



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 18th 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

RECOMMENDATION:

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

- **Affordable housing at 15% (49 dwellings) on site and a commuted sum in lieu of the remaining 20% (around £8.5m in current values).**
- **Commitment to deliver EASEL 7 (83 dwellings).**
- **Public transport contribution £1,226 per dwelling.**
- **Off-site highways mitigation contribution of £1,226 per dwelling.**
- **Education contribution of £2,972 per dwelling.**
- **Greenspace contribution (The current layout results in an indicative contribution of £324,876.82).**
- **Travel Plan measures and monitoring fee of £5,125.**
- **Bus stop and Metro Card provision.**

- **Car club contribution.**
- **Local employment and training initiatives during the construction of the development.**
- **Public access to public open space.**

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

Conditions:

1. Two year time limit for commencement and reserved matters submission deadlines.
2. Outline relates to Access only. All other matters Reserved.
3. Plans to be approved.
4. Maximum units to be 325 with maximum number of units from Spofforth Hill being 285 and 40 from Glebefield Drive.
5. Samples of walls, roofing, doors, windows, surfacing material to be approved.
6. Details of means of enclosure including retaining walls.
7. Details bin stores.
8. Landscape scheme.
9. Implementation of landscape scheme.
10. Tree protection conditions.
11. Tree replacement conditions.
12. Biodiversity enhancement conditions.
13. Access roads and car parking to be complete prior to first use.
14. Drainage details.
15. Cycle/motorcycle provision.
16. Construction Management Plan to include interim drainage measures, arrangements for construction traffic including access routes, on site provision for contractors during construction, location of compounds, measures to prevent mud on road and dust suppression.
17. Contamination reports.
18. Unexpected contamination.
19. Verification reports.
20. Any remedial works identified by site investigation relating to shallow mine works to be completed prior to commencement.
21. Condition relating to specified off-site highway works.
22. Electric vehicle charging points.
23. 20mph speed limit throughout the site.
24. Provision of emergency access link.
25. Provision of cycle link to Harland Way.
26. Adherence to the design code.
27. Masterplan (to be revised under any RSV matters applications).
28. Archaeological evaluation.

1.0 INTRODUCTION

- 1.1 This outline application was presented as a position statement to the 24/10/13 City Plans Panel as it proposes the development of a large Greenfield site in Wetherby which is a site designated as a 'Protected Area of Search' (PAS) in the UDP for residential development. At that Panel Members raised a number of queries, including comments on the housing number, delivery and the highways implications.

These and other issues have been the subject to ongoing negotiations and a revised scheme is now presented to Members for further consideration and decision.

2.0 PROPOSAL:

- 2.1 This amended application proposes a residential development of up to 325 houses (reduced from 400 previously proposed). Outline permission is sought for the principle of development plus the means of access and landscaping. Matters in respect of appearance, layout and scale are reserved for later consideration. The amended plans shows that there are now two vehicular access points proposed, one being off Spofforth Hill serving 285 houses and one from Glebefield Drive serving 40 houses. The Spofforth Hill access is via a new priority junction further east than the roundabout previously proposed whilst the access from Glebefield Drive serving 40 houses is the same as that previously proposed to be just an emergency access. Green pedestrian routes are proposed to link into the existing housing development to the east and to the Harland Way to the north. A number of formal green squares and a village green area are included on the indicative masterplan.
- 2.2 There are now fewer trees being removed on Spofforth Hill in order to facilitate the vehicular access to the site and associated sightlines. Parcels of green space are indicated across the site. Planting currently exists on the northern boundary and further planting is proposed to provide a landscaped buffer of between 5-20m to the open countryside, some of this buffer is outside the application site but on land in the same ownership. Planting buffers are also proposed to the existing residential development to the south.
- 2.3 A mix of new homes are proposed with the current assumptions being a range of 1 to 6 bed dwellings. The indicative masterplan splits the site into two with development parcels either side of the central village green. The indicative masterplan identifies a density of 20 dwellings per hectare on the development parcel to the west of the village green closer to Spofforth Hill with the larger development parcel to the east including dwellings at a density of 27 dwellings per hectare and the forty dwellings served off Glebefield Drive at 34 dwelling per hectare. The overall site average is 24 dwellings per hectare.
- 2.4 The interim affordable housing policy for this area seeks an on-site provision of 35% (114 dwellings). However, this application proposes to provide 15% affordable housing on site (49 dwellings) with a financial sum being provided in lieu of the remaining 20%. Based on current values, this commuted sum would equate to £8,562,537.25.
- 2.5 In response to the requirements of the Interim PAS Policy, the applicant has also committed to restarting construction on EASEL 7 (83 units) prior to commencing work at Spofforth Hill. The two sites would be linked through the S106 to give certainty that the remaining balance on units will be completed on EASEL 7. The developer has committed to restarting EASEL 7 upon a receipt of a Panel resolution to grant permission and will commit to completing the 83 units.
- 2.6 The application is supported by the following:

- Indicative masterplan
- Design & Access Statement including design code and sustainability statement
- Planning Statement
- Affordable Housing Statement
- Environmental Statement incorporating Transport Assessment, Travel Plan, Landscape Visual and Impact Assessment, Flood Risk Assessment, Ecology, Ground Conditions and Cultural Heritage.
- Tree Report
- Statement of Community Involvement

3.0 SITE AND SURROUNDINGS:

3.1 The site relates to a Greenfield site that is located towards the north-western edge of Wetherby. The site measures 15.7 hectares and is in agricultural use. Part of the site abuts Spofforth Hill which is the road which links Wetherby with Harrogate. Along the Spofforth Hill frontage is a line of mature trees and hedges, which helps screen the site from public views.

3.2 In terms of surrounding land uses, the land to the east comprises two-storey residential housing, bounded by trees and hedges along the boundary with the site. To the south is housing, partly along the north side of Spofforth Hill and entirely on the south side. The housing along the north side of Spofforth Hill comprises mainly large detached and some semi-detached houses with long rear gardens which feature mature planting along their rear boundaries. On the south side of Spofforth Hill, the houses are similar, albeit with smaller rear gardens than the houses to the north side. Beyond these houses to the south is a large suburban housing estate, comprising mainly two-storey detached dwellings with moderate gardens. Access to this housing area is taken off Spofforth Hill from Chatsworth Drive and from Wentworth Gate. To the north is open countryside that falls within the district of Harrogate. This is unallocated within Harrogate's Local Plan, although the land to the south western side of Spofforth Hill within Harrogate district is allocated as Green Belt. The north eastern boundary to the site is formed by the Harland Way (set within a dismantled railway cutting), which is a popular walking and cycling route between Wetherby and Spofforth.

4.0 RELEVANT PLANNING HISTORY:

4.1 31/333/99/FU & 31/334/99/FU – 82 dwelling houses: Disposed of in April 2002.

4.2 31/338/98/OT – Outline application to layout access and erect residential development: Disposed of in February 2002.

4.3 H31/94/81 – Outline application to lay out access roads and erect residential development, sports centre and clubhouse: Refused in July 1981 and appeal dismissed in August 1982.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A position statement was presented to City Plans Panel on 24th October 2013. A copy of the minutes is provided at Appendix 1 and a brief summary of the issues raised is provided below. A full response to the issues raised is provided in the appraisal at section 10 below.
- The Panel accepted the principle of developing this PAS site for housing but that the number of dwellings should be reduced.
 - Members requested the access be provided via a roundabout in Harrogate.
 - The number of trees to be removed should be reduced.
 - The principle of an on/off-site affordable housing provision was accepted but the amount of on-site provision needed for affordable housing in Wetherby should be quantified and justified.
 - Further information regarding the off-site provision was required and what benefits this scheme was bringing forward.
 - A 20m landscape buffer to the open countryside was supported.
- 5.2 Pre-application discussions commenced in November 2012 and a pre-application presentation was made to the 11th April 2013 City Plans Panel. A copy of the minutes of this meeting is provided at Appendix 2.
- 5.3 Officers have consulted with Ward Members both pre and post submission. Ward Members raised concerns regarding the proposed access on Spofforth Hill and traffic impact on Wetherby and requested the access be moved further up Spofforth Hill into Harrogate District.
- 5.4 The applicant held two public consultation events at Wetherby Town Hall in November 2012 and February 2013. These events were drop-in sessions and were publicised by leafleting local residents and interested parties/groups, displaying notices in buildings throughout Wetherby and press releases to newspapers and community radio. The statement of community involvement (SCI) submitted with the application provides full details of the events and feedback received. The applicant's SCI states the events were well attended and highlights the traffic implications being the key issue raised.
- 5.5 In light of the Panel's comments with regard to the suitability of the proposed access, officers have approached officers from Harrogate Borough Council with regard to the possibilities of including the vehicular access and new roundabout within the district of Harrogate to serve the proposed development. The response from Harrogate has been negative as they do not consider it be appropriate to locate the access within their district and would be something that would likely to be refused.
- 5.6 Following Harrogate's comments, the applicant has amended the location of the access and removed the proposed roundabout from Spofforth Hill. The scheme now includes a new access with a T-junction further to the east along Spofforth Hill which leads into the site. A dedicated right turn lane would be created when raveling from the Wetherby direction so as to avoid queuing traffic on Spofforth Hill. This would serve a total of 285 dwellings. A new access from Glebfield Drive would serve 40 houses, thereby reducing the total number of dwellings from 400 to 325. The relocation of the access would result in fewer trees having to be removed and would safeguard more protected trees than the current proposal. The relocated access

also reduces the potential for traffic 'rat-running' through the residential estate to the south towards Linton. A new pelican crossing is also proposed between the new access and Chatsworth Drive.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised as a departure that does not accord with the provisions of the UDPR, affects a right of way and is accompanied by an Environmental Statement. The original site notices were posted 26/7/13 and newspaper advert placed in the Boston Spa and Wetherby News 9/8/13. Following the submission of revised plans and additional information there have been further neighbour notification periods with letters sent 4/2/14 and 20/6/14 and new site notices posted 14/2/14 and 27/6/14. Revised plans were also submitted following a road safety audit where it is now proposed to install a pelican crossing on Spofforth Hill. Amended site notices were placed in the vicinity of the location of the pelican crossing on 28/08/14 and letters were sent to neighbouring residents on 27/08/14.
- 6.2 290 representations had been received by 05/09/14 and representations continue to arrive, with all but a few representations objecting to the proposals.
- 6.3 Alec Shelbrooke MP raises concerns on behalf of his constituents - Housing requirements are based on out of date figures as the recession and the increased controls on immigration have reduced housing demand. This would be an unnecessary expansion of Wetherby and would put pressure on local traffic and services.
- 6.4 Residents working on the Linton Neighbourhood Plan are concerned the proposals will increase the rat-running through Linton.
- 6.5 Linton Village Society is concerned regarding the impact of extra traffic through Linton that does not have the necessary highway and footway capacity.
- 6.6 The Council for the Protection of Rural England object to the proposals stating the development is unnecessarily large and would have a detrimental visual impact. The alternative location for the roundabout would not be supported. The site does not meet accessibility standards and could increase rat running through Linton.
- 6.7 Many local residents strongly object to the proposals and have raised the following concerns:
- Notwithstanding the introduction of a pelican crossing to Spofforth Hill, concern over the highways impacts, including access to existing properties, egress from Leconfield Court, sightlines, impact on Wetherby, Linton, pedestrians on Spofforth Hill, the need for new crossings on Spofforth Hill and an additional access point.
 - The loss of agricultural land.
 - Brownfield sites should be developed first.
 - Impact on local services including drainage, doctors, schools, shops.
 - Loss of trees and ecological habitat.
 - The house designs appear boring and inappropriate for the area.

- The public consultation was poor.
- A new road should be built to access the development from Kirk Deighton.
- Previous undertaking stated such a development would not be considered until 2016.
- Construction traffic should be banned from the Glebefield Estate.
- The emergency access point from the Glebefield Estate should be locked to prevent unauthorised use.
- Appropriate landscaping is required to screen the development.
- Adverse impact on the Wetherby Conservation Area.
- This would lead to a significant increase in the population of Wetherby.
- Footpaths should be preserved.
- Extra traffic in Wetherby could deter tourists.
- Loss of amenity.
- Lack of information re house locations etc.
- The proposals should be read in conjunction with the housing proposals in Boston Spa and Thorp Arch and the cumulative impact.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.2 Yorkshire Water: There is limited capacity in the existing network therefore on site storage will be required. Conditions are recommended.

7.3 Environment Agency: No objection.

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

7.5 Non-statutory:

7.6 Transport Policy: The revised travel plan is acceptable. The TP should be appended to a S106 and the review fee of £4,000 and MetroCard provision should be required by the S106.

7.7 Public Transport Contribution Officer: A contribution of £1,226 per dwelling would be required (325 x £1,226 = £398,450).

7.8 Police Architectural Liaison Officer: Guidance provided on safety and security measures.

7.9 Contaminated Land: No objection.

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

7.11 Flood Risk Management: No objection.

- 7.12 Public Rights of Way: Footpath minimum dimensions should be retained and signage erected where necessary.
- 7.13 Metro: The site does not meet accessibility criteria to Leeds City Centre but consideration should be given to the proximity of Wetherby and Harrogate. The previous access via the roundabout required new bus stops with real time information therefore clarity is being sought if these are still to be required. The offer of a MetroCard contribution and public transport contribution are welcomed.
- 7.14 Education Leeds: The development would generate around 82 primary aged pupils which equates to a nearly half a form of entry. A contribution of £966,005 (£2,972 per dwelling) would be sought as there is not sufficient capacity in Wetherby. The development would generate around 33 secondary pupils but there is sufficient capacity in Wetherby therefore a contribution is not necessary.
- 7.15 Harrogate District Council: An alternative location for the roundabout within Harrogate District would have significant adverse visual impacts and would not be supported.
- 7.16 North Yorkshire County Council: Further analysis of junctions within North Yorkshire should be carried out. *This work has not been undertaken as the relevant LPA, Harrogate Borough Council, have confirmed that they will not support a proposal to relocate the vehicular access within their area.*
- 7.17 Affordable Housing Team: LCC has low affordable housing stock in Wetherby and a low turnover of social housing, any additional social rented and submarket stock would assist in meeting current demand, including a percentage of housing to meet the needs of older people. Given high house prices in the proposed area, low turnover and affordability, there is a need for more affordable housing stock in this area as well as the inner areas.

8.0 PLANNING POLICIES:

8.1 Development Plan

- 8.2 The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the adopted Natural Resources and Waste DPD (2013). The Local Development Framework will eventually replace the UDP and this draft Core Strategy has had some weight in decision taking since it was published in 2012 but it is now considered to have significant weight for the following reasons:

The NPPF states that decision-takers may give weight to policies in emerging plans according to:

i) The stage of preparation

- On 12th June 2014 the Council received the last set of Main Modifications from the Core Strategy Inspector, which he considers are necessary to make the Core Strategy sound. These have been published for a six week consultation between the 16th June and 25th July 2014. The Inspector's report has recently been received indicating that the Core Strategy is sound with agreed modifications. The Plan is therefore at the most advanced stage it can be prior to its adoption by the Council.

ii) The extent to which there are unresolved objections
- No further modifications are proposed and the Plan is considered sound by the Inspector.

iii) The degree of consistency with the NPPF
- In preparing his report the Inspector has brought the Plan in line with the NPPF where he considers that this is necessary. The Plan as modified is therefore fully consistent with the NPPF.

8.3 The site is allocated within the UDP as a 'Protected Area of Search' (PAS). The site also abuts a Leeds Nature Area (LNA 109 – Wetherby Railway Triangle). Other policies which are relevant are as follows:

SG2: To maintain and enhance the character of Leeds

SP3: New development will be concentrated largely within or adjoining main urban areas and settlements well served by public transport

SA1: Secure the highest possible quality of environment.

GP5 all relevant planning considerations

GP7 planning obligations

GP11 sustainability

GP12 sustainability

H4: Residential development.

H11-H13: Affordable Housing.

N2: Greenspace

N4: Greenspace

N12: Relates to urban design and layout.

N13: New buildings should be of a high quality design and have regard to the character and appearance of their surroundings.

N19: New buildings within or adjacent to Conservation areas should preserve or enhance the character or appearance

N23: Relates to incidental open space around new developments.

N24: Seeks the provision of landscape schemes where proposed development abuts the Green Belt or other open land.

N25: Seeks to ensure boundary treatment around sites is designed in a positive manner.

N26: Relates to landscaping around new development.

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

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

N38B: Relates to requirements for Flood Risk Assessments.

N39A: Relates to sustainable drainage systems.

N50: Seeks to protect, amongst other assets, Leeds Nature Areas.

N51: New development should wherever possible enhance existing wildlife habitats.

T2: Development should not create new, or exacerbate existing, highway problems.

T2B: Significant travel demand applications must be accompanied by Transport assessment

T2C: Requires major schemes to be accompanied by a Travel Plan.

T2D: Relates to developer contributions towards public transport accessibility.

T5: Relates to pedestrian and cycle provision.

T24: Parking guidelines.

BD2: The design of new buildings should enhance views, vistas and skylines.

BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings.

LD1: Relates to detailed guidance on landscape schemes.

Policy N34 – PROTECTED AREA OF SEARCH :

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

Policy N34 and supporting paragraphs are set out below:

Protected Areas of Search for Long Term Development

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

To ensure the necessary long-term endurance of the Green Belt, definition of its boundaries was accompanied by designation of Protected Areas of Search to provide land for longer-term development needs. Given the emphasis in the UDP on providing for new development within urban areas it is not currently envisaged that there will be a need to use any such safeguarded land during the Review period. However, it is retained both to maintain the permanence of Green Belt boundaries and to provide some flexibility for the City's long-term development. The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework, and in the light of the next Regional Spatial Strategy. Meanwhile, it is intended that no development should be permitted on this land that would prejudice the possibility of longer-term development, and any proposals for such development will be treated as departures from the Plan.

N34: WITHIN THOSE AREAS SHOWN ON THE PROPOSALS MAP UNDER THIS POLICY, DEVELOPMENT WILL BE RESTRICTED TO THAT WHICH IS NECESSARY FOR THE OPERATION OF EXISTING USES TOGETHER WITH SUCH TEMPORARY USES AS WOULD NOT PREJUDICE THE POSSIBILITY OF LONG TERM DEVELOPMENT

- 8.4 The Development Plan also includes the Natural Resources and Waste Development Plan Document (2013): Developments should consider the location of redundant mine shafts and the extraction of coal prior to construction

8.5 Relevant Supplementary Planning Guidance

Supplementary Planning Document: “Street Design Guide”.
Supplementary Planning Document: Public Transport Improvements and Developer Contributions.
Supplementary Planning Document: Travel Plans.
Supplementary Planning Document: Designing for Community Safety – A Residential Guide
Supplementary Planning Guidance “Neighbourhoods for Living”.
Supplementary Planning Guidance “Affordable Housing” – Target of 35% affordable housing requirement.
Supplementary Planning Document – Sustainable Design and Construction “Building for Tomorrow, Today”
Supplementary Planning Guidance 4 – Greenspace Relating to New Housing Development
Supplementary Planning Guidance 11 – Section 106 Contributions for School Provision
Supplementary Planning Guidance 25 – Greening the Built Edge

Interim PAS Policy

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

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

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

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

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

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

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

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

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

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

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

8.7 Leeds City Council Executive Board resolved (Paragraph 201 of the Minutes 13th March 2013) that the policy criteria for the potential release of PAS sites ,as detailed within paragraph 3.3 of the submitted report be approved subject to the inclusion of criteria which:

(i) Reduces from 5 years to 2 years the period by which any permission granted to develop PAS sites remains valid: and

(ii) Enables the Council to refuse permission to develop PAS sites for any other material planning reasons.

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

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

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

Local Development Framework

8.11 The Submission Draft Core Strategy was examined by an Inspector between July 2013 and May 2014. The Inspector has approved two sets of Main Modifications to the Core Strategy. Following the recent receipt of the Inspectors report the Core Strategy is considered sound with agreed modifications and the Plan is now moving towards adoption shortly. The Plan is therefore at a very advanced stage.

8.12 The modified housing requirement is similar to that which influenced the Council's interim-policy and therefore remains valid and there is still a need to consider releasing sites in accordance with the interim policy. There remains a need to ensure that the Leeds housing land supply is diversified, and that the 5 year housing land supply ensures choice and competition in the market for land in sustainable locations, in the main urban area and major settlements. The release of the application site at this time helps maintain these outcomes. Larger sites in smaller

settlements which are less sustainable are protected from development now, until properly considered through the Site Allocations Plan process.

- 8.13 The NPPF states in paragraph 47 that local authorities should boost significantly the supply of housing. It sets out mechanisms for achieving this, including:
- use an evidence base to ensure that the Local Plan meets the full objectively assessed needs for market and affordable housing;
 - identify and update annually a supply of specific deliverable sites sufficient to provide for five years' worth of supply;
 - identify a supply of specific deliverable sites or broad locations for growth for years 6 to 10 and years 11 to 15,
- 8.14 The Core Strategy housing requirement has been devised on the basis of meeting its full objectively assessed housing needs. These are set out in the Strategic Housing Market Assessment (SHMA), which is an independent and up to date evidence base, as required by paragraph 159 of the NPPF and reflects the latest household and population projections as well as levels of future and unmet need for affordable housing.
- 8.15 The Spatial Development Strategy outlines the key strategic policies which Leeds City Council will implement to promote and deliver development. The intent of the Strategy is to provide the broad parameters in which development will occur, ensuring that future generations are not negatively impacted by decisions made today. The Spatial Development Strategy is expressed through strategic policies which will physically shape and transform the District. It identifies which areas of the District play the key roles in delivering development and ensuring that the distinct character of Leeds is enhanced. Of particular relevance is policy SP1: Location of Development.
- 8.16 It is complemented by the policies found in the thematic section, which provide further detail on how to deliver the Core Strategy. This includes housing (improving the supply and quality of new homes in meeting housing need), and the environment (the protection and enhancement of environmental resources including local greenspace and facilities to promote and encourage participation in sport and physical activity. Relevant policies include:

SP6: The housing requirement and allocation of housing land

SP7: Distribution of housing land and allocations

H1: Managed release of sites.

H2: New housing development on non-allocated sites.

H3: Density of residential development.

H4: Housing mix

H5: Affordable housing

P10: Design

P11: Conservation

P12: Landscape

T1: Transport management

T2: Accessibility requirements and new development

G3: Standards for open space, sport and recreation

G4: New greenspace provision

G7: Protection of species and habitats

G8: Biodiversity improvements
EN1: Climate change
EN2: Sustainable design and construction
EN5: Managing flood risk.
ID2: Planning obligations and developer contributions

Site Allocations DPD – Issues and Options 2013

- 8.17 The Council is continuing to advance the Site Allocations Plan, which is currently at the Issues and Option Stage. The site (reference 1046) is shaded green on the Draft Site Allocations DPD Map as ‘sites which have greatest potential to be allocated for housing’. The site area is given as 15.7 hectares and the capacity as 405 dwellings.

Five Year Supply

- 8.18 The NPPF provides that Local Planning Authorities should identify and update annually a supply of specific deliverable sites to provide five years’ worth of housing supply against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence that it will be delivered. Housing applications should be considered in the context of the presumption in favour of sustainable development, articulated in the NPPF.
- 8.19 In the past, the Council has been unable to identify a 5 year supply of housing land when assessed against post-2008 top down targets in the Yorkshire and Humber Plan (RSS to 2026) which stepped up requirements significantly at a time of severe recession. During this time (2009-2012) the Council lost ten appeals on Greenfield allocated housing sites largely because of an inability to provide a sufficient 5 year supply and demonstrate a sufficiently broad portfolio of land. This was against the context of emerging new national planning policy which required a significant boosting of housing supply.
- 8.20 Nationally the 5 year supply remains a key element of housing appeals and where authorities are unable to demonstrate a 5 year supply of deliverable sites, policies in the NPPF are considered to be key material considerations and the weight to be given to Council’s development plan, policies should be substantially reduced.
- 8.21 The context has now changed. The RSS was revoked on 22nd February 2013 and when assessed against the Council’s Unitary Development Plan (2006) there has been no under delivery of housing up to 2012. Furthermore for the majority of the RSS period the Council met or exceeded its target until the onset of the recession. The Council has submitted its Core Strategy to the Secretary of State with a base date of 2012 and a housing requirement that is in line with the NPPF and meets the full needs for objectively assessed housing up to 2028.
- 8.22 In terms of identifying a five year supply of deliverable land the Council identified that as of 1st April 2014 to 31st March 2019 there is a current supply of land equivalent to 5.8 years’ worth of housing requirements.

- 8.23 The current five year housing requirement is 24,151 homes between 2014 and 2019, which amounts to 21,875 (basic requirement) plus 1,094 (5% buffer) and 1,182 (under delivery).
- 8.24 In total the Council has land sufficient to deliver 28,131 within the next five years. The five year supply (as at April 2014) is made up of the following types of supply:
- allocated sites
 - sites with planning permission
 - SHLAA sites without planning permission
 - an estimate of anticipated windfall sites – including sites below the SHLAA threshold, long term empty homes being brought back into use, prior approvals of office to housing and unidentified sites anticipated to come through future SHLAAs
 - Those Protected Area of Search sites which satisfy the interim PAS policy
- 8.25 The current 5 year supply contains approximately 24% Greenfield and 76% previously developed land. This is based on the sites that have been considered through the SHLAA process and accords with the Core Strategy approach to previously developed land as set out in Policy H1. This also fits with the Core Planning principles of the NPPF and the Secretary of State's recent speech to the Royal Town Planning Convention (11 July 2013) where he states that not only should green belts be protected but that “we are also sending out a clear signal of our determination to harness the developed land we've got. To make sure we are using every square inch of underused brownfield land, every vacant home and every disused building, every stalled site.”
- 8.26 In addition to the land supply position, the Site Allocations Document is in the process of identifying further developable and deliverable sites for the plan period.

National Planning Guidance

- 8.27 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.28 Paragraph 47 of the NPPF requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%.
- 8.29 Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Whether the development is sustainable needs to be considered against the core principles of the NPPF. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

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

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

9.0 MAIN ISSUES

- Compliance with the Development Plan
- Development in advance of the Site Allocations Plan
- Five Year Supply
- Sustainability
- Loss of agricultural land
- Affordable housing
- Highways
- Tree loss/Landscaping/Ecology
- Indicative layout
- Amenity
- Section 106
- Letters of representation

10.0 APPRAISAL

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the National Planning Policy framework indicates that development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The starting point for any consideration of the development must therefore be the provisions of the LUDPR (2004), in order to assess whether the development is in accordance with the development plan. Other material considerations include the NPPF, the Core Strategy now close to adoption, the requirement for a 5 year supply of housing, the interim housing policy adopted by the Council and matters relating to sustainability, highways, layout/design/trees/landscaping, amenity, other matters and the Section 106 package being offered in this case.

Compliance with the Development Plan

- 10.2 In considering the site against the provisions of the development plan, the key issue is that the application site is identified on the proposals map and listed in Policy N34 as a Protected Area of Search for Long Term Development. Policy N34 of the UDPR states that development of PAS sites will be restricted to that which is necessary for the operation of existing uses together with such temporary uses as would not prejudice the possibility of long term development. As such the proposal constitutes a departure from the Development Plan. Paragraph 5.4.9 of the UDPR indicates that the suitability of protected sites will be reviewed as part of the preparation of the Local Development Framework. The grant of planning permission would also be contrary to this supporting text.
- 10.3 Having established that the proposal is contrary to the provisions of the development plan it is still necessary to assess the proposal against other material considerations.
- 10.4 Paragraph 14 of the NPPF reiterates that development proposals should be approved if they accord with the development plan but also indicates that permission should be granted where relevant policies are out of date, unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.*
- 10.5 The NPPF at paragraph 85 states that when defining green belt boundaries, local planning authorities should:
- “make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development”.*
- 10.6 On 13th March 2013 the Council’s Executive Board, resolved to enhance housing delivery by releasing some designated PAS sites in advance of the preparation of the Site Allocations Plan so as to bolster the diversity of the land supply. The Board agreed that some sites could be released provided they met agreed criteria set down in an Interim PAS policy.
- 10.7 The interim PAS policy does not supersede the Development Plan but is a relevant material consideration that the Panel should have regard to. The starting point remains the Development plan and in particular policy N34.
- 10.8 The purposes of the Interim PAS Policy are to broaden the land supply and (along with a number of other measures e.g. the interim affordable housing policy) to promote housing delivery, and to reduce the risk of ad hoc development on greenfield and potentially on Green Belt sites by ensuring a continuous supply of housing land to meet housing requirements. This is in line with the NPPF and especially paragraph 47 on significantly boosting the supply of housing.

Development Timing in advance of the Site Allocations Plan

- 10.9 The interim policy only supports housing development on PAS sites subject to the following criteria.
- Criteria (i) Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft. *The application site is within the settlement of Wetherby, which is defined as a Major Settlement in Policy SP1 of the Core Strategy.*
- Criteria (ii) Sites must not exceed 10ha in size and there should be no sub division of larger sites to bring them below the 10ha threshold. *The application site is 14.7 ha.*
- Criteria (iii) Land is not needed, or potentially needed for alternative uses. *The application site is not needed for alternative uses and therefore satisfies this criterion.*

Whereas the site is greater than 10ha (it is 15ha) and therefore fails criteria ii, the site relates well to the 'Major Settlement' of Wetherby and it is not envisaged that the site is required for any alternative use therefore the site meets criteria i and iii.

- 10.10 As stated in the interim policy, 'in cases that meet criteria (i) and (iii) above, development for housing on further PAS land may be supported if:
- iv) it is in an area where housing land development opportunity is demonstrably lacking; and
 - v) the development proposed includes or facilitates significant planning benefits such as, but not limited to:
 - a) a clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area;
 - b) proposals to address a significant infrastructure deficit in the locality of the site.
- 10.11 This is first PAS site brought to members for determination where a case is being made under criteria iv) and v) to be brought forward in advance of the Site Allocations Plan. With regard to criterion iv) it is the view of Officers that Wetherby is in an area where housing land development opportunity is demonstrably lacking. This is evident in the absence of any current major sites with planning permission and any allocated housing sites within Wetherby itself. The only notable applications for residential development currently being considered relate to the former Forensic Science Service site on the eastern side of Wetherby, and the former Benfield Motors site to the north of the town centre on Deighton Road. A current application by Miller Homes for the former Forensic Science Service site for 65 dwellings is considered to be over-development of the site and therefore no permission currently exists. The Benfield Motors site, whilst acceptable in principle for housing, is awaiting the outcome of an appeal decision based on design grounds, and in any event is for a later living housing. As such, there are no major housing sites being currently built out or sites which have permission within Wetherby. In recent years, the only housing development that has taken place relates to small infill sites that produce only single dwellings or sites for several houses.

- 10.12 The only significant allocated housing site in the UDPR nearby is Churchfields, but this is in Boston Spa, which is categorised as a smaller settlement, and this is currently well under construction.
- 10.13 The Site Allocations Plan has a very limited number of sites that are identified as suitable for housing within the Wetherby area. Housing land opportunities adjacent to Wetherby are demonstrably lacking, the application site is the only identified site in the area which has been identified as “green” in the Site Allocations Plan process. Other similarly sized sites are not as well related and are therefore classed as “amber” or “red”. The main issues relate to the manner in which Wetherby is bounded to the north and west by the Harrogate Borough Authority border, to the east by the A1(M) and to the south by green belt and Special Landscape Area separating Wetherby and the neighbouring village of Linton, along with areas of flood risk.
- 10.14 With regard to criterion v) a), the applicant has offered to enter into a S106 agreement, providing a clear and binding linkage between the development at Spofforth Hill and the re-commencement of works on a stalled site in the East And South East Leeds (EASEL) Regeneration Area - EASEL 7. Bellway Homes Ltd, the applicant, states that at present EASEL 7 is financially unviable, and that out of the 117 completed units only 3 have been sold privately without some form of Government Funding. They state that that investment from Spofforth Hill would enable them to re-start work on EASEL 7 and deliver the outstanding 83 units of the 200 approved. The proposal is that the S106 agreement would require that 20 units at EASEL 7 be completed for every 50 at Spofforth Hill, meaning that EASEL 7 would be around the occupation of the 200th dwelling at Spofforth Hill. Officers are advised that works on EASEL 7 would commence following a Panel resolution to grant planning permission at Spofforth Hill, and therefore could result in housing being delivered at EASEL 7 by the end of the year. EASEL is a long standing regeneration priority programme area where some of the Council’s housing needs are greatest, and where development can act as a catalyst to stimulate further house building. Approval of the application would allow this currently unviable site to recommence, unlocking any remaining contributions due on the site. The District Valuer (DV) has been instructed to independently appraise the current valuation information submitted by the applicant.
- 10.15 Subject to confirmation from the DV that EASEL 7 remains unviable at present, without the approval of Spofforth Hill, approval of the application subject to the requisite S106 agreement would thereby meet the interim housing policy and support Core Strategy Policy SP4. It is considered it would represent the necessary ‘clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area’, and therefore meets criteria v) b) of the Interim PAS Policy. This is in addition to the provision of the full requirement for affordable housing: provided both on-site and via a commuted sum (see below).

Five Year Supply

- 10.16 In relation to housing requirements, the Council has a supply of 28,131 net homes between 1st April 2014 and 31st March 2019, which when assessed against the requirement for 24,151 homes provides a 5.8 year housing land supply.

- 10.17 This supply has been sourced from the Strategic Housing Land Availability Assessment Update 2014 and includes over 21,000 units, including sites for students and older persons housing. In addition the identified supply consists of some safeguarded sites adjacent to the main urban area which meet the Council's interim policy on Protected Areas of Search (approved by Executive Board in March 2013). The supply also includes evidenced estimates of supply, based on past performance, from the following categories: windfall, long term empty homes returning into use and the conversion of offices to dwellings via prior approvals. The supply figure is net of demolitions.
- 10.18 The requirement is measured against the Core Strategy Inspector's latest set of Main Modifications (16th June 2014) which he considered were necessary to make the Core Strategy sound. They indicate that the Council should supply land at a rate of 4,375 homes per annum throughout the life of the plan, but that because of market signals and the need for infrastructure be judged for performance purposes against meeting a requirement of at least 3,660 homes per annum between 2012 and 2016/17. This basic requirement is supplemented by a buffer of 5% in line with the NPPF. The requirement also seeks to make up for under-delivery against 3,660 homes per annum since 2012. It does this by spreading under-delivery, since the base date of the plan, over a period of 10 years to take account of the circumstances under which the under-delivery occurred i.e. the market signals and the need to provide infrastructure to support housing growth.
- 10.19 In adopting the interim PAS policy members added a further caveat reducing from 5 years to 2 years the period by which any permission granted to develop PAS sites remains valid. This amendment is to discourage land banking and ensure that where permission is granted for the development of PAS sites the proposal is implemented in a short timescale in order to meet the purposes of the policy to promote housing delivery.
- 10.20 The principle in favour of sustainable development is enshrined in the NPPF where it is stated that permission should be granted where the development plan is out of date. In this case the Council has specifically adopted a Policy to address the need to bring forward additional housing land over and above that which is being developed on housing sites allocated in the development plan, and in circumstances where additional sites are shown to be sustainable and have already been identified as having potential for long term development.
- 10.21 The Policy has been adopted in the knowledge that whilst the LUDPR indicates that PAS sites will be reviewed as part of the preparation of the Local Development Framework ideally this would be through the Site Allocations Plan, but given the changes in circumstances since the adoption of the LUDPR, including the publication of the NPPF, the Council has recognised through the Interim Policy that there is a need to identify those sites that can help address the additional housing need in advance of the Site Allocations Plan.
- 10.22 **Sustainability**

As has been discussed the site is in a relatively accessible location in terms of public transport and access to the necessary services and facilities Wetherby has to offer as a major settlement. Wetherby is regarded as a hub location by Metro/WYCA and the frequency of public transport service provision is considered to give acceptable accessibility by the public and the site is therefore considered to be in a sustainable location. Biodiversity enhancement measures can be secured by condition, to ensure that the required biodiversity protection measures and habitat creation is achieved, in accordance with NPPF requirements. Conditions can secure facilities for charging plug-in and other low emission vehicles, also in accordance with NPPF requirements. The site is not prone to flooding and development of the site would not create any severe highways impacts. The proposal is considered to be consistent with the interim housing policy and as such the application proposes a sustainable form of development.

Loss of agricultural land

- 10.23 The Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. It helps underpin the principles of sustainable development. The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a. This is the land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses such as biomass, fibres and pharmaceuticals. Current estimates are that Grades 1 and 2 together form about 21 per cent of all farmland in England - Subgrade 3a contains a similar amount.
- 10.24 It is understood that the application site is approximately 7% grade 2, 80% grade 3a therefore the site is within the 'best and most versatile' category.
- 10.25 UDPR policy N35 states 'Development will not be permitted if it seriously conflicts with the interests of protecting areas of the best and most versatile agricultural land'. Whilst Paragraph 112 of the NPPF states 'Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development on agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'
- 10.26 The application site is 15ha and its loss is not considered to be considered to 'seriously conflict' with UDPR policy N35 and the NPPF when considered against the substantial areas of agricultural land within close proximity of the site and throughout the rest of North and East Leeds, much of which is Grade 2.
- 10.27 The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) requires Natural England to be consulted on applications relating to agricultural land greater than 20ha. It is considered this 20ha threshold is a good guide for what could be considered as a significant area of agricultural land and the application site being 15ha is considered to further diminish any requirement to maintain this piece of land for agriculture. Despite there not being a statutory requirement to consult Natural England, a consultation was sent

regardless. Natural England did not raise any objection to the principle of the loss of this agricultural land.

- 10.28 The adjacent land is within the same ownership as the application site therefore the loss of 15ha of agricultural land would not result in the loss of farming within the area as the existing farms could continue to operate. As the adjacent land is outside Leeds and within Harrogate district it is unlikely that this land would come forward for housing development therefore the continued loss of agricultural land would not be expected.
- 10.29 Affordable Housing
- 10.30 As highlighted above, the applicant has offered to provide the 35% affordable housing requirement by providing 15% on site and 20% by way of a commuted sum that could be used to deliver affordable housing on other sites across the city.
- 10.31 The application is an outline application for 'up to 325 houses' therefore the final number of dwellings is not being set at this time. However, if 325 houses are provided the on-site affordable provision would equate to 49 houses on site. The exact mix of units would be determined at reserved matters but the indicative mix is; 15 one bed, 22 two bed, 10 three bed and 2 four bed dwellings. Officers are supportive of this indicative mix.
- 10.32 The affordable housing would generally be pepper-potted around the site but to allow for the early delivery of some of the affordable units the applicant has offered to build 15 as part of phase one that includes the forty units served off Glebefield Drive. The majority of the other affordable units would be in the later phases when the majority of the smaller units are built in the eastern part of the site.
- 10.33 The remaining 20% (equivalent to 65 dwellings) will be provided as a commuted sum. The Council would have the opportunity to use this sum to deliver affordable housing elsewhere in the city. Due to the high cost of housing in Wetherby, the commuted sum could potential deliver significantly more than the 65 affordable units on site in an area where house prices are much lower and where the affordable housing may be more sought after (subject to their being suitable available and deliverable sites). Based on current market values in the Wetherby area, the total contribution equivalent to 65 houses in a mix the same as indicated for the on-site affordable houses would be £8,562,537.25. When considering the residential application at Thorp Arch Trading Estate the City Panel placed significant weight on the importance of providing new affordable housing units in inner city areas where there is a significant need and the considerable associated benefits of urban regeneration and this approach is promoted once again.
- 10.34 The council utilises commuted sums through a variety of delivery mechanisms to deliver additional affordable housing including new build housing and bringing empty homes back into use. These resources could form part of the council's new build programme which is delivering over 1000 units of new affordable housing city wide, or could be used in conjunction with the Council's Brownfield Land Programme to add to the amount of affordable housing which would ordinarily be provided and help to accelerate delivery on these sites.

- 10.35 At the 24/10/13 City Panel Members requested further information regarding the 'need' for affordable housing in the Wetherby area.
- 10.36 The council's information sources on housing demand in Wetherby includes the social housing demand taken from the Leeds Homes Register (LHR). Information on social housing need and demand has been taken from the Leeds Homes Performance Management Summary, which analyses information from the LHR providing a 'snapshot' on a quarterly and yearly basis. In considering the information available from the LHR, a mix of 1, 2 and 3 bed accommodation would reflect housing need and housing demand in Wetherby (for social rented units) as well as meet predicted demand across the city as a result of Welfare Reform. There was some limited demand for four bed dwellings.
- 10.37 The number of applicants on the Leeds Housing Register for the Wetherby area is around 3% and is therefore relatively low compared to other areas of the City. Bids for Council properties are also relatively low within the Wetherby area, receiving an average of 31 bids per property compared to an average of 64 city wide. However, housing officers do not consider this to be purely down to the relative wealth of Wetherby ward, but also simply because there is a limited supply of council housing and a longer waiting list, therefore people may not select Wetherby as an option as the chance of finding a property may be limited. In addition, the location of Wetherby may not appeal to those on lower incomes and a greater reliability on public transport (that would be more expensive due to the greater distances travelled to access larger centres).
- 10.38 On balance (considering the information available and its limitations) there is a lower than average demand for social housing in Wetherby when compared to elsewhere in the City.
- 10.39 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.
- 10.40 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 therefore the 49 units proposed as part of this application (in addition to those proposed at Thorp Arch Trading Estate) would help meet this need and are considered to be an appropriate number and mix.
- 10.41 Highways
- 10.42 Accessibility: With reference to the Draft Core Strategy Accessibility Standards, access to local services is acceptable, as is accessibility to Wetherby town centre. The accessibility standards require local services within a 1200m walk and town centres to be available via a 15 minute bus service. As detailed below the bus services on Spofforth Hill do combine to provide a 15 minutes service to the town centre. The town centre would provide the local services. The primary site access is

located within a 1250m walk of the defined S2 town centre and a 1400m walk of the Town Hall. The alternative access on Glebe Field Drive is located within a 1050m walk of the defined S2 town centre and 1200m walk of the Town Hall.

- 10.43 In terms of Public Transport, there are existing stops on Spofforth Hill (refs .26943, 26942, 25618, 14874) between a 150m and 250m walk from the proposed site access. A significant proportion of the site is therefore within the normal 400m walk to a bus stop. Different bus stops on Spofforth Hill can be accessed via the Glebe Field Drive access. The walk distance taking this route would be around 325m to the edge of the site.
- 10.44 The location of the site meets requirements for access to Primary Education (located on Crossley Street) and Secondary Education (located on Hallfield Lane).
- 10.45 In terms of bus service on Spofforth Hill there are 770 / 771, X70 plus 9 school services. The 770/771 provides a 30 minute service (Leeds to Harrogate via Wetherby and Boston Spa) and X70 provides a 30 minute service (Wetherby to Harrogate). The combined service frequency provides a 15 minute to Wetherby, a 15 minute service to Harrogate and a 30 minute service to Leeds.
- 10.46 The site does not fully meet the Draft Core Strategy Accessibility Standards and Public Transport SPD in terms of access to employment. In terms of access to employment, the accessibility standards require a site to be within a 5 minute walk (400m) of a bus stop offering a 15 minute service to a major public interchange. Although Wetherby is regarded as a Major Settlement in the Draft Core Strategy the bus station is not a major public transport interchange. However, Wetherby is the most significant settlement in the Outer North East wedge of the city, and its bus station is regarded as a hub location by Metro/WYCA. Although direct service to Leeds are not at the 15 minute frequency, 15 minute frequency is available to both Wetherby and Harrogate and regular services are available to Leeds. The principle of a significant level of residential development in this location, which does not fully meet accessibility standards, should be consideration in light of the current Site Allocations process and the housing targets for the Outer North East wedge and other material planning consideration. In this context the standard and frequency of service provision is considered to give acceptable accessibility to the site by public transport. The development would be required to provide a public transport contribution in line with the Public Transport SPD, and improvements are to be provided to the entry points (bus stop improvements) and the access routes to these entry points. Employment opportunities would also be available in Wetherby itself (town centre and Sandbeck area) and the 770/771 service gives access to the Thorp Arch employment area.
- 10.47 Vehicular Access: The proposed primary access has been amended from the previous roundabout to a T junction with a right turn lane. The level of development served by this junction has been reduced to be less than 300 dwellings and is therefore in accordance with the Street Design Guide.
- 10.48 The design of the primary access is accepted subject to a Stage 1 Road Safety Audit. The junction as shown would provide around 2.4m x 90m visibility which is more than adequate. The southern flank of Spofforth Hill between Wentworth Gate

and Chatsworth Drive has limited footway provision. The scope of the access works will be extended to include the provision of a footway along this length and include the formal pedestrian crossing referred to in the accessibility section. The secondary access onto Glebe Field Drive serving up to 40 dwellings is also considered acceptable.

- 10.49 The required Stage 1 Road Safety Audit of all off-site highway works proposed as part of this application has been received. The main outcome of this is that a new pelican crossing is required and is proposed on Spofforth Hill, located between the junction into the proposed development site and Chatsworth Drive. The Road Safety Audit is comprehensive and design amendments have been incorporated into the scheme.
- 10.50 Internal layout/servicing/bins: No objections are raised to the general layout indicated in the framework/masterplan drawing which shows looped/connected streets which maximises permeability. The detailed internal layout would require designing in line with Street Design Guide standards at reserved matters stage.
- 10.51 The emergency access and pedestrian link between the Spofforth Hill and Glebe Field Drive parcels is supported and will be conditioned. Similarly the pedestrian/cycle link to Harland Way and Ashburn Drive will be conditioned.
- 10.52 Transport Assessment: Since the production of the June 2013 TA a further two supplementary reports have been submitted to respond to the concerns raised by officers, the Plans Panel and local residents. The number of residential dwellings has also been reduced from 400 to 325. The total number of dwellings / trips has therefore reduced by 19%.
- 10.53 A key concern raised by local residents relates to the Trip Rates used in the TA. The vehicle trip rates derived from survey data from the adjacent Glebe Fields Drive development are accepted. The adjacent development is well established, comprises approximately 250 dwellings and also forms a cul-de-sac. Similarly, the types of dwellings on the existing estate are likely to be representative of those proposed. A check of the proposed trip rates using TRICS data also confirms that these are within the expected range for this type of development. However, residents have expressed concerns regarding the reliability of the data as it was suggested that inclement weather during the December 2012 survey would have resulted in lower than normal trip generation. To further validate the trip rates used LCC has surveyed arrivals and departures at Glebe Field Drive in the AM peak on 11th November 2013 (term time, wet weather) and these largely accorded with the developer's observations with 113 departures and 35 arrivals between 08:00 and 09:00 equating to trip rates of 0.465 departures, 0.144 arrivals and 0.609 two-way. The developer has also validated the trip rate against a second survey carried out in November 2012 which again shows very similar trip rates. The trip rates used are therefore acceptable.
- 10.54 The TA assesses the impact of the proposed development on a number of junctions along Spofforth Hill and through Wetherby using a typical weekday, a Thursday Market day and a Saturday. The original TA indicated that the key junctions that would be impacted by the development would be the three mini roundabouts of A661 Spofforth Hill/West Gate/Linton Road, St James Street/B6164 North Street and

B6164 High Street/A661 Market Place. Queue count surveys were undertaken to attempt to validate the models and this data shows that whilst queuing does occur at these junctions in the respective peak hours it is significantly below the levels predicted by the model. The models were showing very onerous results and therefore not accepted due to validation issues. The supplementary work carried out by the developer's highway consultant has been carried out to address this concern and arrive at more reliable predictions of junction performance at these key junctions. These new models are considered to validate to an acceptable level so the results can be interrogated to understand the impact of the development.

- A661 Spofforth Hill/West Gate/Linton Road: In the AM peak the West Gate and Linton Road arms of the junction will operate satisfactorily in the with development scenarios. The Spofforth Hill arm experiences increased delay in future year scenarios and with development scenarios with the arm rising above practical reserve capacity. However, the arm remains within absolute capacity. The increase in delay as a direct result of the development in the worst 15 minutes of the peak period is in the range of 15 to 42 seconds. The junction will continue to operate satisfactorily in the PM peak period.
- St James Street/B6164 North Street: The junction will continue to operate satisfactorily in both the AM and PM peak periods.
- B6164 High Street/A661 Market Place: In the AM peak the High Street arms of the junction will operate satisfactorily in the with development scenarios. The Market Place arm experiences increased delay in future year scenarios and with development scenarios with the arm rising above practical reserve capacity. The arm remains within absolute capacity, although is very close in the worst case scenario (2018 base + development). The increase in delay as a direct result of the development in the worst 15 minutes of the peak period is in the range of 18 to 85 seconds.

In the PM peak the High Street (north) and Market Place arms will operate satisfactorily in the with development scenarios. The High Street (south) arm experiences increased delay in the worst case scenario (as a result of the development and general growth) with the arm rising slightly above practical reserve capacity. However, the arm remains within absolute capacity. The increase in delay as a direct result of the development in the worst 15 minutes of the peak period is minimal in the range of 4 to 9 seconds.

10.55 Off-site highway works: In support of the development the off-site highway works listed below are necessary:

- The formation of an access onto the Spofforth Hill including creation of a right turn lane and associated central islands.
- Gateway treatments on the approach to Wetherby.
- Associated footway improvements and dropped kerbs.
- Associated road markings and traffic management/speed reduction measures.
- Formal controlled pedestrian crossing adjacent to Chatsworth Drive.
- Any associated Bus stop works connected with Metro/WYCA requirements.

10.56 In recognition of the traffic impact of the development, the developer has offered a sum equivalent to the public transport contribution to be used towards additional mitigation and traffic management measures in the Wetherby area (£1,226 per dwelling, 325 dwellings would equate to £398,450). The developer has provided a number of suggested proposals which the sum could fund including the following:

- *Zebra crossing on Spofforth Hill in the vicinity of Glebe Field Drive to assist access to bus stops.*
- *Provision of bus shelters at north and south bound bus stops in the vicinity of Glebe Field Drive including surfacing works to provide footway connections to/from north bound bus stop and consideration of relocation of north bound bus stop to provide larger waiting area.*
- *Funding for creation of 20mph zone for the residential area bounded by Spofforth Hill (A661) and Crossley Street and North Street/Deighton Road (B6164). This area includes the Glebe Field Drive estate which is to be used as access to 40 dwellings and an emergency access arrangement.*
- *Pelican crossing in the vicinity of the junction of York Road and the B6164 North Street/Deighton Road.*
- *Creation of "School Zone" on Crossley Street outside the primary school. Measures within the "School Zone" to include pelican crossing; enhanced road markings; delineation of on-street parking bays and additional signage.*
- *Provision of cycle parking facilities within Wetherby Town Centre in the form of Sheffield Stands. The exact location and number to be agreed with the Council's engineers and Travelwise officers.*
- *Funding for creation of 20mph zone for the mixed use area (predominantly residential) bounded by High Street (B6164), York Road and the A168. This area incorporates Wetherby High School and as it is likely that secondary school aged children from the proposed development will attend this school this measure will create a safer environment for these children to walk and cycle to school.*
- *Funding for implementation of changes to on-street car parking following works to Hallfield Lane and the old station car parks as detailed in the Mouchel report commissioned by the Council dated March 2010.*
- *Provision of a monitoring fund which can be used by the Council to monitor the number of vehicle movements created by the development and the impact on the key junctions identified in this report. This information will be fed into the Travel Plan and will be used to guide the choice of measures and initiatives to further reduce single person car journeys.*

10.57 The exact use of the sum will be flexible in how it can be used so that it can respond to issues that might not be predicted at this point in time.

10.58 Discussions have also taken place with Harrogate Borough Council over the potential to create a vehicular access in the form of a new roundabout within Harrogate district, following the comments of the Plans Panel in October 2013. However, officers at Harrogate have indicated that such a proposal is unlikely to be supported, and hence the proposal to relocate the access further along Spofforth Hill and reduce the number of proposed dwellings.

10.59 A specific concern of Members at pre-application and subsequently position statement stage, and many objectors, CPRE and Linton Village Society, is that of the potential for 'rat-running' through Linton Village. The introduction of a second access, the reduction in the number of houses, and the relocation of the principal access further towards Wetherby, all serve reduce the potential for this to occur.

10.60 In broad highway terms, Paragraph 32 of the NPPF states that:

"All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe [My emphasis].

Following the submission of the requisite assessments and road safety audit, a reduction in the number of dwellings, incorporate of the pelican crossing, and discussions with Harrogate BC discounting an alternative access location, officers do not believe that the proposal would conflict with the above policy statement, and can now therefore support the proposals as amended in highway terms.

10.61 Tree Loss/Landscaping/Ecology.

10.62 Officers and Members have consistently sought to limit the impact any new access point on Spofforth Hill would have on existing trees along this road frontage. At pre-application stage the number of trees to be removed was envisaged to be 33, whilst the last time Members saw the proposals the number of trees to be removed was 16, with a further 15 affected. The revised access arrangement now proposed further down Spofforth Hill has further reduced the impact on trees and the trees that are now required to be removed are not as prominent. The number of trees now proposed to be removed is 9, with a further 12 trees affected, primarily by the footpath adjacent to the access on the north side of Spofforth Hill.

10.63 Of the trees to be removed 6 are Limes, two are Horse Chestnuts and one is a Beech. From the submitted survey the Lime trees vary in height between 16m and 22m and the Horse Chestnuts are 17m high, whereas the Beech is 23m high. Clearly a gap in the tree line would be created for the proposed access and associated visibility splays, though trees would be retained either side. The introduction of the pelican crossing and footway on the south side of Spofforth Hill to serve it raises additional potential impacts. Further survey work has therefore been requested in this regard.

- 10.64 Whereas the proposals still result in the loss of some trees, this is significantly less than previously envisaged and trees lost are in a less prominent area. Close scrutiny of the method of construction around the trees will hopefully ensure the majority of those 12 trees that are affected can be retained. The loss of the trees would be mitigated by additional on-site planting of large semi-mature trees and the substantial landscape buffer referred to below.
- 10.65 The application site is a greenfield site with open countryside beyond its northwest boundary. Along this boundary there is some existing mature planting that would screen the development and the applicant proposes to introduce further planting to provide an appropriate buffer to the development. The applicant has agreed to requests from Members and officers to provide a substantial 20m wide landscape buffer along much of this boundary to ensure an appropriate transition between the development and the open countryside and to enhance ecological habitats. 5m of the buffer is within the site and 15m is outside the site but still within the same land ownership and the applicant has agreed a land deal to ensure the buffer can be delivered. The buffer includes trees planting, shrubs and a footpath with wild flower verges and therefore will be an attractive addition to the landscape.
- 10.66 Landscape buffers are also proposed along the site boundaries with the existing dwellings on Spofforth Hill and within the Glebefield estate and a landscape buffer is proposed adjacent to the footpath that divides the site with the Glebefield estate at the eastern edge of the site.
- 10.67 Leeds Nature Area 109 is within part of the site. Following consultation with the council's nature conservation officer there is no objection to the development subject to appropriate mitigation via a biodiversity enhancement and management plan that would include the proposed landscaping within the landscape buffer.
- 10.68 Indicative Layout
- 10.69 An indicative masterplan has been submitted that identifies the landscape buffers referenced above whilst identifying approximate development zones, a village green and other areas of public open space totalling around 1 hectare and public rights of way. A design code is contained within the Design and Access Statement that outlines the future design aspirations for the site including a street hierarchy, public realm and use of materials. Final details will be determined via reserved matters, although the applicant has indicated that two separate matters application will be submitted for the site and these would be submitted in a timely manner should outline planning permission be granted. Indicative house types and street scenes will be displayed at Panel.
- 10.70 A development with only a single access point is not necessarily ideal, although the number of units has been reduced. However, the general layout appears well connected and subject to detailed consideration at reserved matters stage to assess space between dwellings, garden sizes etc. the indicative layout is supported. The overall density is 24 dwellings per hectare and that is considered to be a reasonable density that can be delivered on this site.
- 10.71 Amenity

10.72 There will be landscaped buffers adjacent to existing dwellings to protect the existing residents' amenity and the space between existing and proposed dwellings will be examined in detail at reserved matters.

10.73 The new access onto Spofforth Hill will be opposite existing dwellings. Whereas there will be increased vehicle movements in this area it is not considered these movements are significantly greater than those that already take place on Spofforth Hill and therefore will not have a significant adverse effect on the residents amenity. Due to the orientation of the properties, distance from the access and existing landscaping, it is not considered there will be any significant impact on the residents from car headlights shining toward their properties whilst vehicles are exiting the proposed development.

10.74 The introduction of the pelican crossing to Spofforth Hill will also be opposite existing dwellings. This will also require the introduction of a footway to the south side of the carriageway. Whilst these will impact to a degree on the amenity of residents they could not be said, given the separation distances involved and the nature of what is proposed, to unacceptably adversely affect existing visual or aural residential amenity.

10.75 Section 106 and CIL Regulations

10.76 The heads of terms for the S106 agreement would be as follows:

- Affordable housing at 15% (49 dwellings) on site and a commuted sum in lieu of the remaining 20% (around £8.5m in current values).
- Commitment to deliver EASEL 7 (83 dwellings).
- Public transport contribution £1,226 per dwelling (325 dwellings = £398,450)
- Off-site highways mitigation contribution of £1,226 per dwelling.
- Education contribution of £2,972 per dwelling (325 dwellings = £965,900).
- Greenspace contribution: The current layout results in an indicative contribution of £324,876.82.
- Travel Plan measures and monitoring fee of £5,125.
- Bus stop provision.
- Car club contribution.
- Local employment and training.
- Public access to public open space.

10.77 From 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is all of the following:

- **(i) necessary to make the development acceptable in planning terms.** Planning obligations should be used to make acceptable development which would otherwise be unacceptable in planning terms.
- **(ii) directly related to the development.** Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.

- **(iii) fairly and reasonably related in scale and kind to the development**
Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

10.78 According to the guidance, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make development acceptable in planning terms. The planning obligations offered by the developer include the following:-

- Affordable housing at 15% on site and a commuted sum in lieu of the remaining 20% (circa. £8.5m). This is in line with the SPG and emerging Core Strategy.
- Commitment to deliver EASEL 7 (83 dwellings) on a different site within a regeneration area in Leeds. This is considered to be in accordance with the Interim PAS Policy.
- £398,450 (based on 325 dwellings) as a public transport infrastructure contribution. The proposal is likely to have a significant travel impact and a financial contribution will help to ensure that relevant government and local policies relating to the use of public transport are met. Money would not be ring-fenced to the local public transport system as there are no current proposals for the area, however it could be spent on associated transport corridors. The figure has been calculated using the approved formula set out in the SPD which takes into account the size, scale and impact of the proposed development.
- £5,125 as a monitoring fee for a Travel Plan designed to reduce vehicle use by residents and visitors. This is required to ensure that the agreed provisions within the Travel Plan are implemented.
- Contributions towards Greenspace, Education, and off-site highways mitigation are all considered to be necessary and relate to the proposed development and are in accordance with adopted SPGs.
- The bus stop contribution, car club contribution, local employment and training, and public access to public open space are all considered to meet the CIL Regulations.

10.79 The proposed development could therefore bring about financial benefits for the local area and as well as benefits to regenerate other areas within Leeds and it is considered that the Council is justified in seeking such contributions.

10.80 Letters of representation

10.81 The majority of the issues raised in the letters of representation have been considered above with those issues not addressed referenced below.

- Impact on local services including drainage, doctors, schools, shops – *The development results in financial contributions to help improve schools and open space in the area. Wetherby is a major settlement with significant local services and the site is within easy access of Harrogate therefore the addition of 325 dwellings is not considered to unacceptably impact upon local resources.*

- The public consultation was poor. – *The developer carried out two public consultation events and the Council has advertised the proposals on multiple occasions.*
- A new road should be built to access the development from Kirk Deighton. – *A development of this scale could not fund such an extensive project. The road would go through open countryside within Harrogate who have confirmed they would not be supportive of highway infrastructure in their district.*
- Previous undertaking stated such a development would not be considered until 2016. – *The Council must determine the application put before them. Even if the application was approved late summer-2014, there are multiple reserved matters applications to be agreed therefore development would not probably commence until mid-2015 at the earliest.*
- Construction traffic should be banned from the Glebefield Estate. – *This will be examined at condition discharge stage when the construction management plan is submitted.*
- The emergency access point from the Glebefield Estate should be locked to prevent unauthorised use. – *Appropriate mechanisms will be in place to prevent access.*
- Adverse impact on the Wetherby Conservation Area. – *The Conservation Area is a considerable distance from the development (more than 500m at its closest), it would not affect important views into or out of it, and the relative increase in traffic that would go through the CA would not materially affect its character.*
- This would lead to a significant increase in the population of Wetherby. – *The addition of up to 325 dwellings is not considered to significantly increase the population of such a large settlement. Population estimates used to take the Core Strategy forward require substantial new homes within the Outer North East Area.*

11.0 CONCLUSION

- 11.1 On balance it is considered that it is appropriate to assess the development in the context of the Council's Interim Policy on PAS sites, and that it meets the criteria of that Policy. Whilst the application is in outline, the indicative layout clearly demonstrates that, with the imposition of appropriate conditions and careful consideration of detailed design issues at reserved matters stage, the site can be developed in a way that complies with Council policies referred to above.

12.0 BACKGROUND PAPERS

- 12.1 Application file 13/03051/OT.
- 12.2 Notice has been served on five landowners: Peter George Frederick Grant, Susan Penelope Grant, Neil William Derick Foster, Richard William Rusby and Nicholas Malcolm Brown.

APPENDIX 1 – Minutes of the 24th October 2013 City Plans Panel relating to Spofforth Hill, 13/03051/OT

Further to minute 109 of the City Plans Panel held on 11th April 2013, where Panel received a pre-application presentation on proposals for a residential development on a Protected Area of Search (PAS) site at Spofforth Hill, Wetherby, the Panel considered a report of the Chief Planning Officer setting out the current position in respect of these proposals

Plans, photographs and graphics were displayed at the meeting

Officers presented the report and made reference to policy N35 of the UDPR, which had not been included in the report

Members were informed that comments on the proposals were awaited from Natural England

At the meeting in April 2013, Members had discussed the options for the access arrangements, with Members of the view that the best option was for a roundabout to be sited on land which was within the Harrogate boundary. Harrogate Council had been approached but had indicated they would not support a roundabout at the proposed location

Loss of trees had also been a subject of discussion at the April meeting, and arising from this, the number of trees to be removed had now reduced. 16 trees would now need to be removed, although some others could be affected, with discussions continuing on this

A single access point was proposed for the development. Whilst for this number of houses two access points were usual, it would be difficult to accommodate a further access point without removing trees. Highways had indicated that the proposed access could be supported

In relation to the provision of affordable housing, the developer had indicated that 35% affordable housing would be provided, although this was proposed to be split between 15% on-site provision and 20% off-site provision

Members sought further information on:

- the negotiations with Officers in Harrogate Council and North Yorkshire County Council (NYCC) about the siting of a roundabout on land in the Harrogate boundary
- the policy setting out the number of dwellings off a single access

Panel was informed that the issue had been raised with NYCC as part

of discussions on proposals at Thorp Arch. NYCC had raised concerns about the proposal. Harrogate Council had also objected Concerns were expressed about how this had been dealt with, particularly in view of Members' comments at the Plans Panel on 11th April 2013

In terms of the number of dwellings off a single access, the Transport Development Services Manager advised that the Street Design Guide was an adopted SPD and suggested that for 200-300 dwellings then more than 1 access should be considered. Whilst this would be the preferred position and that the proposals would be better with a second access point, in this case it was not

practical. The design of the internal road, as a loop, was considered to mitigate against any blockages

Members commented on the following matters:

- that at 400 dwellings, the proposals were double the minimum number of dwellings where a second access point should be considered and that the obvious solution would be to build less houses
- that a reduced number of dwellings should be considered by the applicant
- the high level of vehicle ownership in this area with concerns at the impact of the proposed scale of development on the road network, particularly the level of traffic which could go either through the adjacent housing estate or through Linton
- concerns about safety and accessibility for emergency service vehicles
- concerns about the loss of trees; that some of the existing trees required urgent attention and that the Chief Planning Officer should refer this maintenance issue to Leisure Services to address
- that discussions should take place at the highest level with Officers from Leeds, Harrogate and North Yorkshire Councils, together with the applicant on the issue of a second access
- the wording of the criteria relating to the release of PAS sites
- that the proposals had divided opinion locally; that mini roundabouts were needed to help the traffic flow around Wetherby; that as an allocated site it was recognised that some development was likely but that what was being proposed was not acceptable

The Head of Planning Services stated that this was not the only

PAS site under consideration for development and that if a certain number of properties were allowed off a single access point, similar proposals would be brought forward by other developers and that the highways and safety aspects in this case had to be considered carefully

The Chief Planning Officer stated that discussions should take place with Harrogate on the access issue

In response to the specific issues raised in the report, Members provided the following comments:

- that up to 400 houses on this site was too many
- in relation to a 15% affordable housing provision on-site and 20% off-site provision, to note there were mixed views. Concerns were raised that the level of need for affordable housing in Wetherby had not been quantified and that this information was needed. The need for family houses in Leeds was also highlighted. Further discussion on this matter took place with Panel agreeing to the principle of a split between on-site and off-site provision but without any specific percentage being proposed at this stage until information on local need had been provided

- on the principle of whether a 20% off-site contribution (in accordance with the Council's standard formula) sufficiently met criteria vii of the interim PAS policy, that further work needed to be undertaken on this, as stated above, before Members could give a view. Further discussion took place as to the wording of the interim PAS policy and clarification was provided as to the different tests relating to sites up to 10 ha and those over that threshold
- that Members were not supportive of the principle of a new roundabout at Spofforth Hill/Wentworth Gate to provide access to the proposed development; that there were concerns about the safety aspect of this; the impact on trees and that a better solution would be a roundabout further along the road on land within the boundary of Harrogate Council
- that Members were unhappy about the access and tree loss
- that Members were supportive of the principle of a 20m buffer to the open countryside plus additional landscape buffer to the existing residential properties
- that there was not support for the general principle identified on the indicative layout due to the excessive number of houses to be served off one access
- that regarding the proposed Heads of Terms, it was not possible at this stage to take a view on this matter

RESOLVED - To note the report, Members' comments and the

requirement for discussions between Leeds, Harrogate and North Yorkshire Council, at the highest level, together with the applicant, to discuss the issue of the location of a roundabout to serve the development and that a further report on the application be submitted in due course

APPENDIX 2 – Minutes of the 11th April 2013 City Plans Panel relating to Spofforth Hill, Preapp/12/01073

Plans, photographs and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented a report of the Chief Planning Officer on pre-application proposals for a residential development on land at Spofforth Hill Wetherby LS22, which bordered North Yorkshire and which was designated PAS land and met criteria i) and iii) of the Council's recently implemented policy on housing development on PAS land. Members also received a presentation on behalf of the applicant who provided the following information:

- that although the proposals were for around 350-375 dwellings on this site, in total the proposals could realise 700 dwellings in total, with the proposed off-site affordable housing contribution providing an additional 350 properties on Easel sites
- that the application would be in outline
- that the site had relatively good access to Wetherby Town Centre, pedestrian and cycle ways and benefitted from a regular bus service
- that several options had been drawn up for vehicular access into the site. Of these, option 2 had attracted concerns from local residents regarding impact on their amenities; option 3 relied upon a roundabout being constructed which would be on land in the Harrogate district, with the preferred option being option 4 which was presented at the consultation process and provided good traffic calming measures
- that two, three, four and five bed properties were proposed together with some single bed dwellings
- that just 1% of people on the housing waiting list were in the Wetherby area, therefore the proposal was to reduce the affordable housing provision on the Wetherby site, which current policy required at 35% of the total units, to 15% provision on site and then provide a financial contribution in lieu of the rest of the affordable housing requirement to be spent on affordable housing provision on Easel sites
- that to provide the 35% affordable housing on the Spofforth Hill site would result in 126 affordable homes; at 15% this would provide 54 affordable homes but the off-site contribution would provide up to 334 affordable homes in East Leeds
- that the proposals were estimated to create 100 construction jobs and around 200 indirect jobs as well as a £5m New Homes Bonus for the Council

Members commented on the following matters:

- the appropriateness of allowing discussions about Easel sites, particularly as what was suggested in the submitted report was the provision of a commuted sum for the provision of off-site housing
- that little information had been provided in the presentation about the outline application
- the need to ensure that if this proposal was accepted, that it would not tie the Council's hands in any way
- the proposed access options with concerns at the seeming reluctance to consider the third option which would require Harrogate Council to be approached about the siting of the roundabout which appeared to Members to be the better option
- the consultation and level of attendance to events
- land ownership

- a lack of information in the submitted report about the traffic impact of the development on the surrounding network, particularly as the junction at Bridgefoot was at capacity
- that a roundabout would be needed to serve any development
- the need for any S106 financial contributions to be spent locally
- the extent of the tree loss which would be necessary for a development on this site, with concerns that this had not been properly explained and that 33 trees were likely to be affected and that urgent work was needed on the TPO trees
- the Council's policy on housing development on PAS sites; as set out in the submitted report, the criteria for this and the relevance of criteria ii)
- the likely house prices of a property in the Wetherby and East Leeds areas and whether these would be considered to be affordable to the average family
- whether it was important to retain some non-urban land between the Leeds and Harrogate boundaries in this location
- that the site had broad support for housing development from Ward Members and Town Councillors but there were many detailed issues associated with the proposals, particularly highways; that it was not clear why Harrogate Council should not be approached regarding the roundabout; that the presentation to Wetherby Town Council did not fully explain the options presented to Panel and that there were concerns locally about rat running
- that the report referred to a commuted sum and that the Council should be unencumbered by this and should be able to spend the money how it wished in terms of providing affordable housing, with details needing to be provided to Panel if this was pursued as part of a formal application
- that the site coming forward for development at this time was premature
- the need for Plans Panel Members to be made aware of the implications of the new policy relating to PAS sites

The following responses were provided:

- that Highways Officers had not considered option 3 but they were concerned about this in terms of adequate visibility being able to be achieved due to the presence of a lodge opposite the site
- that two consultation events on the proposals had been held, with 400 people attending the second event with highways issues being the main concern together with car parking facilities in Wetherby Town Centre and vehicle speeds on Spofforth Road
- that pedestrian access out of the site could be considered further to see if a lesser footway could be accepted which would lead to greater retention of trees
- that criteria ii) of the policy relating to housing development on PAS sites related to relatively small sites which could not offer anything else but were well allied to other sites and in these circumstances development could be considered acceptable
- that the average selling price for a 3/4 bed property on Easel was around £135,000 whereas for Wetherby this would be around £180,000

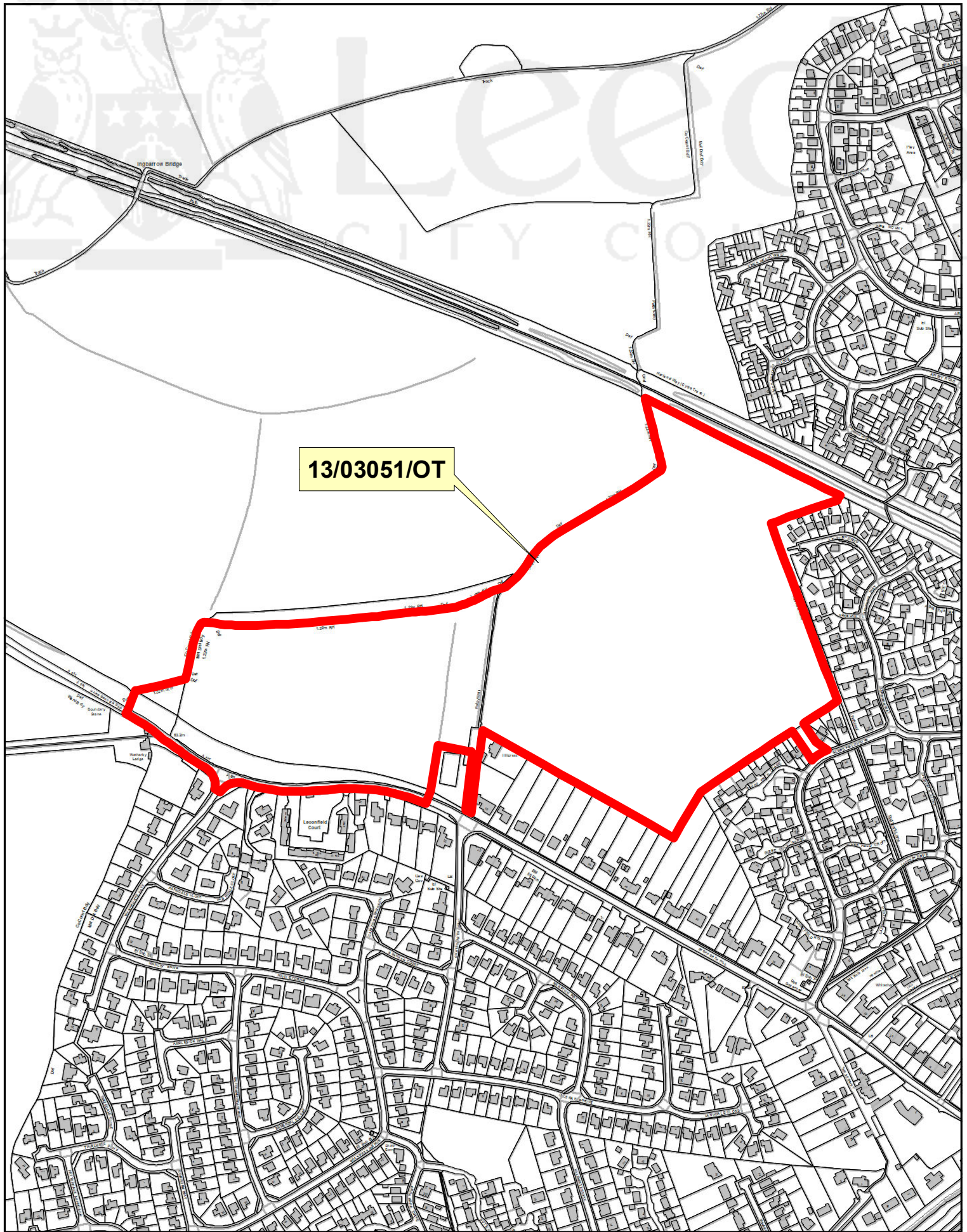
- that if 15% affordable housing was accepted on the Wetherby site this would include a range of houses in various tenures
- that there would be some planting required against the district boundary
- that the new PAS land policy could be reported to a future meeting of Joint Plans Panel

In respect of the particular issues raised in the report, the following responses were provided by the Panel:

- concerning the acceptability of the principle of residential development on this particular PAS site in light of the recent interim policy agreed by Executive Board on 13th March 2013, that Development Plan Panel would be considering housing allocation sites and account should be taken of the deliberations on these issues by Development Plan Panel and Executive Board
- in relation to the applicant's approach to affordable housing which sought to provide a mix on site and a proportion off-site aimed at brownfield sites within a regeneration area such as Easel, that further information on this was required in terms of what would be delivered, how this would be done and financial information to evidence what was being proposed
- concerning the vehicular access arrangements and the consequential impact on trees, that as many trees as possible should be saved, that the option for a roundabout on land within Harrogate should be pursued along with an evaluation of other alternative options. On this point the Chief Planning Officer stated that the options would be considered in detail

RESOLVED - To note the report, the information provided and the comments now made

During consideration of this matter, Councillor Gruen and Councillor Latty left the meeting



13/03051/OT

CITY PLANS PANEL

