



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 15th June 2017

Subject: 16/03692/OT – Outline application (with all matters reserved) for residential development for up to 23 dwellings at Rudgate Park, Walton, Wetherby, LS23 7EJ.

APPLICANT

Homes and Communities
Agency

DATE VALID

21st June 2016

TARGET DATE

01st July 2017
(Requested Extension)

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 approval to the Chief Planning Officer, subject to the conditions set out below and the completion of a Section 106 agreement to secure the following:

- a) 35% Affordable housing provision on site
- b) Sustainable transport fund contribution (£11,068.75 on the basis of 23 dwellings)

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

1. Time limit (outline).
2. Matters reserved (Appearance, Landscaping, Layout, Scale).
3. Plans to be approved.
4. Materials (walling, roofing, windows, doors and surfacing).
5. Details of fences, walls to be provided.
6. Statement of construction practice including construction access.
7. Restriction on hours of construction to 0800-1800 hours on weekdays and 0800-1300 hours on Saturdays, with no operations on Sundays and Bank Holidays.
8. Laying out Retention of parking and turning areas.

9. No tree felling except in accordance with the submitted tree survey.
10. Protection of retained trees.
11. Details of levels to be agreed.
12. Biodiversity enhancement measures.
13. Infiltration drainage study in accordance with BRE Digest 365.
14. Surface water drainage works to be approved and implemented (at greenfield run-off rates of 5 litres per second if infiltration drainage techniques are not possible).
15. Maximum level of development to be 23 dwellings.
16. Contaminated land study/remediation/verification reports.
17. Reporting/remediation of any unexpected contamination.
18. Verification of imported soil as contaminant free.
19. Hard and soft landscaping details (including lighting and excrescences) and landscaping scheme implementation.
20. Biodiversity enhancement measures.
21. Electric vehicle charging point scheme.
22. Scheme for upgrade of local bus stops.

1.0 INTRODUCTION:

- 1.1 The application proposes 23 dwellings on the site of a former Prison Officer's Social Club and adjacent land at Rudgate Park near Wetherby. The submitted indicative masterplan details access from Grange Avenue and the provision of an area of greenspace to the eastern end of the site. The application is presented to Plans Panel following a request from Ward Cllr John Procter for Panel consideration, as the site is part of a wider site that will have implications for the locality.

2.0 PROPOSAL:

- 2.1 The application is submitted by the Homes and Communities Agency and the application proposes in outline (with all matters reserved) the redevelopment of the site of the former Prison Officer's Social Club at Rudgate Park for the provision of up to 23 dwellings. The application envisages a mix of dwellings, including 2, 3 and 4 bedroom units. The proposals would provide for affordable housing on site and greenspace would be provided as part of the development.
- 2.2 The majority of the proposed development is on brownfield land formerly occupied by the former Prison Officer's Social Club. The remaining area is contained within the existing field boundary and broadly in line with the development edge of existing properties on Rudgate Park and Grange Avenue.
- 2.3 The proposed development would result in the removal of some low quality existing trees adjacent to the former Prison Officer's Social Club. Existing high quality trees would be retained as part of the proposed development. Proposed tree planting would be undertaken to mitigate the loss of existing trees and from the indicative masterplan the boundaries would be planted with trees, hedgerows and shrubs, to create a buffer to existing properties and surrounding green space, details of which would be provided at the detailed reserved matters stage.
- 2.4 The application is supported by the following documents:
 - Location Plan (detailing means of access)
 - Illustrative Masterplan
 - Design Framework
 - Planning Statement

- Design and Access Statement
- Drainage Strategy
- Transport Assessment
- Tree Survey and Constraints Report

3.0 SITE AND SURROUNDINGS:

3.1 The application site is located on land at Rudgate Park, on the site of a former Prison Officer's Social Club about a mile northeast of the old village of Thorp Arch, north of HMP Wealston. Rudgate Park is accessed via Grange Avenue, which in turn is accessed from Walton Road. The site is adjacent (to the east of) a further 175 dwellings in the relatively recent developments of Walton Chase, Woodlands Drive and the Rudgate Park area on the road to Walton. The site is relatively flat with a few semi-mature tree specimens. To the south east are two single-storey, semi-detached, red brick built dwellings which front Grange Avenue. To the north is the existing residential development on Rudgate Park, Northfields and Rudgate Mews. To the south is a protected playing field and to the east is open greenfield land.

4.0 RELEVANT PLANNING HISTORY:

4.1 16/00114/DEM - Determination for demolition of Prison Officers Social Club. Approved.

4.2 PREAPP/16/00089 – Outline residential development (the application site).

4.3 PREAPP/17/00121 – Outline residential development (the 'blue land' i.e. the wider Phase 3 site in the Submission Draft Site Allocations for the Outer North East).

5.0 HISTORY OF NEGOTIATIONS:

5.1 The application was the subject of pre application discussions. The applicant was advised of the need to consider the requirements of Neighbourhoods for Living SPD, specifically in terms of layout, separation between dwellings, outdoor amenity space, buffer planting, and general layout considerations. Affordable housing and greenspace requirements were referred to. In highways terms the required geometry of the road layout was informed by pre-application discussions, and in landscape terms the need to retrain mature trees was flagged. During the course of the consideration of the application the applicant has amended the proposal to include greenspace provision in accordance with current policy requirements, and has agreed to the provision of policy compliant on-site affordable housing provision.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was publicised as a major development by means of site and press notices and immediate neighbours of the site were notified in writing. Following the receipt of amended plans which included the addition of an area of open space to the east of the development, neighbours were re- consulted and amended plans notices placed around the site. In response 2 third party letters of objection were initially received, followed by two further letters of objection in response to publicity over the amended plans. Objection raised therein may be summarised as follows:

- The application raises drainage concerns as the area suffers significantly with drainage as a result of an historic and overloaded combined surface water/sewer through the village of Walton. Flooding has occurred on a 1 in 8 week frequency

as a result of an overloaded or blocked sewer and this is acknowledged by Yorkshire Water but yet to be resolved. Surcharging from chambers affects properties in Walton and on the Trading Estate.

- The development is intended to connect to existing drainage which is known to be overloaded so any mapping of local surface water drainage must be proved by CCTV survey.
- The proposal will increase the risk of flooding at existing properties.
- The proposal would double the number of houses in this postcode and there are no play areas for children; the small estate does not need to get any bigger.
- Parking difficulties exist in the locality and the proposal would exacerbate them and be harmful to highway safety.
- There are no shops in the locality.
- The indicative layout shows houses to the rear of a single storey property and any upstairs windows would therefore result in a loss of privacy.
- Grange Avenue is unadopted with shared responsibility for maintenance, and heavy construction traffic should the application be approved could have financial implications for owners of adjacent dwelling No 16 Grange Avenue.

6.2 Thorp Arch Parish Council has responded to notification of the application with the comment that “Thorpe Arch Parish Council supports the application which is in line with the Draft Neighbourhood Development Plan”.

7.0 CONSULTATION RESPONSES

7.1 LCC Highways: Summary: Whilst not fully endorsing the assessment methodology and trip generation used in the Transport Statement Highways agree with the findings of the assessment; traffic generated by the proposed development will have no material impact on the operation of the highway network. Subject to the submission of a revised red line boundary plan [now received] including the unadopted section of Grange Avenue that is required in order to obtain access to the dwellings fronting Grange Avenue, the proposed access arrangements are considered acceptable and the proposal is acceptable in principle. The site does not however fully meet Core Strategy Accessibility Standards and the acceptability of the principle a residential development in this location therefore requires further consideration in the light of housing need in the outer north east segment of the city and other planning considerations.

7.2 West Yorkshire Combined Authority: Summary: There are several bus services running next to the development serving various locations including Leeds, Seacroft, Boston Spa, Wetherby and Harrogate. Bus stop 14494 should have a shelter installed including seating and lighting at a cost of around £10,000. Future residents would benefit if live bus information were provided at a cost of approximately £10,000 (including 10 years maintenance) at bus stop number 10223. Good pedestrian access to and from the site and to and from bus stops should be provided, taking into account the needs of the elderly and mobility impaired. The developer should contribute to sustainable travel incentives through a sustainable travel fund. The contribution appropriate for this development would be £11,068.75.

7.3 LCC Flood Risk Management: Summary: No objections subject to conditions to address the discharge rate from the site (not to exceed 4 litres per second unless proven to be impractical).

7.4 LCC Contaminated Land: Summary: The proposed end development is a more sensitive end use and as such a minimum of a Phase 1 desk study is required, and

depending on the outcome a Phase 2 site investigation and remediation statement may also be required.

- 7.5 Ainsty (2008) Internal Drainage Board (AIDB): Summary: The Board have no objection to the principle of this development, but feel it appropriate that the applicant clarifies the drainage strategy and prove any connectivity that is proposed to enable an evaluation to be undertaken in terms of flood risk. AIDB have assets adjacent to the site in the form of Broad Wath; this watercourse is known to be the subject of high flows during storm events. The Board wishes to state that where possible the risk of flooding should be reduced and that, as far as is practicable, surface water arrangements from the site are to connect to a public or private asset (watercourse or sewer) before out-falling into a watercourse or to outfall directly into a watercourse in the Board area. The Board recommends that any approval granted should improve conditions to require the prior approval of drainage works.
- 7.6 West Yorkshire Police (Architectural Liaison Officer): Summary: The applicant is encouraged to discuss Part Q of the Building Regulations: the use of Euro Profile locks; defensible rear accesses; the location of utility meters; dusk till dawn lighting; alarms and/or CCTV; and doors and windows, prior to the submission of full details.

8.0 PLANNING POLICIES:

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Local Plan and any made Neighbourhood Development Plan.

Local Planning Policy

- 8.2 The most relevant Core Strategy policies are outlined below:

Spatial Policy 1	Location of Development
Spatial Policy 6	Housing requirement and allocation of housing land
Spatial Policy 7	Distribution of housing land and allocations
Policy H2	New housing on non allocated sites
Policy H3	Density of residential development
Policy H4	Housing mix
Policy H5	Affordable housing
Policy EN1	Climate change
Policy EN5	Managing flood risk
Policy G8	Protection of important species and habitats
Policy G9	Biodiversity improvements
Policy T2	Accessibility requirements and new development
Policy P10	Design
Policy P12	Landscape

- 8.3 The most relevant saved policies of the Leeds Unitary Development Plan (Review) are outlined below:

GP1	Land use and the proposals map
GP5	General planning considerations
H14	Affordable Housing in rural areas

N23/N25 Landscape design and boundary treatment
LD1 Landscape schemes

8.4 Natural Resources and Waste Local Plan

Air 1 The management of air quality through development
Water 1 Water efficiency
Water 6 Flood risk assessments
Water 7 Surface water run-off
Land 1 Contaminated land [and brownfield sites]
Land 2 Development and trees

Supplementary Planning Guidance:

- 8.5 SPG10 Sustainable Development Design Guide (adopted).
SPG13 Neighbourhoods for Living (adopted).
SPG22 Sustainable Urban Drainage (adopted).
SPG25 Greening the Build Edge (adopted)
SPG39 Thorp Arch Village Design Statement
Street Design Guide SPD (adopted).
SPD Leeds Parking SPD (adopted).

Emerging Site Allocations Plan

- 8.6 The application site forms part of a 6.33 hectares Phase 3 housing site, as described under site reference HG2-227 of the 'Submission Draft Site Allocations for the Outer North East', which has a stated capacity of 142 units.

Thorp Arch Draft Neighbourhood Plan

- 8.7 The Thorp Arch Draft Neighbourhood Plan is about to be submitted for independent examination and a Referendum is likely to take place later in the year. The draft plan supports the development of the majority of the site for housing and this is discussed in more detail below.

National Planning Policy Framework:

- 8.8 The National Planning Policy Framework was published on 27th March 2012 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. In this case the following sections are relevant:

Achieving sustainable development

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 7 Requiring good design

Section 10 Meeting the challenge of climate change, flooding and coastal change

Section 11 Conserving and enhancing the natural environment

Annex 1 Implementation

Decision-taking

- 8.9 The NPPF seeks to boost the supply of housing whilst prioritising the reuse of previously developed land, and sets out the presumption in favour of sustainable development. With specific regard to housing applications the NPPF states at paragraph 47 that to boost the supply of housing local planning authorities must

identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional of 5% (moved forward from later in the plan period), to ensure choice and competition in the market of 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. It states that where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.

8.10 Paragraph 49 of the National Planning Policy Framework states the following:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. 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.”

8.11 The Council is currently in the position that it does not have a 5 year housing supply and the policies within the Unitary Development Plan and Core Strategy that are relevant to the supply of housing are considered to be out of date. Paragraph 14 of the NPPF is, therefore, now particularly relevant, which states the following:

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

Approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission 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.”

8.12 It is important to note that an ‘out of date’ policy does not become irrelevant and it is therefore the case that an assessment must be made in respect of the weight to be attached to such policies in the planning balance of decision making overall.

DCLG - Technical Housing Standards 2015:

8.13 The above document sets internal space standards within new dwellings and is suitable for application across all tenures. The housing standards are a material consideration in dealing with planning applications. The government’s Planning Practice Guidance advises that where a local planning authority wishes to require an internal space standard it should only do so by reference in the local plan to the nationally described space standard. With this in mind the city council is currently looking at incorporating the national space standard into the existing Leeds Standard via the local plan process, but as this is only at an early stage moving towards adoption, only limited weight can be attached to it at this stage. The proposal is in any event is in outline, with consideration of layout appearance and scale to be reserved.

9.0 MAIN ISSUES

1. Principle of development
2. Highways and access
3. Affordable housing
4. Housing mix and density
5. Drainage and flood risk
6. Greenspace
7. Nature Conservation
8. Residential amenity
9. Other matters
10. CIL

10.0 APPRAISAL

Principle of Development:

- 10.1 The site is not allocated for housing under the housing policies of the saved Unitary Development Plan (Review). The 'Submission Draft Site Allocations for the Outer North East' proposes to allocate this site (as part of a wider allocation) for housing, as does the Draft Thorp Arch Draft Neighbourhood Plan. Both of these plans are emerging documents however and therefore cannot be afforded full weight.
- 10.2 The conclusion of the recent appeal decisions concerning large scale housing developments was that the Council is unable to demonstrate a 5-year housing land supply and it is considered to be consistently under-delivering. The key assessment in determining this application is therefore the extent to which weight can be attached to the policies of the existing and emerging Local Plan, in light of a shortfall in the 5-year housing land supply. The application needs to be considered against the relevant adopted policies, the detail of which is set out below. However, in the absence of a 5 year land supply, there also needs to be a balancing exercise within the parameters that there is a presumption in favour of granting permission, unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 10.3 Having regard to relevant policies within the Adopted Core Strategy, it is noted that the Core Strategy was published after the NPPF, and was found to be sound. Accordingly, full weight can be attached to the distribution strategy for the appropriate location of development as set out in Core Strategy Spatial Policies SP1, SP6 and SP7.
- 10.4 Core Strategy Spatial Policy 1 (Location of development) sets out the Council's spatial development strategy based on the Leeds settlement hierarchy and seeks to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services and high levels of accessibility. The hierarchy prioritises the location of future development and sets out those areas towards which development will be directed. Table 1 identifies settlement types in the hierarchy as being the Main Urban Area of Leeds, Major Settlements, Smaller Settlements, and finally Villages. Thorp Arch would fall in this latter category. In recognition of this the submission Draft Site Allocations for the Outer North East proposes that the site is a delivered in later phases of the plan (Phase III).
- 10.5 Spatial Policy 6 of the Core Strategy relates to the City's Housing Requirement and the allocation of housing land. It confirms that the provision of 70,000 (net) new dwellings will be accommodated between 2012 and 2028 with a target that at least 3,660 per year should be delivered from 2012/13 to the end of 2016/17. Guided by the Settlement Hierarchy, Spatial Policy 6 confirms that the Council will identify

66,000 dwellings (gross) (62,000 net) to achieve the distribution in tables H2 and H3 in Spatial Policy 7 (which identifies a need for 5000 new homes in the Outer North East Housing Market Character Area within which the site is located, representing 8% of the City-wide distribution) using the following considerations:

- (i) Sustainable locations (which meet standards of public transport accessibility), supported by existing or access to new local facilities and services, (including Educational and Health Infrastructure);
- (ii) Preference for brownfield and regeneration sites;
- (iii) The least impact on Green Belt purposes;
- (iv) Opportunities to reinforce or enhance the distinctiveness of existing neighbourhoods and quality of life of local communities through the design and standard of new homes;
- (v) The need for realistic lead-in-times and build-out-rates for housing construction;
- (vi) The least negative and most positive impacts on green infrastructure, green corridors, green space and nature conservation;
- (vi) Generally avoiding or mitigating areas of flood risk.

- 10.6 In terms of a sustainable location (SP6 (i)), the site does not sufficiently meet the Accessibility Standards established at Table 2, Appendix 3 of the Core Strategy. This weighs against the grant of planning permission. With regard to access to facilities and services, including education and health infrastructure, the matter of education would be addressed through the Community Infrastructure Levy (CIL). The Adopted Regulation 123 List advises that CIL can be gathered for primary education, except for large scale residential development identified in the Site Allocations Plan, which will be expected to provide primary schools either as an integral part of the development or as the result of no more than 5 separate planning obligations. This application does not fall within the category of being identified for on-site provision nor is it a large-scale major site that is considered to create such a level of need for school places that it cannot be accommodated elsewhere, to the extent that on-site provision is warranted or justified. Accordingly, the appropriate mechanism to address concerns relating to primary school provision is CIL. Regard should also be had to the relatively limited number of houses proposed as part of this development.
- 10.7 With regard to health infrastructure, the provision of health facilities falls within the remit of NHS England and at a local level, Leeds' three Clinical Commissioning Groups (CCGs). The amount of new housing identified for Leeds up to 2028 would equate to, on average, 5-6 new GPs a year across Leeds based on a full time GP with approximately 1800 patients. The Site Allocations Plan cannot allocate land specifically for health facilities because providers plan for their own operating needs and local demand. Existing practices determine for themselves (as independent businesses) whether to recruit additional clinicians in the event of their registered list growing. Practices can also consider other means to deal with increased patient numbers, including increasing surgery hours. The site would benefit from access to the services at the nearest town, Wetherby that is approximately 4 miles away.
- 10.8 Turning to SP6 (ii) to (vi) the site is part brownfield and part greenfield. Neither Spatial Policy 6 nor the NPPF preclude the development of such sites. It is also clearly outside of the Green Belt and will therefore not impact upon it. The standards and design of the development, which will be determined at Reserved Matters stage, should offer the opportunity to enhance the distinctiveness of the locality and provide a high quality design standard for new homes having regard to the Thorp Arch Village Design Statement and emerging Neighbourhood Plan. The impact with regard to nature conservation and flood risk has been fully considered and no technical

objections have been raised to the development, subject to the imposition of appropriate planning conditions, including those set out at the header of this report.

- 10.9 Core Strategy Policy H2 states that new housing development will be acceptable in principle on non-allocated land, providing that the number of dwellings does not exceed the capacity of local infrastructure and that for developments of more than 5 dwellings the location accords with the Accessibility Standards in Table 2 of Annex 3. Under policy H2 greenfield land should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, or makes a valuable contribution to the visual, historic and/or spatial character of an area.
- 10.10 In considering the criteria of Policy H2 above and the definition of previously developed land in the NPPF, the site is part brownfield site part greenfield site. The application site is currently un-allocated land within 'new' Thorp Arch which is situated between existing developments in a semi-urbanised setting. As such it does not make a significant contribution to the visual, historic or spatial character of the area so as to conflict with H2 in these regards. The site does not fully meet Core Strategy Accessibility Standards, but it is a relatively small scale proposal that is not in an unduly isolated location, or without any access to public transport, the nearest bus stop being 145m away. Of relatively limited scale at up to 23 units, and naturally subject to the consideration of local impacts which follows below, the proposal could not reasonably be said to exceed the capacity of local infrastructure. The site has limited nature conservation value and is not suitable for outdoor recreation, so the development proposal could not be demonstrated to unduly conflict with Policy H2 in these regards either.
- 10.11 The Thorp Arch Draft Neighbourhood Plan is about to be submitted for independent examination and a Referendum is likely to take place later in the year. Policy H1 of the submitted plan supports development of the majority of the site for residential use. The neighbourhood plan seeks to ensure that; a) the development provides access to nearby greenspace for leisure purposes; b) it incorporates an appropriate level of green spaces and recreational facilities on the site for the benefit of residents; c) reflects the best local design features of neighbouring properties, and; d) provides adequate parking (2 off road spaces per dwelling on average). Policy H2 'Housing Type and Mix' is an aspirational policy that seeks meet local housing needs, in particular downsizing. Whilst the emerging neighbourhood plan cannot be given weight, it is obvious that the draft plan is supportive of residential development of the site and seeks to deliver for local housing needs.
- 10.12 The application site forms part of a 6.33 hectares Phase 3 housing site, as described under site reference HG2-227 of the 'Submission draft Site Allocations for the Outer North East' which has a stated capacity of 142 units. The proposal is not considered to unduly prejudice those proposals. However, the submission has not however been examined and cannot therefore be given significant weight at this point in time. That said, the draft plan site assessment does concludes that the site is part of an area of vacant land that is situated between existing residential development and Thorp Arch Trading Estate, a small part of which is brownfield containing derelict buildings and which is located within an urbanised setting outside of the Green Belt.
- 10.13 Whilst unallocated land within the lowest tier of the settlement hierarchy, and whilst the draft site allocations plan has not been examined and cannot therefore be given any significant weight, the proposal is for a relatively small scale housing development of up to 23 dwellings. The proposal would make good use of previously developed land, in a way that would not exceed the capacity of local infrastructure, or unduly conflict with Core Strategy policy H2. The site would deliver policy compliant on-site

affordable housing and significant weight can be given to this consideration. In view of these considerations the proposal is therefore acceptable in principle when considered against the guidance set out in the NPPF and adopted local planning policies in the round. Having regard to the absence of a 5 year land supply and the guidance at Paras 49 and 14 of the NPPF above, in the situation where the Council's housing policies are considered to be out-of-date, specific policies in the NPPF do not indicate development should be restricted in this case, and the accessibility shortcomings of the site, for a relatively small development, do not significantly and demonstrably outweigh the benefits, when assessed against the framework as a whole. The development is therefore acceptable in principle.

Highways and access

- 10.14 The submitted indicative masterplan show access from Grange Avenue and from Rudgate Park (which is in turn also accessed from Grange Avenue). Rudgate Park itself is adopted and designed as a local residential street with a 5.5m wide carriageway and 2.0m wide footpath on the southern side. The proposed junction with Rudgate Park shown on the indicative masterplan demonstrates the required visibility splays of 43m are achievable and the accesses shown to Grange Avenue similarly have adequate forward visibility. In road safety terms the submitted Transport Assessment finds that the traffic generated by the proposals would not have any material impact on the operation of the highway network and there are no reported road traffic accidents on the local highway network in the vicinity during the preceding five year period. For these reasons it is not considered that the proposal would be harmful to highway safety considerations.
- 10.15 Under any reserved matters application the internal layout will need to be constructed to adoptable standards under Section 38 of the Highway Act 1980. The indicative masterplan is broadly compliant with the Street Design Guide, subject to some refinement in relation to tracking for larger waste collection vehicles. The layout shown on the illustrative master plan will require the formal closure of part the highway but precise layout, parking, servicing and bin areas would all be considered at reserved matters stage.
- 10.16 WYCA have been consulted and have requested that a bus shelter be installed at bus stop number 14494 (Walton Road northbound stop) and that Metro's live bus information display be provided at bus stop number 10223 (Walton Road southbound stop) and that a contribution is sought to promote sustainable travel.

Affordable housing

- 10.17 Under Core Strategy policy H5 (Affordable Housing) affordable housing is required to be delivered on-site, off-site, or in the form of a financial contribution, with on-site provision preferred unless otherwise robustly justified. For developments such as this over 15 units within Zone 1 a 35% affordable housing provision is required. It also requires secure arrangements in the form of S106 agreements to ensure delivery and affordability. In this case, on the basis of 23 dwellings, that would equate to 8 affordable dwellings. The Homes and Communities Agency have agreed to heads of terms to meet this policy requirement under a Section 106 Agreement and significant weight should be given to this consideration.

Housing mix and density

- 10.18 The development is outline so the precise mix of housing types and sizes are not known at this stage. The submitted Design and Access Statement does however

indicate that a mixture of detached and semi-detached dwellings is envisaged, typically of two-storeys in height, with an opportunity for bungalows on self-build plots. The preferred housing mix under Core Strategy policy H4 is as follows, together with the submitted mix, is as follows:

Type*	Max %	Min %	Target %	Submitted
Houses	90	50	75	100%
Flats	50	10	25	0%

Size*	Max %	Min %	Target %	Submitted
1 bed	50	0	10	0%
2 bed	80	30	50	13%
3 bed	70	20	30	83%
4 bed+	50	0	10	4%

10.19 In terms of housing type, the schedule of accommodation submitted with the application envisages a mixture of two, three and four bed dwellings but no flats. In terms of housing size, the schedule envisages no one bed units, 13 % two bed units, 83% three bed units and 4% four bed units, so the envisaged mix would be heavy on three bed units and light on two bed units in relation to policy H4. The proposal would have no flats in relation to policy H4 and housing type, against a minimum of 10%. However these are indicative details and the precise mix of housing type and size is as yet unknown at this stage. These are therefore matters which can be considered appropriately more fully at reserved matters stage when the precise appearance, scale and layout are known.

10.20 For smaller settlements a minimum density of 30 dwellings per hectare is required under Core Strategy policy H3, unless there are overriding reasons concerning townscape, character, design, or highway capacity. The development is below this level, however, the proposals are not an overly inefficient use of land, and it is considered that a density below the minimum is justified in this case by the need to secure an acceptable form of development that respects local character, appropriate landscaping to site boundaries, and to allow for the retention of an open aspect to the approach to the development and the incorporation of greenspace provision in accordance with other policy considerations.

Drainage and flood risk

10.21 The Local Plan, the Natural Resources and Waste Local Plan, and guidance within the NPPF, together, all seek to prevent development that is at risk of flooding or which increases the risk of flooding elsewhere. The application is accompanied by a drainage strategy. In considering the above policy requirements and the submitted strategy it should be noted that the site is not within a flood risk area and it has not been known to flood. An objector however points to surface water flooding elsewhere in the Parish due to combined sewers surcharging. Yorkshire Water, Ainsty Internal Drainage board, and the Council's Flood Risk Management Team, do not however raise any objection to the proposed development in response to consultation, subject to the use of conditions and a surface water run-off rate of no more than 4 litres per second unless infeasible.

10.22 In response to the neighbor objection the applicant states that mains drainage connections are proposed and highlight that Yorkshire Water raise no objection on capacity grounds. They also point to the fact that the objector's property is some 500m to the north of the application site. The application is in outline only, so at this stage the balance between hard and soft landscaped areas is not known, but the

submitted drainage strategy highlights the use oversized pipes and manholes as sustainable measures to attenuate the flow of water to the required levels. Subject to the use of conditions, as an outline application, it is considered that the development can be adequately drained, and the site itself is not at undue risk of flooding nor would unduly increase the risk of flooding elsewhere and is therefore policy compliant in these regards.

Greenspace

- 10.23 Core Strategy policy G4 (New Green Space Provision) requires the provision of 80 square metres of greenspace per residential unit for sites of 10 or more dwellings, that are outside the City Centre and in excess of 720 metres from a community park, and for those which are located in areas deficient of greenspace. In this case this would equate to 0.184ha. Following negotiations the submitted amended indicative masterplan provides for an area of policy compliant greenspace to the east of the site, which is acceptable and the application is thereby considered to be policy compliant in this regard.

Nature Conservation

- 10.24 The application site is not the subject of any planning policy designation for its nature conservation interest. The site of the proposed development is part previously developed land, part mown grassland, and is not of itself of significant nature conservation value. Biodiversity enhancements in the form of bird and bat roosting features to dwellings and/or trees can be secured by condition, in line with the requirements of Core Strategy policy G8 and guidance contained within Section 11 of the NPPF. Subject to such a condition there is no evidence that the proposal would harm protected species or their habitats and as such is policy compliant in these regards.

Drainage and flood risk

- 10.25 The Local Plan and guidance within the NPPF seek to prevent development that is at risk of flooding or which increases the risk of flooding elsewhere. The site is not within a flood risk area and it has not been known to flood. The application is in outline only, so at this stage the balance between hard and soft landscaped areas is not known. The Council's Flood Risk Management Team comments that records indicate the ground conditions in the locality are highly suitable for infiltration drainage methods, and that these should be employed where feasible for the drainage of surface water from the dwellings, driveways, and any other hard surfaces. If infiltration drainage is not possible the advice is that an agreed greenfield surface water discharge rate of 5 litres per second should be sought, and that these requirements can be covered by condition. Subject to such conditions the proposal would not result in a form of development that is at undue risk of flooding, or which would increase the risk of flooding elsewhere, and is therefore policy compliant in this regards.

Impact on residential amenity

- 10.26 It is considered possible to accommodate the level of development proposed whilst meeting the traditional guideline separation distances and outdoor amenity space requirement set out in Neighbourhoods for Living, and without causing undue harm to neighbouring residential amenity or privacy in relation to local plan policy notwithstanding the objection received in this regard. The precise layout, scale and appearance are however matters reserved for later considerations, at which point neighbours would be given the opportunity to comment on the precise details, position

of windows and massing and scale of dwellings, and conditions are recommended to ensure the prior approval of precise boundary treatment, materials and surfacing.

Contaminated land

- 10.27 The Council's contaminated land team recommends Phase I and Phase II desk studies be required, together with any necessary remediation statements, in recognition of the sites former uses. The HCA have responded to this point to confirm that they have tendered for site investigation works and accept the need for the use of Grampian conditions in this regard in view of the more sensitive residential end use proposed. It is not considered that contamination would preclude the grant of planning permission on this previously developed site and it is therefore policy compliant in this regard, subject to the use of conditions.

CIL

- 10.28 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12th November 2014 and was implemented on the 06th April 2015. The application site is located within Zone 1, where the liability for residential development is set at the rate of £90 per square metre (plus the yearly BCIS index). In this case the application is in outline only, and therefore the CIL liable floorspace would be calculated at reserved matters stage when the precise layout and scale is known. This information is not material to the decision and is provided for Member's information only.

Other matters

- 10.29 In terms of ecology although part of a much wider site that is close to a site of ecological interest (to the southeast) the site is not of ecological interests with no specific policy designation for any nature conservation interest. The requirements of Core Strategy policy G9 and the NPPF to secure biodiversity enhancements under development proposals can be met through a requirement by condition for a scheme of biodiversity enhancements. The existing Category A tree identified in the submitted survey is to be retained to the southwest boundary of the site; other tree loss of less significant specimens is capable of being mitigated in time by new planting to boundaries and within the site, which is capable of being addressed under condition together with protection of the retained tree. In order to comply with the aims and objectives of Core Strategy policy EN1 Climate Change, Air 1 of the Natural Resources and Waste Local Plan, and Paragraph 35 of the NPPF, a scheme for the provision of electric vehicle charging points should be required by condition.

11.0 CONCLUSION

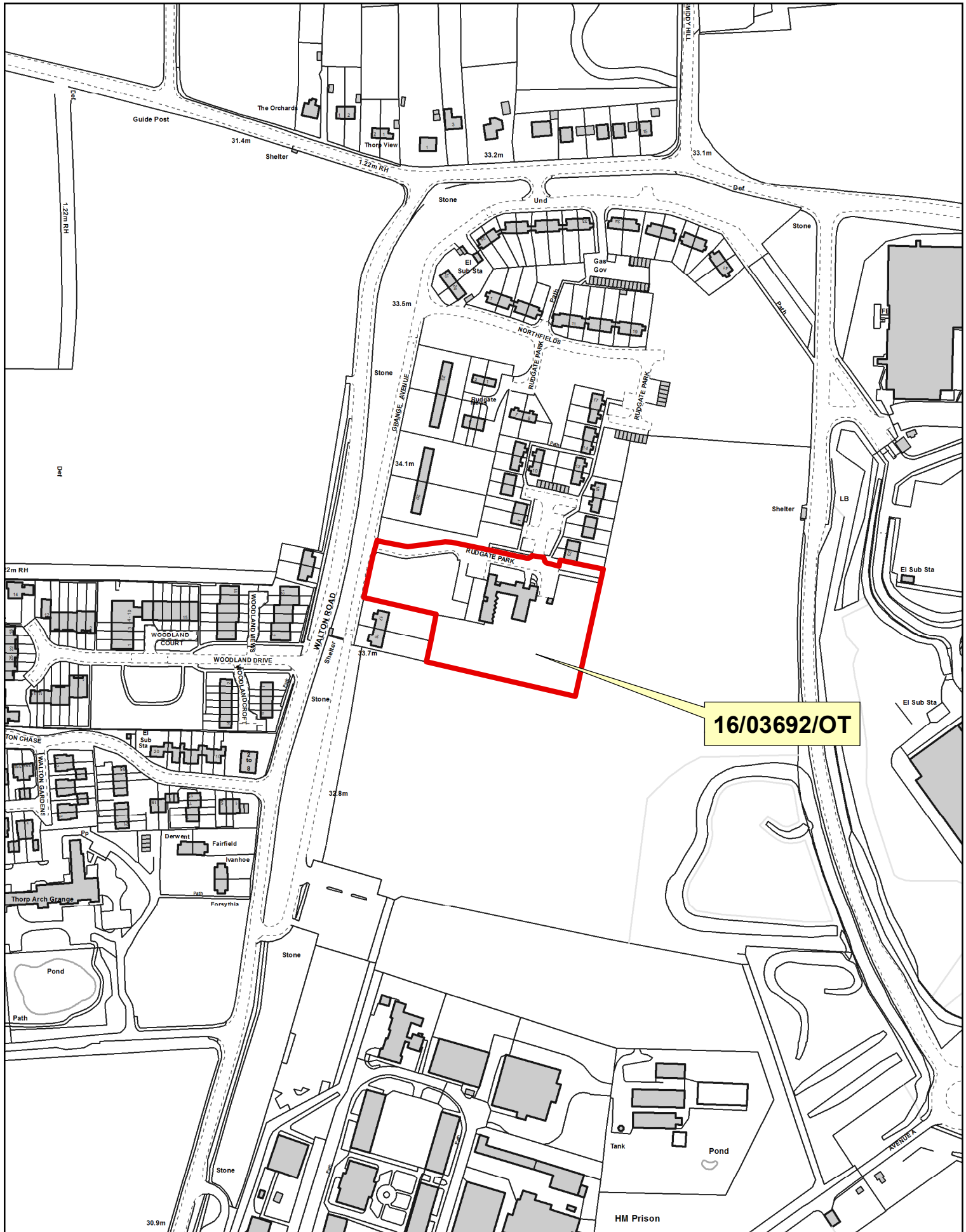
- 11.1 The application proposes a relatively small residential development of up to 23 dwellings on a site in a semi-urbanised part of Thorp Arch, between existing developments, on land which is not part of the Green Belt. The site is partly previously developed land and the proposal would not exceed local infrastructure requirements or be harmful to highway safety or flood risk considerations. The development site is not one which is of wider nature conservation or recreational value, and whilst the site does not fully meet Core Strategy accessibility requirements, given its limited scale and the contribution it would make to the local supply of affordable housing, to which significant weight should be given, on balance the proposal is considered to be policy compliant and acceptable in principle.
- 11.2 The NPPF seeks to boost housing supply, prioritise the development of previously developed land, and sets out the presumption in favour of sustainable development.

Policies in the NPPF do not indicate that planning permission should be restricted in this case. Whilst the emerging Neighbourhood Plan cannot be given significant weight the application is in accordance with it and whilst significant weight cannot also be given to Draft Site Allocations for the Outer North East, the site is part of a wider Phase 3 site. For the reasons set out above and in the absence of a 5 year land supply it not considered that any adverse impacts of granting planning permission in this case would significantly and demonstrably outweigh the benefits, when considered against the NPPF as a whole, and planning permission should therefore be granted. The recommendation is subject to a S106 agreement and conditions as set out at the header of this report, to secure policy compliant on site affordable housing delivery and sustainable transport fund contributions. Conditions should include those required to address other policy requirements, in relation to reserved matters design detail, landscaping, tree protection and biodiversity enhancement measures. Conditions should also be imposed to address drainage and any contaminated land issues, and should require a scheme for the provision of electric vehicle charging facilities and upgrade of local bus stops.

Background Papers:

Application file: 16/03692/OT

Certificate of Ownership: Certificate A completed.



16/03692/OT

NORTH AND EAST PLANS PANEL

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













PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500





KEY

-  Application Boundary
-  Existing Trees
-  Existing Houses
-  2 Storey House
-  2.5 Storey House
-  Garage
-  Tarmac Road
-  Shared Space Street Type 3a
-  Level Surface Street Type 3b
-  Private Amenity Space
-  Amenity Grassland
-  Tree Planting
-  Hedgerow Planting
-  Shrub planting



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C	Public open space added	AJG	NH	09/05/17
B	Update to Application Boundary	WF	NH	12/12/16
Rev	Description	Drawn	Approved	Date



Genesis Centre, Birchwood Science Park, Warrington WA3 7BH
Tel 01925 844004 e-mail tep@tep.uk.com www.tep.uk.com

Project
Rudgate Park, Thorp Arch, Wetherby

Title
Illustrative Masterplan

Drawing Number
D5602.003C

Drawn	Checked	Approved	Scale	Date
NKH	SL	GDA	NTS	18/05/16