



**Report of the Chief Planning Officer**

**NORTH & EAST PLANS PANEL**

**Date: 19<sup>th</sup> October 2023**

**Subject: 23/01507/FU – Phased development to comprise demolition of existing buildings and erection of a food store (Use Class E), care home (Use Class C2) and eight senior living homes (Use Class C3) with associated access, parking, servicing area and landscaping at Mercure Hotel, Leeds Road, Wetherby, LS22 5HE.**

**APPLICANT**

Lidl GB Ltd and Springfield  
Healthcare Group Ltd

**DATE VALID**

21.03.2023

**TARGET DATE**

20.06.2023

**Electoral Wards Affected:**

Wetherby

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: REFUSE for the reasons set out below.**

- 1. Principle prejudicing housing site:** The Local Planning Authority considers the proposed development of a food store and its associated car parking and landscaping would, by consuming a significant part of the application site for a non-housing use, prejudice the wider delivery of an allocated housing site for housing to the detriment of the Council's plan-led approach to sustainable development as set out in the local development plan. This in turn would significantly undermine the plan-led approach in Leeds in delivering housing to meet need in Wetherby, the North East Leeds area and the wider district. Furthermore, in prejudicing the delivery of a significant part of an allocated housing site in this way the development would prevent the delivery of market and affordable housing to meet need in Wetherby, the North East Leeds area and the wider district that would have been reasonably expected to come forward in the absence of the proposed development. This is considered to undermine the adopted spatial planning strategy which forms part of the Leeds Development Framework, undermining the strategic housing strategy and its delivery of new homes during the Plan period. As such, the proposal is contrary to policies SP1, SP6, and SP7 of the Core Strategy; policy HG2 of the Site Allocations Plan; saved UDP policy

GP1, alongside the wider objectives of the development plan and guidance contained within the National Planning Policy Framework.

- 2. Principle out of town retail:** The Local Planning Authority considers the proposed development of a food store in an out-of-centre location, in the absence of a robust assessment to conclude otherwise, would likely represent a significant adverse impact on the vitality and viability of Wetherby Town Centre by attracting significant trade and associated trips that would otherwise have gone to town centre retailers to the detriment of those retailers, contrary to the wider objectives of the local development plan and the NPPF. As such, the proposal is considered contrary to policies SP1, SP2, SP8, P5 and P8 of the Core Strategy, and relevant guidance as set out in the NPPF.
- 3. Harm to heritage assets:** The Local Planning Authority considers that the proposed development would lead to less than substantial harm to the significance of designated heritage assets within the setting of the development site, including the Wetherby Conservation Area and the Grade II listed West Lodge. The harm identified, whilst 'less than substantial' in the context of the NPPF, is not considered to be outweighed by the public benefits of the proposal. Furthermore, no clear and convincing justification has been provided for such harm. The proposed development is also considered to negatively impact upon the significance of a non-designated heritage asset, Grange View through leading to harm to its setting, which is not considered to be outweighed in the balanced judgement in relation to heritage matters. As such, the proposal is contrary to policies P10, P11 and P12 of the Core Strategy, saved UDP policies GP5, N14 and N19, policies ENV1 and H2 of the Wetherby Neighbourhood Plan, and guidance contained within the Wetherby Conservation Area Appraisal and Management Plan and the NPPF.
- 4. Impact to trees, on site landscaping:** The Local Planning Authority considers that the proposal results in an unacceptable impact to existing on-site trees, including loss of trees and anticipated impacts to retained trees. The landscaping proposed is considered insufficient to mitigate for the impacts to trees, and for the scale and nature of the development, so as to allow for it to sit sympathetically within the context. The proposal also includes insufficient space for the successful establishment of landscaping areas within the site. The loss and harm to trees would also lead to wider harmful impacts in terms of the loss of the carbon capture and air pollution benefits associated with trees, and the resulting implications for climate change, in the context of the declared Climate Change Emergency. As such, the proposal is in conflict with Core Strategy policies P10 and P12, policy H2 of the Wetherby Neighbourhood Plan, policy LAND2 of the Natural Resources and Waste Local Plan, saved policies GP5 and LD1 of the UDP, and guidance contained within the Council's Neighbourhoods for Living SPG, Guideline Distances to Trees document and the NPPF.
- 5. Amenity:** The Local Planning Authority considers that the proposed layout and design of development will provide an inadequate level of amenity to a significant number of the future occupiers of the proposed senior living homes and care home as a result of providing insufficient usable private garden space and a sub-standard outlook to ground floor windows. As such the proposal is considered to be of a poor design and layout which will lead to significant harm in respect of residential amenity and is contrary to Policies P10 of the Core Strategy, saved UDP policies GP5 and BD5 and guidance contained within the Neighbourhood for Living SPG and the NPPF.
- 6. Highways:** The Local Planning Authority considers that the failure to provide a mechanism to deliver necessary on-site and off-site highways works including

contributions for highways works to address cumulative impacts on local hotspots, bus stop provision, a crossing on Boston Road, revisions to an existing weight limit from the nearby roundabout, and pedestrian connectivity improvements, as well as provision of travel plans for both the food store and residential elements of the development, would result in a development which would lead to harmful highway impacts for road users and pedestrians contrary to Policies P10, T1, T2 and ID2 of the Core Strategy and the guidance within the Council's Transport SPD and the NPPF.

## **INTRODUCTION:**

1. This application is presented to North and East Plans Panel as it is a major planning application which is considered by the Chair should be referred to the Plans Panel for determination because of the significance, impact and sensitivity of the proposal. This is in accordance with exception 1(g) of the Officer Scheme of Delegation, and as such it is appropriate to report the application to Panel for determination.
2. The proposal seeks permission for a phased development to comprise demolition of existing buildings and erection of a food store (Use Class E), care home (Use Class C2) and eight senior living homes (Use Class C3) with associated access, parking, servicing area and landscaping. The proposal raises a number of significant concerns, both in relation to the principle of a development of this nature to the site, and in relation to detailed matters. As such, the proposal is recommended by officers for refusal.

## **PROPOSAL:**

3. The proposal seeks permission for a phased development to comprise demolition of existing buildings and erection of a food store (Use Class E), care home (Use Class C2) and eight senior living homes (Use Class C3) with associated access, parking, servicing area and landscaping.
4. The 'phased' nature of the scheme is in reference to the food store and care home/senior living home elements of the scheme likely being brought forward by different building contractors.

### Demolition

5. The proposal includes the demolition of the existing buildings which comprise the Mercure Hotel.

### Food store (Use Class E)

6. The proposed food store is stated to represent 2092 sqm gross internal space, with 1392 sqm net sales area. The food store is indicated to be a part of the 'Lidl' chain of food stores. Internally, to ground floor, the building comprises the sales area, warehouse, chiller, utility room, bakery freezer, bakery, cash room, doctors room, lobby areas and a customer W.C. To first floor, the building comprises a staff canteen, toilets, cloakroom, manager's office and IT room.
7. The delivery bay for the food store is positioned to the northern side of the proposed building. The customer entrance to the store is to the south-eastern corner of the building, with trolley parking to the eastern side and cycle parking to the southern side.

8. Externally, there are various materials proposed. The southern 'Left' elevation is primarily glazed. The northern 'Right' elevation and western 'Rear' elevation largely propose a buff faced natural stone plinth finished with clean cut ashlar banding, and stone colour render above. To the southern 'Left' elevation and eastern 'Front' elevation, clean cut ashlar natural limestone is proposed to the plinth and columns, with buff faced natural stone above. Metal composite panels are proposed to the roof, with aluminium rainwater goods, and metal cladding fascia boards. Grey powder coated doors and windows are proposed.
9. It should be noted that signage shown on the 'Proposed Elevations' is indicative only, as stated on the plans. Such signage would require the benefit of consideration under a separate advertising application.
10. 108 car parking spaces are to serve the food store. Of these: 9 are disabled spaces, positioned to the south of the proposed food store building; 9 are parent and child spaces, positioned to the east of the proposed food store building; 5 are staff spaces, positioned towards the northern end of the site. The food store car park includes 11 electric vehicle charging spaces, primarily towards the southern end of the site, with one to the northern end of the car park, and one of the disabled parking spaces being served by an electric vehicle charging point.

#### Care home (Use Class C2)

11. The proposed care home comprises 84-beds, split across the ground, first and second floors. The western wing of the building extends to a third floor (i.e., four storeys), and comprises a rooftop terrace area and plant room. The care home includes lounge/dining areas to each of its wings, on each floor, nurse stations and facilities throughout the building, as well as various activity rooms to the second floor. The total floor area for the care home is indicated to represent 4377m<sup>2</sup>.
12. Externally, the care home is a part three, part four storey structure. The building has a mansard style roof to its central and eastern wings, proposed to be constructed with standing seam zinc cladding. To the western wing is a flat roof, with roof terrace, comprising the four storey element of the scheme. To the western elevation, balconies are positioned to the first and second floors. There are various glazing features and window/door designs to the elevations. Smooth ashlar limestone is the predominant walling material. Render is proposed to elements of the western wing.
13. 28 car parking spaces are proposed to the care home. Of these: 3 are disabled spaces, which are located to the north of the proposed care home building; 3 are electric vehicle charging parking bays. An ambulance area is also positioned adjacent to the main entrance of the care home, to the northern side of the building.

#### Senior living homes (Use Class C3)

14. Eight senior living homes are proposed towards the north-eastern area of the site. These homes are stated to be eco-homes for the over 55s. It is understood these will be operated by the care home, with residents of the dwellings invited to participate in the care home community and care services installed into the dwellings as required.
15. The eight homes comprise:
  - 3 two-bed houses, terraced (labelled HT2 on the plans)
  - 4 three-bed houses, terraced (HT1.1 and HT1.2)

- 1 four-bed house, detached (HT3)
16. Each of the dwellings are served by two parking spaces, each with electric vehicle charging points. The four-bed dwelling is served by a garage, in addition to its two driveway parking spaces. Two visitor parking spaces are also indicated.
  17. Garden areas are provided to each of the dwellings.
  18. Slate roofing is proposed, with stone to walls.

#### Access

19. The proposed access to the site is to be taken from the A58 Wetherby Road, to the south of the application site. The access is to be positioned to the west of the existing access. The existing access is to be closed as part of the proposal. The proposed southern access represents the sole vehicular and pedestrian access to the site.
20. The proposal includes an island crossing at the site access with tactile paving areas. Pedestrian crossing points and routes are indicated within the site.
21. A right turn lane to serve the access is indicated to the A58 Wetherby Road. It should be noted that this falls outside of the red line boundary of the application and falls within adopted highway land.

#### Parking

22. In addition to parking in relation to each of the elements of the scheme as set out above, parking for neighbouring sites at Grange View and Micklethwaite View is provided as part of the scheme.
23. Parking provision for 2, 4, 6 and 8 Grange View is indicated to the north of the care home, adjacent to the site boundary with the Grange View dwellings. Two spaces are indicated per property, with a further two spaces indicated for visitors.
24. Parking provision for 2, 4 and 6 Micklethwaite View is indicated adjacent to the eastern boundary of the site, which abuts these properties. Two spaces are indicated per property, with a further two spaces indicated for visitors.

#### Landscaping

25. A 'Landscape Masterplan' has been submitted as part of the application. Various hard and soft landscaping features are proposed throughout the site. These include but are not limited to:
  - Tree planting to car parking areas
  - Shrub and tree planting to the western and northern site boundaries, between the proposed food store and neighbouring sites
  - Private garden areas for the care home residents and to each of the C3 dwellings
  - Various hard surfacing treatments and boundary treatments to different areas of the site
26. Details of the landscaping are considered and discussed in detail within the appraisal below, under the relevant heading.

## SITE AND SURROUNDINGS

27. The application site currently comprises the Mercure Hotel building, and its associated car parking and landscaping. The application site is within the settlement of Wetherby, as defined by the UDP, at its southernmost edge.
28. The site forms part of an allocated housing site, site reference HG2-20, as allocated in the Site Allocations Plan (SAP). Allocation HG2-20 has an indicative capacity of 86 units, and a total area of 2.39 hectares. The allocation is considered suitable for older persons housing/independent living in accordance with SAP policy HG4.
29. The existing hotel building is single storey with a pitched roof to its easternmost wing. The western element of the building is two storey in height, with a flat roof. The building is constructed in random coursed stone, with uPVC window openings. A detached accommodation block, of two storeys in height, with a flat roof (echoing the design of the western wing of the hotel), is positioned towards the northern boundary of the site. It is evident that the hotel building has undergone alterations over time.
30. The hotel building is set back from the highway of Wetherby Road, with areas of parking and landscaping to front. The majority of parking serving the site is positioned to the rear of the building, to its northern side. There are some smaller areas of parking along the eastern boundary of the site. A mini roundabout is positioned adjacent to the site entrance. The access within the site is not adopted.
31. The north-western corner of the site is a grassed greenfield area. Land levels of the site rise towards the western boundary. Mature vegetation, including a number of significant trees, is positioned along the southwestern corner of the site. A belt of trees is also present running north-south from the northern site boundary and the northernmost extent of the hotel building. Trees are also present along part of the boundary of the site with Micklethwaite Grove. A number of trees are positioned adjacent to the site entrance.
32. The site includes a number of Tree Protection Order (TPO) trees, under TPO order reference 2011/19. This order includes groups positioned to the south western corner, two groups towards the northern boundary, a group adjacent to the entrance, and some individual trees within the site. There are a number of individual TPO trees immediately adjacent to the application site, within properties at Grange View and Micklethwaite View.
33. To the south of Wetherby Road (A58), opposite the application site, is designated Green Belt. The site itself is designated as Strategic Green Infrastructure, as allocated under policy SP13 of the Core Strategy. The site is within a Bat Alert layer, and both Amber and Green Zones for great crested newts.
34. The site is outside but adjacent to, and within the setting of, the Wetherby Conservation Area. The part of the conservation area to which the application site is adjacent is 'Character Area 3: riverside area.' 12 Boston Road, immediately to the east of the application site, is considered a Positive Building within the Wetherby Conservation Area Appraisal and Management Plan.
35. Grange View, a terrace to the east/north of the application site, is considered to represent a Non-Designated Heritage Asset. The site is within the setting of the Grade II listed 'Remains of West Lodge and Attached Wall to West', which is positioned approximately 50 metres to the east of the application site. The Historic Environment

Record identifies an area of archaeological Class 3 status to the immediate south of the application site.

36. To the north, east and west of the application is residential development. Properties to Micklethwaite Grove, to the north of the site, and Ings Walk, to the west of the site, are recently built, under applications 31/297/02/FU and 16/07096/RM (linked application: 16/01509/OT) respectively. Ings Walk falls within the housing allocation HG2-20, and comprises 7 detached stone built dwellings. Micklethwaite Grove is a linear form of development, with terraces and townhouses of up to three stories in height, constructed in a mix of render, brick and stone, with both pantile and slate roofs. To the east of the application site is older residential development, with terraces at Grange View, Micklethwaite View and detached dwellings to Boston Road. Dwellings to Boston Road are positioned at a lower level to the application site.

### **RELEVANT PLANNING HISTORY:**

#### Planning applications:

37. 12/00113/FU\_Demolition of existing hotel and erection of a food store with associated access, car parking, servicing and landscaping.

Refused 18.07.2012 for the following two reasons:

1. The Local Planning Authority considers that the proposed retail store which would be located in an out-of-centre location, together with the absence of linked trips and lack of integration to the town centre, would likely to have a significant adverse impact on the vitality and viability of Wetherby town centre. The proposal is considered to be contrary to Policy S5 of the Unitary Development Plan (Review 2006), the guidance contained within the National Planning Policy Framework and emerging Policies P5 and P8 of the Draft Core Strategy Leeds Local Development Framework, February 2012.
  2. The Local Planning Authority considers that the proposed development would be harmful to the character of the area, including the character and appearance of the adjacent Wetherby Conservation Area owing to the siting of the building, the prominence and orientation of the service yard, the location and extent of hardsurfacing and car parking and overall absence of mature landscaping along a prominent street frontage. The proposal would have a detrimental impact upon a key gateway into this market town and would fail to take the opportunities to improve the character and quality of the area and the way it functions. The proposal is considered to be contrary to Policies GP5, N12, N13 and N19 of the Unitary Development Plan (Review 2006), the guidance contained within the Wetherby Conservation Area Appraisal and the guidance contained within the National Planning Policy Framework.
38. 22/06966/FU Phased development to comprise demolition of existing buildings and erection of a food store (Use Class E), care home (Use Class C2) and eight senior living homes (Use Class C3) with associated access, parking, servicing area and landscaping

Withdrawn 16.01.2023

39. Various permissions have been granted over the lifetime of the hotel, in relation to extensions, alterations and signage, which are not included here, as these are considered of limited relevance to the proposal under consideration.

Pre-applications:

40. PREAPP/11/00424 Retail store
41. PREAPP/13/00218 Proposed base station upgrade
42. PREAPP/14/00754 Redevelopment of the site for a care home and residential.
43. PREAPP/22/00006 Development of a new Lidl store with associated parking and servicing and a 72 room care home with 22 self-contained extra care apartments
44. PREAPP/22/00374 EIA Screening Opinion request

Tree works applications:

45. 16/00419/TR – Approved
46. 19/00082/TR – Approved
47. 22/04392/TR – T1 Small Lime – Remove and replant with standard Copper Beech. Poor form and decay which may lead to failure. Refused 05.10.2022.

Enforcement cases:

48. 23/00721/UCU3 Unauthorised stationing of a portacabin in connection with vehicle sales activities. Case closed 31.08.2023.

**HISTORY OF NEGOTIATIONS:**

49. As can be seen from the Planning History section above, previous applications have been considered for a similar development of this nature. The refused 2012 submission was submitted by Sainsbury's Supermarkets Limited. This application related solely to the erection of a food store (with associated access, parking and landscaping).
50. The Applicant for the current application, Lidl GB Limited first engaged with the planning process via a pre-application, reference PREAPP/22/00006. This pre-application sought advice in relation to "Development of a new Lidl store with associated parking and servicing and a 72 room care home with 22 self-contained extra care apartments." Advice was sought to establish a consensus on the principle of a mixed use development on the site. The advice offered by the LPA, including a meeting and written response, concluded in relation to the principle of the development that *"the residential element of the proposals is considered acceptable however, the retail element of the proposals would represent a departure from the Development Plan therefore the principle of the development could not be considered acceptable."* As such the Council did not encourage the submission of a subsequent planning application.



51. PREAPP/22/00006 also raised concerns in relation to removal of trees, the amount of new massing, extent of hardstanding and limited amount of greenspace, residential amenity, the relationship between the on-site uses, landscaping and highways matters.
52. PREAPP/22/00374 sought a screening opinion from the LPA in relation to an Environmental Impact Assessment (EIA). From review of the relevant criteria, this concluded an EIA would not be required for the proposed development under the relevant regulations.
53. In spite of the nature of the feedback from the Council at the pre-application stage under PREAPP/22/00006, a full planning application, reference 22/06966/FU, was submitted in October 2022. This sought consent for a “Phased development to comprise demolition of existing buildings and erection of a food store (Use Class E), care home (Use Class C2) and eight senior living homes (Use Class C3) with associated access, parking, servicing area and landscaping.” Officers reviewed the proposal, providing detailed comments which identified concerns in relation to a number of matters, including the principle of the development, both in terms of the delivery of the housing site and the out of centre retail proposal. Noting the fundamental nature of the concerns, and the scheme being very similar in nature to that which was considered during the pre-application process, no amendments were invited as part of the application process, and the application was ultimately withdrawn by the applicant rather than gaining a planning refusal.
54. The current submission is of a very similar nature to the previously withdrawn application. It is unsurprising therefore that officers have maintained their position in relation to matters of principle relating to the proposals during discussions with the applicant. However, this submission has sought to address concerns in relation to a number of the detailed technical aspects of the proposal. Additional information was invited during the course of the application to address some of the detailed technical concerns raised, and narrow the issues identified, as is set out to be best practice under relevant national guidance, particularly where an applicant has indicated that they would be likely to pursue an appeal against a planning refusal.
55. Additional information has been received in relation to a number of matters, including landscape, highways, drainage and biodiversity, amongst others. Although this information has not resolved the fundamental concerns of officers in relation to the principle matters and site layout concerns (amongst other matters), it has served to clarify the position on various points, and narrow the reasons for refusal officers have identified.

#### **CONSULTATION RESPONSES:**

56. *Flood Risk Management:* No objection subject to conditions regarding compliance with submitted drainage details and the provision of drainage details during construction.
57. *Yorkshire Water:* No objection subject to condition.
58. *Influencing Travel Behaviour:* No objection subject to Section 106 Agreement securing Travel Plans and relevant conditions re sustainable transport measures.
59. *Highways:* No objections subject to conditions and a Section 106 Agreement.

60. *Contaminated Land*: No objection. Conditions and directions recommended.
61. *Climate and Energy*: EN1 compliance demonstrated in relation to the development as a whole. Conditions recommended. Conditions can pick up detail in relation to EN2.
62. *Design*: Comments provided to officers in relation to the architectural merits of the elevations. No specific design concerns raised in relation to elevation details.
63. *Conservation*: Less than substantial harm identified in relation to designated heritage assets. Harm identified in relation to Non-Designated Heritage Asset of Grange View. Insufficient mitigation. Concerns in relation to siting of care home relative to site boundaries and key views. Senior living homes do not respond to character of the area.
64. *Environmental Health (Air Quality)*: No objection with respect to local air quality management. The air quality assessment submitted indicates that air quality standards will not be exceeded either at the application site or elsewhere as a result of the development.
65. *Environmental Health – General conditions* recommended. Noise management plan requested.
66. *Landscape*: Objection. Harm to nearly 40% of retained trees through hard surfacing. Loss of 28% of individual trees, including 5 TPO protected trees, loss of one tree group, 3 hedge groups, and significant losses from 2 other tree groups. 153 replacement trees required for compliance with LAND2, only 78 new trees proposed. Concerns re number, location and size of proposed replacements. Concerns identified in relation to site layout and landscaping.
67. *Nature*: No objection subject to conditions.
68. *Environmental Studies Transport Strategy*: No objection. In relation to transportation noise, the installation of the recommended glazing and ventilation specifications in conjunction with the proposed external close boarded fencing, then internal and external noise levels should meet those recommended by BS8233 and the WHO.
69. *Access*: No objections.
70. *Policy and Plans*: Discussions with officers. Concerns raised in relation to the principle of development, both in terms of its status as an allocated housing site and the out of centre location of the development for a main town centre use.

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

71. Ward Member comments: No Ward Member comments have been received in relation to the proposal.
72. Objection comments - 122 received as of 29.09.2023, summarised below:
- Traffic generation concerns, impact to road network in area
  - Inadequate parking provision, worsens existing parking for residents of Micklethwaite View
  - Poor pedestrian and cycle links
  - Impact to right of way

- Micklethwaite View path not a public right of way
- Concerns regarding details of design and visual appearance at gateway to town
- Concerns re details of site layout design
- Concerns regarding impact to the setting of Wetherby Conservation Area and nearby listed buildings
- Concerns regarding accessibility
- Contrary to land designation and local plans
- No need for additional supermarket, extension to Morrisons approved
- No need for additional care homes
- Impact on Wetherby town centre, won't generate linked trips, out of centre location, lead to unemployment
- Alternative locations should be considered – wrong location, adjacent to residential uses
- Concern re loss of hotel, impact to tourism and economy – existing hotel should be upgraded
- Impact to amenity of neighbouring residents – noise, air pollution, light, overshadowing, loss of light, disturbance, overdominance, overlooking, overbearing, impact to privacy
- Impact on mental health of existing residents, safeguarding risk
- Impact to residents during construction phase
- Concerns re delivery hours
- Concerns re location of plant equipment and delivery bay
- Same as previous application, reference to planning history of site, 2012 application
- Reference to planning decisions elsewhere in the town and nationally, approved petrol station, housing to Racecourse Approach, Ledbury appeal
- Reference to case law examples
- Impact to trees, including TPO trees
- Impact to wildlife and biodiversity
- Landscaping inadequate, too close to buildings
- Sequential test wrongly applied
- Contrary to relevant policies and guidance, nationally and locally
- Use as refugee housing should continue
- Lack of consultation with residents
- Should be BREEAM 'excellent' standard
- Existing stores have capacity to absorb additional need through new housing developments
- Undermines convenience store proposed to Racecourse Approach
- Concerns re another operator taking over the site, different model
- Not enough infrastructure within Wetherby
- No affordable housing provision, shortage in area
- Not appropriate housing mix, bungalows needed
- Need for housing for younger residents
- Accuracy of information queried in plans and supporting documents, heights queried
- Concerns re implementation of housing/phasing
- Support comments from out of town, query authenticity
- Should consider comments made on previous application
- Where will lack of housing provision be made up for in Wetherby?
- Cost to taxpayer
- Impact to land value of neighbours
- Impact on Green Belt as a result

- Inappropriate location for a care facility

73. Support comments - 611 support comments have been received as of 29.09.23. The majority of these have been submitted on a standard letter template, understood to have been circulated by the Applicant. Summarised below:

- Increased competition, more customer choice
- Improves facilities in Wetherby
- Good for economy
- Cater for increasing population
- Cater for ageing population, care home spaces needed
- Specialist housing needed
- Development and food store needed, house building/development in area
- Affordable shopping offer in cost of living crisis, support for Lidl
- Plans sympathetic to the location, visually enhance site
- Creation jobs
- Removal Mercure Hotel building positive, current site run down
- Current site run down
- Traffic should be managed, suggestion of traffic lights
- Generation income for economy
- Will bring people to Wetherby, visitors and shoppers
- Existing supermarkets always very busy, difficulty parking
- Will save fuel from travelling to other supermarkets outside of Wetherby, carbon reduction
- Walking distance to Wetherby centre
- Accessible by bus
- Senior homes should be for over 65s not 55 as many people working longer
- Won't add to traffic through town given the location
- Suggestion pedestrian crossing needed on Boston Road, near bus stops
- Carefully thought through proposal
- More modest than stores previously proposed
- Good use of the site
- Help with cost of living crisis, need another budget supermarket, affordability of existing supermarkets
- Need for another low cost supermarket
- Convenient for nearby villages as well as Wetherby, commuters
- Additional trees supported
- Alternative housing proposals should be considered, for example social housing
- Lidl won't be visible from the roundabout
- Ideal for access from the motorway
- Materials should be in keeping with Wetherby
- Offers products which cannot be found in other retailers
- More EV charging points needed
- Need for better cycle links from Collingham/A58
- Form of sustainable development, in line with NPPF and Wetherby Neighbourhood Plan
- More in favour than against scheme
- Should be decided by committee
- Existing supermarkets insufficient
- Don't need more houses
- Shopping needed at this end of town
- Helps safety of elderly

- Eco homes positive
- Town already expanded beyond historical boundaries
- Wetherby a declining town – loss of banks, lots of cafes and charity shops
- Frees up homes for younger people in area
- Local comments been taken into account in the proposal
- Good combination of uses
- Should include a post box
- Repurpose brownfield site, avoids building on greenfield land
- Over 55s accommodation lacking in the area
- Council not listening to local people
- Shops in town cater for different clientele so will be fine
- Free up hospital bedspaces
- Extend shopping area of Wetherby
- Amendments/revised plans addressed concerns
- Impartiality of officers and councillors queried
- Better than standard housing estate
- Store should allow for fundraising for local causes as a condition
- Existing site likely to attract anti-social behaviour
- New EVCP supported
- More infrastructure needed in Wetherby, including doctors and dentists
- Traffic management will be tricky

74. Neutral comments received: 1. Summarised below:

- Site should be adequately screened by trees
- Existing congestion should be addressed
- More EVCP are needed

75. Comments received also include comments from community organisations. These are as summarised in the following paragraphs.

76. Wetherby Town Council object on the following grounds:

- The proposed land use is not in accordance with the adopted SAP
- Adverse impact on the highway network
- Loss of the hotel, contrary to policy WE2
- Negative impact on amenity of neighbouring residents

77. Wetherby Civic Society object to on the following grounds:

- Concern regarding loss of hotel
- Impact to Wetherby town centre and independent shops, existing shopping provision
- Allocation for older housing/independent living in SAP endorsed
- Majority of those using the retail unit will access via car, noting the location
- Air pollution concerns from retail car park, service vehicles and congestion
- Traffic congestion and pollution
- Impact of approved development on traffic volumes (Racecourse Approach)
- Delivery vehicles have to cross length of customer car park and turn to access the service area
- Grey cladding to supermarket won't compliment surrounding area
- Height of care home will overshadow and overlook Grange View. Hotel building had single storey restriction.
- Supermarket will overshadow properties to Micklethwaite View – noise and light pollution

- Insufficient parking for care home
78. Better Wetherby Partnership object on the following grounds:
- No change to planning policy or other decisions over time
  - Reference to Sainsbury refusal 2012, land since allocated as housing site
  - No retail impact assessment provided
  - No allocation for the site as retail
  - Reference to Ledbury Lidl proposal and dismissed appeal
  - No objection to another store, but rather the location and compliance with policy
  - Clarification no vested interested within BW in relation to the application
  - No mention of illuminated signage – information in traffic impact assessment sketchy
79. Leeds Civic Trust object on the following grounds:
- Not overcome concerns of previously withdrawn application
  - Object to retail element of the scheme only
  - Should be no deviation from the SAP allocation
  - Conflict with Wetherby Neighbourhood Plan re loss of Class A1 retail facilities in Wetherby town centre
  - 2012 reasons for refusal still apply
  - Share concerns of LCC Landscape Team

## **PLANNING POLICIES:**

### The Development Plan

80. As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan currently comprises the adopted Core Strategy (2014, as amended by the Core Strategy Selective Review 2019), those policies saved from the Leeds Unitary Development Plan (Review 2006), the Site Allocations Plan (2019), the Natural Resources and Waste Development Plan Document (2013 and 2015) (NRWLP) and the Wetherby Neighbourhood Plan (2020).
81. The following policies from the Core Strategy are considered to be of most relevance to this development proposal:

General Policy – Sustainable Development and the NPPF

SP1 – Location of development

SP2 – Hierarchy of centres and spatial approach to retailing, offices, intensive leisure and culture

SP6 – The housing requirement and allocation of housing land

SP7 – Distribution of housing land and allocations

SP8 – Economic development priorities

SP13 – Strategic green infrastructure

H1 – Managed release of sites

H3 – Density of residential development

H4 – Housing mix

H5 – Affordable housing

H8 – Housing for independent living

H9 – Minimum space standards

H10 – Accessible housing standards

- P1 – Town and local centre designations
- P5 – Approach to accommodating new food stores across Leeds
- P8 – Sequential and impact assessments for main town centre uses
- P9 – Community facilities and other services
- P10 – Design
- P11 – Conservation historic environment
- P12 – Landscapes
- T1 – Transport management
- T2 – Highway safety
- G1 – Green infrastructure
- G2 – Creation of new tree cover
- G4 – Green space improvement and new green space provision
- G8 – Seeks to protect important species and habitats
- G9 – Biodiversity net gain
- EN1 – Climate change – carbon dioxide reduction
- EN2 – Sustainable design and construction
- EN4 – District heating network
- EN5 – Managing flood risk
- EN6 – Strategic waste management
- EN8 – Electric vehicle charging infrastructure
- ID1 – Implementation and delivery mechanisms
- ID2 – Planning obligations and developer contributions

82. The following saved policies from the Unitary Development Plan are considered to be of most relevance to this development proposal:

- GP1 – Land use and the proposals map
- GP5 - Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- BD2 – Design and siting of new buildings
- BD3 – Disabled access new buildings
- BD4 – Plant equipment and service areas
- BD5 – Amenity and new buildings
- N14 – Preservation of listed buildings
- N19 – Conservation Area new extensions and buildings
- N24 – Assimilation into Green Belt/open land
- N25 – Boundary treatments
- N29 – Sites of archaeological importance
- LD1 – Landscape schemes
- LD2 – New and altered roads
- ARC5 – Planning decisions and Class I, II and III areas
- ARC6 – Preservation by record
- ARC7 – Historic landscapes
- ARC8 – Management agreements

83. The following policies from the Site Allocations Plan are considered to be of most relevance to this development proposal:

- RTC1 – Designations of centre boundaries, primary shopping areas and protected shopping frontages
- HG2 – Housing allocations
- HG4 – Sites suitable for older peoples housing/independent living

84. The following policies from the Natural Resources and Waste Local DPD are considered to be of most relevance to this development proposal:

General Policy 1 - Sustainable Development and the NPPF  
Water 1 – Water efficiency  
Water 6 – Flood risk assessments  
Water 7 – Surface water run-off  
Land 1 – Contaminated land  
Land 2 – Development and trees  
Air 1 – The management of air quality through development

85. The following policies from the Wetherby Neighbourhood Plan are considered to be of most relevance to this development proposal:

H1 – Provide an appropriate mix of housing  
H2 – Quality and layout of housing developments  
WE1 – Town centre development  
HWL2 – Community facilities  
HWL3 – Health care facilities  
ENV1 – Protection and enhancement of local heritage assets  
D2 – Connectivity of new developments

#### Relevant Local Supplementary Planning Guidance/Documents

86. The most relevant local supplementary planning guidance (SPG), supplementary planning documents (SPD) are outlined below:

Accessible Leeds SPD November 2016  
Building for Tomorrow Today: Sustainable Design and Construction SPD August 2011  
Building for Tomorrow Today: Sustainable Design and Construction SPD – Update Note June 2020  
Designing for Community Safety: A Residential Design Guide SPD May 2007  
Greening the Built Edge SPG May 2003  
Neighbourhoods for Living SPG December 2003  
Neighbourhoods for Living SPG Memorandum to 3rd Edition August 2015  
Neighbourhoods for Living SPG Update Note June 2020  
Transport SPD February 2023

#### Other relevant documents

87. Other relevant documents include:

Wetherby Conservation Area Appraisal and Management Plan March 2010  
Guideline Distances from Development to Trees March 2011, revised February 2021  
Biodiversity Net Gain: Good practice principles for development, 2016

#### National Planning Policy Framework

88. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
89. The following sections of the NPPF are most relevant for the purposes of determining this application:



- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

- 90. The Planning Practice Guidance (PPG) provides commentary on the application of policies within the NPPF. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary; relevant to planning and to the development to be permitted; enforceable; precise and reasonable in all other respects.
- 91. The National Design Guide (2021) illustrates how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

#### **CLIMATE EMERGENCY:**

- 92. The Council declared a climate emergency on the 27<sup>th</sup> March 2019 in response to the UN's report on Climate Change.
- 93. The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
- 94. As part of the Council's Best City Ambition, the Council seeks to deliver a low-carbon and affordable transport network, as well as protecting nature and enhancing habitats for wildlife. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.
- 95. The below appraisal discusses relevant matters in this regard under paragraphs 308-313. This concludes that the proposal meets the relevant climate change policies as set out in the Core Strategy, with details of compliance able to be secured via relevant conditions, as required.

#### **PUBLIC SECTOR EQUALITY DUTY:**

- 96. The Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. The requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community has been fully taken into account in the consideration of the planning application to date and at the time of making the recommendation in this report.

97. The application site currently comprises the Mercure Hotel. It is understood that the during the course of the application, including at the time of its submission, the hotel was in use as temporary refugee housing. As such, it is important that any equality impacts as a result of this current use are given due regard as part of the application.
98. Details in relation to the temporary use of the site have been provided by LCC Housing. The hotel was in use as temporary housing for Afghan refugees from 9<sup>th</sup> January 2023. The Home Office issued notice to quit the site by 23<sup>rd</sup> August 2023. The use of the Mercure Hotel for temporary refugee accommodation ceased following 23<sup>rd</sup> August 2023, with alternative accommodation for refugees secured elsewhere.
99. The Applicant has provided an Equality Impact Assessment (EIA) for review during the course of the application process, following queries raised by officers in relation to the ongoing use of the site at the time. This considers the impact on groups with protected characteristics, as defined by the Equality Act 2010, through establishing a baseline demographic profile for the local impact area of the development, and identifying potential impacts on these priority groups identified. These impacts have been considered for both the construction and operational phases of the development.
100. The EIA identified three priority groups from its baseline demographic assessment:
1. Unemployed residents; economically inactive individuals; and/or residents with no qualifications;
  2. Elderly residents and those with long term health conditions; and
  3. Refugees occupying the existing hotel on the site.
101. The findings of the EIA submitted are discussed within the below appraisal. To summarise, it is considered that, on the basis of available information, the EIA serves a robust assessment of any equality impacts resulting from the development.
102. Impacts in relation to physical accessibility of the development are considered as part of the appraisal below. No specific concerns are raised in relation to those with specific access needs with regard to the proposed development.
103. As such, it is considered that in the assessment of the application, due regard has been paid to the obligations of the Equality Act 2010 and Public Sector Equality Duty.

### **MAIN ISSUES:**

Principle of development: allocated housing site  
 Principle of development: out of centre retail use  
 Site layout  
 Housing matters  
 Heritage and design  
 Accessibility  
 Amenity  
 Landscape  
 Biodiversity  
 Highways  
 Contaminated land  
 Drainage  
 Developer contributions  
 Climate and energy  
 Equality impacts

## Representations

### **APPRAISAL:**

#### Principle of development: allocated housing site

104. Leeds City Council has a plan-based approach, with a Spatial Development Strategy set out in the adopted Core Strategy. These thirteen Spatial Policies provide the key strategic parameters within when development will occur, across a wide range of spatial issues. Policies within the adopted Local Plan as a whole then support these identified Strategic Policies. Amongst these Spatial Policies are policies which direct the location of development, housing numbers, and the allocation of housing land. Together, these adopted Strategic Policies seek to achieve opportunities for growth in sustainable locations to meet development needs.
105. The General Policy which applies for all planning applications sets out that where planning applications accord with the Policies in the Development Plan (and where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.
106. Spatial Policy 1 of the Core Strategy relates to the location of development, noting that the largest amount of development will be located in the Main Urban Area and Major Settlements. Wetherby represents a Major Settlement in the settlement hierarchy of the adopted Plan.
107. Leeds Core Strategy Spatial Policy 6 sets the housing requirement for the plan period and the Leeds Site Allocations Plan identifies housing land for housing delivery in order to meet the wider housing requirement in Leeds. As per SP6, the LPA has identified sites to support the distribution of housing as set out in policy Spatial Policy 7 – where 8% of housing will be delivered to land allocated within the Outer North East Housing Market Characteristic Area. Allocated sites were identified using the following considerations, as set out in SP6:
  - i. 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),
  - ii. Preference for brownfield and regeneration sites,
  - iii. The least impact on Green Belt purposes,
  - iv. Opportunities to reinforce or enhance the distinctiveness of existing neighbourhoods and quality of life of local communities through the design and standard of new homes,
  - v. The need for realistic lead-in-times and build-out-rates for housing construction,
  - vi. The least negative and most positive impacts on green infrastructure, green corridors, green space and nature conservation,
  - vii. Avoiding areas of flood risk and only where this is not possible, then mitigating flood risk.
108. Policy HG2 of the Site Allocations Plan (SAP) relates to housing allocations, stating that the SAP “allocates sites for housing and mixed use including housing, in accordance with Core Strategy policy SP7.” The policy goes on to state that any specific site requirements are detailed under the allocation concerned.

109. The application site forms the largest part of a wider allocated housing site in the SAP, site ref. HG2-20, with an indicative capacity of 86 units across the full 2.39 hectares of the site.
110. 7 units have already been constructed within the wider site allocation under 16/07096/RM (now Ings Walk), to the west of the application site. Site requirements for the wider allocated housing site detail the following:
- The site is suitable for older persons housing/independent living
  - The site is within the setting of a Listed Building. Any development should preserve the special architectural or historic interest of Listed Buildings and their setting.
  - The site affects the setting of the Wetherby Conservation Area. Any development should preserve or enhance the character or appearance of the Conservation Area.
111. To note, matters relating to the identified heritage assets are addressed within the 'Design and heritage' section of the appraisal, below.
112. It is important to note here that the entirety of the application site has been allocated for housing and not mixed use. The site falls under policy HG2, which explicitly relates to housing allocations, in accordance with Core Strategy policy SP7 as part of the allocation for the Outer North East area of the District. Furthermore, the wider spatial approach to the delivery of development and housing is supported by saved UDP policy GP1 which addresses matters of land use on allocated sites. Policy GP1 sets out that where the proposals map indicates a particular land use (as is the case here), no other permanent use will be considered appropriate.
113. Straightforwardly, the result of delivering a substantial part of the site for a non-housing use, i.e. the proposed supermarket, raises significant and fundamental policy conflicts and should not be permitted unless material consideration indicate otherwise. The obvious concern here is that the development prejudices the delivery of an allocated housing site which would undermine the plan-based approach of the Council.
114. Whilst it is recognised that some housing developments on allocated housing sites do regularly include non-housing uses, as is the case at the East of Wetherby allocated housing site (which includes a shop and primary school as part of its delivery), such non-housing uses represent a much smaller proportion of the overall development (thereby having negligible impact on the wider site to deliver housing) and seek to support housing development by responding to the needs generated by such a development in a sustainable way. For example, the modest retail unit and primary school at the East of Wetherby site is a proportionate response to meeting localised demand from the new housing development on the same site. The same cannot be said of the development proposed here.
115. It is noted at this point that the applicant's position is that the site will still be able to achieve the indicative capacity as set out within the Sites Allocations Plan of 86 units (with 7 of those units having already been provided in the Ings Walk scheme). It is helpful to note here that the indicative capacities as set out in the SAP were based on minimum density calculations. It is recognised by the Council that the nature of site delivery means that some sites will underdeliver in regards to the indicative site capacity and some sites will overdeliver. It may also be the case that some sites may not come forward due to wider circumstances. As a result, the Council should reasonably seek to deliver the maximum number of units possible at every site to account for such circumstances if it is to meet the wider objectives of the plan. Core Strategy policy H3 relates to minimum densities for residential development, which, as

set out within its supporting text, seeks to ensure the efficient use of land in order to avoid green land being developed than is necessary and in order to achieve a high population in proximity to centres. This approach is as per NPPF paragraphs 124 and 125, which support the efficient use of land in planning policies and decisions.

116. The proposal here will clearly and significantly prejudice a significant part of the application site for the delivery of housing. The application site, being an allocated housing site, was subject to the public consultation and rigorous review processes that formed part of the adoption of the Leeds Site Allocations Plan. For the site to be brought forward as proposed, with a substantial portion of the site in retail use, is considered to undermine the processes by which such sites were carefully selected and reviewed as appropriate for housing purposes. Fundamentally, it is considered that in proposing a mixed use to an allocated housing site serves to undermine the spatial planning approach adopted by Leeds, the basis for which underpins the Local Plan as a whole.
117. Notwithstanding this, and noting that even if the Council were, in the alternative, to consider that each allocated housing site only needed to deliver its indicated capacity as set out in the Site Allocations Plan, the proposed scheme here is for an 84 bed care home and 8 C3 older persons dwellings. When accounting for 1 care home bed space being considered to be the equivalent of 0.5 housing units (a methodology as established in the Core Strategy Monitoring Framework), the scheme represents the delivery of only 50 units against an indicative capacity of 79 units. The proposal would therefore fail to deliver housing at the site in accordance with the development plan even on the applicant's alternative argument. As a result it is considered that the delivery of the 50 equivalent units proposed here would be unacceptable as it would not meet the site requirements of SAP allocation HG2-20.
118. Further, the significant wider concern is that, in the absence of housing delivery on this identified allocated housing site, there will be an under delivery of housing for the Wetherby and wider Outer North East area. If allocated housing sites fail to deliver their designation for housing use, there is a risk of knock-on implications for land which is not designated for such a use, including greenfield sites. The significant risk that this will require delivery of more unallocated sites than would otherwise be required. It is noted that no evidence has been presented to the LPA to suggest that the site is not viable for the delivery of housing. It should also be noted that there are no mixed use SAP allocations within the Outer North East housing market characteristic area.
119. The applicant attributes significant weight that the development will provide housing in response to a recognised need for housing for older people. The Council recognises this as a benefit of the scheme and weight should be afforded to this when considering the proposal, as per the planning balance exercise below.
120. To summarise, the proposal conflicts with Development Plan policies SP6 and HG2 relating to the principle of housing delivery at the site. The proposal is therefore considered contrary to policies SP1, SP6, and SP7 of the Core Strategy; policy HG2 of the Site Allocations Plan; saved UDP policy GP1, alongside the wider objectives of the development plan and guidance contained within the National Planning Policy Framework.

Principle of development: out of centre retail use

121. The Core Strategy (2019) defines the network and hierarchy of Centres, divided into City Centre, Town Centre, Higher Order Local Centre, Lower Order Local Centre and

Local Convenience Centre (City Centre only). Leeds Core Strategy sets out planning policies in relation to retail use, with Spatial Policy 1 setting out the principle of prioritising new retail facilities in Leeds City Centre and the Town Centres across the District. This is in the interests of existing services, as well as the high levels of accessibility and sustainability such locations offer.

122. Spatial Policy 2 specifies the hierarchy of centres and spatial approach to retailing within the Leeds District. It supports a “centres first” approach supported by sequential and impact assessments. The Policy directs retailing, offices, intensive leisure and culture, and community development to the City Centre and designated town and local centres in order to promote their vitality and viability as the focus for shopping, employment, leisure, culture, and community services. The development plan is clear in that proposals which would undermine that approach will not be supported.
123. Spatial Policy 8, relating to economic development, also takes the ‘centres first’ approach. This states that a competitive local economy will be supported through developing Town Centres as the location for new retail (alongside the City Centre and Local Centres).
124. Policy P1 sets out defined centres to include higher and lower order centres. Policy P2 sets out that ‘shops, supermarkets, and superstores’ are an acceptable use in principle within and subject to a sequential assessment on the edge of town centres and will be directed towards the centres set out in Policy P1. Policy P5 provides further guidance stating that food stores will be directed towards town and local centres as identified in Policy P1.
125. The application site is out of centre, and beyond the ‘edge of centre’ for Wetherby Town Centre. Retail use is therefore contrary to the centres first approach for town centre uses set out in the Local Plan and the National Planning Policy Framework (NPPF).
126. For sites that are out of centre the NPPF sets out that, subject to the scale of the scheme, a sequential test must be applied, and only if there are no suitable sites available should out of centre locations be considered. Further, a retail impact assessment is also required given the development exceeds the floorspace threshold of 1,500 sqm] showing that there are no sequentially preferable sites capable of accommodating the development, and that the scheme has no significant adverse impact on the vitality and viability of the town centre. Policy P8 sets out the threshold for sequential and impact assessment at 1,500 sqm, which the proposal for a supermarket here is in excess of. As such, in accordance with policy P8, the proposal is required to complete a sequential test and retail impact assessment.
127. The town centre of Wetherby is the core of an attractive historic market town, comprising a number of Grade II listed buildings set within a sizable conservation area. The centre includes a number of independent retailers and eateries/bars, alongside national brands, as well as various services. In terms of national chains, Morrisons is the sole large supermarket within the town centre, alongside a M&S Foodhall to Cattle Market Horsefair, and Sainsbury’s Local on Crossley Street (outside of the Prime Shopping Area). Retail outside of the designated Town Centre is considered fairly limited in its extent, but most notably is concentrated to Sandbeck Lane and Sandbeck Way, as part of the Sandbeck Industrial Estate. This includes an ALDI supermarket to Sandbeck Lane. Nevertheless, notwithstanding the SAP designation as such, Wetherby town centre is one which can be readily understood when moving in and around the town. The town centre is positioned at the core of the town, with residential development to its peripheries.

128. Wetherby Town Centre must be acknowledged to not only serve the town itself, but also its surrounding villages, notably Collingham, Linton, Boston Spa, Thorp Arch and Clifford. The centre is accepted to have a unit vacancy rate below the national average, so is performing well comparatively, though is evidently experiencing the challenges faced across local high streets through changes in retail, with the closure of banks and services being evident in the centre today.
129. The role of Wetherby as a tourist destination must also be highlighted, with events such as the Wetherby Races, and the town's Food and Drink Festival particularly notable in attracting visitors. The proximity of the town to the Yorkshire Dales and North York Moors National Parks also serves to generate visitors to Wetherby. This understanding of the town centre as existing, its key features, and its role within the wider context, is important when considering the proposal for out-of-centre retail as submitted.
130. Following detailed consideration of the sequential information provided it is accepted that there are no sequentially preferable sites within designated centres, nor edge of such designated centres (including in Wetherby), that are suitable for accommodating the proposed retail development. As such, the outcome of the sequential site assessment as submitted is accepted.
131. The submitted retail impact assessment includes assessment of existing, committed and planned public and private investment in its retail impact assessment, in accordance with paragraph 90 (a) of the NPPF, as well as the impact to town centre vitality and viability, as per paragraph 90 (b).
132. The retail impact assessment assumes that the greatest impact of the proposal will be on the out of centre Aldi on Sandbeck Lane on the basis that "they would be competing directly, in the same sector of the food store market, within broadly the same catchment area". Whilst the assertion that Lidl and Aldi are direct competitors is accepted, the statement also implies that Morrisons is not a direct competitor but officers would question whether this could reasonably be considered to be the case.
133. The national picture would strongly suggest that Morrisons is now in direct competition from Lidl and Aldi, with the national proportion of spend increasing dramatically for the two retailers, relative to Morrisons. The assertion that that Aldi would lose 19.1% of its trade to the proposed Lidl and the Morrisons store only 8.5% is therefore questioned by the LPA. No information to support this assumption of why Lidl and Morrisons would not represent like-for-like competitors has been provided.
134. The information submitted to the Council also does not satisfactorily explain the level of projected turnovers for the respective stores. Whilst it is understood that floorspace turnover is based on national averages, this is not considered to reasonably address the locally specific circumstances of a new out of centre retail store within the north Leeds context. Given the asserted level of overtrading at the Sandbeck Aldi (320%), it is reasonable to assume that the Lidl would also overtrade. When the Aldi store was granted consent in 2015 the retail impact assessment that accompanied it asserted that the turnover of the store would be £6.5 million in 2017. The evidence provided as part of this assessment suggests that instead of trading at £6.5 million, it is instead trading at £24.4 million in 2022, nearly 4 times higher than the level assumed at the time.
135. The turnover of the proposed Lidl store has been estimated, according to the retail impact assessment, using company averages. In this case that equates to £9.9 million

or £8,883 per sqm. However, it is also assumed that the Aldi on Sandbeck Lane, which is half the size of the proposed Lidl store and in a less prominent location for passing trade, would have a total turnover of £20.1 million and a floorspace turnover of £29,498 per sqm. Given the history of overtrading for stores in this catchment, and the data presented suggesting that the Aldi would remain overtrading at roughly 3x the company average, it seems unreasonable to assume that this Lidl store will trade at company averages. Without further data to explain the rationale for the above projections, it would seem far more likely that the proposed Lidl store would trade significantly above the company average (similar to the Aldi) and therefore have a higher impact on the vitality and viability of the town centre than is presented as part of this retail impact assessment.

136. Clarifications on the figures provided were sought from the Applicant, with a copy provided of the NEMS Household Survey on which the figures were based, as well as accompanying commentary being provided in response. It is not considered however that the additional commentary regarding retail impact serves to justify the reasoning behind the assumptions reached. As set out above, it is not considered that sufficient justification has been provided demonstrating that Lidl and Morrisons are not direct competitors in terms of their retail offer, to justify the presumption of only Lidl and Aldi serving as 'like-for-like'. With Morrisons representing the largest supermarket within the town and designated Town Centre, it is critical that the impact upon this existing retail provided is fully and accurately understood, particularly noting its role in generating linked trips within Wetherby Town Centre.
137. It should also be noted that the proposal is for a food store, planning use Class E. As such, the proposal is considered as a Class E use, rather than a Lidl store specifically. Consequently, retail use generally, as per Class E, should be considered as part of the retail impact assessment, rather than a specific operator, even noting that the size of the store proposed may limit the likely potential operators.
138. Whilst officers do not consider that the proposal will have a significant impact on any known existing, committed and planned public and private investment in the centre or centres in the catchment area of the proposal (NPPF paragraph 90a), there are significant concerns that the proposal will impact on the vitality and viability of the centre (NPPF paragraph 90b).
139. Notwithstanding the view of the LPA that the justification for the extent of trade impact on Morrisons is considered to be lacking, the information provided does indicate that the out-of-centre food store proposed would serve to have an impact on an existing store within the designated Town Centre. The Morrisons store can reasonably be considered to serve as the anchor retailer for the Horsefair Shopping Centre, within the centre of Wetherby. It is undoubtedly a major draw for the centre. The Horsefair Shopping Centre exits directly onto North Street to its west, within the Prime Shopping Area boundary, and part of a Primary Shopping Frontage. The car park associated with the Morrisons store is the largest car park within the Town Centre, offering free parking for up to 2 hours. The role of the Morrisons store in bringing footfall into the town centre, acting as a driver for visiting the Town Centre, and associated linked trips to smaller retailers within the Town Centre, is therefore significant.
140. Any impact to the Morrisons trade draw as a result of the development, is thereby reasonably anticipated to also have a significantly adverse impact on the vitality and viability of the town centre, through loss of linked trips and visitors to the centre. The out-of-centre location proposed for the supermarket is considered unlikely to generate linked trips to a similar degree, noting the distance by foot from the application site to the primary and secondary shopping frontages, and scale of the retail offer proposed



as part of the development. The proposal serves to introduce a food store of notable scale to the periphery of the town, contrary to the established spatial layout of such uses within Wetherby.

141. The submission highlights the jobs created by the food store proposed, with the creation of 40 direct, permanent full time equivalent (FTE) jobs during the operational phase of the development, further to those supported directly and indirectly during the construction phases of the development. The creation of employment opportunities is noted as an economic and social benefit of the proposal. This is a benefit which is cited within many of the representations received in support of the scheme.
142. However, in the absence of clarity regarding the degree of impact to Wetherby Town Centre, and associated potential trade draws, whilst jobs may be created through the new food store, these may be lost to existing retail facilities, and consequently the net gain in FTE opportunities for Wetherby in the operational phases of development may not be as significant as suggested.
143. It is therefore considered that based on the information submitted, and the lack of clarity regarding presumptions of the retail impact assessment, it is likely that the proposal will have a significantly adverse impact on Wetherby centre as a whole which serves to undermine its vitality and viability including through impacting consumer choice and trade in the town centre. Consequently, in the absence of this clear justification in relation to impact assumptions, it will make the town centre less attractive for shopping as a result of development in an unsuitable out-of-centre location. As noted earlier in this report, without further explanation, it is reasonable to assume that the proposed Lidl will trade at a higher level than is currently projected, and will therefore have a significant adverse impact on the vitality and viability of Wetherby Town centre.
144. To summarise, the outcome of the sequential test submitted is accepted, so that the sequential test requirement is satisfied. However, the findings of the retail impact assessment as submitted are not accepted as a result of the flawed nature of the assessment. Furthermore, the evidence available to the Council suggests that the proposal would have a significantly adverse impact on the vitality and viability of Wetherby centre. As such, the proposal is considered contrary to policies SP1, SP2, SP8, P5 and P8 of the Core Strategy, and relevant guidance as set out in the NPPF.

#### Site layout

145. Policy P10 of the Core Strategy relates to design. This states that new development for buildings and spaces should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. Developments should respect and enhance existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place with the intention of contributing positively to place making, quality of life and wellbeing. The policy sets out a number of key principles to which development should accord.
146. Policy H2 of the Wetherby Neighbourhood Plan relates to the quality and layout of housing developments, and so is applicable to the housing portion of the site. This states that proposals for new housing developments should demonstrate high quality design and layout which reflect Wetherby's character and that respond to its current needs. The policy sets out how this should be achieved to sites in parts d) to j), as below:

- d) Reflecting the character, setting and context of the site in relation to landscape, townscape, building types, grain of plots and streets.
- e) A layout that demonstrates a coherent and legible structure or hierarchy of routes and spaces.
- f) The massing and built form to ensure that a sense of place has been created and that there is sensitivity in terms of townscape design in respect of edge treatment, entrances, enclosures, frontages, heights and rooflines.
- g) Landscape design that contributes to a sustainable sense of place, such as play areas, shelters, biodiversity and wildlife corridors, verges, street trees and water.
- h) Materials and details relating to the design and context for walls, roofs, openings, paved surfaces and signage - incorporating locally sourced, distinctive and manufactured materials wherever practical.
- i) Sustainable principles such as the curtilage storage of waste and recyclable material, home-working and the durability, energy efficiency and adaptability of buildings over time.
- j) Ensuring new development is close to and effectively integrated with the existing built up area.

147. NPPF paragraph 134 sets out that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

148. The National Design Guide sets out ten characteristics in achieving a well-designed place, which work together to create the physical character of well-design spaces, their sense of community, and ways to work positively to address environmental issues affecting the climate. In relation to built form, one of the ten characteristics, this is defined as a 'coherent pattern of development'.

149. The above policies and guidance all speak to the importance of context, and a development sitting well within its setting. Detailed matters in relation to heritage, landscape and amenity, are considered in depth within the below appraisal. However, the overall site layout, and relationship between uses must be considered in terms of their design. There are essentially three aspects of the proposal, each of which has their own access, parking and landscaping associated with the uses.

150. The proposed food store and its adjacent car park takes up approximately half of the application site, on its western side. Almost immediately abutting the eastern side of the car park are the 8 senior living homes, with only a 1m planted buffer and boundary fence separating the food store car park and the dwellings and their private rear garden areas. In the case of Plot 8, only around 5m separates the rear elevation of the dwelling and the boundary with the food store car park. The side elevation of Plot 5 immediately abuts the car park boundary, and the side elevation of Plot 1 is set just 1m away from the boundary.

151. This is not considered to represent a positive relationship between the proposed on-site uses. The dwellings appear an afterthought in the design, positioned essentially

within the setting of a food store car park – rather than benefitting from an appropriate spatial buffer and setting to what is considered a high activity commercial use. Upon viewing the site plan, what is immediately striking is the prevalence of hardstanding, both to serve as access to the various aspects of the scheme, and for the parking provision. Landscaping within the site is concentrated to the peripheries, again appearing as an afterthought, rather than a considered and integrated part of the design. Tree planting is indicated to the car park, but these few, token trees are considered to do little to break up the vast extent of hardstanding to this area. In many ways this is unsurprising – a supermarket comes with the need for a car park and such spaces are often delivered in the most efficient way possible – but again this speaks to the principle of development, namely whether it is reasonable to expect a supermarket could be delivered here alongside the quantity and type of residential development being proposed at this site.

152. This awkward spatial relationship is yet more apparent when considering the care home element of the scheme. The care home occupies the south-eastern portion of the site. The building footprint is substantial in scale, again leaving very little space to boundaries or for any meaningful landscaping. Rather than continuing the landscaped set back as is proposed to the southern side of the food store, the care home sits almost to the back of the pavement edge, forward of other built development in the context. This poor positioning and large footprint are further emphasised by the height of the care home building, again larger than other structures within the immediate context. The private garden areas are then positioned to the edge of the building, infilling spaces between the site boundaries and its parking, turning areas and access – again rather than presenting a considered, coherent form of landscaping which grounds the development within its setting. This part of the development leaves the distinct impression of being shoe-horned into a smaller part of the site than would otherwise have been the case had such a large part of the site not been taken over by the supermarket development.
153. Consequently, taking the spatial site layout as a whole, it is considered the proposal represents a cramped, ill-considered layout, which is to the detriment of the design of each of the on-site uses, and its future occupants. In seeking a development which delivers both housing elements (in line with its housing allocation) and a food store, the resulting proposal is considered to fail to deliver either of these successfully. This is considered contrary to relevant design policies and guidance, and therefore the proposal is ultimately deemed to represent poor design.
154. As set out in detail within this appraisal, the proposal is not considered to reflect local design policies and relevant guidance on design. The proposal does however include aspects of sustainable design, in terms of environmental sustainability. The senior living homes and care home part of the project are designed to achieve a BREEAM rating of 'excellent', through a fabric first design (i.e. the use of high performance materials to minimise heat transfer and air permeability). Other aspects of sustainable design to the senior living homes and care home are summarised as follows:
- The use of air source heat pumps, with no natural gas proposed to the site
  - Photovoltaic technology to roofs
  - Battery storage of solar energy where applicable
  - Natural ventilation strategy – mechanical vent heat recovery system
  - LED lighting and lighting controls
  - High performing windows to reduce heat loss
  - Water butts

155. In relation to the food store, the following sustainability measures are highlighted:
- Achieving BREEAM standard of 'excellent'
  - Solar photovoltaic panels to roof, generating approximately 25% of the store's electricity requirements per year
  - Refrigeration waste heat recovery system to heat store
  - Temperature controls to different areas of the building
  - Low energy lighting and lighting controls
  - Efficient food store and condenser units
  - Delivery and stock planning model reduces vehicular trips
  - Loading dock methods
  - Electric vehicle charging points
156. Nevertheless, many aspects of the above, whilst noted as positive sustainable design measures, are required by relevant environmental policies and current building regulations. The proposal is compliant with policies EN1, EN2 and EN8, as discussed further in the appraisal below. As such, whilst these sustainability aspects are noted, it is not considered that these could be claimed to be of a standard so innovative as to overcome the design concerns identified nor outweigh the significant concerns in these respects.
157. As a result, the proposal is considered to be contrary to policies P10, P11, and P12 of the Core Strategy, policies ENV2 and H2 of the Wetherby Neighbourhood Plan, policy LAND2 of the Natural Resources and Waste Local Plan, saved UDP policies GP5, LD1, N14, N19 and BD5 and guidance contained within the Neighbourhoods for Living SPG, Wetherby Conservation Area Appraisal and Management Plan, LCC Guideline Distances from Development to Trees and the NPPF. Detailed matters in relation to various aspects of the layout are discussed within the appraisal below and comprise the detailed reasons for refusal which form the officer recommendation.

### Housing matters

#### *Housing density*

158. Policy H3 of the Core Strategy (CS) relates to the density of residential development, setting out densities which should be met or exceeded for housing development unless there are overriding reasons concerning townscape, character, design or highways capacity. The application site falls within a designated 'other urban area' for the purposes of this policy, and as such a density of 40 dwellings per hectare is required.
159. The site is approximately 1.8 hectares in size. As such, looking at the site as a whole, for compliance with policy H3, 72 dwellings would be expected. The proposal provides 8 C3 dwelling units to the site. Residential institutions that fall within Class C2 are excluded from the requirements of policy H3.
160. However, as the proposal submitted is for a mixed-use scheme, only part of the site is being proposed as C3 housing. Net housing density is calculated by dividing the developable area (i.e., excluding land for roads, green space etc.) within the red line boundary of the site by the total number of units proposed.
161. Notwithstanding concerns raised in relation to the principle of the development in relation to prejudicing the delivery of an allocated housing site, the delivery of 8 units within the area of the site proposed for C3 use is compliant with H3 densities.

### *Housing mix*

162. Policy H4 of the CS relates to housing mix, requiring that developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long-term taking into account the nature of the development and character of the location. This should include the need to make provision for Independent Living.
163. Policy H8 of the CS relates to housing for independent living, stating that developments of 50 or more dwellings are expected to make a contribution to supporting needs for independent living. As per the SAP site requirements, the application site is identified as being suitable for older persons housing/independent living (policy HG4 of the SAP).
164. Policy H1 of the Wetherby Neighbourhood Plan stipulates that developments of 10 or more (understood to be in reference to units, though this is acknowledged to remain unspecified within the wording of the policy), i.e. major residential developments, should contribute an appropriate mix of housing in terms of size, type, tenure and affordability which will help to support identified housing needs including the specific needs of Wetherby's residents taking into account an up to date housing needs survey. Though the policy wording does not specify this to relate solely to C3 dwelling units (rather, major residential developments), it is considered that in its realistic application, a housing mix in terms of size and type could not be applied to a residential care home.
165. The proposed C2 residential care home and 8 C3 senior living dwellings provide housing types which are considered to contribute to older persons housing/independent living, in accordance with CS policy H8 and SAP policy HG4.
166. In relation to C3 dwelling sizes, the scheme provides the following:

Type of dwelling	Number of dwellings proposed	H4 minimum	H4 maximum	Proposed	Meets H4?
1 bed	0	0	50	0	Yes
2 bed	3	30	80	37.5%	Yes
3 bed	4	20	70	50%	Yes
4+ bed	1	0	50	12.5%	Yes
Total	8			100%	Yes

167. As set out within the table above, the housing mix of the C3 senior living homes therefore falls within the preferred housing mix ranges as per CS policy H4. In terms of a mix of housing type, the proposed units are all houses, rather than flats. This does not fall within the preferred mix of types. However, noting the site context, where dwellings predominate, and acknowledging the scale of the C3 dwellings proposed, the lack of flat provision is not considered to be of significant concern in this instance.
168. Policy H4 of the CS is not applied to the care home, noting this represents a residential institution which could not pragmatically provide a mix of bed sizes nor types to its accommodation, by virtue of its very nature.

### *Affordable housing*

169. Policy H5 of the CS relates to affordable housing. This stipulates that for major housing developments, a minimum target percentage of affordable housing should be provided on-site. In this part of the Leeds district, a minimum target of 35% is required.
170. Policy H5 specifies that major development relates to either the provision of 10 or more dwellings, the provision of a building or buildings where the floor space to be created would exceed 1000 square metres or development on a site having an area of 1 hectare or more. However, paragraph 65 of the NPPF makes clear that the provision of specialist accommodation, such as purpose building accommodation for the elderly, is exempt from the affordable housing requirement. As such, policy H5 is not applicable for this development, given the number of C3 dwellings proposed and there are no policy conflicts identified in this regard.
171. Notwithstanding this, it should be noted that the SAP requires a minimum of 86 dwellings to be on the allocation site which would trigger the requirement for affordable housing at around 28 units.
172. Noting this, there is no policy conflict in relation to this application, the lack of delivery of affordable housing, where this would reasonably be expected to an allocated housing site of this scale, is considered to represent a disbenefit of the proposal presented.

### Heritage and design

#### *Site context*

173. The application site is situated outside but within the setting of the Wetherby Conservation Area. The Wetherby Conservation Area Appraisal and Management Plan (CAAMP) identifies a number of positive buildings within the setting of the development, including 12 Boston Road, immediately to the east of the application site. The site is adjacent to “Character Area 3 – riverside area” of the Conservation Area, as identified by the CAAMP. This is characterised by:
- Open space framed by mature trees
  - Progressive river views
  - Long views across low-lying land to the south
  - Narrow views down Boston Road emphasise entrance to town [sic]
174. The Wetherby CAAMP identifies a number of key ways to retain the character of this area of the Conservation Area, including “seek[ing] opportunities to enhance the setting of positive buildings off Boston Road/A1 Link Road.”
175. The application site is also within the setting of a listed building, the Grade II listed “Remains of West Lodge and attached wall to west”, formerly related to the Wetherby Grange estate. This Grade II listed building is positioned to the east of the application site, to the east of Boston Road and north of the A158, facing towards the A58/A158 roundabout at the southern entrance to the town of Wetherby. The building is considered a ‘Landmark’ in the Wetherby CAAMP.
176. Within the wider setting are a number of further listed buildings, and Wetherby Bridge, a Scheduled Monument. Noting the intervening development between the application site and separation distances, there are not considered to be any direct impacts in relation to the setting of these structures as a result of the development, and as such, these are not discussed further.

177. The site is within the setting of a non-designated heritage asset (NDHA), the terrace of dwellings at 2-8 Grange View. The site is also within the setting of the “Horse sculpture on A58/A168 roundabout”, defined within the Wetherby Neighbourhood Plan as a local heritage asset.
178. NPPF paragraph 199 states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”
179. Paragraph 202 of the NPPF goes on to state, “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”
180. Furthermore, in relation to NDHAs, paragraph 203 of the NPPF states, “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
181. Policy P11 of the CS relates to conservation matters, requiring that the historic environment within Leeds is conserved and enhanced. The policy requires proposals demonstrate a full understanding of historic assets affected, including any known or potential archaeological remains.
182. Saved UDP policy N19 relates to all new buildings adjacent to conservation areas, requiring that these preserve or enhance to the character or appearance of the area by ensuring that the siting, scale, detailed design, boundaries and landscaping is appropriate to the area.
183. Saved UDP policy N29 relates to sites and monuments of archaeological importance, their preservation and investigation. Saved UDP policy ARC5 relates to informed planning decisions where development may adversely affect a Class III area or its setting, with potential provision of archaeological evaluation. Saved UDP policy ARC6 relates to conditions regarding archaeological investigation.
184. The site is located at an important gateway into the market town of Wetherby and contributes to the important approach to the main gateway elements of Wetherby, those being the Grade II listed lodge building and positive structures on Boston Road, including other Grade II listed buildings. The NDHA terrace of Grange View also contributes positively to views on arrival. This southern gateway into the town leads to the Scheduled Monument of Wetherby Bridge, and beyond this, to the historic core and town centre of Wetherby.
185. The application site is visible in long range views from the south, along the A158 from Boston Spa. The site is also evident in shorter range views along the A58 Wetherby Road, in the curved approach from Collingham to the south-west. As such, it is evident that the application site, with its prominent position at the southern gateway into Wetherby, has a key role in establishing the character of the town.

186. At present, the application site comprises a low-slung structure, of limited height but significant in its width. This is acknowledged to be out of scale with the fine grain of the adjacent buildings, which are domestic in scale and footprint. As a result of its proportions, the building has a clearly horizontal emphasis. The building is set back from the highway edge, with parking and landscaping serving as a buffer to the built structure on site. This allows for a recessive quality to the building, limiting its presence in views. Furthermore, the position and limited height of the existing building allow for views through to the terrace at Grange View (a NDHA), and the domestic scale of development in the setting, as well as glimpsed views from across the site into the open countryside to the south of Wetherby.

#### *Demolition*

187. The existing hotel building is not considered to be of any special architectural merit nor heritage interest, and as such there are no concerns in relation to the principle of its demolition.
188. The proposal removes an existing single large footprint, replacing this with a number of buildings across the site, of varying scales. Each element of the scheme is considered in turn below.

#### *Food store*

189. The proposed food store represents a substantial footprint towards the western portion of the site. The building is relatively low-slung in form, largely single storey in nature, with some staff areas across two floors in the eastern side of the building, accommodated through the sloping single pitch of the roof. Stone is proposed to walls on the eastern and southern elevations (i.e. those elevations which are most publicly visible, fronting the car park). Render and stone are proposed to the northern and western walls.
190. The signage indicated to the elevations is indicative only. Such signage would require the benefit of advertisement consent under the relevant legislation, as applicable. As such, whilst signage to the eastern elevation is considered large in scale, noting the two large advertisements positioned ahead of the building columns (rather than between such columns, which would be more visually coherent), this is not a relevant matter for consideration under the cover of this application.
191. Broadly speaking, the elevations of the food store building in themselves are not considered to raise any significant concerns in relation to the design and character of the setting. The building is relatively low slung in nature and maintains an appropriate set back from the highway edge so as to limit its presence in long range views, and its intervisibility with designated heritage assets. Indicative materials are considered to be appropriate for the context, and these could be controlled via an appropriate condition, to ensure their suitability.

#### *Care home*

192. The proposed care home is a building of substantial footprint and height, positioned in the south-eastern corner of the site. The building is articulated to include a number of elements, which are acknowledged to break down the massing of the building to an extent. Nevertheless, the 'H' plan form, with elements up to four storeys in height, represents significant massing in close proximity to the boundaries of the site. The front elevation is set back just over four metres from the pavement edge, with a height of up to 11m positioned in such proximity to the site boundary. This positioning of the



care home is considered too far forward within the site, serving as a visually overwhelming presence in the setting, to the detriment of long views towards the site and nearby designated heritage assets.

193. Though elevations evidently seek to reflect features of the existing hotel building, through the use of mansard and flat roof forms, the scale and positioning of the building serve as a far more visually obtrusive addition to the site. Noting the proximity to the southern site boundary, fronting onto Wetherby Road, there is insufficient space to allow for any meaningful visual mitigation, such as through appropriate planting or landscaping. Though landscaping is indicated, as discussed with the 'Impact to Trees' and 'Site Layout' sections of this report, it is considered that the layout fails to allow for any meaningful landscaping or spatial relief to ensure a building of this scale can be accommodated within the site.
194. Furthermore, the boundary treatments proposed to the southern site boundary are not considered sympathetic to the setting, and again considered to speak to the absence of sufficient room for visual softening of the development. A 1.8 metre high close boarded timber fence is proposed along part of the southern site boundary, with the rest of this boundary comprising 1.8 high green weld mesh fencing. Neither of these fencing styles are characteristic to frontages within the context. The close boarded fencing representing a hard visual edge to the development, adjacent to the pavement edge. The green mesh fencing proposed is considered industrial and institutional in appearance, and a feature which is at odds with the boundary treatments characteristic of the location. Whilst it is acknowledged that garden spaces are required to be secure for their users, and that in the case of a care home, this is for safeguarding reasons, the positioning of the garden area as proposed, immediately abutting the pavement edge, is considered to result in this poor layout and design. An evergreen hedge is proposed to the southern side of this fence, to the pavement edge, with a suggested height of 1.8 metres. However, the space allocated for this hedge is very limited, which is considered likely to restrict its successful establishment and future growth, particularly given the presence of a hard landscaping feature (the fencing), in such close proximity.
195. It should also be acknowledged that such soft landscaping will inherently take time to establish (were it able to in the limited space available), and is likely to change over time, with potential for dieback. Consequently, the installation of tall fencing to the boundary, in this prominent frontage location, and in such close proximity to the building itself as well as the pavement edge, is not considered to serve as appropriate visual mitigation for the scale of the development, nor an in keeping boundary feature.
196. As a result, the scale of the care home building is considered to visually compete with the domestic scale of development in the setting, representing less than substantial harm to designated heritage assets within the setting. Grange View is a terrace of dwellings which include stone mullion and quoining detailing, as well as stone roof tiles and chimney features. The position of the care home serves to obscure views of the Grange View NDHA from the southern approach to the site, limiting visibility of the NDHA to within the application site and its access roads, again visually competing so as to represent harm to the setting of the NDHA.
197. The elevations of the care home are considered broadly acceptable in themselves, with appropriate forms and materials sitting together cohesively. The building includes some more contemporary elements, such as the simple window forms, with associated ventilation panels to side, and glazed balcony feature to the western side elevation. These are considered to clearly read as such, and as such are not of significant concern in relation to the historic features of the setting. However, the

fundamental concern in relation to the positioning of the development relative to the site boundary and neighbouring designated heritage assets, represents a concern.

### *Senior living homes*

198. The proposed senior living homes display a mixture of contemporary and more traditional elements to their elevations. The properties are gable fronted, with large contemporary glazing forms which are spaced irregularly.
199. Within the setting, dwellings are traditional in both form and detailing, in both the older properties, and the new build housing to the north and west of the application site. Given the predominance of these traditional forms within the setting, and the proximity of the site to the Wetherby Conservation Area, as well as other designated heritage assets, it is considered that the senior living homes should respond accordingly.
200. Rather than take the lead from the positive design features within the historic setting, it is considered the proposed elevations sit awkwardly in relation to the predominant characteristics and plan form. The senior living homes do not follow the plain pitched roof forms fronting the principal elevation, as is characteristic of the area, but rather introduce gable fronted roofs, with multiple pitches to the front elevation along the length of the terraces.
201. The window and door openings proposed are substantial in scale, many with off-centre positioning which creates an unusual solid to void spacing to elevations. Window openings within the context are generally traditional in their form, spacing and scale, with a diminishing scale of openings to upper stories. Window openings are also generally benefit from header and cill detailing, defining these features within the elevations. The window openings proposed do not benefit from any such definition. Furthermore, the window openings generally are set some distance from the eaves, given the gable frontage, again creating an elevational composition which is out of keeping with the predominant characteristics of the setting, where upper floor windows are positioned in proximity to eaves detailing.
202. Materials proposed are limestone with slate roofing, which are traditional materials in keeping with the predominant material palette in the setting.
203. Overall, the design of the senior living homes is not considered to be in keeping with the predominant design characteristics of the setting, particularly in terms of traditional features and forms evident in the Wetherby Conservation Area and its setting, including the NDHA terrace at Grange View. The proposal is therefore considered to represent less than substantial harm to the designated heritage assets within the setting, and harm to the setting of the NDHA of Grange View within the setting.

### *Archaeological interest*

204. As advised by West Yorkshire Archaeological Advisory Service (WYAAS), the West Yorkshire Historic Environment Record records the presence of a large area to the immediate south of the site that contains cropmark features (MWY2945) of possible Iron Age date. The cropmarks include ditches of a probable field system and attached to one of the field ditches is a double ditched D shaped enclosure, located 400m south of the proposed development site. This enclosure is of unknown use but could be related to agricultural use or settlement. These field system cropmarks extend over an area that extends for around 1500m north to south with further enclosures located at the southern end. The cropmark features, enclosures and field ditches, have not been investigated but have been assessed as being of Class 3 archaeological status.

205. It is not known if these features extend north into the area of the proposed development. The proposed development site was first developed post 1952, and this area may have had one single phase of development. The current hotel on the site covers a small proportion of the site with most either car park or grass. The car park construction is probably relatively shallow although this is yet to be confirmed. Overall less than half of the proposed site is likely to have been disturbed at depth. There is thus the potential for archaeological remains to be present on the site and such remains, if present, are likely to be Class 3 heritage assets.
206. WYAAS recommend a programme of archaeological field investigation to determine if archaeological deposits are present to the site. Such works can be secured via an appropriate pre-commencement condition.

### *Summary*

207. Taking the application as a whole, the proposal is considered to lead to less than substantial harm to the setting of designated heritage assets. Whilst the harm identified would be “less than substantial” in terms set out in the NPPF, the NPPF makes clear that great weight should be given to the conservation of designated heritage assets, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should require clear and convincing justification.
208. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of a proposal, including, where appropriate, securing its optimum viable use.. The scale and positioning of the care home will serve to overdominate the southern gateway entrance into the town of Wetherby, relating poorly to the Grade II listed West Lodge to the east of the application site and the approach into and setting of the Wetherby Conservation Area. The detailing to the senior living homes is considered uncharacteristic and out of keeping with the setting, including the adjacent Wetherby Conservation Area.
209. It is not considered that a clear and convincing justification for the design and impact to heritage features as proposed has been provided. Noting the other concerns in relation to the proposal, alongside principle concerns identified, there are not considered to be sufficient public benefits resulting from the proposal which would serve to outweigh the “less than substantial” harm identified.
210. Furthermore, the proposal is considered to visually compete in scale and positioning so as to represent harm to the Non-Designated Heritage Asset of Grange View, to the north of the application site. Again, noting concerns raised in relation to the principle of the development, as well as detailed matters, there are not considered to be any factors which would serve to outweigh the harm to the significance of the NDHA identified, in the planning balancing exercise.
211. As such, this is considered to represent a reason for refusal. The proposal is contrary to policies P10, P11 and P12 of the Core Strategy, saved UDP policies GP5, N14 and N19, policies ENV1 and H2 of the Wetherby Neighbourhood Plan, and guidance contained within the Wetherby Conservation Area Appraisal and Management Plan and the NPPF.

## Accessibility

212. Policy P10 of the CS requires that development is accessible to all users. Policy H10 of the CS sets accessible housing standards for all new housing developments. The Accessible Leeds SPD provides advice in relation to achieving accessible development.
213. The application has been assessed by the LCC Access Officer, who provides no objection to the proposal. The application has responded to comments made in relation to accessibility matters as part the previously withdrawn application. These are summarised as follows:
- The creation of a clear pedestrian link into the application site, with zebra crossing points across car park areas, including tactile paving
  - Provision of a platform lift with the food store stairwell to provide step free access to staff areas
  - Confirmation of toilet provision to meet necessary dimensions, and provide for baby changing as well as accessibility standards
  - Spacing to bollards and pedestrian areas clarified, to provide appropriate room for pedestrians
  - Provision of adapted/disabled trolley facilities adjacent to disabled parking bays
  - Clear definition to the store entrance, to assist in directing customers
  - One EVCP disabled car parking space, 8 disabled car parking spaces adjacent to the store entrance
214. The care home provides step free access to all floors, with a lift to each wing of the building. Step free access is indicated to entrances.
215. 50% of the senior living homes are indicated to be M4(2) standard, exceeding the required 30% as set out in policy H10. The remaining dwellings are stated to be M4(1) compliant. Confirmation of meeting these requirements would be required by condition, as applicable.

## Amenity

### *Noise*

216. A Noise Impact Assessment (NIA) has been submitted in support of the application. Three noise sensitive receptors are identified in this assessment, as follows:
- Dwellings along Micklethwaite Grove
  - Dwellings along Micklethwaite View
  - Dwellings on Ings Walk
217. Noise measurements were taken at the following 5 locations, to inform the conclusions of the NIA:
- Approximately 10m north of Wetherby Road, south of the site
  - Approximately 7m west of Boston Road, east of the site
  - At the north-western site boundary
  - At the north-eastern site boundary
  - At the south-eastern site boundary

218. The proposed opening hours of the food store are 0800 to 2200 hours Monday to Saturday, and any 6 consecutive hours between 1000 and 1800 hours on a Sunday (noting Sunday trading restrictions). Deliveries are proposed between 0800 and 2000 hours.
219. Fixed plant equipment has not been selected by the applicant at this stage. The NIA therefore uses provisional fixed plant noise limits, to which any future equipment used should adhere. These noise levels are predicted to remain below the existing background noise levels, and as such, do not represent a significant point of concern. This could be controlled via an appropriate planning condition, to ensure appropriate specifications of equipment.
220. The development includes a single delivery bay on the northern elevation of the food store building. This is positioned approximately 13m from the northern site boundary, and approximately 22m from the rear of the nearest dwelling on Micklethwaite Grove.
221. The Applicant has detailed that in accordance with their operations model, one delivery to the store is made per day. As such, this is the basis for the NIA calculations. Each delivery is detailed to take around 45 minutes to complete, including access and egress.
222. The NIA submitted details the indicative predicted noise levels associated with delivery to be 'low impact' at all of the identified noise sensitive receptors during daytime hours. During the nighttime, indicative noise levels are low level at two of the three noise sensitive receptors, with the third receptor experiencing a noise level 1 decibel (dB) above the background noise level. This level of noise falls between low impact and adverse impact (between 0 to 5 dB) and is not defined within the British Standard. However, it is accepted that an increase of the degree predicted, 1dB above existing background noise levels, for the length of a delivery, is unlikely to result in significant adverse impact in terms of noise levels.
223. The NIA includes a Noise Management Plan, specific to deliveries for Lidl food stores. This details Lidl to be in control of its delivery processes (i.e., third party supplies do not deliver direct to store), and as such, is able to implement appropriate delivery management methods. Noting the details provided within this Plan, and the hours of delivery proposed, it is considered this serves as appropriate mitigation to ensure no harmful impacts as a result of noise from the food store deliveries. Whilst comments from Environmental Health have cited concerns in relation to compliance with noise management delivery plans which have occurred to other sites, compliance matters are an issue for Planning Enforcement. The details provided during the course of the planning process are considered acceptable, subject to relevant condition controls, and as such, a view is reached on this basis.
224. In relation to noise for the future occupiers of the development, the NIA details that given the proximity of the road network, permanently open windows should not be relied upon at the main source of ventilation, as this would result in internal noise levels exceeding recommended guidelines. Consequently, appropriate glazing and ventilation systems will be required for the development, which could be controlled via appropriate condition. Acoustic fencing is also proposed along the northern boundary of the food store car park, to a height of 4m, and along the eastern boundary of the food store car park, adjacent to the senior living homes proposed, to a height of 2m. This fencing is proposed to control noise levels to outdoor private amenity spaces. These measures are considered appropriate to ensure relevant British Standards and World Health Organisation standards are adhered to, in relation to noise levels.

225. It is acknowledged that the measures as set out within the NIA have some discrepancies with details as provided within the detailed landscaping proposals. For example, 4m fencing along the northern side of the car park is not detailed with the landscaping proposals for the food store, but rather this is indicated to be a 2.4m high timber acoustic fence. However, in terms of precise specifications for acoustic fencing, and its location, this could be controlled via condition, in the event of the application proceeding positively. Consequently, though these discrepancies are regrettable, it is considered that the information submitted in relation to noise matters has demonstrated any significant noise impacts could be appropriately mitigated (notwithstanding the visual and landscaping concerns these measures raise, as per relevant sections of the appraisal).
226. As such, there are no significant concerns identified in relation to noise levels from the development.

### *Light*

227. The proposal does not include details of lighting as part of the landscaping or the proposed site layout. For the senior living homes, lighting would reasonably be understood to be of a domestic scale and type, so as not to raise any significant concerns. In terms of the care home, noting its scale, and associated comings and goings, it is considered that there would be some additional lighting above the existing to the site. However, details of any external lighting to serve the care home area of the site could be controlled via condition, to ensure its appropriateness for the setting.
228. Similarly, the proposed car park and food store would include lighting associated with its use. The Planning Statement details external lighting to the food store would be linked to light sensors and hours of operation, so that lighting would remain on no later than one hour after the store closes, and would only be on during dark hours within these times.
229. However, it is considered that, noting the site layout and context, that being a site within the development limits of Wetherby, and the ability of baffles to direct light, amongst other technical strategies (avoiding significant light spill to adjacent sites), that details of a lighting scheme could be managed via condition, including hours of its operation, in the event of the application proceeding positively. Consequently, the proposal is not considered to raise any significant concerns in relation to light spill.

### *Air quality*

230. It is acknowledged that as a result of development, there is likely to be some impact to adjacent residents throughout the construction period and as a result of a new type of development to the site. The question falls to whether such impacts would be of an extent which would represent harm, in terms of what can reasonably be expected in terms of amenity levels.
231. As advised by LCC Environmental Health, based on knowledge of air quality in the area, it is considered unlikely that the end use of the development would result in air quality exceeding the relevant annual objective levels. An air quality assessment has been submitted by the Applicant during the course of the application process to determine the predicted impact. The air quality assessment submitted indicates that air quality standards will not be exceeded either at the application site or elsewhere as a result of the development. As such, LCC Environmental Health do not object to the proposed development on air quality grounds, noting the assessment provided and its findings.

232. With regard to air quality impacts during the construction phase of the development, in the event of the application proceeding positively, a condition in relation to construction management details could be attached, which requires details in relation to dust management strategies and refuse disposal, amongst other matters, which is considered sufficient to prevent any significantly harmful impacts to amenity during this period.
233. As such, there are not considered to be any significant concerns in relation to air quality impacts as a result of the proposed development, which could not be managed via appropriate conditions as applicable.

#### *Overlooking*

234. The proposed food store, with its window openings to the southern and eastern elevations, facing areas of the application itself, does not raise any significant concerns in relation to overlooking of adjacent residential properties.
235. The proposed senior living homes are positioned a sufficient distance from the boundaries of the application site so as to be compliant with guideline distances from window openings to neighbouring boundaries outside of the application site (notwithstanding the identified concerns in relation to the amenity of future occupants, as set out within the appraisal below). The indicative site sections show the senior living homes to be set at a ground level lower than properties to the north of the application site (to Micklethwaite Grove). As such, taking these factors into account, there are not considered to be any significant overlooking concerns in relation to existing residential properties from the senior living homes proposed.
236. In respect of the care home, section drawings have been submitted over the course of the application process showing the care home building in relation to the properties at Grange View and 12 Boston Road, immediately to the north and east of the care home respectively. The closest wing of the care home building to Grange View is set approximately 18.5m from the front of the dwellings at Grange View, and approximately 14m from the site boundary with Grange View.
237. The eastern wing of the care home is set approximately 15m from the site boundary with 12 Boston Road at its closest point. Land levels generally fall moving west to east across the site, with the lowest land level of the application site being the care home. Boston Road is evidently set below the level of the application site. Site sections provided indicate a land level difference of approximately 0.9m.
238. In terms of overlooking impacts, the distances exceed those which are set out within relevant guidelines for distances from bedroom window to boundaries, the guideline being 7.5m. However, it is acknowledged that for a C2 care home, the intensity of use of a bedroom window would reasonably be expected to differ from that of a C3 bedroom, noting bedrooms to often be the sole private space for each occupier of the care home. Notwithstanding this matter, the distance of 15m to the boundary with 12 Boston Road and 14m from the site boundary with Grange View, is considered sufficiently in excess of guidelines to allow for this potential greater usage, and a difference in land levels between the sites, and the accommodation spanning 3 floors in this area of the building.
239. As such, taking the above factors into account, there are not considered to be any significantly harmful impacts in terms of overlooking. It is acknowledged that the proposal will result in a change from the existing circumstances, with the greater

height and scale of the care home building in relation to the single storey development currently in this area of the application site, however this is not considered to generate significantly harmful overlooking impacts.

### *Overshadowing*

240. The proposed food store, senior living homes and care home are all considered to retain a sufficient distance to the boundaries of the site so as to not raise any significant concerns in relation to overshadowing of adjacent neighbours. Whilst it is anticipated there may be a degree of additional overshadowing to adjacent sites above that which exists at present, this is not considered likely to be so significant so as to represent harm to the amenity of adjacent residents.

### *Overdominance*

241. The proposed food store building is positioned in proximity to the western and northern boundaries of the site. The building is set 12m from the northern site boundary, and 14m from the western site boundary at its closest point. Clarification has been provided regarding land levels and sections during the course of the application process. The food store is set below a landscaped embankment to its north and west, which is part existing, with existing trees, and part to be formed as a result of the proposal. Indicative sections show the food store building to be set down approximately 2.5m below the current ground level. The building height is shown to be less than that which currently exists in proximity to properties on Ings Walk. As such, noting the relative land levels to adjacent properties, and the distance retained to boundaries, there are not considered to be any significantly harmful overdominance impacts in relation to the food store proposed.
242. In relation to the senior living homes, Plots 5-8 are considered to be positioned a sufficient distance from the site boundaries so as not to raise any significant concerns in relation to neighbouring sites.
243. Plots 1-4 of the senior living homes are set at a land level lower than the properties to the north on Micklethwaite View, and retain a distance of over 10m to the site boundary. Given this distance retained and relative levels, there are not considered to be any significant concerns in this regard.
244. In terms of the care home building, sections have been provided during the course of the application to allow for assessment of the relationship between the proposed building and properties to Grange View and Boston Road. These sections demonstrate a difference in land levels between the application site and dwellings to Boston Road of approximately 1m. The proposed care home significantly increases the built massing in this area of the site above existing, introducing a three storey building to a 9m roof height, approximately 3m closer to the eastern site boundary with 12 Boston Road.
245. The proposal would undoubtedly serve to change the relationship between the application site and its adjacent neighbours, with the care home introducing a building of significant height to an area of the site which is primarily single storey and low slung in nature. The massing of the building would serve as a notable additional visual massing for adjacent properties to the care home, particularly those in proximity to the eastern wing of the care home building. The question then falls to whether this additional impact is so significant as to represent harm to the amenity of nearby dwellings.



246. In reviewing the relationship between the neighbouring properties and the care home, primarily noting the distance retained, it is not considered that the proposal represents significantly harmful impacts in terms of overdominance, for this to warrant a reason for refusal in its own right. The care home retains a set back of over 15m from the site boundary to the east, and over 19m from the site boundary to its north. These distances are considered sufficient to mitigate any significantly harmful impact in terms of overdominance, even accounting for an additional distance so as to allow for the variation in land levels.

#### *Technical space standards*

247. Policy H9 of the CS relates to minimum space standards for new dwelling units. Along with establishing minimum gross floor areas for the dwelling, this also sets minimum standards for bedroom sizes, differentiating between single and double bedroom sizes.
248. The senior living units are noted to be compliant with dwelling floor area standards for their respective size. HT2 is indicated to provide 2 double bedrooms on plan, however it is noted that the Bedroom 2 floor area is below the required 11.5m<sup>2</sup> for a bedroom to serve as a double/twin space. As such, the HT2 units would represent a 2 bedroom, 3 person unit, rather than 4 person unit, as shown on plan. The occupancy of these units could be controlled by way of planning condition to prevent any harm in these respects.

#### *Private amenity space*

249. Guidance set out within the Neighbourhoods for Living (NfL) SPG recommends garden areas represent a minimum of two thirds of the total floor area of dwellings, in order to provide an appropriate degree of amenity. For flats, or where such space is provided communally, a provision equivalent to one quarter of the total floor area is considered appropriate. This area calculation should not include parking areas, nor heavily shaded areas, for example those under tree canopies. Furthermore, NfL advises that usable private garden areas should not be awkwardly shaped or very narrow.
250. The Planning Statement submitted states that private garden areas to the senior living homes have been increased as part of this application, so as to meet the relevant NfL guidance. Upon clarification, figures have been provided to demonstrate this compliance. Calculations carried out by officers indicate the garden areas to Plots 1, 3, 4, 6 and 8 to fall short of the necessary two thirds of floorspace. These calculations have counted those areas which are considered usable space only. As such, the area of garden indicated to Plot 3, which is the part of the L-shape furthest from the dwelling, and the narrow patio area to the side of Plot 4, are not counted towards the figures, as these are not truly considered 'usable'.
251. With the exception of Plots 1, 5, 6 and 7, the garden spaces are considered awkward in their layout. Plots 2-4 all have angled boundaries, and, in looking to provide a rear garden access, have increasingly contrived garden layouts, when moving from west to east. As a result, Plot 3 has an L-shaped garden. Consequently, a large portion of that garden is in fact set to the rear of Plot 4, around 5m from the rear of its utility room. Plot 4 thus has a relatively short garden, with very little space to rear, instead having a significant portion of its garden space in a long and narrow shape to the side of the dwelling. Plot 8 similarly is long and narrow in shape, with just 6m to its rear boundary at its furthest point.

252. In relation to the care home, there are a number of areas of garden space, to each side of the building. The proposed garden areas are stated by the Applicant to be distinct in their function, relating to different sections of the care home. Calculations provided indicate the area of amenity space to be compliant with Neighbourhoods for Living guidelines, which set out private amenity garden areas should represent one quarter of the total gross floor area, where such space is provided communally in non-family situations.
253. However, acceptable amenity standards relate not only to the scale of the provision, but also its usability. The courtyard to the northern side of the care home building is between the eastern and western wings of the building, and as such will be heavily shaded throughout day. Remaining garden spaces are limited in scale, occupying spaces between the building and site boundaries, with many of the garden spaces shown to plan serving ground floor bedrooms, rather than being communal for users across the floors. The proposed mesh fencing to the site frontage also limits the privacy of these spaces. Whilst over time planting may serve to offer screening, noting the limited space for the establishment of boundary hedges, and inherent time taken for such a feature to development, this does represent a point of concern.
254. It is further noted that, particularly in light of the Covid-19 pandemic, that the provision of good quality, usable outdoor spaces are an increasingly important aspect of care home provision. Indeed, both existing and proposed care homes in Leeds have looked to increasingly utilise outdoor spaces for the benefit of occupants and visitors and have attached great importance to the significant health and wellbeing benefits that such spaces provide. The development proposed here, in provided poor quality spaces of limited size and value and being squashed into a smaller part of the wider site, is considered to have failed to take reasonable opportunities to provide such spaces to the detriment of future occupants.
255. This is considered to represent a poor standard of usable private amenity space for future residents, which is not considered acceptable.

### *Outlook*

256. In order to ensure a reasonable degree of outlook, windows to dwellings should meet appropriate distances to boundaries, as set out in the Neighbourhoods for Living SPG. Plot 4 of the senior living homes has its rear ground floor main window serving the kitchen/dining area set approximately 9m from the rear boundary of the site, falling short of the 10.5m guideline. Outlooks for the ground floor main windows to rear on Plots 2 and 3 are also considered to be limited, by virtue of their angled nature and narrow aspect, being between single storey projects which serve as utility rooms. This creates a tunnelled effect to these rear windows, which is considered likely to impact their amenity. Rear ground floor windows to Plots 6 and 7 also fail to achieve a distance of 10.5m to boundary, falling short by approximately 0.5m.
257. The most notable instance where outlook falls short of relevant guidelines is to Plot 8. The windows to the kitchen/dining area are set just over 5m from the close boarded timber fencing to the site. The living room window to the western elevation similarly falls short of guidelines, set approximately 6m from the site boundary. This represents a significant shortfall against guidelines, and is considered to speak to the cramped layout which stems from the competing on site uses, as discussed within the 'Site Layout' section of the appraisal, above.
258. The upper floors of the care home are considered to benefit from an appropriate degree of outlook, given their elevation. However, some of the ground floor windows

do represent a concern. Windows many of the ground floor bedrooms are set a very short distance from the boundaries to the care home, limiting the extent of outlook to these rooms, as well as the sense of privacy they would experience. For example, Bedroom 8 is set approximately 4m from the southern site boundary, looking out to a 1.8m high mesh fence. This is similar for Bedroom 26.

259. Bedrooms 1-4 are set under 3m from the pavement edge to the northern side of the care home, offering very little set back from the public realm, and significantly limiting the sense of defensible space, and the associated outlook which would reasonably be expected from a ground floor window opening adjacent to a publicly accessible area. Achieving an appropriate degree of outlook is considered particularly important for care home bedrooms, noting the likely greater intensity of usage of these bedrooms in comparison with a standard dwelling bedroom, given they represent the sole private space for the occupant.
260. As such, there are considered to be significant concerns in relation to the degree of outlook achieved for future users of the development, noting the relationship to site boundaries and the public realm. Again this relates to the squashed nature of the layout in other respects.

## Landscape

### *Impact to trees*

261. The application site includes a number of trees and tree groups, as well as hedgerows and grassed areas. A number of the trees benefit from a TPO, under TPO order reference 2011/19. This Order includes groups positioned to the south western corner, two groups towards the northern boundary, a group adjacent to the entrance, and some individual trees within the site. There are a number of individual TPO trees immediately adjacent to the application site, within properties at Grange View and Micklethwaite View.
262. The proposal includes the removal of 10 individual trees, 1 tree group (containing 8 trees) and the partial removal of tree group G23. The number of trees illustrated for removal to accommodate the development is 53. In accordance with the LAND2 3:1 replacement policy, 159 new trees should be planted.
263. The number of proposed new trees identified on the "Comparison Drawing Trees Proposed" is 78. However, tree planting schedules on "Soft Landscape 3/3" plans indicate 43 trees and on the "Landscape Detail" plan for the Lidl site 28 trees. This amounts to 71 proposed new trees. In accordance with the LAND2 3:1 replacement policy, another 88 trees will be required. The Applicant has clarified that it is not possible to provide for these trees on site, but that they are happy to commit to planting the 88 remaining trees off-site, noting that they have held preliminary discussions with Boston Spa, Wetherby & Villages Green Group with respect to providing funding for the planting of these trees in the local area.
264. Furthermore, of the trees indicated to be retained, additional impacts are anticipated from the proposed level changes adjacent to the trees and the proximity of trees to the development. Trees T21 and T29 would likely be impacted by levels changes.
265. General LCC guidance sets out that a stand-off distance of 5m from the crown of retained trees should be maintained from development, to ensure their long term growth and retention (without significant pressure to prune). Further to the level changes anticipated, impacts to T21 are proposed in terms of pruning works, as well

as incursion into the root protection area (RPA) of T21, representing an 11% encroachment into the RPA. T21 is one of the largest and most valuable B category trees in the site.

266. The starting point for development should be (1) the retention of existing on-site trees, and (2) for development to be located outside of the root protection area of trees. These are well established professional principles as set out in British Standard BS5837:2012 -Trees in Relation to Design, Demolition and Construction and are reflected in development plan policies in Leeds including policy LAND2 from the Council's Natural Resources and Waste DPD.
267. It is acknowledged that the scheme does allow for the retention of a number of the existing trees to site, allowing these to continue to make their visual and environmental contribution to the setting. The retention of the trees to the south-western corner of the site, and northern site boundary is considered particularly important in visually softening the development. However, whilst the scheme does have some benefits in these respects, the amount of tree loss at the site remains a concern and is contrary to the wider principles noted above.
268. The suggestion of off-site planting to allow for compliance 3:1 is acknowledged, and this may mitigate some of the aforementioned harm. However, in the absence of specific details as to the proposed planting, and its location, it is difficult to speak to the acceptability of such mitigation. Replacement planting is expected on-site in the first instance – this ensures any planting is clearly related to the development, and delivering the necessary planning benefits. Planting achieved off-site must clearly be directly related to the development, so as to address the harms identified. On the basis of the detail provided, it is not considered that this is the case here, notwithstanding that no mechanism exists to deliver any off-site tree planting in this case.
269. It is not considered that the site layout as proposed provides sufficient opportunity for new tree planting, so as to allow for adequate replacement planting, nor minimise the impact to existing trees on-site. This is considered to speak to the wider concerns identified in relation to the site layout and conflicts between the proposed on-site uses.
270. The proposal is therefore considered to result in an unacceptable impact to existing on-site trees and landscaping, including loss of trees and anticipated impact to retained trees. No appropriate mitigation is considered to have been provided to compensate for this identified harm. The air pollution and carbon capture benefits, as well as their contribution to biodiversity, should also be noted when considering impacts to existing on-site trees. As such, the proposal is contrary to Core Strategy policies P10 and P12, saved UDP policies GP5 and LD1, policy LAND2 of the Natural Resources and Waste Local Plan, and guidance contained within the Council's Neighbourhoods for Living SPG, Guideline Distances to Trees document and the NPPF.

#### *Landscaping layout*

271. The application site forms part of the built edge of Wetherby, with open land positioned to its south, beyond the A58. As such, the site is a key gateway into the town. Where development abuts open land, appropriate assimilation into the open land should be achieved through landscaping, in accordance with saved UDP policy N24.

272. Policy H2 of the Wetherby Neighbourhood Plan sets out that housing developments should provide a landscape design that contributes to a sustainable sense of place, such as play areas, shelters, biodiversity and wildlife corridors, verges, street trees and water.
273. Whilst appropriate landscape screening is afforded to the food store, the same cannot be said for the proposed care home. With the care home positioned in such close proximity to the southern site boundary (around 4m from the building to the front boundary at its closest point), the space available for any significant planting is very limited. This is particularly the case given the space also serves as the private amenity garden space for residents, with associated patios and other hard landscaping features. The planting of any large stature trees in this location would therefore likely generate concerns in relation to amenity of residents, were they even able to establish in such a limited space.
274. The landscaping to the senior living homes is considered to be similarly lacking. The dwellings proposed, with the exception of Plot 8, all have car dominated frontages, with very little area for soft landscaping provided. The Applicant's contend this represent a 'mews-style' courtyard layout, seen in other parts of Wetherby. However, whilst it is acknowledged that mews-style development is evident in parts of the town, including along Micklethwaite Grove, to the north of the application site, this is by no means considered the predominant form of development within the town, with regularly spaced front and rear garden areas found to the majority of residential development within Wetherby. As such the applicant's argument here is not considered to carry significant weight.
275. As per the NPPF, planning decisions should ensure that new streets should be tree-lined, opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. The proposed access road to the senior living homes indicates just 4 trees within the public realm parking areas, with 3 of these being set adjacent to the western boundary. This is not considered to represent a meaningful degree of planting so as to be a 'tree-lined' street. Tree planting is indicated within private garden areas of the dwellings, however as this is to private areas, its future stewardship cannot reasonably or effectively be controlled (whereas in public areas, landscape management would look to be controlled via condition).
276. The extent of hardstanding to the front of dwellings is not considered visually sympathetic, creating a very hard frontage to the properties. A planted area only 2m deep is positioned to the front of Plots 1-4, allowing for very little separation from the parking to front, and failing to allow for appropriate defensible space to main front window openings. This, alongside the awkward rear garden forms proposed, for Plots 1-4 and Plot 8 (as discussed in relation to Amenity matters), is considered to represent a significant point of concern.
277. Furthermore, the properties immediately abut a large extent of hardstanding to their west, which serves as the food store car park. Whilst a planted buffer is proposed between the fencing to properties and the food store car park, this is only around 1m in depth, allowing for very little meaningful planting, nor a spatial distinction between the public realm and associated comings and goings of a food store car park, and the private realm of residential properties and their private garden spaces. This relationship between the on-site uses is considered so poor, so as to be to the detriment of proposed on-site landscaping and the contribution it is able to make to the setting. Consequently, the proposal is considered contrary to policy H2 of the

Wetherby Neighbourhood Plan, in its failure to deliver a landscape design that contributes to a sustainable sense of place, with insufficient street trees and verges proposed.

### *Summary*

278. The impact to trees and insufficient landscaping proposed, means the proposal is considered contrary to policies P10 and P12 of the Core Strategy, policy LAND2 of the Natural Resources and Waste Local Plan, policy H2 of the Wetherby Neighbourhood Plan, saved UDP policies GP5 and LD1, and guidance contained with the Council's Neighbourhoods for Living SPG, Guideline Distances to Trees document and the NPPF.

### Biodiversity

#### *Net gain*

279. Policy G9 of the CS relates to biodiversity improvements, with development being required to demonstrate an overall net gain for biodiversity commensurate with the scale of the development, including a positive contribution to the habitat network through habitat protection, creation and enhancement. LCC guidance seeks a net gain of 10% for biodiversity, in line with the emerging Environment Act. To note, the Environment Act requirement for 10% biodiversity net gain will be legally binding for major applications from January 2024 . Policy G9 also requires no significant adverse impact to the Leeds Habitat Network, and that the design of proposals provides new areas and opportunities for wildlife.
280. To note, the Biodiversity Net Gain: Good Practice Principles for Development document published by the Chartered Institute of Ecology and Environmental Management and others sets out that “achieving... net gains in biodiversity, where there are wider benefits for society, is more than simply outweighing losses with gains. It requires doing everything possible to avoid losing biodiversity in the first place...”. Indeed, in setting out the correct way to achieve biodiversity net gain, the professional guidance sets out ten good practice principles for biodiversity net gain. Principle Number 1 of the guidance (Apply the Mitigation Hierarchy) sets out that developers should “do everything possible to first avoid and then minimise impacts on biodiversity. Only as a last resort, and in agreement with external decision makers where possible, [should developers] compensate for losses that cannot be avoided”.
281. The submitted figures indicates the scheme to deliver an uplift of 0.81 Biodiversity Habitat Units, achieving a Net Gain of 14.35% of Habitat Units. The scheme details an uplift of 0.17 Biodiversity Hedgerow Units, achieving a Net Gain of 92.59% Hedgerow Units. As such, whilst the existing biodiversity to the site will be impacted as a result of the development (rather than retained), noting the net gain indicated to be achieved, on balance, this is not considered to represent a significant point of concern so as to warrant a reason for refusal in its own right.
282. Details of calculations, including the full biodiversity metric calculation tool and spreadsheet figures have been submitted for review, in support of the conclusions reached, which are accepted. The summary of results states that relevant ‘Metric Habitat Trading Rules’ are not satisfied; however, a justification has been provided and considered satisfactory, which is accepted by LCC Nature.
283. Representations received made reference to clearing of the site prior to the application being submitted and relevant assessments in relation to existing site

habitats having been carried out. This is specifically referenced in relation to land towards the western site boundary, with photographs having been provided of this land in August 2022 and September 2023. Having reviewed the photographs, available historical aerial imagery of the site, and representations submitted, it is considered that the classification of the habitats as set out within the Ecological Assessment is a fair and reasonable assessment. The length of the vegetation is not a determining factor in the classification of the condition of the assessment, for example through mowing.

284. As such, there are no significant concerns in relation to the delivery of biodiversity net gain in relation to the application.

#### *Impact to protected species*

285. Policy G8 of the CS relates to the protection of important species and habitats, noting development which would seriously harm to any designated priority species or habitats will not be permitted.
286. The submitted Ecological Impact Assessment (EclA) states Preliminary Roost Assessments identified some of the buildings to be demolished as having Bat Roosting Potential. Two buildings are identified are having moderate potential (B01 and B03), and two low potential (B02 and B04). One of the buildings (B01) was considered to have one occasional summer day roost for an individual soprano pipistrelle bat.
287. A suitable mitigation strategy was described in Appendix 4 of the EclA and also a Bat Low Impact Class Licence would be obtained before the destruction of the roost in Building B01. This can be made a condition of planning, as appropriate.
288. The Bat Mitigation Strategy acknowledges the dynamic nature of bats use of potential roost features and states that update surveys may be required if work has not begun within 12 months of the last surveys. The last emergence survey was undertaken on 4.8.2022. As such, an updated bat survey of buildings is required, in line with this advice. Noting the previous findings of the bat survey, and its appropriate mitigation strategies, it is considered that further information in relation to bats could be provided via an appropriately worded condition, in the event of the application proceeding positively.
289. The EclA gives due consideration to impacts on birds, amphibians and hedgehogs, and appropriate measures to avoid harm to these species can be secured via a condition for a biodiversity construction environmental management plan (CEMP), in the event of the application proceeding positively. Similarly, measures to serve as general enhancements for wildlife, such as bat and bird boxes, could be secured via an appropriate condition.
290. The submitted information also details an invasive, non-native species to the site, *Cotoneaster* (sp.). A suitable management programme for its removal and management is recommended by LCC Nature, and it is again considered such details could be included as part of relevant ecological conditions, as applicable.

#### Highways

291. A number of representations received raise concerns in relation to the impact of the development on road congestion in the area, highways safety impacts, and parking. Particular reference is made to the impact to the adjacent A58/A168 roundabout, as

well as the walking routes to and from Wetherby and its town centre, amongst other matters.

292. The application has been assessed by LCC Highways, who provide no objection subject to conditions and a Section 106 Agreement to secure financial contributions to highways works.
293. Following negotiations during the course of the application, the Applicant has agreed, in principle, to provide the following:
- A contribution of £206,250 towards the cumulative impact on congestion hotspots.
  - West Yorkshire Combined Authority (WYCA)/Metro funding of RTI at bus stops on Boston Road at a cost of £20,000.
  - Funding for the provision of a crossing on Toucan Boston Road.
  - Funding for revisions required to the existing 18t weight limit TRO which exists from the roundabout.
  - Pedestrian connectivity improvements including widening the footpath on the western side of Boston Road from the north of the site.
  - EVCP bays to meet the requirements of policy EN8.
294. Revisions over the course of the application also include the widening of parking bays to the senior living units to 2.6m, to ensure these are all serviced by an electric vehicle charging point, in line with guidelines set out in the Transport SPD and requirements of policy EN8.
295. Policy D2 of the Wetherby Neighbourhood Plan relates to the connectivity of new developments. During the course of negotiations, revisions have been received, which include pedestrian connectivity improvements, amongst other works. These agreed works, as set out above, are considered to provide an appropriate level of connectivity to the development, as required by policy D2.
296. The Travel Plans for both the food store and the care home/senior living units have been revised over the course of the application, so that these are in line with relevant guidance and are considered acceptable by the LCC Influencing Travel Behaviour Team.
297. Noting the above, it is considered that the mitigation measures proposed would result in the development being acceptable in terms of highway safety and parking provision. It is also noted that NPPF paragraph 111 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In the absence of any information which would suggest impacts of this nature, the proposal is considered acceptable in terms of highway matters in principle. However, in the absence of a completed section 106 legal agreement that would secure the necessary on-site and off-site improvements as noted above, the proposal must be found to be leading to harm in these respects. As such, this would represent a reason to refuse the proposal.
298. It should be noted, that although National Highways (formerly Highways England) were not consulted as part of this application, they did offer comments in relation to the previously withdrawn application, 22/06966/FU, offering no objection to the scheme as submitted. Noting no objection to the principle of the development as previously outlined, it was not considered necessary to consult National Highways on the current scheme (noting its similarities in principle).



299. To summarise, in the absence of a completed Section 106 Agreement to secure highway works necessary to mitigate the anticipated impact of the proposal, the proposal is considered unacceptable in highways terms. The proposal is therefore contrary to policies P10, T1, T2 of the Core Strategy and guidance contained within the Council's Transport SPD and the NPPF.

#### Contaminated land

300. The proposal has been assessed by LCC Contaminated Land, who provide no objection subject to the imposition of appropriate conditions to secure necessary outstanding details.

#### Drainage

301. The application site is located within Flood Zone 1 and there have been no records of any recent flooding within the property or adjacent areas. An initial review has also identified that there are no known flood risks which require specific mitigation and would impact on the proposed development.
302. Details have been submitted indicating an appropriate drainage strategy for all elements of the development. Flood Risk Management (FRM), have assessed the scheme submitted, and provide no objection subject to the imposition of relevant conditions in relation to compliance with the drainage scheme details submitted, and the provision of interim drainage details for the construction period of the development.
303. Yorkshire Water have assessed the development, and, following revisions to the proposed landscaping to ensure appropriate stand-off distances from new planting to sewerage infrastructure, provide no objection subject to conditions.
304. As such, there are not considered to be any significant concerns in relation to drainage or flood risk management matters, subject to appropriate conditions.

#### Developer contributions

305. Policy ID2 of the CS relates to planning obligations and developer contributions. Planning obligations are legal obligations entered into to mitigate the impacts of a development proposal. Planning obligations must meet the statutory tests. Planning obligations must be:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development.
306. Highways have identified a necessary financial contribution of £206,250 towards the cumulative impact on congestion hotspots. This is considered necessary to mitigate the highways impacts of the development, and is considered directly, fairly and reasonably related to the development. The Applicant has stated a willingness to agree such a contribution, which is noted.
307. Such financial obligations in relation to the development, contributing to off-site works, would be secured via a Section 106 Agreement, as these cannot be secured via planning condition. However, noting the principle concerns in relation to the development, the officer recommendation for refusal, and to avoid abortive and costly works to both parties, no Section 106 Agreement is in place for the application. As

such, in the absence of a mechanism to secure the necessary mitigation to ensure the development is acceptable in highways terms, this represents a reason for refusal in its own right as noted above. The application is therefore contrary to policy ID2 and guidance contained within the NPPF.

### Climate and energy

308. Policy EN1 of the CS relates to carbon dioxide reduction, requiring developments of 10 dwellings or more, or over 1000 square metres of floorspace to:
- (i) Reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate until 2016 when all development should be zero carbon, and
  - (ii) Provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.
309. Policy EN2 of the CS relates to sustainable design and construction, requiring non-residential developments of 1,000 or more square metres (including conversion) where feasible are required to meet the BREEAM standard of 'excellent'. Residential developments of 10 or more dwellings (including conversion) where feasible are required to meet a water standard of 110 litres per person per day.
310. Details in relation to these climate change policies have been submitted as part of the application. In relation to EN1, part (i), the Class E food store clearly demonstrates compliance in the submitted details. The care home and senior living homes together demonstrate compliance, with an overall reduction of 27% against related targets. Whilst the care home in isolation does not meet the required standards, it is considered acceptable that overall the proposal is EN1 part (i) compliant. As such, noting the overall compliance achieved, and ability of technical specifications and details to address outstanding matters via condition, this does not represent a significant area of concern in relation to this policy.
311. For EN1(ii), the Class E food store exceeds the required 10% of predicted energy needs being from low carbon energy, with air source heat pumps and solar panels proposed. Similarly, air source heat pumps and solar panels are proposed for the care home and senior living homes. As such, subject to specifications and details being supplied via condition, the scheme is considered to be compliant with the requirements of EN1.
312. Satisfactory details have been provided to demonstrate the required BREEAM standard of 'excellent', through pre-assessment reports for both the food store and care home element of the scheme. No calculations have been provided in relation to the water standard for the dwellings, however the intent to meet this target is stated, and such details could ultimately be secured via an appropriately worded pre-commencement condition (requiring water calculations and specification of fixtures). As such, it is considered that the proposal is compliant with policy EN2.
313. Policy EN8 relates to the provision of electric vehicle charging facilities, requiring 1 charging point per residential parking space and 1 charging point per 10 residential visitor spaces. The policy also requires charging points for 10% of parking spaces for retail development. The car park to the food store provides 11 parking spaces. This represents 10% of the provision. A charging point per residential parking space has been provided for the senior living homes. An adequate number of charging spaces has been provided for the care home, for the use of staff and visitors. As such, there are no significant concerns in this regard.

## Equality impacts

314. An Equality Impact Assessment (EIA) has been submitted as part of the application, to allow for consideration of any impacts to those with protected characteristics (as defined by the Equality Act 2010) resulting from both the construction and operational phases of the development. The EIA identifies 'Priority Groups' from an assessment of the demographic profile of the local area. Three such groups are identified, as follows:
- Unemployed residents
  - Elderly residents
  - Refugees at the hotel
315. An assessment of the impacts on the 'General Population' is also considered as part of the EIA. The assessment of impact on the above groups is considered across five factors within the EIA, which are as follows:
- Local employment opportunities
  - Accommodation and housing provision
  - Access and movement
  - Access to retail facilities
  - Crime
316. During the construction phases of the development, the EIA concludes there are no adverse impacts anticipated. Some minor beneficial impacts are anticipated in relation to local employment opportunities for the 'General Population' and 'Refugees at the hotel', with this impact considered moderate benefit for 'Unemployed residents'. For all other factors, impacts are assessed as negligible.
317. During the operation phases of the development a number of minor beneficial impacts are anticipated across various groups. These are assessed to apply across all five factors. Moderate beneficial impacts are anticipated in relation to employment opportunities for 'Unemployed residents' and substantial beneficial impacts are anticipated in relation to accommodation and housing provision for 'Elderly residents'.
318. Noting the cessation of use of the application site for refugee housing during the course of the application, the nature of specialist housing proposed as part of the development, and the EIA carried out, it is considered due regard has been given to equality impacts as part of the assessment of the application and in reaching the recommendation made.

## Representations

319. Many aspects of the representations received raise comments which have been addressed within the above appraisal. The following summarises the representations received (*italicised*), and the officer response:
320. *Traffic/parking/congestion/public right of way/accessibility matters* – These are addressed within the 'Highways' section above. In relation to a footpath to Micklethwaite View, this is acknowledged to be a private footpath, as is evident upon viewing the site, and as such, a pedestrian connection through this part of the site was not sought by officers.

321. *Visual impact, design, heritage matters, landscaping, impact to trees, biodiversity, climate change policies* – These are addressed within the above appraisal.
322. *Compliance with relevant local and national policies and guidance* – This is considered and addressed within the above appraisal.
323. *Impact to Wetherby town centre, consumer choice, economic benefits, sequential test, need, employment, housing mix, affordable housing* – These are considered and addressed within the above appraisal.
324. *Impact to amenity* – This is considered within the above appraisal. Impacts during the construction phase and operational details (e.g. delivery hours) could be controlled via relevant conditions.
325. *Concerns regarding loss of hotel* – The site is allocated for housing, and the existing building to the site is not considered to be of any particular architectural merit. As such, there are no significant concerns identified in relation to its loss.
326. *Reference to planning history, case law, other applications in area* – Each proposal is considered on its own merits. Relevant material planning considerations are considered and assessed in reaching the planning balance.
327. *Concerns regarding consultation with residents* – The submitted documents detail engagement which the Applicant has undergone prior to the submission of the application. The LPA encourages public consultation and engagement prior to the submission of applications, and this is considered best practice.
328. *Concerns regarding accuracy of information* – The proposal is considered on the basis of available evidence at the time of decision making, considering submitted documents and any other relevant material considerations in weighing the planning balance.
329. *Other on-site uses, different locations should be considered, need for alternative infrastructure, need for shopping alternatives* – The application considers the merits of the proposal as submitted, and relevant planning considerations, as per the above appraisal.
330. *Concerns regarding impartiality of officers and Members* – All necessary declarations of interest have been made by officers. Members have the opportunity to make any relevant declarations of interest during Plans Panel proceedings.
331. *Lack of signage details* – Signage would be subject to considerations as part of an advertisement consent, as applicable. Signage to plans is indicative at this stage.
332. *Anti-social behaviour* – No evidence has been provided to suggest the site currently experiences anti-social behaviour issues. This would be a matter for relevant authorities, outside of the planning process.
333. *Impact to property values* – This is not a material planning consideration.
334. *Concerns regarding authenticity of comments* – All comments received during the course of the application have been reviewed and summarised by the case officer, with relevant material planning considerations considered in the conclusion reached.

335. *Concerns re delivery of all elements of the scheme* – The phased nature of the scheme is detailed to be in relation to different contractors being used for the food store and the care home/senior living elements. This is stated to potentially result in one phase being brought forward before the other. It is not uncommon for large scale development to be brought forward in phases. A phasing plan could be conditioned to ensure the delivery of all elements of the scheme, in the event of the application proceeding positively.
336. *Loss of housing land, impact on Green Belt* – Implications for housing delivery are considered within the above appraisal.
337. *Cost to taxpayer* – Planning services are a statutory part of local authority provision. The Applicant paid a planning fee as required for application 22/06966/FU and the current application met the necessary criteria to be considered by the Council as local planning authority under a fee exemption in accordance with Regulation 9 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012.
338. *Comments from previous applications should be considered* – All representations received over the course of the application have been reviewed and considered in the preparation of this report. Comments from previous applications, though noted, cannot be carried forward.
339. *Concerns regarding an alternative food store operator* – The assessment is made on the basis of the detail and proposal as submitted. The operator for the food store specified within the retail impact assessment is Lidl GB Ltd. Were it considered critical to the merits of the scheme that the operator were specified, this could be secured via an appropriate mechanism, i.e., a planning condition.
340. *Application should be decided by committee* – The application is brought to Plans Panel for consideration and determination, in accordance with the Delegation Agreement.
341. *Request for post box, fundraising opportunities to supermarket* – These matters are beyond the scope of planning and could not reasonably be controlled via the planning process.
342. *Number of positive comments* – Representations in favour of the development are noted, with material planning considerations raised considered as part of the planning assessment. All representations received have been reviewed and considered as part of the assessment of the application.

## **CONCLUSION:**

### Planning Balance

343. The proposal would provide an additional food store within Wetherby. This would widen customer choice for the settlement and offer an alternative food store provision above the existing. The food store is to a largely brownfield site. The site is situated in proximity to the main road network, allowing for easy access to the site via private car.
344. The proposal would deliver 8 senior living homes and 84 care home bedspaces, contributing to an identified District-wide need for specialist housing for independent

living. This would provide homes towards District-wide housing target figures and meet local and city-wide demand for such housing.

345. The proposal is compliant with relevant climate change policies in terms of carbon dioxide reduction, sustainability standards and electric vehicle charging points.
346. The development would create jobs through during the construction and operational phases of the development.
347. The aforementioned are all benefits of the proposal.
348. However, the proposal would prejudice the delivery of an allocated housing site, with a significant portion of the site proposed for non-housing use. This would significantly and fundamentally undermine the plan-led approach in Leeds, bringing with it significant development plan conflicts including that being contrary to saved UDP policy GP1 which states that alternative land uses should not be accepted where a site has been allocated for a particular land use. The proposal to deliver a supermarket on a significant part of the site would prejudice a significant part of the site for the delivery of housing which is needed to meet local housing need in Wetherby and North East Leeds as well as across the wider district, undermining the wider objective of the development plan and in direct conflict with SAP policy HG2-20. Furthermore, the proposal fails to deliver market housing or affordable housing that is anticipated by the SAP allocation.
349. The proposed food store is an out of centre location, which is considered to result in a significant adverse impact on the vitality and vibrancy of Wetherby town centre. The assumptions made within the retail impact assessment submitted are not considered to be fully evidenced so as to provide comfort on this matter. The proposal is contrary to the established centres-first approach which seeks to protect the vitality and vibrancy of existing town centres and their primary shopping areas. This would lead to a significant adverse impact. The application site is also to the edge of the settlement of Wetherby, and so is considered unlikely to result in linked trips to other retail offers and town centre services, as per the existing food stores within the town centre of Wetherby.
350. The site layout is considered to result in a poor relationship between the proposed on-site uses, to the detriment of the amenity of future occupiers, the design within the setting of designated and non-designated heritage assets, and the landscaping of the site. The proposed housing is essentially positioned within a food store car park, with little buffer to distinguish between the on-site uses. The private amenity space is poorly designed so as to fail to meet the appropriate guidance nor offer a sufficient degree of outlook to key habitable spaces. These concerns are also applicable to the proposed care home, with some ground floor windows lacking sufficient outlook, and amenity space being poor in terms of privacy, amenity and layout. This would lead to significant harm.

The proposed scale of the care home, and its positioning within the site is considered to represent less than substantial harm to designated heritage assets within the setting of the application site. As per the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amount to substantial harm, total loss, or less than substantial harm to its significance. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Any harm to the significance of a

designated heritage asset (including development within its setting) should require clear and convincing justification. The application is not considered to have provided clear and convincing justification which overcomes the harm identified to designated heritage assets.

351. In addition to the harm identified in relation to the setting of designated heritage assets, the proposal is considered to affect the significance of an identified non-designated heritage asset, Grange View, within the setting of the application site. The harm identified in this respect is not considered to be outweighed in the planning balance, noting the significant concerns identified in relation to other material planning considerations, as set out within this report.
352. Furthermore, the failure to submit a completed section 106 legal agreement to address relevant highways matters means the development could not be found acceptable in relevant respects. As such the proposal would also lead to significant harm in the absence of such a mechanism to deliver required infrastructure. The absence of a section 106 legal agreement, or indeed a detailed scheme, to deliver off-site tree planting would also mean that no weight can be afforded to any mitigating impacts of such a proposal.

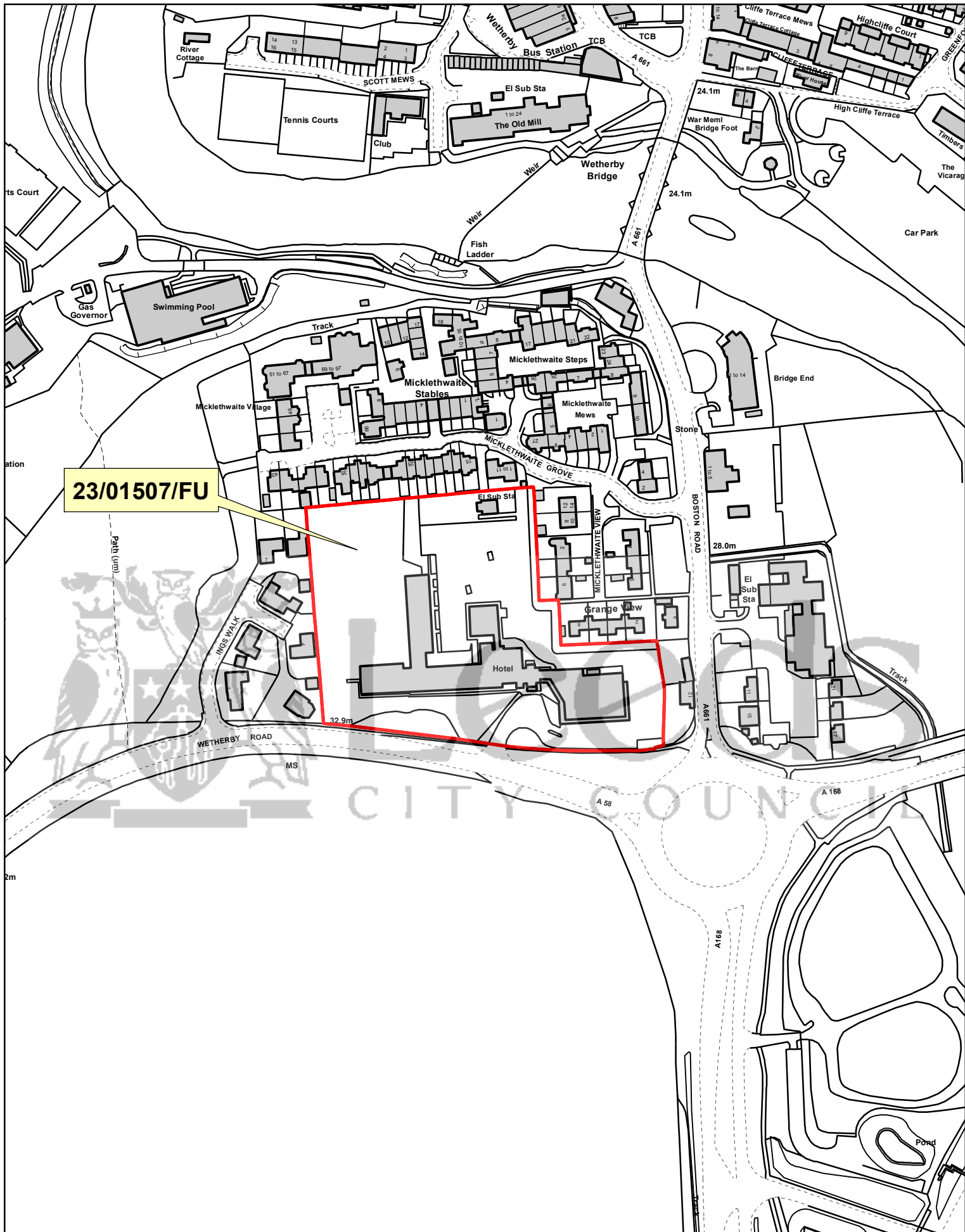
### Conclusion

353. Taking all of the above into consideration, it is considered the proposal is contrary to the adopted Local Plan policies and there are no material considerations which are considered to outweigh that conflict. The noted planning benefits of the proposal are not considered to outweigh the harms identified. Indeed, the harms and policy conflicts identified are each significant in their own right and would have likely led to a planning refusal even when viewed in isolation. Collectively they represent an overwhelming case that the planning balance weighs against the proposal. As such, the officer recommendation is for the refusal of the application, as per the reasons set out at the start of this report.

### **BACKGROUND PAPERS:**

Application file reference: 23/01507/FU

Certificate of ownership: Certificate B signed by the Agent



23/01507/FU

# NORTH AND EAST PLANS PANEL

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SCALE : 1/2500







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# PLANS PANEL PRESENTATION

SCALE 1:2500