections sent through. There has also been 58 comment forms objecting to the application. It is important to note that there were 258 representations received to application 13/04148/OT of which 254 were objections. There were also 174 circular letters of objection received. There were also been 71 objections to application 14/00190/FU for the second access road from Cookridge Drive through the Green Belt. As the issues raised in all these representations relate to the same site and the proposals for residential development of the site Members should have regard to the totality of the representations when determining this application.

6.3 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. He agrees with local residents that the site exceeds 10 hectares in size. He maintains a highway objection. Only having Moseley Wood Rise is detrimental to highway safety. The site does not meet the Council's accessibility criteria. The Council has a 5 year housing land supply and does not need this site. Brownfield sites should be brought forward first. 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.

6.7 Local residents strongly object to the proposals and have raised the following concerns:

- Site address mis advertised
- Development is contrary to Development Plan and NPPF

- The site is a soakaway and cannot be safely developed.
- No clarification on source of ground water
- Plans not clear
- Impact on Moseley Beck and trainline from increases in flooding
- Evidence for assessing drainage and flooding matters not accurate
- The land has historically always flooded
- Greenfield sites should not be developed, brownfield sites should be developed first
- Impact on biodiversity and protected species
- Loss of green spaces and outlook
- Disruption during the construction stage
- Likely to harm highway safety and increases in congestion in surrounding roads
- No more houses are needed
- Population forecasts for Leeds are revised downwards
- There are several other major housing developments taking place in the area already
- The cycle link will go through the Green Belt and harm trees, this link is lonely and isolated and not needed
- Insufficient existing infrastructure and schools to cope with more housing
- Holt Park surgery is going to close
- Inaccuracies in the reports submitted leading to incorrect assumptions
- This application does not meet with the interim housing release policy
- The drainage modelling is inaccurate and misleading
- Network Rail have previously objected to the application
- If the development proceeds then conditions requiring the land drainage system to be built properly and inspected will be required.
- Differences between flood risk assessment and the applicant's drainage report.
- Three storey properties are not appropriate for the site
- High quality designs are required for the new build properties
- Moseley Wood Rise is not suitable to accommodate this amount of traffic
- Confusion in planning process. How does the site allocation process fit with this application
- Not sustainable development
- Noise objections
- Community involvement was insufficient
- The walking distances stated by the applicant are not accurate
- Lack of car parking proposed
- This application will result in 100 more homes further up the site
- The Moseley Wood Garden's road are frozen during cold spells and not passable
- Lack of public transport options in the area
- The circular letter of objection relates to 4 main points- concerns over one point of access from the site, flooding within the site, lack of school provision and concerns over the construction phase of the development.
- Biodiversity objections

## **7.0 CONSULTATIONS RESPONSES:**

### **7.1 Statutory:**

7.2 Yorkshire Water: No objections subject to conditions. There is a combined sewer under the site which will require diverting.

7.3 Environment Agency: No objection subject to conditions.

7.4 Highways: Following revisions to the number of dwellings proposed and additional information submitted the application can now be supported. A full highways appraisal is provided in section 10.

### **7.5 Non-statutory:**

7.6 Contaminated Land: No objection.

7.7 West Yorkshire Archaeological Advisory Service: The site lies within an area of archaeological significance. An evaluation should be carried out before determination and if not, a suitable condition added.

7.8 Flood Risk Management: No objection subject to conditions.

7.9 Metro: Request metro cards and a contribution towards bus stop upgrades.

7.10 Childrens Services: Do not consider this site is required for a new school. 135 dwellings would generate around 5 children per year group in primary. Childrens Services cannot describe which school they would go to as this depends on parental preference and the application of the admissions policy, but they do consider there are options in the area that can be explored to meet this primary demand. Secondary provision is not currently oversubscribed, and would see an extra 3 children per year group. In the longer term the cumulative effect of housing in the area may well necessitate a new primary or possibly through school, and at present Childrens Services are working through individual applications and the site allocations process to be able to identify sites to meet this.

7.11 Primary contribution calculation:  $135 \text{ (dwellings)} \times \text{£}12,257 \text{ (cost multipliers)} \times 0.25 \text{ (yield per pupil)} \times 0.97 \text{ (location cost)} = \text{£}401,263.54$  & Secondary contribution calculation:  $135 \text{ (dwellings)} \times \text{£}18,469 \text{ (cost multipliers)} \times 0.10 \text{ (yield per pupil)} \times 0.97 \text{ (location cost)} = \text{£}241,851.56$ .

7.12 Natural England: No objections.

7.13 Network Rail: No objection subject to conditions

## **8.0 PLANNING POLICIES:**

### **8.1 Development Plan**

8.2 The development plan consists of the Core Strategy and the Saved Policies with Leeds Unitary Development Plan (Review 2006) (UDP) and the adopted Natural Resources and Waste DPD (2013).

8.3 The site is allocated within the Saved Policies of the UDPR as a 'Protected Area of Search' (PAS). Other policies which are relevant are as follows:

GP5 all relevant planning considerations

N2: Greenspace

N4: Greenspace

N23: Relates to incidental open space around new developments.

N24: Development and incidental openspace.

N25: Development next to the Green Belt boundary.

N35: Development will not be permitted if it seriously conflicts with the interests of protecting the best and most versatile agricultural land.

N37A: Development within the countryside should have regard to the existing landscape character.

T24: Parking guidelines.

LD1: Relates to detailed guidance on landscape schemes.

#### 8.4 **Policy N34 – PROTECTED AREA OF SEARCH :**

The Unitary Development Plan (UDP) was originally adopted in 2001 and its Review was adopted in 2006. The original UDP allocated sites for housing and designated land as PAS. The UDP Review added a phasing to the housing sites which was needed to make the plan compliant with the national planning policy of the time, Planning Policy Guidance 3. The UDP Review did not revise Policy N34 apart from deleting 6 of the 40 sites and updating the supporting text. This Policy was Saved as part of the adopted of Core Strategy.

Policy N34 and supporting paragraphs are set out below:

##### Protected Areas of Search for Long Term Development

The Regional Spatial Strategy does not envisage any change to the general extent of Green Belt for the foreseeable future and stresses that any proposals to replace existing boundaries should be related to a longer term time-scale than other aspects of the Development Plan. The boundaries of the Green Belt around Leeds were defined with the adoption of the UDP in 2001, and have not been changed in the UDP Review.

To ensure the necessary long-term endurance of the Green Belt, definition of its boundaries was accompanied by designation of Protected Areas of Search to provide land for longer-term development needs. Given the emphasis in the UDP on providing for new development within urban areas it is not currently envisaged that there will be a need to use any such safeguarded land during the Review period. However, it is retained both to maintain the permanence of Green Belt boundaries and to provide some flexibility for the City's long-term development. The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework, and in the light of the next

Regional Spatial Strategy. Meanwhile, it is intended that no development should be permitted on this land that would prejudice the possibility of longer-term development, and any proposals for such development will be treated as departures from the Plan.

N34: WITHIN THOSE AREAS SHOWN ON THE PROPOSALS MAP UNDER THIS POLICY, DEVELOPMENT 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

## 8.5 Relevant Supplementary Planning Guidance

Supplementary Planning Document: "Street Design Guide".

Supplementary Planning Document: Public Transport Improvements and Developer Contributions.

Supplementary Planning Document: Travel Plans.

Supplementary Planning Document: Designing for Community Safety – A Residential Guide

Supplementary Planning Guidance "Neighbourhoods for Living".

Supplementary Planning Document – Sustainable Design and Construction "Building for Tomorrow, Today"

Supplementary Planning Guidance 4 – Greenspace Relating to New Housing Development

Supplementary Planning Guidance 11 – Section 106 Contributions for School Provision

Supplementary Planning Guidance 25 – Greening the Built Edge

### **Interim PAS Policy**

- 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:

*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.*

- 8.7 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.
- 8.8 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.
- 8.9 The policy has been used to support the release of land at four sites at Fleet Lane, Oulton, Royds Lane, Rothwell, Owlars 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 still pending with the Kirklees Knowl decision not due until the end of the year as this is a Call In Inquiry. PAS sites at Bradford Road, East Ardsley, East and West of Scholes, and Breary Lane East, Bramhope and Adel, have also been recently refused.
- 8.10 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.

### **Local Development Framework**

- 8.11 The Core Strategy was adopted on the 12<sup>th</sup> November 2014. In seeking to respond to the challenges of population growth and housing needs, the delivery of these

objectives during current economic and market conditions is a considerable task. As emphasised throughout the Core Strategy, housing delivery in sustainable locations, which respects local character and distinctiveness, maximises opportunities to recycle previously developed land, whilst minimising greenfield and Green Belt release is a priority. Within this framework and in support of Spatial Policies 6, 7 and 10, Policy H1 describes the need for phasing to achieve the aims of a sustainable pattern of development, with focus on the Main Urban Area.

- 8.12 A minimum density policy is needed for Leeds to ensure sustainable housing development. This means efficient use of land in order to avoid more green field land being developed than is necessary and in order to achieve a higher population in proximity to centres.
- 8.13 Since affordable housing planning policy was first developed in the early 1990s, Leeds has always been able to demonstrate a need for affordable housing. The most recent Strategic Housing Market Assessment (2011) identifies an annual need of 1158 affordable housing dwellings. Not all of this need will be met by the planning system, other methods of delivery such as grant funded schemes also play an important role in the delivery of affordable housing. Given the high level of need, action to secure affordable housing (or contributions) from all developments of new dwellings, will be taken. This development will make a positive contribution towards meeting this need.
- 8.14 The modified housing requirement is similar to that which influenced the Council's interim-policy and therefore remains valid and there is still a need to consider releasing sites in accordance with the interim policy. There remains a need to ensure that the Leeds housing land supply is diversified, and that the 5 year housing land supply ensures choice and competition in the market for land in sustainable locations, in the main urban area and major settlements. The release of the application site at this time helps maintain these outcomes. Larger sites in smaller settlements which are less sustainable are protected from development now, until properly considered through the Site Allocations Plan process.
- 8.15 The NPPF states in paragraph 47 that local authorities should boost significantly the supply of housing. It sets out mechanisms for achieving this, including:
- use an evidence base to ensure that the Local Plan meets the full objectively assessed needs for market and affordable housing;
  - identify and update annually a supply of specific deliverable sites sufficient to provide for five years' worth of supply;
  - identify a supply of specific deliverable sites or broad locations for growth for years 6 to 10 and years 11 to 15,
- 8.16 The Core Strategy housing requirement has been devised on the basis of meeting its full objectively assessed housing needs. These are set out in the Strategic Housing Market Assessment (SHMA), which is an independent and up to date evidence base, as required by paragraph 159 of the NPPF and reflects the latest household and population projections as well as levels of future and unmet need for affordable housing.
- 8.17 The Spatial Development Strategy outlines the key strategic policies which Leeds City Council will implement to promote and deliver development. The intent of the

Strategy is to provide the broad parameters in which development will occur, ensuring that future generations are not negatively impacted by decisions made today. The Spatial Development Strategy is expressed through strategic policies which will physically shape and transform the District. It identifies which areas of the District play the key roles in delivering development and ensuring that the distinct character of Leeds is enhanced. Of particular relevance is policy SP1: Location of Development.

- 8.18 It is complemented by the policies found in the thematic section, which provide further detail on how to deliver the Core Strategy. This includes housing (improving the supply and quality of new homes in meeting housing need), and the environment (the protection and enhancement of environmental resources including local greenspace and facilities to promote and encourage participation in sport and physical activity. 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

- 8.19 The Council is continuing to advance the Site Allocations Plan, which is currently at the Issues and Option Stage.

### **National Planning Guidance**

- 8.20 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. 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.
- 8.21 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%.

8.22 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.

8.23 Paragraph 85 sets out those local authorities defining green belt boundaries should:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- 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;
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
- define boundaries clearly, using physical features that are readily
- recognisable and likely to be permanent.

## **9.0 MAIN ISSUES**

- Compliance with the Development Plan
- Five Year Supply
- Development in advance of the Site Allocations Plan
- Transportation matters
- Accessibility considerations
- Flood risk
- School provision
- Section 106
- Other policy considerations
- Visual amenity and character
- Residential amenity
- Ecology

## **10.0 APPRAISAL**

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.

### **Compliance with the Development Plan**

- 10.2 In considering the site against the provisions of the development plan, the key issue is that the application site is identified in Saved Policy N34 as a Protected Area of Search for Long Term Development. Saved Policy N34 of the UDPR 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. As such the proposal constitutes a departure from the Development Plan. Paragraph 5.4.9 of the UDPR indicates that the suitability of protected sites will be reviewed as part of the preparation of the Local Development Framework. The grant of planning permission would also be contrary to this supporting text.
- 10.3 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.
- 10.4 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.*
- 10.5 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”.*
- 10.6 On 13<sup>th</sup> 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.

- 10.7 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 Saved policy N34.
- 10.8 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.

### 5 Year Housing Land Supply Position

- 8.9 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.
- 8.10 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's 5 year Housing Supply figure includes an element of sites identified as PAS land. Those sites which meet the criteria of the Interim Housing Release Policy, such as the site at Moseley Bottom are need to be included within the 5 year supply calculations. 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
<b>Total</b>	<b>22,570</b>

- 8.11 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.
- 8.12 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.

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

- 10.13 The interim policy only supports housing development on PAS sites subject to the following criteria.  
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.*  
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 6.9 ha.*  
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 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.
- 10.15 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.
- 10.16 **Transportation Matters**
- 10.17 The Main Urban Area (MUA) will provide the major focus of development, taking the form of suitable infill development and urban extensions, which will account for over 60% of all housing opportunities. 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. In this instance to balance the needs of existing residents with the impact of the development traffic from the site it seems sensible to widen the carriage to 6m.

- 10.18 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 Officers have advised that a 20mph zone should be introduced to help mitigate against any adverse traffic impact in the area and funding has been secured from the applicant to deliver this local objective. 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. The developer has also committed to funding a build out on the Green Lane Cookridge Drive junction to further improve highway safety which will benefit local residents.

**Accessibility considerations.**

- 10.19 The site is relatively well located in relation to existing facilities and is within the Main Urban Area where the Core Strategy is seeking to direct the majority of the housing growth. 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. The Transport Assessment (TA) 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. The assessment shows that 3 out of the 6 criteria are achieved, these being, access to local shops, primary school and secondary school. Of the 3 criteria not met; the distances to travel to high frequency bus services, local health facilities and to the town centre the TA sets out that by 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. 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 adopted Core Strategy.
- 10.20 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. There is an existing access from the site to Moseley Wood Croft which again would improve travel distances, particularly to Horsforth train station but this route goes through wooded areas and would be unlikely be attractive all year round.

10.21 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 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

10.22

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 (from centre of northern part of estate)</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
<b>Moseley Wood Rise (from centre of southern part of estate)</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

10.23 The Travel Plan commitment to provide MetroCards to future residents will further enhance the sustainability of the site. The developer has also committed to a contribution of £4,000 towards the provision of free trial membership and usage of the car club car near to Horsforth Train Station which is envisaged will help reduce private car use, in particular the second family car which is often used for short local trips. There is also a penalty fund in place of £10,000 that can be used to enhance the travel Plan should it not meet its targets. The commitment to upgrade 3 bus stops is also a positive aspect of the development that will increase the attractiveness of using public transport and helps mitigate against the extra walk

time to these high frequency services. On balance the parts of the accessibility criteria that are not achieved are sufficiently mitigated by the proposals offered within the Travel Plan and by the applicant to improve the highway environment locally.

#### 10.21 **Flood Risk**

10.22 Members will recall at the November City Plans Panel meeting when they discussed the drainage element in depth expressing their concerns but acknowledged that a reason for refusal in relation to drainage did not exist for this site.

#### Sewer Flooding

10.23 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.

#### Site specific issues

10.24 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

10.25 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 these on. The development will therefore comply with the requirements of saved policies 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.

10.26 **School provision**

10.27 At the City Plans Panel meeting of 20<sup>th</sup> November Members discussed the impact of the development upon existing schools and in particular Primary schools. The development would generate 34 primary school places, effectively 5 places per year group. 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 the schools in the Cookridge area are currently close to capacity and so a full s106 contribution would be needed, there are a number of schools which may have some potential to expand. This has not yet been fully tested through full site evaluation or consultation, however at this stage based on desk top site evaluations there appears to be some flexibility in the existing estate. 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. This commitment by the applicant which accords with the planning policy requirement mitigates the impact of this development on the existing schools. It is not for the applicant to resolve the existing school placement issues beyond what the planning policy requirements for the development stipulate. At this stage Children Services cannot describe which school the school aged children arising from the development would go to as this depends on parental preference and the application of the admissions policy, but Childrens Services consider there are options in the area that can be explored to meet this primary demand. In the longer term the cumulative effect of housing in the area may well necessitate a new primary or possibly through school, and at present Childrens Services are working through individual applications and the site allocations process to be able to identify sites to meet this. They have reviewed the site at Moseley Bottom and discounted as being required for a new school.

10.27 The development generates a requirement to fund 14 secondary school aged children. The nearest secondary school to this development is Ralph Thoresby High School then Horsforth School and then Abbeyfield Grange C of E Academy.

Secondary provision is not currently oversubscribed, and would see an extra 3 children per year group so is a relatively modest impact. 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.

10.28 The developer has agreed to meet both the primary and secondary school contributions as laid out in the Section 106 package. Although there will be a need for expansion of a primary school (as yet unknown) to accommodate the growth of the school aged population it is not for this applicant to resolve that matter.

10.29 **Section 106 package**

10.30 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.

10.31 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.

10.32 Section 106 package as currently drafted and based on 135 dwellings:

- 35% Affordable Housing Provision (based on 135 dwellings this would be 47 affordable units) with a 60-40 split between submarket and social rented tenure.
- Education Contribution- Primary £401,263.54 & Secondary contribution of £241,851.56. In total £643,115.09
- Laying out and maintenance of onsite Greenspace and an offsite Greenspace Provision to contribute towards local parks. In total the green space contribution is £148,201.27
- Highway Works Provision- the junction improvement at Green Lane/Cookridge Drive and a pedestrian crossing on Green Lane delivered via Section 278 Agreement and secured via Grampian Plannign Condition.
- Public Transport Contribution of £165,539 should be sought based on 135 residential houses which equates to £1226 per dwelling
- Travel Plan monitoring fee £2675, metrocards £64,226.25, Car Club contribution £4,000 and bus stop improvements (total £30,000) in accordance with Metros recommendations. Travel Plan penalty of £10,000 should targets for modal shift not be met.
- Biodiversity Enhancement & Management Plan

**Other policy considerations**

- 10.33 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.
- 10.34 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”.
- 10.35 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, 2 of these are pedestrian and cycle links only but they do provide some improved connections and will be available for use by residents. They may not however be as attractive in all weathers or times of day. The revised masterplan reducing the total number of dwellings is considered to have improved the objections raised to the previous application in regard to urban design considerations.

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

- 10.36 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.

- 10.37 The indicative masterplan shows a layout of detached and 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 Saved policies GP5 and N24 (development adjacent to the Green Belt) and Core Strategy policy P10.

### **Residential amenity**

- 10.38 The only existing residential development abutting the site is the rear gardens of the properties on Moseley Wood Gardens and the end two properties of Moseley Wood Rise and 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.
- 10.39 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 was a reason for refusal of the large previous application for 200 units. The reduction in the numbers of units will ameliorate this impact on the neighbours to a degree where the planning balance is considered to shift in favour of the application. Members may recall that at the April meeting when they discussed this site they indicated that a reduced number of dwellings served from one access could be acceptable. The proposed cycle and pedestrian links on to Moseley Wood Gardens and Cookridge Drive are not envisaged to result in any serious harm to the amenity of the residents who live near these access points. It is noted that the site is designated as PAS and when assessed against the Interim Housing Release Policy it could be considered favourable.

### **Ecology**

- 10.40 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.
- 10.41 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. The developer has confirmed there are no Great Crested Newts on the site.

10.42 Planning conditions are considered necessary to address all the sites ecology matters and the developer had agreed in principle to delivering this. The ecology proposals are considered to result in a positive benefit arising from the development as they will enhance the surrounding woodland area and put in place long term management arrangements to maintain the ecology both on site and adjoining the site.

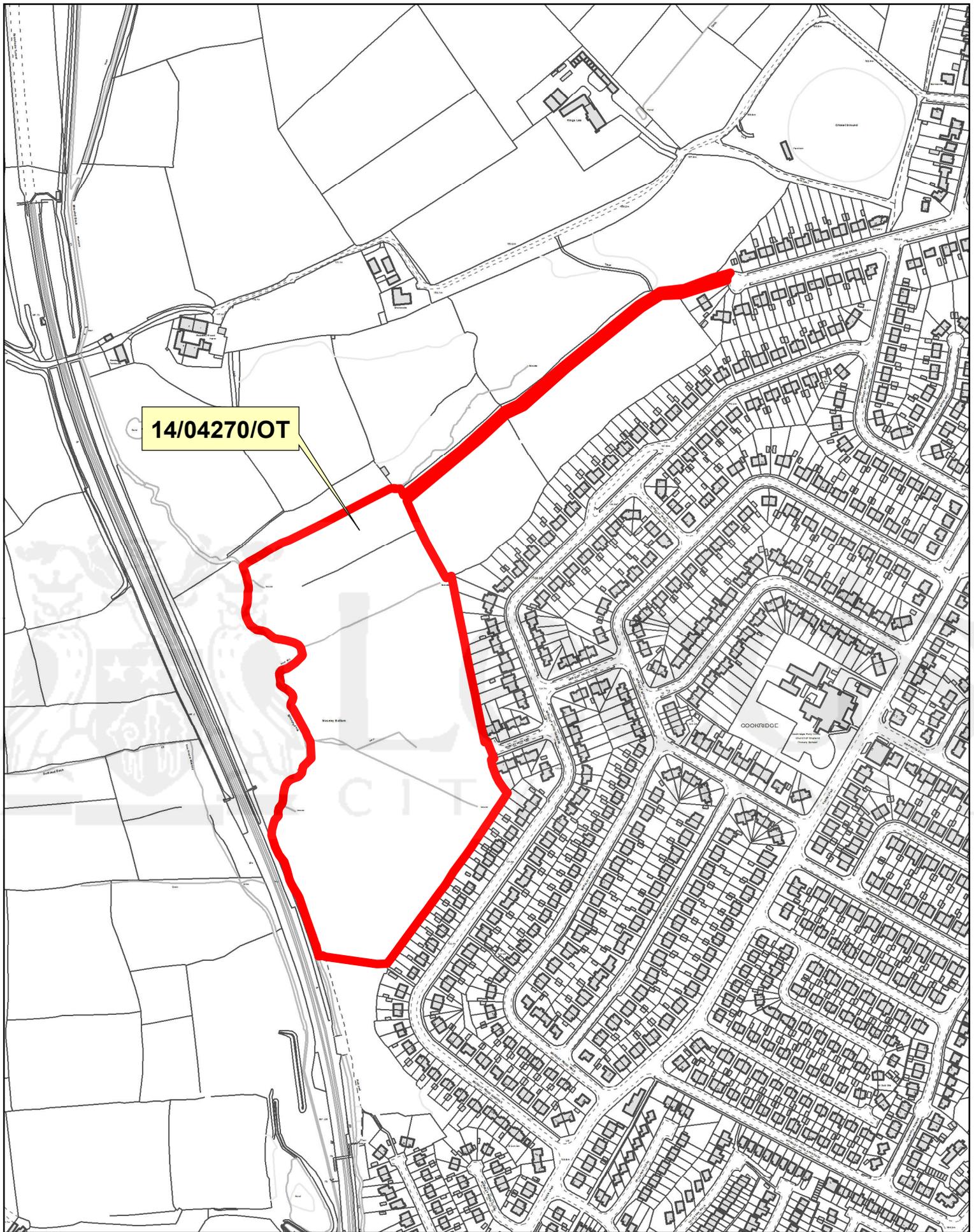
10.43 The ecology area is in addition to the areas of public open space that will be created on site and this new public open space will be accessible for both future and existing residents. At present, except for a claimed Right of Way there is no access to the fields. The applicant has committed to adopting the claimed right of way and coupled with the new accesses through the site and adjoining the site will improve local walking routes and connectivity for the enjoyment of both local residents and future residents of the development.

## 11.00 **CONCLUSIONS**

11.1 Taking account of all the relevant planning considerations the proposal is considered have overcome the harm to the amenity of the neighbouring residents on Moseley Wood Rise that resulted in the previous application being refused. The proposed means of access into the site is considered acceptable for the reduced number of dwellings proposed to provide sufficient safe and convenient access options. The contentious matter of drainage was considered at length during the November City Plans Panel meeting and the findings of officers remain unchanged. Overall the drainage proposals are envisaged to improve the existing hydrology of the site and this will also improve the existing situation with drainage for a number of residents adjoining the site and downstream of Moseley Beck. 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 in line with the increased percentages of the Core Strategy, greenspace, education provision, enhanced travel planning provision and off site highway works and also ecological enhancement. Overall it is considered that this planning application has overcome the previous reasons for refusal, the areas of concern expressed by the Panel and residents have been addressed by the details of the application. On balance therefore deferring and delegating approval of planning permission subject to the completion of a Section 106 Agreement is recommended.

### Background Papers:

Application files 14/04270/OT, 13/04148/OT & 14/00190/FU and extract from the minutes of the April City Plans Panel meeting



14/04270/OT

# CITY PLANS PANEL

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