



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 30th October 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: 31/10/14
(Agreed extension in time)

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 – phased delivery) on site, to be pepper-potted around the site in 5 clusters of between 8 and 10 properties, and a commuted sum in lieu of the remaining 20% (around £8.5m in current values, but index linked).**
- **Commitment to deliver EASEL 7 (83 dwellings) - 20 units delivered at EASEL for every 50 delivered at Spofforth Hill).**
- **Public transport contribution £1,226 per dwelling and index linked.**
- **Off-site highways mitigation contribution of £1,226 per dwelling and index linked.**
- **Provision of a right turn lane (with the land safeguarded), in the event that it is**

needed.

- **Education contribution of £2,972 per dwelling and index linked.**
- **Greenspace contribution (The current layout results in an indicative contribution of £324,876.82 and index linked).**
- **Travel Plan measures and monitoring fee of £5,125 and index linked.**
- **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. Buffer landscaping to be within the red line plan, details to be submitted and approved.
5. Pre-start 25 year landscape management plan.
6. Pre-start arboricultural method statement for off-site highway works.
7. Maximum units to be 325 with maximum number of units from Spofforth Hill being 285 and 40 from Glebefield Drive.
8. Samples of walls, roofing, doors, windows, surfacing material to be approved.
9. Details of means of enclosure including retaining walls.
10. Details bin stores.
11. Landscape scheme.
12. Implementation of landscape scheme.
13. Tree protection conditions.
14. Tree replacement conditions.
15. Biodiversity enhancement conditions.
16. Access roads and car parking to be complete prior to first use.
17. Drainage details.
18. Cycle/motorcycle provision.
19. 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.
20. Contamination reports.
21. Unexpected contamination.
22. Verification reports.
23. Any remedial works identified by site investigation relating to shallow mine works to be completed prior to commencement.
24. Condition relating to specified off-site highway works.
25. Electric vehicle charging points.
26. 20mph speed limit throughout the site.
27. Provision of emergency access link.
28. Provision of cycle link to Harland Way.
29. Adherence to the design code.

30. Masterplan (to be revised under any RSV matters applications).

31. Archaeological evaluation.

1.0 INTRODUCTION

1.1 This outline application was previously reported to the Plans Panel on 18th September 2014, where the principle of the development proposed was accepted, subject to conditions and a Section 106 Agreement as outlined in the report, and subject to the matter being reported back to Panel for further consideration at the next meeting of the following:

- Guarantees regarding the off-site commuted sum in relation to affordable housing and the phasing details of the payments;
- Proposed changes deleting the right hand turn access to the site;
- Pepper potting of the affordable housing throughout the site;
- Further discussion with Harrogate Borough Council and North Yorkshire County Council regarding access to the site; and
- Viability assessment of the EASEL 7 site.

2.0 FURTHER INFORMATION

2.1 Following the previous Panel meeting, officers have considered the issues above and have received further information and amended plans, which seek to address the concerns expressed by Panel. Ward Members have been made aware of the amendments, and have been briefed, and site notices have been positioned along Spofforth Hill to make residents aware of the amendments to delete the right turn lane, and to invite any representations. These are addressed in the following sections set out below. The previous report of 18th September and the associated addendum report are appended for information to this report.

Guarantees Regarding Off-Site Commuted Sum and Phasing

2.2 Following discussions with the applicant, additional information has been provided on the matter of commuted sums, both from Bellway Homes and the landowners. Bellway Homes have provided the following statement in response to the concerns of the Panel:

“The application is fully compliant with planning policy in terms of meeting the required contributions and with the Council’s approach to PAS release by linking the application with the redevelopment of a brownfield regeneration site.

I would like to make it clear that all of the contributions, including the delivery of the balance of EASEL 7, has been accounted for in our viability appraisal in order to achieve our standard profit margin. Furthermore, we have a contract with the landowners to purchase the land at an agreed price which is based on these contributions and our required profit margin. It is therefore not necessary for Bellway to seek to reduce any of the agreed contributions in order to purchase the site at the agreed price and to develop it with an acceptable level of developer profit.”

- 2.3 The agent acting primarily on behalf of the landowners and who spoke at Panel on 18th September, has provided a statement setting out their position which is as follows:

"I can confirm that the contract between Bellway Homes (Yorkshire) Ltd and the land owners is based on a fixed land value, the calculation of which took into account the S106 costs together with Bellway's estimate of the additional costs of completing EASEL 7. In this regard, the arrangements in respect of the contract were such that these costs were known before the fixed price was agreed. This is not therefore a situation in which the developer has agreed a land price which is subsequently found to be unviable due to unforeseen S106 costs. All costs were taken into account in the identification of a known sales price and the developer's profit that Bellway requires.

The contract was prepared in the full knowledge of what would be required under the terms of the Council's Interim PAS policy. In this regard, it may help you and members to know that the contract includes a specific requirement for Bellway to provide such a planning obligation as may be sought by the Council requiring the company to commence or recommence and complete the development of land within the EASEL area, or to agree to such other action or payment as may properly be required to satisfy the Interim PAS Policy, insofar as the policy relates to the development of a PAS site of over 10 hectares in size.

It seems to me that this demonstrates clearly that (a) the requirement to link development at Spofforth Hill with brownfield development elsewhere was a known factor not only in the formulation of the planning application but also in the related financial arrangements between the applicant and the land owners, and (b) the costs of ensuring that the proposals would be policy compliant were known, and taken fully into account in advance.

I would suggest that this information will provide members with all they need to know about the viability of the linkage between Spofforth Hill and EASEL 7. The crucial point is that having been required to take into account all relevant matters in the contract for the purchase of the land, Bellway Homes (Yorkshire) Ltd was sufficiently confident about costs and viability that it entered into a fixed price purchase arrangement. The comfort in respect of viability issues that members were seeking at the last meeting lies in this point."

- 2.4 Given the above, it is evident that both the landowners and applicant are fully aware of the planning policy requirement, in terms of the planning obligations necessary to make the development acceptable and the commitment to deliver brownfield development in a regeneration area, and that these have been fully appraised and costed, sufficient to ensure that the full package offered will be delivered in full.

2.5 The applicant has previously put forward information about phasing. This can be summarised as follows:

Commitment to delivery of the balance of the EASEL 7 site: this is to comply with the Council's interim PAS policy

3.0 Bellway commit to:

- Recommencement of construction on grant of outline planning permission.
- Completion of units to be linked to Spofforth Hill. 20 units at EASEL 7 to be completed prior to occupation of every 50 units at Spofforth Hill, so EASEL 7 would be completed before occupation of the 200th dwelling at Spofforth Hill, and this will form part of the Section 106 agreement.

Affordable housing: This is Policy Compliant

3.1 Total contribution 35%, of which 15% is on site and 20% off site in the form of a financial contribution.

3.2 Onsite – 15% equates to up to 49 dwellings based on the outline consent for up to 325 dwellings. This reflects officer advice and the mix is as follows (49 units):

- 15 no 1 bed – 30%
- 22no 2 bed – 45%
- 10 no 3 bed – 20%
- 2 no 4 bed – 5%

3.3 If approval is granted for less than 325 units the same pro rata provision of 1, 2, 3 & 4 bed properties would apply to deliver a total number of units equivalent to 15% of total number approved.

3.4 Delivery proposed as follows: 50% of the affordable units to be completed prior to occupation of the 100th open market dwelling and the balance to be delivered on completion of the 250th dwelling on site. Units are to be in clusters and not located in one area of site. The applicant is proposing 5 clusters of 9 – 10 units, spread around the planned site, and have sought advice from one of their RSL partners to understand whether this approach is appropriate. The precise location of the affordable units is to be agreed at reserved matters.

3.5 Off site - 20% or up to 65 units. Based on today's agreed OMV (£250 sq ft) and LCC transfer prices this would amount to £8,562,537.25, to be index linked. This was agreed with the Council in Jan 2014. The mix is as follows:

- 20 x 1 bed – 30%
- 29 x 2 bed – 45%
- 13 x 3 bed – 20%
- 3 x 4 bed – 5%

3.6 Commuted sum calculated as follows:

Total sq footage calculated on the % of 1, 2, 3 & 4 beds above and the dwelling sizes above. OMV/sq ft applied (currently £250£/sq ft) then transfer price at 50/50 split between SR and IMHS deducted to give commuted sum. This is compliant with

LCC SPD and can be adjusted on the number of units to ensure the affordable housing provision is 35% in total. This calculation can form part of the S106 and therefore protects LCC in the event of increases in OMV.

3.7 The applicants suggested payment structure for commuted sum payments is 30% (£2.55m) on occupation of 100 units, 30% (a further £2.55m) on occupation of 200 units, 20% (£1.7m) on occupation of 250 units, and the final 20% (a further £1.7m) on completion of site. This has the down side risk, with regard to the final payment, that should the full 325 dwellings not be completed, for example should the inclusion of the landscape buffer within the red line site area mean a lower number of dwellings will be built, or should the last remaining unit simply not be built, then the 'completion of the site' trigger would not be met. It also means that the Council is not in receipt of any affordable housing contributions until 100 units have been built out, which at a rate of say 50 per annum would mean two years.

3.8 It is common practice to have a staggered payment mechanism, reflecting phased build out rates and cash flow. It is therefore proposed that £1.7m (index linked) be payable on occupation of the 50th unit, a further 20% (£1.7m index linked) on occupation of each of 100th, 150th and 200th unit, with the remaining 20% to be payable on completion of the 250th unit (or completion of the 50th unit lower than the total amount granted reserved matters approval), and in any event within 5 years of the date of commencement of the development. This would ensure that a) contributions are made earlier in the development, b) payments are made proportionally across the build, and c) that the downside risk of the final payment not being made is eliminated.

Education: This is Policy Compliant

3.9 £2,972 per dwelling
20% on first occupation and 4 equal instalments annually thereafter, index linked.

Public transport: This is Policy Compliant

£1,226 per dwelling
20% on first occupation and 4 equal instalments annually thereafter, index linked.

Local Highways Improvements:

3.10 This is required to invest in local highways projects in the vicinity of the site where traffic from the development is projected to impact.

£1,226 per dwelling
20% on first occupation and 4 equal instalments annually thereafter, index linked.

Greenspace: This is Policy Compliant based on 325 units.

3.11 Indicative layout suggests £324,876.82
20% on first occupation and 4 equal instalments annually

Travel Plan:

3.12 Review fee £4,000 – first occupation
Monitoring Budget £10,000 – first occupation
Metrocard (bus only) £462 x 325 = £150,150 per dwelling on occupation

- 3.13 In conclusion, the applicant has confirmed that all of the above S106 contributions, in accordance with council policy, and that the EASEL 7 offer is being cross funded by the landowners and Bellway together. This offer is not dependent upon a viability appraisal seeking to reduce any of the above S106 contributions for the Spofforth Hill application.

Proposed Changes Deleting the Right Hand Turn Access to the Site

- 4.0 At the request of Members the applicant has provided an amended access proposal to delete the right turn lane into the site from Spofforth Hill, thereby seeking to safeguard a greater number of trees from removal than before. Officers and Members have consistently sought to limit the impact of any new access on trees. At pre-application stage the removal was envisaged to be 33. This was then reduced to 16, then most recently down to 9. The deletion of the right turn lane would further reduce this to only 4 which would definitely need to be felled (others however remain affected).
- 4.1 The amended scheme is supplemented by information from the applicant's highways and arboricultural consultants. The deletion of the right turn lane now only necessitates the removal of 4 trees to form the access (T36, T37, T38 and T39). Two trees are shown as being recommended for removal from the south side of Spofforth Hill, though this is due to arboricultural management reasons only, and is not as a consequence of the access, footway or pelican crossing arrangements. The widening of the footway from 1.7m to 2m to meet highway standards will however result in encroachment of T1 to T9 (southern side), and T26 to T35 and T40 to T51 (northern side). This will require a no dig solution and the use of porous surfacing, in order to limit root damage/severance, and to allow roots access to air and water, in the interests safeguarding in so far as is possible their long term health and stability. Conditions are therefore recommended in this regard. A colour plan of the arboricultural assessment of the trees that would require to be felled under the amended proposals to delete the right turn lane is appended to this report, together with the earlier plan of those which would be required to be felled with the inclusion of the right turn lane.
- 4.2 The applicant's highway consultants have advanced the case that the right turn lane is not essential, in highway safety and capacity terms. They submit evidence in support of this by letter dated 30th September that has been placed on the Council's website. The statement has been considered by the Council as Highway Authority, and in response officers have asked the applicants to re-run the road safety audit (RSA), in order to have comfort that it is indeed acceptable in highway safety terms, and to confirm as far as is possible that the right turn lane will not be required in the future, thus negating the benefits in terms of the reduced number of trees to be felled outlined above. At the last meeting Highways confirmed that although the right turn lane is considered to be 'highly desirable', it is not essential. The purpose of an RSA is to have an objective view of the highway proposals, the applicant's RSA is awaited at the time of writing this report, and will therefore be reported at the meeting, together with any implications arising. This is clearly not ideal, however a commitment was given to Members to bring a report back to the next available meeting, and this is therefore unavoidable in the circumstances.
- 4.3 Further to the above Highways advise that, if the application is approved, detailed design works would be carried out by LCC, and that work would include further

RSAs including post completion. It is important that members are aware of this further stage in the highways works which will involve consultation with Ward Members, and that under the S106 land is reserved in the event that a right turn lane is required. In planning terms, it is officer's view that, subject to an acceptable RSA, no right hand turn lane is necessary. Whilst on balance in planning terms no right turn lane is preferred, the alternative remains acceptable, as set out in the appended report.

Pepper Potting of Affordable Housing Throughout the Site

- 5.0 The applicant has discussed the issues of the Council's wish to 'pepper-pot' the affordable housing across the site. The scheme will deliver 49 affordable houses units on site, on the basis of 325 dwellings, although given that the application is in outline only no detailed layout is provided to illustrate the exact locations of the affordable housing units at this point in time. This will be dealt with through a future Reserved Matters submission where the detailed layout of the site is considered and assessed.
- 5.1 Nevertheless, the applicant has sought additional information from one of their main affordable housing providers (Jephson Housing Association) in order to seek their views on the matter since it would be that organisation, or similar, that would ultimately have the responsibility of managing the affordable housing units in perpetuity. From their perspective, Jephson Housing Association would prefer the affordable housing units in clusters rather than being individually 'pepper potted' around the site. Of a development of this size, the housing association would require 5 clusters of between 8 and 10 properties and these would generally be 1 and 2 bedroom units given the current demand. In relation to 5 and 6 bed properties, due to lack of demand, Jephson would be reluctant to accept properties of this size unless the Local Authority have identified a specific family to house in the property. Where affordable housing units are in receipt of Housing Benefit it would require that the family have 8 children in a 5 bed house and 10 children in a 6 bed house, since the rules of HB dictate that children of the same sex are required to share a room. Even if the family is an extended family, BME for example, with parent(s), grand-parent(s) it would still require the household to have 6 children in a 5 bed property and 8 children in a 6 bed property.
- 5.2 Given the above it is considered reasonable to accept 5 clusters of dwellings pepper-potted across the site. This ought to be referred to in the S106 agreement, and is therefore contained in the heads of terms at the start of the report.

Further Discussion with Harrogate Borough Council

- 5.3 Following the request from City Plans Panel to contact North Yorkshire to ask them about their position in respect of a possible new access to serve the development, on land within the jurisdiction of Harrogate Borough Council as Local Planning Authority, officers wrote to Harrogate's Chief Planning Officer. Harrogate Borough Council has responded to the Council's question of whether they would consider the possibility of an access and roundabout within their authority to serve the proposed development. The response is identical to their previous reply which was set out within paragraph 7.15 of the report to Panel on 18th September. This set out Harrogate's formal view on the proposal to site an access roundabout serving the

proposed Spofforth Hill residential development which in their opinion, would have significant adverse visual impacts and would not be supported. The recent response highlights the fact that the proposal was not viewed favourably at that time on landscape and visual grounds and that there has been no change in circumstance since which would lead Harrogate to amend its view on the matter. As such, Harrogate BC would not support a new access within their authority which would serve the proposed development.

- 5.4 Members will recall that access in this location would result in development within the Green Belt. On the 16th October 2014 Communities Secretary Mr Eric Pickles strengthened the policy on planning for waste facilities in the Green Belt, making clear these should first be built on suitable site and areas of brownfield land. This follows earlier guidance issued on 04th October 2014, reaffirming that local plans should protect the green lungs around towns and cities, and that Green Belt boundaries should only be altered in exceptional cases, through the preparation or review of the Local Plan. Although the new statements and guidance are in the context of waste development and Green Belt boundaries, Mr Eric Pickles stated that *"I am crystal clear that the Green Belt must be protected from development, so it can continue to offer a strong defence against urban sprawl. Today's new rules strengthen these protections further, and ensure that whether it's new homes, business premises or anything else, developers first look for suitable sites on brownfield land"*. These recent ministerial comments re-emphasise the important role of the Green Belt and the enhanced policy protection that applies in relation to inappropriate development.

Viability Assessment of EASEL 7 Site

- 6.0 Bellway has submitted evidence in the form of a viability appraisal for EASEL 7, and the District Valuer (DV) has been instructed to prepare an independent evaluation of the appraisal. Members should therefore be aware that consideration of this application is accompanied by a separate report, relating to the viability of EASEL7, evidence of which underpins the link with the PAS policy. The information contained within this separate report is confidential as it relates to the financial and business affairs of the applicant. It is considered that it is not in the public interest to disclose this information, as it would be likely to prejudice the applicant's commercial position. It is therefore considered that the appraisal should be treated as exempt under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4 (3).

ADDITIONAL REPRESENTATIONS

- 7.0 Following the receipt of revised plans which show a revised layout to delete the right lane turn into the site, site notices were placed along the Spofforth Hill frontage on 3rd October 2014, highlighting such changes and inviting comments within two weeks. Further to this, one letter of objection from an existing objector has been received, objecting to the proposals on the following grounds:

- The development would increase traffic and be harmful to highway safety.

- The proposal does not incorporate any footway provision to the south side of Spofforth Hill to allow access to the pelican crossing from Wentworth Gate.

7.1 The additional information and amended plans were presented to Ward Members (Cllr J Procter) in a briefing session held on 16th October. In particular, officers presented the following information to the Ward Member:

- Revised plans showing the deletion of the right turn lane into the site and plans showing the extent of reduced tree removal;
- Email confirmation from Harrogate Borough Council;
- Information on the pepper potting of affordable housing across the site;
- Confirmation of the applicants and landowners commitment to deliver the full section 106 obligations;
- Details of the phasing of the on-site affordable housing;
- Details of the phased payments of the off-site affordable housing contribution; and
- Details of the commuted sum and details of the phasing of payments;

CONCLUSION

8.0 At the City Plans Panel Meeting of 18th September 2014 Members resolved that this application be supported in principle subject to a number of matters listed at 1.1 of this report being reported back for further consideration.

8.1 In terms of these, subject to a satisfactory road safety audit of the development with the deletion of the right turn lane, the deletion of the right turn lane would significantly reduce the number of trees lost and/or affected. Only one objection to this amended detail has been received, and opportunities to explore the possibility of a roundabout in the Green Belt have been exhausted, and this would in any event be inappropriate development in the Green Belt.

8.2 Satisfactory information on pepper-potting of affordable units through the site has been received, and subject to the reinforcement of this requirement under the above heads of terms under a S106 agreement, this and the proposed phasing of contributions are in principle acceptable.

8.3 The completion of the development at EASEL 7 is not considered to be currently viable, and would be unlikely to recommence without the cross subsidy approval of this application would bring. Subject to the consideration of the evaluation of the viability appraisal conducted, considered under a separate report on this agenda, the proposed development would be in accordance with the interim PAS policy, and would unlock contributions at EASEL 7.

8.2 In the light of the Panel's previous resolution to support this application in principle and the additional information contained within this report and the exempt report, it is recommended that approval of this application is deferred and delegated to the Chief Planning Officer in accordance with the terms set out at the start of this report.



Report of the Chief Planning Officer

CITY PLANS PANEL

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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.

8.0 INTRODUCTION

- 8.1 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 developers 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.



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

ADDENDUM TO MAIN REPORT

1.0 INTRODUCTION

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

2.0 PUBLIC/LOCAL RESPONSE

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

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

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

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

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

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

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

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

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

3.0 CONSULTATIONS RESPONSES

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

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

- 3.3 **Metro** – Given the access amendments to the site, different bus stops now need to be upgraded. Two bus stops should be upgraded to provide shelters and real time displays (£40,000). In addition, bus stop clearways and kerbing should be installed. MetroCards should also be provided at £475.75 per ticket per household.
- 3.4 **North Yorkshire County Council** (as the neighbouring highway authority) - Officers have looked at the junction capacity outputs within the applicants supporting information and consider the identified increases are such that they could not be considered 'severe'. Consequently there are no North Yorkshire Local Highway Authority matters outstanding or to be addressed by condition.
- 4.0 PLANNING POLICY UPDATE**
- 4.1 The Core Strategy Inspector published his report on the Examination of the Core Strategy on 5th September and has considered the plan to be legally compliant and sound. The policies in the Core Strategy referred to in the City Plans Panel Report can now be afforded significant weight and will have full weight once adopted by the Council. The Council's Executive Board met on 17th September and recommended to the Council that the Core Strategy be adopted. The Plan is due to be considered by a meeting of the Full Council in November.
- 4.2 The Inspectors Report sets out that the delivery of housing will be at a rate of at least 3,660 homes per annum between 2012/13-2016/17 with an overall plan period target of 70,000 net between 2012 – 2028. The distribution of housing growth across the District has been agreed, as have policies and objectives on the promotion of economic development and investment within the Regeneration Priority Areas.
- 4.3 Wetherby is categorised as one of six major settlements and it is worth quoting the final version of Policy SP1 in full as it is of direct relevance in supporting the recommendation for approval of the application.

SPATIAL POLICY 1: LOCATION OF DEVELOPMENT

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

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

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

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

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

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

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

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

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

5.0 APPRAISAL UPDATE

Education

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

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

Affordable Housing

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

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

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

Buffer Planting

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

Agricultural Land

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

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

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

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

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

Trees & Landscaping

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

Highways

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

Consideration of Further Objections

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

Pre-Determination

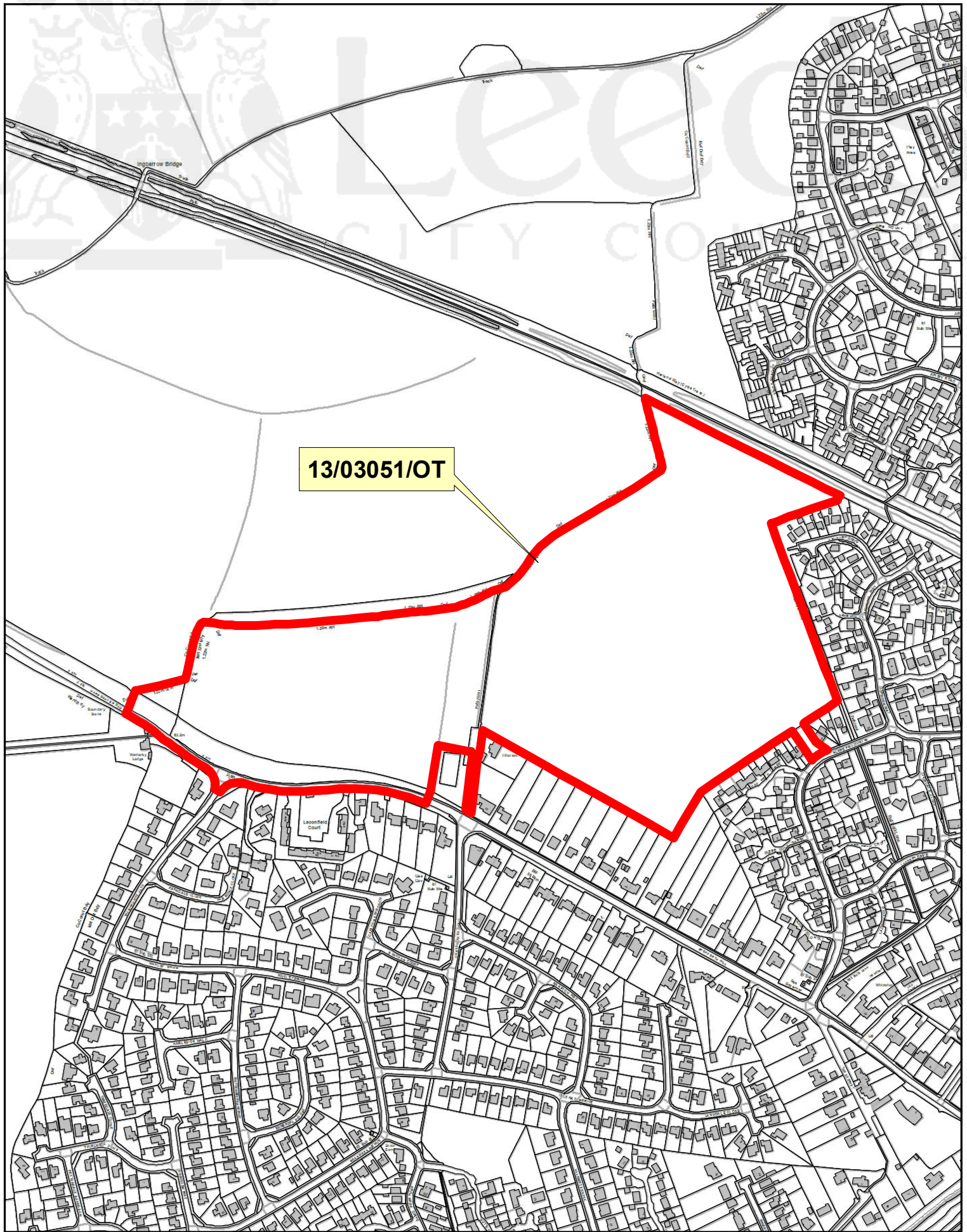
- 5.16 One of the representations received has raised an allegation of predetermination, in that it alleges that the Planning Department has given clear indications of its intent to recommend approval of this application from the outset and as such the process leading up to the application coming before Panel today for determination has not been objective and fair.
- 5.17 In that context, it is important to note that the main report before Panel (particularly at section 5 and within the appendices) sets out quite fully the long history of Member involvement with this application including at pre-application stage and the issues that have been highlighted and addressed as part of that iterative process. Reports before Panel at pre-application stage in April 2013 and the presentation in October 2013 did not contain officer recommendations either for or against the application but simply sought feedback from the Panel on the key issues. This approach is consistent with the practice of City Plans Panel.
- 5.18 Although this representation relates specifically to matters leading up to this application coming before Panel today for determination, it's relevance in the context of the role of the Plans Panel as decision maker is potentially two fold. Firstly whether the Plans Panel has before it sufficient information in relation to all relevant material planning considerations in order to enable it to properly reach a decision on the application before it, and secondly whether the Panel members or any of the Panel members could subsequently be shown to have had a closed mind at the time of taking a decision on the application i.e. have predetermined the application.
- 5.19 An allegation of predetermination in relation to the officer recommendation itself would have no basis as the department is not the decision maker. If the officer recommendation is supported by the Panel then the Chief Planning Officer would be given authority by the Panel to approve the application but only in accordance with the decision of the Panel itself.
- 5.20 In terms of a challenge to the validity of any decision on this application therefore, the material time for assessing the lawfulness of that decision is at the point at which the decision is reached.
- 5.21 Panel members are fully aware of the need to retain an open mind and to reach a decision having regard to all material considerations and in presenting this report, officers are satisfied that the Panel has before it sufficient information on which to properly reach a decision.

Section 106 Agreement & Conditions

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

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

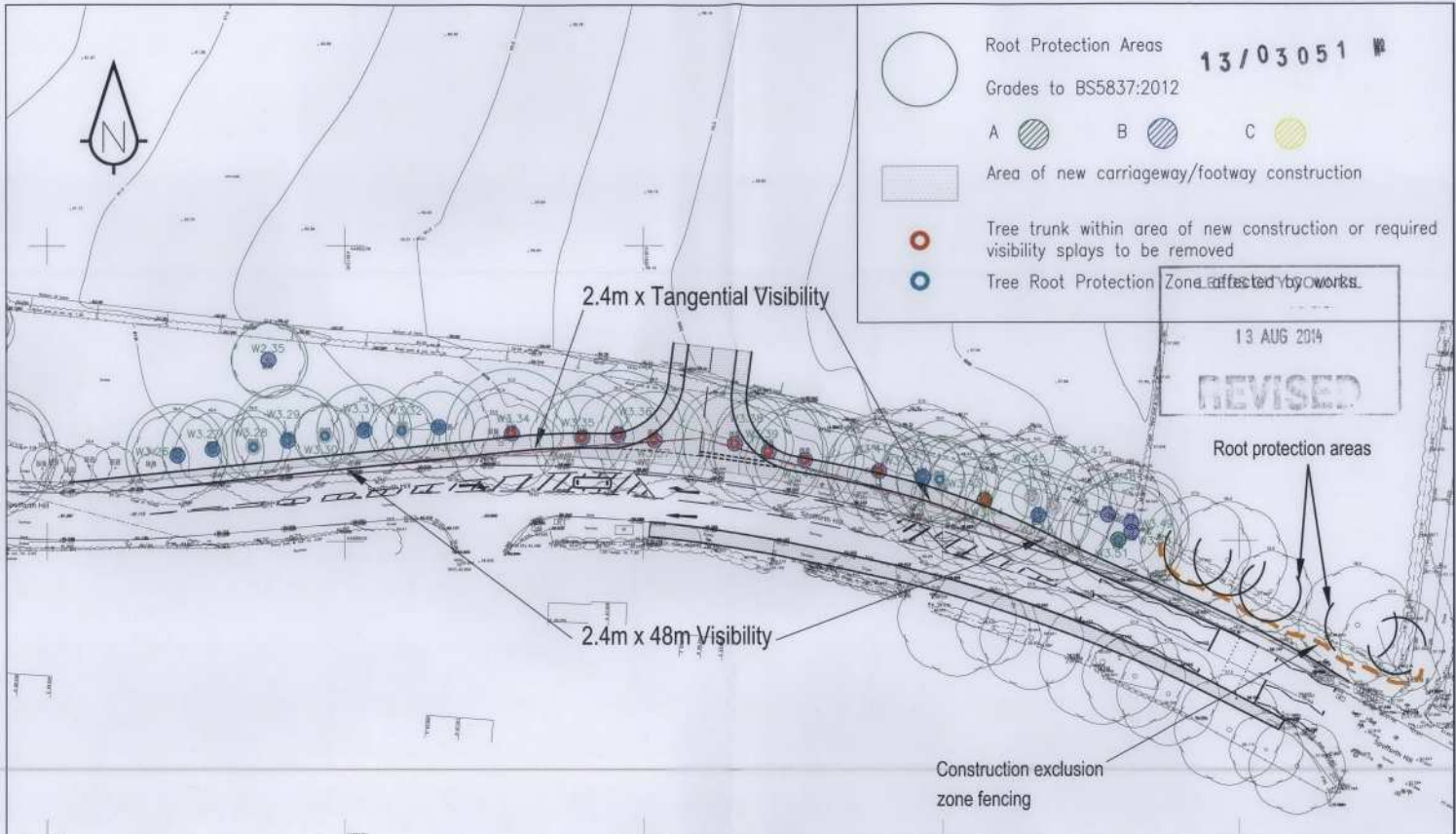
- 5.23 Addition information has been received from the applicant regarding employment and apprenticeships. This will be covered within the Section 106 Agreement and through additional Heads of Terms.
- 5.24 Additional conditions are recommended following further discussion, which are:
1. Buffer landscaping to be within the red line plan, details of which shall be submitted to and approved. *(this has been discussed with the applicant who accepts this condition)*
 2. Pre-start 25 year landscape management plan.
 3. Pre-start arboricultural method statement for off-site highway works.



13/03051/OT

CITY PLANS PANEL





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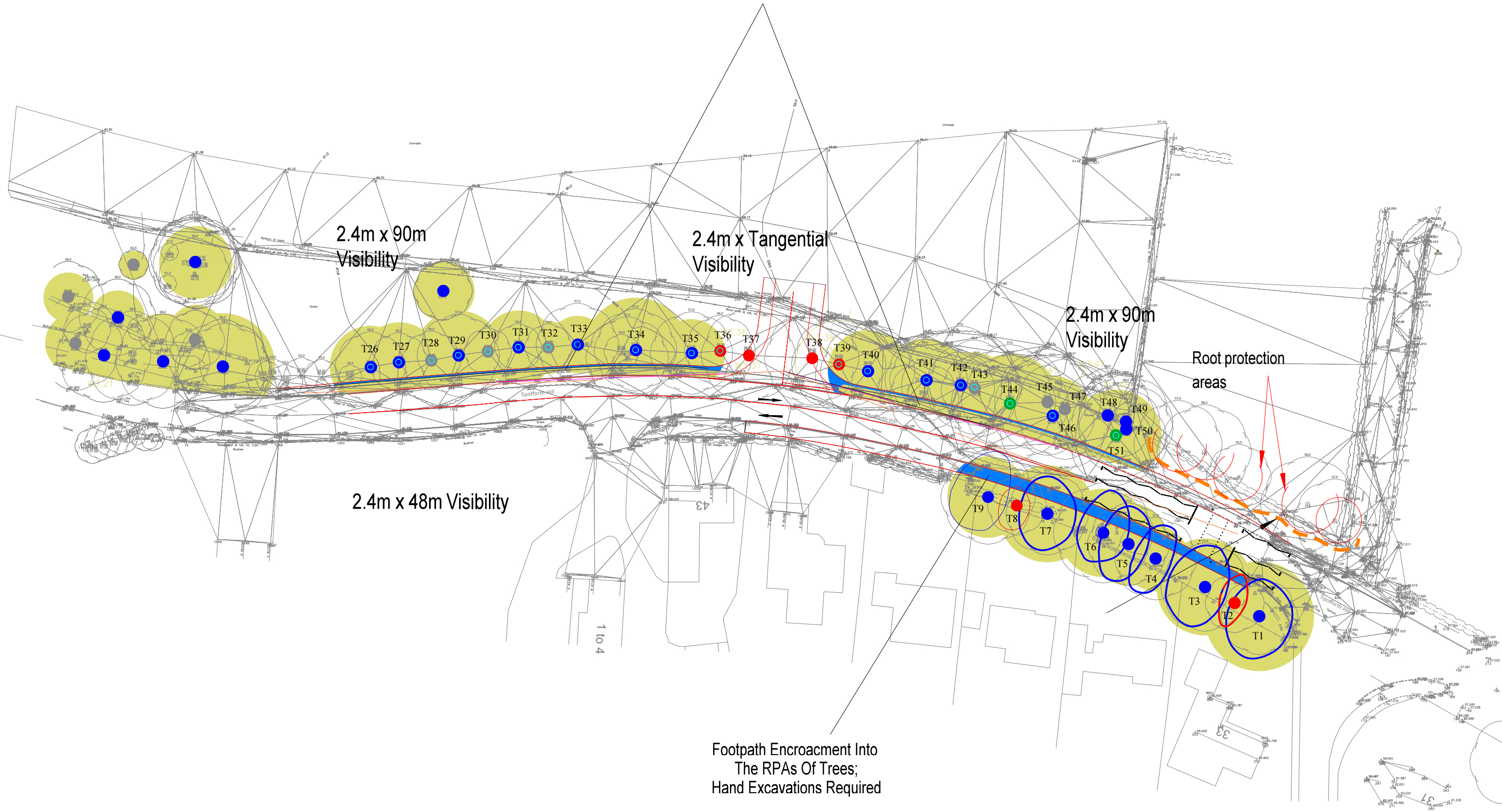
BELLWAY HOMES YORKSHIRE
 SPOFFORTH HILL WETHERBY

POSSIBLE ACCESS ARRANGEMENT
 WITH TREE IMPACT

| | | | | |
|-----|---|-------|----------|---------|
| C | Latest Layout added | TC | 13.08.14 | KS |
| B | Root protection areas & construction zone fencing added | AA | 01/14 | KS |
| A | Revised topographical survey added | PJM | 01/14 | PJM |
| Rev | Amendment | Drawn | Date | Checked |

| | | | |
|--------------|----------------|-------------|-----|
| Scale | 1:500 | Drawn By | PJM |
| Drawing Size | A3 | Checked By | KS |
| Date | Nov'2013 | Approved By | KS |
| | Drawing Number | Rev | |
| | 7029-016 | C | |

Footpath Encroachment Into
The RPAs Of Trees;
No-Dig Construction /
Hand Excavations Required



2.4m x 90m
Visibility

2.4m x Tangential
Visibility

2.4m x 90m
Visibility

Root protection
areas

2.4m x 48m Visibility

1 to 4

Footpath Encroachment Into
The RPAs Of Trees;
Hand Excavations Required