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## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 16<sup>th</sup> July 2020

**Subject: 17/02594/OT – Outline planning application with all matters reserved except for access, for the creation of a new community comprising up to 800 dwellings, a food store (A1) (up to 372 sq.m), primary school and public open spaces at Land off Racecourse Approach, Wetherby, LS22.**

**Applicant: Taylor Wimpey**

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#### Electoral Wards Affected:

Wetherby

Yes

Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION: Members are requested to note this report and specifically the issues raised relating to vehicular access and to confirm that progression towards granting outline planning permission is still in accordance with the previous Panel resolution from 29<sup>th</sup> August 2019.**

#### INTRODUCTION:

1. The application was previously reported to Plans Panel on 30<sup>th</sup> January 2020 as an update to Members and to confirm that progression towards granting outline

planning permission was in accordance with the previous Panel resolution from August 2019. In summary, the proposal relates to an outline planning application for a residential development comprising up to 800 dwellings together with a new primary school, a convenience store and public open space. The site is allocated for residential development within the Site Allocations Plan (SAP), and therefore the proposed development is in conformity with the development plan, subject to meeting the site requirements as set out in the SAP.

2. Members will recall that the Panel, at the meeting on 30<sup>th</sup> January 2020, did not accept the further information put forward in the officer report and resolved not to accept the officer recommendation to defer and delegated to the Chief Planning Officer subject to the completion of a legal agreement to secure a number of planning obligations. The minutes of the meeting on 30<sup>th</sup> January 2020 state:
  - (i) That the contents of the report be noted;
  - (ii) To note the continuing issues around vehicular access to the site; and
  - (iii) To reaffirm that progression towards granting Outline Planning Permission (17/02594/OT) remains in accordance with the resolution made at the meeting held on 29<sup>th</sup> August 2019
3. In summary, the Panel clearly had concerns over the lack of a vehicular access from York Road, particularly through the south western portion of the allocation, and on that basis did not accept the officer recommendation. The Panel considered that the applicant should explore in more detail, the possibility of purchasing the south western parcel of land within the wider allocation in order that a comprehensive development and a vehicular access through this part of the site could be secured and delivered.
4. The purpose of this report therefore, is to update Members on the work that has been undertaken since the previous Panel meeting and to put forward this further information with a recommendation that the approval of the application can be deferred and delegated to the Chief Planning Officer subject to the completion of a legal agreement to secure a number of planning obligations. This updated report therefore focuses on the following areas of work:
  - Dialogue with the third party landowner;
  - The applicant's intention to appeal against non-determination; and
  - Further design work undertaken and commitment to a high quality sustainable development.
5. The report therefore provides an update on these areas of work, provides an update on the planning policy context, summarises further representations that have been submitted since the last Panel meeting and explains the reasoning behind the officer recommendation.
6. In summary, the site proposes a residential development on an allocated housing site that has been found to be acceptable to the Council in principle and sound by government appointed Inspectors during the Site Allocations process. The outline application is therefore considered to be a policy compliant scheme, will provide the required mitigation measures to make it a sustainable form of development and will embrace high standards of sustainable design and construction which endeavours to address the Council's climate emergency declaration.

## UPDATED POLICY POSITION

7. Since the application was previously reported to City Plans Panel on 30<sup>th</sup> January, there have been several updates to the planning policy position that need to be identified. These relate to two specific areas which include the Core Strategy Selective Review and the Wetherby Neighbourhood Plan.

### Core Strategy Selective Review (CSSR)

8. The policies that were reviewed as part of the CSSR have been formally adopted and now form part of the Core Strategy (as amended 2019). Therefore, the following policies are now afforded full weight in the decision making process:

H5 – Affordable Housing  
H9 – Minimum Space Standards  
H10 – Accessible Housing Standards  
G4 - Greenspace  
EN1 – Carbon Dioxide reduction  
EN2 – Sustainable Design and Construction  
EN8 – Electric Vehicle Charging Infrastructure

### Wetherby Neighbourhood Plan

9. The Neighbourhood Plan has also been made since the application was previously reported to the City Plans Panel. The Wetherby Neighbourhood Plan was made on 30<sup>th</sup> January 2020 and therefore forms part of the development plan. The Neighbourhood Plan does not allocate the application site, or indeed any site within the neighbourhood plan area, for housing, but the vision, objectives and policies seek to ensure that Wetherby benefits from sustainable growth and that new housing has an appropriate mix, is of high quality design and well-connected to the town. Some the key policies within the Plan are:

- H1: Provide an appropriate mix of housing.
- H2: Quality and layout of housing developments.
- E1: Wetherby High School Site.
- D2: Connectivity of new developments.

10. The policies within what was the draft CCSR were previously considered in the assessment of the application in August 2019, and at that particular time were given significant weight. Now that the policies form part of the adopted development plan they can be afforded full weight. The additional policies which now form part of the Core Strategy are policies that the proposal would be compliant with. The proposals deliver the requirement level of affordable housing and greenspace in accordance with Policies H5 and G4, and the proposal, if granted, would be the subject of conditions to ensure compliance with Policies H9, H10, EN1, EN2 and EN8.
11. With regard to the Wetherby Neighbourhood Plan, the proposal would not be in breach of any of the relevant conditions. An appropriate mix of housing would be provided in accordance with Policy H1, while the proposal would be considered against other relevant policies at any subsequent reserved matters stage.

### SAP Review

12. The SAP contains Policy HGR 1 which requires the Council to review the Site Allocations Plan following the Core Strategy Selective Review adoption. The review

is to be submitted no later than the 31<sup>st</sup> December 2021 and will seek to ensure that there is still a 5 year housing supply. Work has commenced in preparing the scope of the review.

13. It is worth noting that prior to adoption of the SAP in 2019, the Council lost 9 appeals on Protected Areas of Search (PAS) sites when the Council did not have a 5 year supply of housing. It is therefore important to ensure the delivery of allocated SAP sites if they are determined to be policy compliant, in order to maintain the 5 year housing land supply and reduce the likelihood of speculative piecemeal development being considered.
14. The Inspectors were clear that the allocated SAP sites are in sustainable allocations. Paragraph 109 of the Inspectors Report states:

*Driven by the CS guiding principles, the key factors were identified. An appropriate selection of potential sites was assessed. The reasons for selecting the preferred sites and rejecting others is ....sufficiently clear. The overall process represents a sound approach to identifying those sites considered to represent the best and most sustainable choice for development in each HMCA to contribute to the target requirement."*

15. Refusals on allocated sites in an adopted plan could lead to speculative and piecemeal development and potentially less sustainable sites being considered for allocation within the SAP review. The SAP has provided evidence that the application sites are more sustainable than other discounted sites within the Outer North East HMCA. Development such as this is the mechanism for delivery to provide the required infrastructure that would improve the sustainability and accessibility in the locality. The SAP allocations and identified sites have been cumulatively assessed to ensure that appropriate infrastructure can be provided where this is within the power of the Council. It also provides clarity on how much growth is planned to occur in different areas so that infrastructure providers, for their own investment plans working closely with the Council, may provide for the housing pipeline.

## **UPDATE**

16. Members will recall that this particular outline planning application does not cover the entire SAP allocation, as the wider site is split into different ownerships, with Taylor Wimpey having control over the vast majority of the allocation. That said, as part of the SAP process consultation has previously taken place with interested and willing landowners in order to put forward a comprehensive package of suitable housing sites to meet the identified housing need across the city, and specifically each Housing Market Characteristic Area (HMCA). In particular, this included all the landowners which now forms the East of Wetherby SAP site which is allocated under Policy HG2-226.
17. One of the site requirements relating to the application site is the need to create a vehicular access from York Road into the allocated land. The SAP does not specify where exactly the access should be formed on York Road and therefore this will be dictated by a number of factors including accessibility, highway safety and visual amenity. One possible access point could be along Carr Lane which lies close to the bridge over the A1(M) motorway and is the closest point to the remaining part of Wetherby, including the town centre. This would need significant improvements in order to make it appropriate to serve a reasonable quantum of residential development. However, whilst Carr Lane is vested with the City Council and a

small portion with Highways England (as it was previously used to serve improvements in the upgrading of the motorway and now no longer needed for operational purposes by Highways England), a new vehicular access would have to cross land owned by a third party in order to connect to the application site. Notwithstanding this, the applicant is happy for LCC secure improvements to the land to facilitate improved access for pedestrians and cyclists on the existing bridleway as part of the development in order to improve connectivity. Such works would be secured through a s287 Agreement.

#### Third Party Land Update

18. This particular third party landowner, whilst supportive of putting their land forward to form part of the overall land use allocation and hence one of the reasons why it was allocated to form a wider site within the SAP, has not demonstrated any desire to develop the site for residential development at the present time.
19. Moreover, the third party landowner which forms the south western part of the allocation has been the subject of a 12 month temporary permission for a car wash. Further attempts to secure permission to retain the car wash have failed with a recent refusal of planning permission because this was contrary to the development plan and was considered to compromise the comprehensive development of the site. If the cabins and equipment is not removed from the site, then the Council will have to consider taking formal enforcement action.
20. Since the last Panel meeting on January of this year, officers have made contact with the land agent acting on behalf of the third party landowner. They have been able to inform officers that several offers have been made for the site by prospective developers. One of these offers has been put forward by Taylor Wimpey, the applicant which is the subject of the current outline application. In order to qualify that a reasonable offer had been made by Taylor Wimpey, details of the said offer were provided to officers on a confidential basis. Such details were subject to consultation with colleagues in the Council's Asset Management team to ascertain whether it was considered to be a reasonable offer. Due to the current situation with the third party landowner and the fact that other offers are still under consideration, Members will no doubt appreciate the confidential nature of this information and agree that it would not be appropriate to disclose this information within this report. That said, colleagues within Asset Management have considered the offer put forward and advise that it is reasonable in the current economic climate, particularly taking into account the location of the site adjacent to the A1(M) motorway and Young Offenders Institute.
21. In the Panel report dated 30<sup>th</sup> January, it was noted that the third party landowner initially expressed support for the current outline application and to date, this letter of support has not been retracted, so it must be assumed that the landowner is still supportive of Taylor Wimpey's proposals. However, given the absence of any indication that they are willing to sell the land to Taylor Wimpey, or indeed any other developer, or in fact develop it themselves, demonstrates that the site may not come forward for development in the immediate future. Notwithstanding this, the current application would still deliver significant improvements to Carr Lane and the bridleway which would provide for pedestrians and cyclists accessing the site, including the new primary school which is likely to be in the south western part of the site.
22. Furthermore, whilst there is nothing within the site requirements which specifies where on York Road an access point should be formed, work by the applicant, and

agreed by the Highways Officer, concludes that it would not be appropriate to serve the entire allocation of 1,100 dwellings or indeed a significant amount of development from Carr Lane. Instead, this access point would be considered appropriate to serve the third party land and perhaps a limited amount of further development of the application site, as well as the new primary school. What is evident is that the development of the Taylor Wimpey site would not prejudice the development of the SW parcel of the allocation. Indeed, the applicant has agreed to build their access roads right up to the third party land in order to avoid any ransom strips. This would be secured as part of the outline permission. Likewise, the same would be expected of the SW parcel if an application did materialise, with a mechanism in place to ensure that any development of this site connected into the Taylor Wimpey development, ensuring that a comprehensive development is facilitated and an access road to the primary school is delivered.

### Appeal & Wider Implications for Refusing Permission

23. Under the recommendations set out within the Rosewell Review relating to appeal and specifically Public Inquiries, the applicant has served the Council with a notification of intention to submit an appeal against non-determination. It would be the applicant's intention to submit an appeal, which would be the subject of a Public Inquiry later this year, if the outline application is not supported by the Plans Panel. It is therefore important to provide advice on the implications of this.
24. It should be borne in mind that the application needs to be determined in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, which states that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The SAP has to be afforded full weight in the determination process of any application and any refusal of planning permission for housing sites identified within the SAP, must clearly demonstrate that there are material planning considerations which indicate otherwise.
25. Further, the wider implications of the refusal and the risk that presents on the delivery of the LPA's Development Plan needs to be considered. The SAP has identified housing land that is considered to include the most suitable locations across the city that collectively deliver sustainable development. The National Planning Policy Framework requires the LPA to have a 5 year supply of housing across the city and the adopted SAP and Core Strategy enables the LPA to have an up to date plan with sufficient housing to be delivered over the Development Plan period. However, the refusal of housing sites that have been identified and allocated in the Plan jeopardises the LPA's 5 year housing supply and erodes the effectiveness of the Development Plan. This in turn could mean development outside of the SAP will need to be considered in future and piecemeal development is likely to prevail that will not contribute significantly towards local infrastructure, due to their individual scale and nature.
26. The Council has declared a Climate Emergency and the SAP contributes significantly to the delivery of sustainable development at both the macro and micro levels. On the macro scale, the SAP seeks to deliver housing supply which grows local communities at a sustainable rate, whilst at the micro level, the up to date plan can be effectively used to ensure that policies specific to housing designs, layout and construction are effectively implemented to achieve the highest quality developments.

27. Most pertinent to this application, the site has been allocated for housing as well as a new primary school and this application provides an opportunity to comprehensively develop the site, although it is acknowledged that the site is split into multiple ownerships, which is not unusual for a site of this scale. The imposition of conditions and a Section 106 Agreement would enable the development to integrate into the adjoining development parcels ensuring that access roads, footways and cycle routes are built right up to the development boundaries, thereby avoiding the risk of creating any ransom strips.
28. It is considered that the proposal is policy compliant, and will not prejudice the development of the south west parcel of the allocation coming forward, which in turn, would provide an access point from York Road which would lead into the Taylor Wimpey development. Whilst not serving the entire allocation, as this would not be appropriate for capacity reasons, the access could serve a limited amount of development and could involve re-routing the hopper bus into this part of the site to improve public transport connectivity.
29. The applicant's intention to submit an appeal against non-determination raises issues in terms of what the Council's case would be at a subsequent Public Inquiry. At present, officers do not have any technical evidence to demonstrate that the absence of a vehicular access from York Road towards the south west parcel of the allocation would be detrimental in any way. To pursue a potential reason for refusal of this outline planning application on the basis of the absence of an access point in this location is not supported by technical evidence. In light of the matters set out above, officer advice is that it would be very difficult to substantiate a reason for refusal in this regard and that as a consequence the council could be at a risk of a costs award against it in the event of an appeal, particularly with regard to the guidance within the National Planning Policy Guidance (NPPG) on costs at paragraphs 046 and 049.

#### Design Work

30. Since the City Plans Panel meeting on 30<sup>th</sup> January 2020, a well attended design workshop took place with numerous representatives from Taylor Wimpey and their technical consultants as well as officers from a number of different departments. This workshop was led by colleagues in the department's design team and set out a number of fundamental design principles with sustainable design and construction, place making, health and wellbeing and climate change being at the forefront. The comments were well received by the applicants and they are keen to ensure that their development at Wetherby is one of their flagship sites which embraces the design principles which officers highlighted. However, owing to the Covid-19 situation, no further design workshops have been held, but Taylor Wimpey are very keen to engage further in the hope that their outline application can be supported and then progressed towards reserved matters submissions. That said, the applicant has submitted an updated Masterplan which covers the application site in more detail and shows how the site could connect to adjacent parcels of land within the allocation.
31. A copy of the reports presented to Plans Panel on 30<sup>th</sup> January 2020, 29<sup>th</sup> August and 28<sup>th</sup> March 2019 are attached and appendix 1, 2 and 3 for information.

#### **FURTHER REPRESENTATIONS**

32. Since the Panel meeting on 30<sup>th</sup> January 2020, a number of additional representations have been submitted, some of which originate from residents who have previously made representations. However, for completeness, since the meeting on 30<sup>th</sup> January, a further 18 letters of objection have been received. The issues raised are summarised below:

- Site is unsustainable;
- Fails to comply with objectives of City's Climate Emergency policy;
- Proposals are a contravention of the SAP;
- No satisfactory pedestrian crossing over York Road;
- Turning right for cyclists onto York Road is dangerous;
- Failure to provide safe routes to encourage cycling and walking;
- Insufficient infrastructure such as schools, doctors, dentists and parking;
- Development is fragmented and disconnected from Wetherby;
- Location of development could act as a catalyst for future eastwards extension into North Yorkshire;
- Access from Carr Lane onto York Road is dangerous;
- Middle access road onto Racecourse Approach looks far too close to the road access on the other side which leads to Ingmanthorpe Hall;
- Increase in traffic and impact on road capacity;
- Increase in pollution and impact on health;
- Congestion at peak periods;
- Not many people will use the hopper bus;
- No alternative plans for rail transport;
- Increase in carbon emissions;
- Site is adjacent to motorway and prevailing wind will carry high levels of pollution to new properties;
- Parking in the town centre is already problematic;
- Negative impact on Wetherby;
- Masterplan is not a Masterplan as required by the SAP, and shows approx. 500 units, not 800.
- Has any regard been had to verbal intrusion from the YOI impacting on the school site location;
- Population of Wetherby will increase by 3,000+ people,
- Schools cannot absorb 1,000 children;
- 800 dwellings, rising to 1,100 is a significant increase to a town the size of Wetherby;
- Applicant refused to meet with the Better Wetherby organization;
- Developer not yet initiated any discussions with local representatives in the form of a Consultative Forum; and
- Covid-19 virus should logically place greater emphasis on pollution and climate emergency.

33. **The Better Wetherby Partnership:** Concerns are raised over the fact that the applicant have yet to fulfil the requirements of the SAP, with particular reference to an access onto York Road, a Masterplan for the whole SAP site, a pedestrian and cyclin link to York Road and a comprehensive design brief. Concerns are also raised with regard to Climate Change, the provision of a shuttle bus which would contribute to pollution (it should be an electric vehicle); impact on the YOI in terms of parking, and issues relating to the Transport SPD. The Partnership also put forward a list of suggested conditions relating to noise mitigation, arboricultural method statement, construction method statement, travel information pack for new residents, and the inclusion of an Enquiry by Design exercise used to create a

vision or masterplan for a new community. In summary, more dialogue with the local community and developer is required.

34. **The Wetherby Civic Society:** Circumstances have changed as Coronavirus will lead to a slump in housing demand over the next several years. The Government's latest Housing Delivery Test showed that between 2016 and 2019, Leeds delivered 8,534 homes compared to the required 7,823, an excess of 711 (9%). 1,100 homes will lead to at least an additional 1,600 cars, many of which will be driving to Leeds twice per day. Building cycle lanes within the city suburbs will not encourage cycling to work from Wetherby. Inevitably, there will be an increase in carbon emissions in direct conflict with Climate Emergency plans.

### Consideration of Objections

35. Many of the comments raised by residents, the Better Wetherby Partnership and the Wetherby Civic Society raise issues previously addressed in Panel reports that have been reported to this Panel, particularly relating to increased traffic, access and highway safety, impact on parking, pollution, the impact on Wetherby town centre and the character as a whole, the impact on local infrastructure, pedestrian and cycle connectivity. Many of the representations raise concerns over the proposals and how this sits with the Council's Climate Emergency declaration. This has been brought to the attention of the applicant who are keen to make their development a sustainable place to live. They have agreed that it will embrace high levels of design and construction and will be fully compliant with Core Strategy policies EN1 and EN2. Indeed, discussions in the previous design work shop centered around what measures could be incorporated into the scheme, including the provision of a centralised waste management system.
36. The issues highlighted relating to the Covid-19 pandemic situation raise matters which are currently at the forefront of how, as a society, we go about our daily lives. It is not for the Council to speculate how this pandemic will affect future housing growth and need. Therefore, the application can only be determined on the basis of its designation within the adopted development plan as an allocated housing site. As such, the principle of residential development on this site has already been established.
37. Since no material issues have been raised since the previous Panel meeting, then it is considered that there are no grounds to allow public speaking at this particular Plans Panel meeting.

### **CONCLUSION**

38. The applicant has endeavoured to secure an additional vehicular access into the site through third party land in accordance with the wishes of the Plans Panel. However, despite a reasonable offer to purchase the site from the third party landowner, there appears to be a lack of interest from the landowner at this particular point in time. The landowner is also considering offers from other interested parties, but this has not moved forward since application was last reported to Panel nearly 6 months ago. As the landowner has failed to make any positive decision on the sale of their land, the applicant is unable to secure this and consequently is not in a position to deliver a vehicular access into the wider allocation.

39. Officers consider that Instead, the three access points proposed from Racecourse Approach, together with the provision of the hopper bus and improvements to Carr Lane for pedestrians and cyclists will make the development both acceptable and sustainable. The on-going work with the applicants to deliver a high quality, sustainable and exemplar scheme also lends support to the application, the detail of which would be secured and delivered through a robust set of planning conditions and considered in further detail with future reserved matters submissions. Furthermore, officers consider that the possibility of dealing with an appeal against non-determination could lead to pressure from developers looking to developer on other sites that maybe in the Green Belt.
40. Whilst it is regrettable that the third party landowner shows no signs of wishing to develop their part of the SAP allocation at the present moment in time and despite the efforts of the applicant and indeed other interested parties, it is important to highlight that the proposed Taylor Wimpey development would not prejudice the development of the third party land which could come forward for development later and tie in with the remaining part of the allocation, and still deliver a vehicular access into the site, including the school.
41. The updated information is considered to be helpful in informing Members of the current position and officers are recommending that the application be deferred and delegated to the Chief Planning Officer subject to the completion of a legal agreement and conditions which are set out in the Panel reports dated 29<sup>th</sup> August 2019 and 30<sup>th</sup> January 2020 which are appended to this report.

# APPENDIX 1



Originator: Adam Ward

Tel: 0113 378 8032

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## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 30<sup>th</sup> January 2020

**Subject: 17/02594/OT – Outline planning application with all matters reserved except for access, for the creation of a new community comprising up to 800 dwellings, a food store (A1) (up to 372 sq.m), primary school and public open spaces at Land off Racecourse Approach, Wetherby, LS22.**

**Applicant: Taylor Wimpey**

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#### Electoral Wards Affected:

Wetherby

Yes

Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION: Members are requested to note this report and specifically the issues raised relating to vehicular access and to confirm that progression towards granting outline planning permission is still in accordance with the previous Panel resolution.**

## **1.0 INTRODUCTION:**

- 1.01 The application was previously reported to Plans Panel on 29<sup>th</sup> August 2019 with a recommendation for approval. In summary, the proposal relates to an outline planning application for a residential development comprising up to 800 dwellings together with a new primary school, a convenience store and public open space. The site is allocated for residential development within the Site Allocations Plan (SAP), and therefore the proposed development is in conformity with the development plan, subject to meeting the site requirements as set out in the SAP.
- 1.02 Members will recall that the Panel resolved to defer and delegate to the Chief Planning Officer for approval subject to the submission of an amended Masterplan and Access Parameter Plan and following the delivery of a vehicular access into the site from York Road to meet the SAP Site Requirements (mechanism by which the vehicular access can be delivered by the applicant and how this is controlled be through the Section 106 Agreement or by condition (whichever is most appropriate) and subject to the conditions specified in the submitted report (and any other conditions which the Chief Planning Officer may consider appropriate) and the completion of a section 106 Agreement to cover the obligations set out in the report dated 29<sup>th</sup> August 2019. In summary, it has not been possible for the applicant to secure a vehicular access across the third party land in the south western corner of the allocation as the landowner shows no signs of wishing to develop their part of the allocation at the present time, although improvements for cyclists and pedestrians can still be delivered. Alternatives have been discussed and the applicant can deliver a bus gate into the site from York Road which would enable development of the site to proceed.
- 1.03 The purpose of this report therefore, is to update Members on the progress of discussions which have taken place to date with the applicant and to seek any comments in order to move the application forward towards a positive conclusion.

## **2.0 UPDATE**

- 2.01 Members will recall that this particular outline planning application does not cover the entire SAP allocation, as the wider site is split into different ownerships, with Taylor Wimpey having control over the vast majority of the allocation. That said, as part of the SAP process consultation has previously taken place with interested and willing landowners in order to put forward a comprehensive package of suitable housing sites to meet the identified housing need across the city, and specifically each Housing Market Characteristic Area (HMCA). In particular, this included all the landowners which now forms the East of Wetherby SAP site which is allocated under Policy HG2-226.
- 2.02 One of the site requirements relating to the application site is the need to create a vehicular access from York Road into the allocated land. The SAP does not specify where exactly the access should be formed on York Road and therefore this will be dictated by a number of factors including accessibility, highway safety and visual amenity. One possible access point could be along Carr Lane which lies close to the bridge over the A1(M) motorway and is the closest point to the remaining part of Wetherby, including the town centre. This would need significant improvements in order to make it appropriate to serve a reasonable quantum of residential development. However, whilst Carr Lane is vested with the City Council and a

small portion with Highways England (as it was previously used to serve improvements in the upgrading of the motorway and now no longer needed for operational purposes by Highways England), a new vehicular access would have to cross land owned by a third party in order to connect to the application site. Notwithstanding this, the applicant is happy for LCC secure improvements to the land to facilitate improved access for pedestrians and cyclists on the existing bridleway as part of the development in order to improve connectivity. Such works would be secure through a s287 Agreement.

- 2.03 This particular third party landowner, whilst supportive of putting their land forward to form part of the overall land use allocation and hence one of the reasons why it was allocated to form a wider site within the SAP, does not demonstrate any desire to develop the site for residential development at the present time.
- 2.04 Moreover, the third party landowner which forms the south western part of the allocation has been the subject of a 12 month temporary permission for a car wash. Further attempts to secure permission to retain the car wash have failed with a recent refusal of planning permission because this was contrary to the development plan and was considered to compromise the comprehensive development of the site. If the cabins and equipment is not removed from the site by February, then the Council will have to consider taking formal enforcement action. That said, the applicant still has the right to appeal the decision, but at present, no such appeal has been lodged with the Planning Inspectorate.
- 2.05 The third party landowner initially expressed support for the current outline application and to date, this letter of support has not been retracted, so it must be assumed that the landowner is supportive of Taylor Wimpey's proposals. However, having held a series of meetings with the applicant, it is clear from the applicant that the landowner of the south western corner of the allocation is unwilling at this present moment in time to allow Taylor Wimpey an access through their site. The way this would be achieved is by a condition, or clause in a legal agreement that prohibits the carrying out of any development on the application site until such time that the new access road has been constructed and is available for use. However, a access point across this third party land does not seem possible at this present moment in time as the landowner appears not be show any signs of interest. Notwithstanding this, the current application would still deliver significant improvements to Carr Lane and the bridleway which would provide for pedestrians and cyclists accessing the site, including the new primary school which is likely to be in the south western part of the site.
- 2.06 Furthermore, whilst there is nothing within the site requirements which specifies where on York Road an access point should be formed, work by the applicant, and agreed by the Highways Officer, concludes that it would not be appropriate to serve the entire allocation of 1,100 dwellings or indeed a significant amount of development from Carr Lane. Instead, this access point would be considered appropriate to serve the third party land and perhaps a limited amount of further development of the application site, as well as the new primary school.
- 2.07 Further discussions with the applicant has led to the drafting of a planning condition which is set out below and seeks to still secure the provision of a vehicular access from York Road. It is considered that the imposition of such a condition would still be in accordance of the Panel resolution from 29<sup>th</sup> August 2019. For information, the condition as drafted is as follows:

*Prior to the approval of any Reserved Matters, details of Masterplan document for the entire HG2-226 Allocation shall be submitted to and approved in writing by the Local Planning Authority. The Masterplan will include details of:-*

- *Design Codes for the allocation;*
- *Points of vehicular access including a public transport link into the allocation off York Road and details of its timing;*
- *Public transport routes through the allocation with the location of bus only gates at appropriate points;*
- *Energy efficiency measures;*
- *Waste minimisation and reduction measures;*
- *Location for the primary school in the allocation and associated vehicular and walking/cycling routes to access the school;*
- *Location for the shop and adequate parking; and*
- *Walking and cycling routes through the allocation.*

*Following approval of the Masterplan, all Reserved Matters submissions relating to the layout, scale, appearance and landscaping of the site shall accord with the principles and details set out within the Masterplan.*

*Reason: In order to ensure a coherent and comprehensive development of the site in the interests of proper planning.*

- 2.08 In addition to the above suggested planning condition, a condition should be imposed to ensure that the cycle and pedestrian link improvements are delivered and available for use prior to first occupation of the development.
- 2.09 Given that the applicant has been unable to secure an access through the third party land in the south western corner of the allocation into their site, they have provided an illustrative plan to show that a vehicular access further eastwards along York Road and into their site is feasible and deliverable. However, this is seen as a fallback position in the event that an access is not achievable in the south western corner. Indeed, it is the applicant's preference to secure an access in the south western corner as this would provide better links to and from the site. The indicative plan shows that this access from York Road, just to the west of the roundabout which serves Wetherby Racecourse, would be for the hopper bus only (a bus gate) and would be an access only and would therefore be single carriageway in width. The hopper bus when then travel through into the site, past the new primary school and exit via one of the vehicular access points on Racecourse Approach and then travel towards Wetherby town centre. Such a location or route would not compromise the ability to deliver the 20 minute frequency as previously noted.
- 2.10 The drafted planning condition is flexible insofar as it does not specify the exact location of the access from York Road, with the Council have the ability to consider such details when they are submitted in order to discharge the planning condition. It is a matter of timing which is the key to the location of the access from York Road and it may be the case that once outline planning permission is granted for this site, the landowner of the south western part of the allocation then comes forward with a formal proposal for housing which would then give the ability of the Council to require an access which provides a bus gate into the Taylor Wimpey site to serve the new primary school. However, as we do not have such an application at this current point in time, it would seem pragmatic to agreeing a solution which would provide an alternative.

- 2.11 Members attention is drawn to the fact that if the bus access were to be approved from the access point further along York Road, then this would involve forming an access across the avenue of protected trees. It is considered that this could be done in a sensitive manner in order to minimise any tree loss with the use of specialist construction techniques and sympathetic surfacing treatment, giving priority to pedestrians and cyclists. Upon visiting the site, it is evident that there are several gaps between some of the trees, and some of the trees have died, thereby allowing opportunities to cross the avenue of trees without any tree loss. When viewed from York Road, the presence of such a route crossing the avenue of trees would be undiscernible.
- 2.12 A copy of the reports presented to Plans Panel on 29<sup>th</sup> August and 28<sup>th</sup> March 2019 are attached and appendix 1 and 2 for information.

### **3.0 CONCLUSION**

- 3.01 The applicant has endeavoured to secure an additional vehicular access into the site through third party land in accordance with the wishes of the Plans Panel. However, owing to a lack of willingness of the third party landowner at this present point in time, the applicant is unable to deliver this. Instead, the applicant proposes an access point further along York Road which would provide a bus gate facility into the site in order to deliver the hopper bus without compromising the delivery of the service offering a 20 minute frequency. Such an access would enable a willing landowner to deliver much needed housing in the area, including a significant level of affordable housing, whilst also making improvements to enable cyclists and pedestrians to access the site from the south western corner.
- 3.02 Whilst it is regrettable that the third party landowner shows no signs of wishing to develop their part of the SAP allocation at the present moment in time, the proposed Taylor Wimpey development would not prejudice the development of the third party land which could come forward for development later and tie in with the remaining part of the allocation, and still deliver a vehicular access into the site, including the school.
- 3.03 Positive engagement with both Taylor Wimpey and Persimmon Homes (who control a smaller part of the SAP allocation) is ongoing in the master planning of the entire allocation in advance of any Reserved Matters submission. Indeed, a workshop is being held with officers and developers to discuss how the site can be developed to achieve the highest standards of design and sustainable construction in order to make the site a high quality and sustainable place to live and attend school.
- 3.04 The updated information is considered to be helpful in informing Members of the current position and should give the Panel comfort that the application is being determined in accordance with the Panel resolution of 29<sup>th</sup> August 2019.

# APPENDIX 2



Originator: Adam Ward

Tel: 0113 378 8032

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## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 29<sup>th</sup> August 2019

**Subject: 17/02594/OT – Outline planning application with all matters reserved except for access, for the creation of a new community comprising up to 800 dwellings, a food store (A1) (up to 372 sq.m), primary school and public open spaces at Land off Racecourse Approach, Wetherby, LS22.**

**Applicant: Taylor Wimpey**

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#### Electoral Wards Affected:

**Wetherby**

Yes

Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION: DEFER and DELEGATE approval to the Chief Planning Officer subject to an amended Masterplan and Access Parameter Plan the following conditions and the prior completion of a section 106 Agreement to cover the following:**

- Provision of 35% affordable housing on site;
- Primary Education Contribution of £2.7 million (phased payments to be agreed) and Transfer of Land for Primary School upon commencement of development, with construction of an access road at an agreed timescale;
- Provision of shuttle bus fully funded for 10 years (£150,000 pa);
- Contribution of £61,700 towards Harrogate Road corridor cumulative impact;
- Contribution of £55,000 towards Racecourse Approach 40mph speed limit;
- Contribution of £41,000 toward Bus Shelters and Displays;
- Contribution of £7,000 towards a TRO for York Road parking;
- Sustainable Travel Fund - £396,000 (based on 800 dwellings);
- £30,000 for mitigation measures if residential model split targets are not met;
- Completion of access road up to adjoining development sites
- Marketing strategy of retail unit prior to occupation of 400<sup>th</sup> dwelling and operationally available by occupation of 500<sup>th</sup> dwelling;
- Residential Travel Plan and Monitoring Fee of £6,000;
- School Travel Plan and Monitoring Fee of £2,500;
- Maintenance of Greenspace and SuDS;
- Contribution of £16,000 towards other public footpath and bridleway enhancements; and
- Employment and Training.

**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.**

#### Conditions

1. Outline time limits
2. Submission of Reserved Matters including Layout, Scale, Appearance & Landscaping.
3. Plans to be approved
4. Development not to comprise more than 800 dwellings
5. Detailed Design Code and Masterplan for whole site
6. Details of Phasing
7. Provision of greenspace (Public Open Space) with layout in accordance with CS / CSSR policy, including provision of children's play area/equipment
8. Trees to be retained and protected
9. Landscape Management Plan
10. Woodland Management Plan
11. Ecological design statement for watercourse, swale and SuDS
12. Construction environmental management plan (CEMP)
13. Biodiversity environmental management plan (BEMP)
14. Updated bat survey and impact assessment
15. Bat roosting and bird nesting details
16. Surface water drainage details
17. Foul water drainage details
18. No built development with Flood Zones 2 and 3 and carried out in accordance with the submitted FRA

19. Compensatory flood storage works
20. Contamination details and remediation
21. Construction Method Statement
22. Submission of further air quality assessment
23. Implementation of off-site Highways works, including enhancements to Carr Lane improvements
24. Implementation of site access works from Racecourse Approach
25. Roads, footways and other routes to be constructed up to the boundary of the site to facilitate access to the wider housing allocation
26. Details of and implementation of footway/cycleway improvements including crossing facilities between J46 of the A1(M) and the northern most Racecourse Approach site access
27. Details of and implementation of a continuous footway along the northern flank of York Road west of The Avenue
28. Retail unit not occupied until car parking has been laid out
29. Scheme for charging facilities for battery powered vehicles
30. Provision of connection to connect existing bridleways
31. Submission of housing mix for each phase of the development
32. Compliance with Accessible Housing Standards (Policy H10)
33. Compliance with Minimum Space Standards (Policy H9)
34. Commitment to reduction in carbon dioxide and use of renewable energy in compliance with Policy EN1 and any variation in the most up-to-date policy at the time of the relevant RM submission
35. Commitment to deliver school at BREEAM rating of excellent and housing with regard to water efficiency measures in compliance with Policy EN2 and any variation in the most up-to-date policy at the time of the relevant RM submission
36. Submission of details of location of school within 3 months of date of outline approval

## **1.0 INTRODUCTION**

- 1.1 The application is presented to City Plans Panel as this is a significant and major planning application that is of a scale of development which requires a strategic overview. The application is also accompanied by an Environmental Statement.
- 1.2 Outline planning permission is sought for a residential development comprising up to 800 dwellings together with a new primary school, a convenience store and green space (public open space). The application is in outline with all matters reserved, save for access which includes three vehicular access points. The site is allocated for residential and education uses within the Adopted Site Allocations Plan (SAP) (10<sup>th</sup> July 2019). Therefore the development applied for complies with the terms of the development plan and is acceptable in principle. The site lies adjacent to the Major Settlement of Wetherby and, in line with the SAP and Core Strategy, development for housing in principle represents a sustainable form of development. The scheme will also deliver a significant proportion of affordable housing on site. As the scheme is policy compliant in principle, and having taken account of relevant site specific policies at the outline stage the application is recommended for approval, subject to the completion of a legal agreement.
- 1.3 The application was previously reported to City Plans Panel on 28th March 2019 with a recommendation for approval. Prior to that, a Position Statement was reported to Panel on 4th October 2018. At the Panel meeting on 28th March 2019 (in advance of the Adoption of the SAP), Members raised the following concerns:

- A number of Members were of the view that some elements of the SAP remained premature, whereas other Panel Members were of the view that those arguments were weak;
- Accessibility standards had not been met, access to the site was poor, residents would need a car or a frequent bus service;
- More information was required on what form public transport would take;
- The majority of Members expressed the view that there were significant issues with the housing mix, albeit it was acknowledged that this is further detail which would be considered at the reserved matters stage in any event;
- There was a lack of recent consultation and local residents had not been consulted;
- There will be the creation of a distinctly separate and isolated community;
- The majority of Members considered there to be a lack of school provision in the area and when would additional capacity be provided;
- The Panel had raised a number of concerns at the pre application stage and those concerns had not been satisfactory addressed;
- More details were required about the proposed retail provision for the site and when would it be delivered;
- More information was required on sustainable construction and design, particularly in light of potential adverse impact on climate change that could arise from the site being in an isolated position and requiring car / bus access in the main; and
- Further public consultation be carried out.

1.4 Further to the Panel meeting, the applicant has sought to address the various issues raised by the Panel, while matters relating to the SAP have significantly advanced which provides clarity to the acceptability of the site being allocated for residential development. This report covers those matters raised by Members and the information provided by the applicant, as well as additional representations which have been received. A copy of the report presented at the Panel meeting on 28th March 2019 is appended to this report and therefore both reports should be read together.

## **2.0 POLICY UPDATE**

2.1 Since March 2019 when the application was last considered by Panel there have been a number of changes to local planning policy which Leeds City Council, as the decision taker, should have regard to in the determination of large scale development proposals such as the one proposed at Wetherby. These relate to the advancement of the Site Allocations Plan (SAP) and the Core Strategy Selective Review (CSSR). The SAP was adopted by the council on 10<sup>th</sup> July 2019. With regard to the CSSR the Inspector's Main Modifications were published on 10<sup>th</sup> April 2019. Executive Board recommended that these Modifications be subject to consultation at their meeting on 16<sup>th</sup> May and this expired at the end of July. The CSSR is anticipated to be adopted in September 2019. Accordingly the SAP should be afforded full weight and the CSSR should be afforded significant weight. This report also seeks to address the Climate Emergency which the authority declared in March 2019 and the associated implications for this development proposal.

### Site Allocations Plan

2.2 As Members are aware, the site is identified for housing in the SAP, Site Reference HG2-226. This indicates that the allocated site is suitable for up to 1,100 dwellings.

The SAP also lists further specific requirements for this site which include the need for a 2 form entry primary school; a comprehensive design brief for the site; a pedestrian link to the south west of the site to provide a link towards Wetherby town centre; the retention of the avenue of trees and a site specific flood risk assessment, directing development away from area of highest flood risk. As set out above (para. 2.1) the SAP was adopted by the Council on 10th July 2019 and therefore carries full weight in the determination of planning applications.

### Emerging Policy - Core Strategy Selective Review (CSSR)

2.3 The progress of the CSSR towards adoption has been described at paragraph 2.1 above and in light of the advanced nature of this review significant weight can be attached to the revised policies where relevant:

H5 – Affordable Housing  
H9 – Minimum Space Standards  
H10 – Accessible Housing Standards  
G4 - Greenspace  
EN1 – Carbon Dioxide reduction  
EN2 – Sustainable Design and Construction  
EN8 – Electric Vehicle Charging Infrastructure

### Wetherby Neighbourhood Plan

2.4 The Neighbourhood Plan is at an advanced stage and will be examined shortly. The plan does not allocate a site for housing but the vision, objectives and draft policies seek to ensure that Wetherby benefits from sustainable growth and that new housing has an appropriate mix, is of high quality design and well-connected to the town. Although the plan is not made these are all important considerations in the determination of any new housing development.

2.5 Some the key policies within the Plan are:

- H1: Provide an appropriate mix of housing.
- H2: Quality and layout of housing developments.
- E1: Wetherby High School Site.
- D2: Connectivity of new developments.

## **3.0 FURTHER INFORMATION**

3.1 Since the Panel meeting on 28<sup>th</sup> March 2019, the applicant has provided additional information, amended their accessibility standards table and provided an updated illustrative masterplan which addresses the fact that the proposal relates to only part of the site and the need to ensure that the allocation is developed in a comprehensive manner. The applicant has also carried out further public engagement following the concerns raised by Members and has looked in more detailed about the shuttle bus provision. The information is set out below.

### Principle of Development

3.2 The primary change since the previous Panel meeting is the amendment in weight to be afforded to the status of the Site Allocations Plan (SAP). At the previous meeting, Members raised concerns over the timing of the application with regard to the status of the SAP and this concern was also echoed by Ward Members. The

Panel raised concerns over prematurity of the development in advance of the SAP. However, the SAP is now adopted and carries full weight in the determination of the application.

- 3.3 The adoption of the SAP also indicates that the authority has a 5 year supply of deliverable housing sites. This means that the Council can place full weight on the adopted Local Plan (including the Site Allocations Plan) and can resist inappropriate speculative development. It is noted, given its size that the proposal plays an important role in contributing towards this supply both now and beyond the current supply period for the authority. Moreover, in terms of local land supply for the Outer North East HMCA the proposal performs an important role locally in building 24% of the total housing supply needed for the area.
- 3.4 As highlighted in the previous report, and as part of the arising mitigation from the plan-making process, the application also includes the provision of a 2 form entry primary school and a small convenience store. Each will be complementary to each other and assist in boosting the sustainability credentials of the development which will provide facilities in the medium to long term which will be of benefit to future residents and reduce the need to travel further to access existing primary schools.
- 3.5 In terms of meeting the site requirements set out within HG2-226 of the SAP, the submitted masterplan illustrates that a comprehensive development can be achieved for the entire allocation. Whilst it would be preferable for the outline application to include the entire allocation, the applicant, Taylor Wimpey, who hold/control the majority landowning, have decided to apply for up to 800 of the 1,100 units within the allocation. That said, they have been in discussions with other landowners and developers who support Taylor Wimpey's plans and have indicated a desire to develop their parts of the allocation in due course, led by Taylor Wimpey as the main developer. The submitted Masterplan shows how other parts of the allocation could be developed in order that a comprehensive development can be achieved. But of course this will need to be subject to the normal planning processes, consultation and scrutiny. The Council will ensure that the need for comprehensive development is maintained at the pre-planning stage of any future developments of additional parcels of land within the allocation.
- 3.6 The submitted Masterplan, that shows the whole of the HG2-226 SAP allocation, shows that a new vehicular access could be delivered from York Road and along Carr Lane into the allocation enabling an all-purpose vehicular link and bus route through the site. The applicant proposes to construct access roads right up to land in the south western corner and there are no reasons to doubt that this could be delivered in the medium to long term. In the short term however, upgraded facilities for pedestrians and cyclists would be provided to enable improved connections to and from the site via Carr Lane and towards Wetherby town centre, rather than having to walk further distances along Racecourse Approach and York Road. The development also satisfies the other identified site requirements as set out within the previous report.

#### Housing Mix

- 3.7 At the March Plans Panel some concern was expressed about the delivery of an appropriate housing mix at the site. It is proposed to impose a condition on any planning permission granted to require details of the housing mix to be submitted for the council's consideration and approval. In reaching a decision on the submitted details account would be taken of the prevailing planning policy. The Neighbourhood Plan and the current CS policy H4 has a focus on the delivery of smaller dwellings.

This will be focused on the delivery of smaller 1, 2 and 3-bed houses to meet the needs of a growing population in Leeds rather than larger homes for which there is less demographic evidence. This mix should enable local people who are currently unable to afford a home or find one of the right type (e.g. first time buyers or the elderly) to continue to live in Wetherby.

### Highways and Accessibility

- 3.8 Panel Members raised concerns at the previous Panel meeting regarding the development's compliance with the Council's Accessibility Standards and proximity to the rest of Wetherby, particularly given its perceived severance from the town by the need to travel across the nearby motorway bridge. Whilst officers appreciate the concerns raised by Members, this is a situation that the Inspectors were appreciative of and fully aware of when considering the soundness of the SAP with regard to this specific site. It was acknowledged in the SAP that, given the absence of a train station in Wetherby, this area of Leeds is relatively less accessible than others but that in itself does not justify no development. The applicant has proposed to fund a shuttle bus over a 10 year period (over and above the SAP site requirements). To that end, the site's accessibility can be regarded as being acceptable.
- 3.9 Following the March Plans Panel a revised Masterplan for the whole of the SAP allocation has been submitted. This includes land in the south west corner that falls outside of the application site boundary and the applicant's control. This part of the allocation has a boundary and frontage with York Road. It is the only part of the allocation to do so and therefore provides the only opportunity for vehicular access to the allocation from York Road. The Masterplan shows how vehicular access from York Road into the allocation and through to the application site can be provided. This is done by upgrading Carr Lane. Carr Lane falls within the control of the council. The Carr Lane improvement scheme involves improvements at the junction with York Road including enhanced facilities for pedestrians and cyclists, widening of the Carr Lane carriageway to 6m, a 3m wide shared footway/cycleway, a 3m wide bridleway, and enhancements to the surfacing and lighting of Bridleway 7 giving access to the application site. This will significantly improve connections from the site and wider allocation towards the rest of Wetherby and the town centre. Whilst the applicant is not able to provide a route through the third party land in the south west of the allocation, the Carr Lane improvements can be delivered and is to be delivered through a suitably worded condition and Section 278 Agreement. When the south west part of the allocation comes forward they would be expected to complete the link between the Carr Lane improvement and the wider site.
- 3.10 The updated Masterplan gives potential locations for a primary school. The preferred location from a Highways and Transportation perspective is in closest proximity to Wetherby from the proposed York Road foot cycle link. The widening of Carr Lane would also allow the link to connect to the wider site and be available to be used by buses to shorten the journey length and time from the site to Wetherby Bus Station and maximise timetable reliability. A bus link would also maximise future opportunities to divert a service bus to pass through the site without having to access the site loop around and leave the same way. Highways have requested that these future access requirements including bus link be reflected on a further revised Masterplan and Parameter Plan in advance of a planning decision. The widened bridleway and footway/cycleway would be delivered prior to occupation of all but the first phase of development in the eastern corner of the site.
- 3.11 Whilst officers appreciate the concerns raised by Members, this is a situation that the Inspectors acknowledged of and were fully aware of when considering the

soundness of the SAP with regard to this specific site. The Inspectors have not raised concerns over the site's accessibility and given that nothing has changed since, other than the applicant's proposals to fund a shuttle bus over a 10 year period (which is not a SAP Site Requirement), the site's accessibility can be regarded as being acceptable in the specific circumstances of this site and wider area and the overall assessment of sustainability.

- 3.12 Officers initial assessment of the site against the Accessibility Standards (see paragraph 10.41 of the report at Appendix 1) has been considered by the applicant following the previous Panel meeting and provided their own assessment. This highlights that the proposed convenience store would be accessible to all properties, that the shuttle bus would give access to Wetherby and enable onward connections to employment and city centres, and that the walk to the Wetherby Health Centre is a reduced distance of 1650m via Carr Lane (when measured to the centre of the site). As previously stated, it should be noted that the failure of this development to meet these standards in full, should not of itself be a barrier for any future growth or new development in the specific circumstances of this site and wider area. The standards should therefore not be read in isolation and should be taken into consideration in the detailed and wider planning balance, having regard to the scale of the development, any mitigation measures proposed, any relevant site specific factors and other material planning considerations such as the delivery of housing, including affordable housing, as well as delivery of other benefits.
- 3.13 In terms of public transport provision, Panel Members raised concerns over what form this might take. The applicant has since had discussions with one of the potential bus operators, Connexions, who have confirmed that a service offering a 20 minute frequency on a loop around the site and to and from Wetherby town centre is achievable. The applicant has also provided further information to demonstrate that the frequency can be maintained at peak times and that this is deliverable and such a service would be made available upon first occupation of the development and provided for a period of ten years (by which time the service is anticipated to be self-funding and commercially viable). WYCA have reviewed the applicant data and confirmed that they are happy with this solution, subject to flexibility to change the solution during the course of the development if a better outcome can be found to meet a more sustainable or higher frequency solution. This would be delivered and controlled through the Section 106 Agreement.
- 3.14 Officers raised the possibility of whether the applicant could make improvements to the bridge over the A1(M) motorway to make the experience for pedestrians and cyclist a better experience. However, the applicant has pointed out that this is not a site requirement within the SAP and not something that was specifically required by the Inspectors when recommending adoption of the Plan. Furthermore, the applicants have indicated that the issue of walking route amenity was addressed in the submitted Environmental Statement (ES) where the applicant applied the criteria and thresholds recommended by the IEMA in its 'Guidelines for the Environmental Assessment of Road Traffic'. With respect to both criteria, the ES concluded that environmental impacts are negligible and not significant in Environmental Impact Assessment terms.
- 3.15 The applicant further highlights that existing carriageway over the bridge has a 30mph limit, is sufficient in width, is well lit and has white lines that provide a 1.5m buffer to a 2m wide footway. It therefore meets current standards. There are also other examples across Leeds where school journeys on foot cross motorway bridges, particularly to the south of the City and in the Morley area. Any works required to the bridge may also result in closures to the A1(M) motorway and could

result in significant and unnecessary delays. The most appropriate way to mitigate and limit such journeys would be to construct a new primary school on site, and that is what is being proposed as part of this outline application.

- 3.16 In terms of traffic impact, additional information was submitted prior to consideration of the application at the Panel meeting on 28<sup>th</sup> March, and officers considered that the impact was acceptable. Nothing has changed since then. The application also includes a number of off-site mitigate measures which secures a number of improvements at appropriate locations. These will be secured and delivered through the s106 Agreement.

#### Climate Change, Health and Well-Being, Sustainability

- 3.17 Through the SAP process this site has (HG2-226) has been found to be sound and sustainable by the independent Inspectors, when compared to the other alternatives in principle. However there will be a need to ensure that it is a well planned development which, through a good place making approach helps deliver wider Council ambitions for climate change, health and well-being and sustainability. Much of this will be ensured through existing Local Plan policies.
- 3.18 The NPPF advises that new development should be planned in ways that avoid increased vulnerability to the range of impacts arising from climate change. Developments should also help to reduce greenhouse gas emissions, such as through its location, orientation and design. The NPPF at paragraph 153 also advises local planning authorities to expect that new development complies with any development plan policies on local requirements for de-centralised energy supply and to take into account of landform, layout, building orientation and, massing and landscaping to minimize energy consumption.
- 3.19 Members will be aware that in March the Council declared a Climate Change Emergency. Existing planning policies seek to address the issue of climate change by ensuring that development proposals incorporate measures to reduce the impact non-renewable resources. Core Strategy EN1 requires all developments of 10 dwellings or more to reduce the total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate and provide a minimum of 10% of the predicted energy needs of the development from low carbon energy. Core Strategy Selective Review Policy EN2 requires residential developments of 10 or more dwellings (including conversion) where feasible to meet a maximum water consumption standard of 110 litres per person per day.
- 3.20 Following the previous Panel meeting and the Council's Climate Emergency declaration, the applicant has submitted a Sustainability Report by a firm of energy consultants. Officers recognise the outline nature of the application and therefore there is a lack of detailed information in the layout of the scheme and the design of the dwellings, school and retail store. The applicants advise that such details will be submitted and considered at the Reserved Matters stage. That said, the applicants recognise the impact that large scale housing developments will have on climate change and are conscious of Leeds' decision to declare a Climate Emergency. To that end, the applicants, Taylor Wimpey, have put forward a document outlining their sustainability credentials as a major national housebuilder and their initial proposals for this site, which they have called 'Swinnow Park'.
- 3.21 At a national level, Taylor Wimpey state that they are committed to sustainable construction and have implemented a comprehensive sustainability strategy designed to reduce carbon dioxide emissions and to make efficient use of resources

to deliver high quality, sustainable new homes. Since 2013, Taylor Wimpey has reduced CO2 emissions intensity by 38.7% and is working to reduce its direct emissions (Scope 1 and 2) intensity by 50% by 2023 against the 2013 baseline. Taylor Wimpey also aims to deliver sustainable and resource efficient new development with homes designed using a 'Fabric First' approach, utilising highly insulated walls and windows. Furthermore, in 2018, on Taylor Wimpey sites, 96% of construction waste was recycled. In terms of materials, Taylor Wimpey is committed to buying timber from responsibly managed forests certified by recognised schemes such as the FSC or Sustainable Forestry Initiative. Taylor Wimpey have also identified the benefits of buying a new home in terms of energy efficiency, with a new home potentially worth a cost saving of up to £1,400 per year on utility bills (compared to a Victorian equivalent).

- 3.22 In terms of specific proposals for the application site, and recognising the outline nature of the application, the applicants have confirmed their willingness and commitment to comply with CS Policy EN1 and CSSR policies EN2 and EN8. In particular, the applicant has confirmed that all new homes will be designed and constructed utilising a fabric first approach to reduce energy use and carbon dioxide emissions. Such matters will be delivered at the Reserved Matters stage since we do not know the details of the layout of the site and house-types currently. In addition conditions are suggested in respect of tree retention and planting/landscaping. The latter would cover matters such as boundary planting, as appropriate, in lieu of fences/walls. However, the applicants accept that conditions can be imposed and adapted to ensure that each Reserved Matters submission meets the sustainability / climate change policies which are in force at that particular time, acknowledging that the site may be built out over the next 10-13 years. This approach is considered to be acceptable.
- 3.23 As part of the climate change agenda, and recognising the importance of the Council's health and well-being agenda, the Council will also expect, at reserved matters stage, an approach that delivers the exemplary place making particular with focus on design, layout to encourage healthy communities and respond to the climate emergency and embed green infrastructure. This will in part be achieved through having greenspace and blue infrastructure at the heart of this expansion to the town, which addresses among other things: planning for nature and biodiversity, the role of green infrastructure in carbon capture, how place-making supports well-being and mental health and encourages exercise.

### Education

- 3.24 The application includes the provision of a 2 form entry primary school within the site, which is in accordance with one of the site requirements. Whilst the location of the school is unknown as this point in time, owing to the outline nature of the application, the applicants are keen to take instruction from the authority on the preferred location. However, in doing so, there are advantages and disadvantages in the likely selected location. For example, if the chosen location is towards the south western corner, then residential development around this location is likely to come at later phases as therefore the new school may appear isolated in the short term, and in reality may not be delivered until later phases develop. If this is the selected location, then the applicant will be required to build a vehicular access to the site in order that any contractor is able to implement its construction. In that scenario, the applicant may be looking to front load the s106 payments in lieu of deferring the CIL payments in order to make this a viable option. This is the preferred location from a highways and transportation perspective as it would be the closest proximity to Wetherby from the York Road foot and cycle link.

- 3.25 If the school is provided towards the north of the site, this could be delivered much sooner as it would not result in the need for excessive infrastructure costs as this site lies adjacent to Racecourse Approach. The applicant has confirmed that the land, being 2 hectares, will be made available to the Council upon the commencement of development. The s106 contribution would then be paid over a number of agreed installments commensurate with the rate of construction of the dwellings. CIL payments arising from the development would also be directed towards the construction of the school.
- 3.26 The school will be not be delivered by the applicant and will instead be established either via the central mainstream free schools programme route or by the Council initiating a free school presumption competition. In either scenario the new school would be a Free School.
- 3.27 Colleagues in Children's Services have indicated that they would not want the school delivering too early in the process, but equally not too late. The anticipated optimum timescale for its delivery, initially as a one form entry school, with perhaps only some early years provision such as either Reception and/or up to Key Stage 1 provision taking place, should be at the point of occupation of the 400<sup>th</sup> dwelling. However, this would be subject to the Sufficiency and Participation team conducting regular reviews of the actual level of demand arising from the development as it builds out. The purpose of these reviews would be to ensure it is likely the new provision would be viable at the time of opening and that any risk of a negative impact on existing schools is minimised. If necessary, findings from reviews conducted will be provided to the Department for Education on request should the school be delivered via the central route. It is therefore acknowledged that families taking up residence of the development up until the point the new school opens will need to seek education facilities for children of school age. Colleagues have confirmed that current population data shows that there may be some available capacity at St. James' Primary School and Deighton Gates Primary School which previously operated as a 2 form entry school but has subsequently dropped to one form of entry. As such, it is considered that scope exists to absorb the additional pressures that the development will bring upon primary school facilities ahead of the new free school opening. With regard to secondary education, surplus capacity exists at Wetherby High School which is within the minimum walking distance set out within the Accessibility Standards.
- 3.28 The new school would also sit alongside the proposed new convenience store which would be complimentary to one another. This is a small scale facility which would provide day to day needs and top up shopping and would not be harmful to the vitality and viability of Wetherby town centre, with residents being reliant on using Morrisons, M&S or Aldi to undertake their main food shop. In terms of deliverability, clauses within the s106 would stipulate that a marketing strategy be submitted for the retail store prior to occupation of the 400<sup>th</sup> unit and that it be operationally available by occupation of the 500<sup>th</sup> dwelling.

#### Economic Benefits

- 3.29 The applicant has commissioned an independent report to assess the economic benefits arising from the proposed development of the site. The proposed development for 800 dwellings would deliver 35% affordable homes on site, equating to 280 affordable homes. A 2 form entry primary school and convenience store would also be provided on site, as well as the provision of a hopper bus and the necessary highway improvement works. However, some of these benefits are actually site

requirements derived from the SAP and mitigation measures that would be required in any event.

- 3.30 The applicant's report also highlights the construction benefits, namely:
- £120m – Construction value
  - £8.3m – GVA Economic output (additional GVA p.a)
  - 85 Jobs – Construction jobs (temporary jobs p.a over a circa. 13 year build period)
  - 125 Jobs – Supply chain jobs (indirect/induced spin-off jobs p.a.)

- 3.31 In addition, the applicant's report also notes a number of operational and expenditure benefits associated with the scheme:

- 35 Direct FTE jobs – Additional jobs from new commercial/community uses)
- 15 FTE Supply chain jobs – Indirect/induced jobs supported
- £1.6m – Economic output (additional GVA p.a)
- £4.4m – First occupation expenditure (spending to make house 'feel like a home')
- £10.7m – Resident expenditure (within local shops and services p.a.)
- 180 FTE jobs – Supported by increased expenditure in local area

- 3.32 The identified benefits, whilst not disputed in principle, are material to the determination of the application, although officers have no evidence to either confirm or dispute the figures provided. In any event, one of the primary overarching objectives of the NPPF is an economic objective which states at paragraph 8:

*Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:*

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

- 3.33 The NPPF also at the same paragraph highlights the social objective and the environmental objective, both of which are considered within this and the previous report. However, in terms of the economic objective, the provision of additional temporary and permanent jobs, increased expenditure in the local area and economic output are material and positive benefits when weighed in the overall balance in the decision making process and should be afforded limited weight. The applicant has identified and referenced other local authority revenue benefits including the New Homes Bonus (NHB), Council Tax revenue, s106 contributions and the CIL contributions. It is only the NHB and CIL that can be afforded weight in the decision making process but in-any-event these matters should only be afforded very limited weight.

#### Public Consultation

- 3.34 Following Panel Members' concerns over recent lack of public engagement, the applicant carried out a public consultation event which took place on 7<sup>th</sup> June this year at Wetherby Town Hall. The applicant has provided a summary of the

responses received as a result of the event. This highlighted that the main concerns related to:

- Scale and location;
- Traffic congestion;
- Health (doctors and dentists);
- Insufficient parking;
- Education;
- Air quality;
- Impact on ecology; and
- Loss of agricultural land.

3.35 The applicants have also engaged further with Wetherby Town Council with a presentation followed by a question and answer session which took place on 9<sup>th</sup> July 2019.

#### Further Representations

3.36 Since the application was previously reported to Panel in March this year, a number of further representations have been submitted, some of which are from existing contributors. The number of representations received since the last Panel meeting is 23 letters of objection. This is in addition to the 59 objections that were received following the publication of the Panel report dated 28<sup>th</sup> March which were reported as a verbal update. Members will also recall that a supplementary report was also published setting out the concerns of Ward Members. The additional objections raise similar issues and concerns set out within the previous report, but the primary concerns can be summarised as follows:

- Site is not appropriate for housing;
- Concerns that the site is allocated in the SAP;
- Scale of development is too large compared to Wetherby;
- Brownfield sites around Leeds should be considered first;
- Culmination with other recent housing developments in Wetherby;
- Allocation is likely to form a separate community;
- Site is isolated from Wetherby;
- Development will be car dependent;
- Impact on traffic congestion;
- Impact on traffic flows;
- Existing parking problems on York Road;
- Parking issues on York Road during Race meets;
- Developers should provide an extra car park in Wetherby;
- Shuttle bus should be electric;
- No access is provided from York Road;
- Development fails sustainability guidelines;
- Impact on climate change;
- All new homes should be designed to be sustainable;
- Bridge over A1(M) should be widened;
- Site does not meet Accessibility Standards;
- Taylor Wimpey's public consultation was held at short notice;
- Concerns over the deliverability of the shuttle bus;
- Lack of comprehensive design brief for the site;
- Concerns and objections to the applicant's economic impact assessment;
- No properties for older or disabled people;

- Impact on the healthcare system;
- More negative impacts than positive benefits;
- Impact on air quality;
- Lack of school places;
- Development will not bring long term employment to the town;
- No guarantee that the s106 and CIL money would be spent in Wetherby;
- Integration with the rest of Wetherby;

3.37 Better Wetherby: Object to the proposed development. Concerns relate to the following issues:

- Taylor Wimpey fail to mention that the overall site is for up to 1,100 dwellings;
- Development is not a comprehensive development;
- No vehicular access is provided from York Road;
- Taylor Wimpey have failed to provide a Masterplan for the entire site;
- An annotated version of the applicant's table setting out the site's assessment against the Council's Accessibility Standards was submitted and provides commentary on each aspect of the standards;
- The supporting bus information does not relate to peak times and evidence is provided to show that the hopper bus will not be able to run at 20 minute intervals throughout the day;
- If the hopper bus picks up other passengers on route, then the 20 minute frequency will not be achieved; and
- Hopper bus will only be subsidised for 10 years (the development will take 14.5 years to build) and the bus will not run in the evening, meaning that the estate will definitely rely on car transport to travel to Wetherby after 7pm and if residents return after 7pm.

3.38 The comments raised by residents have largely been addressed within this report and the report dated 28<sup>th</sup> March 2019.

## 4.0 CONCLUSION

4.1 Taking all updating matters and those identified in the accompanying report, it is important to recognise that land for much needed additional housing in Leeds is required in order to meet an identified need. Each HMCA has been given a particular housing target by the Adopted Core Strategy and that includes the Outer North East HMCA. The SAP has identified that the majority of the required housing allocation should be located in the most sustainable locations, and for the Outer North East, Wetherby is the most sustainable location as it is a Major Settlement. The principle of the location and quantum of housing on the application site has already been concluded to be sound following an Examination in Public. Therefore, the principle of residential development, together with the school and retail unit are considered to be acceptable.

4.2 As noted in the previous report, the traffic impact has been assessed and found to be acceptable, as has the proposed vehicular and pedestrian access points as well as the level of accessibility given the site specifics and nature of the wider area. All other matters relating to the masterplan, housing mix, ecology, drainage, contamination, landscape impact, amenity have been considered and found to be acceptable. Furthermore, associated mitigation will be delivered through a number of detailed s106 obligations and planning conditions. The applicant has addressed matters relating to climate change and sustainable design and construction, both of

which will be detailed issues at the Reserved Matters stage, with the applicant making a commitment to the principles of such matters at this outline stage.

- 4.3 In conclusion, the proposed development is considered to be sustainable development and will deliver much needed housing over the plan period, including a significant level of affordable housing. With the detailed planning conditions imposed, the details that will come through the Reserved Matters and the s106 obligations that will be secured, ensures that this will be a sustainable form of development and compliant with the development plan and the guidance set out within the National Planning Policy Framework, consequently the application is recommended for approval, subject to the completion of the s106 agreement and planning conditions as set out above.

## APPENDIX 3



Originator:	Adam Ward
Tel:	0113 378 8032

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**Report of the Chief Planning Officer**

**CITY PLANS PANEL**

**Date: 28<sup>th</sup> March 2019**

**Subject: 17/02594/OT – Outline planning application with all matters reserved except for access, for the creation of a new community comprising up to 800 dwellings, a food store (A1) (up to 372 sq.m), primary school and public open spaces at Land off Racecourse Approach, Wetherby, LS22.**

**Applicant: Taylor Wimpey**

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**Electoral Wards Affected:**

Wetherby

Yes

Ward Members consulted

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION: DEFER and DELEGATE approval to the Chief Planning Officer subject to the following conditions and the prior completion of a section 106 Agreement to cover the following:**

- **Provision of 35% affordable housing on site;**
- **Primary Education Contribution of £2.7 million (phased payments to be agreed) and Transfer of Land for Primary School with an access road before occupation of 200<sup>th</sup> dwelling;**
- **Provision of shuttle bus fully funded for 10 years (£150,000 pa);**
- **Contribution of £61,700 towards Harrogate Road corridor cumulative impact;**
- **Contribution of £55,000 towards Racecourse Approach 40mph speed limit;**
- **Contribution of £41,000 toward Bus Shelters and Displays;**
- **Contribution of £7,000 towards a TRO for York Road parking;**
- **Sustainable Travel Fund - £396,000 (based on 800 dwellings);**
- **£30,000 for mitigation measures if residential model split targets are not met;**
- **Completion of access road up to adjoining development sites**
- **Marketing strategy of retail unit prior to occupation of 400<sup>th</sup> dwelling and operationally available by occupation of 500<sup>th</sup> dwelling;**
- **Residential Travel Plan and Monitoring Fee of £6,000;**
- **School Travel Plan and Monitoring Fee of £2,500;**
- **Maintenance of Greenspace and SuDS;**
- **Contribution towards Public Rights of Way of £283,249 towards enhancement of Bridleway No. 7 and Footpath No. 8 Wetherby; and**
- **Contribution of £16,000 towards other public footpath and bridleway enhancements**
- **Employment and Training.**

**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.**

## Conditions

37. Outline time limits
38. Submission of Reserved Matters including Layout, Scale, Appearance & Landscaping.
39. Plans to be approved
40. Development not to comprise more than 800 dwellings
41. Detailed Design Code and Masterplan for whole site
42. Details of Phasing
43. Provision of Public Open Space with layout in accordance with CS / CSSR policy, including provision of children's play area/equipment
44. Trees to be retained and protected
45. Landscape Management Plan
46. Woodland Management Plan
47. Ecological design statement for watercourse, swale and SuDS
48. Construction environmental management plan (CEMP)
49. Biodiversity environmental management plan (BEMP)
50. Updated bat survey and impact assessment
51. Bat roosting and bird nesting details
52. Surface water drainage details
53. Foul water drainage details
54. No built development with Flood Zones 2 and 3 and carried out in accordance with the submitted FRA
55. Compensatory flood storage works
56. Contamination details and remediation
57. Construction Method Statement
58. Submission of further air quality assessment
59. Implementation of off-site Highways works
60. Retail unit not occupied until car parking has been laid out
61. Scheme for charging facilities for battery powered vehicles
62. Provision of connection to connect existing bridleways

## **3 INTRODUCTION:**

- 3.02 The application is presented to City Plans Panel as this is a significant application which is a departure from the development and is of a scale of development which requires a strategic overview. The application is also accompanied by an Environmental Statement.
- 3.03 Outline planning permission is sought for a residential development comprising up to 800 dwellings together with a new primary school, a convenience store and public open space. The application is in outline with all matters reserved, save for access which includes three vehicular access points. The site is currently designated as Rural Land within the development plan, but is proposed to be allocated for residential and education uses within the advanced Site Allocations Plan. The site lies adjacent to the Major Settlement of Wetherby and given the need for additional housing in this particular area, it is considered that the proposals represent a sustainable form of development. The scheme will also deliver a significant proportion of affordable housing on site and therefore the benefits associated with the scheme are considered to outweigh the limited harm, and therefore the application is recommended for approval, subject to the completion of a legal agreement.
- 3.04 The application was previously reported to City Plans Panel as a Position Statement at the meeting on 4<sup>th</sup> October 2018. At the Panel meeting Members raised the following concerns:

- It was the view of Members that development of the site should not proceed until the Inspectors decision/ recommendations in respect of the Site Allocation Plan (SAP) were received.
- Members were of the view that further understanding of the proposed access arrangements and traffic modelling was necessary to fully consider the impacts of the development.
- In terms of issues around drainage and risk of flood, Members suggested looking into the local history of the area (e.g. had any events at the nearby racecourse been cancelled due to flooding).
- Members requested to receive further information as to what was proposed for the whole of the site and expressed a preference for the school to be located closer to York Road.
- Members expressed concern over the impact of the proposed development within the landscape.
- Members expressed concerns over the environmental impact of the proposed development.
- Members were not supportive of the conclusions reached in the balancing exercise.

1.4 Further to the Panel meeting, the applicant has sought to address the various issues raised by the Panel, while matters relating to the Site Allocations Plan have significantly advanced which provides clarity to the acceptability of the site being allocated for residential development. These matters are expanded upon within the relevant sections of the report below.

## **4 SITE AND SURROUNDINGS:**

**4.02** The site is a greenfield site on the eastern edge of Wetherby. The application site measures 39.59 hectares of a total proposed allocated site of some 53.43 hectares. The site is in use as farmland with areas of mature woodland towards the centre and around the site.

**4.03** The site is relatively flat with a slight rise from south to north. Sand Beck crosses part of the site towards the centre. In terms of adjoining land uses, the A1(M) motorway forms the western boundary with the Sandbeck Industrial Estate on the opposite side. Wetherby town centre is approximately 1.5km to the west of the site with access achievable along York Road and North Street. To the north and east lies Racecourse Approach with open countryside beyond as well as the nearby motorway junction which also serves the recently constructed motorway service area. The development site partly wraps around the Wetherby Young Offenders Institute which sits immediately to the south and served from York Road. This comprises a vast collection of utilitarian buildings, hardsurfaced areas and an all weather playing pitch and is secured by tall fencing which surrounds the site. Along the York Road frontage is mature tree planting which help screen the institute. On the opposite side of York Road is Wetherby Racecourse which features a collection of sports and spectating facilities including several large spectator stands, one of which has recently been granted approval for a modern replacement.

**4.04** York Road is an unclassified road which has a 30mph speed restriction along its western section up to and including the Young Offenders Institute. There are also

double yellow lines along the section of York Road immediately in front of the Young Offenders Institute. Beyond this point, the speed restriction is increased to 40mph, where it leads to a roundabout which serves the racecourse and Racecourse Approach (B1224).

2.4 The site comprises numerous trees, hedgerows and woodland areas. Of particular merit is the tree lined avenue that once formed the entrance point to Ingmanthorpe Hall to the north.

## **5 PROPOSAL:**

5.02 The application proposes the construction of up to 800 dwellings with means of access together with a new primary school and retail store. The following are supplied in support of the application and have been considered:

- Illustrative Masterplan
- Planning Case Report
- Design and Access Statement
- Statement of Community Involvement
- Residential Travel Plan
- Drainage Feasibility Statement
- Environmental Statement comprising the following Chapters:
  - i. Construction Methodology & Phasing
  - ii. Socio Economics
  - iii. Traffic & Transport
  - iv. Air Quality
  - v. Noise
  - vi. Landscape Character and Visual Amenity
  - vii. Ecology & Nature Conservation
  - viii. Cultural Heritage
  - ix. Ground Conditions & Contamination
  - x. Water Resources & Flood Risk
  - xi. Agricultural Land & Soil Quality
  - xii. Housing Needs Survey
  - xiii. Tree Condition Survey

3.2 The application relates to a proposed residential development on land to the east of Wetherby. The overall site, which measures 39.59 hectares, is being put forward as a housing allocation within the Site Allocation Plan (SAP). This put forward a target of 1,100 dwellings on this site with a total site area of 55.43 hectares. The current proposal is for the majority of this site and excludes 3 parcels of land along the western edge which are in a different ownership to that of Taylor Wimpey who are the primary developers. The proposal therefore makes up approximately 71% of the proposed housing allocation.

3.3 The current proposal is for the provision of 800 dwellings, plus 2 hectares of land reserved for a new primary school and local convenience retail store. The submitted illustrative masterplan allows scope for the delivery of the other parcels of land should they come forward separately and therefore do not prejudice the delivery of this.

3.4 The residential units are spread across the entire site, with some provision made for a substantial landscaped buffer along the western edge of the site which sits adjacent to the A1(M) motorway. A buffer in the form of landscaping and attenuation ponds is also proposed adjacent to the Wetherby Young Offenders Institute to

provide a reasonable stand off distance. Residential units are also proposed along the central and eastern parts of the site, with areas of Greensapce proposed in between. A single form entry primary school is proposed and was initially indicatively shown as being sited towards the northern section of the site, which would be capable of expansion to a two form entry school. In addition, a small convenience retail store is located adjacent to the proposed school, with a new access off Racecourse Approach which will serve the new occupants of the development as well as the school and store. However, following the concerns raised by the Plan Panel, the applicant has provided an updated Masterplan which shows alternative locations for the proposed school and retail unit.

- 3.5 Three new vehicular access points are proposed from Racecourse Approach which links Wetherby Racecourse with the A1(M) motorway at the roundabout which also serves the recently constructed motorway service area. A plan has also been provided which shows how enhancements to an existing bridleway can be achieved from York Road towards the south western part of the SAP allocation in order to improve pedestrian and cycling connectivity until such as time that the remaining allocated parcels of land come forward for residential development. The scheme seeks to retain the majority of planting and trees within the site, including the mature avenue of trees which originally led to Ingmanthorpe Hall to the north.

## **6 RELEVANT PLANNING HISTORY:**

- 6.02 There is no specific planning history relating to the development site. There is however, numerous planning approvals relating to the nearby Wetherby Young Offenders Institute and Wetherby Racecourse, none of which are particularly relevant to the current proposals. However, it is important that any development proposals outlined in this report do not compromise the on-going operation of the Young Offenders Institute.
- 6.03 Planning permission has also been granted, through appeal, for the erection of 2 agricultural buildings on a triangular piece of land on the opposite site of Racecourse Approach, close to the location of the proposed centrally positioned access point into the proposed development site.
- 6.04 Planning permission has been granted for a change of use of the land for use as a car wash with associated temporary buildings (Ref. 18/01070/FU). This relates to part of the housing allocated located to the south west of the application site and would occupy the site previously used as part of the operations depot when the A1(M) motorway was upgraded, with access taken from York Road. A 12 month temporary planning consent was granted which expires on 9<sup>th</sup> October 2019. A permanent consent was not granted on this site given that it may prejudice the long term delivery of part of the proposed housing site should the SAP be adopted. The applicant only indicated that those operations were ever to be temporary so as not to be incompatible with the SAP.

## **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 Officers and the applicant's agent have discussed the proposals at length to consider the scheme in detail. Primary discussions have centred around highways issues and the need to provide further information in respect of traffic impact,

modelling and public transport accessibility. Discussions have also taken place with regard to drainage, phasing and the delivery of the new primary school on site.

5.2 Following the Plans Panel meeting in October, the applicant has submitted further information relating to highways matters, an amended indicative masterplan layout and information relating to the proximity of the site to local schools and other services within Wetherby.

## **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 The application was advertised as a major development, as a departure from the development plan, as affecting a right of way and is accompanied by an Environmental Statement. Site notices were posted around the site on 12<sup>th</sup> May 2017 and through publication in the Yorkshire Evening Post in a notice dated 4<sup>th</sup> May 2017.

6.2 No written comment has been received to date from any Ward Councillor.

6.3 A total of 129 representations have been received from residents in relation to the application, 128 of these objecting to the proposed development and 1 letter of support. A number of the objections are however repeat comments. The objections raised were highlighted in the Panel report in October in the position statement and can be summarised as follows:

- Inadequate infrastructure and local amenities;
- Impact on health care facilities and dentists;
- Unsure how the development will be policed;
- Impact on fire and ambulance services;
- Lack of capacity in local schools;
- Greenfield site sites should not be developed;
- There are plenty of brownfield sites in Leeds City;
- There are already large residential sites in Wetherby, either recently constructed or in the process of being built;
- Development of this site is premature in the plan-making process;
- The SAP is not yet approved;
- Proposal is 'side-stepping' the plan making process;
- Confusion over SAP process and this planning application, therefore misleading the public;
- Proposal is 'side-stepping' the neighbourhood plan process;
- Proposals conflict with the NPPF;
- A small section of the site is not within Leeds boundary;
- Site should be considered as Green Belt by default;
- Proposal is contrary to Policy RL1;
- The development is not in a sustainable location;
- The majority of the 12 core land use planning principles are not met;
- Site is isolated and in an unsustainable location, will result in a heavy reliance on the private car;
- Transport links for commuters to Leeds, York & Harrogate are not able to support large scale developments;
- Wetherby has no train station with limited public transport facilities;
- Harm to highway safety;
- Increased traffic and congestion;
- Entrance roads conflict with entrance to Ingmanthorpe Hall;
- Access point are dangerous;
- Impact on already inadequate parking facilities in Wetherby town centre;

- There are errors within the applicant's highways report;
- Idea that people will use bicycles to travel to Wetherby is unlikely;
- No cycle paths on the submitted plans;
- Crossing York Road on a bicycle would be dangerous;
- Queries / asks if a noise mound can be built adjacent to the motorway;
- Disruption caused by building works;
- Loss of and destruction of greenfield site;
- Detrimental to character and openness of the countryside;
- Destruction of Rural Land;
- The development represents urban sprawl;
- Size of development is out of proportion;
- Location other side of motorway results in lack of cohesion;
- Parking on north side of York Road is problematic;
- Detrimental impact on market town, destroying visual amenities;
- Too many houses are being proposed for this site;
- Loss of valuable agricultural land;
- Impact on landscape;
- Impact on / loss of wildlife;
- Impact on protects species;
- Impact on trees;
- Impact on flooding;
- No plans to increase sewer capacity and sewage treatment works;
- Impact on property prices;
- Increased air pollution;
- Will set a precedent for further residential development to the east of Wetherby;
- The CIL payment will not be invested fully in Wetherby;
- Development will encourage further out-of-town retail development;
- Inappropriate and unnecessary location for new retail store;
- There are no plans to provide further employment opportunities in Wetherby;
- Wetherby will not provide sufficient jobs for the new residents;
- Has any consultation taken place with Harrogate Borough Council;
- Lack of community involvement;
- Impact on broadband connectivity;
- The proposal would affect tourism in Wetherby;
- Proposal would affect the attractiveness of Wetherby Racecourse as a rural racing venue;
- Inappropriate location next to the Young Offenders Institute;
- Site is extremely close to the listed dwellings at Ingmanthorpe Hall;
- The population of Wetherby will be massively increased;
- Unlikely that development will improve chances of Wetherby children purchasing a home in the town due to expected high prices;
- Location adjacent to Young Offenders Institute makes it an undesirable location for new residents;
- Rise in incidents at YOI increases risks to the public;
- Impact on property values, with compensation should be paid;
- After children leave the primary school, which school will they attend.

6.4 **Wetherby Town Council:** Wetherby Town Council objects to the above application which it considers to be premature given the current status of the site allocations process being undertaken by Leeds City Council. The land is not currently

allocated for residential development and could be considered to be contrary to a number of the principles in Chapter 4.6 of Leeds City Council's adopted Core Strategy. The Town Council, and local residents, have concerns about the ability of Wetherby's services and facilities to cope with the additional demand that this development would undoubtedly generate and does not consider that they can be adequately addressed through an outline planning application. The Council considers that further detail is required to ensure that a development in this location would meet the requirements of Spatial Policy 6i in Leeds City Council's Core Strategy.

- 6.5 **Wetherby Civic Society:** It is inappropriate to use good agricultural land bordering North Yorkshire and Harrogate district. The proposal will have a substantial effect on the town's facilities, and will increase car usage thereby placing pressure on the roads and parking. A new foodstore will also unlikely to meet the new residents requirements and they will regularly need other shops in Wetherby. It will also have an impact on local infrastructure such as car parking, medical, dental and social services and leisure facilities. The affordable housing also appears to be located next to the motorway. No proposals offer to expand sewer or sewage treatment capacity and flooding could result. The development is speculative and is not required by natural increases in population. The development will do nothing to provide affordable and social housing. In conclusion, the Civic Society recognises the need for Wetherby to continue to grow and develop. However, this development would alter the town, overstretch resources and change it from a cohesive market town to an overcrowded scattered dormitory. The Civic Society also point out a number of errors within the applicants submitted highways report/letter and provide their own assessment against the Core Strategy Accessibility Standards.
- 6.6 **Wetherby & Kirk Deighton Countryside Partnership:** Object on grounds that the development imposes an unacceptable built form of expansion on the township of Wetherby; will result in a separate satellite housing estate; proposal is contrary to the NPPF; should be a comprehensive dialogue with the Wetherby community before development of this scale is promoted; regard should be had to submission of SAP consultations, failure to comply with the Duty to Cooperate provisions; concerns that permission may be granted in advance of the SAP outcome; need to reflect on The Localism Act; impact on biodiversity and flood risk; impact on infrastructure and services of Wetherby; dangerous for cyclists; and that the application should be refused.

#### Letters of Support

- 6.7 Persimmon Homes writes to highlight their interest in some of the allocated housing site and note that their site could deliver 150 of the 1,100 homes envisaged by the proposed housing allocation. Persimmon Homes support the application but recognise that issues need to be addressed as part of the current application which relate to the Masterplan, phasing, and providing a comprehensive development.
- 6.8 A letter from a resident (who resides in Manston) supports the proposal stating that it is a great idea and will help the town centre to thrive.

## **7.0 CONSULTATION RESPONSES:**

### Statutory

- 7.1 **LCC Highways:** The application seeks outline planning permission with access the only matter for consideration at this time. Layout, parking and servicing

arrangements have not been considered at this stage and will need to be addressed as reserved matters. A number of concerns were initially raised relating to trip generation, impact on the local highway network, access to the site together with the location of the proposed primary school and convenience store. The applicant has submitted further information and has carried out further junction capacity works to demonstrate the impact of the proposed development. Following the receipt of further information and acknowledging that site is to be allocated for residential use within the SAP, the proposals are now considered to be acceptable. The developer will be required to provide a number of off site highway works, including enhancements to the footway along the northern side of York Road, a shared footway/cycleway on the southern side of the B1224, three vehicular access points from Racecourse Approach, footway links to the bus stop on York Road, as well as Public Rights of Way footpath and bridleway enhancements, particularly to provide improved connections to the site from York Road. Furthermore, the developer will be required to provide and make contributions towards a number of mitigations measures which are set out at the head of this report.

### Non-statutory

- 7.2 West Yorkshire Combined Authority: The provision of a shuttle bus will undoubtedly improve the accessibility of the site but it should be noted that with this improvement, the Core Strategy requirement will still not be met. The cost of this service is likely to be in the region of £150,000 per annum. The layout needs to be designed in a way to accommodate the proposed shuttle bus service. It is recommended that this is funded for 10 years. Provision also needs to be made for 2 bus shelters with real time passenger information displays and 2 bus stop flag poles on the site. The total cost of this would be £41,000. A contribution of £396,000 would be required to fund a package of sustainable travel measures.
- 7.3 LCC Contaminated Land: The Phase 1 Desk Study submitted in support of the application identifies the needs for a Phase 2 Site Investigation Report on part of the site. Ideally this should be provided prior to determining the application, however, should approval be recommended or there be insufficient time to obtain the recommended information then conditions are recommended. It should be noted that depending on the outcome of the Site Investigation a Remediation Statement may also be required.
- 7.4 LCC Nature Conservation: It is recognised that the development can bring about a number of ecological benefits. Further survey work will be required before detailed development commences on site. Conditions are required for the submission of a biodiversity and construction management plan (CEMP and BEMP).
- 7.5 LCC Landscape: Detailed comments are provided on the submitted indicative masterplan with regard to pond areas, the screening to the Young Offenders Institute, the areas of greenspace which are being proposed and the associated management of these areas. It is advised that more consideration should be given to the even distribution of greenspace within the site, with more required towards the western side of the site. It is also important that all trees and their associated root protection areas are safeguarded as part of the development. A detailed tree survey would therefore be required to support this.
- 7.6 LCC Flood Risk Management: Further information was initially requested on the flood levels for Sand Beck and a plan showing the flood extents, as well as details of the culvert under the Young Offenders Institute and model the effects of a blockage. SuDS features will also be required to be shown on the masterplan. Further information was also sought on drainage feasibility and foul water drainage.

Following the Panel meeting in October, the Plans Panel raised concerns over potential flooding which may have happened at the adjacent Wetherby Racecourse. Officers from Flood Risk Management have reviewed the comments raised by the Plans Panel and advise that there have been no recent reports relating to flooding of the Racecourse, other than reports of flooding during the 2015 Boxing day floods but advise that that was an extreme rainfall event which was beyond the normal 1:100 year design event for which drainage provisions would have been made.

- 7.7 Yorkshire Water: Yorkshire Water would welcome the opportunity to work with Leeds City Council and the developer to incorporate integrated water management practices in to the eventual design of the development. Such an approach is ideally suited to a large green field site as it allows for the water cycle to be considered throughout the planning and design process whilst making the most efficient use of existing infrastructure thus minimising the need for reinforcements and upgrades (and potential inconvenience to residents) whilst providing greater future resilience
- 7.8 The Environment Agency: The EA notes that the submitted FRA states that the proposed development extents have been omitted from flood zones 2 and 3. Therefore, no objections are raised provided that the development is carried out in accordance with the approved FRA
- 7.9 Local Plans (Flood Risk): Some parts of the site are within flood zones 2 and 3 and therefore Policy Water 4 of the Natural Resources and Waste Local Plan applies. This means that the applicant is required to demonstrate that they have attempted to steer development to areas with the lowest probability of flooding by providing sufficient information to demonstrate that the sequential test has been passed. The applicant has confirmed that there will be no built development within flood zones 2 and 3. This sequential approach to the layout of the site avoids the need for the sequential and exceptions test to be undertaken. However, it is recommended that the outline permission has a condition attached to ensure this, otherwise the applicant will need to provide information to demonstrate that the sequential and exception tests have been passed. The applicant has provided a Drainage Feasibility Statement. Advice from colleagues in the Council's Flood Risk Management section should be sought.
- 7.10 Ainsty Internal Drainage Board: No objection in principle, but recommends that the applicant provides a satisfactory drainage strategy and obtains the necessary consent before any approval is granted. A number of conditions are therefore recommended.
- 7.11 West Yorkshire Police Architectural Liaison Officer: At this outline stage in the planning process WYP would encourage the developer to consider building these properties to Secure by Design standards, achieving accreditation has been simplified and the associated cost significantly reduced, in order to assist the developer a pre-application meeting may prove beneficial.
- 7.12 Air Quality Management Team: Given the proximity of the site to the A1(M), a further air quality assessment should be undertaken at the reserved matters stage when details of the layout are established to ensure that residential accommodation and primary school is not subjected to NO<sub>2</sub> levels which would fall below the required levels. The proposals to include electric vehicle charging points are welcomed.
- 7.13 TravelWise: A Travel Plan will be required as part of the s106 agreement. Also, a monitoring contribution of £6,000 for the residential component and £2,500 for the school component will be required. Also required will be a shuttle bus, a travel plan

fund (£495 per unit) and mitigation measures if residential mode split targets are not met (£30,000).

- 7.14 Public Rights of Way: Existing public rights of way crossing or abutting the site are Public Footpath No.8 and Public Bridleways Nos. 7 and 43 and a claimed bridleway goes along the historic tree lined avenue between Swinnow Lodge and Racecourse Approach. It is recommended that Public Footpath No. 8 is upgraded to bridleway status. Consideration should be given to improve crossing facilities across Racecourse Approach to improve connectivity with a new footbridge being considered. Financial investment in the nearby public rights of way network is required to further improve connectivity through s106 contributions.
- 7.15 Children's Services: The Councils Sufficiency and Participation Team advise that the nearest schools to the development within Wetherby are Crossley Street Primary School, Deighton Gates Primary School, St James' Church of England Primary School and St. Joseph's Catholic Primary School. All of these are located on the other side of the motorway to the site, with the nearest being St. James', some 1.3km from the centre of the site. Primary Schools in this area are popular and oversubscribed and this trend is expected to continue in future years as demographics continue to increase. The nearest secondary school is Wetherby High School which currently has some surplus capacity. Based upon the application submission of 800 dwellings, a contribution of £2.7 million would be required, based upon a figure of approximately £13,000 per pupil place.
- 7.16 Harrogate Borough Council: No objection, but recommends that LCC work closely with the appropriate highways authorities to ensure traffic generation is managed effectively.
- 7.17 North Yorkshire County Council Highways Authority: The submission of further information was requested. This was provided by the applicant and updated comments are awaited.

## **8.0 RELEVANT PLANNING POLICIES:**

### The Development Plan

- 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), The Aire Valley Area Action Plan (2017), saved policies within the Leeds Unitary Development Plan (Review 2006), the Natural Resources and Waste Development Plan Document (2013), and any relevant (made) Neighbourhood Development Plan.
- 8.2 The proposed development has been considered in the context of the detailed policies comprised within the Development Plan. The site is currently designated as Rural Land within the development plan. The following documents and policies are relevant to the determination of this application:
- The Leeds Core Strategy (Adopted November 2014) (CS);
  - Saved UDP Policies (2006), included as Appendix 1 of the CS;
  - The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013).

8.3 The following Core Strategy (CS) policies are relevant:

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  
Spatial policy 8 Economic Development Priorities  
Spatial policy 10 Green Belt  
Policy H1 Managed release of sites  
Policy H2 Housing on non allocated sites  
Policy H3 Density of residential development  
Policy H4 Housing mix  
Policy H5 Affordable housing  
Policy P4 Shopping parades and small scale standalone food stores  
Policy P8 Sequential and impact assessments for town centres uses  
Policy P9 Community facilities and other services  
Policy P10 Design  
Policy P11 Conservation  
Policy P12 Landscape  
Policy T1 Transport Management  
Policy T2 Accessibility requirements and new development  
Policy G1: Enhancing and extending green infrastructure  
Policy G4 New Greenspace provision  
Policy G8 Protection of species and habitats  
Policy G9 Biodiversity improvements  
Policy EN1 Climate change – carbon dioxide reduction  
Policy EN2 Sustainable design and construction  
Policy EN5 Managing flood risk  
Policy ID2 Planning obligations and developer contributions

8.4 The Core Strategy sets out a need for circa 70,000 new homes up to 2028 and identifies the main urban area as the prime focus for these homes alongside sustainable urban extensions and delivery in major and smaller settlements. It also advises that the provision will include existing undelivered allocations (para. 4.6.13). It is noted that the application site falls within the Outer North East Housing Market Characteristic Areas identified in the CS. In terms of distribution 5,000 houses are anticipated to be delivered in the Outer North East Area. The Council are also carrying out a selective review of some of the Core Strategy and this will include policies relating to housing and greenspace. However, what is clear, based upon the receipt of recent appeal decisions for large scale residential developments, is that the Council do not have a five year housing supply of deliverable sites.

8.5 Unitary Development Plan (UDP) saved policies of relevance are listed, as follows:

GP5: General planning considerations.  
N23/N25: Landscape design and boundary treatment.  
N24: Development proposals abutting the Green Belt or open countryside  
N29: Archaeology.  
N35: Agricultural land  
RL1: Rural Land  
BD5: Design considerations for new build.  
ARC5: Archaeology  
T7A: Cycle parking.  
LD1: Landscape schemes

## Natural Resources and Waste Local Plan (NRWLP)

- 8.6 The Natural Resources and Waste Local Plan (NRWLP) was adopted by Leeds City Council on 16 January 2013 and is part of the Development Plan. The NRWLP sets out where land is needed to enable the City to manage resources: e.g. minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies relating to drainage, land contamination and coal risk and recovery are relevant.

Policy General 1 – Sustainable Development;  
Policy Air 1 – Management of Air Quality Through Development;  
Policy Minerals 3 – Mineral Safeguarded Area – Surface Coal;  
Policy Water 1 – Water Efficiency;  
Policy Water 2 – Protection of Water Quality;  
Policy Water 6 – Flood Risk Assessments;  
Policy Water 7 – Surface Water Run Off;  
Policy Land 1 – Contaminated Land;  
Policy Land 2 – Development and Trees.

## Site Allocations Plan

- 8.7 The site is identified for housing in the advanced Site Allocations Plan (SAP) Site Reference HG2-226 (4068). This indicates that the site is suitable for up to 1,100 dwellings. The SAP also lists further specific requirements for this site which include the need for a 2 form entry primary school; a comprehensive design brief for the site; a pedestrian link to the south west of the site to provide a link towards Wetherby town centre; the retention of the avenue of trees and a site specific flood risk assessment, directing development away from area of highest flood risk.
- 8.8 Paragraph 48 of the Framework makes clear that the amount of weight given to relevant policies in emerging plans relates to a) how advanced the emerging plan is, b) the extent to which there are unresolved objections to relevant policies and c) the degree of consistency of those policies with the NPPF. Taking these factors into consideration: a) the SAP is at an advanced stage with consultation on Main Modifications (MM) being undertaken between 21 January and 4 March 2019. b) the Inspectors are content that the Main Modifications are those which are necessary to make the Site Allocations Plan sound having had regard to all the objections to the plan. The Inspectors at the time of writing are having regard to the consultation responses made on MMs, before reaching their conclusions on the soundness and legal compliance of the plan in their final report. It is considered that the MMs in relation to site HG2-226 concern detailed technical site requirements and not the principle of housing development on the site. To that end, it is considered that the allocation of housing on the site can be afforded significant weight. c) the reasons for the MMs related to HG2-226 relate to clarity and effectiveness of the site requirements for the housing allocation. They raise no issues of inconsistency with national guidance. It is also relevant to note that HG2-226 fulfils an important role within the Outer North East HMCA as the single largest housing allocation in the HMCA providing housing needs for the area up to 2023. The MMs that introduce Policy HGR1 and removal of phasing from the Plan, together seek to ensure minimal land is released from the Green Belt, whilst ensuring that suitable sites necessary to make housing provision for years 1 to 11 (2012-2023) of the current plan period (2012-28) are delivered. HG2-226 provides for local housing needs in the HMCA up to 2023.

### Core Strategy Selective Review

- 8.9 Hearing sessions relating to this limited review of the Core Strategy were completed at the end of February/beginning of March 2019 and the Inspector's main modifications are expected later this month. The advanced nature of this review is such that some weight can be attached to the revised policies where relevant:

H9 – Minimum Space Standards  
H10 – Accessible Housing Standards  
G4 – Greenspace provision  
EN1 – Carbon Dioxide reduction  
EN2 – Sustainable Design and Construction  
EN8 – Electric Vehicle Charging Infrastructure

### 8.10 Supplementary Planning Guidance/Documents

SPG10 Sustainable Development Design Guide (adopted).  
SPG13 Neighbourhoods for Living and Addendum (adopted).  
SPG22 Sustainable Urban Drainage (adopted).  
SPG Greening the Built Edge  
SPD Street Design Guide (adopted).  
SPD Designing for Community Safety (adopted).

### Neighbourhood Planning

- 8.11 The Wetherby Neighbourhood Plan is currently at the draft stage and therefore is not a made plan and is currently not part of the development plan. It can therefore be afforded limited weight in the decision making process. Relevant policies in the draft plan include:

H1: Provide an appropriate mix of housing  
H2: Quality and layout of housing developments  
HWL1: Sport and leisure facilities  
HWL2: Community facilities  
ENV1: Protection and enhancement of local heritage assets  
D2: Connectivity of new developments

### National Planning Policy Framework (NPPF 2019)

- 8.12 The NPPF compliments the requirement under section 38(6) of the 2004 Act that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The revised National Planning Policy Framework (NPPF) was updated on 19 February 2019 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. The NPPF seeks to boost the supply of (sustainable) housing whilst prioritising the reuse of previously developed land, and sets out the presumption in favour of sustainable development.
- 8.13 Paragraph 213 of Annex 1 (Implementation) of the NPPF advises to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.
- 8.14 The overarching policy of the Framework remains the presumption in favour of sustainable development, in respect of which the three dimensions remain (economic, social and environmental). These are considered below.

- 8.15 NPPF paragraph 12 makes clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, and that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plan forming part of the development plan) permission should not usually be granted.
- 8.16 Paragraph 12 is to be considered in the context of NPPF paragraph 11 and decision taking. First, for the purposes of paragraph 11(c), the Development does not accord with the up-to-date Development Plan, and so this is not a case in which national policy advises that the Development should be approved without delay (or at all).
- 8.17 Paragraph 11(d) advises, in relevant part, that where policies which are most important for determining the application 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 the Framework taken as a whole.
- 8.18 For the purposes of NPPF paragraph 12 therefore, the Development must be in accordance with the Development Plan in order to be approved unless material considerations indicate otherwise. This reflects the statutory test.
- 8.19 Paragraph 14 states that in situation where the presumption applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, subject to a number of criteria.
- 8.20 Chapter 5 relates to delivering a sufficient supply of homes. Paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Paragraph 72 advises that the supply of large number of new homes can offer be best achieved through planning for large scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities.
- 8.21 Chapter 8 relates to promoting healthy and safe communities, with paragraph 91 advising that planning policies and decisions should aim to achieve healthy, inclusive and safe places. It is also important that a sufficient choice of school places is available to meet the needs of existing and new communities, as advised by paragraph 94. Planning policies and decisions should also protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, as required under paragraph 98. Furthermore, paragraph 96 advises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.
- 8.22 By NPPF paragraph 111 it is advised that development that generates significant amounts of movement should be supported by either a Transport Statement or Transport Assessment. By NPPF paragraph 108(a), opportunities for sustainable transport modes should be explored. So far as possible, under paragraph 110(a) priority should be given to pedestrian and cycle movements and to ensuring access to high quality public transport services. Under paragraph 110(c) NPPF places should be created that are safe, secure and attractive that minimise the scope for conflicts between traffic and cyclists or pedestrians. The safety of the road user is also a general consideration which naturally underpins the promotion of sustainable transport and which must fall to be considered, for the purposes of NPPF Chapter 9.

- 8.23 NPPF paragraph 117 advises that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 122 advises that policies and decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing; local market conditions and viability; the availability and capacity of infrastructure and services; the desirability of maintaining an area's prevailing character and setting; and the importance of securing well-designed, attractive and healthy places.
- 8.24 Chapter 12 concerns achieving well design places, with paragraph noting that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make developments acceptable to communities. Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history; establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (paragraph 127).
- 8.25 Chapter 14 relates to climate change and flooding, with paragraph 153 advising that in determining planning application, local planning authorities should expect new development to comply with any development plan policies for decentralised energy supply unless it can be demonstrated that it is not feasible or viable and take account of the landform, layout, building orientation, massing and landscaping to minimize energy consumption. Paragraph 163 advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site specific flood-risk assessment. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 8.26 Chapter 15 relates to conserving and enhancing the natural environment. Paragraph 170 advises that planning policies and decisions should contribute to and enhance the natural and local environment. With regard to habitats and biodiversity, paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) of significant harm to biodiversity result from a development cannot be avoided, adequately mitigated or compensated for, then permission should be refused; b) development on land within or outside a SSSI and which is likely to have an adverse effect on it should not normally be permitted; c) development resulting in the loss or deterioration of irreplaceable habitats; and d) development whose primary objective is to conserve or enhance biodiversity should be supported.
- 8.27 Annex 1 to the NPPF (Implementation) includes paragraph 213 which is to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given. The degree of consistency between relevant, existing policies and the proposed development has been appropriately considered. Paragraph 48 frames the process for applying weight to emerging policy which is of relevance to the SAP (of which there is a Submission Draft, and which is at a very advanced stage following four years of detailed assessment and consultation, including with local people).

- 8.28 As above, from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer, the greater the weight that may be given).

8.29 In February 2019, the Government published its revisions to the National Planning Policy Framework. The revisions focus on the housing land supply assessments and methodology; clarification of Habitat Regulations Assessment and definitions in glossary relating to “deliverable” and “local housing need”.

#### Planning Practice Guidance

8.30 In respect of planning obligations (including Sec.106 Agreements) it is set out that “Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind” (para: 001).

#### DCLG - Technical Housing Standards 2015:

8.31 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. Therefore, each dwelling should meet the minimum floorspace standards to provide a good standard of amenity for future occupants.

## **9.0 MAIN ISSUES:**

Principle of Development  
National Guidance – five year supply  
Site Allocations Plan  
Education  
Affordable Housing  
Highways and Transportation  
Drainage and Flood Risk  
Design & Layout  
Landscape Impact  
Ecology  
Impact on Living Conditions  
Loss of Best and Most Versatile Agricultural Land

Land Contamination  
Environmental Impacts  
Section 106 Obligations and CIL  
Sustainability  
Planning Balance  
Consideration of Objections

## **10.0 APPRAISAL:**

### **Principle of Development**

- 10.1 The application seeks to establish the principle of residential development for up to 800 dwellings, a new primary school and a small retail store. The site is open agricultural land that lies adjacent to the A1(M) motorway on one side, is located to the side and rear of the Wetherby Young Offender's Institute and front onto Racecourse Approach on another side. The site is designated as Rural Land under saved Policy RL1 of the Unitary Development Plans (Review 2006), but allocated as a housing site under Policy HG2-226 within the advanced Site Allocations Plan (SAP).
- 10.2 Saved Policy RL1 of the Unitary Development Plan (Review 2006) (RUDP) states:
- THE AREA OF OPEN COUNTRYSIDE TO THE NORTH OF THE RIVER WHARFE IS DESIGNATED AS RURAL LAND. THIS AREA WILL BE SAFEGUARDED IN ACCORDANCE WITH UDP STRATEGIC PRINCIPLE SP2. ANY DEVELOPMENT PROPOSED IN THIS AREA WILL BE ASSESSED AGAINST THE GUIDANCE CONTAINED WITHIN PPG7 "THE COUNTRYSIDE AND THE RURAL ECONOMY" AND OTHER RELEVANT NATIONAL AND LOCAL POLICY GUIDANCE.
- 10.3 The undeveloped land to the north of the River Wharfe is currently designated as Rural Land under saved UDP Policy RL1. It is clear from this policy that it is somewhat out-of-date, since it refers to UDP Strategic Principle SP2 which has since been deleted, and also to PPG7, which is also deleted and was replaced with PPS7 before itself being deleted and replaced with the NPPF. Therefore, it could be said that Policy RL1 can be considered of-of-date for its applications and accordingly it is therefore appropriate to consider the proposal against policies contained within the Core Strategy and the guidance contained within the NPPF, as considered below.
- 10.4 The NPPF at paragraph 49 indicates that housing applications should be considered in the context of the presumption on 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. Paragraph 14 of the NPPF confirms that a 'presumption in favour of sustainable development; should be seen as the 'golden thread' running through the planning process. It goes on to confirm that for decision taking this means that where relevant policies are out of date, then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in this Framework indicate development should be resisted.

- 10.5 The NPPF advises that LPAs should identify and update annually a supply of specific deliverable sites to provide five years' worth of housing supply against their housing requirements. 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 of delivery.
- 10.6 The Council does not currently have a five year land supply and won't have one until Adoption of the revised Submission SAP. This has been evidenced at several s78 Appeals over the past 18 months.
- 10.7 As outlined earlier, the Core Strategy policies relating to housing land supply are considered to be out of date if a five year supply of deliverable housing sites cannot be demonstrated. Notwithstanding this, the local planning authority are undertaking a selective review of the Core Strategy which involves reviewing and updating the housing policies, as well as carrying out their Site Allocations Plan which is at a very advanced stage.
- 10.8 At present, it is therefore clear that the Council has not got a five year supply of deliverable housing site. This therefore lends weight to the principle of residential development as paragraph 11 of the NPPF notes that in making decisions local planning authorities should apply a presumption in favour of sustainable development. The guidance then advises that for decision makers this means approving proposals that accord with an up-to-date development plan without delay, or the policies which are most important for determining the application are out-of-date, granting planning permission unless the any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Frameworks taken as a whole. This referred to as the tilted balance.
- 10.9 It is also considered necessary to assess the proposal against adopted policies within the development plan. However, as paragraph 73 of the NPPF advises that Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. Therefore, as policies SP6 and SP7 as well as policies within the housing chapter of the Core Strategy relate specifically to housing, then they could be regarded as being not up-to-date. However, an analysis is provided against Core Strategy policies nevertheless.
- 10.10 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. Wetherby is defined as a Major Settlement. The proposals are therefore considered to be compliant with SP1 in that the development represents a development adjacent to a Major Settlement that would be compliant with the 9 principles set out within that policy.

- 10.11 Policy SP6 of the Core Strategy sets out the Authority's policy for allocating housing and considers sustainable locations as a key consideration:
- “Sustainable locations (which meet standards of public transport accessibility - see the Well Connected City chapter), supported by existing or access to new local facilities and services, (including Educational and Health Infrastructure)”*
- 10.12 Policy SP7 also includes a schedule of the distribution of housing land and allocations across Leeds. Policy SP7 identifies a requirement for 5,000 dwellings to be located within the Outer North East HMCA. This policy also recognises that a significant proportion of this should be directed towards extensions to existing Major Settlements. The site is located at the top of the settlement hierarchy that seeks to ensure that land is used effectively and efficiently and seeks to meet Accessibility Standards. The nearest health care facilities, supermarkets and employment opportunities are in Wetherby and the provision of a dedicated shuttle bus with a frequency of every 20 minutes running from the development site to Wetherby town centre and back will provide a choice of means of transport other than the private car. On this basis, the proposed development complies with some elements of the Accessibility Standards, and with policy SP1. It therefore represents sustainable development and would therefore comply with the overarching aim of the NPPF.
- 10.13 Furthermore, 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. In this respect, the proposals are not considered to be harmful to the intrinsic character of the area, would not be harmful to nature conservation and the historic or spatial character of the area, and thus is compliant with Policy H2.
- 10.14 It is fully recognised that whilst the current designation is 'Rural Land', the site has been assessed and proposed by the Council as a future housing site within the advanced Site Allocations Plan for 1,100 new dwellings. Therefore, in the absence of any comments from the Inspector relating to the principle of allocation of this site, it must be concluded that the site is considered to be sound in terms of its allocation. Therefore, significant weight can now be given to the residential allocation in the SAP in the decision making process.
- 10.15 The site assessment within the SAP concludes that the site would be well contained and the wider area currently contains several urbanising developments such as the Young Offenders Institute. As such, the development of the site would not be unduly detrimental to the character of the area. The site is situated adjacent to Wetherby which is the only major settlement within the HMCA. The site would have reasonable access to the town centre and local services. The site is considered to form the best option for expanding Wetherby town compared against reasonable alternatives.
- 10.16 Other sites have been allocated in the SAP in terms of bringing forward housing in this part of the housing market characteristic area, these include, amongst other sites at land at Sandbeck Lane, Wetherby, and the Mercure Hotel, Wetherby Road, Wetherby, as well as Church Street, Boston Spa, and Walton Road near Thorp Arch.

- 10.17 These are the closest allocated sites that fall within the Outer North East Housing Market Characteristic Area, and they all contribute to meeting the planned housing numbers for the area over the Core Strategy period. Policy H1 of the Core Strategy advises that in the event of a lack of a 5 year housing land supply sites from latter phases will be brought forward. In fact some land has been brought forward from Phase 3 of the SAP on land at Rudgate Park, Wetherby (Site HG2-227), consistently with paragraph 73 of the NPPF.
- 10.18 The Outer North East area is expected to contribute 5,000 additional units to the housing target over the Plan period, with the sites above contributing 1,351 units approximately. Further to this, outline and reserved matters planning permission for a residential development of 325 units have been granted on identified housing site HG1-28 Spofforth Hill, to the western edge of Wetherby, which has started and is expected to deliver 50-60 units per annum and which will see a total of 49 affordable housing units being built on the site. Development has also taken place on the brownfield former Forensic Science Service site in Wetherby which has delivered 57 homes including 20 affordable units. The site at the East of Wetherby was therefore identified as it would deliver a significant amount of housing within the HMCA, and adjacent to an established Major Settlement, thereby representing a sustainable form of development.
- 10.19 In addition, the lack of a 5 year supply of deliverable housing sites and lack of any other harm, lends weight in support of the proposal which could deliver much needed housing in the short term. It is located in a sustainable location, adjacent to a Major Settlement, where infrastructure already exists to absorb the pressure for additional residential development, but recognising that additional measures will be required, including improvements to public transport and other non-car modes of transport.
- 10.20 In terms of other proposed uses, the proposed convenience store and primary school are considered to be acceptable and would enhance the sustainability credentials of the site. The proposals are therefore considered to be in accordance with the advanced SAP which should be afforded significant weight.

#### Prematurity

- 10.21 The Development is wholly consistent with the SAP.
- 10.22 The SAP process is the correct method for determining the relative merits of all sites considered for development. The application site (HG2-226) has been considered through that process and it has been determined that the site is sustainable in terms of meeting the housing requirement in the ONE Housing Market Characteristic Area for the plan period. Moreover, the SAP has been specifically modified so as to take account of the lower trajectory of housing growth as signalled by national statistics and the Council's own Strategic Housing Market Assessment for the Core Strategy Selective Review (CSSR). Upon Adoption of the CSSR the Council will take account of delivery of housing within each HMCA when looking at whether any further housing is required up to 2033. The approval of this site will therefore contribute towards current and future plan requirements and assist in the Council being able to maintain a defensible 5 year housing land supply upon adoption of the CSSR.
- 10.23 Whilst the advice within the PPG and NPPF advises that the Plan led system is the most appropriate mechanism for determining whether residential development of this scale, it is not considered that the development would undermine or prejudice the plan making process. Indeed, given the significantly advanced stage of the SAP

which recognises the site as a residential allocation and therefore regarded as being sound, there are no prematurity issues.

### Education

- 10.24 The nearest schools to the development within Wetherby are Crossley Street Primary School, Deighton Gates Primary School, St James' Church of England Primary School and St. Joseph's Catholic Primary School. All of these are located on the other side of the motorway to the site, with the nearest being St. James', some 1.3km from the centre of the site. Primary Schools in this area are popular and oversubscribed and this trend is expected to continue in future years as demographics continue to increase. The nearest secondary school is Wetherby High School which currently has some surplus capacity.
- 10.25 In terms of the advanced SAP, the SAP Schools Background Paper, it notes that the residential allocation at the East of Wetherby site identifies a need for school provision. For such large scale residential developments such as the Wetherby site, developers and landowners are expected to provide schools as an integral part of the development. In these cases, the school can either be constructed as part of the proposed development site or the site reserved and transferred at nil consideration to the appropriate body delivering the school together with a contribution in cash or kind to the delivery of the school. In the latter case the school provision can be funded and/or delivered through the use of planning obligations.
- 10.26 Whilst the proposal includes the provision of a new one form entry primary school, with the capacity to be expanded to a two form entry school (land will be reserved for this), it will be inevitable that the new school will not be built and open following immediate occupation of the first dwelling as it would not be feasible and viable to do so. It is likely that the new school will need to be delivered and ready to use upon occupation of 300 – 400 dwellings, the details of which would be dealt with as part of the planning obligations. Furthermore, whilst the applicant holds the majority share of the land allocation, ownership of other parcels lie with different land ownerships and it is considered necessary for any future developers of these sites to contribute financially for the need to upgrade the school to provide a two form entry school. Based upon the application submission of 800 dwellings, a contribution of £2.7 million would be required, based upon a figure of approximately £13,000 per pupil place.
- 10.27 At the Panel meeting in October, the Plans Panel expressed concerns over the indicative location of the proposed primary school. Discussions at the Panel meeting recognised the need for a comprehensive development and a desire for the school to be located in a more centrally accessible location, providing a better access to Wetherby. The applicant has revised the indicative masterplan which sets out other potential locations for the new school. One of the options would be locate this towards the south western corner, although no vehicular access could be achievable through this planning application alone and would be reliant on access being delivered on another parcel of land within the allocation owned by a different landowner. Notwithstanding this, pedestrian and cycling improvements would be sought to provide better connectivity from this part of the site, should the school be located there to York Road and towards the rest of Wetherby.
- 10.28 Until such a time that the new school is delivered, children of school age will still need to access education facilities in the local area. It is considered that based upon information from our Children's Service Schools Sufficiency Team, given the

predicted growth statistics, it is advised that sufficient capacity exists in the short term to satisfy this demand until the new primary school is delivered. The applicant has provided a plan which illustrates pedestrian routes to existing nearby schools. Equally, once the new school is delivered and then expanded, it is likely that children from established residential areas of Wetherby will attend this school and therefore it is important that travel distances are not excessive, and as such the preferred location would be closer to York Road in the southern western corner. The location of the school would be secured through the detailed reserved matters submission.

### Affordable Housing

- 10.29 Core Strategy policy H5 identifies the affordable housing policy requirements. The site lies within Affordable Housing Zone 1 on Map 12 of the Core Strategy. The affordable housing requirement is 35% of the total number of units, which equates to 280 units. The applicant proposes that 35% of the total number of dwellings on site are affordable and is agreeable to a S106 obligation in this regard.
- 10.30 Due to the outline nature of the application the full details of the affordable provision is not known but an indicative layout including indicative affordable housing locations are included in the submission. The quality and mix of the affordable units will be the same as the open market dwellings. If the application were considered to be acceptable in all other respects, this would be secured through a S106 agreement.
- 10.31 The submitted draft masterplan shows a layout which proposes up to 800 dwellings. In terms of the composition of the development, the applicant intends to provide a range of housing options which has been informed by a housing needs survey. A range of house sizes are proposed, which comprise a mix of 2, 3, 4 and 5 bedroom homes. The applicant intends to provide 35% of these for affordable housing, which would equate to 280 dwellings.
- 10.32 The information provided states that up to 800 dwellings will be offered although no exact mix is specified. The applicant has submitted a Housing Needs Assessment with the application which analyses current residential market evidence and trends to identify a proposed housing mix that is suitable for the site. Paragraph 50 of the NPPF is relevant and states that the housing mix of the scheme should be aimed to reflect market and demographic trends, with the housing mix identified chosen to reflect local demand and marketability. The submitted assessment reviews the national and local markets having regard to value trends and average house prices in the local area, reviews the mix against Core Strategy Policy H4, the Renew Housing Market Assessment produced for the Wetherby Neighbourhood Plan, the content of the Council's SHMA, in order to formulate a mix for the proposed development.
- 10.33 Any mix proposed would be able to comply with the requirements of Policy H4. As this is an outline application this could be subject to change through the submission of any future reserved matters. However, for the purposes of the outline application, the proposed housing mix, having had regard to the applicant's Housing Needs Assessment is generally considered to be acceptable.
- 10.34 The affordable housing policy requirement for this area is 35% and the applicants have confirmed that the proposal will be policy compliant which will deliver 280 new affordable homes on site. This would be secured as a planning obligation within a s106 Agreement. Therefore, a scheme for 35% on site is considered to be in accordance with Core Strategy Policy H5 and also paragraphs 62 and 64 of the NPPF.

## **Highways and Transportation**

- 10.35 The planning application has been submitted in outline with all matters reserved, save for vehicular access. The masterplan shows that a new vehicular access will be created at three access point from Racecourse Approach. The indicative masterplan illustrates that the access points will be provided with the appropriate technical dimensions and relevant ghost islands. The distributor roads within the site would then feed into a series of smaller roads and cul-de-sacs and courtyards.
- 10.36 The application is accompanied by a Transport Assessment (TA), the scope of which was agreed with Highways Officers at the pre-application stage. The TA seeks to inform on and asses the key highways related implications of the proposed development. This assesses matters relating to the accessibility of the development, trip generation and traffic assignment, future year flows, operational assessment of junctions (particularly the York Road and Racecourse Approach roundabout and the adjacent junction of the A1(M) motorway), highway and pedestrian safety, and any highways works that are necessary to facilitate and mitigate the impact of the development. Further information has been submitted by the applicant following discussions and negotiations with the Council's Highways Officer, Highways England and North Yorkshire County Council Highway Authority.
- 10.37 The NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Core Strategy Policy T2 states that new development should be located in accessible locations and with safe and secure access for pedestrians, cyclists and people with impaired mobility. In locations where development is otherwise considered acceptable new infrastructure may be required provided it does not create or add to problems of safety or efficiency on the highway network.

## **Accessibility**

- 10.38 Whilst Wetherby is regarded as a Major Settlement in the Core Strategy and is the most significant settlement in the outer north east segment of the city, the bus station is not considered to be a major public transport interchange. Wetherby is regarded as a transport hub by WYCA, although it does not provide direct services to Leeds at the recommended 15 minute service frequency.
- 10.39 The principle of a significant level of residential development in this location, which does not meet Core Strategy accessibility standards, should be given further consideration in light of the current site allocations process, housing targets for the outer north east segment of the city and other material planning considerations. It is noted that the site is being brought forward as a housing allocation in the advanced Local Development Framework Site Allocations Plan (Site Ref. HG2-226) which can now be afforded significant weight.
- 10.40 It is fully recognised that the site fails to meet Core Strategy Accessibility Standards with regards to access to; Local Services, Employment, Health Care and Town/City Centres.
- 10.41 It is acknowledged that the proposals include a new primary school and convenience store, which will enhance accessibility and the sustainability of the site in the longer term. However these are both in phase 2 of the development and are unlikely to be built and operational until phase 1(circa 400 dwellings) has been

completed. The table below is an assessment against the **Core Strategy Accessibility standards**:

	<b>Accessibility Standard</b>	<b>Site</b>	<b>Meets Standard</b>
<b>To Local Services</b>	Within 15 min (1200m) walk	Closest local services to the site are located on York Road around 1400m from the site. A wider range of services are available in Wetherby town centre around 1800m from the site. Moto Wetherby Services (A1M J46) is about 1200m walking distance from centre of site	No
<b>To Employment</b>	Within 5 min (400m) walk to a bus stop offering a 15 min service frequency to a major public transport interchange	Closest bus stops are located on York Road around 750m from the centre of the site. These stops are served by service 412 providing a 1–2 hour service frequency between York and Wetherby	No
<b>To Health Centre</b>	Within 20 min (1600m) walk or a 5 min walk to a bus stop offering a direct service at a 15 min frequency	Closest health centre is Wetherby Health Centre, Hallfield lane, Wetherby, around 1900m walking distance from the centre of the site	No
<b>To Primary School</b>	Within 20 min (1600) walk or a 5 min (400m) walk to a bus stop offering a direct service at a 15 min frequency	Closest primary school is St James' C of E, Primary School, Hallfield Lane, Wetherby, around 1400m walking distance from the centre of the site. The proposals include a primary school.	Yes
<b>To Secondary School</b>	Within 30 min (2400m) direct walk or 5 min (400m) walk to a bus stop offering a 15 min service frequency to a major public transport interchange	Closest secondary school is Wetherby High School, Hallfield Lane, Wetherby, around 1900m walking distance from the centre of the site	Yes
<b>To Town / City Centres – defined as Leeds, Bradford and Wakefield</b>	Within a 5 min (400m) walk to a bus stop offering a direct 15 min frequency service	Closest bus stops are located on York Road around 750m from the centre of the site. These stops are served by service 412 providing a 1–2 hour service frequency between York and Wetherby	No

10.42 It should be noted that the failure of a development to meet these standards in full, should not of itself be a barrier for any future growth or new development. The standards should therefore not be read in isolation and should be taken into consideration in the detailed and wider planning balance, having regard to the scale

of the development, any mitigation measures proposed, any relevant site specific factors and other material planning considerations such as the delivery of housing, including affordable housing, as well as delivery of other benefits.

- 10.43 As can be concluded from the table above, the site, does not meet all of the Accessibility Standards. However, as previously stated, the standards should not be read in isolation and should be taken into consideration in the wider planning balance, having regard to other material planning considerations such as the delivery of housing, including affordable housing. In this regard, the proposal would deliver 280 affordable homes. Furthermore, it is also worth noting that the site is located in a relatively sustainable location adjacent to the Major Settlement of Wetherby and adjacent to other uses such as the Young Offenders Institute and Wetherby Racecourse. Moreover, recent appeal decisions have considered accessibility requirements, including at Tingley and Scholes, and the Secretary of State has made it clear that policy T2 can be flexed taking into account local circumstances and difference specific site contexts, and is not worded negatively and does not prohibit development that does not meet all of the criteria.
- 10.44 In terms of other highways matters, following consideration of the submitted Transport Assessment and additional information that was provided and considered after the Panel meeting in October, it is considered that the impact on the local highway network and proposed site access points are acceptable. The access road details are regarded as adequate for the purposes of providing access to a residential development in the order of 800 dwellings, a new primary school and retail store.
- 10.45 Adequate forward visibility can be achieved in both directions for all three access points. In terms of the impact on the local highway network, it is considered that the submitted modelling demonstrates that the impact of a development of up to 800 dwellings, a new school and retail store would not have a significant impact. The TA concludes that both the site access points and the nearby junctions and roundabouts would operate with adequate capacity during all of the tested scenarios, taking account of both the development traffic and committed development traffic.
- 10.46 Whilst it is acknowledged that the bus services along York Road are infrequent, the developer proposes to fund a shuttle / hopper bus service to and from Wetherby town centre. The shuttle bus would operate on a 20 minute frequency and provide a direct service to Wetherby town centre. This would be provided for a 10 year period at a cost of £150,000 per annum. After this period, it is considered that as development will be built out, the shuttle bus service would then become commercially viable without subsidy given the existence of 1,100 dwellings on the site.
- 10.47 It is noted that a number of revisions would be needed in order that Highways Officers could support the submitted layout. However, it is acknowledged that the layout is indicative only given the outline status of the current application, and therefore any amendments that would be necessary could be achieved and delivered through any subsequent reserved matters submission. Likewise, parking requirements for each dwelling plus visitor parking would need to be provided on any subsequent detailed layout. Furthermore, a number of off-site highway works would be required as part of the development and these could be secured through a s278 Agreement if permission was granted.

10.48 One of the main considerations has been the ability to provide improved access points into the site from York Road towards the south western corner of the allocation. It is recognised that this application does not include the full allocation as the site is separated into different land ownerships. As such, it is acknowledged that a vehicular access cannot yet be provided from the south eastern corner that connects directly with York Road. However, it is important that this application does not prejudice the ability for this to happen in the long term, although it may have to serve a limited quantum of development, rather than facilitating vehicular access to the entire allocation. Consequently, the applicant has submitted a scheme which upgrades the existing vehicular access known as Carr Lane which currently serves a limited number of residential properties. This will make improvements to the existing bridleway and footpath and will provide appropriate and improved facilities for pedestrians and cyclists to obtain easier and short access routes to Wetherby town centre, rather than having to use Racecourse Approach and a longer section of York Road. This involves some land within the ownership of Highways England who currently own land which previously provided access to a maintenance site at a point in time when the A1(M) motorway was being upgraded. Discussions have taken place with Highways England who have indicated that they do not object to the improvements to Carr Lane on their land. It is therefore important that this is delivered at the appropriate time, dependent on the phasing plan, to allow easier and safer access for pedestrians and cyclists. This would be secured through a planning obligation.

10.49 Furthermore, the developer will be required to provide and make contributions towards a number of mitigations measures. These are:

- Contribution of £61,700 towards Harrogate Road corridor cumulative impact;
- Contribution of £55,000 towards Racecourse Approach 40mph speed limit;
- Contribution of £41,000 toward Bus Shelters and Displays;
- Sustainable Travel Fund - £396,000 (based on 800 dwellings);
- £30,000 for mitigation measures if residential model split targets are not met;
- Contribution towards Public Rights of Way of £283,249 towards enhancement of Bridleway No. 7 and Footpath No. 8 Wetherby;
- Residential Travel Plan and Monitoring Fee of £6,000; and
- School Travel Plan and Monitoring Fee of £2,500.

10.50 In summary, the highways aspects of the proposed development have been addressed, while the required mitigation measures that are required would be secured through the obligations identified.

### **Drainage & Flood Risk**

10.51 Core Strategy Policy EN5 relates specifically to flood risk and states that the Council will manage and mitigate flood risk by utilising a number of measures. With relevance to the residential developments these include:

- Avoiding development in flood risk areas, where possible, by applying the sequential approach and mitigation measures outlined in the NPPF;
- Protecting areas of functional floodplain from development;
- Requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigation where appropriate;

- Reducing the speed and volume of surface water run-off as part of new build developments;
- Making space for flood water in high flood risk areas;
- Reducing the residual risks within Areas of Rapid Inundation.

- 10.52 In terms of the Natural Resources and Waste Local Plan, Policy WATER 3 requires that development is not permitted on the functional floodplain, while Policy WATER 4 states that all developments are required to consider the effect of the proposed development on flood risk, both on-site and off-site. Within Zones 2 and 3a proposals must pass the sequential test, make space within the site for storage of flood water and not create an increase in flood risk elsewhere. Policy WATER 6 provides technical guidance on what flood risk assessments need to demonstrate in order for the LPA to support new development. Finally, Policy WATER 7 relates to surface water run-off which seeks to ensure that there is not increase in the rate of surface water run-off to the exiting drainage system with new developments. New Development is also expected to incorporate sustainable drainage techniques wherever possible.
- 10.53 The planning application is supported by a Flood Risk Assessment which is contained within Volume 2, Chapter 14 of the Environmental Statement. This document focusses on describing what sources of information and data have been used; describes the ground conditions in terms of the geology, hydrogeology and hydrology; the flood zone designation; historical records of flooding; surface water and groundwater flooding; and a run-off assessment. The FRA therefore assesses the potential for flood risk arising from the development and recommendations any mitigation measures that may be required.
- 10.54 The submitted Flood Risk Assessment has been developed based on information provided by the Environment Agency, Lead Local Flood Authority, Yorkshire Water, Ainsty Internal Drainage Board and current Standing Advice. The Environment Agency Flood Map indicates that low lying areas adjacent to the Sand Beck watercourse are located within Flood Zone 2, i.e. land assessed as having between a 1 in 100 and 1 in 1000 annual probability of river flooding or between a 1 in 200 and 1 in 100 annual probability of sea flooding in any year and Flood Zone 3a, i.e. land assessed as having a 1 in 100 or greater annual probability of river flooding, or a 1 in 200 or greater annual probability of flooding from the sea in any year. Given the information provided by the EA, the proposed development extents have been omitted from the Flood Zone 2 and 3 extents. The development parcels will therefore be located within Zone 1. Further hydraulic modelling will need to be undertaken of the existing watercourse Sand Beck, during detailed design phase, to accurately determine the flood extents.
- 10.55 The submitted Drainage Feasibility Statement which looks at proposals for surface water and foul water drainage, taking into account existing factors. It advises that surface water should be collected via a network of pipes and gullies in line with the masterplan. The piped network will convey run off to a attenuation basins where it will be restricted back to Ainsty Internal Drainage Board (IDB) prescribed run off rate. Multiple on-line and off line open attenuation basins are proposed up to a depth of 1.5-2.0m. These will be sited adjacent to Sand Beck, but outside of Flood Zone 3. In addition to the footprint of the basin, there will be a requirement for the earthworks profile and maintenance margins associated with adopting company or authority requirements.
- 10.56 The attenuation or wetland attenuation basins will outfall directly to Sand Beck or the connected riparian watercourses which discharge to Sand Beck. No pumping of

surface water is required for surface water. As infiltration is considered to be very low or unviable, connection to watercourse has been determined as the next optimum point of discharge. Each of the Land Parcels and Phases have the potential to be self-contained with discharge within the site to Sand Beck. These connections will require acceptance and approval of the Aintsy IDB.

- 10.57 In terms of the foul water strategy, it is noted that there are no existing foul water sewers within the extents of the land parcels or the vicinity of the site which are suitable for the discharge of foul sewerage. A piped network connection within the site will collect and connect the sewers to a foul water pumping station(s). Yorkshire Water have confirmed there is inadequate capacity within the existing piped network for connection of more than 250 dwellings. However, sewer modelling will be undertaken in order to assess and identify the requirements for the further development of circa 550 dwellings, school and ancillary uses.
- 10.58 In terms of the applicant's strategy towards flood risk and drainage, the proposed development has been the subject of consultation with the EA and FRM Officers based upon the updated information, no in principle objections were received from both consultees, although it is recognised that further detailed work will be required and therefore a number of planning conditions are recommended. Therefore, the applicant has demonstrated that the proposal would be policy compliant with regard to flood risk.
- 10.59 At the Panel meeting in October, the Plans Panel raised concerns over potential flooding which may have happened at the adjacent Wetherby Racecourse. Officers from Flood Risk Management have reviewed the comments raised by the Plans Panel and advise that there have been no recent reports relating to flooding of the Racecourse, other than reports of flooding during the 2015 Boxing day floods but advise that that was an extreme rainfall event which was beyond the normal 1:100 year design event for which drainage provisions would have been made.

### **Design & Layout**

- 10.60 An indicative masterplan has been submitted that identifies the landscape buffers adjacent to the A1(M) motorway and along Racecourse Approach to protect the amenity of future residents in these locations. The masterplan also identifies a number of development zones with the residential areas covering 21.24 hectares. A number of areas of public open spaces are located across the site including a substantial area of greenspace adjacent to York Road which is annotated as Racecourse View Park on the submitted indicative plan and lies immediately adjacent to the tree lined avenue that runs from north/south and which would be car free. The existing woodland known as Cock Shot Wood (which is protected by a TPO) would also be retained and managed for ecological benefit through the establishment of a comprehensive management plan. Three formal play areas are also proposed on the eastern, western and central parts of the site. In total, the masterplan notes that there will be over 11.4 hectares of green infrastructure within the site.
- 10.61 In addition to the proposed green infrastructure, blue infrastructure is proposed in the form of ponds, swales and detention basins across the site, which measure 2.5 hectares in total, and will largely lie adjacent to and complement the proposed green infrastructure. As well as providing recreational opportunities, these areas will also be of benefit to ecology within the site.

- 10.62 The development includes three vehicular access points, all taken from Racecourse Approach which forms the site's north eastern boundary. This application cannot deliver a direct connection to York Road towards the south western corner of the housing allocation as this is land within a different ownership. However, the indicative masterplan allows for the development of other sites within the allocation which are within different ownerships to enable a comprehensive development of the site. Therefore, any future application to develop the south western corner may be able to deliver a vehicular connection directly onto York Road, subject to demonstrating its acceptability with regard to visibility and other technical requirements. Nevertheless, the scheme includes utilising and making significant enhancements to the existing public footpath and bridleway in the south western corner which connects the site to York Road for pedestrians and cyclists.
- 10.63 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 development is split into three residential zones on the submitted indicative masterplan and ranges from 30 - 35 dwellings per hectare and that is considered to be a reasonable density that can be delivered on this site. Core Strategy Policy H3 seeks to achieve a density of 30 DPH within smaller settlements. For fringe urban areas the policy advises that 35 DPH should be met or exceeded. The policy also notes that special consideration should be given to the prevailing character and density of the surrounding area in order to ensure that the development will not be at odds with and harmful to that established residential character. Whilst the masterplan is indicative only, a development comprising a density range of 30 -35 DPH is appropriate and in accordance with Policy H3.
- 10.64 The original submitted masterplan layout showed the primary school and retail unit located close to northern most access on Racecourse Approach. The applicant considered that this location would allow its appropriate phasing and would be in a position which will not involve associated traffic being routed past and adjacent to the proposed housing. The location of these uses were indicatively sited towards the north east side of the site, and ideally it would be preferable for such uses to be located closer to the existing settlement and accessed from York Road towards the south western corner of the site. However, this part of the proposed housing allocation is not within control of the applicant and therefore cannot form part of this outline submission. This was a concern that the Plans Panel raised in October. Consequently, the applicant has provided an amended indicative masterplan which considers alternative locations for the school, including towards the south western corner, close to York Road and the rest of Wetherby. Ultimately, the layout of the site, including the location of the school would be addressed through any reserved matters and as other landowners obtain interest in developing their land. The submitted layout also locates car parking areas into courtyards and streets where cars may dominate some street frontages. However, it is noted that the layout is indicative only and it would be possible to achieve a layout that satisfies the principles of good design laid out within Core Strategy Policy P10 and the guidance within the SPG Neighbourhoods for Living.
- 10.65 Concerns were also raised by the Plans Panel in October that the application did not demonstrate how the entire site allocation could be developed comprehensively. In response, the applicant has engaged further with adjoining landowners including the owner of the land to the south western corner and the adjacent site controlled by Persimmon Homes. The landowner of the south western parcel of the SAP allocation has written to the Local Planning Authority to confirm their support for Taylor Wimpey's application and consider that approval of the

current outline application will not prejudice the comprehensive delivery of the wider allocation in which they hold an interest in the south western corner.

- 10.66 Furthermore, Persimmon Homes have written in to support the current outline application and have provided a delivery statement, which states:

*Taylor Wimpey has submitted substantial information outlining the detail behind the delivery of their scheme in terms of phasing and infrastructure provision as part of the planning application referenced 17/02594/OT. The fact that the allocation is divided primarily into two land interests and that there will be two separate planning applications will not result in a segmented approach to the delivery of the allocation. Persimmon Homes is committed to contributing towards a proportionate share of the infrastructure costs which will be delivered primarily on Taylor Wimpey's land as confirmed by the submitted masterplan.*

*Persimmon intend to submit a detailed planning application following Taylor Wimpey's receipt of outline planning permission. It is then envisaged that each parcel of land will receive reserved matters / detailed planning permission within a similar timeframe. Simultaneous delivery of the Persimmon and Taylor Wimpey sites within HG2-226 can then occur. It is anticipated a sales rate of 45 plots per annum will be achieved on the Persimmon Homes land.*

- 10.67 Taking into account the letters of support from key adjoining landowners of adjacent parcels of land within the SAP allocation, it is considered that in approving the current outline application will not compromise the comprehensive delivery of the entire SAP allocation. Provisions will be built into the permission so ensure that the developer constructs the appropriate access roads right up to the adjoining sites, as demonstrated on the masterplan layout, to ensure that no ransoms strips are created, thereby allowing the development to be read as a whole once approval on other adjacent sites have been secured.
- 10.68 In summary therefore, it is considered that based upon the amended illustrative masterplan and the fact that a detailed layout would be considered further through any subsequent reserved matters submission, the proposed development could result in a high quality development that would be sympathetic to its surroundings and compatible with the design policies set out within the Core Strategy and the draft Wetherby Neighbourhood Plan.

### **Landscape Impact**

- 10.69 The application site is designated as Rural Land and is not formerly recognised in any policy designation in terms of its landscape quality. Nevertheless, the application is accompanied by a Landscape & Visual Impact Assessment as well as a Tree Survey (contained within the Environmental Statement).
- 10.70 Policy P12 of the Core Strategy seeks to ensure that the character, quality and biodiversity of Leeds' landscapes is conserved and enhanced to protect their distinctiveness. Policy LAND 2 of the Natural Resources and Waste DPD state seeks to ensure that development conserves trees where possible and introduce new tree planting as part of creating a high quality living and working environments and enhancing the public realm. Where tree removal of trees is agreed in order to facilitate development, suitable tree replacement should be provided.

- 10.71 The tree survey identifies that there are a number of important and significant trees and groupings of trees within the site. The most notable of these is the tree lined avenue which once provided a direct route towards Ingmanthorpe Hall. The protect Cock Shot Wood is also of importance, as are a number of trees within the site, particularly along the edges of the site. At this stage, the masterplan is illustrative, but it is inevitable that the wholesale development of the site will result in some tree and hedgerow removal.
- 10.72 Furthermore, the amount of new trees that would be planted to compensate for the removal of existing trees and to soften and enhance the residential development would be significant, resulting in a substantial uplift in the number of overall trees within the site. These are shown on the submitted illustrative masterplan and therefore there are no reasons to doubt that a substantial and quality landscaping scheme could be provided in accordance with Policy LAND 2 of the Natural Resources and Waste Local Plan and saved Policy LD1 of the UDPR.
- 10.73 A number of concerns were raised by the Council's Landscape Architect over the impact on existing trees and the submitted masterplan. This involved the potential impact upon the grouping of trees located close to the siting of the proposed school and retail unit. However, it is noted that the masterplan is illustrative, and any future reserved matters submissions would need to provide detailed layouts. As such, this would allow further consideration over the impact upon trees and the ability of the Council to influence the overall detailed layout.

### **Ecology**

- 10.74 Core Strategy Policy G8 seeks to protect important species and habitats while Policy G9 seeks that new development demonstrates that there will be a net gain for biodiversity, that development enhances wildlife habitats and opportunities for new areas for wildlife and that there is no significant impact on the integrity and connectivity of the Leeds Habitat Network. The application includes a detailed Ecological Impact Assessment. The ecology survey notes that the site contains no statutory nature conservation designations. The nearest statutory protected area, Kirk Deighton Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), lies approximately 1.5km to the north-west of the Site boundary. This SAC and SSSI is reported to support a great crested newts, (one of the largest breeding populations within the UK), within 4 ha of grazing land, but is separated from the Site by the B6164 Wetherby Road, the A168 Hudson Way, and the A1(M), which together are likely to form a barrier to the movement of great crested newts between this SAC, and the site itself.
- 10.75 Various surveys were carried out over a number of periods to identify habitat species within and adjacent to the site. Surveys for Great Crested Newts, reptiles, birds, owls, bats, water voles, badgers as well as flora a fauna were carried out. The results of the surveys indicated the presence of one single male Great Crested Newt in a pond outside the site to the west. More updated surveys of this pond will be required. Other surveys identified the presence of toads, voles, breeding birds within hedgerows and woodland (Cock Shot Wood), bats (common pipistrelle, soprano pipistrelle noctule) and brown rats. No badger setts were found within any part of the site. In analysing these result of various surveys, the application has adopted a sequential process to avoid, mitigate and compensate for ecological impacts. It is worthy to note, that the application does not include any residential development located close to the pond which identified the presence of a Great

Crested Newt, and instead proposes a new attenuation pond close by and separating this from the school site.

- 10.76 Following advice from the Council's Nature Conservation Officer, it is acknowledged that a positive result has been identified for the Great Crested Newts for the pond approximately 100m off-site. This will require the survey results that are currently being carried out to determine population size, and a mitigation plan for avoiding an impact on this population. Should permission be granted, conditions are recommended which relate to both biodiversity protection and enhancement, while detailed consideration would need to be given to the management of areas of the site of ecological importance. This would be dealt with through any reserved matters and planning conditions should outline permission be forthcoming. This could involve the re-profiling of part of the Sand Beck.

### **Impact on Living Conditions**

- 10.77 Based upon the indicative illustrative masterplan, there is no reason to doubt that a residential development of up to 800 dwellings on this site could be achieved without having a detrimental impact on the living conditions of existing residents in terms of loss of privacy, overdominance and loss of sunlight and daylight. The residents who could be potentially most effected would be those located to the south of the site, immediately to the west of the YOI, as well as two properties on York Road which lie adjacent to the tree lined avenue within the site. However, adequate separation distances could be achieved as required by the guidance set out within Neighbourhoods for Living. This would be considered further in any subsequent reserved matters submission.
- 10.78 In terms of the amenity to be afforded to potential future residents of the development, based upon the illustrative masterplan, it is considered that a well-designed layout in the manner shown would give new residents a pleasant and attractive living environment. Whilst the development would lie adjacent to the motorway to the east, through appropriate bunding and landscape buffer planting, there are no reasons to doubt that an acceptable and attractive living environment could be provided. Likewise, the presence of the YOI and its associated secure boundary treatments could be seen as a negative factor which could detract from overall amenity. However, as the masterplan suggests adequate planting and separation with SuDS could mitigate this impact. All dwellings would need to comply with the National prescribed Minimum Standards and again, this would be dealt with at any future reserved matters stage.

### **Loss of Best and Most Versatile Agricultural Land**

- 10.79 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.
- 10.80 It is understood that the entire housing allocation is broken down as follows:

Grade 2:	40.61%
Grade 3:	45.61%
Grade 3b:	9.59%
Grade 3a:	4.19%

The applicant's submitted Environmental Statement described the site within grades 3a and 3b, with 15.1 hectares of land within grade 3a (the best and most versatile land).

- 10.81 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'
- 10.82 The application site results in the loss of approximately 15 hectares of land within grade 3a and its loss 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 of the site and throughout the rest of North and East Leeds, much of which is Grade 2.
- 10.83 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 result in the loss of 15ha within grade 3a is considered to further diminish any requirement to maintain this piece of land for agriculture.
- 10.84 Furthermore, it is worth noting that in considering the Tingley PAS site appeal, the Inspector gave the loss of agricultural land little weight in the overall balance of considerations. In conclusion, the loss of agricultural land is not considered to be significant and to an extent which lends support for withholding planning permission.

### **Land Contamination**

- 10.85 The NPPF emphasises the need to deliver sustainable development and within this context, the need for planning policies and decisions to encourage the effective use of land by re-using land that has previously been developed. Policy LAND 1 of the Natural Resources and Waste Local Plan states that to ensure the risk created by actual and potential contamination is addressed, developers are required to include information regarding the status of the site in terms of contamination with their planning application. The application was accompanied by a Phase I site investigation report. Following specialist advice from the Council's Contaminated Land team, it is advised that a Phase 2 report is submitted and this could be conditional upon any outline consent being granted. Therefore, at this stage matters relating to contamination could be dealt with at the reserved matters stage and through the imposition of planning conditions.

### **Environmental Impacts**

- 10.86 As the proposed development constitutes EIA development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended 2015), the submission of an Environmental Statement (ES) is necessary in support of such as large scale development. The content of the ES has been split into numerous chapters to cover a number of environmental, social and economic matters. These have been considered in the assessment and consideration of this current outline planning application in the various sections of this Panel report. Various chapters of the ES set out the baseline data and seek to consider the environmental impacts and what, if any, mitigation measures are required.
- 10.87 In summary, the information and baseline line data as well as the level of mitigation that is considered to be required, has been assessed and considered in the various sections of this Panel report. Officers have considered the impact of the proposed development on socio economics; transport; air quality; noise; landscape character and trees; ecology; heritage; contamination; flood risk; agricultural land; housing needs and construction/phasing, and have concluded that the development does not lead to significant environmental impacts, provided that the level of mitigation that is required is delivered.

### **Planning Obligations and CIL**

- 10.88 The heads of terms for the S106 agreement would be as follows:
- Provision of 35% affordable housing on site (280 dwellings);
  - Primary Education Contribution of £2.7 million (phased payments to be agreed) and Transfer of Land for Primary School with an access road before occupation of 200<sup>th</sup> dwelling;
  - Provision of shuttle bus fully funded for 10 years (£150,000 pa);
  - Contribution of £61,700 towards Harrogate Road corridor cumulative impact;
  - Contribution of £55,000 towards Racecourse Approach 40mph speed limit;
  - Contribution of £41,000 toward Bus Shelters and Displays;
  - Contribution of £7,000 towards a TRO for York Road parking;
  - Sustainable Travel Fund - £396,000 (based on 800 dwellings);
  - £30,000 for mitigation measures if residential model split targets are not met;
  - Completion of access road up to adjoining development sites;
  - Marketing strategy of retail unit prior to occupation of 400<sup>th</sup> dwelling and operationally available by occupation of 500<sup>th</sup> dwelling;
  - Residential Travel Plan and Monitoring Fee of £6,000;
  - School Travel Plan and Monitoring Fee of £2,500;
  - Maintenance of Greenspace and SuDS;
  - Contribution towards Public Rights of Way of £283,249 towards enhancement of Bridleway No. 7 and Footpath No. 8 Wetherby;
  - Contribution of £16,000 towards other public footpath and bridleway enhancements; and
  - Employment and Training.
- 10.89 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.

10.90 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 35% on site. This is in line with Core Strategy Policy H5.
- Transfer of Land for Primary School and Contribution. This is required in accordance with the land use allocation under Policy HG2-226 of the SAP, and in the interests of sustainable development.
- Provision of shuttle bus fully funded for 10 years. This is to enhance accessibility between the site and Wetherby town centre in accordance with the Core Strategy Accessibility Standards.
- A contribution towards a Sustainable Travel Fund is required to reduce the reliance on the use of the private car and to encourage other sustainable forms of transport, such as use of buses, walking and cycling in accordance with the guidance within the NPPF and policies within the development plan.
- £8,500 as a monitoring fee for a Travel Plan designed to reduce vehicle use by residents and visitors as well as school staff. A contribution of £30,000 is required if the residential model splits are not met. These are required to ensure that the agreed provisions within the Travel Plan are implemented.
- Contributions towards off-site highways mitigation are all considered to be necessary and relate to the proposed development and are in accordance with adopted development plan and SPDs.
- The bus stop contribution, public rights of way contribution, local employment and training, and public access to public open space are all considered to meet the CIL Regulations.
- A scheme for the management and maintenance of the Greenspace and SuDS is required to ensure that the associated land is made available for all residents in accordance with Core Strategy Policies G4, G9 and EN5. The land should also be made available for the public in the interests of amenity and in line with Policy G4.
- The completion of access roads up to adjoining development sites are required in order to allow adjoin development sites to be developed that are

within the land covered by HG2-226 of the SAP in the interests of comprehensive development of the site.

- 10.91 The proposed development could therefore bring about financial benefits for the local area and it is considered that the Council is justified in seeking such contributions.
- 10.92 The development is CIL liable and the applicants estimate that the scheme could generate a significant contribution, 25% of which could be directed towards Wetherby Town Council in the event that the Neighbourhood Plan is made, or 15% before the plan is adopted. This is for Members information only, and should not be determinative in the assessment of the overall planning application and decision making process.

### **Sustainability**

- 10.93 Another key factor will be whether the applicant can demonstrate that a sustainable form of development can be achieved. The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The NPPF suggests that these factors are mutually dependent and should be sought jointly and simultaneously. The NPPF further notes that decisions need to take account of local circumstances. In reaching a view on this regard will have to be had to the range of facilities in the local area and what contribution that they make to reducing the need to travel by private car, public transport provision. The sustainability credentials of the development can also be enhanced through the design and construction of the buildings and matters such as drainage provision.
- 10.94 The proposed residential development provides a housing mix to meet an identified housing need, including the provision of affordable housing which would provide for a balanced and mixed community. The site is located to the east edge of the Major Settlement of Wetherby, and whilst existing public transport provision is limited, the development will be enhanced by a dedicated shuttle bus, providing a regular service to and from the town centre. Pedestrian and cycling opportunities will also be enhanced, allowing trips across the bridge, and towards the town centre and other schools.
- 10.95 It is acknowledged that the proposed development would provide large new areas of greenspace that would be accessible to new residents and residents in the local vicinity, which would help promote a healthy community.
- 10.96 In environmental terms, whilst the site would be lost in perpetuity to development, any ecological impact would be mitigated and improved upon with the introduction of significant levels of landscape planting and sustainable drainage areas that would improve the ecological value.
- 10.97 With regard to meeting the challenges of climate change, the applicant's Design and Access Statement notes that new development would incorporate high standards of sustainable design and construction. The development would also provide enhanced flood storage benefit and would reduce the risk of flooding locally.
- 10.98 Taking into consideration of all of the above factors, on balance, it is considered that the proposed development constitutes sustainable development. The proposals are considered to comply with the policies contained within the development plan and are thus, represents a sustainable form of development.

## Planning Balance

- 10.99 Paragraph 11 of the NPPF notes the presumption in favour of sustainable development which for decision taking 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 planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or specific policies in the Framework indicate development should be restricted.
- 10.100 It is considered that the potential adverse impacts of the proposed development comprise:
- i) There is conflict with saved UDPR Policy RL1 in that the proposal will result in significant development within the open countryside. However, given that part of this policy is out of date and the SAP now proposes to allocate the site for housing, this carries limited weight in the decision making process.
  - ii) The proposed development would result in the loss of agricultural land. The scale of the loss would be limited to the size of the application site, approximately 15ha of which would be grade 3a and hence is below the scale of 20ha which DEFRA consider significant. The loss of this agricultural land is not therefore significant in the opinion of officers, particularly taking into account the conclusions reached by the Inspector when dealing with the Tingley PAS appeal. It is considered that the harm ascribed to this issue is limited.
  - iii) The proposed development does not meet all of the accessibility requirements set out within Core Strategy Policy T2. The site is not within appropriate walking distances of services and facilities and bus routes. Residents of the development site would also have use of the private car which may have limited harm to the environmental dimension of sustainable development. However, the site is located adjacent to a Major settlement and the developer proposes to fund a shuttle bus to Wetherby town centre with a 20 minute frequency. Furthermore, pedestrian and cycling opportunities will also be enhanced, allowing trips across the bridge, and towards the town centre and other schools. It is therefore considered that the harm ascribed to this issue is limited.
- 10.101 The material issues that weigh in favour of the proposed development are:
- i) The proposals can deliver up to 800 dwellings, with a significant proportion being capable of being built out and occupied within the short term and hence this site would make a valuable contribution to the 5 year land supply. It is considered that significant weight should be ascribed to this issue.
  - ii) The scheme would also deliver 280 affordable homes, although that would be a normal planning requirement for any development site in this area. Nevertheless, the provision of affordable homes carries moderate weight
  - iii) The proposed CIL contribution that would be delivered through the proposed development would be of some benefit to the local community. However,

part of this would be used to help mitigate the impact of the proposed development and therefore this is considered to be of limited weight.

- iv) The proposed development will generate construction jobs, as well as jobs at the primary school and retail unit and would thus contribute to the local economy. It is considered that moderate weight should be ascribed to this issue.
- v) The application site is currently a series of agricultural fields with some public access. The proposals would provide for a greater level of public access to the site and would provide public open space as part of a detailed housing scheme. This would therefore improve public access to the site and provide public open space facilities which would be of benefit to the community. It is considered that limited weight should be ascribed to this issue.

10.102 The Local Planning Authority have shown above that the potential adverse impacts of approving the proposed development are limited, whilst the material issues that weigh in favour of the proposed development are significant, moderate and limited.

10.103 In the absence of a 5 year housing land supply, it can therefore be concluded that the limited adverse impacts of approving the proposed development and granting planning permission would not significantly and demonstrably outweigh the benefits as a whole. It is therefore considered that the contribution that the proposed development would make to the supply of housing, including affordable housing and the other identified benefits that accrue from it, have been considered in the tilted balance, resulting in the conclusion that the development is policy compliant and can be supported.

### **Consideration of Objections**

10.104 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 doctors and schools – *The development, if permitted, would result in CIL payments which would result in contributions to help improve schools in the local area to cater for the needs of additional children that the development would yield. The provision of any additional healthcare needs lies outside the scope of this planning application, with the duty to provide these services by the NHS.*
- The views of the local community are being ignored – *The Local Planning Authority have considered the representations made by local residents as part of the decision making process.*
- The Site Allocations Plan process should be allowed to proceed first – *There is a statutory duty to ensure that local planning authority's determine planning applications when they are submitted. A prematurity reason for refusal can be put forward, but based on the individual merits of this case it is not considered that a prematurity argument could be substantiated and is of material relevance since.*
- Impact on property values – *This is not a material planning consideration.*
- Duty to co-operate – *This refers on the legal requirement for adjoining local planning authorities to consult each other in the plan making process, which has taken place. Separately to that, there is also a requirement to consult*

*neighbouring local authorities on significant planning applications. Consultation in this respect has taken place.*

- *Air quality concerns – The Council’s air quality team were consulted and advised that further air quality surveys will be required at the reserved matters stage. A condition is imposed to address this point.*

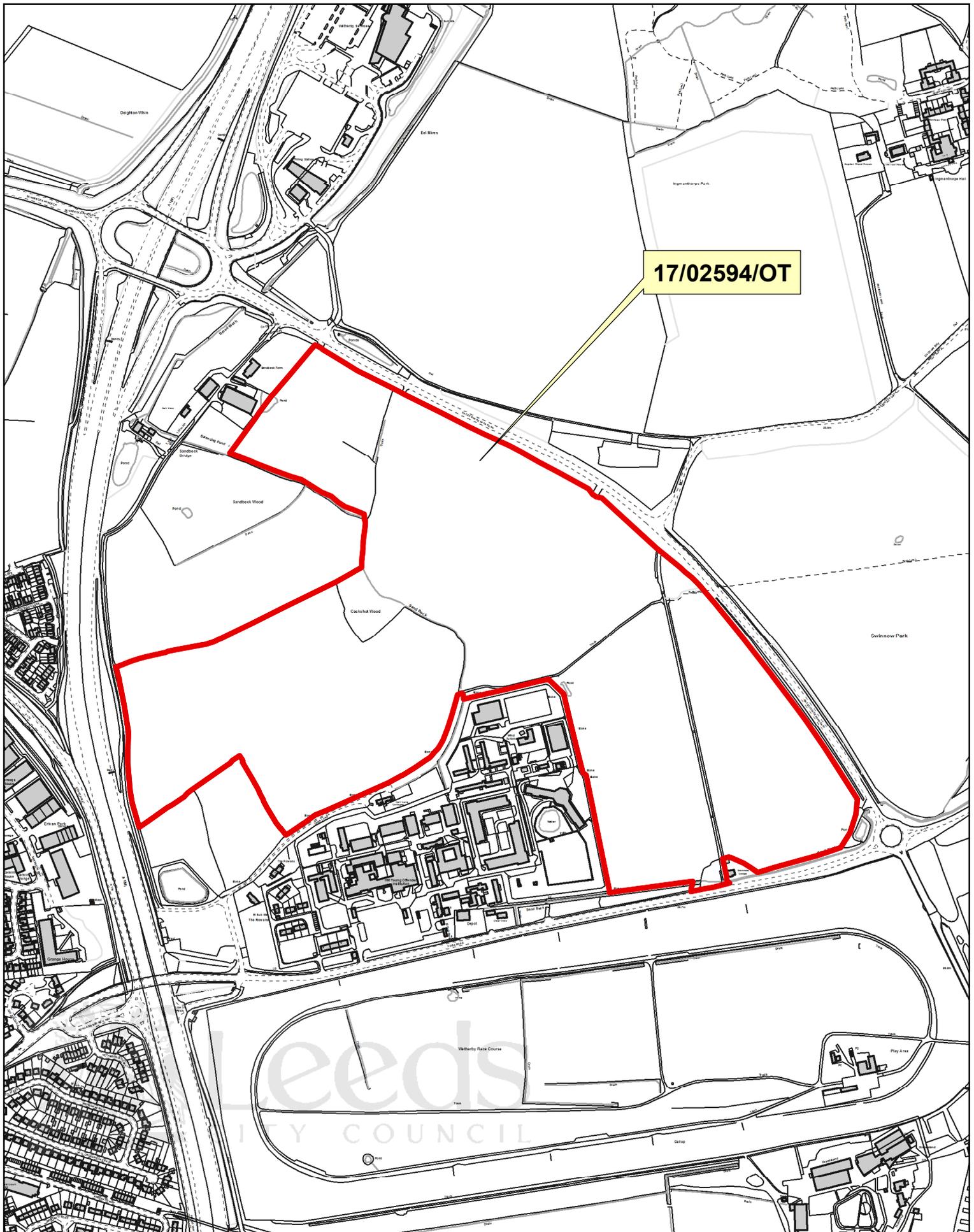
## **11.0 CONCLUSION:**

- 11.1 The proposed scheme is considered to be acceptable in principle and officers do not consider that it is essential for the Site Allocations Plan to be adopted as it is already at a very advanced stage, in order to support this site. This is also based on the absence of a 5 year supply of deliverable housing sites, the site’s location adjacent to a Major Settlement and the fact that it is recognised as a housing allocation in the SAP in any event. The proposal would therefore deliver additional housing in the short term, as well as the provision of a significant level of affordable housing. The proposal is therefore policy compliant and is considered to represent a sustainable form of development. The benefits of delivering new housing in this sustainable location are considered to outweigh any limited harm identified, and is therefore compliant with paragraph 11 of the NPPF and relevant policies contained within the development plan. On this basis the application is recommended for approval.

### **Background Papers:**

Application file 17/02594/OT

Certificate of Ownership: Certificate B signed and notice served on Melvyn Donald Parker, Stephen Albert Parker and Gordon Neil Parker.



17/02594/OT

# CITY PLANS PANEL

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SCALE : 1/7000





12 / ILLUSTRATIVE MASTERPLAN - SCHEME A



CLIENT: TAYLOR WIMPEY YORKSHIRE	DRAWING NUMBER: 16 5043 12
PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT SWINNOW PARK, WETHERBY	SCALE @ A0: 1:1250
DRAWING: ILLUSTRATIVE MASTERPLAN SCHEME A	DRAWN: LB
	CHECKED: RAN
	DATE: APRIL 20



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