

SOUTH AND WEST PLANS PANEL

**Meeting to be held in Civic Hall, Leeds on
Thursday, 13th February, 2020
at 1.30 pm**

MEMBERSHIP

Councillors

B Anderson
K Brooks
C Campbell
C Gruen (Chair)
S Hamilton
J Heselwood
D Ragan
J Shemilt
P Wray
R Finnigan

A G E N D A

Item No	Ward	Item Not Open		Page No
1			APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded) (*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)	
2			EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC 1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report. 2 To consider whether or not to accept the officers recommendation in respect of the above information. 3 If so, to formally pass the following resolution:- RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:- No exempt items or information have been identified on the agenda	

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3			LATE ITEMS To identify items which have been admitted to the agenda by the Chair for consideration (The special circumstances shall be specified in the minutes)	
4			DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.	
5			APOLOGIES FOR ABSENCE	
6			MINUTES - 16 JANUARY 2020 To receive and consider the attached minutes of the meeting held on 20 January 2020.	9 - 16
7	Bramley and Stanningley		APPLICATION 19/04309/FU - 47 WESTOVER ROAD, BRAMLEY, LEEDS, LS13 3PB To receive and consider the attached report of the Chief Planning Officer regarding an application for alterations to basement level to form a new window and two light wells to side and rear.	17 - 26
8	Beeston and Holbeck		APPLICATION 19/03367/FU - LAND OFF MOORHOUSE AVENUE AND OLD LANE, BEESTON, LEEDS To receive and consider the attached report of the Chief Planning Officer regarding an application for 49 residential dwellings (Use Class C3) with associated internal access road, car parking and landscaping.	27 - 30

Item No	Ward	Item Not Open		Page No
9	Otley and Yeadon		APPLICATION 19/05843/FU - UNIT 12, MOORFIELD BUSINESS PARK, MOORFIELD CLOSE, YEADON To receive and consider the attached report of the Chief Planning Officer regarding an application for change of use of offices (B1) to dental practice (D1)	31 - 38
10	Adel and Wharfedale		APPLICATION 19/02597/FU - LAND OFF MOSELEY WOOD GARDENS, COOKRIDGE, LEEDS 16 To receive and consider the attached report of the Chief Planning Officer regarding an application for 61 dwellings with associated infrastructure including public open space and landscaping (access through Phase 1 from Moseley Wood Rise	39 - 64
11	Adel and Wharfedale		APPLICATION 19/02598/FU - LAND OFF COOKRIDGE DRIVE, COOKRIDGE, LEEDS To receive and consider the attached report of the Chief Planning Officer regarding an application for new vehicular access from Cookridge Drive to Phase 2 of Moseley Green development.	65 - 82
12	Little London and Woodhouse		PREAPP/19/00257 - CARLTON HILL, SHEEPSCAR, LEEDS, LS7 1JA To receive and consider the attached report of the Chief Planning Officer regarding a pre-application presentation for a new 522 bed purpose built student accommodation and associated external works and landscaping.	83 - 96
13	Little London and Woodhouse		PREAPP 19/00645 - LAND NORTH OF CLAY PIT LANE, SHEEPSCAR, LEEDS To receive and consider the report of the Chief Planning Officer regarding a pre-application presentation for a residential development	97 - 106
14			DATE AND TIME OF NEXT MEETING Thursday, 19 March 2020 at 1.30 p.m.	

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			<u>Third Party Recording</u> Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda. Use of Recordings by Third Parties– code of practice a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.	

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To all Members of South and West
Plans Panel

Planning Services

The Leonardo Building
2 Rossington Street
Leeds
LS2 8HD

Contact: Steve Butler
Tel: 0113 224 3421
steve.butler@leeds.gov.uk

Our reference: SW Site Visits
Date: 03/02/2020

Dear Councillor

SITE VISIT – SOUTH AND WEST PLANS PANEL – THURSDAY 13th February 2020

Prior to the meeting of the South and West Plans Panel on Thursday 13th February the following site visit will take place:

Time		
Depart Civic Hall 09.00		
Arrive 09.30 - Depart 10.00	19/02597/FU - 61 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE INCLUDING PUBLIC OPEN SPACE AND LANDSCAPING - LAND OFF MOSELEY WOOD GARDENS, COOKRIDGE. And 19/02598/FU - NEW VEHICULAR ACCESS FROM COOKRIDGE DRIVE TO PHASE 2 OF MOSELEY GREEN DEVELOPMENT - LAND OFF COOKRIDGE DRIVE, COOKRIDGE.	
www.leeds.gov.uk	general enquiries 0113 222 4444	

Arrive 10.20 - Depart 10.40	19/05843/FU - CHANGE OF USE OF OFFICES (B1) TO DENTAL PRACTICE (D1) - UNIT 12, MOORFIELD BUSINESS PARK, MOORFIELD CLOSE, YEADON	
Arrive 11.00 - Depart 11.10	19/04309/FU - ALTERATIONS TO BASEMENT LEVEL TO FORM A NEW BAY WINDOW AND TWO LIGHT WELLS TO SIDE AND REAR - 47 WESTOVER ROAD, BRAMLEY	
Arrive 11.30 - Depart 11.50	PREAPP/19/00257 - NEW 522 BED PURPOSE BUILT STUDENT ACCOMMODATION AND ASSOCIATED EXTERNAL WORKS AND LANDSCAPING - CARLTON HILL, SHEEPSCAR	
12.00	Return Civic Hall	

Please notify Steve Butler (Tel: 3787950) if this should cause you any difficulties as soon as possible. Otherwise please meet in the Ante Chamber at 08.50 am.

Yours sincerely

Steve Butler
Group Manager
South and West

www.leeds.gov.uk

general enquiries 0113 222 4444



SOUTH AND WEST PLANS PANEL

THURSDAY, 16TH JANUARY, 2020

PRESENT: Councillor J McKenna in the Chair

Councillors B Anderson, K Brooks,
C Campbell, S Hamilton, J Shemilt, P Wray
and R Finnigan

55 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

With regard to Agenda Item 8, Application 19/03607/FU – Woodlands Farm, Woodlands Drive, Rawdon, Councillor Shemilt informed the Panel that she was aware of the application as the application site was within her Ward and as it had been presented to Rawdon Parish Council. She had not taken part in any discussion with regard to the application prior to today's meeting.

56 Election of Chair

Due to the absence of the Chair, a nomination was sought to elect a Chair for the meeting.

A nomination was made on behalf of Councillor J McKenna

RESOLVED – That Councillor J McKenna be elected as Chair for the meeting.

57 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors C Gruen and J Heselwood.

Councillor J McKenna was in attendance as substitute.

58 Minutes - 5 December 2019

RESOLVED – That the minutes of the meeting held on 5 December 2019 be confirmed as a correct record.

59 APPLICATION 19/04309/FU - 47 WESTOVER ROAD, BRAMLEY, LEEDS, LS13 3PB

The report of the Chief Planning Officer presented an application for alterations to basement level to form a new bay window and two light wells to side and rear at 47 Westover Road, Bramley, Leeds, LS13 3PB.

Draft minutes to be approved at the meeting
to be held on Thursday, 13th February, 2020

Site plans and photographs were displayed and referred to throughout the discussion of the application.

Further issues highlighted in relation to the application included the following:

- The application originally included change of use to a 7 bedroom House in Multiple Occupation (HMO). The change of use was then amended to 6 bedroom HMO and planning was not required for this use as it was granted planning permission by a permitted development general consent.
- This application was to determine a new bay window and two light wells to the side and rear at basement level only.
- There had been objections to the application from a Ward Councillor and local residents.
- The property fell within the Bramley Conservation Area.
- All representations with regards to highways and noise disturbance were not for consideration with regard to the application. Members were asked to focus on the proposed subterranean alterations and the potential visual impact and impact on the conservation area.
- There would be lawful residential use of the basement of the property regardless of the application.
- The application had been made to improve future occupants' residential amenity and was recommended for approval.

A local resident addressed the Panel with concerns and objections to the application. These included the following:

- Approval would lead to problems with parking and road safety. The road was often used as a short cut.
- The property was situated by the junction which was the only safe place for traffic to pass.
- The road outside the house was an access point for refuse vehicles.
- Increasing the capacity would exacerbate problems already encountered on the highway.
- The street was a quiet family area. A HMO would disrupt the character of the environment and community.
- The Councils Housing Strategy supported sustainable communities and should protect those already in existence.

A local Ward Councillor addressed the Panel with concerns and objections to the application. These included the following:

- There had been an increase in problems on the highway due to an increase in similar applications under permitted development in the area.
- Highways comments on the planning portal had referred to lack of cycle storage, inadequate bin storage and safety concerns with regards to on street parking.

- There were problems with junction visibility and access for wheelchair users.
- A similar case in Alwoodley had been supported for refusal by the Planning Inspector.

In response to questions, objectors felt that the proposal did not contribute towards a sustainable development approach and that a transient community would not enhance the area.

The applicant's representative addressed the meeting. He informed the Panel that the purpose of the light wells was to introduce light to the basement of the property and that matters relating to parking were not relevant in relation to this application. The light wells would be behind the boundary wall and would only have a small visual impact on the street scene.

In response to questions it was the applicant's representative reported that the proposals would have a neutral impact on the conservation area as use of the property would be similar to its previous use as a five bedroom property. It was not known if the room sizes met minimum space standards but these did not apply to HMOs.

In response to questions and comments from the Panel, the following was discussed:

- Had the HMO element not being allowed under permitted development, there would have been a recommendation from Highways for cycle storage and three parking spaces.
- It was considered that there was sufficient space for bin storage.
- There was no means of controlling the use of the basement and it could be used as a habitable space.
- With regard to whether the light wells would provide a sufficient amount of light to the basement, it was reported that a planning judgement had been made based on plans and site visits.
- Further to comments regarding the similar application in Alwoodley, it was reported that there were significant differences between the applications as that included an extension to the property and it was not comparable and should not be taken into account with regard to this application.
- Concern that granting the application would lead to problems relating to the highways and parking.
- Concerns with regards to size standards and quality of the accommodation.
- Concerns regarding the use of a basement for living and potential problems with damp and poor ventilation. It was reported that this would be regulated by building regulations.

A motion was made to approve the application in accordance with the officer recommendation. Prior to the vote being concluded an amended motion was made which was accepted by the persons who moved and seconded the

original motion, that the application be deferred to allow Members to visit the site.

RESOLVED – That the application be deferred to allow Members to visit the site.

60 APPLICATION 19/03607/FU - WOODLANDS FARM, WOODLANDS DRIVE, RAWDON, LEEDS

The report of the Chief Planning Officer presented an application for part demolition and conversion of agricultural buildings to a single dwelling house at Woodlands Farm, Woodlands Drive, Rawdon.

Members visited the site prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion of the application.

Further issues highlighted in relation to the application included the following:

- The application had been referred to Panel at the request of local Ward Councillors.
- It was proposed to demolish extensions to the existing building and this area and other hard standing to the rear would form part of the garden area.
- Members were shown a CGI image of the proposed conversion. The main form of the building would be retained with new render and timber cladding.
- The site is accessed by a private drive off Woodlands Drive.
- The site is in the greenbelt and has been assessed on the basis it was an exception to inappropriate development; the re-use of the building which is of permanent and substantial construction; it preserved the openness of the greenbelt and does not conflict with the five purposes of the greenbelt. It was concluded that both these tests had been met.
- The site was in the Rawdon and Cragwood Conservation Area. Although the materials to be used were not typical of the surrounding areas, this was an existing building and the proposals would enhance what was already there.
- Visibility from the drive was restricted to the right but traffic speeds on Woodlands Drive were slow due to speed restrictions. Under the previous use as a piggery there were frequent vehicle movements and it was not felt that there would be any detriment to highway safety.
- There had been investigations to see if the access could be widened or modified but this had not proved possible due to trees.
- Representations received and concerns that not all issues posted on the planning portal were detailed in the report.
- It was felt that the proposals would enhance and preserve the conservation area and the application was recommended for approval.

Local residents addressed the Panel with concerns and objections to the application. These included the following:

- There had been many local objections including objections from Rawdon Parish Council.
- No local residents were supporting this application.
- Local residents' had consulted a barrister who recommended that the application be refused.
- The report was deficient with regard to effects on the conservation area and no conservation assessment had been sought.
- The significance of local heritage assets that were affected had not been considered.
- Highways advice had changed shortly before the meeting.
- A comparable conversion had been refused by the North and East Plans Panel.
- The concept of openness had been disregarded
- An independent engineers report had been disregarded
- No consideration of highways safety during the construction phase.
- The existing buildings are believed to be temporary buildings
- Previous planning permission had conditions that the site remained for agricultural development.
- The applicant had previously breached planning regulations which included the conversion of garages into a flat, felling of protected trees and the installation of a container to be used as a workshop. This led to concern that conditions to the application would not be met.
- Concern that residents had not had opportunity to participate in discussions regarding the application and that their voices had been ignored.

The applicant's representative addressed the Panel. The following was highlighted:

- The applicant had worked closely with planning officers to develop the proposals.
- There had been the following three main planning issues to consider:
 - Principle – impact on the greenbelt – the NPPF shows that developments such as this for the conversion of a permanent and sustainable building in the greenbelt are acceptable. Building control officers had visited the site and concluded that the building was of a permanent structure and suitable for conversion
 - Design – this was an existing building which would be improved in a contemporary style. Replacement with a more traditional style would be out of character. The existing building was recognised within the character of the conservation area.
 - Access/Highways – There had been initial concerns expressed by Highways but no suitable alternative solution has been found. On balance, access was considered to be suitable as it would not be used more intensively than in previous or existing uses of the site.

- With regard to objections that had been received, concerns regarding the suitability of the building for conversion had been addressed. Due to the demolition of the existing extensions there would be a smaller visual impact and no impact on the openness of the greenbelt.
- The proposal was for a good quality conversion that was compliant with policy and the NPPF.
- In response to questions, the following was discussed:
 - Materials – A lightweight sheet roof would replace the existing corrugated roof. There would be some additional rendering to the building.
 - Environmental improvements – there would be a requirement for a minimum of 10% renewable energy and hard standing areas would be converted to garden or grassed areas.
 - Views would be improved due to the smaller size of the building.
 - The proposed design was felt to be the correct approach. To have replicated the Victorian style found elsewhere in the area would have appeared out of character.
 - The goose pen would be for the use of the occupiers of the property.
 - Building Control officers had considered the structural integrity of the building to be suitable for conversion.
 - There were constraints in what the applicant had been allowed to develop on site and an application for complete demolition and rebuilding was likely to have been refused.

In response to comments and questions from the Panel, the following was discussed:

- The proposals were for a conversion so there was no requirement for demonstrating special circumstances for development in the greenbelt.
- Samples of materials would be submitted prior to works commencing.
- The application had been discussed with conservation officers who concurred with the conclusion that this application would enhance the conservation area.
- The application referred to by objectors, that had been considered at North and East Plans Panel differed as that included extensions to a property.
- Highways had initially advised on visibility levels from the access to the site. These were based on a 30 miles per hour road. Alternative access solutions had been investigated but it had not been possible to find an alternative. On balance it was felt that the existing access was acceptable as it already generated a degree of traffic and would do if the site was used as a smallholding.
- Concern that less radical applications within the greenbelt had been refused.
- With regard to development in the green belt, the application was for re-use and did preserve the openness of the green belt.

- The proposals did not appear to be substantially different to the existing building and removal of the extensions actually opened up the views.
- Highways use could be more intensive if the site was still used as a pig farm.
- The current building and materials were not of any quality.

RESOLVED – That the application be approved in accordance with the officer recommendation and conditions outlined in the report.

61 APPLICATION 19/03367/FU - LAND OFF MOORHOUSE AVENUE AND OLD LANE, BEESTON, LEEDS

The report of the Chief Planning Officer presented an application for 41 dwellings and 8 apartments (Use Class C3) with associated internal access, car parking and landscaping at land off Moorhouse Avenue and Old Lane, Beeston.

Members visited the site prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion of the application.

Further issues highlighted in relation to the application included the following:

- The scheme consisted of 49 units which would be 2 or 3 bedrooms.
- There would be vehicular access from Moorhouse Avenue.
- The applicant intended to retain ownership of the properties and operate them as a Private Rented Sector (PRS) scheme.
- There were protected trees to the front of the site.
- There had not been any objections to the application.
- The principal of residential development had been approved by outline planning consent.
- The proposed layout had been designed in consultation with planning officers and protected trees would be retained.
- House types were displayed and considered to be of an acceptable design.
- Three of the properties did not meet guidance with regards to garden sizes. All units complied with minimum space standards.
- There would be two parking spaces per property with exception of the apartments and condition would ensure each unit had an electric charging point.
- The District Valuer had concluded that a full policy compliant scheme would not be viable for the PRS model but a contribution of £135,000 could be made. It was suggested £18,000 towards affordable housing, £107,000 towards greenspace and £10,000 for bus stop improvements. These sums could be shared differently.
- Trees that had been recommended for removal were of poor quality, there would be a full landscaping scheme with new tree planting.
- There would be a condition to ensure 10% renewable energy.

- The application was recommended for approval.

In response to Panel Members' comments and questions, the following was discussed:

- It was the responsibility of an applicant to demonstrate that policy compliance was not viable and this would be referred to the District Valuer to make an independent assessment.
- Rental costs for 2 bedroom properties would range from £600 to 650 per month and 3 bedroom properties would be £750 to £800.
- Concern regarding the lack of affordable housing on site and insufficient parking spaces for the apartments.
- The price of the rents took account of maintenance and insurance and also void properties.
- A full tree survey had been carried out and there would be a condition for additional tree planting.
- Concern that the site was allocated for housing if it was not viable for greenspace and affordable housing contributions.
- Due to the PRS model, full planning gain contributions were not viable.
- If the site was developed as houses for sale, the site would be viable and meet all policy requirements with regard to planning contributions.
- There would be no on-site greenspace provision.
- Trees would be replaced at a ratio of three planted for every one removed.
- Concern that the rents were not affordable.
- Concern that the application did not meet policy requirements in relation to garden sizes, green space and affordable housing.
- A policy compliant site would be more desirable.

A motion was made to contrary to the officer recommendation to refuse the application on the grounds that it was not policy compliant in relation to garden sizes, greenspace and affordable housing contributions. This motion was seconded and subsequently voted upon.

RESOLVED – That the application be deferred to allow officers to take the application back to next available Panel to seek agreement for detailed reasons for refusal. Based upon the application not being policy compliant with regard in particular the PRS model not allowing provision of affordable housing. Reference was also made to Greenspace and Garden sizes.

62 **DATE AND TIME OF THE NEXT MEETING**

Thursday, 13 February 2020 at 1.30 p.m.



Originator: Sarah
Woodham

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 13th February 2020

Subject: 19/04309/FU– Alterations to basement level to form a new bay window and two light wells to side and rear at 47 Westover Road, Bramley, Leeds, LS13 3PB

Applicant: Cunningham & Emin Property Ltd

Electoral Wards Affected:

Bramley and Stanningley

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

Conditions

- 1. Time limit on full permission 3 years**
- 2. Development to be carried out in accordance with the approved plans**
- 3. Materials to match existing property**

1.0 INTRODUCTION:

- 1.01 This application has been brought back to Plans Panel following the previous panel on the 16th January. The application was deferred for a site visit.
- 1.02 The application is brought to Plans Panel at the request of Cllr Kevin Ritchie with regards to the impact on the wider area.

2.0 SITE AND SURROUNDINGS

- 2.01 The application relates to an end terraced stone and rendered dwelling. As the end terrace, the main frontage actually faces onto Westover Grove and therefore somewhat differs to the existing frontage row of terraced properties. The area is predominately residential and features terraced properties, whilst also being set in close proximity to allotments and a Rugby Ground to the south-east and Bramley Park to the north-west.
- 2.02 The host property is accessed via Westover Grove with a small yard area to the rear with a low stone boundary wall with railings over. The property is three storey in height with a gabled roof. Dating from the Victorian period, it has strong vertical emphasis in its window styles to the end elevation with stone heads and cills and with the bay window and front door also containing added character through detailed stonework.

3.0 PROPOSAL

- 3.01 This revised application relates solely to the external alterations to the basement level to form a new bay window and two light-wells to the side and rear. The initial submission as originally advertised related to the change of use of the property to a 7-bed House of Multiple Occupation (HMO) including alterations to basement level to form a new bay window and two light-wells to the side elevation. The application was then later revised and the 7 bed HMO has been removed from the application and the internal floor plans now show a 6-bed HMO. Further to the reduction in bedrooms, the provision of a 6-bed HMO in this area (which sits outside of the 'Article 4' Direction restricting such use changes) does not require planning permission. The 'use' as a 6-bed HMO has been certified as permitted development under application 19/04308/CLP (please see section 4.0).
- 3.02 A bay window and light-wells are proposed in the side elevation at basement level facing Westover Grove. A further light-well is located in the rear elevation.

4.0 HISTORY OF NEGOTIATIONS AND PLANNING HISTORY

- 4.01 19/04308/CLP Certificate of Proposed Lawful Development for internal alterations to change use from C3 dwelling to C4 small HMO Approved - 5th September 2019
- H24/296/89/ Alterations and extension to form kitchen to rear of terrace house. Application Approved - 24th October 1989
- 4.02 Following instructions from the previous appointed agent / applicant to amend the scheme, since being originally publicized the (larger) 7-bed HMO element has been removed from the proposal and the overall assessment is now solely on the light-wells and bay window.

5.0 PUBLIC/LOCAL RESPONSE:

- 5.01 An original site notice was posted on 13.08.2019 with neighbour notification letters also sent to the immediate neighbours posted on 24.07.2019. The original description was for a change of use of dwelling house (C3) to the 7-bed House in Multiple Occupation (a 'Sui Generis' use (i.e. a use not falling into a particular use class)) including alterations to basement level to form a new bay window and two light wells to side. A total of 19 objections have been received from local residents, including ward members which raise concerns with the following

Objections in response to original advertised submission

- This street has limited parking which is on street. Multi occupancy may create a problem for existing residents
 - Create noise/increased noise
 - Highway safety
 - HMO licencing has been introduced because this type of dwelling can have a negative impact
 - The street is already too busy with bins/traffic/parking/noise
 - HMO only bring disturbance, a disconnection between neighbours and more rubbish
 - Climate change – no provision for green energy or electric vehicle charging points
 - Lack of secure cycle storage
- 5.02 Following amendment to the application, the HMO element of the proposal was removed from the application altogether. The application therefore relates solely to alterations at basement level to form a new bay window and two light wells to side and rear. Neighbour notification letters were then sent out with the amended description on the 20.09.2019. A total of 18 objections (not all of which were relevant to the amended application) have been received from local residents and Member of Parliament which raise concerns with the following:

Objections in response to re-advertised submission (bay windows and light-wells)

- Lack of available parking
- Do not need or want another HMO on this street
- Increase in refuse, noise, and potential for anti-social behaviour is a concern.
- The revised planning application does not address any of the issues raised by Transport Development Services
- Revised plans have not addressed concerns raised by the residents and by the Highways Department

6.0 CONSULTATION RESPONSES:

- 6.01 Conservation - No objection.
- 6.02 Flood Risk Management – No objection.
- 6.03 Highways - No objection.

7.0 RELEVANT PLANNING POLICIES

- 7.01 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 7.02 Sections 72 of the Listed Buildings and Conservation Areas Act 1990 identifies the general duty with respect to any buildings or other land located within a Conservation Area. Parliament requires the decision-maker to give considerable importance and weight to the preservation or enhancement of the character or appearance of a Conservation Area.

Development Plan

- 7.03 The Development Plan for Leeds relevant to this application is made up of the Core Strategy as amended (2019), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), the Site Allocations Plan, the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013 and any made neighbourhood plan.

Relevant Policies from the Core Strategy (as amended) 2019 are:

P10 – Design, context and amenity consideration
P11 – Conservation

Relevant Saved Policies from the UDP are:

GP5 – General planning considerations
BD5 – General amenity issues.

Supplementary Planning Guidance and Documents

7.04 The following SPGs and SPDs are relevant:

- SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds (2003, updated 2015)
- Bramley Town Conservation Area Appraisal and Management Plan (2009)
- Householder Design Guide (2012)

National Planning Policy

- 7.05 The revised National Planning Policy Framework (NPPF), published in February 2019, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 7.06 Chapter 16 Conserving and enhancing the historic environment relates to conservation and design.
- 7.07 Paragraph 190 states that: *"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."*
- 7.08 Paragraph 192 states: *"In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness."*
- 7.09 Paragraph 193 confirms: *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*
- 7.10 Paragraph 196 confirms: *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.

8.0 MAIN ISSUES

1. Design, Layout and Appearance
2. Amenity considerations
3. Other outstanding matters

9.0 APPRAISAL

Design, Layout and Appearance/ Impact upon character and appearance of Conservation Area

- 9.01 The existing property lies within an established residential area and seeks to alter the internal layout of the property including the addition of a bay window and two light wells to the side and rear of the property. The site is located within Bramley Town Conservation Area. As stated within the Bramley Town Conservation Area Appraisal and Management Plan, the site is located within 'Character Area 2' – 19th century development to which the property is classed as a 'positive' building within the Conservation Area and is also surrounded by other identified positive buildings. Changing the external appearance of the property is subject to the detailed design and its impact upon both the character and appearance of the Conservation Area and host dwelling itself.
- 9.02 This proposal seeks planning permission for the addition of a bay window and two light wells, all at basement level. These facilitate internal alterations that in themselves would not require planning permission. The proposed bay window will provide additional light to the proposed living room and in doing so will respect the design and appearance of the property frontage window using the same vertical emphasis in the extended window. The proposed light wells will provide four small windows to the proposed kitchen also located at basement level. Despite their detailed design reflecting the window styles above at ground floor level, all of these openings will only be readily notable in close proximity in the street scene (not readily evident from local distance views in the Conservation Area).
- 9.03 The proposed bay window light well will leave a gap of approx. 1.36m from the side elevation and the width being 3.3m. The proposed two smaller light wells which will serve the kitchen/dining room will project 600mm from the dwelling and will be 1.9m in width. Guarding rails will be placed over the proposed light wells for safety. The materials at basement level are to be conditioned to match that of the existing dwelling of light stone.
- 9.04 The scheme is considered to be compliant with the aims of Core Strategy policy P10 that refers to character and context (the amenity strands of P10 are dealt with below), saved UDP Policy GP5 and the advice contained within the NPPF.

- 9.05 As previously noted the application site is located within Bramley Conservation Area. In respect of paragraph 193 of the NPPF, it is considered that the alterations / additions will preserve the wider asset that is the Conservation Area character and appearance the effect of which externally will be very limited, almost negligible and where it is altered, sympathetically finished.
- 9.06 The existing building is an end terrace which doesn't have significant architectural merit. The changes proposed are small and will not be particularly visible within the street. The changes are considered to have less than substantial harm to the original property and the wider area. Although there is no public benefit of the proposal, the changes are considered to preserve and enhance the original building and, therefore the wider Conservation Area. As such, the proposal meets the requirements of paragraph 196 of the NPPF and policy P11 of the Core Strategy.

Amenity considerations

- 9.07 The proposed light wells and bay windows are located at basement level and will provide additional and indeed an adequate amount of light to the proposed basement level rooms (which in being shown as for lounge and dining/kitchen uses - at the applicant's choice in the intended HMO layout which has been deemed to be lawful.
- 9.08 Given the location of the property and the basement nature of the proposed light wells they do not allow a direct outlook over neighbouring dwellings and instead will more readily angle / face the highway, preventing impact upon neighbours by way of privacy intrusion.
- 9.09 Officers are of the view that the scheme is compliant with Core Strategy Policy P10, saved UDP Policy GP5 and with the advice set out in the NPPF

Other Outstanding Matters (other objections raised)

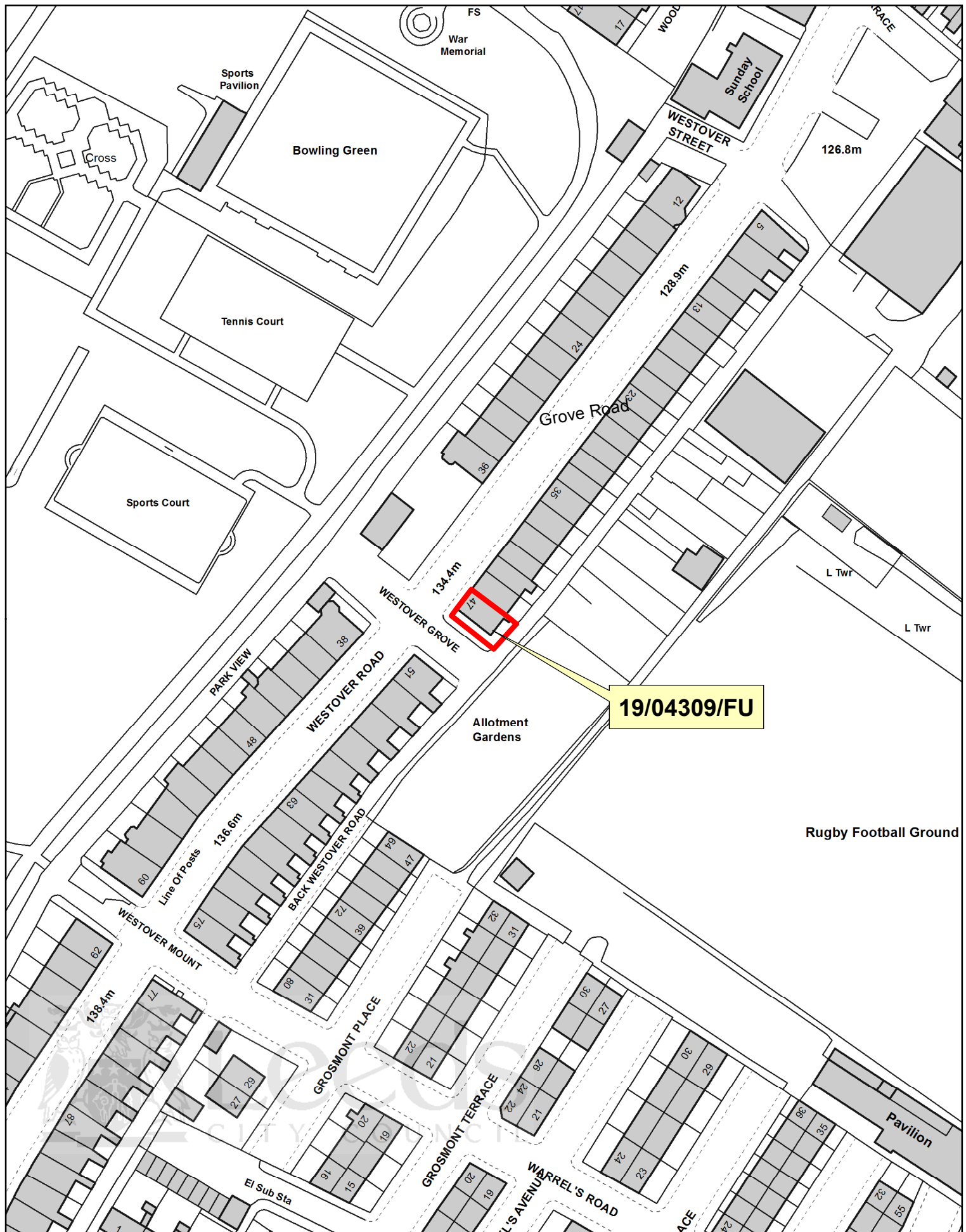
- 9.10 The existing site does not have any onsite parking provisions and given the proposed alterations it will not impact in any way upon highway safety. It is considered the alterations to the dwelling do not create an additional, significant, parking demand compared to that of the original dwelling. It should be noted that the basement rooms could be converted and used without requiring planning permission and the light wells in and of themselves do not cause an intensification of use.
- 9.11 It is considered that the proposals are acceptable in highways terms. The scheme is compliant with Core Strategy Policy T2, saved UDP Policy GP5 and with the advice set out in the NPPF.

- 9.12 As mentioned above objections were received the points raised relating to highways, the use as an HMO and climate change are not considered relevant to this (as now revised) application. As previously mentioned above the use element is no longer included as part of this application as a Certificate for a lawful use of the property as a small HMO has already been granted. Climate change considerations are not directly part of the application's main considerations as the application refers only to light wells and bay window (impact of creating the alterations being balanced by the potential savings to energy usage at basement level by forming additional natural light (i.e. less artificial lighting required)). Similarly, the proposal will not evidently impact upon noise / anti-social behaviour and waste issues as the basement rooms can be used for domestic purposes without requiring planning permission.

10.0 CONCLUSION:

- 10.01 The proposal before Members is considered to comply with both national and local planning policy. It is considered the current scheme preserves the character and appearance of the Conservation Area, and protects visual and residential amenity. It is therefore recommended that this application is approved, subject to the suggested conditions set out at the head of this report.

Background Papers: 19/04309/FU; 19/04308/CLP



SOUTH AND WEST PLANS PANEL

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Originator: Ian Cyhanko
Tel: 0113 3787953

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 13th February 2020

Subject: Application 19/03367/FU – Planning application for 41 dwellings and 8 apartments (Use Class C3) with associated internal access, car parking and landscaping at:

Land off Moorhouse Avenue and Old Lane, Beeston

APPLICANT

Engie Regeneration Limited

DATE VALID

31st May 2019

TARGET DATE

PPA

Electoral Wards Affected:

Beeston and Holbeck

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

THIS REPORT IS AN UPDATE FOR MEMBERS, FOLLOWING THE PANEL MEETING ON 16TH JANUARY 2020, WHERE MEMBERS DECIDED TO REFUSE THE APPLICATION.

RECOMMENDATION:

DEFER THE REFUSAL FOR A 3 MONTH PERIOD TO ALLOW THE APPLICANTS TIME TO REVISE THE APPLICATION (PARTNERED WITH A SOCIAL REGISTERED LANDLORD, TO PROVIDE A 100% AFFORDABLE HOUSING SCHEME). SHOULD SUCH NEGOTIATIONS PROVE UNSUCCESSFUL, DELEGATE THE REFUSAL OF THE APPLICATION TO OFFICERS FOR THE FOLLOWING REASONS:

- 1) The offered commuted sum of £135,000 is insufficient to provide both an adequate commuted sum for the provision of green space and an affordable housing contribution. The proposal would be contrary to policy H5 of the adopted Core Strategy or both policies H5 and G4 of the adopted Core Strategy**

- 2) **Local Planning Authority considers that the proposal constitutes over-development of the site, due to the lack of on-site green space and small private (rear) garden areas which would offer the future occupiers a poor level of amenity on Plots 5, 6, 7, 45 and 46. The proposal is therefore considered to be contrary to Policy P10 and G4 of the Core Strategy and saved Policies GP5 and BD5 of the Leeds Unitary Development Plan and the adopted SPG 'Neighbourhoods for Living- A Residential Design Guide'.**

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel to update Members following the deferral from Plans Panel on 16th January 2020 and to seek Panel Members agreement to the detailed reasons for refusal. The full panel report of this date, is attached to this update. This provides the full background and the Officer assessment of the application.

2.0 UPDATE

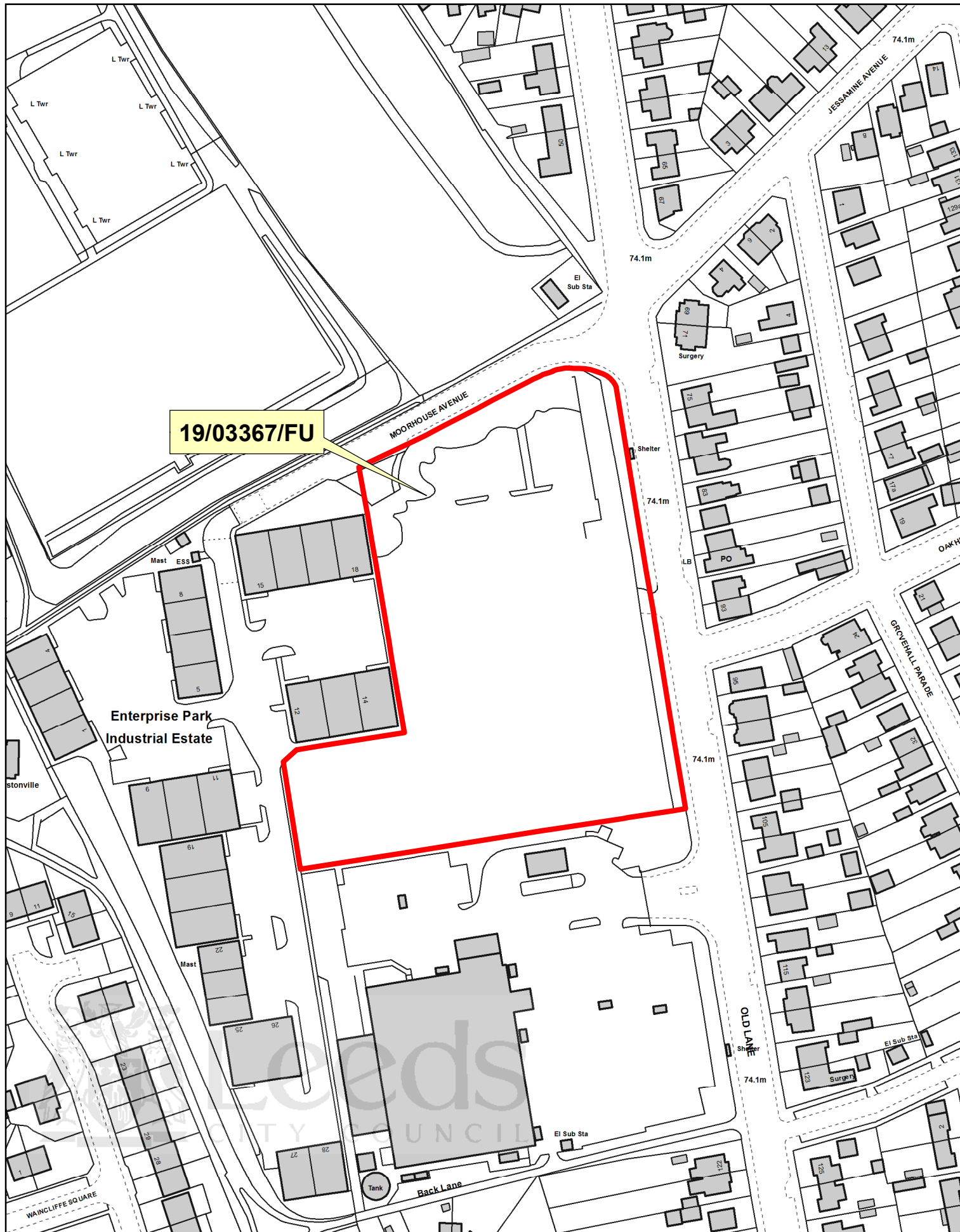
- 2.1 Following the resolution at Plans Panel on 16th January 2020, by Members to refuse the application, officers have formulated reasons for refusal which articulate the decision of Members and their objections due to a lack of Affordable Housing, Green Space contribution and lack of garden areas on some plots.
- 2.2 Subsequent to the aforementioned Panel meeting members should be aware that the applicants have approached officers stating that the applicants have now stated they are in discussions with a Social Registered Landlord (RSL) to develop the site as an entire Affordable Housing scheme, and not as a Private Rented Scheme (PRS). The layout and design would remain unchanged. In view of this they have requested that the application is not refused as yet, to allow discussions and negotiations with the RSL to continue. Any amendments to the application would be re-advertised and undergo a further round of consultation. In view of this request if Panel is minded to allow officers to discuss this further it is suggested that Panel may wish to defer the refusal at this time, for a 3 month period. If such negotiations should not progress officer would ask that refusal of the application is delegated to officers for the aforementioned reasons.

11.0 CONCLUSION

- 11.1 Officers request that the refusal of the application is deferred for a 3 month period, to allow further negotiations to take place to explore a wholly affordable housing scheme.

Background Papers

Application Files: 19/03367/FU



SOUTH AND WEST PLANS PANEL

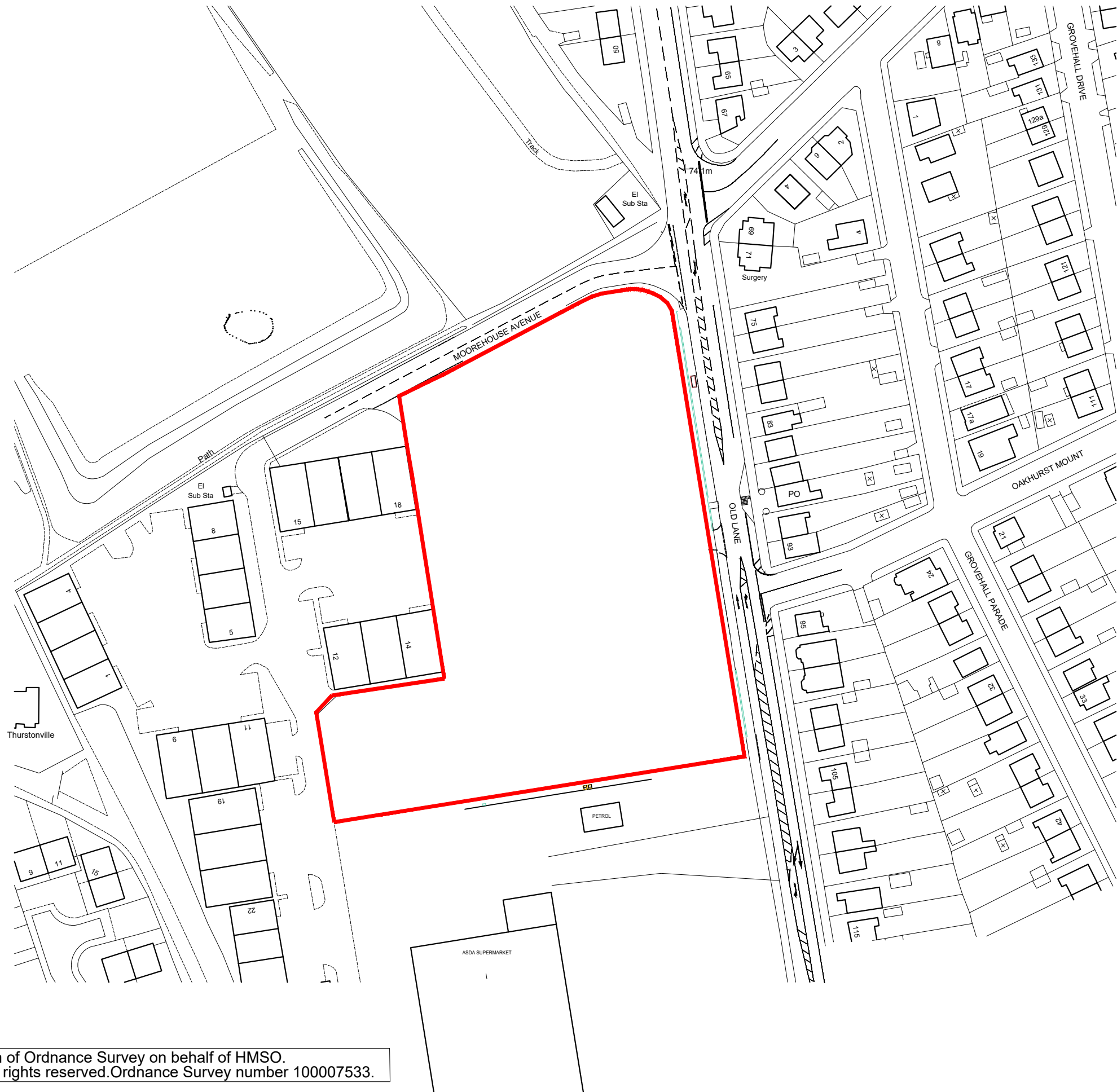
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Rev	Date	Revision	Initial
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+ Client



+ Drawing Title

SITE LOCATION PLAN

+ Project

Proposed Residential Development,
Old Lane, Beeston, Leeds.

Job No	Drg No	Drawn	Rev
18087	00	AB	--
Scale	Date	Stage	
1:1250 @ A3	16.05.2019	For Planning	

mpst planning & design ltd
14 west point enterprise park,
clarence avenue, trafford park,
manchester, m17 1qs

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Originator: Carol Cunningham
Tel: 0113 378 7964

Report of the Chief Planning Officer

PLANS PANEL SOUTH AND WEST

Date: 13th February 2020

Subject: Application 19/05843/FU - Unit 12 Moorfield Business Park Moorfield Close Yeadon - Change of use of offices (B1) to dental practice (D1)

APPLICANT

Expert Orthodontics Ltd

DATE VALID

19 September 2019

TARGET DATE

14th February 2020

Electoral Wards Affected:

Otley and Yeadon

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

1. Time limit of three years
2. Approved plans
3. Signage shown on site plan to be implemented before use commences
4. Cycle storage to be implemented before use commences
5. Details of surfacing for additional car parking spaces
6. Opening hours

1.0 INTRODUCTION:

- 1.1 The application is a change of use from an office to a dental practice. It is brought to Plans Panel at the request of Councillor Campbell due to the use being inappropriate on an industrial estate, lack of parking and loss of amenity space at a time of climate emergency.

2.0 PROPOSAL

- 2.1 The application is a change of use of the ground floor of an existing two storey building from offices to a dental practice.
- 2.2 The current ground floor is an open office space with the proposal to divide this space into three surgeries along with a waiting room and ancillary office space.
- 2.3 The overall floorspace of the ground floor is 210 square metres with a maximum of 8 full time employees and 2 part time. The proposed opening hours will be 0800 to 1930 Monday to Friday and 0800 to 1300 on a Saturday with no opening on a Sunday or bank holidays.
- 2.4 There will be 12 car parking spaces for this use with 10 spaces remaining for the separate office above.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is an existing two storey modern office building which is located on an existing office park and is one of seven similar buildings. The office park is located in a commercial area on the High Street with residential properties on the opposite side of High Street.
- 3.2 The building has its front elevation facing out onto the High Street with the vehicular, pedestrian and car parking located to the rear of the building.
- 3.3 The buildings has landscaping to the sides and front and there is also an electric substation located close to this building.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 none

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Officers have negotiated with the applicant in relation to the provision of car parking spaces for the development

6.0 PUBLIC/LOCAL RESPONSE:

Councillor Campbell has objected stating

- 1. The use is not appropriate within an industrial estate.
- 2. The proposed car parking layout may not be in the control of the applicant and does not meet the Councils minimum standard.
- 3. Car parking is already an issue within the wider estate and extra vehicles will be pushed onto neighbouring residential streets.
- 4. The development will mean the loss of amenity space without re-provision which is contrary to the Councils declared climate emergency

7.0 CONSULTATION RESPONSES:

Highways – conditional approval

8.0 PLANNING POLICIES:

- 8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 8.2 The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), Site Allocations Plan (2019) the Aire Valley Leeds Area Action Plan (2017) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013 and any made Neighbourhood Plans.

Relevant Policies from the Core Strategy are:

Policy EC3 – safeguarding existing employment land
Policy P10 Design
Policy P12 Landscape
Policy T2 Accessibility requirements and new development

Relevant Saved Policies from the UDP are:

GP5: General planning considerations.

Supplementary Planning Guidance and Documents

- 8.4 The following SPGs and SPDs are relevant:

SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds
Street Design Guide SPD
Parking SPD
Travel Plans SPD
Sustainable Construction SPD

National Planning Policy

- 8.5 The revised National Planning Policy Framework (NPPF), published in 2019, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 8.6 Relevant paragraphs are highlighted below.

Paragraph 12	Presumption in favour of sustainable development
Paragraph 108	Sustainable modes of Transport
Paragraph 110	Priority first to pedestrian and cycle movements
Paragraph 111	Requirement for Transport Assessment
Paragraph 117	Effective use of land
Paragraph 127	Need for Good design which is sympathetic to local Character and history
Paragraph 130	Planning permission should be refused for poor design

8.0 MAIN ISSUES

1. Principle of development
2. Highways and parking
3. Trees and landscaping
4. Residential amenity

10.0 APPRAISAL

10.1 Principle of development

10.2 The existing use is an office which will be lost as part of this change of use so policy EC3 from the Core Strategy is applicable which safeguards existing employment uses. It allows for change of use if one of three criteria are met which are

- i) The proposal would not result in loss of land identified in Spatial Policy 9 – *this site is not identified within spatial policy 9 so the proposal complies with this part of policy EC3.*

Or

- ii) Existing buildings and land are considered non-viable – *no evidence has been submitted in relation to this point*

Or

- iii) The proposal will deliver a mixed use development which provides a range of local employment opportunities – *the use will provide a range of employment opportunities as the proposed dental practice will be a different employment use than the existing offices on the development*

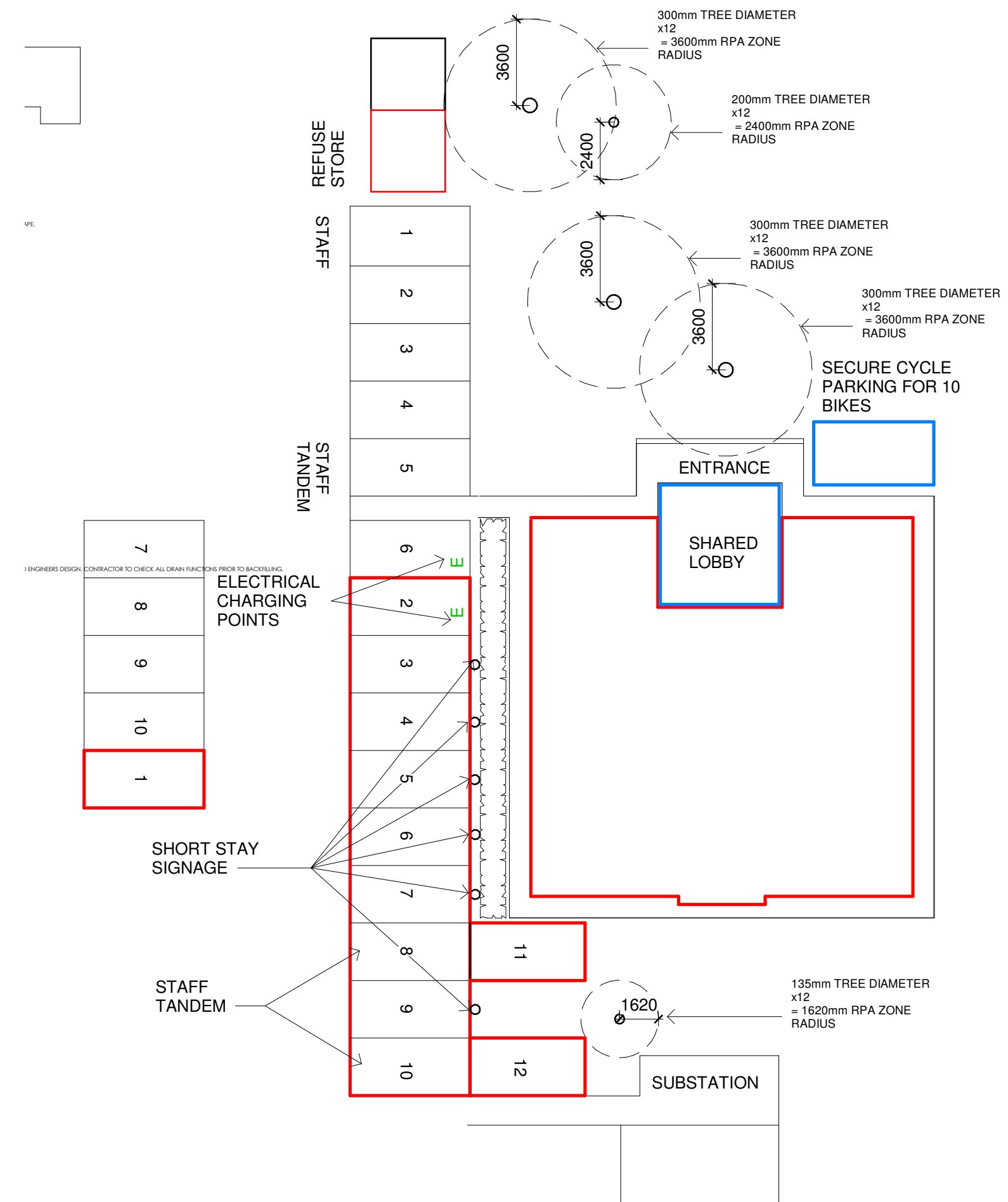
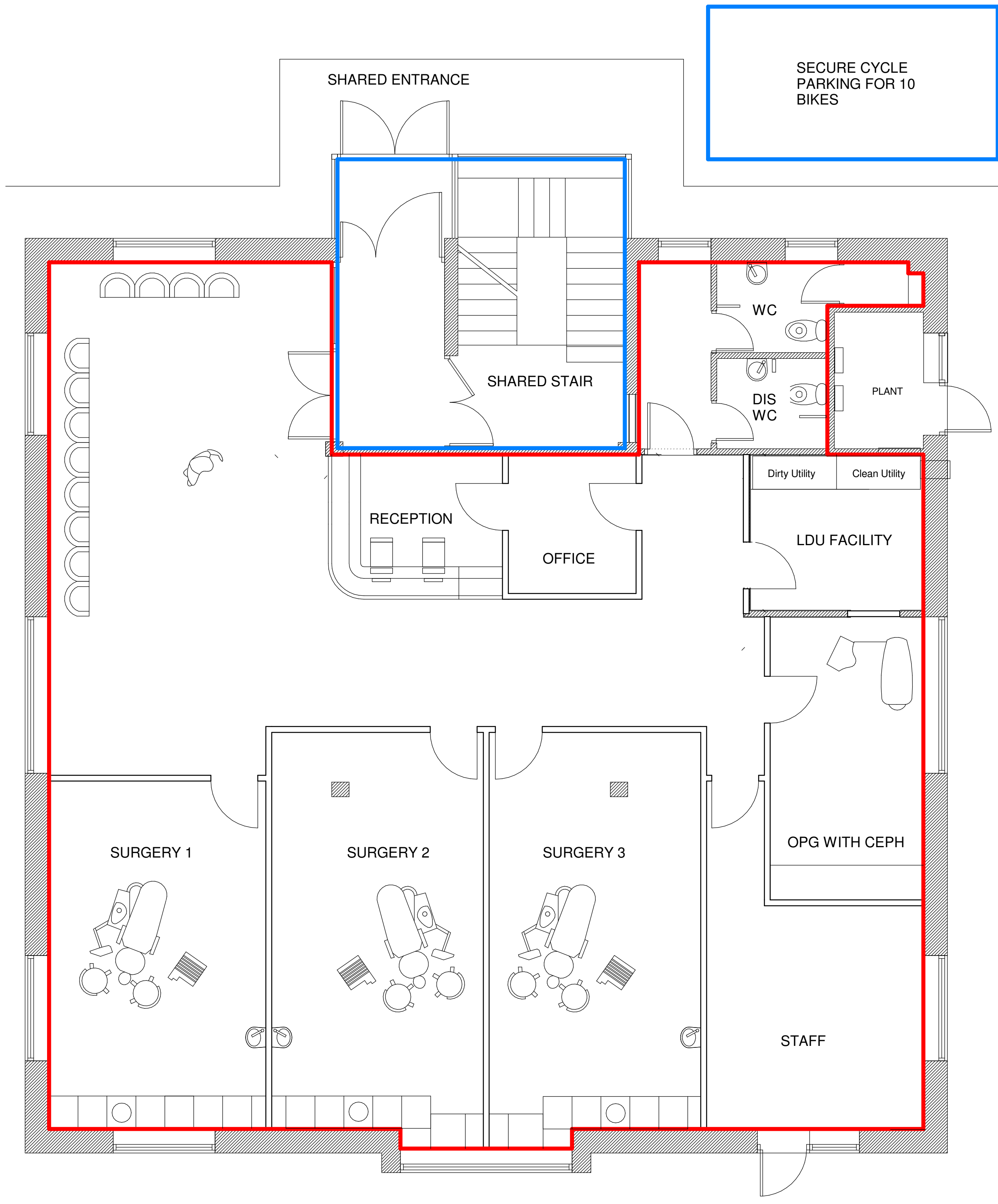
The site is one floor on an existing office park and the loss of this small amount of office floorspace will not have a detrimental effect on the overall supply of offices within the area. The proposal also complies with part (i) and (iii) of policy EC3 of the core strategy so the principle of development is considered acceptable.

10.3 Highways and parking

10.4 In terms of parking the number of car parking spaces required for the dentist is 15 car parking spaces with the office use above requiring 7-8 spaces. Originally there was a total of 20 car parking spaces available for both uses so the proposed development was 2 to 3 car parking spaces short.

10.5 A revised plan has been submitted which now shows an additional two spaces which are at tandem to the existing spaces on this site. Whilst these are not ideal this area is marked on the plan for staff to park and as these will not be moving frequently this is considered acceptable.

- 10.6 The spaces immediately outside the premises will have signage to show that these are short term spaces so they can be used by the dental patients as these will have a frequent turnover leaving the other spaces for staff. Information has also been submitted that the number of car parking spaces remaining on the site for rest of the other office building is adequate for the volume of floorspace.
- 10.7 The proposal also involve a secure cycle park for 10 bikes adjacent to the building which can be used for staff and customers.
- 10.8 On this basis it would now be difficult to justify a refusal on highway grounds.
- 10.9 Trees and landscaping
- 10.10 There are existing trees on the site which whilst they are not covered by a TPO have important visual and climate advantages. The location of the two additional tandem spaces have been positioned to ensure that they are not located within the root zone of the trees so the car parking spaces will not have a detrimental impact on their long term future.
- 10.11 The two spaces and the location of the cycle store will be located on existing grass which will be lost. This will only be a small fraction of the grass that is on the site with the trees and hedging remaining which have a greater impact on the climate and visual amenity. Also the cycle store will encourage patients and staff to cycle rather than drive to work reducing the use of the car which will have greater benefits on the environment than the small amount of grass that is lost.
- 10.12 Overall on balance the scheme is acceptable in terms of impact on trees and landscaping and complies with policy P12 of the core strategy.
- 10.13 Residential amenity
- 10.14 There are residential properties on the opposite side of High Street but they are a significant distance away across a busy road. The opening hours are for daytime only Monday to Friday and Saturday mornings similar to the existing office use so there should be no additional impact on residential amenity. The proposal therefore complies with policy GP5 of the UDP.
- 10.0 **CONCLUSIONS**
- 10.1 Overall on balance officers consider that the proposal will not have a detrimental effect in terms of the loss of office space, parking, visual amenity and climate emergency.



Location Plan

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Drawing Notes:

Rev:	Description:	Revised By:	Issue Date:

Project:
Unit 12, Moorfield
Business Park, Leeds

Drawing Title:
Proposed Ground Floor and Site Plan

Scale: As indicated@A1 Original Issue Date:

Original Drawn By: Author Original Checked by: Checker

Drawing Number: Revision:

19-56-20-001

Reason For Issue:

Concept

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Originator: Ryan Platten

Tel: 0113 378 7956

Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 13th February 2020

Subject:

PLANNING APPLICATION 19/02597/FU – 61 dwellings with associated infrastructure including public open space and landscaping (access through Phase 1 from Moseley Wood Rise) at Land Off Moseley Gardens, Cookridge, Leeds, LS16

APPLICANT

Taylor Wimpey Yorkshire

DATE VALID

29th April 2019

TARGET DATE

28th February 2020

Electoral Wards Affected:

Adel and Wharfedale

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION PLANNING APPLICATION 19/02597/FU:

DEFER AND DELEGATE FOR A PLANNING APPROVAL to the Chief Planning Officer subject to the conditions outlined below and the completion of a section 106 agreement to cover:

- (1) Affordable housing provision – 8 intermediate and 13 social rented houses**
- (2) Management and future maintenance of green space areas**
- (3) Travel plan and management fee (£3,000)**
- (4) Bus stop contribution of £10,000 towards bus stop 11740**
- (5) Sustainable travel contribution of £30,530.50**
- (6) Additional measures to Biodiversity Enhancement Management Plan for woodland area to the north**
- (7) Local employment during construction phases**

Conditions:

- 1. Time limit**
- 2. Plans to be approved**
- 3. External materials**
- 4. Bin and Cycle/Motorcycle storage**

5. Electric Vehicle Charging Points
6. Landscaping details
7. Tree Protection and Arboricultural Method Statement
8. Lighting Design Strategy
9. Bird and bat nesting opportunities
10. Dry stone wall repair and management plan
11. Parking areas to be laid out
12. Drainage scheme
13. SUDS management and maintenance plan
14. Interim drainage measures
15. Finish floor levels
16. Separate systems of drainage for foul and surface water
17. Construction method statement
18. Remediation Statement – Contamination
19. Unexpected contamination
20. Verification reports – contamination
21. No vehicular access from Cookridge Drive, except emergency vehicles
22. Local highway condition survey
23. Pedestrian and Cycle link implementation
24. Archaeological recording
25. Use of garages
26. Removal of permitted development rights
27. Climate change measures
28. Water consumption restriction measures
29. Roof designs and noise standards

The Community Infrastructure Levy liability contribution for the development would amount to a total of £692,981.65.

1.0 INTRODUCTION:

- 1.1 This application is presented to Plans Panel South and West as a major planning application with a degree of sensitivity due to both the planning history of the site and the history and nature of local objections.
- 1.2 The wider application site has been subject to a number of planning applications since 2013 with phase 1 of the development, for 135 houses, being granted outline consent in April 2015 and a subsequent reserved matters consent being granted in May 2016. Phase 1 is now under construction having been partially completed.
- 1.3 The current application proposal is to bring forward phase 2 of the development with a further 61 houses served by the existing singular vehicular access point which serves phase 1 from Moseley Wood Rise. The phase 2 site is allocated for housing in the Council's Site Allocations Plan.

2.0 PROPOSAL:

- 2.1 The applicant seeks planning permission for the erection of 61 houses with associated infrastructure including public open space and landscaping.
- 2.2 The houses will consist of a mix of 18 two bedroom, 24 three bedroom and 19 four bedroom units arranged in a mix of townhouses, semi-detached and detached properties. The houses will be constructed in red brick with tiled roofs to match the housing already approved in phase 1 of the development. All 61 properties will include front and rear gardens and be served by off-street car parking spaces. A total of 21 affordable houses will be 'pepper potted' around the site.

- 2.3 The site will form Phase 2 of the wider Moseley Green development site and will be accessed by utilising the existing vehicular access from Moseley Wood Rise and the approved pedestrian and cycle link (with access for emergency vehicles) to Cookridge Drive approved under the Phase 1 consent.
- 2.4 The site will be served by an area of public open space to the western part of the site which will be laid out as a formal landscaped area. Two further public green space areas along the northern and southern boundaries will include pedestrian routes. New tree planting is proposed at the site including along the southern boundary shared by the rear gardens of properties on Moseley Wood Gardens to the south.
- 2.5 Drainage infrastructure will be provided at the site and will work alongside that infrastructure agreed under the Phase 1 consent. This will include an underground storage tank underneath the western public open space to control flow rates to drainage channels and other features which ultimately discharge into Moseley Beck. Land drains which cross the site will feed into the newly created drainage channels and other drainage infrastructure in the Phase 1 development.
- 2.6 The proposal includes additional measures to be introduced into an amended Biodiversity Enhancement Management Plan (BEMP), which was previously agreed for the phase 1 development. This will include repairs to the existing dry stone wall along the northern boundary of the site and measures to encourage the managed use of existing footpaths in the woodland beyond.
- 2.7 The proposal is being considered alongside a 'sister' application (reference 19/02598/FU) for a new vehicular access from Cookridge Drive. However, the applicant has made clear that they consider the second vehicular access in the 'sister' proposal is not required.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site sits to the north of the existing Moseley Wood housing estate in Cookridge, being sandwiched in between the first phase of the wider residential development to which the proposal relates to the west and Cookridge Drive, a residential street, to the east. Immediately to the north of the site is ancient woodland within the Leeds Green Belt which also falls under the ownership of the applicant.
- 3.2 The site is approximately 2.6 hectares in size and is allocated for housing in the Council's Site Allocations Plan (Site Reference HG2-29) with the Plan including an estimated capacity for the site of 63 units. The site has been previously used as pasture land and remains greenfield (previously undeveloped) land but has recently been used to temporarily store materials and site the construction office of the neighbouring Phase 1 development. Trees at the application site benefit from protection under a Tree Preservation Order (LPA Reference 2013/14).
- 3.3 The Phase 1 site to the west of the application site is owned by the same applicant and is currently being developed for housing. The phase 1 site, when completed, will include a total of 135 houses in a mix of 2, 3 and 4 bedroom units. The properties will be predominantly two and two and half storey in scale and constructed of red brick with tiled roofs. The Phase 1 site is served by vehicular access from Moseley Wood Rise with a cycle and pedestrian link, also serving as access for emergency vehicles, to Cookridge Drive to the north still to be completed alongside pedestrian links to Moseley Wood Gardens, Moseley Wood Croft and beyond to the south.

- 3.4 It was recognised at the time of granting the phase 1 consents that the extensive drainage infrastructure required had influenced the layout of the site considerably. A robust system of land drainage, including the re-opening of water courses with deepened infiltration trenches, land drains, filter drains and detention swales, has been approved at the site. This includes measures to limit the flow of both ground water flows from the development and neighbouring residential areas and overland flows in order to allow water to flow into Moseley Beck in a controlled manner. The detention swales at the site also allow water to be stored at the site during extreme events and reduce the flood risk to the downstream catchment of Moseley Beck.
- 3.5 The phase 1 scheme allows for the creation and future management of extensive biodiversity areas, within and outside the site, including the woodland area to the north of the phase 2 site. This woodland, known as Gab Wood, is recognised to be ancient woodland and includes two ancient monuments (prehistoric 'Cup and Ring' marked stones dated to the Bronze Age). The woodland (referred to as Smithy Lane Woods in the Site Allocations Plan) is also designated as green space within the Site Allocations Plan (Site reference G1703) and protected by Tree Preservation Order 1997/38.
- 3.6 The Moseley Wood housing estate to the south consists of predominantly two storey housing incorporating a range of different materials. Streets adjacent to the application site include grass verges with sporadic street trees.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 An outline planning application (**13/04148/OT**) was submitted by the current applicant in September 2013 for the residential development of what are now referred to as the combined Phase 1 and 2 sites to accommodate circa 200 houses. At this time the sites were Protected Area of Search (PAS) land safeguarded for future development under (now deleted) Unitary Development Plan policy N34. This outline planning application was refused in November 2014 following a resolution at City Plans Panel.
- 4.2 Central to the Council's case in refusing the outline application was the question of whether a development of circa 200 dwellings could be served by a single access point (from Moseley Wood Rise) as proposed, or whether a second access point would be required. The Council ultimately came to the view that to serve a development of this size with only the single access proposed would represent (1) poor urban design, (2) be poor in accessibility terms, and (3) would lead to amenity impacts on residents who lived near the single access as a result of significant volumes of vehicular and pedestrian traffic.
- 4.3 The outline application was accompanied at the time by a further 'sister' planning application (**14/00190/FU**) for the creation of a second vehicular access point to the site from Cookridge Drive which would have necessitated the removal of 29 trees in the ancient woodland in Green Belt to the north of the site. This 'sister' application was refused for Green Belt reasons and reasons relating to the loss of the aforementioned trees.
- 4.4 In July 2014 the applicant submitted a second outline planning application (**14/04270/OT**) for only part of the wider site (that part of the site which is now referred to as Phase 1). This proposal for 135 dwellings was served by a single vehicular access point from Moseley Wood Rise, alongside a new pedestrian and

cycle link to Cookridge Drive which necessitated the removal of a number of trees in the ancient woodland to the north (also at the time within the Green Belt), was approved by the Council in April 2015 following a resolution by City Plans Panel.

- 4.5 A subsequent reserved matters application (**15/04884/RM**) was submitted for Phase 1 and approved in May 2016 following a resolution at South and West Plans Panel. Further details followed by way of condition discharge applications in relation to both outline and reserved matters consents and development commenced on site in 2017. Phase 1 of the development is now under construction having been partially completed.
- 4.6 In June 2019 the Council granted a temporary planning permission (**19/01745/FU**) for a period of 3 years for the storage of topsoil at the Phase 2 site.
- 4.7 In July 2019 the Council adopted its Site Allocations Plan. In doing so the PAS designations were deleted for both Phase 1 and Phase 2 sites by virtue of Unitary Development Plan policy 34 being deleted. The Phase 1 site was recognised as an identified housing site with an existing planning permission (Site Reference HG1-58 – estimated capacity of 135 units) and the Phase 2 site was allocated for housing (Site Reference HG2-29 - estimated capacity of 63 units). The Phase 2 site also included the land previously put forward under planning application 14/00190/FU which was removed from the Green Belt as part of this process. The Phase 2 site housing allocation in the Site Allocations Plan does not include, as a recommended site requirement, a need for a second vehicular access to the site.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Pre-application discussions (**PREAPP/18/00345**) were undertaken in relation to the current Phase 2 proposals in the latter half of 2018. Alongside these discussions with the Council, the applicant undertook public consultation with the local community, including holding a public consultation event at the nearby Leeds Modernians Sports Club on 18th September 2018.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been publicised by means of site notice and a notice in the Yorkshire Evening Post. In addition to this Councillor Barry Anderson held a public meeting for residents to discuss the application on 24th June 2019 which was attended by planning and highways officers from the Council.
- 6.2 Councillors Barry Anderson and Caroline Anderson (both Adel and Wharfedale ward) have objected to the proposal. Their objections can be summarised as follows:
- The site is unsuitable for housing as it is a flood risk, with the investigations for Phase 1 into the sources and extent of water being seriously flawed. The new development will add to surface water run off and the drainage plans do not satisfy that they will mitigate against future flooding which could lead to further harmful impacts wider afield;
 - The current infrastructure (school places, public transport, public services, retail, post office etc.) in the area is inadequate to serve the development. In addition there is a risk that in bad weather residents will be trapped in the development due to the steep gradients of roads;

- The number of houses proposed should be reduced to around 30 in order to address concerns in relation to impacts on neighbouring amenity in the wider area from additional traffic. The Council has declared a climate change emergency and a reduction in houses would help to mitigate impacts on trees;
- The number of additional car journeys is unsustainable within the context of the climate change emergency and will cause more air pollution and increase the risk of accidents in neighbouring streets;
- The houses will be directly under the flight path to the airport leading to noise concerns, particularly in light of the airports expansion plans; and,
- Existing wildlife, plant and insect habitats as well as bat colonies will be destroyed by house building on the site.

6.3 A total of 21 written representations of objection have been received from local residents and other interested parties. The concerns raised include:

- There has been no change in circumstances since the previous application was refused;
- The total number of houses in phase 1 and 2 is too many to use a single access road from Moseley Wood Rise and will add to existing congestion and highway safety issues;
- Local roads have suffered due to the construction traffic and contractors have been unable to abide by the rules set out in the agreed Construction Management Plan for Phase 1 of the development;
- There have been no improvements in local infrastructure to accommodate additional residents;
- Local schools and doctors surgeries are already oversubscribed;
- Bringing derelict properties back into use and converting abandoned retail units for housing should be the priority;
- Public transport provision in the area is poor and affected by bad weather and will lead to greater car journeys which will add to air pollution;
- The proposal would have harmful environmental impacts;
- The proposal will cause damage to Green Belt land;
- The proposal will lead to the loss of an attractive outlook for existing residents;
- The proposal will be harmful to wildlife;
- The proposal will have an impact on property values;
- The housing quota in Leeds has been reduced, reducing the urgency to build on this site;
- The houses built will not be affordable;
- The existing field is popular with walkers and makes a positive contribution to health and wellbeing;
- There are other brownfield sites which should be developed first;
- The new houses will impact on the amenity of existing residents including through blocking light and through overlooking;
- The construction phase has led to considerable disturbance;
- The loss of green space will be harmful;
- The two planning applications (19/02597/FU and 19/02598/FU) should be linked and considered together;
- A second vehicular access to Cookridge Drive should be required to share the impact of additional traffic;
- The proposed property types will be out of keeping with local character;
- There needs to be good management plans for the future management of public spaces;
- There is a potential for fly tipping or crime in poorly overlooked public areas;

- The drainage proposals have potential to cause damage to existing trees;
- The area is known to flood;
- Distances to local bus stops are too great;
- There is a lack of detail regarding boundary treatments with existing properties with potential for light pollution from vehicles from the new development impacting upon existing residents;
- There needs to be a biodiversity management plan put in place for the woodland;
- There needs to be appropriate wheel washing facilities for construction vehicles;
- The proposal will be harmful to climate change objectives; and,
- The developer should consider building eco-friendly homes or using part of the site for new tree planting or the creation of a new wetland area.

6.4 One written representation of support has been received from a local resident.

6.5 One representation has been received from a local resident offering general comments, including setting out a number of reasons why a second vehicular access point from Cookridge Drive should be required.

7.0 FURTHER PUBLIC CONSULTATION – SECOND ACCESS

7.1 At the request of the Council the applicant carried out further public consultation in September 2019 in relation to the key question of whether the development should require a second vehicular access to the site adjoining Cookridge Drive to the east.

7.2 As noted above at section 4 this is a matter which has been debated in relation to the wider site since 2013. The Council has been aware since this time that there has been two contrasting views within the local community as to whether, if the development is to go ahead, a second vehicular access should be provided to Cookridge Drive or whether the wider site should be served by the single existing access from Moseley Wood Rise. These contrasting views were apparent in both the public meeting held in June 2019 and in the written representations received in relation to the current planning application and its sister planning application 19/02598/FU.

7.3 Perhaps unsurprisingly the views expressed directly correlate to the home address of the local resident in question – with those residents living on Cookridge Drive most likely to be against the creation of the second vehicular access, and those residents living on or close to Moseley Wood Rise most likely to be in favour of the creation of the second vehicular access. Given this was the case, the Council considered there was merit in attempting to tease out the weight local residents attached to the relevant considerations (amenity, accessibility, loss of woodland, impacts on the wider highway network etc.) and asked the applicant to conduct a further public consultation exercise with this in mind.

7.4 The public consultation exercise including the delivery of approximately 360 leaflets to properties in and around Cookridge Drive, Cookridge Avenue, Moseley Wood Avenue, Moseley Wood Gardens and Moseley Wood Rise, and publication of a dedicated webpage on the website of the applicant. A total of 128 responses were received and copies of these responses were provided to the Council.

- 7.5 In relation to the key question of whether local residents considered a second access to be necessary, 51 residents responded that they considered it was and 77 residents responded that they considered it wasn't. All of the responses received from residents on Cookridge Drive were opposed to the creation of the second vehicular access. All of the responses received from residents on Moseley Wood Rise and in the immediate vicinity of Moseley Wood Rise were for the creation of the second vehicular access. Residents living in the streets between these areas were more mixed in their responses, including residents living in Moseley Wood Gardens.
- 7.6 In terms of relevant considerations, as was previously the case, the concerns of residents included:
- The traffic impacts on relevant roads – including an increase in vehicle movements, impacts on highway safety and congestion, and impacts of these additional movements on the condition of roads
 - The amenity impacts in terms of noise and disturbance on residents from additional traffic
 - The loss of woodland and harm to wildlife through the creation of the second vehicular access
 - The impacts in respect of climate change and air pollution
 - An increase in crime
- 7.7 In terms of the numbers of residents citing individual concerns, the overwhelming majority of the responses received cited an increase in traffic as a concern. Second to this was the concern of highway safety notably in relation to children and elderly residents. Third to this was the loss of woodland and damage to wildlife with smaller numbers of residents citing impacts of construction traffic, air pollution, potential increases in crime and potential noise and disturbance.

8.0 CONSULTATION RESPONSES:

Statutory

- 8.1 LCC Development Management Highways – No objections subject to a number of conditions. This being said, Highways remain of the view that a second vehicular access point via Cookridge Drive would provide for a more sustainable layout and better connectivity and the upgrading of the already approved pedestrian and cycle link in this location would encourage greater use.
- 8.2 LCC Flood Risk Management – No objections subject to a number of planning conditions.
- 8.3 Historic England – No objections. It is understood that the woodland to the north of the site will be managed as part of the conditions attached to the previous outline planning permission and it is recommended that this management includes provision for the management of the Scheduled Monuments as part of the overall public benefits of the development.

Non-Statutory

- 8.4 LCC Transport Strategy, Environmental Studies – No objections.
- 8.5 West Yorkshire Police – A number of recommendations are made in respect of the management of public open space, boundary treatments, surveillance of parking

areas, visitor parking, garage sizes, external lighting, door and window specifications, and alarm systems.

- 8.6 West Yorkshire Combined Authority – No objections. The site is located within the recommended 400m from the nearest bus stop on Green Lane and the bus availability is considered acceptable to serve the site. Requested a sustainable travel contribution and a contribution to improve local bus stop 11740.
- 8.7 LCC Contaminated Land – No objections subject to a number of conditions.
- 8.8 LCC Travel Planning – Travel planning measures would need to be agreed through a section 106 legal agreement with appropriate conditions to address cycle parking, electric vehicle charging points.
- 8.9 LCC Nature Team – No objections subject to a number of conditions. The lack of a vehicular access to Cookridge Drive is supported from a biodiversity perspective and the additional amendments to the existing Biodiversity Enhancement Management Plan (BEMP) will deliver long term positive benefits.
- 8.10 LCC Landscape – Concerns expressed in relation to the main public open space area to the west of the site being sterilised by drainage infrastructure with other areas devoid of features and access links for members of the public. Arboricultural Impact Assessment needs updating alongside submission of further information. *Further submissions have been made by the applicant following the receipt of these comments.*

9.0 PLANNING POLICIES:

LOCAL PLANNING POLICY and GUIDANCE

The Development Plan

- 9.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan currently comprises, relevant to this application, the adopted Local Development Framework Core Strategy (2014, as amended by the Core Strategy Selective Review 2019), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP), the Site Allocations Plan (2019) and the Natural Resources and Waste Local Plan (2013 and 2015).
- 9.2 The Local Development Framework **Core Strategy** was adopted by the Council on 12th November 2014. Amendments and additions to the Core Strategy were made as part of the Core Strategy Selective Review and adopted by the Council on 11th September 2019. The following policies contained within the Core Strategy (as amended) are considered to be of relevance to this development proposal:

General Policy – Sustainable Development and the NPPF

Spatial Policy 1 – Location of Development

Spatial Policy 6 – The Housing Requirement and Allocation of Housing Land

Spatial Policy 7 – Distribution of Housing Land and Allocations

Spatial Policy 11 – Transport Infrastructure Investment Priorities

Policy H1 – Managed Release of Sites

Policy H3 – Density of Residential Development

Policy H4 – Housing Mix
Policy H5 – Affordable Housing
Policy H9 – Minimum Space Standards
Policy H10 – Accessible Housing Standards
Policy P10 – Design
Policy P11 - Conservation
Policy P12 – Landscape
Policy T1 – Transport Management
Policy T2 – Accessibility and New Development
Policy G2 – Creation of Tree Cover
Policy G3 – Standards for Open Space, Sport and Recreation
Policy G4 – New Greenspace Provision
Policy G6 – Protection and Redevelopment of Existing Green Space
Policy G8 – Protection of Important Species and Habitats
Policy G9 – Biodiversity Improvements
Policy EN1 – Climate Change
Policy EN2 – Sustainable Design and Construction
Policy EN5 – Managing Flood Risk
Policy EN8 – Electric Vehicle Charging Infrastructure
Policy ID1 – Implementation and Delivery Mechanisms
Policy ID2 – Planning Obligations

9.3 The most relevant saved policies from the **Leeds Unitary Development Plan** are outlined below.

GP1 - Land use and the Proposals Map
GP5 - Development control considerations including impact on amenity
BD5 - New buildings
LD1 - Landscape design
LD2 - New and altered roads
N23 - Incidental Open Space
N24 - Development abutting the Green Belt
N25 - Site boundaries
N35 - Development and Agricultural Land
N37A - Development in the Countryside

9.4 The most relevant policies from the Leeds **Site Allocations Plan Development Plan Document** are outlined below:

HG1 – Identified Housing Sites (Phase 1 - Site Reference HG1-58 – Estimated capacity 135 residential units)
HG2 – Housing Allocations (Phase 2 - Site Reference HG2-29 – Estimated capacity 63 units)
GS1 – Designation/Protection of Green Space (Woodland to north - Site reference G1703)

9.5 The most relevant policies from the Leeds **Natural Resources and Waste Development Plan Document** are outlined below:

General Policy – Sustainable Development
AIR1 – The Management of Air Quality through Development
WATER1 – Water Efficiency
WATER2 – Protection of Water Quality
WATER4 – Development in Flood Risk Areas
WATER6 – Flood Risk Assessments

WATER7 – Surface Water Run-Off

LAND1 – Contaminated Land

LAND2 – Development and Trees

Relevant Local Supplementary Planning Guidance/Documents

- 9.6 The most relevant local supplementary planning guidance (SPG), supplementary planning documents (SPD) are outlined below:

Neighbourhoods For Living: A Guide for Residential Design in Leeds

SPG (December 2003)

Neighbourhoods For Living Memoranda to 3rd Edition (2015)

Sustainable Urban Drainage SPG (2004)

Greening the Built Edge SPG (June 2004)

Designing for Community Safety: A Residential Design Guide SPD

(May 2007)

Public Transport Improvements and Developer Contributions SPD

(August 2008)

Street Design Guide SPD (August 2009)

Sustainable Design and Construction SPD (August 2011)

Travel Plans SPD (February 2015)

Parking SPD (January 2016)

Accessible Leeds SPD (November 2016)

Other Relevant Documents

- 9.7 Other relevant documents include:

Guideline Distances from Development to Trees (2011)

Neighbourhood Plans

- 9.8 None.

NATIONAL PLANNING POLICY and GUIDANCE

National Planning Policy Framework

- 9.9 The National Planning Policy Framework (2019) (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.
- 9.10 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to note that achieving sustainable development means that the planning system has three overarching objectives - economic, social and environmental objectives – which are interdependent and need to be pursued in mutually supportive ways.
- 9.11 Paragraph 10 sets out that at the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 states that decision taking this means approving development proposals that accord with an up-to-date development plan without delay. Paragraph 12 states that the presumption in favour of sustainable

development does not change the statutory status of the development plan as the starting point for decision making.

- 9.12 Paragraph 48 sets out that in decision taking local planning authorities may give weight to relevant policies in emerging plans according to the stage of its preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.
- 9.13 Paragraph 56 sets out that planning obligations must only be sought where they are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development. Paragraph 57 sets out that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable.
- 9.14 Section 5 of the NPPF is entitled 'Delivering a sufficient supply of homes'. Paragraph 73 sets out that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing.
- 9.15 Section 8 of the NPPF is entitled 'Promoting healthy and safe communities' and sets out at paragraph 91 that planning decisions should aim to achieve healthy, inclusive and safe places including encouraging layouts that would encourage walking and cycling. Paragraph 92 requires planning decisions to take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community. Paragraph 96 sets out that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 98 sets out that planning decisions should protect and enhance public rights of way and access.
- 9.16 Section 9 of the NPPF is entitled 'Promoting sustainable transport' and sets out at paragraph 102 that transport issues should be considered from the earliest stage of development proposals including opportunities to promote walking, cycling and public transport. Paragraph 102 also sets out that the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account and that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
- 9.17 Paragraph 109 states the development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context, paragraph 110 sets out, amongst other things, that development should give priority to pedestrian and cycle movements both within the scheme and with neighbouring areas, minimize the scope for conflicts between pedestrians, cyclists and vehicles and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 9.18 Paragraph 111 states that all developments that will generate significant amounts of movement should be required to provide a travel plan.
- 9.19 Section 11 of the NPPF is entitled 'Making effective use of land' and at paragraph 117 sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.

- 9.20 Section 12 of the NPPF is entitled 'Achieving well-designed places' and at paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 124 goes on to state that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 9.21 Paragraph 127, amongst other things, states that planning decisions should ensure development is visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 129 sets out that in assessing planning applications, local planning authorities should have regard to the outcome of design discussions, including with the local community.
- 9.22 Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 9.23 Section 14 of the NPPF is entitled 'Meeting the challenge of climate change, flooding and coastal change and at paragraph 148 sets out that the planning system should support the transition to a low carbon future in a changing climate.
- 9.24 Section 15 of the NPPF is entitled 'Conserving and enhancing the natural environment'. Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment including through minimising impacts and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.25 Section 16 of the NPPF is entitled 'Conserving and enhancing the historic environment'. Paragraph 184 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate their significance, so that they can be enjoyed for the contribution to the quality of life of existing and future generations. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

10.0 CLIMATE EMERGENCY:

- 10.1 The Council declared a climate emergency on the 27th March 2019 in response to the UN's report on Climate Change.
- 10.2 The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear at paragraph 148 and footnote 48 that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
- 10.3 As part of the Council's Best Council Plan 2019/20 to 2020/21, the Council seeks to promote a less wasteful, low carbon economy. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

- 10.4 The below appraisal discusses relevant matters at paragraphs 12.49 to 12.51 below. This includes that the proposal will satisfy the policy requirements of Leeds Core Strategy policies EN1 and EN2 through a number of proposed measures. This also includes that the proposal includes extensive new tree planting and the introduction of electric vehicle charging points at the site to further tackle climate change and related matters.

11.0 MAIN ISSUES:

- 11.1 The following main issues have been identified:

- (1) Principle of Development and Delivery of Housing
- (2) Vehicular Access to the Site
- (3) Accessibility
- (4) Other Highways Matters
- (5) Housing Matters
- (6) Design and Character
- (7) Landscape, Heritage and Biodiversity
- (8) Residential Amenity
- (9) Climate Change, Sustainable Design and Air Pollution
- (10) Drainage and Flood Risk
- (11) Representations

12.0 APPRAISAL:

Principle of Development and Delivery of Housing

- 12.1 The application site is a site allocated for housing in the Council's Site Allocations Plan. In adopting the Site Allocations Plan the Council has set out that it considers the development of the site for housing to be acceptable in principle, subject to detailed planning considerations. As such the proposed development of the site for housing is acceptable in principle.
- 12.2 Furthermore it is important to note the strategic importance to the Council of delivering such sites in respect of wider housing delivery. The Council currently has an identified five year housing land supply. Moving forward it is crucial, in order to maintain this position, the Council can demonstrate that this identified supply can be delivered. Only through realising the delivery of housing on this and other sites allocated for housing will the Council be able to do this. The proposal offers the opportunity to deliver housing on the site in accordance with the approach set out in the Core Strategy and the Site Allocations Plan. As such the delivery of the housing proposed would be a significant benefit of the scheme.

Vehicular Access to the Site

- 12.3 As is noted at sections 4 and 7 of this report there has long since been a question of whether the wider development site (i.e. Phases 1 and 2 as they are now referred to) would require a second vehicular access point to serve the number of houses proposed. This dates back to the outline planning application (13/04148/OT) which was submitted for the wider development site in 2013 to accommodate circa 200 houses, which was refused in November 2014 following a resolution at City Plans Panel.

- 12.4 It is important to note that the consideration of the outline proposal for circa 200 houses was in a different policy environment to today. The adoption of the Council's Site Allocations Plan has established that new housing development at the phase 2 site is considered acceptable in principle by the Council. The Site Allocations Plan also provides a site capacity estimate of 63 dwellings. Significantly, the Site Allocations Plan does not put forward a recommended site requirement for a second vehicular access point. It is therefore for the development management process, given that the principle has been established, to solve the problem of whether the wider site should be served by one or two vehicular access points.
- 12.5 It is also important to consider the reasons why the Council, in 2014, considered a development of circa 200 houses should not be served by a single access point from Moseley Wood Rise. The relevant reasons for refusal for the outline proposal (13/04148/OT) are set out in full below:
- 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 within the Neighbourhoods for Living SPG.*
- 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.*
- 12.6 As noted in paragraph 4.2 of this report, the Council's case was essentially three layered in that it considered that the development proposed would (1) represent poor urban design, (2) be poor in accessibility terms, and (3) would lead to amenity impacts on residents who lived near the single access as a result of significant volumes of vehicular and pedestrian traffic.
- 12.7 It is significant to note however, that the basis for the refusal reasons fell more within the territory of 'urban design/ general amenity' considerations rather than 'highway safety or traffic congestion' considerations. Indeed this is borne out by the policies and guidance documents cited in the refusal reasons, which do not include either the relevant highway policies from the Core Strategy or the Street Design Guide SPD which includes specific guidance on highways matters (both adopted policy at the time).
- 12.8 Significantly the Street Design Guide SPD advises that it is the threshold of 300 dwellings in a single development at which a minimum of 2 points of vehicular access will be required. The guidance goes on to note that where 200 dwellings are proposed in a single development 'at least' two vehicular access points are preferred, however even in these circumstances the guidance notes that "*where this is not possible a single vehicular access may be accepted providing the internal network [of the new development] forms a loop, with the shortest possible connection between this loop and the point of access*".

- 12.9 The current proposal includes 61 new houses. When added to the 135 houses approved under the phase 1 consents (14/04270/OT and 15/04884/RM) this gives a total of 196 houses to be built in the wider development. This is significantly below the 300 dwelling threshold where a minimum of two vehicular access points would be required according to the Street Design Guide guidance, and also below the 200 dwelling threshold where two vehicular access points are the 'preferred' option. Even when adding the 8 existing properties on Moseley Wood Rise into the equation (as would be appropriate) to give a total of 204 dwellings being served from the access point adjoining Moseley Wood Gardens, there is no question that the guidance, subject to detailed considerations, supports an approach where a single vehicular access is able to serve both phases of the development as proposed.
- 12.10 It is therefore important to consider, in answering the question of whether a second vehicular access is required to serve the wider development of 196 (or alternatively 204) houses, the relevant cases are for the two alternatives. The below sets out what are considered to be the main considerations in relation to relevant matters.
- The case for the use of the single existing vehicular access*
- 12.11 The case for the use of the single existing vehicular access from Moseley Wood Rise is as follows. Firstly, as noted above, there is no guidance requirement for a second vehicular access to the wider development subject to an appropriate design and layout being achieved. With this in mind, the Council's Highways Team are of the view that the layout would be acceptable in relevant respects.
- 12.12 Secondly, in terms of accessibility, and as was the case when Plans Panel considered, and subsequently approved, outline application 14/04270/OT (for the 135 houses making up Phase 1 of the wider development) the relevant accessibility criteria, as set out in the Core Strategy, would be sufficiently met to deem the proposal acceptable overall in accessibility terms (this is discussed in greater detail below).
- 12.13 Thirdly, this would not lead to new vehicular traffic, and all the associated impacts of noise, disturbance, congestion, air pollution etc., along Cookridge Drive. Cookridge Drive is a relatively quiet cul-de-sac at present and is often heavily parked with cars on both sides of the street. Ward Councillors and residents have also raised concerns about the gradient of Cookridge Drive in unfavourable weather.
- 12.14 Fourthly, the only current viable option for the creation of the second vehicular access point, would require the loss of a significant area of ancient woodland including circa 20 trees. This formed part of the Council's case for refusing application 14/00190/FU (the sister application to 13/04148/OT) in 2014. The woodland is a particularly important habitat for flora and fauna and its loss would be significant in biodiversity terms. The trees also perform an important function in tackling air pollution and wider climate change concerns.
- 12.15 Fifthly, the creation of a second new vehicular access point to Cookridge Drive would be likely to require further junction improvements elsewhere, for example further along Cookridge Drive, which would lead to further short term disruption to the local highway network.
- The case for the use of a second vehicular access*
- 12.16 The case for the creation of a new second vehicular access to Cookridge Drive is as follows. Firstly, this represents a better urban design solution and will assist in creating a better connected development which more successfully integrates with

the existing community. It is also noted that the Council's Highways Team remain of the view that this is the preferred option for the site for this and wider accessibility reasons. The improvement in terms of accessibility over the single vehicular access solution, when considered against the relevant Core Strategy criteria is the second reason in support of such a case.

- 12.17 Thirdly, this will not result in all the vehicular traffic from the site accessing and leaving the site through Moseley Wood Rise with all the associated impacts of noise, disturbance, congestion, air pollution etc. that this would bring. This will lead to a reduction in the number of vehicle movements through Moseley Wood Rise when considered against the single access solution.
- 12.18 Fourthly, it is considered by the Council's Highways Team that the 'upgrading' of the approved pedestrian and cycle link to Cookridge Drive (approved under the phase 1 proposals) may be likely to encourage greater use by pedestrians and cyclists if the perception is that the upgraded link would be less isolated than the route currently approved.

Conclusions

- 12.19 Having considered both the cases both for and against the use of the existing single vehicle access from Moseley Wood Rise it is clear that there are merits to both approaches and in many respects the merits are finely balanced. It is also appreciated that there are strongly held views on both sides of the argument within the local community. Ultimately however the Council must come to a view on which option has greater merit given that the principle of development is accepted.
- 12.20 The results of the further public consultation exercise carried out by the applicant in September 2019 (discussed in section 7 of this report) are helpful in assessing the weighting afforded to relevant matters by the local community. It was clear from this exercise that additional traffic impacts followed by highway safety concerns were the main concerns expressed by the most local residents. However that there will be additional vehicle traffic generated by the development is unavoidable. It is rather a matter of where these impacts will be felt and whilst there is undoubtedly a question of fairness that has been raised, legitimately, by some local residents, it is not considered that this would be an overriding factor in this instance. It is helpful to note that it is not considered that the development would materially impact on highway safety. Indeed, the Council's Highways Team has concluded that there are no existing road safety concerns in the vicinity of the development that would be exacerbated by the traffic associated with the proposed development.
- 12.21 Whilst the better connectivity and accessibility for new residents of the two access solution are noted, it is not considered that the proposal as put forward for the use of the single existing access to serve the wider development would otherwise be unacceptable in these respects when assessed against relevant planning policy and guidance. It is however noted that the loss of ancient woodland and wildlife habitat, that would occur if the second vehicular access point were to be constructed to Cookridge Drive is a clear and significant difference between the two alternative solutions. It is considered that this consideration would tip the balance in favour of the single access solution. As a result it is considered that the proposal to serve the site through the existing single vehicular access from Moseley Wood Rise is acceptable subject to considerations of the internal layout of the proposed development which are considered below.

Accessibility

- 12.22 That the Council previously came to the view that the phase 1 proposals were acceptable on accessibility grounds is noted above. It was noted at the time of determining the outline consent for phase 1 (14/04270/OT) that the site was relatively well located in relation to existing facilities. This remains the case in relation to the phase 2 site. It was also noted that the site falls outside some of the defined accessibility criteria in relation to some of the relevant assessments.
- 12.23 The Council's accessibility standards for new housing developments aim to ensure that travel times to (1) local services, (2) employment, (3) primary health, (4) primary education, (5) secondary education and (6) town centres and the city centre can be met. It is accepted that not all of the accessibility criteria have to be met in order to come to an overall view that the site is 'accessible'.
- 12.24 The phase 1 development would have exceeded travel times from the development in relation to three of the criteria, namely to local bus stops offering a 15 minute service frequency (to access employment and to town centres and the city centre) and to local primary health services. It was however noted that the higher frequency of bus services available on Green Lane than was required by the Council's standards, alongside investments in bus stop infrastructure and sustainable travel contributions proposed, led to the overall conclusion that the proposal was acceptable in accessibility terms.
- 12.25 The current phase 2 proposals would meet the accessibility criteria for 4 of the 6 travel times assessed and therefore represents an improvement on the phase 1 proposals in this respect. The phase 2 proposals would allow for travel times as set out by the Council's accessibility criteria to employment, primary education, secondary education and town centres and the city centre to be met. The travel times for access to local services (namely Tesco Express on Green Lane) would be an 11 minute walk (as opposed to the 10 minute walk as required by the Accessibility Criteria). The travel times for access to primary health services (namely Highfield Surgery at Holt Park) would be a 24 minute walk (as opposed to a 20 minute walk as required by the Accessibility Criteria) or a 8-9 minute walk to the nearest bus stop offering a direct service (as opposed to a 5 minute walk as required by the Accessibility Criteria).
- 12.26 As was the case with the phase 1 development, it is again noted that the increased frequency of bus services on Green Lane than is required by the Council's standard is a relevant consideration. The applicant has also committed to a contribution towards local bus stop infrastructure and sustainable travel contributions as was previously the case for phase 1.
- 12.27 In conclusion it is noted that the phase 2 site would be closer to meeting the relevant accessibility standards than the phase 1 development, which was ultimately found to be acceptable on the grounds of accessibility. As a result it is considered that the phase 2 proposals should also be considered acceptable on accessibility grounds.

Other Highways Matters

- 12.28 The internal road layout as proposed is acceptable and raises no highway safety concerns. This will also allow for appropriate servicing and access for emergency vehicles. Parking provision is proposed in accordance with the Council's guidance contained within the Street Design Guide SPD with sufficient off-street spaces proposed to prevent any significant instances of on-street car parking. Whilst some stretches of hardstanding are longer than would be ideal, on the whole these are

broken up by appropriate landscaping treatments and front gardens across the site will provide for a positive landscaped environment. The proposal will also provide for the provision of electric vehicle charging points in accordance with Core Strategy policy EN8.

Housing Matters

- 12.29 The proposal includes a mix of detached, semi-detached and town houses. This includes a total of 61 houses consisting of a mix of 18 two bedroom (30%), 24 three bedroom (39%) and 19 four bedroom units (31%). The mix proposed falls within the minimum and maximum targets as set out in the Core Strategy and as such is considered to be compliant with Core Strategy policy H4. It is further noted that the mix represents an improved position on the phase 1 development of 135 houses which included a mix of 17% two bedroom, 42% three bedroom and 40% four and five bedroom houses which didn't meet the minimum target for two bedroom houses.
- 12.30 The proposal provides for a total of 21 affordable houses consisting of a mix of 14 two bedroom units and 7 three bedroom units. This represents, in combination with the 47 affordable houses provided for in phase 1, a policy compliant 35% of the total number of dwellings. As with phase 1 the proposed affordable units in the current phase 2 proposals will be pepper potted around the site and represents an appropriate mix of unit sizes.
- 12.31 The proposal will provide for all of the houses to meet the requirements of M4(2) 'accessible and adaptable dwellings' of Part M, Volume 1 of the Building Regulations (against the policy target in Core Strategy policy H10 of 30%) except those houses which will meet the requirements of M4(3) 'wheelchair user dwellings' of Part M, Volume 1 of the Building Regulations. The number of houses meeting the M4(3) requirements will total 2 or 3% of the total number of houses, exceeding the policy target in Core Strategy policy H10 of 2%.
- 12.32 All the houses proposed will exceed the Council's minimum space standards as set out in Core Strategy policy H9. The same is true of the garden sizes proposed which will all exceed the minimum recommended garden size areas included within the Council's Neighbourhoods for Living SPG. The distances between properties are also in accordance with those separation distances set out in the Neighbourhoods for Living SPG and the combination of all of these factors will ensure that the properties provide for a good level of amenity for future occupiers.
- 12.33 It is noted that the application site falls within close proximity of Leeds Bradford Airport and the Council's Environmental Studies Transport Strategy team has advised that care should be taken in the choice of roofing materials to ensure that internal noise standards contained within the relevant British Standard are achieved. This is a matter which can be controlled by way of a planning condition.

Design and Character

- 12.34 The proposed layout brings through principles agreed as part of the phase 1 consents (14/04270/OT and 15/04884/RM) and, like phase 1, is considered to be in-keeping with both the character and suburban grain of the wider Moseley Wood estate (in addition to Cookridge Drive). The two and two and half storey scale of the houses proposed is reflective of properties in phase 1 and surrounding streets.

- 12.35 As was previously recognised when considering the case for the phase 1 proposals, the wider Moseley Wood estate includes properties displaying a wide range of external materials, but one common feature which runs through the estate is the use of red brick. Subsequently phase 1 incorporated the use of three types of red brick as its main walling material along with tiled pitched roofs also reflective of local character. Phase 2 will allow continuity in this respect. Phase 2 will also provide for defensible space in front of properties in keeping with the guidance contained in the Council's Neighbourhoods for Living SPG.
- 12.36 As a result the proposals are considered acceptable in design and character terms with individual properties and streetscenes being appropriate to the immediate context.

Landscape, Heritage and Biodiversity

- 12.37 A key feature of the phase 1 development was recognised to be the generous public and green spaces that are provided throughout the development. As was recognised previously this was in part due to the need to incorporate extensive drainage infrastructure at the phase 1 site, but this will nevertheless allow for generous outdoor green space for recreation and for the successful transition between the suburban style housing proposed and the wider countryside setting beyond, once phase 1 is completed.
- 12.38 The phase 2 proposals forming the current application seek to integrate similarly generous areas of public and open space and, as with phase 1, the proportion of public and green space to built development is particularly positive. The total area of public and green space proposed in phase 2 amounts to an area approximately 5,700m² in size which is almost double the policy requirement of 2904m² generated by Core Strategy policy G4. As with phase 1, the individual spaces provided are aimed towards informal walking and recreation rather than formal play and these can be best described as three spaces.
- 12.39 The first space to the west of the phase 2 site is a formal landscaped area with seating areas. The second space runs along the majority of the southern perimeter of the site and whilst accommodating a land drain along most of its length will also provide for an informal footpath route. This will be important in ensuring the space is well used to prevent issues of anti-social behaviour that may have otherwise have occurred. The southern boundary of this space will include new tree planting to supplement the existing trees which exist on this boundary. The third space runs along the northern boundary of the site and forms a grassed area of green relief to the ancient woodland to the north. The applicant has agreed to undertake repairs to the existing dry stone wall along the northern boundary as part of the landscaping works proposed.
- 12.40 The proposal will lead to the loss of three existing trees (one category B, one category C, and one category U tree) at the site but the landscaping proposals will include the planting of 47 new trees (including 20 extra heavy standard trees) which is far in excess of the requirement as set out in the Council's Natural Resources and Waste DPD policy LAND2 (which requires 3 replacement trees for every 1 lost).
- 12.41 The aforementioned repairs to the existing dry stone wall along the northern boundary will also assist in controlling access to the ecologically sensitive ancient woodland to the north of the site. For this same reason, this will also ensure that there is no negative impact on the two existing scheduled ancient monuments

(prehistoric 'Cup and Ring' marked stones) in the woodland and Historic England has written in support of such measures with this in mind.

- 12.42 Alongside the repairs to the dry stone wall, and in recognition that the loss of the pasture land, whilst having relatively low ecological value, does still have an existing benefit in biodiversity terms, the applicant has agreed to additional measures to be incorporated into an amended version of the Biodiversity Enhancement Management Plan (BEMP) which was agreed for the phase 1 development. This will include measures to encourage use of existing footpaths in the woodland which will be maintained and managed so that the overall combination of the measures proposed means that an overall enhancement will be secured in biodiversity terms. This is not only significant in meeting the wider aims of Core Strategy policy G9, which requires development to demonstrate net gains in biodiversity, but will lead to the enhancement of a designated green space within the Council's Site Allocations Plan (Site reference G1703 – Smithy Lane Woods).
- 12.43 The northern strip of green space which, as mentioned above, will provide some green relief to the neighbouring woodland to the north will ensure that existing root protection areas of trees in the ancient woodland are protected. This, in combination with an appropriate lighting solution to the new road and footpath to the south, is considered sufficient to protect the habitats of light sensitive species including bats.
- 12.44 Overall the landscaping proposals will provide for a good quality landscape and, in combination with proposals to enhance areas off-site, will provide for an overall enhancement in respect of biodiversity. It is further noted that this is consistent with the proposals granted consent in relation to phase 1 of the wider development and will lead to a development which has considerable positive qualities in these respects.

Residential Amenity

- 12.45 As is noted above, the proposed development will unavoidably lead to an increase in vehicle movements through neighbouring streets, including through the phase 1 development. This will inevitably lead to additional impacts including in relation noise and disturbance and will as a consequence impact on the amenity of local residents. This will include those impacts associated with an extended construction phase which, albeit temporary, will also impact on the amenity of residents.
- 12.46 The proposed layout will ensure that adequate separation distances are achieved between all properties, both proposed and existing, including those outside the wider development site on Moseley Wood Gardens and Cookridge Drive. Indeed, in relation to those properties which back on to the site in Moseley Wood Gardens and Cookridge Drive, these distances are comfortably exceeded in the vast majority of instances. This is sufficient to prevent any unreasonable overlooking, loss of outlook or overshadowing impacts. The planting of additional trees along the southern boundary of the site, which already includes a considerable number of trees, will further mitigate against any privacy impacts.
- 12.47 There has been some concerns raised by residents on Moseley Wood Gardens that light pollution, from car headlights in particular, will lead to a loss of amenity for existing residents. The planting of additional trees along the southern boundary will also assist in mitigating such impacts, alongside the use of robust boundary treatments at the heads of new cul-de-sacs and appropriate shrub and hedge planting.

- 12.48 Overall the proposal is considered to sufficiently protect residential amenity for both existing and future occupiers.

Climate Change, Sustainable Design and Air Pollution

- 12.49 The proposal will introduce a number of measures to ensure that the Council's Core Strategy policy EN1 (Climate Change – Carbon Dioxide Reduction) as currently applied by the Council is complied with. The developer's carbon reduction strategy for the new houses is reliant on measures which predominantly seek to improve the energy efficiency of a property rather than energy generation, however the proposal is to use a mixture of both measures in this instance. This will include enhanced insulation and air tightness, the use of heating controls and low energy lighting, and the use of photovoltaics which will ensure a minimum of 20% reduction in carbon dioxide emissions is achieved against the Building Regulations Target Emission Rate and energy reduction through the use of renewable energy generation exceeds the 10% figure set out in policy EN1 (estimated to be 17% for the development proposed in this instance).
- 12.50 In addition to the above, eco-sanitary ware and restricted flow rates will ensure the Council's water consumption standard of 110 litres per person per day as set out in Core Strategy policy EN2 is met.
- 12.51 It is further noted that the additional tree planting and the introduction of electric vehicle charging points at the site, as set out in the above report, will also assist in tackling climate change and air pollution in line with wider Council objectives and assist in encouraging more sustainable travel choices.

Drainage and Flood Risk

- 12.52 The issue of drainage and flood risk was a matter which attracted considerable interest from local residents and interested parties in relation to the phase 1 development. In granting the consents for phase 1 (14/04270/OT and 15/04884/RM), alongside the discharge of relevant planning conditions, the Council has accepted that the drainage solutions offered for phase 1 were acceptable. These drainage solutions are now in place and the applicant has confirmed that these have worked effectively to date.
- 12.53 The entirety of the phase 2 site, which is further away from the Moseley Beck watercourse than phase 1, is in Flood Risk Zone 1 which is designated by the Environment Agency as a low probability of flooding (assessed as having a less than 1 in 1000 chance of river flooding). The phase 2 drainage proposals will work alongside those implemented for phase 1 in order to discharge any surface water run-off from the development or overland flows from adjacent sites in a controlled manner. This will include the use of an underground storage tank to the western part of the site which is considered appropriate, in conjunction with the re-opening of watercourses with deepened infiltration trenches, land drains, filter drains and detention swales, agreed for the phase 1 development, due to the unfeasibility of infiltration drainage systems at the site due to ground conditions.
- 12.54 The Council's Flood Risk and Drainage Team considers that the proposal is acceptable subject to the detail being agreed by way of planning conditions.

Representations

- 12.55 As is summarised in section 6 of this report a number of representations have been received in relation to the application. All of those considerations raised, whether in support or expressed as a concern, which are relevant to the determination of the reserved matters application have been addressed in the above appraisal.
- 12.56 It is noted that a small number of other matters have been raised which do not form material planning considerations. As such weight has been afforded to these comments as appropriate in coming to overall conclusions.

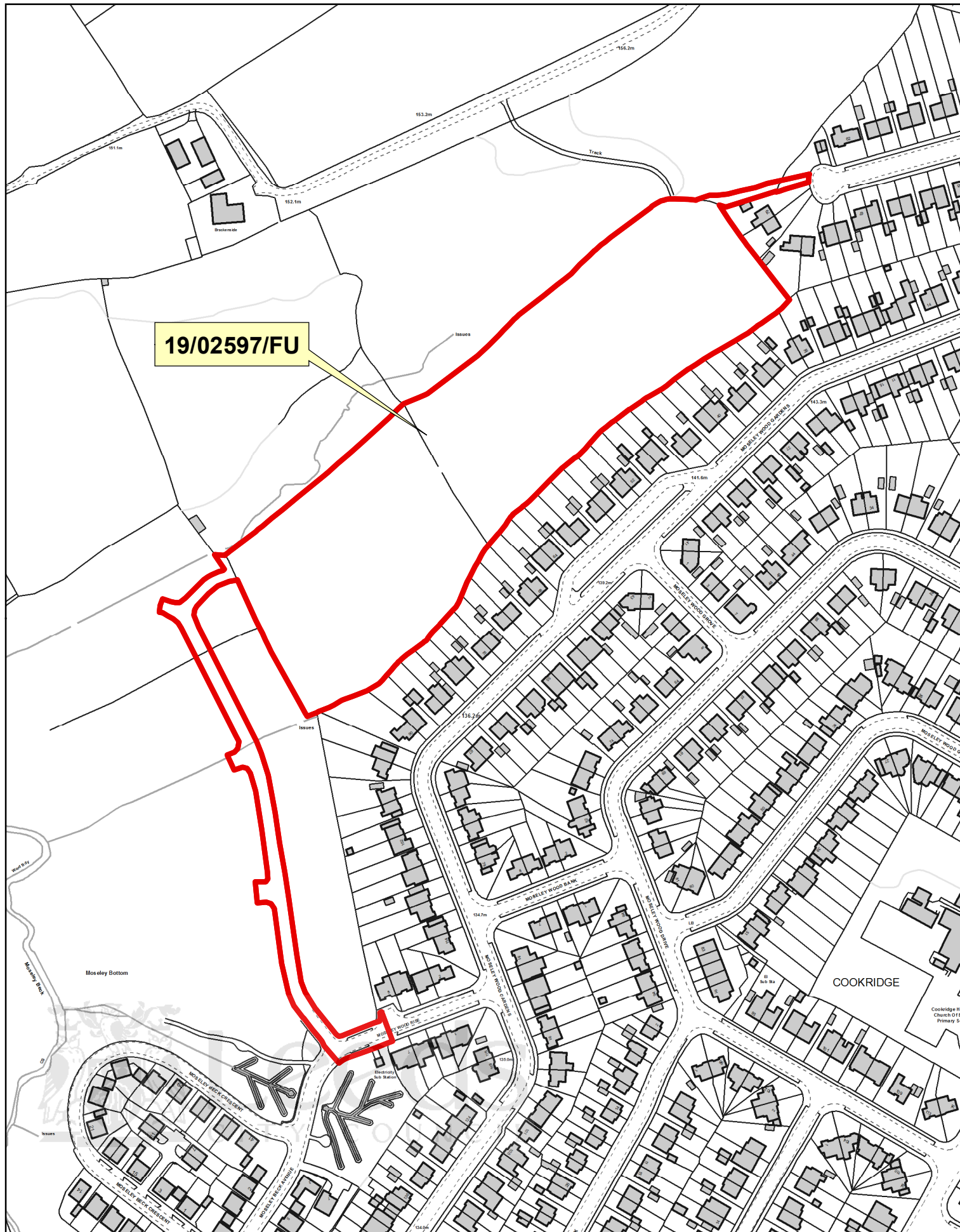
13.0 CONCLUSION

- 13.1 The principle of developing the site for housing has been established following the adoption of the Council's Site Allocations Plan in July 2019. The delivery of the site in a timely manner is important to maintain the Council's five year housing land supply position and the proposal as put forward will bring the site forward in accordance with the approach set out in the Council's Core Strategy. These are significant benefits of the scheme.
- 13.2 The proposal forms the second phase of a wider housing development, with phase one being partially completed. One of the key questions at the application site is the question of whether a second vehicular access would be needed to serve the wider development. It is for the development management process, now that the principle of housing delivery at the phase 2 site has been accepted, to resolve this key question.
- 13.3 The cases both for and against the creation of a second vehicular access point to Cookridge Drive are set out in detail in the above appraisal. The planning history of the site is noted, as are the considered representations of interest parties including local ward members and local residents. After careful deliberation it is considered, weighing into consideration all of the relevant factors, that the proposal, and the wider development, would be satisfactorily served by the existing vehicular access point to Moseley Wood Rise. Such an approach would be in-keeping with the guidance as set out in the Council's Street Design Guide SPD, would address relevant accessibility considerations and would, significantly, avoid the loss of a considerable area of ecologically important ancient woodland amongst other factors.
- 13.4 The proposal would be acceptable on accessibility grounds, representing a more favourable situation than the previously accepted phase 1 proposal in this regard. The proposal would also provide for an acceptable highways layout with sufficient off-street car parking provision including appropriate provision of electric vehicle charging points.
- 13.5 The proposed mix of dwellings falls within the minimum and maximum targets as set out in the Core Strategy and as such is considered to be in-keeping with the wider aims of Core Strategy policy H4. The 21 affordable houses proposed will be provided in accordance with Core Strategy policy H5, being pepper potted around the site in an appropriate mix of unit sizes. The proposal will far exceed the required number of 'accessible and adaptable dwellings' and will provide for the required number of 'wheelchair use dwellings' (Core Strategy policy H10). All the houses proposed will meet the Council's minimum space standards (Core Strategy policy H9) and the guidance separation distances and garden sizes as set out in the Council's Neighbourhoods for Living SPG.

- 13.6 The proposed houses are of a sympathetic design and scale and will represent a continuation of the characteristics established as acceptable previously in the phase 1 development. The proposal will provide for generous green spaces which also follow on from those agreed in the phase 1 development. This includes a total area of public and green space almost double the policy requirement set out in Core Strategy policy G4. The loss of three existing trees at the site will be mitigated by the planting of 47 new trees and is far in excess of the Council's 'three trees for every one lost' requirement set out in policy LAND2 of the Council's Natural Resources and Waste DPD.
- 13.7 The works to repair the existing dry stone wall along the northern boundary of the site, alongside a number of improvements to control and encourage access to the neighbouring woodland to the north, will ensure an overall net gain for biodiversity. This will also be importance in ensuring there is no negative impact on the setting of the two existing scheduled ancient monuments in the woodland.
- 13.8 There will be an unavoidable impact on the amenity of neighbours in nearby streets, including in the phase 1 development, through additional traffic to and from the development. This is a consequence of any new housing development. The proposed layout however ensures the amenity of nearby neighbours is sufficiently protected against privacy, shadowing and outlook impacts. The planting of trees along the southern boundary of the site, alongside the use of appropriate boundary treatments will ensure neighbouring amenity is sufficiently protected against light pollution, including from car headlights.
- 13.9 The proposals will be compliant with Council Core Strategy policies EN1 (Climate Change – Carbon Dioxide Reduction (as currently applied) and EN2 (Sustainable Design and Construction). The aforementioned tree planting and installation of electric vehicle charging points will further assist in addressing climate change and air pollution matters.
- 13.10 The proposal provides for acceptable drainage solutions which will work alongside those solutions agreed in the phase 1 development which have proved effective.
- 13.11 The representations by local ward members, local residents and other interested parties have been considered and given appropriate weight. The applicant has also undertaken further public consultation at the request of the Council to seek views as appropriate.
- 13.12 In conclusion it is considered, taking into account all the relevant material planning considerations, the planning application should be recommend for a planning approval subject to the conditions and obligations set out above.

Background Papers:

Certificate of Ownership – Taylor Wimpey Yorkshire



SOUTH AND WEST PLANS PANEL

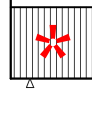
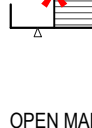
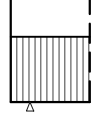
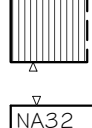
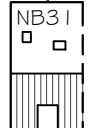
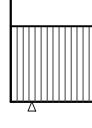
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SCALE : 1/2500



SCHEDULE OF ACCOMMODATION:		
AFFORDABLE UNITS	HOUSETYPE	AMOUNT
	NA20 (800P) 2 STOREY 2 BED SEMI-DETACHED	14 No.
	NA32 (800P) 2 STOREY 2 BED SEM	4 No.
	NT1 (1000P) 2 STOREY 3 BED SEMI-DETACHED	3 No.
	TOTAL No.	21 No.
OPEN MARKET UNITS		
HOUSETYPE	AMOUNT	
	YA21 (800P) 2 STOREY 2 BED SEMI-DETACHED	2 No.
	YA20 (800P) 2 STOREY 2 BED SEM	2 No.
	NA32 (800P) 2 STOREY 2 BED SEM	9 No.
	NT1 (1000P) 2 STOREY 3 BED SEMI-DETACHED	6 No.
	NA31 (1000P) 2 STOREY 3 BED SEM DETACHED	6 No.
	NA42 (1000P) 2 STOREY 4 BED DETACHED	6 No.
	NT40 (1000P) 2 STOREY 4 BED DETACHED	2 No.
	ND40 (1000P) 3 STOREY 4 BED DETACHED	7 No.
	NA44 (1000P) 3 STOREY 4 BED DETACHED	4 No.
	TOTAL No.	40 No.
	COMBINED TOTAL No.	61 No.

1800mm BRICK WALL

1000mm BRICK RETAINING WALL & METAL RAILINGS

1800mm TIMBER FENCE

1000mm METAL RAILINGS

DRAINAGE EASEMENT

AFFORDABLE UNIT

BRICK PILLARS

REAR ACCESS GATES (LOCKABLE)

BIN COLLECTION POINT

BLOCK PAVING

GRASSED AREAS (FRONT GARDEN)

GRASSED AREAS (REAR GARDEN)

DECORATIVE AGGREGATE

TARMACADAM

NOTE : ALL INTERNAL VISIBILITY SPLAYS ARE 2.4 X 25m

HOUSETYPES:

- ALL HOUSETYPES ARE DESIGNED TO NATIONALLY DESCRIBED SPACE STANDARDS
- ALL HOUSETYPES EXCEPT YA20 ARE DESIGNED TO BUILDINGS REGULATIONS PART M4(2)
- THE YA20 HOUSETYPE IS DESIGNED TO BUILDING REGULATIONS PART M4(3)

CAR CHARGING:
VEHICLE CAR CHARGING SCHEME TO BE PROVIDED TO ALL PLOTS AS STANDARD, CONSISTING OF AN IP66 SOCKET ON DEDICATED 32AMP CABLE TO THE CONSUMER UNIT

501 / PROPOSED SITE LAYOUT

Do not scale off this drawing - Only figured dimensions to be taken from this drawing. Drawings based on Ordnance Survey and/or existing record drawings - Design and Drawing content subject to Site Survey, Structural Survey, Site Investigations, Planning and Statutory Requirements and Approvals. Authorised reproduction from Ordnance Survey Map with permission of the Controller of Her Majesty's Stationery Office. Crown Copyright reserved.



Originator: Ryan Platten

Tel: 0113 378 7956

Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 13th February 2020

Subject:

PLANNING APPLICATION 19/02598/FU – New vehicular access from Cookridge Drive to Phase 2 of Moseley Green development at Land Off Cookridge Drive, Cookridge, Leeds, LS16

APPLICANT

Taylor Wimpey Yorkshire

DATE VALID

29th April 2019

TARGET DATE

28th February 2020

Electoral Wards Affected:

Adel and Wharfedale

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

**RECOMMENDATION PLANNING APPLICATION 19/02598/FU:
REFUSE for the reasons set out below.**

1. The Local Planning Authority considers that the proposed development, by virtue of the loss of a significant area of ancient woodland and wildlife habitat, would be significantly harmful to wider biodiversity objectives. As a result the proposal would be contrary to the wider aims of Leeds Core Strategy policies G2, G8, G9, P10, saved Unitary Development Plan policies LD1, LD2, Natural Resources and Waste DPD policy LAND2 and the guidance included within the Council's Neighbourhoods for Living SPG and the National Planning Policy Framework.
2. The Local Planning Authority considers that the proposed development, by virtue of the loss of a significant area of visually attractive ancient woodland, would be harmful to local character. As a result the proposal would be contrary to the wider aims of Leeds Core Strategy policies G2, P10, P12 saved Unitary Development Plan policies LD1, LD2, N37A, and the guidance included within the Council's Neighbourhoods for Living SPG and the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 This application is presented to Plans Panel South and West as an accompanying planning application to a major planning application with a degree of sensitivity due to both the planning history of the site and the history and nature of local objections.
- 1.2 The application seeks the creation of a new vehicular access to serve the wider housing development at the Moseley Green site.
- 1.3 Phase 1 of the Moseley Green housing development, for 135 houses, is under construction having been partially completed. The phase 1 proposals include the provision of a pedestrian and cycle link to Cookridge Drive.
- 1.4 The current application is to be considered alongside a further planning application for phase 2 of the wider development which will accommodate an additional 61 houses.

2.0 PROPOSAL:

- 2.1 The applicant seeks planning permission for construction of a new vehicular access road with associated footways and infrastructure to serve phase 2 of the Moseley Green housing development.
- 2.2 The proposal would lead to the loss of an area of ancient woodland approximately 800m² in size including the loss of circa 20 trees.
- 2.3 The proposal is being considered alongside a further planning application (reference 19/02597/FU) for phase 2 of the wider housing development which will involve the erection of 61 houses with associated infrastructure including public open space and landscaping.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site sits to the west of Cookridge Drive adjacent to the property and site at 79 Cookridge Drive to the south.
- 3.2 The site is designated as green space (alongside the wider woodland) within the Site Allocations Plan (Site reference G1703). The site is also included within a larger site allocated for housing in the Council's Site Allocations Plan (Site Reference HG2-29). Upon adoption of the Site Allocation Plan in July 2019 the site was removed from the Leeds Green Belt but the neighbouring woodland retains this designation.
- 3.3 The site includes woodland which forms a smaller part of the wider woodland immediately adjacent to the site, known as Gab Wood. The wider woodland is recognised to be ancient woodland, is protected by Tree Preservation Order 1997/38 and includes two ancient monuments (prehistoric 'Cup and Ring' marked stones dated to the Bronze Age).
- 3.4 Part of the site has existing planning permission for the creation of a new cycle and pedestrian link to the phase 1 development granted planning permission under applications 14/04270/OT and 15/04884/RM). This cycle and pedestrian link will also provide for access for emergency vehicles and is partially constructed.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 An outline planning application (**13/04148/OT**) was submitted by the current applicant in September 2013 for the residential development of what are now referred to as the Phase 1 and 2 sites to accommodate circa 200 houses. At this time the sites were Protected Area of Search (PAS) land safeguarded for future development under (now deleted) Unitary Development Plan policy N34. This outline planning application was refused in November 2014 following a resolution at City Plans Panel.
- 4.2 Central to the Council's case in refusing the outline application was the question of whether a development of circa 200 dwellings could be served by a single access point (from Moseley Wood Rise) as proposed, or whether a second access point would be required. The Council ultimately came to the view that to serve a development of this size with only the single access proposed would represent (1) poor urban design, (2) be poor in accessibility terms, and (3) would lead to amenity impacts on residents who lived near the single access as a result of significant volumes of vehicular and pedestrian traffic.
- 4.3 The outline application was accompanied at the time by a further 'sister' full planning application (**14/00190/FU**) for the creation of a second vehicular access point to the site from Cookridge Drive which would have necessitated the removal of 29 trees in the ancient woodland in Green Belt to the north of the site. This 'sister' application, similar to that now being considered, was refused for Green Belt reasons and reasons relating to the loss of the aforementioned trees.
- 4.4 In July 2014 the applicant submitted a second outline planning application (**14/04270/OT**) for only part of the wider site (that part of the site which is now referred to as Phase 1). This proposal for 135 dwellings served by a single vehicular access point from Moseley Wood Rise, alongside a new pedestrian and cycle link to Cookridge Drive which necessitated the removal of 11 of the aforementioned 29 trees in ancient woodland, was approved by the Council in April 2015 following a resolution by City Plans Panel.
- 4.5 A subsequent reserved matters application (**15/04884/RM**) was submitted for Phase 1 and approved in May 2016 following a resolution at South and West Plans Panel. Further details followed by way of condition discharge applications in relation to both outline and reserved matters consents and development commenced on site in 2017. Phase 1 of the development is now under construction having been partially completed.
- 4.6 In June 2019 the Council granted a temporary planning permission (**19/01745/FU**) for a period of 3 years for the storage of topsoil at the Phase 2 site.
- 4.7 In July 2019 the Council adopted its Site Allocations Plan. In doing so the PAS designations were removed for both Phase 1 and Phase 2 sites by virtue of Unitary Development Plan policy 34 being deleted. The Phase 1 site was recognised as an identified housing site with an existing planning permission (Site Reference HG1-58 – estimated capacity of 135 units) and the Phase 2 site was allocated for housing (Site Reference HG2-29 -estimated capacity of 63 units). The Phase 2 site also included the land previously put forward under planning application 14/00190/FU which was removed from the Green Belt through this process. The Phase 2 site housing allocation in the Site Allocations Plan does not include, as a recommended site requirement, a need for a second vehicular access to the site.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Pre-application discussions (**PREAPP/18/00345**) were undertaken in relation to the current Phase 2 proposals in the latter half of 2018. Alongside these discussions with the Council the applicant undertook public consultation with the local community, including holding a public consultation event at the nearby Leeds Modernians Sports Club on 18th September 2018.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been publicised by means of site notice. In addition to this Councillor Barry Anderson held a public meeting for residents to discuss the application on 24th June 2019 which was attended by planning and highways officers.
- 6.2 Councillors Barry and Caroline Anderson (both Adel and Wharfedale ward) have objected to the proposal. Their objections can be summarised as follows:
- The new access point would be a major amenity issue for the residents of Cookridge Drive; and,
 - The gradient of Cookridge Drive will be difficult to use in winter conditions.
- 6.3 A total of 16 written representations of objection have been received from local residents and other interested parties. The concerns raised include:
- There has been no change in circumstances since the previous application was refused;
 - The proposal would be harmful to the wider Green Belt location;
 - The proposal would lead to the loss of ancient woodland and important protected trees;
 - The proposal would lead to the loss of wildlife habitat and harm to neighbouring wildlife;
 - The proposal will add to climate change;
 - The application should be considered alongside application 19/02597/FU;
 - The junction between Cookridge Drive and Green Lane is already dangerous and the additional increase in traffic will lead to highway safety impacts;
 - Traffic calming would be needed in surrounding roads;
 - The traffic impacts on local highway infrastructure would be unacceptable;
 - Cookridge Drive is heavily parked at present;
 - The proposal would lead to the creation of an escape route for burglars;
 - The proposal will impact on existing parking and access arrangements for existing residents;
 - Children are currently able to play safely in the cul-de-sac;
 - The gradient of Cookridge Drive is difficult to use in winter conditions;
 - The crossing points proposed to the agreed pedestrian and cycle link will be dangerous for users of this link;
 - The proposal would affect property values in Cookridge Drive;
 - The city does not need the additional dwellings proposed;
 - The proposal will lead to further disruption from construction traffic; and,
 - The applicant has set out that the second access is not required.

- 6.4 Two written representation of support have been received from local residents. The points raised include:
- The development needs more than one access road;
 - The agreed pedestrian and cycle link would feel insecure at certain times of day and the upgrading of this to a vehicular access would give users a greater sense of security;
 - Transport studies show the access would be safe and suitable;
 - The traffic flows from the wider development should be distributed; and,
 - Approval should be granted on condition of improvements to the condition of local roads.
- 6.5 Two representations have been received from local resident offering general comments, including:
- That the second access would greatly reduce the amount of traffic using the single access point on Moseley Wood Rise;
 - Gradient issues could be addressed through highway design;
 - The second access would minimise times for emergency service access;
 - The second access may reduce heavy construction traffic use of Moseley Wood Gardens during the building phases;
 - The development of the new rail terminal will mean that a single access point to the site will lead to future traffic problems; and,
 - Approval should be granted on condition of improvements to the condition of local roads.

7.0 FURTHER PUBLIC CONSULTATION – SECOND ACCESS

- 7.1 At the request of the Council the applicant carried out further public consultation in September 2019 in relation to the key question of whether the development should require a second vehicular access to the site adjoining Cookridge Drive to the east.
- 7.2 As noted above at section 4 this is a matter which has been debated in relation to the wider site since 2013. The Council has been aware since this time that there has been two contrasting views within the local community as to whether, if the development is to go ahead, a second vehicular access should be provided to Cookridge Drive or whether the wider site should be served by the single existing access from Moseley Wood Rise. These contrasting views were apparent in both the public meeting held in June 2019 and in the written representations received in relation to the current planning application and its sister planning application 19/02598/FU.
- 7.3 Perhaps unsurprisingly the views expressed predominantly correlated to the home address of the local resident in question – with those residents living on Cookridge Drive most likely to be against the creation of the second vehicular access, and those residents living on or close to Moseley Wood Rise most likely to be in favour of the creation of the second vehicular access. Given this was the case, the Council considered there was merit in attempting to tease out the weight local residents attached to the relevant considerations (amenity, accessibility, loss of woodland, impacts on the wider highway network etc.) and asked the applicant to conduct a further public consultation exercise with this in mind.
- 7.4 The public consultation exercise including the delivery of approximately 360 leaflets to properties in and around Cookridge Drive, Cookridge Avenue, Moseley Wood

Avenue, Moseley Wood Gardens and Moseley Wood Rise, and publication of a dedicated webpage on the website of the applicant. A total of 128 responses were received and copies of these responses were provided to the Council.

- 7.5 In relation to the key question of whether local residents considered a second access to be necessary, 51 residents responded that it was and 77 residents responded that it wasn't. All of the responses received from residents on Cookridge Drive were opposed to the creation of the second vehicular access. All of the responses received from residents on Moseley Wood Rise and in the immediate vicinity of Moseley Wood Rise were for the creation of the second vehicular access. Residents living in the streets between these areas were more mixed in their responses, including residents living in Moseley Wood Gardens.
- 7.6 In terms of relevant considerations, as was previously the case, the concerns of residents included:
- The traffic impacts on relevant roads – including an increase in vehicle movements, impacts on highway safety and congestion, and impacts of these additional movements on the condition of roads
 - The amenity impacts in terms of noise and disturbance on residents from additional traffic
 - The loss of woodland and harm to wildlife through the creation of the second vehicular access
 - The impacts in respect of climate change and air pollution
 - An increase in crime
- 7.7 In terms of the numbers of residents citing relevant concerns, the overwhelming majority of the responses received cited an increase in traffic as a concern. Second to this was the concern of highway safety notably in relation to children and elderly residents. Third to this was the loss of woodland and damage to wildlife with smaller numbers of residents citing impacts of construction traffic, air pollution, potential increases in crime and potential noise and disturbance.

8.0 CONSULTATION RESPONSES:

Statutory

- 8.1 LCC Development Management Highways – Further information is required in order to demonstrate vehicle tracking and visibility requirements can be met.
- 8.2 LCC Flood Risk Management – No objections subject to appropriate planning conditions.

Non-Statutory

- 8.3 LCC Contaminated Land – No objections subject to appropriate planning conditions.
- 8.4 LCC Nature Team – No Ecological Impact Assessment has been provided to understand the impact of the loss of the woodland. The woodland that would be lost is ancient woodland in an area of UK BAP Priority Habitat and part of the Leeds Habitat Network. Further bat surveys would need to be carried out. If the principle of the access road is deemed acceptable on other grounds, it should be located along an alignment which minimises the impact to the woodland.

- 8.5 LCC Landscape – No arboricultural information has been submitted. An arboricultural impact assessment would be required to assess the impact in terms of trees lost and on those trees proposed to be retained.

9.0 PLANNING POLICIES:

LOCAL PLANNING POLICY and GUIDANCE

The Development Plan

- 9.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan currently comprises, relevant to this application, the adopted Local Development Framework Core Strategy (2014, as amended by the Core Strategy Selective Review 2019), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP), the Site Allocations Plan (2019) and the Natural Resources and Waste Local Plan (2013 and 2015).
- 9.2 The Local Development Framework **Core Strategy** was adopted by the Council on 12th November 2014. Amendments and additions to the Core Strategy were made as part of the Core Strategy Selective Review and adopted by the Council on 11th September 2019. The following policies contained within the Core Strategy (as amended) are considered to be of relevance to this development proposal:

General Policy – Sustainable Development and the NPPF

Spatial Policy 1 – Location of Development

Spatial Policy 6 – The Housing Requirement and Allocation of Housing Land

Spatial Policy 7 – Distribution of Housing Land and Allocations

Spatial Policy 11 – Transport Infrastructure Investment Priorities

Policy H1 – Managed Release of Sites

Policy H10 – Accessible Housing Standards

Policy P10 – Design

Policy P11 - Conservation

Policy P12 – Landscape

Policy T1 – Transport Management

Policy T2 – Accessibility and New Development

Policy G2 – Creation of Tree Cover

Policy G3 – Standards for Open Space, Sport and Recreation

Policy G6 – Protection and Redevelopment of Existing Green Space

Policy G8 – Protection of Important Species and Habitats

Policy G9 – Biodiversity Improvements

Policy EN5 – Managing Flood Risk

Policy ID1 – Implementation and Delivery Mechanisms

Policy ID2 – Planning Obligations

- 9.3 The most relevant saved policies from the **Leeds Unitary Development Plan** are outlined below.

GP1 - Land use and the Proposals Map

GP5 - Development control considerations including impact on amenity

LD1 - Landscape design

LD2 - New and altered roads

N24 - Development abutting the Green Belt

N25 - Site boundaries
N37A - Development in the Countryside

- 9.4 The most relevant policies from the Leeds **Site Allocations Plan Development Plan Document** are outlined below:

HG1 – Identified Housing Sites (Phase 1 - Site Reference HG1-58 – Estimated capacity 135 residential units)
HG2 – Housing Allocations (Phase 2 - Site Reference HG2-29 – Estimated capacity 63 units)
GS1 – Designation/Protection of Green Space (Woodland to north - Site reference G1703)

- 9.5 The most relevant policies from the Leeds **Natural Resources and Waste Development Plan Document** are outlined below:

General Policy – Sustainable Development
AIR1 – The Management of Air Quality through Development
WATER4 – Development in Flood Risk Areas
WATER6 – Flood Risk Assessments
WATER7 – Surface Water Run-Off
LAND1 – Contaminated Land
LAND2 – Development and Trees

Relevant Local Supplementary Planning Guidance/Documents

- 9.6 The most relevant local supplementary planning guidance (SPG), supplementary planning documents (SPD) are outlined below:

Neighbourhoods For Living: A Guide for Residential Design in Leeds SPG (December 2003)
Neighbourhoods For Living Memoranda to 3rd Edition (2015)
Sustainable Urban Drainage SPG (2004)
Greening the Built Edge SPG (June 2004)
Street Design Guide SPD (August 2009)
Accessible Leeds SPD (November 2016)

Other Relevant Documents

- 9.7 Other relevant documents include:

Guideline Distances from Development to Trees (2011)

Neighbourhood Plans

- 9.8 None.

NATIONAL PLANNING POLICY and GUIDANCE

National Planning Policy Framework

- 9.9 The National Planning Policy Framework (2019) (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning

Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

- 9.10 Paragraph 109 of the NPPF states the development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context, paragraph 110 sets out, amongst other things, that development should give priority to pedestrian and cycle movements both within the scheme and with neighbouring areas, minimize the scope for conflicts between pedestrians, cyclists and vehicles and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 9.11 Paragraph 111 states that all developments that will generate significant amounts of movement should be required to provide a travel plan.
- 9.12 Section 12 of the NPPF is entitled 'Achieving well-designed places' and at paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 124 goes on to state that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 9.13 Section 14 of the NPPF is entitled 'Meeting the challenge of climate change, flooding and coastal change and at paragraph 148 sets out that the planning system should support the transition to a low carbon future in a changing climate.
- 9.14 Section 15 of the NPPF is entitled 'Conserving and enhancing the natural environment'. Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment including through minimising impacts and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.15 Section 16 of the NPPF is entitled 'Conserving and enhancing the historic environment'. Paragraph 184 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate their significance, so that they can be enjoyed for the contribution to the quality of life of existing and future generations. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

10.0 CLIMATE EMERGENCY:

- 10.1 The Council declared a climate emergency on the 27th March 2019 in response to the UN's report on Climate Change.
- 10.2 The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear at paragraph 148 and footnote 48 that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
- 10.3 As part of the Council's Best Council Plan 2019/20 to 2020/21, the Council seeks to promote a less wasteful, low carbon economy. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the

NPPF. These are material planning considerations in determining planning applications.

- 10.4 The below appraisal discusses relevant matters at paragraph 12.26 below. This includes that the proposal will lead to the loss of circa 20 trees and other vegetation at the site but that the wider phase 2 proposals will include the planting of 47 trees and a significant number of shrubs, hedging and other vegetation. It is therefore considered that the proposal would be unlikely to have a net negative impact in respect of climate change matters in these respects in the longer term.

11.0 MAIN ISSUES:

- 11.1 The following main issues have been identified:

- (1) Principle of Development and Delivery of Housing
- (2) Vehicular Access to the Site
- (3) Detailed Highways Layout
- (4) Character, Landscape, Heritage and Biodiversity
- (5) Residential Amenity
- (6) Climate Change and Air Pollution
- (7) Representations

12.0 APPRAISAL:

Principle of Development and Delivery of Housing

- 12.1 The application site is included within a wider site allocated for housing in the Council's Site Allocations Plan. In adopting the Site Allocations Plan the Council has set out that it considers the development of the wider site for housing to be acceptable in principle subject to detailed planning considerations.
- 12.2 If the Council were to come to the view that the proposed second vehicular access point proposed were required to make the development acceptable, then greater weight would need to be afforded to the wider benefits of the phase 2 housing development in determining the current application.

Vehicular Access to the Site

- 12.3 As is noted at sections 4 and 7 of this report there has long since been a question of whether the wider development site (i.e. Phases 1 and 2 as they are now referred to) would require a second vehicular access point to serve the number of houses proposed. This dates back to an outline planning application (13/04148/OT) which was submitted for the wider development site in 2013 to accommodate circa 200 houses, which was refused in November 2014 following a resolution at City Plans Panel.
- 12.4 It is important to note that the consideration of the outline proposal for circa 200 houses was in a different policy environment to today. The adoption of the Council's Site Allocations Plan has established that new housing development at the phase 2 site is considered acceptable in principle by the Council. The Site Allocations Plan also provides a site capacity estimate of 63 dwellings. Significantly, the Site Allocations Plan does not put forward a recommended site requirement for a second vehicular access point. It is therefore for the development management process,

given that the principle has been established, to solve the problem of whether the wider site should be served by one or two vehicular access points.

- 12.5 It is also important to consider the reasons why the Council, in 2014, considered a development of circa 200 houses should not be served by only a single access point from Moseley Wood Rise. The relevant reasons for refusal for the outline proposal (13/04148/OT) are set out in full below:

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 within the Neighbourhoods for Living SPG.

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.

- 12.6 As noted in paragraph 4.2 of this report, the Council's case was essentially three layered in that it considered that the development proposed would (1) represent poor urban design, (2) be poor in accessibility terms, and (3) would lead to amenity impacts on residents who lived near the single access as a result of significant volumes of vehicular and pedestrian traffic.
- 12.7 It is significant to note however, that the basis for the refusal reasons fell more within the territory of 'urban design/ amenity' rather than strictly 'highway' considerations. Indeed this is borne out by the policies and guidance documents cited in the refusal reasons, which do not include either the relevant highway policies from the Core Strategy or the Street Design Guide SPD which includes specific guidance on this matter, both of which were in place at the time of the 2014 decision.
- 12.8 Significantly the Street Design Guide SPD advises that it is the threshold of 300 dwellings in a single development at which a minimum of 2 points of vehicular access will be required. The guidance goes on to note that where 200 dwellings are proposed in a single development 'at least' two vehicular access points are preferred, however even in these circumstances the guidance notes that "*where this is not possible a single vehicular access may be accepted providing the internal network [of the new development] forms a loop, with the shortest possible connection between this loop and the point of access*".
- 12.9 The current proposal includes 61 new houses. When added to the 135 houses approved under the phase 1 consents (14/04270/OT and 15/04884/RM) this gives a total of 196 houses to be built in the wider development. This is significantly below the 300 dwelling threshold where a minimum of two vehicular access points would be required according to the Street Design Guide guidance, and also below the 200 dwelling threshold where two vehicular access points are the 'preferred' option. Even when adding the 8 existing properties on Moseley Wood Rise into the equation to give a total of 204 dwellings being served from the access point adjoining Moseley Wood Gardens, there is no question that the guidance, subject to

detailed considerations, supports an approach where a single vehicular access is able to serve both phases of the development as proposed.

- 12.10 It is therefore important to consider, in answering the question of whether a second vehicular access is required to serve the wider development of 196 (or alternatively 204) houses, the relevant cases are for the two alternatives. The below sets out what are considered to be the main considerations in relation to relevant matters.

The case for the use of the single existing vehicular access

- 12.11 The case for the use of the single existing vehicular access from Moseley Wood Rise is as follows. Firstly, as noted above, there is no guidance requirement for a second vehicular access to the wider development subject to an appropriate design and layout being achieved. With this in mind, the Council's Highways Team are of the view that the layout would be acceptable in relevant respects.
- 12.12 Secondly, in terms of accessibility, and as was the case when Plans Panel considered, and subsequently approved, outline application 14/04270/OT (for the 135 houses making up Phase 1 of the wider development) the relevant accessibility criteria, as set out in the Core Strategy, would be sufficiently met to deem the proposal acceptable overall in accessibility terms.
- 12.13 Thirdly, this would not lead to new vehicular traffic, and all the associated impacts of noise, disturbance, congestion, air pollution etc., along Cookridge Drive. Cookridge Drive is a relatively quiet cul-de-sac at present and is often heavily parked with cars on both sides of the street. Ward Councillors and residents have also raised concerns about the gradient of Cookridge Drive in unfavourable weather.
- 12.14 Fourthly, the only current viable option for the creation of the second vehicular access point, would require the loss of a significant area of ancient woodland including circa 20 trees. This formed part of the Council's case for refusing application 14/00190/FU (the sister application to 13/04148/OT) in 2014. The woodland is a particularly important habitat for flora and fauna and its loss would be significant in biodiversity terms. The trees also perform an important function in tackling air pollution and wider climate change concerns.
- 12.15 Fifthly, the creation of a second new vehicular access point to Cookridge Drive would be likely to require further junction improvements elsewhere, for example further along Cookridge Drive, which would lead to further short term disruption to the local highway network.

The case for the use of a second vehicular access

- 12.16 The case for the creation of a new second vehicular access to Cookridge Drive is as follows. Firstly, this represents a better urban design solution and will assist in creating a better connected development which more successfully integrates with the existing community. It is also noted that the Council's Highways Team remain of the view that this is the preferred option for the site for these and accessibility reasons with some of the wider considerations from the Street Design Guide SPD guidance in mind. The improvement in terms of accessibility over the single vehicular access solution, when considered against the relevant Core Strategy criteria is the second reason in support of such a case.
- 12.17 Thirdly, this will not result in all the vehicular traffic from the site accessing and leaving the site through Moseley Wood Rise with all the associated impacts of noise, disturbance, congestion, air pollution etc. that this would bring. This will lead to a

reduction in the number of vehicle movements through Moseley Wood Rise when considered against the single access solution.

- 12.18 Fourthly, it is considered by the Council's Highways Team that the 'upgrading' of the approved pedestrian and cycle link to Cookridge Drive (approved under the phase 1 proposals) may be likely to encourage greater use by pedestrians and cyclists if the perception is that the upgraded link would be less isolated than the route currently approved.

Conclusions

- 12.19 Having considered both the cases both for and against the use of the existing single vehicle access from Moseley Wood Rise it is clear that there are merits to both approaches and in many respects the merits are finely balanced. It is also appreciated that there are strongly held views on both sides of the argument within the local community. Ultimately however the Council must come to a view on which option has greater merit given that the principle of development is accepted.
- 12.20 The results of the further public consultation exercise carried out by the applicant in September 2019 (discussed in section 7 of this report) are helpful in assessing the weighting afforded to relevant matters by the local community. It was clear from this exercise that additional traffic impacts followed by highway safety concerns were the main concerns expressed by the most local residents. However that there will be additional vehicle traffic generated by the development is unavoidable. It is rather a matter of where these impacts will be felt and whilst there is undoubtedly a question of fairness that has been raised, legitimately, by some local residents, it is not considered that this would be an overriding factor in this instance. It is helpful to note that it is not considered that the development would materially impact on highway safety. Indeed, the Council's Highways Team has concluded that there are no existing road safety concerns in the vicinity of the development that would be exacerbated by the traffic associated with the proposed development.
- 12.21 Whilst the better connectivity and accessibility for new residents of the two access solution are noted, it is not considered that the proposal as put forward for the use of the single existing access to serve the wider development would otherwise be unacceptable in these respects when assessed against relevant planning policy and guidance. It is however noted that the loss of ancient woodland and wildlife habitat, that would occur if the second vehicular access point were to be constructed to Cookridge Drive is a clear and notable difference between the two alternative solutions. It is considered that this consideration would tip the balance in favour of the single access solution. As a result it is considered that the proposal to serve the site through the existing single vehicular access from Moseley Wood Rise is acceptable subject to considerations of the internal layout of the proposed development which are considered in the appraisal of planning application 19/02597/FU.

Detailed Highways Layout

- 12.22 The detailed layout submitted for the new vehicular access road and associated footways and infrastructure is similar to that discussed at the pre-application stage with the applicant and is broadly acceptable subject to relevant detailing. It is however noted that the Council's Highways Team would require further information to demonstrate vehicle tracking and visibility requirements can be met. These details could be controlled by way of appropriate planning conditions if planning permission were to be granted. The increase in vehicle movements would not lead to any material highway safety concerns subject to appropriate detailing and any

necessary off-site highway works which may be required at nearby junctions and neighbouring streets.

Character, Landscape, Heritage and Biodiversity

- 12.23 The proposal would lead to the loss of an area of ancient woodland approximately 800m² in area including the loss of circa 20 trees. This would be harmful to local character through the loss of visually attractive woodland. This would also be significantly harmful in biodiversity terms through the loss of a considerable area of woodland with a high habitat value. The woodland is UK BAP Priority Habitat, part of the Leeds Habitat Network and benefits from protection under Tree Preservation Order 1997/38.
- 12.24 The woodland is also designated as green space (alongside the wider woodland) within the Site Allocations Plan (Site reference G1703). Core Strategy policy G6 seeks to protect green space from development unless one of three criteria is met. The proposal wouldn't meet the first criteria given that there is a deficiency in natural green space and allotment typologies in this locality. The proposal wouldn't meet the second criteria as the green space area being lost is not proposed to be replaced by an area of at least equal size, accessibility, and quality in the same locality. However, the proposal has the potential to meet the third criteria by delivering wider planning benefits (including the provision of a second vehicular access point and those other benefits associated with the delivery of housing) and by delivering improvements to existing green space quality in the same locality (through proposed landscaping improvements to be secured through the phase 2 proposals).
- 12.25 The proposal would not impact on the setting of two existing scheduled ancient monuments (prehistoric 'Cup and Ring' marked stones) in the neighbouring woodland.

Residential Amenity

- 12.26 As is noted above the proposed creation of a second vehicular access will unavoidably lead to an increase in vehicle movements through neighbouring streets, including through Cookridge Drive. This will inevitably lead to additional impacts on residential amenity than exist at present including in relation noise and disturbance and will as a consequence impact on the amenity of local residents. This will introduce through traffic in to the adjacent stretch of Cookridge Drive for the first time.

Climate Change and Air Pollution

- 12.27 The proposal will lead to the loss of circa 20 trees at the site and other vegetation which currently assists in reducing carbon dioxide and absorbing other airborne pollutants. It is noted however that the wider phase 2 proposals will include the planting of 47 trees and a significant number of shrubs, hedging and other vegetation. It is thus considered that the proposal would be unlikely to have a net negative impact in these respects in the longer term.

Representations

- 12.28 As is summarised in section 6 of this report a number of representations have been received in relation to the application. All of those considerations raised, whether in support or expressed as a concern, which are relevant to the determination of the reserved matters application have been addressed in the above appraisal.

- 12.29 It is noted that a small number of other matters have been raised which do not form material planning considerations. As such weight has been afforded to these comments as appropriate in coming to overall conclusions.

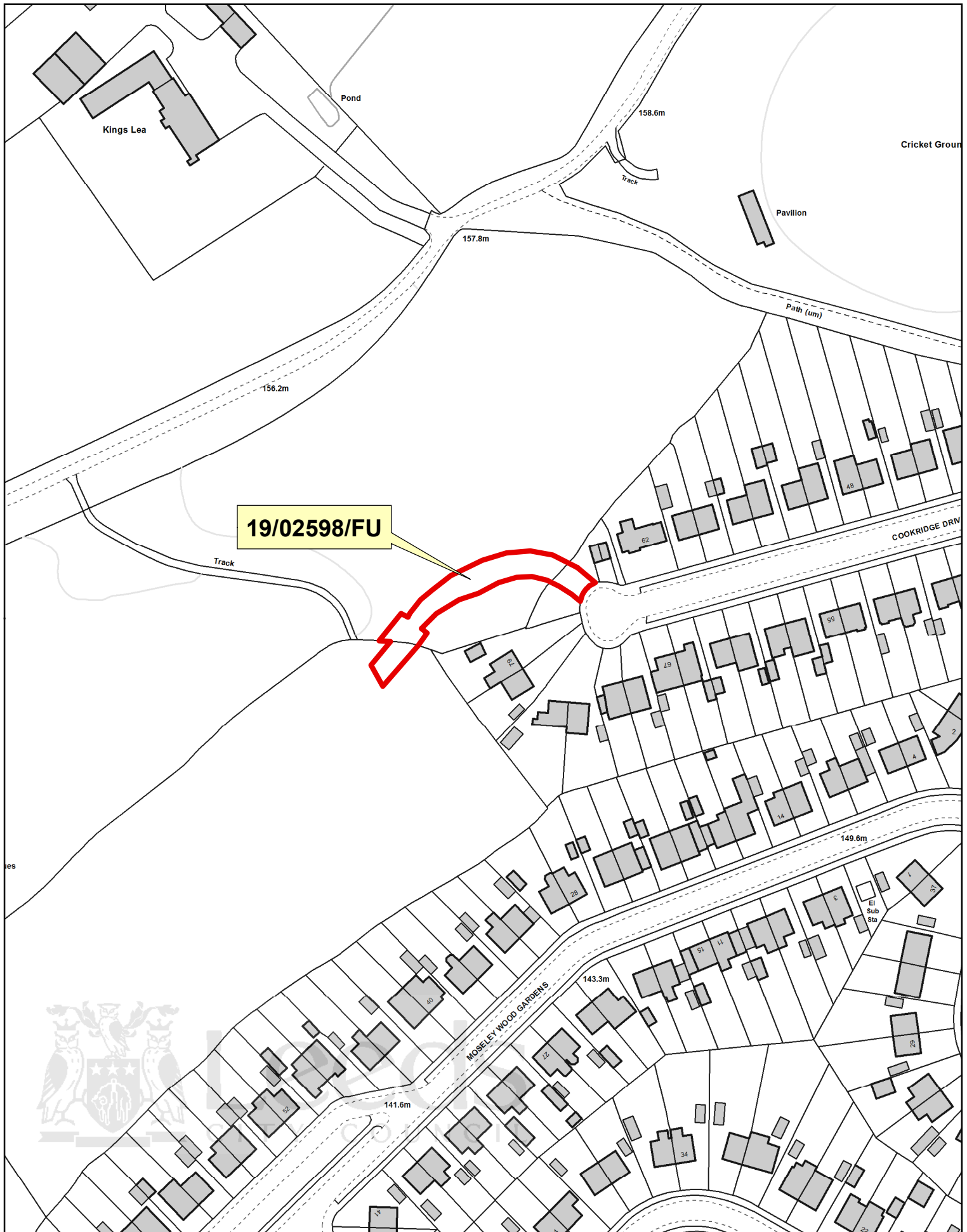
13.0 CONCLUSION

- 13.1 The application site is included within a wider site allocated for housing in the Council's Site Allocations Plan. In adopting the Plan the Council has set out that it considers the development of the wider site for housing to be acceptable in principle, subject to detailed planning considerations. The matter of vehicular access to the site is one such consideration.
- 13.2 One of the key questions at the wider housing site is the question of whether a second vehicular access would be needed to serve the wider development (i.e. phases 1 and 2 in combination). It is for the development management process, now that the principle of housing delivery at the phase 2 site has been accepted, to resolve this key question.
- 13.3 The cases both for and against the creation of a second vehicular access point to Cookridge Drive are set out in detail in this report. The planning history of the site is noted, as are the considered representations of interest parties including local ward members and local residents. After careful deliberation it is considered, weighing into consideration all of the relevant factors, that the phase 2 proposals being considered under planning application 19/02597/FU, and the wider development, would be satisfactorily served by the existing vehicular access point to Moseley Wood Rise. Such an approach would be in-keeping with the guidance as set out in the Council's Street Design Guide SPD, would address relevant accessibility considerations and would, significantly, avoid the loss of a considerable area of ecologically important ancient woodland amongst other factors.
- 13.4 The detailed layout of the new second vehicular access would be broadly acceptable, subject to appropriate detailing being agreed. The layout does not lead to any highway safety concerns and there are no such concerns in relation to the wider highway network, subject to any off-site highway works or junction improvements that may be required (the detailing of which would need to be agreed). The new vehicular access proposal will lead to additional trips by vehicles along Cookridge Drive and other nearby streets. Such an impact is an unavoidable consequence of a new housing development. However, it is not considered that the additional impacts on neighbouring amenity, including through noise and disturbance from traffic, would be so harmful so as to justify a planning refusal on these grounds.
- 13.5 It is not considered that the proposal would impact on the setting of two existing scheduled ancient monuments in the neighbouring woodland. It is also considered that the loss of trees and vegetation could be mitigated, in terms of climate change and air pollution impacts, through the wider tree and other planting proposed as part of the wider phase 2 proposal. It is also considered that the loss of a smaller part of the wider designated green space could be mitigated by the wider improvements proposed to green spaces proposed as part of the phase 2 proposals and justified when considered against Core Strategy policy G6 on this basis when viewed in light of the wider planning benefits of the proposals if a second vehicular access point were considered to be required.

- 13.6 However, the loss of a significant area of ancient woodland, including the loss of circa 20 trees and an important habitat for wildlife, would be harmful to local character and would be significantly harmful in biodiversity terms. In the latter respect the woodland is noted as UK BAP Priority Habitat, forms part of the Leeds Habitat Network and is protected by Tree Preservation Order.
- 13.7 The representations by local ward members, local residents and other interested parties have been considered and given appropriate weight. The applicant has also undertaken further public consultation at the request of the Council to seek views as appropriate.
- 13.8 In conclusion, the lack of a 'need' for the second vehicular access to make the phase 2 proposals acceptable in planning terms, weighs significantly against the proposal. The loss of ancient woodland alongside the trees, other vegetation and wildlife habitats which would result, would lead to significant harm in biodiversity terms and would also harm local character through the loss of visually attractive woodland. It is considered that these factors would outweigh those factors in favour of the proposal. As such it is considered, taking into account all the relevant material planning considerations, that the application should be recommended for a planning refusal for the reasons set out above.

Background Papers:

Certificate of Ownership – Taylor Wimpey Yorkshire



SOUTH AND WEST PLANS PANEL

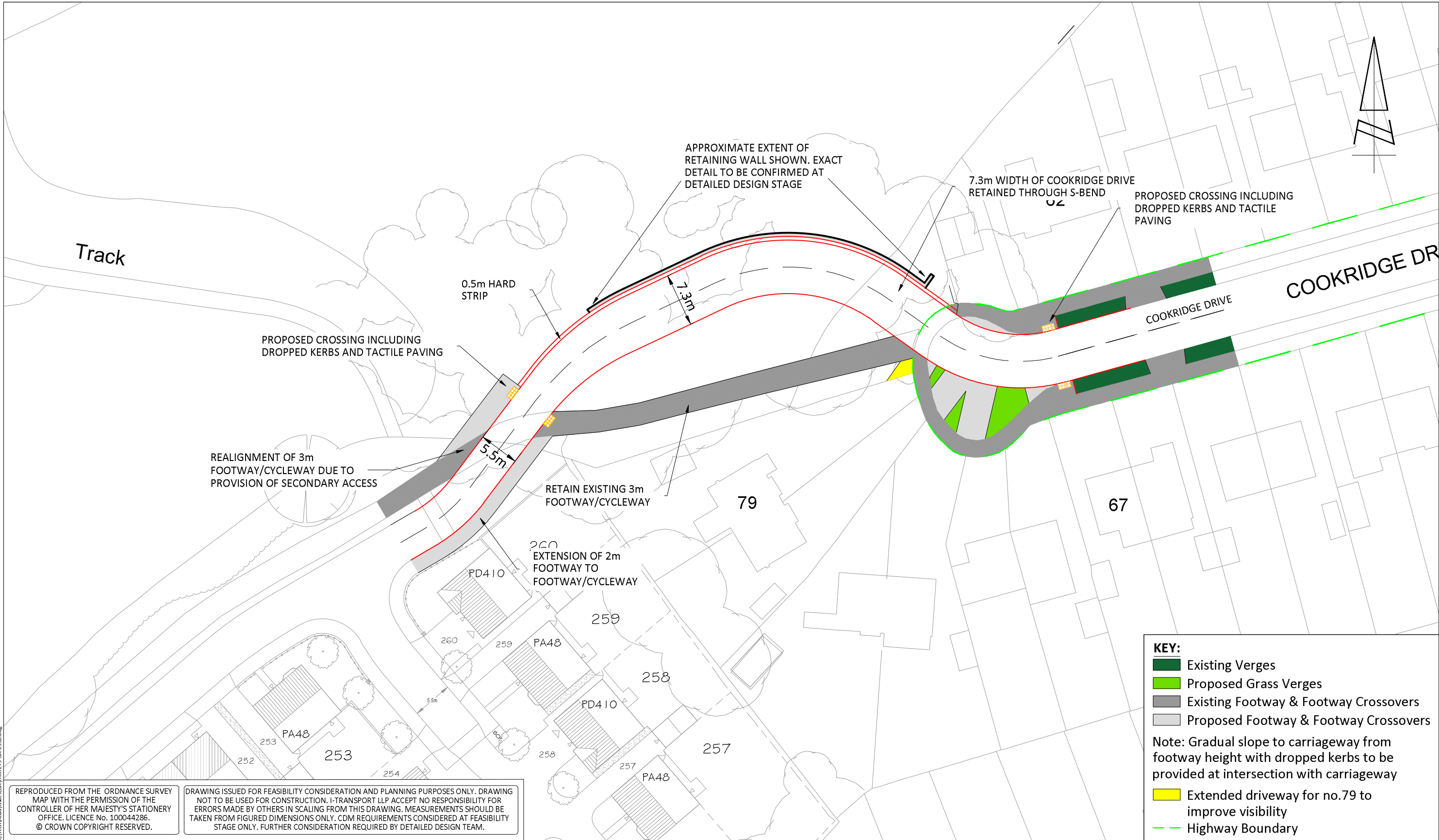
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STATUS: FOR INFORMATION

TITLE: PROPOSED SECONDARY ACCESS FROM COOKRIDGE DRIVE	
PROJECT: LAND AT MOSELEY WOOD GARDENS, COOKRIDGE	CLIENT: TAYLOR WIMPEY

SCALE @ A3: 1:500	CHECKED: VE	APPROVED: VE
FILE REF: ITM7279	DRAWN: JB	DATE: 17.08.18
DRAWING No: ITM7279-GA-053		REV: B
PROJECT No: ITM7279		



Originator: Laurence Hill

Tel: 3788036

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

13th February 2020

PREAPP/19/00257 - New 604 bed purpose built student accommodation and associated external works and landscaping at Carlton Hill, Sheepscar, Leeds, LS7 1JA

Applicant – B & B Pickard (Leeds) Ltd

Electoral Wards Affected:

Little London and Woodhouse

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: This report is brought to Plans Panel for information. The Developer will present the details of the proposed development to allow Members to consider and comment on the proposals at this stage.

1.0 Introduction

- 1.1 This presentation is intended to inform Members of the emerging proposals for the demolition of the existing student development at Carlton Hill and the construction of a multi-storey student residential accommodation development.

2.0 Site and surroundings

- 2.1 The development site sits to the north of the city centre and directly north of the Leeds Inner Ring Road.
- 2.2 The site is located adjacent to the intersection of the A58/ A64(M) inner ring road and the A660 Woodhouse Lane however the site does not have any direct vehicular access from either of these roads and is therefore detached from these busy thoroughfares. Vehicular access is via Clay Pit Lane and Carlton Gate to the east and the site has an existing pedestrian access to Woodhouse Lane.
- 2.2 The site is reasonably level and matches that of the surroundings, however due to the excavation of the inner ring road from some approaches the site appears

elevated. The north and south west boundaries contain dense vegetation and trees providing a buffer to the ring road to the south. To the north lies Blenheim Primary School, the adjacent playing field provides a large area of perceived green space directly next to the site. To the east lies Carlton Barracks which has history on the site dating back to 1865 and is one of the only recognisable features from the time before the construction of the inner ring road. This barracks now houses numerous military units.

- 2.3 The site also lies within the university zone with the University of Leeds, Leeds Beckett University and Leeds Arts University in close proximity. This area has seen significant development in recent years with a number of landmark projects including Broadcasting Place and Sky Plaza. All universities continue to expand and develop with numerous projects on site or in the planning in the immediate vicinity of the site.
- 2.4 The Site is not within a conservation area and is not in close proximity to any listed buildings though there are listed buildings such as the Parkinson Building located within the wider vicinity. There are a number of conservation areas within the vicinity of the site – namely Woodhouse Lane – University Precinct, Woodhouse – Blenheim Square and Central – Queens Square.

3.0 Proposals

- 3.1 The proposal is for purpose-built undergraduate accommodation in 6-bed and 8-bed cluster apartments with shared living spaces. The scheme provides 604 bedspaces within 4 interlinked blocks. Block A is 6 storeys and 138 beds, Block B is 8 storeys with 99 beds, Block C 11 Storeys and 132 beds and block D 15 storeys and 224 beds.
- 3.2 The design reuses the approximate footprint of the existing student accommodation scheme. The scheme layout preserves the existing tree cover to the site perimeter with an increase of greenspace by the creation of a large landscaped courtyard, increased public realm, introduction of sky gardens and roof terraces.
- 3.3 The scheme will enhance the public realm and pedestrian connections along the north of the site providing better access to the residents of Little London to the east.
- 3.4 The design is aimed at local, national and international undergraduate students with affordability in mind. The applicant states that the scheme is proposed to be an alternative to the high rent models used within some neighbouring developments.
- 3.5 The provision of affordable student accommodation is important to accommodate a wider diversity of occupants. The number of units is considered necessary to ensure affordable operations and accommodation to maintain and meet expected demand, and to support the delivery of Unipol's wider welfare agenda as required by the Universities.
- 3.6 The scheme includes an on-site management flat for 24 hour assistance.
- 3.7 The scheme has been subject to extensive negotiations with significant amendments being made to the design, scale and layout of the scheme. The overall height of the development has been reduced from 23 to 15 storeys with the entire existing site being now redeveloped to allow for the mass of the development to be moved south adjacent the Ring Road and City Centre away from the Blenheim Primary School

and Broadcasting Place. As part of the developer's presentation these changes will be explained in detail.

4.0 Relevant planning history

- 4.1 26/249/99/FU - 51 dwellings in 5 part three and part four storey blocks with car parking – Approved on 3rd July 2000.

5.0 Consultation responses

- 5.1 Highways Services– A transport assessment, a travel plan and a management plan for refuse collection and servicing arrangements and another for the start/end of term pick up/drop off will be required with any planning application.

The site is located in a fringe zone of Leeds City Centre, the Parking SPD identifies a maximum of 1:8 ratio of car parking spaces here. No parking is proposed for residents, this must be justified with a robust travel plan. Student residents would not be eligible for parking permits in the surrounding zone. Some parking for disabled residents and staff/maintenance requirements have been identified within the existing parking area of the site, these should be within the red line boundary if there for the proposed development.

The site has an existing pedestrian link to Woodhouse Lane leading to a controlled crossing and cycle/bus routes into Leeds City Centre and Universities. Pedestrian routes to this link need to be maintained within the site. Pedestrian routes to universities and onto Carlton Hill need to be investigated with any necessary improvement works identified. Clear pedestrian and cycle routes should be identified on the layout plan showing routes into and out of the site.

- 5.2 Flood Risk Management – The proposed development is located in Flood Zone 1 with no known flooding incidences at the site. Nevertheless, the finished floor levels should be raised above the adjacent road level. Any Flood Risk Assessment should therefore focus on the surface water drainage arrangements at the site.

A review of the BGS soils data identifies that the site is compatible for infiltration SuDS therefore following the surface water drainage hierarchy infiltration SuDS should be given priority when designing the surface water drainage.

Where infiltration is not considered viable, as the proposed development is classed as a Major development, the surface water runoff should revert back to the greenfield situation. Where this is shown not to be practical, FRM will allow a 50% reduction from the existing rate. The point of connection should be into the same drainage system the site currently drains to. A full drainage strategy should be provided with any further application. The surface water should be designed in accordance with our Minimum Development Control Standards for Flood Risk

FRM would like to see the use of above ground green SuDS, along with permeable paving on all hard standing areas considered within the final design where practicable.

A Pre Planning Sewer Enquiry should be submitted to Yorkshire Water and a copy of their response provided.

- 5.3 Contaminated Land Team - A minimum of a Phase 1 Desk Study Report will be required in support of the application. Depending on the outcome of the Phase 1 Desk Study, a Phase 2 Report and Remediation Statement may also be required.
- 5.4 LCC Environmental Studies (air quality) - Local air quality monitoring data indicate that air quality objective levels will not be exceeded at the development site, particularly if residential uses are confined to second floor level and above. As there appears to be no additional car parking associated with the development there should also be no adverse impact on air quality at other locations.
- 5.5 Landscaping - The site is surrounded by strategically important trees with high public amenity value. The protected trees on site should be retained in any layout with a min 5m clearance to the canopies (or RPA if greater) clearance for construction.

There are concerns about construction impacts to the west side as well where again it would appear not sufficient room has been allowed for construction

An Arboricultural Impact Assessment (AIA) is required. This must take account of drainage strategy/ services, anticipated level changes. Importantly a 5m construction standoff should be considered to any tree canopies (or RPAs whatever is greater).

- 5.6 Conservation - The proposal potential affects the setting of numerous heritage assets, including the Parkinson building, and this needs to be assessed through rectified views from agreed viewpoints

6.0 Policy

6.1 Development Plan

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making for this proposal, the Development Plan for Leeds currently comprises the following documents:

- The Leeds Core Strategy (Adopted November 2014) and Core Strategy Selective Review 2019
- Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
- The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) including revised policies Minerals 13 and 14 (Adopted September 2015).
- Site Allocation Plan (adopted 2019)

6.2 Leeds Core Strategy (CS)

- 6.2.1 The Core Strategy sets out the strategic level policies and vision to guide the delivery of development and the overall future of the district. Relevant Core Strategy policies include:

- Spatial Policy 1 prioritises the redevelopment of previously developed land in a way that respects and enhances the local character and identity of places and neighbourhoods.

- Spatial Policy 8 supports training/skills and job creation initiatives via planning agreements.
- Spatial Policy 11 includes a priority related to improved facilities for pedestrians to promote safety and accessibility and provision for people with impaired mobility.
- Policy H6B refers to proposals for purpose built student accommodation. Development will be controlled to take the pressure off the need to use private housing; to avoid the loss of existing housing suitable for families; to avoid excessive concentrations of student accommodation; to avoid locations that would lead to detrimental impacts on residential amenity; and to provide satisfactory living accommodation for the students.
- EC3 Safeguards existing employment land.
- Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and that development protects and enhance the district's historic assets in particular, historically and locally important buildings, skylines and views.
- Policy P11 states that the historic environment and its settings will be conserved, particularly those elements which help to give Leeds its distinct identity.
- Policy P12 states that landscapes, including their historical and cultural significance, will be conserved and enhanced.
- Policies T1 and T2 identify transport management and accessibility requirements to ensure new development is adequately served by highways and public transport, and with safe and secure access for pedestrians, cyclists and people with impaired mobility.
- Policy G9 states that development will need to demonstrate biodiversity improvements.
- Policies EN1 and EN2 set targets for CO² reduction and sustainable design and construction, and at least 10% low or zero carbon energy production on-site.

6.3 Saved Unitary Development Plan Review policies (UDPR)

6.3.1 Relevant Saved Policies include:

- Policy GP5 states that all relevant planning considerations are to be resolved.
- Policy BD2 requires that new buildings complement and enhance existing skylines, vistas and landmarks.
- Policy BD5 requires new buildings to consider both their own amenity and that of their surroundings including usable space, privacy and satisfactory daylight and sunlight.
- LD1 sets out criteria for landscape schemes.

6.4 Natural Resources & Waste Local Plan

6.4.1 The Natural Resources and Waste Local Plan sets out where land is needed to enable the City to manage resources, like minerals, waste and water and identifies specific actions which will help use the natural resources in a more efficient way.

6.4.2 Relevant policies include:

WATER 1 requires development to include measures to improve their overall water efficiency. WATER 2 seeks protection of water quality in areas adjacent to sensitive water bodies. WATER 4 requires the consideration of flood risk issues and WATER 6 requires flood risk assessments. WATER 7 requires development not to increase surface water run-off. LAND 1 requires consideration of land contamination issues.

LAND 2 seeks new tree planting as part of an enhanced public realm. AIR1 states that all applications for major development will be required to incorporate low emission measures to ensure that the overall impact of proposals on air quality is mitigated.

6.5 National Planning Policy Framework (NPPF) February 2019

6.5.1 Paragraph 108 states that appropriate opportunities to promote sustainable transport modes should be taken up; safe and suitable access provided for all users; and any significant impacts on the highway mitigated. Paragraph 110 states that priority should be given to pedestrian and cycle movements; the needs of people with disabilities and reduced mobility addressed; creation of safe, secure and attractive spaces; allow for the efficient delivery of goods; and be designed to enable use by sustainable vehicles.

6.5.2 Chapter 12 identifies the importance of well-designed places and the need for a consistent and high quality standard of design. Paragraph 127 states that decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.5.3 Paragraph 170 states that new and existing development should not be put at unacceptable risk or be adversely affected by unacceptable levels of soil, air, water or noise pollution.

6.5.4 Chapter 16 refers to the historic environment. Paragraph 192 states that local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be).” Paragraph 196 states that “Where a development proposal will lead to

less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

6.6 Supplementary planning guidance

- Accessible Leeds SPD
- Travel Plans SPD
- Tall Buildings SPD
- Building for Tomorrow Today: Sustainable Design and Construction SPD
- Neighbourhoods for Living SPG

Other material considerations

6.7 Core Strategy Selective Review (CSSR)

- 6.7.1 Paragraph 48 of the NPPF makes clear that the amount of weight given to relevant policies in emerging plans relates to a) how advanced the emerging plan is, b) the extent to which there are unresolved objections to relevant policies and c) the degree of consistency of those policies with the NPPF.
- 6.7.2 A selective review of the Leeds Core Strategy has been undertaken. Policy H9 in the CSSR expressly excludes purpose built student accommodation from the space standard a footnote to the policy states such development should reflect the NDSS with appropriate adjustments to address the particular characteristics of these types of development. They should also meet reasonable standards of general amenity for occupiers to include adequate space, light and ventilation. Further guidance will be provided through a Supplementary Planning Document in due course.
- 6.7.3 Paragraph 5.2.46 of the supporting text to policy H9 states that “Provision of reasonable space standards is still important for student accommodation, and this will need to be judged on a case by case basis, and via the application of any national standards that might be created in the future”.
- .

7.0 Issues

Members are asked to comment on the proposals and to consider the following matters:

7.1 Principle of the development

- 7.1.1 Policy H2 of the Core Strategy states that windfall sites will be acceptable in principle providing the number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development.
- 7.1.2 Policy H6B relates specifically to the provision of student housing. It has been established that there are approximately 38,000 university students in the city presently without access to purpose-built student accommodation suggesting that additional provision of such accommodation is unlikely to result in an over-supply of purpose-built student accommodation in the near future. Leeds Core Strategy paragraph 5.2.26 states that growth in new purpose built student accommodation is

to be welcomed in order to meet need and to deflect pressure away from private rented houses in areas of over-concentration.

- 7.1.3 The proposal is considered against the criteria set out below within the adopted policy H6B (identified in italics):

(i) *To help extend the supply of student accommodation taking pressure off the need for private housing to be used.*

The provision of approximately 604 student bedspaces would help to take reduce the need to use private housing for student accommodation.

(ii) *To avoid the loss of existing housing suitable for family accommodation.*

The existing site is a student development and therefore its redevelopment would not involve any loss of existing housing and would avoid the loss of residential family accommodation.

(iv) *To avoid locations which are not easily accessible to the universities.*

The site is located adjacent to the City Centre and is well-placed with regard to access to Leeds Beckett University, the Leeds University of Arts and the University of Leeds along Woodhouse Lane. As such the site easily accessible to the various University campuses.

Criteria (iii) and (v) of policy H6B are considered in the amenity section, at paragraph 7.2 below.

- 7.1.4 **Do Members consider that the proposed use of the site for student accommodation is acceptable in principle?**

7.2 Amenity considerations

- 7.2.1 Criteria (iii) of Core Strategy policy H6B aims *to avoid excessive concentrations of student accommodation which would undermine the balance and wellbeing of communities.*

- 7.2.2 Largely due to its proximity both to the universities and also the city centre the area is a focus for new purpose-built student accommodation, adding to that existing nearby at Blenheim Court Arena Village; Sky Plaza, on the west side of Clay Pit Lane, and Havana Residence on Cookridge Street and the various schemes in development and with extant permissions within the City Centre. The proposed student accommodation would provide an additional 604 bedspaces.

- 7.2.3 The impact on local residents from an additional large scale student development and whether the development would result in an excessive concentration of students which would undermine the balance and wellbeing of the area needs to be considered

- 7.2.4 Criteria (v) of policy H6B requires that *the proposed accommodation provides satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms.*

- 7.2.5 Policy H9 in the CSSR expressly excludes purpose built student accommodation from the space standard a footnote to the policy states such development should reflect the Nationally Described Space Standard with appropriate adjustments to address the particular characteristics of these types of development. They should also meet reasonable standards of general amenity for occupiers to include adequate space, light and ventilation. Paragraph 5.2.46 of the supporting text to policy H9 states that “Provision of reasonable space standards is still important for student accommodation, and this will need to be judged on a case by case basis, and via the application of any national standards that might be created in the future”.
- 7.2.6 The Leeds Standard set a minimum target of 37sqm for a self-contained studio flat. This standard closely reflects the NDSS which seeks to promote a good standard of internal amenity for all housing types and tenures. No distinction is drawn within these documents between open market and student accommodation.
- 7.2.7 In addition, Core Strategy Policy P10 and Saved UDPR Policies BD5 and GP5 also provide more general requirements that development should contribute positively towards quality of life and provide a reasonable level of amenity and useable space. The assessment of amenity is also a wider consideration of qualitative factors including arrangement and separation of living functions (general living, sleeping, studying, eating, cooking, food preparation, storage and circulation), usable shape, outlook, privacy and external amenity space.
- 7.2.8 The format of the proposed scheme is one of 6 or 8 bedroom cluster flats with each flat having a communal kitchen and living area. The typical ensuite bedroom will be 16m² and communal living space being between 35 and 65m². All rooms will have an appropriate level of outlook and the layout of the scheme will ensure all rooms will also have an appropriate level of privacy. In addition to the communal space within the flats the scheme provides an additional 550m² of communal space for all occupants.
- 7.2.9 The scheme also proposes 2,190m² of communal greenspace made up of the courtyard and roof gardens. In addition 1,600m² of public open space is to be provided. A further 1,00m² of non-usable buffer landscaping is to be retained and maintained.
- 7.2.10 Core Strategy Policy G4 requires 18sqm of greenspace per student bedspace. As such, in addition to the proposed onsite provision a commuted sum will be required for additional offsite provision to ensure the requirements of G4 are satisfied. This sum would normally need to be targeted towards an identified scheme for new public space or improvements to existing provision which will directly benefit occupants of the scheme and nearby residents.
- 7.2.11 As the site is close to the A64(M) Inner Ring Road it is likely that internal noise levels could be unsatisfactory if glazing and ventilation are not designed to respond to the ambient noise levels. The use of acoustic glazing with a whole-building ventilation system could overcome these concerns. Local air quality monitoring data indicate that air quality objective levels will not be exceeded at the development site such that the occupiers of the development would experience acceptable air quality conditions.

7.2.12 Do Members consider that the living conditions within the student accommodation would be acceptable?

7.3 Townscape considerations

7.3.1 Any new development must also provide good design that is appropriate to its location, scale and function (Core Strategy Policy P10). Part (i) of the policy states that the size, scale, design and layout should be appropriate to its context and the development should protect and enhance skylines and views (ii). These policies accord with guidance in the NPPF which requires that development establishes a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; to respond to local character and history; and to reflect the identity of local surroundings.

7.3.2 The existing site comprises of 4 four storey student accommodation blocks constructed in the early 2000s. These low-rise buildings do not contribute significantly to the character of the area though their relative low rise stature is such that they are not prominent buildings within the street scape. It is considered that their loss as part of the redevelopment of the site will not be detrimental to local character subject to the replacement building being of appropriate scale and design.

7.3.3 The proposed development will have a similar scale footprint as the existing development though clearly have a significant increase in height and mass. The proposal includes 4 interlinked blocks ranging from 15 storeys on the southern extent of the site adjacent to the Inner Ring Road stepping down to 11, 8 and 6 storeys as the scheme moves away from the City Centre towards the adjacent Primary School. This form attempts to provide an appropriate transition from the City Centre whereby the 15 storey element reflects and responds to the height of the Unite Sky Plaza building located on the southern side of the Ring Road to the lower scale residential development to the north of the Ring Road. The form of the development also seeks to provide appropriate separation to the nearby Broadcasting Place development which is considered to be an important landmark building such that the development will not compete or detract from the design or setting of this building. As part of their presentation the developer will discuss the detailed design, fenestration treatment and materials proposed.

7.3.4 With specific reference to Blenheim Primary School, the design of the scheme has evolved to move the mass of the development away from the school and playing fields. The nearest block to the school is now 6 storeys and is a similar scale to the existing student block.

7.3.5 The height and scale of the scheme is such that it will be visible from a wider number of vantage from the City Centre and surrounds. It is important as well as sitting within its immediate surrounds consideration is given to the impact on views of important buildings and landmarks. In this case the development has the potential to impact on views of the Parkinson Building and nearby listed churches to the north of the site. The developer will provide visuals of a range of views in order for these impacts to be fully considered.

7.3.5 Do Members consider that the proposed mass and form of the development and its relationship with the surrounding context is acceptable?

7.4 Transportation and accessibility

- 7.4.1 The site is located in a highly sustainable location close to the many amenities offered by the adjacent City Centre and is readily accessible by a range of modes of transport. The development itself would be predominantly car-free, with a small number of spaces provided to be utilised for servicing the development. The spaces would also be available for student drop off and pick up at start and end of term time, their provision and use controlled by a management plan. A detailed servicing strategy needs to be developed and agreed.
- 7.4.2 Bike store areas for the development are proposed within the ground floor of the development. The cycling facilities would form a key element of the Travel Plan which will be submitted with the planning application.
- 7.4.3 The development, accommodating 604 students, will result in additional pedestrian and cycling movements to and from the universities and the City Centre, placing greater demands on existing and proposed highway crossings and footways along the route. The proposal includes measure to improve the capacity and appearance of the existing pedestrian access from the site onto Woodhouse Lane together with improvements to the permeability of the site allowing better and greater pedestrian access through the site to the residential area to the east. However, notwithstanding these improvements, there are some concerns regarding the capacity of the pedestrian routes particularly given the adjacent Ring Road and slip road limits wider pedestrian movement. As a consideration should be given to whether a scheme or developer contribution towards the improvement of the pedestrian environment in the area beyond the site boundary to accord with Core Strategy policies P10 and T2 is necessary. These measures could include improving the capacity of the nearby pedestrian crossings and widening of nearby footways.
- 7.4.4 **Do Members consider that the development should deliver improvements to the pedestrian environment in the area beyond the immediate periphery of the site?**

7.5 Trees and Landscaping

- 7.5.1 The existing site benefits from a mature tree belt on the western and northern boundaries. This provides important screening to the site and adjacent Blenheim Primary School in addition to soft landscaping in this heavily built edge of City Centre location. The layout proposed ensures that this tree belt is to be retained and where necessary enhance with further planting. Appropriate tree protection details and landscaping details will be required as part of any full application to ensure the trees are protected during construction and appropriately managed and maintained as part of the overall management of the development

7.6 Wind

- 7.6.1 Due to the height of the building the applicant is mindful of the potential impact of the development on the local wind environment and will appoint a wind consultant to fully test the wind impact as the next stage of the design process. The findings of the assessment will be contained within a wind impact assessment which will be submitted with the planning application. Upon receipt of a wind study the Council will appoint their own experts to peer review the report's findings.

7.7 Sustainability

7.7.1 The Core Strategy climate change policies are designed so that new development contributes to carbon reduction targets. Policy EN1 is flexible, allowing developers to choose the most appropriate and cost effective carbon reduction solution for their site. Major developments also need to meet the BREEAM Excellent standard if feasible (EN2). Where technically viable, appropriate for the development, and in areas with sufficient existing or potential heat density, major developments should propose heating systems, potentially connecting to the emerging district heating network (EN4(i)). At this stage of the design process detailed information regarding sustainability measures is not available but, as the scheme progresses, will be integrated into the detailed design.

7.8 Conclusion

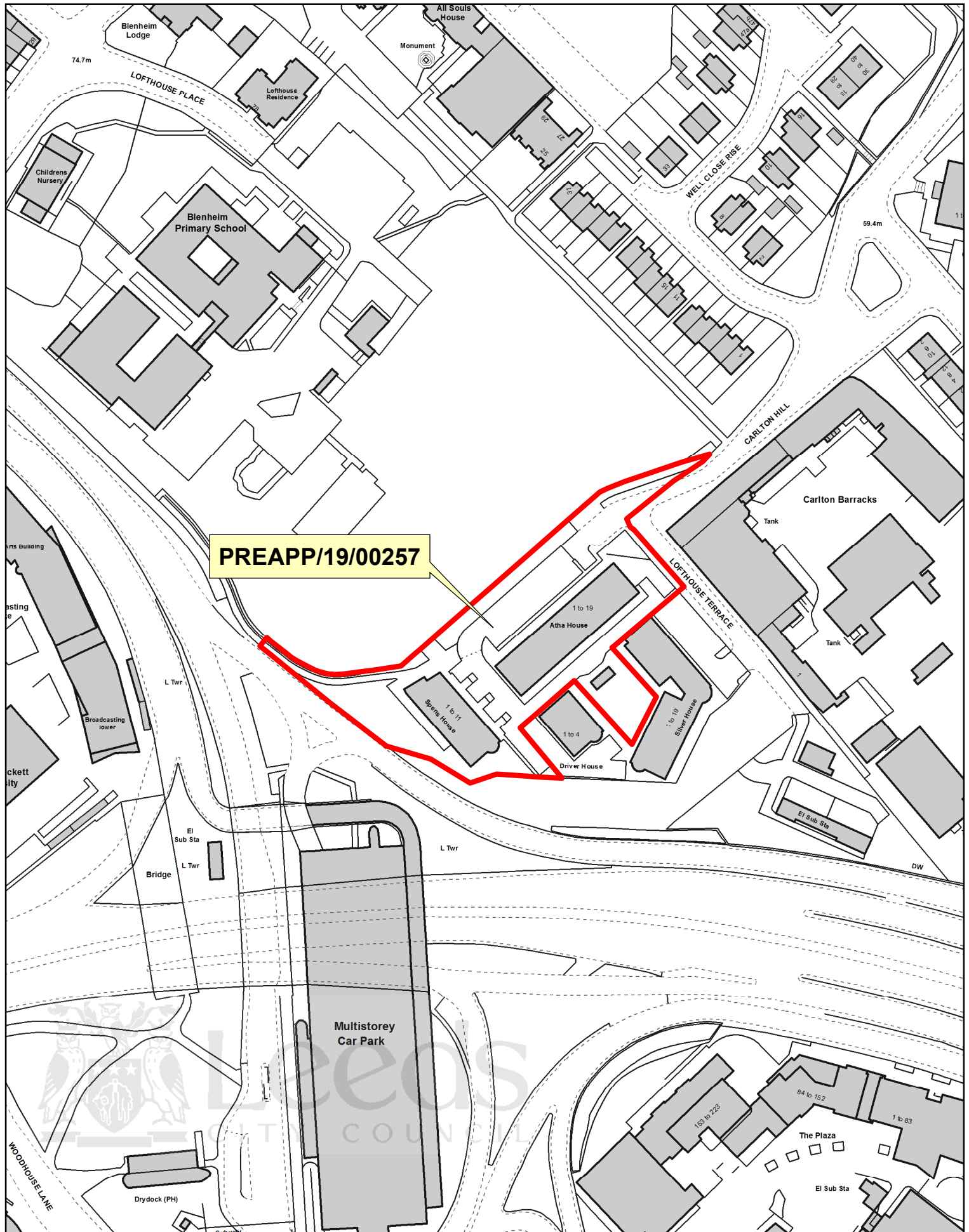
7.8.1 Members are asked to note the contents of the report and the presentation, and are invited to provide feedback, in particular, on the issues outlined below:

Do Members consider that the proposed use of the site for student accommodation is acceptable in principle?

Members consider that the living conditions within the student accommodation would be acceptable?

Do Members consider that the proposed mass and form of the development and its relationship with the surrounding context is acceptable?

Do Members consider that the development should deliver improvements to the pedestrian environment in the area beyond the immediate periphery of the site?



SOUTH AND WEST PLANS PANEL

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Originator Jonathan Carr

Tel: 0113 3789480

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 13th February 2020

Subject: PREAPP/19/00645 - Pre-application presentation for Residential Development, Land East of Carlton Gate and North of Clay Pit Lane.

Applicant: Engie Ltd.

Electoral Wards Affected:

Little London & Woodhouse

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: This report is brought to Panel for information. The applicant will be asked to present the emerging scheme to allow Members to consider and comment on the proposals.

1.0 Introduction:

- 1.1 This pre-application presentation relates to a council owned site for a proposed major residential development of 128 apartments. The site is subject to a current appeal against the non- determination of an application for 151 apartments on the same site. Members may recall that at the meeting on 5th December 2019, Panel set out its concerns with that proposal, to inform the Council's appeal statement. The applicant is now seeking initial views on a reduced scheme as an alternative to pursuing the proposal that is subject to the appeal. The pre-application enquiry presentation to Panel is therefore being made an early stage in view of the timescales for the appeal.

2.0 Site and Surroundings:

- 2.1 The site lies adjacent to Clay Pit Lane on the edge of the city centre which forms the southern boundary. To the west lies housing and Carlton Barracks and to the east Lovell Park Road. To the north lies further housing and apartment blocks. To the south of the site is an embankment which contains mature trees and buffer planting adjacent to Clay Pit Lane. The site is an irregular shape and slopes from west to

east. The site comprises of brownfield and greenfield land. This site, and the wider area, was previously developed and contained tower blocks and a number of maisonettes which were demolished and cleared in preparation for redevelopment and regeneration of the area.

- 2.2 The housing in this area has been recently constructed as part of a wider PFI regeneration Programme aimed at improving the quality of housing provision and tackling issues of poor economic investment and social and environmental deprivation.
- 2.3 The initial PFI Programme included proposals for the development of this site consisting of private and social housing offering a mixed tenure approach to regeneration and to support the longer term sustainability of the area. Following the down turn of the market, at that time, the original scheme was scaled down to take account of this market change. Part of this pre-application site was set aside until market conditions improved and was laid out as temporary open space.

3.0 Proposal

- 3.1 The proposal is for a total of 128 apartments. Detailed internal drawings have not been submitted but the flat sizes would need to satisfy, as a minimum requirement, the Leeds Standard and the Nationally Described Space Standard of:
- 1 person 1 bed apartment – 44m²
 - 3 person 2 bed apartment – 67m²
 - 4 person 3 bed apartment – 79m²
- 3.2 The scheme comprises of one rectangular shaped tower block, 'end-on' to the Primrose Circus roundabout. The closest element to the roundabout would be 7 storeys in height, rising to 17 storeys and then falling to 14 storeys closer to Clay Pit Lane. The proposal includes 2 disabled bays both with electric vehicle charging points, and 3 drop off bays.
- 3.3 The orientation of the building and the 36% reduction in the footprint, together with reduction of parking to a minimum, allows for retention of 50% of the bund and 26 trees, such that tree loss is reduced to 28. Replacement would be at a minimum of 3 for each lost, with 2/3 of new trees being planted on site.

4.0 Relevant Planning History and History of Negotiations

- 4.1 Outline planning permission was granted in 2008 under ref 08/02857/LA. The application was varied under ref 10/02792/LA and, as described above, as part of a number of variations to the original planning permission, this site was removed from the development. The original design and access statement did however show a general layout proposal for this site with a development providing an urban townscape overlooking and framing a central crescent of public open space. The blocks were drawn in a circular form and ranged in scale gradually stepping down the slope of the site. The initial layout showed the landscape buffer facing Clay Pit Lane retained and enhanced.
- 4.2 Following a pre-application submission and lengthy discussions including a Panel presentation in June 2018, a full application (18/07930/FU) was submitted in January 2019 for residential development of 151 dwellings with community use area, café, gym, residents lounge, outdoor amenity area and roof terraces, A Position Statement

was presented to the Panel in August 2019 when a number of concerns had been raised by the Panel. These included visual harm, loss of the mound and trees, scale and design of the proposals, impact on residential amenity and lack of affordable housing. Following the August 2019 Panel, the applicant lodged an appeal against the non-determination of the application. At Panel on 5h December 2019, it was resolved that officers make representations on the appeal on the following grounds:-

1. The development would lead to the complete loss of an extensive mound and landscaped area which will lead to the loss of mature trees and part of the city's green infrastructure, to the detriment of the visual amenity and biodiversity of the area.
2. The proposed development would appear overly dominant and represent a cramped, poor and unsympathetic form of development which is at odds with the general character of the immediate locality of Little London by reason of its siting, excessive height and massing in relation to context.
3. The proposed development would result in the extensive loss of mature trees in a heavily trafficked location and adjacent to a recognised air quality management area. It is considered that the loss of trees, which positively contribute to the sustainability of the area by storing carbon in their biomass, would be harmful to climate change and the health and wellbeing of surrounding residents
4. the absence of an agreed wind assessment, including wind velocity patterns and convergence patterns, the LPA are concerned that the development will have a detrimental effect on the surrounding microclimate which would be harmful to general public safety and highway safety
5. The proposed affordable housing model, to be delivered as a build to rent scheme, fails to provide the 20% benchmark provision of affordable units in perpetuity, contrary to the policy requirement.

- 4.3 At that panel, members asked that the applicant be informed that they were willing to continue further negotiations with regard to the development of the site. In response, this current pre – application enquiry has been submitted and validated very recently to gauge members' views prior to the determination of the appeal. It has not yet therefore subject to consultation.

5.0 Relevant Planning Policies

5.1 The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. Now that the Core Strategy has been adopted, this can now be given full weight as part of the statutory Development Plan for Leeds. For the purposes of decision making, the Development Plan for Leeds currently comprises the following documents:

1. The Leeds Core Strategy (Adopted November 2014)
2. Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)
4. Any Neighbourhood Plan, once Adopted

These development plan policies are supplemented by supplementary planning guidance and documents.

5.2 Leeds Core Strategy

The 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 most relevant policies are set out in the paragraphs below:

- Spatial Policy 7 – Sets out the spatial distribution of the district wide housing requirement between Housing Market Characteristic Area.
- Policy H3 Density of development. A minimum density target of 65 dwellings per hectare is set for edge of centre locations.
- Policy H4 says that developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long-term taking into account the nature of the development and character of the location.
- Policy H5 Affordable Housing. The affordable housing requirement would be 5% of the total number of units, with 40% for households on lower quartile earnings and 60% for households on lower decile earnings
- Policy G4 Greenspace provision - Outside the City Centre the normal requirement is 80 sqm per dwelling. The delivery of a proportionate amount of open space per dwelling, both private and shared communal, and the provision of public realm, is important and is currently being discussed with the developer. Contribution to specific off-site greenspace enhancements to mitigate a shortfall on-site may be required.
- Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and enhancing existing landscapes and spaces.
- Policy P12 states that landscapes will be conserved and enhanced.
- Policies T1 and T2 identify transport management and accessibility requirements for new development.
- Policies EN1 and EN2 set out the sustainable construction and on-going sustainability measures for new development. In this case, a 20% improvement on building regulations and at least 10% low or zero carbon energy generation on-site is required.
- Policy ID2 Planning obligations and developer contributions

5.3 **Leeds Unitary Development Plan Review 2006 (UDPR) Saved Policies**

The site lies on the edge of the City Centre. The site is not allocated as greenspace in the Saved UDPR. Saved policies that are relevant to this scheme are:

GP5 all relevant planning considerations

BD2 new buildings

LD1 landscaping

5.4 **Leeds Natural Resources and Waste DPD 2013**

The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. Policies regarding sustainable drainage, land contamination, coal risk and recovery, air quality and trees are relevant to this scheme.

5.5 **Relevant Supplementary Planning Documents/Guidance includes:**

SPG Neighbourhoods for Living

SPD Building for Tomorrow Today: Sustainable Design and Construction

SPD Street Design Guide

SPD Parking

SPD Travel Plans

5.6 **National Planning Policy Framework (NPPF)**

The NPPF sets out the Governments planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so. It states that planning should proactively support sustainable economic development and seek to secure high quality design. It encourages the effective use of land and achieves standards of amenity for all existing and future occupiers of land and buildings. One of the core principles is the reuse of land that has previously been developed. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF states that local authorities should deliver a wide choice of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraph 50).

- 5.7 The NPPF also considers the importance of promoting sustainable patterns of travel, including public transport. The Government attaches great importance to the design of the built environment. Section 7 (paragraphs 56-66) states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality.

5.8 Other Material Considerations

5.9 The Leeds Standard and the Nationally Described Space Standard

The Leeds Standard was adopted by the Council's Executive Board on 17th September 2014 to ensure excellent quality in the delivery of new council homes. Through its actions the Council can also seek to influence quality in the private sector. Those aspects of the Standard concerned with design quality will be addressed through better and more consistent application of the Council's Neighbourhoods for Living guidance. This standard closely reflects the Government's Technical Housing Standards – Nationally Described Space Standard which seeks to promote a good standard of internal amenity for all housing types and tenures. Whilst neither of these documents has been adopted as formal planning policy and only limited weight can be attached to them, given their evidence base in determining the minimum space requirements, they are currently used to help inform decisions on the acceptability of development proposals.

6.0 KEY ISSUES

6.1 Principle of use and design concept

- 6.2 The principle of development has already been established following the granting of an outline planning permission for residential development. However the bund and landscaping together with its mature tree cover has since become more established.

- 6.3 The proposals is again for a tall structure, up to a maximum of 17 storeys in the central section. In terms of context, there are tall buildings in the area; these are on sites on the other side of Clay Pit Lane and Lovell Park Road. Any development on this site could be seen as requiring a transition development between those taller buildings and the generally lower buildings of the immediate context across Primrose Circus. Equally, across the site there are substantial changes in levels and at the lowest point this presents an opportunity to accommodate a tall building, with a lower form and less massing stepping down.

- 6.4 The developer states that the reduced number of units and smaller footprint would increase the speed of delivery of the scheme and that prefabricated building elements would be employed to reduce noise and other disturbance to existing residents. From

further work since the submission of the appeal, the developer is confident that it will be demonstrated that the wind related impacts of the development will be shown to be acceptable

- 6.5 The submissions states that the building would comply with Core Strategy Policies H9 an H10 regarding space standards and accessible dwellings, and would be compliant with the emerging new Part M (Access and use of Dwellings) of the Building Regulations
- 6.6 Any application would again need to be supported by noise and air quality reports to demonstrate the provision of adequate amenity for future residential occupiers, and these documents would need to set out measures to mitigate any identified environmental issues, such as high specification double or triple glazing systems and appropriately filtered mechanical ventilation systems.
- 6.7 **Members' Views are sought on the principle of the development and the emerging design concept**
- 6.8 **Affordable Housing and Housing Mix**
- 6.9 The developer states that as accepted by the District Valuer, the scheme would not deliver anywhere close to what would normally be considered an acceptable level of developer profit. The collaboration between Engie and the Home Group would allow for a significantly lower return. The revised scheme proposed is however stated to be at the lowest number of units to still ensure that the scheme could be delivered.
- 6.10 The affordable housing policy requirement on this site is 5%. The prospective applicant is proposing a 'flexi rent model'. The flexi-rent scheme would provide an identical specification and service for all apartments. The total rent for the scheme would be linked to inflation, while the percentage of discounted versus full price apartments within the scheme would vary to account for changes in open market rents and affordability.
- 6.11 On this basis it is proposed that the development will initially provide 20% of the apartments as Affordable Homes (circa 24 units), operated under the Flexible Rent mechanism at discounted market rent, of which 7.5% of the apartments will be let in perpetuity as Affordable Housing, which is above policy requirements. The total at discount market rent would potentially rise to 50% in line with market forecasting. The affordable homes would be pepper-potted across the scheme, which would be and managed as one community alongside the market rented apartments.
- 6.12 All of the Affordable Housing units would be let at Affordable Rents, capped at 80% of the market rent of other comparable rented properties in the area but not to the policy compliant Lower Decile / Lower Quartile earning levels. Members have previously approved this type of rental product on other Affordable Housing units secured in PRS / Build to Rent schemes.
- 6.13 The develop would offer the council Nomination Rights on first and subsequent lets which will be secured via a Nomination Agreement and Local Lettings Policy (LLP). The proposed LLP intends to give preference to economically active households, keyworkers, Emergency Service and Armed Forces Personnel, city centre workers and other eligible households. The LLP will be operated and manged by Housing Leeds who have been consulted and are comfortable with this proposal.

- 6.14 Developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long term taking into account the nature of the development and character of the location. This should include the need to make provision for Independent Living (see Policy H8).
- 6.15 The proposed development is 100% Flats. Paragraph 5.2.11 of the Core Strategy states:-
 '....The form of development and character of area should be taken into account too. For example, a scheme of 100% flats may be appropriate in a particular urban context...'
- 6.16 The view previously expressed was that a fully flatted scheme was appropriate in this location. The new proposal is for a mix of 10% studios, 50% 1 bedroomed, 28% 2 bedroomed and 12% 3 bedroomed apartments. The proposal would therefore conform to the requirements of Table H4 of the Core Strategy Policy

Table H4: Preferred Housing Mix (2012 – 2028)			
Type*	Max %	Min %	Target %
Houses	90	50	75
Flats	50	10	25
Size*	Max %	Min %	Target %
1 bed	50	0	10
2 bed	80	30	50
3 bed	70	20	30
4 bed+	50	0	10

6.17 Members' Views are sought on the proposed affordable housing arrangements

6.18 Greenspace, Public Realm and Trees

- 6.19 The developer has sought to address the concerns expressed regarding the previous scheme by reorienting and reducing the footprint of the building, so as to retain a significant element of the landscaped bund and trees. This area would be managed area and would provide a usable, overlooked area of open space. The formal opening up of this space for public use would provide a local benefit. Part of the bund would still need to be removed to provide the developable area, with a 45 degree slope or 'batter' provided down to the building level. The layout plan shows a total of 28 trees to be removed. Of those, one category U (in a condition unsuitable for retention) tree is within the new building footprint, and 3 other category U trees would be removed to accommodate new tree planting.
- 6.20 Core Strategy Policy G4 requires that 80 square metres of greenspace is provided per dwelling in this location, and as such (although much reduced) there would potentially still be a shortfall in on site on-site greenspace provision. This would lead to a commuted sum requirement based on the level of accommodation. This sum would normally need to be targeted towards an identified scheme for new public space or improvements to existing provision.
- 6.21 Do members have any comments on the revised proposal in relation to public realm, the landscaped mound and trees?**
- 6.22 Highways and Transportation**

6.23 To minimise the use of the landscaped area and to address sustainability issues, the developer proposes 2 disabled parking bays and 3 drop off bays, in a layby formation in front of the proposed building and along the outer edge of the Primrose Circus. Part of the work undertaken in regenerating the area under the PFI scheme was intended to address parking issues in the area, including through improved parking for residents in existing accommodation and provision of parking for the new development at a level agreed through extensive surveys. These surveys led to a figure of 0.7 spaces per unit based on existing car ownership averages in the area. Significant TROs and traffic calming measures were introduced to prevent commuter parking and to control parking that was occurring as a result of arena events. Given the time since that work was undertaken, and the greater emphasis placed upon the need to reduce reliance on the private car, the survey work should be revisited if a reduction from the previously agreed figure is to be considered.

6.24 A Transport Statement and Travel Plan would be required with any application to demonstrate the accessibility options available at the site and how the lack of car parking provision at the development .would be addressed

6.25 The developer states that appropriate levels of cycle storage would be provided within the building.

6.26 Climate Change Emergency Considerations

6.27 The submission indicates that the scheme would be fully compliant with Core Strategy Policies EN1 and EN2, with the scheme utilising electricity from 100% renewable sources. The developer states the building would be BREAM excellent. Car parking would be minimum, with the disabled spaces including EV charging points], and cycle stage integral with the building.

6.28 The revised scheme does still propose tree loss at the site. A minimum of 3:1 for replacing is proposed to comply with the Council policy. The loss of the mound and trees to be considered in the context of the previous outline approval for development of the site and the social economic and regeneration benefits of the development

6.29 Do Members have any initial comments in relation to noise, climate emergency and social-economic benefits?

6.30 Planning obligations and Community Infrastructure Levy (CIL)

6.31 If acceptable, likely Section 106 agreement obligations would be:

- 7.5% affordable housing on-site with a pro-rata mix of units
- On-site publicly accessible greenspace
- Off-site greenspace contribution
- Sustainable Travel Fund
- Travel plan monitoring fee
- Cooperation with local jobs and skill initiatives

6.32 CIL charging is applicable and based on the floorspace provided.

6.33 If the developer does not consider the scheme can be delivered whilst meet all of the normal planning obligation requirements, a viability appraisal would be required to be submitted in support of their case to justify this position. In these circumstances the report will need to be independently assessed on behalf of the council by the District

Valuer. The findings of any such assessment would be presented to Members in due course.

7.0 Conclusion

7.1 This revised proposal seeks to address Members' concerns regarding the previous proposal by reducing the footprint of the building to reduce the extent of loss of the landscaped mound and trees at the site. The scheme also reduces the level of parking on site. The dominance along the frontage of the Primrose Circus has been reduced by orienting the building end-on the roundabout, although further into the site the development still rises to a similar height as the previous scheme.

7.2 Members are respectfully asked to provide responses to the questions as set out in the report:

6.7 Members' Views are sought on the principle of the development and the emerging design concept

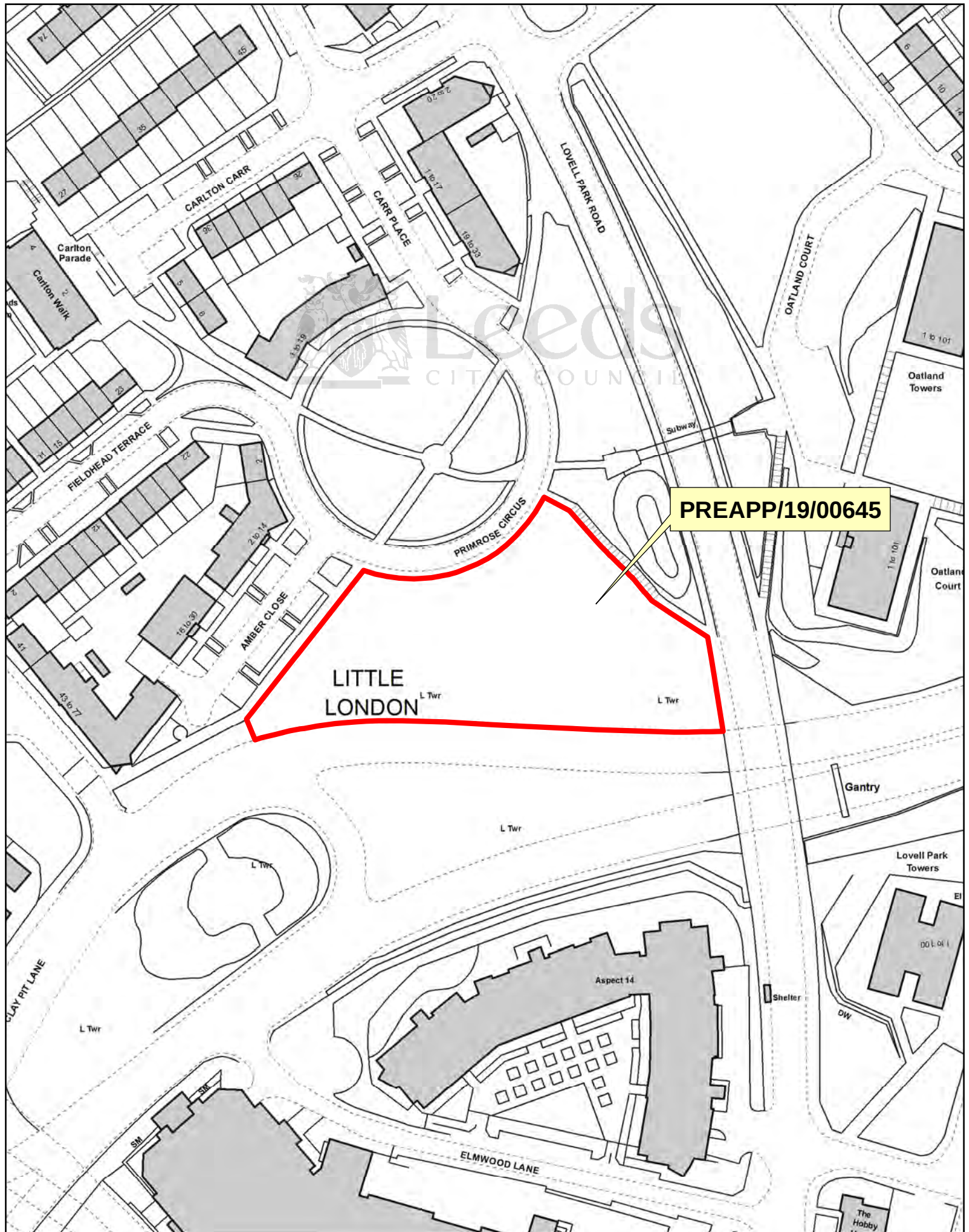
6.17 Members' Views are sought on the proposed affordable housing arrangements

6.21 Do members have any comments on the revised proposal in relation to public realm, the landscaped mound and trees?

6.29 Do Members have any initial comments in relation to climate emergency and social-economic benefits?

Background Papers:

Pre-application file: PREAPP/19/00645



SOUTH AND WEST PLANS PANEL

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