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**Agenda Item 7 – Application 13/03051/OT – Spofforth Hill, Wetherby**

**Addendum report**

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**Report of the Chief Planning Officer**

**CITY PLANS PANEL**

**Date: 18<sup>th</sup> September 2014**

**Subject: APPLICATION 13/03051/OT - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 325 DWELLINGS, ACCESS AND ASSOCIATED WORKS INCLUDING OPEN SPACE AND LANDSCAPING ON LAND AT SPOFFORTH HILL, WETHERBY.**

**APPLICANT:**Bellway Homes Limited    **DATE VALID:** 17/7/13    **TARGET DATE:** 24/10/14

**Electoral Wards Affected:**

**Wetherby**

Yes    Ward Members consulted (referred to in report)

**Specific Implications For:**

Equality and Diversity   

Community Cohesion   

Narrowing the Gap   

**ADDENDUM TO MAIN REPORT**

**1.0 INTRODUCTION**

This addendum report has been submitted to provide supplementary information in addition to that contained within the main report. This addendum report provides clarification on a number of points. This report also contains a summary of any further consultation responses received since the publication of the main report and an update on recent meetings held with Ward Members and residents.

**2.0 PUBLIC/LOCAL RESPONSE**

2.1 As mentioned within the main report, as a consequence of the proposed introduction of the pelican crossing on Spofforth Hill, site notices were placed in the local area on 29<sup>th</sup> August 2014 and individual letters were sent to a number of local residents on 27<sup>th</sup> September 2014.

Time for comment was given until 12<sup>th</sup> September 2014, although all comments received up until the day of the Panel meeting would still be considered. Following this consultation process, a total of 7 Letters of representation have been received, comments raised therein can be summarized as follows:

- The plans of the pelican lack detail in that they do not show adjacent property or road junctions and it would harm road safety.
- Whilst the amended proposal will make crossing the road easier for some the introduction of the pelican would lead to stationary traffic outside existing residents on Spofforth Hill and this would create additional pollution by virtue of exhaust emissions, and additional noise as vehicles decelerate and accelerate and noise from the pelican itself.
- 'Zig-Zags' protective markings associated with the pelican will prevent delivery vehicles and residents being able to park outside affected properties.
- A crossing point close to Glebe Field Drive would be more useful.
- As shown the pelican is not served by a footway to the south and the tree report has not been updated to consider this aspect.
- Visual impact of new pelican street furniture/signage – a simpler pedestrian refuge would be simpler, less intrusive and cheaper.
- The pelican crossing will do little to reduce the difficulties of drivers existing Leconfield Court who frequently experience difficulty.
- Concern over pedestrian safety at the junction of Chatsworth Drive/Spofforth Hill – the pedestrian crossing should be as far away from the corner as possible.
- Visibility is currently obstructed by trees and this is a threat to motorists, pedestrians and cyclists – they should be cut back within guidelines.
- The East of Scholes development was refused recently and the same reasons apply – the scheme is premature, would adversely affect local character and is unsustainable.
- The Barn Owl trust should be consulted on the application due to the loss of 15 hectares of agricultural land.
- Loss of agricultural land.
- Adverse impact of headlights from exiting traffic.

2.2 Ward Members were also briefed on the latest scheme and drawings were presented at a briefing session held on 11<sup>th</sup> September 2014. Officers briefed the Ward Member on the following matters:

- Location of the proposed pelican crossing on Spofforth Hill and its position relative to the site and to existing residential properties.
- The location of the vehicular access points into the site.
- The position and extent of trees to be removed to facilitate access into the site and a comparison to that of the previous access arrangements which proposed the removal of a far greater number of trees.
- The indicative site layout, although this has not changed since the last briefing.
- The location of extent of the proposed landscape buffer planting.
- How the proposal is considered to comply with the Interim PAS Policy and in particular the linkage to the regeneration of a brownfield site in a regeneration area.

It was explained that the EASEL 7 site in Seacroft (83 units) has stalled due to viability issues and is unlikely to be completed. The Spofforth Hill site will therefore help subsidise the EASEL site. It was explained that for every 50 units provided at Wetherby, 20 would be delivered at EASEL and bound within the s106. So when Wetherby completes 200 units out of the 325, all the units within EASEL will be complete.

- It was also explained that as well as the delivery of the 83 units at EASEL, £8.5million would be secured towards off-site affordable housing and this could be used by the Council on any sites throughout Leeds.
- It was explained that the proposal delivered approx. £400,000 towards public transport infrastructure plus and additional circa. £400,000 towards additional mitigation and traffic management measures in the Wetherby area.
- It was explained that the scheme would provide an education contribution in line with current policy.

2.3 Officers also met with one of the Ward Members and 3 local residents on 11<sup>th</sup> September 2014. The residents raised strong concerns about the loss of agricultural land, traffic and highway impacts (particularly on surrounding roads and Wetherby Town Centre), availability of school places and possible need for additional schools, its relationship to the EASEL7 site, use of the affordable housing sums and the proposed pelican crossing. The residents' representatives indicated that they thought the application should be refused.

2.4 Furthermore, a detailed letter was sent to the City Council's Chief Executive on 11 September expressing serious concerns about the planning department's role in the application process and referring to the possibility of future action involving a Public Inquiry, Judicial Review or Local Government Ombudsman. The letter then goes on to set out further concerns about a number of matters including loss of agricultural land (and the provisions of NPPF, Para 112 and The Planning Practice Guide), the interim PAS policy and traffic impacts. These concerns together with other matters are addressed in paras 4.0 – 5.24 below.

### 3.0 CONSULTATIONS RESPONSES

3.1 **Natural England** - No objections were raised to the proposal in terms of impact upon wildlife, protected species and green infrastructure. In terms of the impact on soils and land quality, it was considered that the application fell outside the scope of the consultation regulations, as the proposed development would not appear to lead to the loss of over 20 hectares of 'best and most versatile' agricultural land. For these reasons, Natural England did not propose to make any detailed comments in relation to agricultural land quality and soils.

3.2 **Council for the Protection of Rural England (CPRE)** – Object to the development of this PAS site as there is no shortage of housing supply and no justification for releasing this site now; that the site is not accessible and sustainable; the layout and single point of access is poor; and represents an encroachment into the countryside

- 3.3 **Metro** – Given the access amendments to the site, different bus stops now need to be upgraded. Two bus stops should be upgraded to provide shelters and real time displays (£40,000). In addition, bus stop clearways and kerbing should be installed. MetroCards should also be provided at £475.75 per ticket per household.
- 3.4 **North Yorkshire County Council** (as the neighbouring highway authority) - Officers have looked at the junction capacity outputs within the applicants supporting information and consider the identified increases are such that they could not be considered 'severe'. Consequently there are no North Yorkshire Local Highway Authority matters outstanding or to be addressed by condition.

#### 4.0 **PLANNING POLICY UPDATE**

- 4.1 The Core Strategy Inspector published his report on the Examination of the Core Strategy on 5<sup>th</sup> September and has considered the plan to be legally compliant and sound. The policies in the Core Strategy referred to in the City Plans Panel Report can now be afforded significant weight and will have full weight once adopted by the Council. The Council's Executive Board met on 17<sup>th</sup> September and recommended to the Council that the Core Strategy be adopted. The Plan is due to be considered by a meeting of the Full Council in November.
- 4.2 The Inspectors Report sets out that the delivery of housing will be at a rate of at least 3,660 homes per annum between 2012/13-2016/17 with an overall plan period target of 70,000 net between 2012 – 2028. The distribution of housing growth across the District has been agreed, as have policies and objectives on the promotion of economic development and investment within the Regeneration Priority Areas.
- 4.3 Wetherby is categorised as one of six major settlements and it is worth quoting the final version of Policy SP1 in full as it is of direct relevance in supporting the recommendation for approval of the application.

#### **SPATIAL POLICY 1: LOCATION OF DEVELOPMENT**

To deliver the spatial development strategy based on the Leeds settlement hierarchy and to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance of brownfield and greenfield land, the distribution and scale of development will be in accordance with the following principles:-

- (i) The largest amount of development will be located in the Main Urban Area and Major Settlements. Smaller Settlements will contribute to development needs, with the scale of growth having regard to the settlement's size, function and sustainability.
- (ii) In applying policy (i) above, the priority for identifying land for development will be as follows:
  - a. Previously developed land and buildings within the Main Urban Area / relevant settlement,
  - b. Other suitable infill sites within the Main Urban Area / relevant settlement,
  - c. Key locations identified as sustainable extensions to the Main Urban Area / relevant settlement.
- (iii) For development to respect and enhance the local character and identity of places and neighbourhoods,

- (iv) To prioritise new office, retail, service, leisure and cultural facilities in Leeds City Centre and the town centres across the district, maximising the opportunities that the existing services and high levels of accessibility and sustainability to new development
- (v) To promote economic prosperity, job retention and opportunities for growth:
  - a. In existing established locations for industry and warehousing land and premises,
  - b. In key strategic\* locations for job growth including the City Centre and Aire Valley Urban Eco-Settlement (as shown in the Key Diagram)
  - c. By retaining and identifying a portfolio of employment land in locations primarily within the urban area, maximising the opportunities that the existing services and high levels of accessibility provide to attract new development.
- (vi) To recognise the key role of new and existing infrastructure (including green, social and physical) in delivering future development to support communities and economic activity,
- (vii) In meeting the needs of housing and economic development (and in reflecting the conclusions of the Appropriate Assessment Screening), to seek to meet development requirements, without adverse nature conservation impacts upon Special Protection Areas and Special Areas of Conservation, in particular the South Pennine Moors (including Hawksworth Moor),
- (viii) To undertake a review of the Green Belt (as set out in Spatial Policy 10) to direct development consistent with the overall strategy,
- (ix) To encourage potential users of rail or water for freight movements to locate at suitable sites.

*\* Strategic is defined as sites which are essential to the delivery of the Core Strategy's Vision, by the number of jobs – threshold set at 1,000+ and the size/area of land 15ha+*

4.4 The Inspector's Report helps support the Council's position on its 5 year land supply, which is being reviewed in light of the Report and currently rests at 5.8 years. The application site, along with other sites which meet the Council's interim PAS policy, is a part of this 5 year supply. Such sites assist the Council in providing a balance between greenfield and brownfield land in its housing supply pipeline, thus meeting Government ambitions to provide choice and competition in the market for land and significantly boost the delivery housing. They also help ensure that larger sites and sites in smaller settlements, which raise more sustainability issues, can be resisted until such a time as they are considered, in a genuinely plan-led process via the Site Allocations Plan.

4.5 In addition to Spofforth Hill, there are a number of PAS sites within the locality of Wetherby, as follows:

- Grove Road, Boston Spa, which is subject of a live planning appeal by Miller Homes following a refusal of planning permission on the grounds that it does not meet the interim policy
- West Park, Boston Spa, which does not meet the interim PAS policy
- The Ridge, Linton, which is subject of a live planning application and does not meet the interim policy
- Leeds Road, Collingham, which is subject subject of a live planning application and does not meet the interim policy

The Council also recently refused planning permission on two sites for over 700 homes on land East of Scholes through use of the interim PAS policy.

4.6 The Core Strategy contains a series of housing growth principles, including to “facilitate the development of brownfield and regeneration sites”. It expands on this principle in Policy H1 and H5.2.6 and states that “In seeking to meet housing need and to help support the viability of housing delivery, there may also be opportunities for sites to be brought forward, in advance of their particular phasing where appropriate. Examples could include where there are opportunities through early release, to provide higher levels of Affordable Housing through off site contributions or the use of City Council assets (within regeneration areas) as a basis to ‘pair’ with greenfield sites in private ownership.” This principle is set out in Policy H1 and is instrumental in supporting the Council’s Brownfield Land Programme. A report which was agreed by the Council’s Executive Board on 9<sup>th</sup> January 2013 notes that a range of approaches are to be used for disposal and development including “pairing of less viable with more viable sites”. This approach has also been subject of discussion via the Council’s Housing and Regeneration Scrutiny Board (November 2012 and February 2014).

## 5.0 **APPRAISAL UPDATE**

### Education

5.1 There are 2 schools that would potentially be affected by this development, as the nearest schools are Deighton Gates Primary School and Crossley Street Primary School. It is considered that both of these schools are physically capable of being expanded, and there would also be the option of creating new provision, dependent on the wider need arising from new homes. An option involving St James’ primary school is also feasible, although this may involve wider change. The choice of which option we pursue will be dependent on the statutory consultation and planning processes, as well as Member consultation. However, at this stage, there is nothing to suggest that two out of the three existing primary schools within Wetherby cannot cater for the needs of the proposed development at Spofforth Hill. Indeed, the Deighton Gates school offers the greatest potential and having discussed this with colleagues in Childrens Services as the capacity of the school was recently reduced further to one four entry and the classrooms remain on site.

5.2 In terms of accessibility, Crossley Street Primary School is within the walking distance accessibility standards set out within the Core Strategy from the site at Spofforth Hill. In terms of Deighton Gates Primary School, this is also within the walking distance standards. There is also one additional primary school within the walking distance standards which is St. Joseph’s Catholic Primary School.

### Affordable Housing

5.3 On balance (considering the information available and its limitations) there is a lower than average demand for social housing in Wetherby when compared to the city and ENEH catchment area.

5.4 However, Wetherby, falls within the Outer Area/ Rural North Housing Market Zone where the affordable housing (social rent and submarket) requirements was increased under the Interim Affordable Housing Policy in June 2011. The Outer Area/Rural North is characterised in the SPG3 Annex as having limited potential for meeting need through existing housing reflected by, high demand; high house prices, low turnover and low level of empty affordable housing.



- 5.5 Given that LCC has a relatively low stock in Wetherby and low turnover (only 91 properties were advertised in 2012/13 in Wetherby via the Choice Based Lettings) additional social rented stock would assist in meeting current demand. The provision of the commuted sum (as proposed in the S.106 Agreement) will help meet the need for affordable housing elsewhere in the City.

#### Buffer Planting

- 5.6 The indicative plans show that some of the buffer planting is to be located outside the red line site boundary, but within land owned by the current landowner for the Spofforth Hill site. Some of the planting currently exists (to the rear of development parcel B) and therefore there is no requirement to plant additional landscaping behind this. However, where no planting exists (behind development parcel F), a buffer zone of 15-20m is required and should be located within the red line plan. Notwithstanding the submitted plan, an additional condition is recommended which would secure this buffer planting within the site. It should be noted that land beyond the red line boundary is within the district of Harrogate. This approach has been discussed and agreed with the applicant.

#### Agricultural Land

- 5.7 As stated in the Panel Report the site is largely Grade 3a agricultural land which means it is "good". The UDP Review Inspector considered the role of the site through the Examination into the UDP Review in 2006. In considering whether to retain the sites PAS designation, amend it to one of rural land or as a housing allocation the Inspector stated in paragraph 24.97:

*"This PAS site does not lie "between the urban area and the GB" [in the terms of PPG3 para. 2.12] but it effectively performs the same function of ensuring protection of the GB in the longer term by providing a future option for development without affecting GB land which borders Wetherby on its southern side. As the town is bordered on the eastern side by the very definite boundary of the A1, with an extensive, established designation of "Rural Land" beyond, there is no other option for future growth but on the north or west side of town. Within this context, the site is a re-entrant into the town and therefore development here, particularly in the eastern part of the site, would relate reasonably, and better than any other possible extension, to the existing built-up area and the town centre."*

- 5.8 Within this context the UDP Inspector also considered the issue of agricultural land and stated in paragraph 24.98:

*"In these circumstances, I consider that it would be sensible to retain the site as PAS rather than apply a countryside protection policy, as the Council propose, which would allow of no option for development outside the existing built-up area in the long-term. It must be borne in mind that it is not only for housing that PAS land might be required in the long-term. The site's agricultural land quality, which is about 80% Grade 3A and 7% Grade 2, and its role in providing access to, and views of adjacent countryside, would need to be considered against the need for further development and all other relevant factors, if and when such need arose."*

- 5.9 The Panel Report considers that the loss of the agricultural land would not seriously conflict with the Saved UDP Policy N35 on agricultural land (H10.26) and notes that the NPPF requires local planning authorities to “take into account the economic and other benefits of the best and most versatile agricultural land” (NPPF, ¶112).
- 5.10 It is also important to look at the wider context and relate the agricultural land issue back to the UDP Inspector’s views that Wetherby as a settlement has relatively few opportunities for expansion. The map provided at Appendix 1 shows that the only other potential site for housing, adjacent to Wetherby, which does not affect best and most versatile agricultural land, is on the racecourse. The map also shows that alternative sites to the west and south of Wetherby are Grade 2 land and sites to the south west have a similar agricultural grading. However, these largely comprise smaller sites in the green belt and a PAS site, which by virtue of its location does not meet the interim PAS policy). The conclusion in the Panel Report (¶10.26) is that the site is not considered to “seriously conflict” with UDPR Policy N35 and the NPPF when considered against the substantial areas of agricultural land within close proximity and through the rest of the North and East of Leeds. It is also considered that the application site on balance has the least impact locally upon best and most versatile land when assessed against other potential urban extensions. This is in line with ¶112 of the NPPF.

#### Trees & Landscaping

- 5.11 Following the results of the safety audit, a new pelican crossing is proposed on Spofforth Hill. A number of trees lie within close proximity to the location of this which have the potential to be affected by the proposed works which will involve the laying of new paving. However, with careful design and the imposition of conditions, the proposed pelican crossing and associated paving can be successfully implemented without adversely affecting nearby trees. This would include a hand dig construction method and porous paving materials.

#### Highways

- 5.12 As stated within the main report, Harrogate Borough Council raise no objections to the proposed development. However, objections are raised to a development which would introduce a new roundabout into their authority. They consider that the creation of a new roundabout would not be supported as it would adversely affect the rural setting of the settlement and be contrary to Harrogate’s planning policies.
- 5.13 With regard to North Yorkshire County Council (NYCC), discussions have been held with the relevant highways officers relating to the proposals for a new roundabout who have indicated that contact should be made through Harrogate District Planning Authority initially as there may be fundamental objections in principle, thereby preventing abortive work for the Highway Authority. Given that Harrogate do not support the principle of a new roundabout, then no further discussion has been held with NYCC on this aspect of the proposals.
- 5.14 It should be noted that with the full build out of 325 dwellings at the site, the increase in traffic flow entering North Yorkshire is less than 3% in the AM peak hour and less than 4% in the PM peak hour. This level of traffic impact is not considered to be significant and will be less than general growth. NYCC have considered additional supporting information and consequently there are no North Yorkshire Local Highway Authority matters outstanding or to be addressed by condition.

### Consideration of Further Objections

- 5.15 The issues raised by objectors have been addressed within the main report and within this addendum report.

### Pre-Determination

- 5.16 One of the representations received has raised an allegation of predetermination, in that it alleges that the Planning Department has given clear indications of its intent to recommend approval of this application from the outset and as such the process leading up to the application coming before Panel today for determination has not been objective and fair.

- 5.17 In that context, it is important to note that the main report before Panel (particularly at section 5 and within the appendices) sets out quite fully the long history of Member involvement with this application including at pre-application stage and the issues that have been highlighted and addressed as part of that iterative process. Reports before Panel at pre-application stage in April 2013 and the presentation in October 2013 did not contain officer recommendations either for or against the application but simply sought feedback from the Panel on the key issues. This approach is consistent with the practice of City Plans Panel.

- 5.18 Although this representation relates specifically to matters leading up to this application coming before Panel today for determination, it's relevance in the context of the role of the Plans Panel as decision maker is potentially two fold. Firstly whether the Plans Panel has before it sufficient information in relation to all relevant material planning considerations in order to enable it to properly reach a decision on the application before it, and secondly whether the Panel members or any of the Panel members could subsequently be shown to have had a closed mind at the time of taking a decision on the application i.e. have predetermined the application.

- 5.19 An allegation of predetermination in relation to the officer recommendation itself would have no basis as the department is not the decision maker. If the officer recommendation is supported by the Panel then the Chief Planning Officer would be given authority by the Panel to approve the application but only in accordance with the decision of the Panel itself.

- 5.20 In terms of a challenge to the validity of any decision on this application therefore, the material time for assessing the lawfulness of that decision is at the point at which the decision is reached.

- 5.21 Panel members are fully aware of the need to retain an open mind and to reach a decision having regard to all material considerations and in presenting this report, officers are satisfied that the Panel has before it sufficient information on which to properly reach a decision.

### Section 106 Agreement & Conditions

- 5.22 As noted within the main report, the applicant proposes a binding linkage to the regeneration of a brownfield site within a regeneration area. This relates to the site known as EASEL 7 at South Parkway in Seacroft. This site has planning permission for 200 dwellings, 83 of which have yet to be completed due to viability issues.

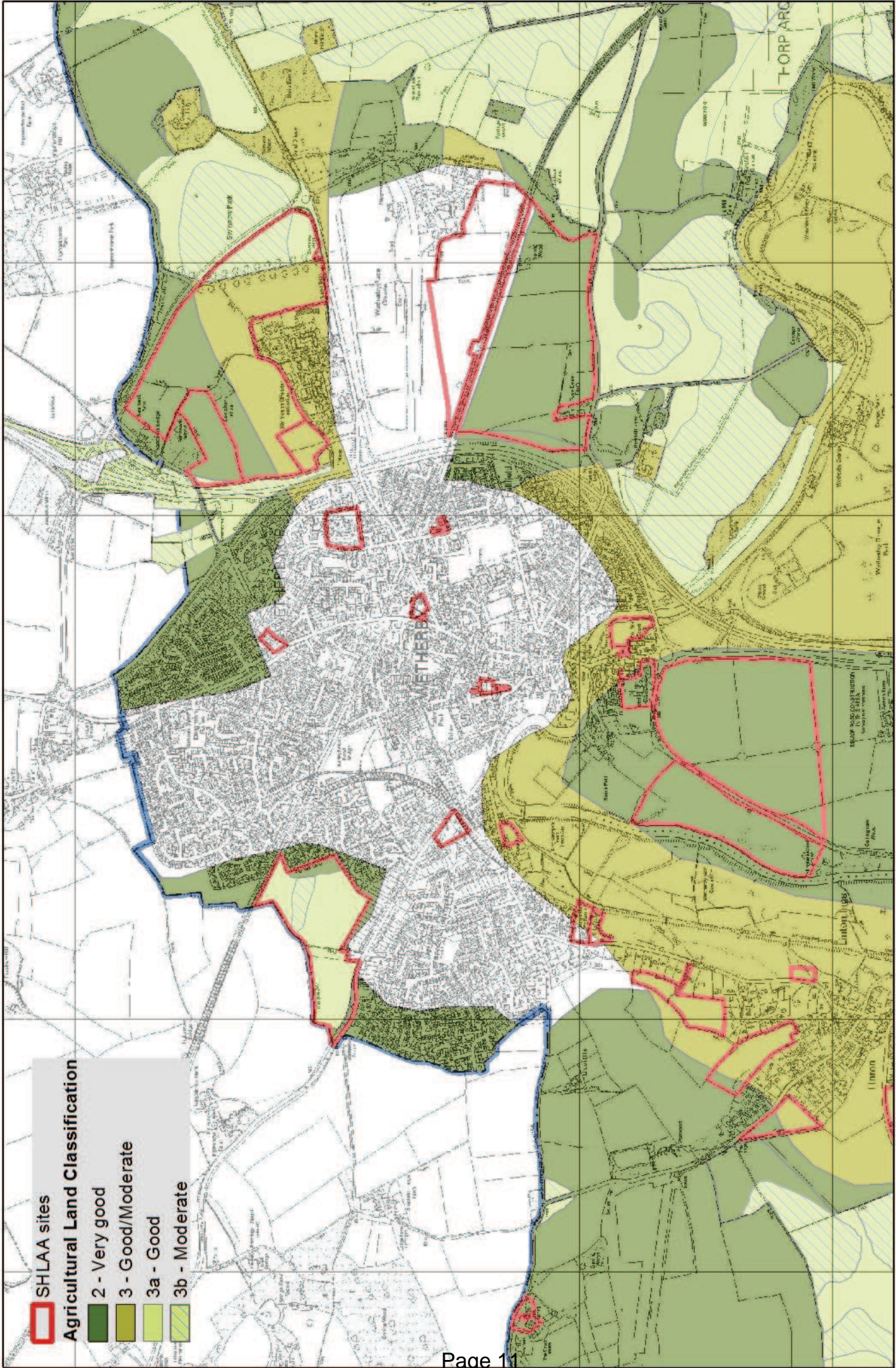
Therefore, Bellway Homes propose that for every 50 dwellings completed at Spofforth Hill, 20 units would be completed at the EASEL site. This is secured through the Section 106 Agreement.

5.23 Addition information has been received from the applicant regarding employment and apprenticeships. This will be covered within the Section 106 Agreement and through additional Heads of Terms.

5.24 Additional conditions are recommended following further discussion, which are:

1. Buffer landscaping to be within the red line plan, details of which shall be submitted to and approved. *(this has been discussed with the applicant who accepts this condition)*
2. Pre-start 25 year landscape management plan.
3. Pre-start arboricultural method statement for off-site highway works.







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