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**Report of the Chief Planning Officer**

**CITY PLANS PANEL**

**Date: 4<sup>th</sup> October 2018**

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

**Applicant: Taylor Wimpey**

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**Electoral Wards Affected:**

**Wetherby**

☐ Yes

Ward Members consulted

**Specific Implications For:**

Equality and Diversity

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Community Cohesion

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Narrowing the Gap

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**POSITION STATEMENT: Members are requested to note this report on the proposal and to provide views in relation to the questions posed to aid the progression of the application.**

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**1.0 INTRODUCTION:**

- 1.1 The application is presented to City Plans Panel as this is a significant application which is a departure from the development plan and is of a scale of development which requires a strategic overview. The application is also accompanied by an Environmental Statement.
- 1.2 Outline planning permission is sought for a residential development comprising up to 800 dwellings together with a new primary school, a convenience store and public open space. The application is in outline with all matters reserved, save for access which includes three vehicular access points. The site is currently designated as Rural Land within the development plan, but is proposed to be allocated for residential and education uses within the advanced Site Allocations Plan. The site lies adjacent to the Major Settlement of Wetherby and given the need for additional

housing in this particular area, it is considered that the proposals represent a sustainable form of development, subject to satisfying the site requirements as set out within the SAP. These include ensuring that the development does not prejudice the comprehensive development of the entire SAP site; addresses highway impacts; provides the site requirements as set out within the SAP; and ensures that the quality and benefits of the site are not compromised by piecemeal development. As such, there are still unresolved issues which require further consideration and Members opinions are therefore sought at this stage.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The site is a greenfield site on the eastern edge of Wetherby. The application site measures 39.59 hectares of a total proposed allocated site of some 53.43 hectares. The site is in use as farmland with areas of mature woodland towards the centre and around the site.
- 2.2 The site is relatively flat with a slight rise from south to north. Sand Beck crosses part of the site towards the centre. In terms of adjoining land uses, the A1(M) motorway forms the western boundary with the Sandbeck Industrial Estate on the opposite side. Wetherby town centre is approximately 1.5km to the west of the site with access achievable along York Road and North Street. To the north and east lies Racecourse Approach with open countryside beyond as well as the nearby motorway junction which also serves the recently constructed motorway service area. The development site partly warps around the Wetherby Young Offenders Institute which sits immediately to the south and served from York Road. This comprises a vast collection of utilitarian buildings, hardsurfaced areas and an all weather playing pitch and is secured by tall fencing which surrounds the site. Along the York Road frontage is mature tree planting which help screen the institute. On the opposite side of York Road is Wetherby Racecourse which features a collection of sports and spectating facilities including several large spectator stands, one of which has recently been granted approval for a modern replacement.
- 2.3 York Road is an unclassified road which has a 30mph speed restriction along its western section up to and including the Young Offenders Institute. There are also double yellow lines along the section of York Road immediately in front of the Young Offenders Institute. Beyond this point, the speed restriction is increased to 40mph, where it leads to a roundabout which serves the racecourse and Racecourse Approach (B1224).
- 2.4 The site comprises numerous trees, hedgerows and woodland areas. Of particular merit is the tree lined avenue that once formed the entrance point to Ingmanthorpe Hall to the north. Approximately 700m to the north east of the site are the listed buildings at Ingmanthorpe Hall.

## **3.0 PROPOSAL:**

- 3.1 The application proposes the construction of up to 800 dwellings with means of access together with a new primary school and retail store. The following are supplied in support of the application and have been considered:
  - Illustrative Masterplan
  - Planning Case Report

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

- 3.2 The application relates to a proposed residential development on land to the east of Wetherby. The overall site, which measures 39.59 hectares, is being put forward as a housing allocation within the emerging Site Allocation Plan (SAP). This put forward a target of 1,100 dwellings on this site with a total site area of 55.43 hectares. The current proposal is for the majority of this site and excludes 4 parcels of land along the western edge which are in a different ownership to that of Taylor Wimpey who are the primary developers. The proposal therefore makes up approximately 71% of the proposed housing allocation.
- 3.3 The current proposal is for the provision of 800 dwellings, plus 2 hectares of land reserved for a new primary school and local convenience retail store. The submitted illustrative masterplan allows scope for the delivery of the other parcels of land should they come forward separately and therefore do not prejudice the delivery of this.
- 3.4 The residential units are spread across the entire site, with some provision made for a substantial landscaped buffer along the western edge of the site which sits adjacent to the A1(M) motorway. A buffer in the form of landscaping and attenuation ponds is also proposed adjacent to the Wetherby Young Offenders Institute to provide a reasonable stand off distance. Residential units are also proposed along the central and eastern parts of the site, with areas of Greensapce proposed in between. Land for a 2 form entry primary school is proposed towards the northern section of the site. In addition, a small convenience retail store is located adjacent to the proposed school, with a new access off Racecourse Approach which will serve the new occupants of the development as well as the school and store.
- 3.5 Three new vehicular access points are proposed from Racecourse Approach which links Wetherby Racecourse with the A1(M) motorway at the roundabout which also serves the recently constructed motorway service area. The scheme seeks to retain the majority of planting and trees within the site, including the mature avenue of trees which originally led to Ingmanthorpe Hall to the north.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 There is no specific planning history relating to the development site. There is however, numerous planning approvals relating to the nearby Wetherby Young Offenders Institute and Wetherby Racecourse, none of which are particularly relevant to the current proposals. However, it is important that any development proposals do not compromise the on-going operation of the Young Offenders Institute.
- 4.2 Planning permission has also been granted, through appeal, for the erection of 2 agricultural buildings on a triangular piece of land on the opposite site of Racecourse Approach, close to the location of the proposed centrally positioned access point into the proposed development site.
- 4.3 There is currently a planning application under consideration for a change of use of the land for use as a car wash with associated temporary buildings (Ref. 18/01070/FU). This relates to part of the SAP allocation located to the south west of the application site and would occupy the site previously used as part of the operations depot when the A1(M) motorway was upgraded. Officers are currently considering the possibility of granting a temporary planning permission on this site given that it may prejudice the long term delivery of part of the proposed housing site should the SAP be adopted. There are also other technical matters relating to highways issues to be resolved. Access to this is proposed from York Road.

## **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 Officers and the applicant's agent have discussed the proposals at length to consider the scheme in detail. Primary discussions have centred around highways issues and the need to provide further information in respect of traffic impact, modelling and public transport accessibility. Discussions have also taken place with regard to drainage, phasing and the delivery of the new primary school on site.

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

- 6.1 The application was advertised as a major development, as a departure from the development plan, as affecting a right of way and is accompanied by an Environmental Statement. Site notices were posted around the site on 12<sup>th</sup> May 2017 and through publication in the Yorkshire Evening Post in a notice dated 4<sup>th</sup> May 2017.
- 6.2 A total of 96 representations have been received from residents in relation to the application, 95 of these objecting to the proposed development and 1 letter of support. A number of the objections are however repeat comments. The objections raised can be summarised as follows:
- Inadequate infrastructure and local amenities;
  - Impact on health care facilities and dentists;
  - Unsure how the development will be policed;
  - Impact on fire and ambulance services;
  - Lack of capacity in local schools;
  - Greenfield sites should not be developed;
  - There are plenty of brownfield sites in Leeds City;
  - There are already large residential sites in Wetherby, either recently constructed or in the process of being built;

- Development of this site is premature in the plan-making process;
- The SAP is not yet approved;
- Proposal is 'side-stepping' the plan making process;
- Confusion over SAP process and this planning application, therefore misleading the public;
- Proposal is 'side-stepping' the neighbourhood plan process;
- Proposals conflict with the NPPF;
- A small section of the site is not within Leeds boundary;
- Site should be considered as Green Belt by default;
- Proposal is contrary to Policy RL1;
- The development is not in a sustainable location;
- The majority of the 12 core land use planning principles are not met;
- Site is isolated and in an unsustainable location, will result in a heavy reliance on the private car;
- Transport links for commuters to Leeds, York & Harrogate are not able to support large scale developments;
- Wetherby has no train station with limited public transport facilities;
- Harm to highway safety;
- Increased traffic and congestion;
- Entrance roads conflict with entrance to Ingmanthorpe Hall;
- Access point are dangerous;
- Impact on already inadequate parking facilities in Wetherby town centre;
- There are errors within the applicant's highways report;
- Idea that people will use bicycles to travel to Wetherby is unlikely;
- No cycle paths on the submitted plans;
- Crossing York Road on a bicycle would be dangerous;
- Queries / asks if a noise mound can be built adjacent to the motorway;
- Disruption caused by building works;
- Loss of and destruction of greenfield site;
- Detrimental to character and openness of the countryside;
- Destruction of Rural Land;
- The development represents urban sprawl;
- Size of development is out of proportion;
- Location other side of motorway results in lack of cohesion;
- Detrimental impact on market town, destroying visual amenities;
- Too many houses are being proposed for this site;
- Loss of valuable agricultural land;
- Impact on landscape;
- Impact on / loss of wildlife;
- Impact on protects species;
- Impact on trees;
- Impact on flooding;
- No plans to increase sewer capacity and sewage treatment works;
- Impact on property prices;
- Increased air pollution;
- Will set a precedent for further residential development to the east of Wetherby;
- The CIL payment will not be invested fully in Wetherby;
- Development will encourage further out-of-town retail development;
- Inappropriate and unnecessary location for new retail store;
- Wetherby will not provide sufficient jobs for the new residents;
- Has any consultation taken place with Harrogate Borough Council;

- Lack of community involvement;
- The proposal would affect tourism in Wetherby;
- Proposal would affect the attractiveness of Wetherby Racecourse as a rural racing venue;
- Site is extremely close to the listed dwellings at Ingmanthorpe Hall;
- The population of Wetherby will be massively increased;
- Unlikely that development will improve chances of Wetherby children purchasing a home in the town due to expected high prices;
- Location adjacent to Young Offenders Institute makes it an undesirable location for new residents;
- Rise in incidents at YOI increases risks to the public;
- Impact on property values, with compensation should be paid;

6.3 **Wetherby Ward Members:** Cllrs Lamb and Harrington object in the strongest possible terms on grounds of prematurity; that the housing target is set too high and should be reduced; the site is not sustainable and conflicts with the NPPF; would lead to a rival district centre to Wetherby town centre; increased air pollution; impacts on GPs, dentists and schools; highways concerns; lack of public transport; impacts on natural habitats; impact on the character of the market town; would set a dangerous precedent; the challenges of providing adequate infrastructure as demonstrated by the Thorp Arch dismissed appeal; more affordable and specialist housing for older people is required; and raises concerns over the duty to co-operate with neighbouring authorities.

6.4 **Wetherby Town Council:** Wetherby Town Council objects to the above application which it considers to be premature given the current status of the site allocations process being undertaken by Leeds City Council. The land is not currently allocated for residential development and could be considered to be contrary to a number of the principles in Chapter 4.6 of Leeds City Council's adopted Core Strategy. The Town Council, and local residents, have concerns about the ability of Wetherby's services and facilities to cope with the additional demand that this development would undoubtedly generate and does not consider that they can be adequately addressed through an outline planning application. The Council considers that further detail is required to ensure that a development in this location would meet the requirements of Spatial Policy 6i in Leeds City Council's Core Strategy.

6.5 **Wetherby Civic Society:** It is inappropriate to use good agricultural land bordering North Yorkshire and Harrogate district. The proposal will have a substantial effect on the town's facilities, and will increase car usage thereby placing pressure on the roads and parking. A new foodstore will also unlikely to meet the new residents requirements and they will regularly need other shops in Wetherby. It will also have an impact on local infrastructure such as car parking, medical, dental and social services and leisure facilities. The affordable housing also appears to be located next to the motorway. No proposals offer to expand sewer or sewage treatment capacity and flooding could result. The development is speculative and is not required by natural increases in population. The development will do nothing to provide affordable and social housing. In conclusion, the Civic Society recognises the need for Wetherby to continue to grow and develop. However, this development would alter the town, overstretch resources and change it from a cohesive market town to an overcrowded scattered dormitory. The Civic Society also point out a number of errors within the applicants submitted highways report/letter.

- 6.6 **Wetherby & Kirk Deighton Countryside Partnership:** Object on grounds that the development imposes an unacceptable built form of expansion on the township of Wetherby; will result in a separate satellite housing estate; proposal is contrary to the NPPF; should be a comprehensive dialogue with the Wetherby community before development of this scale is promoted; regard should be had to submission of SAP consultations, failure to comply with the Duty to Cooperate provisions; concerns that permission may be granted in advance of the SAP outcome; need to reflect on The Localism Act; impact on biodiversity and flood risk; impact on infrastructure and services of Wetherby; dangerous for cyclists; and that the application should be refused.

Letters of Support

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

**7.0 CONSULTATION RESPONSES:**

Statutory

- 7.1 LCC Highways: The application seeks outline planning permission with access the only matter for consideration at this time. Layout, parking and servicing arrangements have not been considered at this stage and will need to be addressed as reserved matters.
- 7.2 Whilst Wetherby is regarded as a Major Settlement in the Core Strategy and is the most significant settlement in the outer north east segment of the city, the bus station is not considered to be a major public transport interchange. The principle of a significant level of residential development in this location, which does not meet Core Strategy accessibility standards, should be given further consideration in light of the current site allocations process, housing targets for the outer north east segment of the city and other material planning considerations.
- 7.3 It is proposed to access the site from B1224 Racecourse Approach via three ghost island priority junctions with right turn lane, spaced roughly equally along the Racecourse Approach site frontage. The central and northern junctions will be linked by an internal access road and have been designed to accommodate a bus route. This types of junction are considered appropriate for the scale of development proposed and is considered acceptable in principle.
- 7.4 In terms of the impact on the local network, the traffic impact assessment is considered to be acceptable, with the exception of further modelling that is required on two junctions to the west of Wetherby. This information is awaited.
- 7.5 It is noted that Leeds Bridleway No.7 and Leeds Footpath No.8 are not within the Applicant's control, however, it is not accepted that these cannot be included in the redline boundary, subject to appropriate notice being served. The redline boundary should be revised to include lengths of footpath/bridleway to be improved. These routes offer the most direct pedestrian walking routes, for the majority of the site, to Wetherby Town Centre and it is considered fundamental to pedestrian accessibility

of the site that these routes are improved, to provide a safe, practical all year round pedestrian route. TDS are of the view that this can best be achieved by condition and that the routes should be included in the redline boundary. The improvement of these pedestrian routes is considered fundamental to the accessibility of the site and needs to be implemented upon first occupation of the development.

#### Non-statutory

- 7.6 West Yorkshire Combined Authority: The provision of a shuttle bus will undoubtedly improve the accessibility of the site but it should be noted that with this improvement, the Core Strategy requirement will still not be met. The cost of this service is likely to be in the region of £150,000 per annum. The layout needs to be designed in a way to accommodate the proposed shuttle bus service. It is recommended that this is funded for 10 years. Provision also needs to be made for 2 bus shelters with real time passenger information displays and 2 bus stop flag poles on the site. The total cost of this would be £41,000. A contribution of £392,920 would be required to fund a package of sustainable travel measures.
- 7.7 LCC Contaminated Land: The Phase 1 Desk Study submitted in support of the application identifies the needs for a Phase 2 Site Investigation Report on part of the site. Ideally this should be provided prior to determining the application, however, should approval be recommended or there be insufficient time to obtain the recommended information then conditions are recommended. It should be noted that depending on the outcome of the Site Investigation a Remediation Statement may also be required.
- 7.8 LCC Nature Conservation: It is recognised that the development can bring about a number of ecological benefits. Further survey work will be required before detailed development commences on site. Conditions are required for the submission of a biodiversity and construction management plan (CEMP and BEMP).
- 7.9 LCC Landscape: Detailed comments are provided on the submitted indicative masterplan with regard to pond areas, the screening to the Young Offenders Institute, the areas of greenspace which are being proposed and the associated management of these areas. It is advised that more consideration should be given to the even distribution of greenspace within the site, with more required towards the western side of the site. It is also important that all trees and their associated root protection areas are safeguarded as part of the development. A detailed tree survey would therefore be required to support this.
- 7.10 LCC Flood Risk Management: Further information was initially requested on the flood levels for Sand Beck and a plan showing the flood extents, as well as details of the culvert under the Young Offenders Institute and model the effects of a blockage. SuDS features will also be required to be shown on the masterplan. Further information was also sought on drainage feasibility and foul water drainage.
- 7.11 Yorkshire Water: Yorkshire Water would welcome the opportunity to work with the Council and the developer to incorporate integrated water management practices into the eventual design of the development. Such an approach is ideally suited to a large green field site as it allows for the water cycle to be considered throughout the planning and design process whilst making the most efficient use of existing infrastructure thus minimising the need for reinforcements and upgrades (and potential inconvenience to residents) whilst providing greater future resilience. No objections are therefore raised, subject to conditions.



- 7.12 The Environment Agency: The EA notes that the submitted FRA states that the proposed development extents have been omitted from flood zones 2 and 3. Therefore, no objections are raised provided that the development is carried out in accordance with the approved FRA.
- 7.13 Local Plans (Flood Risk): Some parts of the site are within flood zones 2 and 3 and therefore Policy Water 4 of the Natural Resources and Waste Local Plan applies. This means that the applicant is required to demonstrate that they have attempted to steer development to areas with the lowest probability of flooding by providing sufficient information to demonstrate that the sequential test has been passed. The applicant has confirmed that there will be no built development within flood zones 2 and 3. This sequential approach to the layout of the site avoids the need for the sequential and exceptions test to be undertaken. However, it is recommended that the outline permission has a condition attached to ensure this, otherwise the applicant will need to provide information to demonstrate that the sequential and exception tests have been passed. The applicant has provided a Drainage Feasibility Statement. Advice from colleagues in the Council's Flood Risk Management section should be sought.
- 7.14 Ainsty Internal Drainage Board: No objection in principle, but recommends that the applicant provides a satisfactory drainage strategy and obtains the necessary consent before any approval is granted. A number of conditions are therefore recommended.
- 7.15 West Yorkshire Police Architectural Liaison Officer: At this outline stage in the planning process WYP would encourage the developer to consider building these properties to Secure by Design standards, achieving accreditation has been simplified and the associated cost significantly reduced, in order to assist the developer a pre-application meeting may prove beneficial.
- 7.16 Air Quality Management Team: Given the proximity of the site to the A1(M), a further air quality assessment should be undertaken at the reserved matters stage when details of the layout are established to ensure that residential accommodation and primary school is not subjected to NO<sub>2</sub> levels which would fall below the required levels. The proposals to include electric vehicle charging points are welcomed.
- 7.17 TravelWise: A Travel Plan will be required as part of the s106 agreement. Also, a monitoring contribution of £6,000 for the residential component and £2,500 for the school component will be required. Also required will be a shuttle bus, a travel plan fund (£495 per unit) and mitigation measures if residential mode split targets are not met (£30,000).
- 7.18 Public Rights of Way: Existing public rights of way crossing or abutting the site are Public Footpath No.8 and Public Bridleways Nos. 7 and 43 and a claimed bridleway goes along the historic tree lined avenue between Swinnow Lodge and Racecourse Approach. It is recommended that Public Footpath No. 8 is upgraded to bridleway status. Consideration should be given to improve crossing facilities across Racecourse Approach to improve connectivity with a new footbridge being considered. Financial investment of £16,000 in the nearby public rights of way network is required to further improve connectivity through s106 contributions.
- 7.19 Children's Services: The Councils Sufficiency and Participation Team advise that the nearest schools to the development within Wetherby are Crossley Street Primary School, Deighton Gates Primary School, St James' Church of England Primary School and St. Joseph's Catholic Primary School. All of these are located on the other side of the motorway to the site, with the nearest being St. James', some 1.3km

from the centre of the site. Primary Schools in this area are popular and oversubscribed and this trend is expected to continue in future years as demographics continue to increase. The nearest secondary school is Wetherby High School which currently has some surplus capacity. Based upon the application submission of 800 dwellings, a contribution of £2.7 million would be required, based upon a figure of approximately £13,000 per pupil place.

- 7.20 Harrogate Borough Council: No objection, but recommends that LCC work closely with the appropriate highways authorities to ensure traffic generation is managed effectively.
- 7.21 North Yorkshire County Council Highways Authority: The submission of further information was requested and submitted. Whilst no further assessment work is requested at this time, the developer of the site will be expected to contribute to any schemes arising from the Harrogate Local Plan commensurate with the relative scale of impact of the site at these junctions. It is requested that this is included as a Section 106 Agreement requirement.

## **8.0 RELEVANT PLANNING POLICIES:**

### The Development Plan

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (2014), The Aire Valley Area Action Plan (2017), saved policies within the Leeds Unitary Development Plan (Review 2006), the Natural Resources and Waste Development Plan Document (2013), and any relevant (made) Neighbourhood Development Plan.
- 8.2 The proposed development has been considered in the context of the detailed policies comprised within the Development Plan. The site is currently designated as Rural Land within the development plan. The following documents and policies are relevant to the determination of this application:
- The Leeds Core Strategy (Adopted November 2014) (CS);
  - Saved UDP Policies (2006), included as Appendix 1 of the CS;
  - The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013).
- 8.3 The following Core Strategy (CS) policies are relevant:
- Spatial policy 1 Location of development
  - Spatial policy 6 Housing requirement and allocation of housing land
  - Spatial policy 7 Distribution of housing land and allocations
  - Spatial policy 8 Economic Development Priorities
  - Spatial policy 10 Green Belt
  - Policy H1 Managed release of sites
  - Policy H2 Housing on non allocated sites
  - Policy H3 Density of residential development
  - Policy H4 Housing mix
  - Policy H5 Affordable housing
  - Policy P4 Shopping parades and small scale standalone food stores
  - Policy P8 Sequential and impact assessments for town centres uses

- Policy P9 Community facilities and other services
- Policy P10 Design
- Policy P11 Conservation
- Policy P12 Landscape
- Policy T1 Transport Management
- Policy T2 Accessibility requirements and new development
- Policy G1: Enhancing and extending green infrastructure
- Policy G4 New Greenspace provision
- Policy G8 Protection of species and habitats
- Policy G9 Biodiversity improvements
- Policy EN1 Climate change – carbon dioxide reduction
- Policy EN2 Sustainable design and construction
- Policy EN5 Managing flood risk
- Policy ID2 Planning obligations and developer contributions

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

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

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

#### Natural Resources and Waste Local Plan (NRWLP)

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

- Policy General 1 – Sustainable Development;
- Policy Air 1 – Management of Air Quality Through Development;
- Policy Minerals 3 – Mineral Safeguarded Area – Surface Coal;
- Policy Water 1 – Water Efficiency;
- Policy Water 2 – Protection of Water Quality;
- Policy Water 6 – Flood Risk Assessments;

Policy Water 7 – Surface Water Run Off;  
Policy Land 1 – Contaminated Land;  
Policy Land 2 – Development and Trees.

#### Site Allocations Plan

- 8.7 The site forms the majority of a proposed allocation within the emerging Site Allocations Plan (SAP) Site Reference HG2-226. The wider site is identified as being suitable for approximately 1,100 dwellings. The SAP also lists further specific requirements for this site which include the need for a 2 form entry primary school; a comprehensive design brief for the site; access points from York Road and Racecourse Approach; a pedestrian link to the south west of the site to provide a link towards Wetherby town centre; heritage and archaeological considerations; the retention of the avenue of trees, an ecological assessment, the preservation of the listed buildings at Ingmanthorpe Hall and a site specific flood risk assessment, directing development away from area of highest flood risk.
- 8.8 The Examination in Public of the Council's Submission SAP commenced on 10 October 2017 and was originally scheduled to complete that month. However, in light of the publication of the Government's 'Planning for the right homes in the right places' consultation document immediately prior to the Examination, the housing matters were rescheduled (in agreement with the Examination Inspectors). Proposed revisions to the Submission Draft SAP were approved at a meeting of Full Council on 10 January 2018. Public consultation on the Revised Submission Draft SAP amendments took place between 15 January and 26 February 2018. The Council submitted the consultation responses to the Examining Inspectors in March. The Examination in Public continued on 9th July 2018 and closed on 3rd August 2018. The East of Wetherby site (HG2-226) was discussed during the Stage 2 Hearing sessions (ONE HMCA) and the Inspectors heard comments from Council Officers, landowner representatives and local representors (including Cllrs) regarding the soundness of the proposed allocation. The Council is currently awaiting the Inspectors recommendations regarding the soundness of the SAP.
- 8.9 Regarding emerging planning policy, both paragraphs 48 (weight to be given to emerging policy) and paragraphs 49-50 (prematurity) apply.

#### Core Strategy Selective Review

- 8.10 Further to the SAP, the CSSR intends to give effect to a reduction in the housing requirement for Leeds through the amendment of Core Strategy Spatial Policy 6. The Council's Executive Board approved the Publication Draft of the CSSR on 7<sup>th</sup> February 2018. It was the subject of public consultation up until end March. In April the Council considered the consultation responses received with the intention to submit a draft plan to the Planning Inspectorate at the end of the Summer 2018. This was submitted and it is envisaged that an Examination in Public will be held in November 2018.

#### Neighbourhood Planning

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

H1: Provide an appropriate mix of housing

H2: Quality and layout of housing developments

HWL1: Sport and leisure facilities

HWL2: Community facilities

ENV1: Protection and enhancement of local heritage assets

D2: Connectivity of new developments

National Planning Policy Framework (NPPF 2018)

- 8.12 The NPPF compliments the requirement under section 38(6) of the 2004 Act that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The revised National Planning Policy Framework (NPPF) was published on 24 July 2018 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. The NPPF seeks to boost the supply of (sustainable) housing whilst prioritising the reuse of previously developed land, and sets out the presumption in favour of sustainable development.
- 8.13 Paragraph 213 of Annex 1 (Implementation) of the NPPF advises to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.
- 8.14 The overarching policy of the Framework remains the presumption in favour of sustainable development, in respect of which the three dimensions remain (economic, social and environmental). These are considered below.
- 8.15 NPPF paragraph 12 makes clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, and that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plan forming part of the development plan) permission should not usually be granted.
- 8.16 Paragraph 12 is to be considered in the context of NPPF paragraph 11 and decision taking. First, for the purposes of paragraph 11(c), the Development does not accord with the up-to-date Development Plan, and so this is not a case in which national policy advises that the Development should be approved without delay (or at all).
- 8.17 Paragraph 11(d) advises, in relevant part, that where policies which are most important for determining the application are out-of-date granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.18 For the purposes of NPPF paragraph 12 therefore, the Development must be in accordance with the Development Plan in order to be approved unless material considerations indicate otherwise. This reflects the statutory test.
- 8.19 Chapter 5 relates to delivering a sufficient supply of homes. Paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Paragraph 72 advises that the supply of large number of new homes can offer be best achieved through planning for large scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities.
- 8.20 Chapter 8 relates to promoting healthy and safe communities, with paragraph 91 advising that planning policies and decisions should aim to achieve healthy, inclusive

and safe places. It is also important that a sufficient choice of school places is available to meet the needs of existing and new communities, as advised by paragraph 94. Planning policies and decisions should also protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, as required under paragraph 98. Furthermore, paragraph 96 advises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

- 8.21 By NPPF paragraph 111 it is advised that development that generates significant amounts of movement should be supported by either a Transport Statement or Transport Assessment. By NPPF paragraph 108(a), opportunities for sustainable transport modes should be explored. So far as possible, under paragraph 110(a) priority should be given to pedestrian and cycle movements and to ensuring access to high quality public transport services. Under paragraph 110(c) NPPF places should be created that are safe, secure and attractive that minimise the scope for conflicts between traffic and cyclists or pedestrians. The safety of the road user is also a general consideration which naturally underpins the promotion of sustainable transport and which must fall to be considered, for the purposes of NPPF Chapter 9.
- 8.22 NPPF paragraph 117 advises that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 122 advises that policies and decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing; local market conditions and viability; the availability and capacity of infrastructure and services; the desirability of maintaining an area's prevailing character and setting; and the importance of securing well-designed, attractive and healthy places.
- 8.23 Chapter 12 concerns achieving well design places, with paragraph noting that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make developments acceptable to communities. Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history; establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (paragraph 127).
- 8.24 Chapter 14 relates to climate change and flooding, with paragraph 153 advising that in determining planning application, local planning authorities should expect new development to comply with any development plan policies for decentralised energy supply unless it can be demonstrated that it is not feasible or viable and take account of the landform, layout, building orientation, massing and landscaping to minimize energy consumption. Paragraph 163 advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site specific flood-risk assessment. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 8.25 Chapter 15 relates to conserving and enhancing the natural environment. Paragraph 170 advises that planning policies and decisions should contribute to and enhance the natural and local environment. With regard to habitats and biodiversity, paragraph 175 states that when determining planning applications, local planning

authorities should apply the following principles: a) of significant harm to biodiversity result from a development cannot be avoided, adequately mitigated or compensated for, then permission should be refused; b) development on land within or outside a SSSI and which is likely to have an adverse effect on it should not normally be permitted; c) development resulting in the loss or deterioration of irreplaceable habitats; and d) development whose primary objective is to conserve or enhance biodiversity should be supported.

- 8.26 Paragraph 193 relates to heritage assets and advises 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. Paragraph 196 advises that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.

#### Planning Practice Guidance

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

#### DCLG - Technical Housing Standards 2015:

- 8.28 The above document sets internal space standards within new dwellings and is suitable for application across all tenures. The housing standards are a material consideration in dealing with planning applications. The government's Planning Practice Guidance advises that where a local planning authority wishes to require an internal space standard it should only do so by reference in the local plan to the nationally described space standard. With this in mind the city council is currently looking at incorporating the national space standard into the existing Leeds Standard via the local plan process, and is a policy in the Core Strategy Selective Review. Therefore, each dwelling should meet the minimum floorspace standards to provide a good standard of amenity for future occupants.

## **9.0 MAIN ISSUES:**

Principle of Development  
National Guidance – five year supply  
Site Allocations Plan  
Education  
Affordable Housing  
Highways and Transportation  
Drainage and Flood Risk  
Design & Layout  
Landscape Impact  
Ecology  
Heritage  
Impact on Living Conditions  
Loss of Best and Most Versatile Agricultural Land  
Land Contamination  
Environmental Impacts  
Section 106 Obligations and CIL  
Sustainability

## 10.0 APPRAISAL:

### Principle of Development

- 10.1 The application seeks to establish the principle of residential development for up to 800 dwellings, a new primary school and a small retail store. The site is open agricultural land that lies adjacent to the A1(M) motorway on one side, is located to the side and rear of the Wetherby Young Offender's Institute and front onto Racecourse Approach on another side. The site is designated as Rural Land under saved Policy RL1 of the Unitary Development Plans (Review 2006), but allocated as a housing site under Policy HG2-226 within the advanced Site Allocations Plan (SAP), with the associated hearing sessions on the topic of housing having concluded.
- 10.2 Saved Policy RL1 of the Unitary Development Plan (Review 2006) (RUDP) states:
- THE AREA OF OPEN COUNTRYSIDE TO THE NORTH OF THE RIVER WHARFE IS DESIGNATED AS RURAL LAND. THIS AREA WILL BE SAFEGUARDED IN ACCORDANCE WITH UDP STRATEGIC PRINCIPLE SP2. ANY DEVELOPMENT PROPOSED IN THIS AREA WILL BE ASSESSED AGAINST THE GUIDANCE CONTAINED WITHIN PPG7 "THE COUNTRYSIDE AND THE RURAL ECONOMY" AND OTHER RELEVANT NATIONAL AND LOCAL POLICY GUIDANCE.
- 10.3 The undeveloped land to the north of the River Wharfe is currently designated as Rural Land under saved UDP Policy RL1, although there are plans to allocate this as Green Belt within the SAP, save for the application site which is proposed as a housing allocation. It is clear that the proposed development conflicts with Policy RL1. However, paragraph 11(d) advises, in relevant part, that where policies which are most important for determining the application are out-of-date granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this instance, due to the absence of a 5 year housing land supply and the provisions set out within paragraph 11 of the NPPF mentioned above, then Policy RL1, which is important for determining this application, is considered to be out of date. Thus, the tilted balance in this instance applies which assumes that, subject to other detrimental matters, there is a presumption in favour of granting permission.

### National Guidance - Five Year Housing Land Supply

- 10.4 The NPPF advises that LPAs should identify and update annually a supply of specific deliverable sites to provide five years' worth of housing supply against their housing requirements. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence of delivery.
- 10.5 The Council does not currently have a five year land supply and won't have one until Adoption of the revised Submission SAP. The Council is now in receipt of the



decisions of the Secretary of State in the two recovered appeals. The decisions relate to appeals at *Tingley Station* (Ref: 3169594) and an omission site at *Thorp Arch Trading Estate* (Ref: 3168897). Both were dismissed on 12 July 2018.

- 10.6 The findings of the Secretary of State upon the conclusions of his Inspectors relate to the evidence tested as part of recent public inquiries at *Thorp Arch Trading Estate* (closed, November 2017) and subsequently updated at *Tingley Station* (closed, January 2018). Both inquiries considered the five year supply picture as sourced from the SHLAA (2017 Update) updated from a base date of 1 April 2017 for the five year period from 2017/18 to 2022/23. The Council has since reflected and updated this position to a base date of 1 April 2018.
- 10.7 At para 10 of *Tingley Station* the Secretary of State “*agrees with the Inspector (IR13.5-13.11)...that the Council's housing land supply is around four years*”. As *Tingley Station* involved the updated evidence base, when compared with *Thorp Arch Trading Estate*, it must be treated as taking precedence over the Secretary of State's decision in *Thorp Arch*.
- 10.8 In addition, the Council refers to the previous non recovered appeal decision issued 18 June 2018, in respect of *land south of Pool Road, Pool in Wharfedale*, which does not reject the Council's then advanced case of 4.4 years. This is compatible with the *Tingley Station* decision),
- 10.9 The Council confirms that in the appeal relating to SAP site HG3-7 (*The Ridge, Linton*) the Council advanced a case of 4.38 years supply. This decision is still awaited.
- 10.10 The Council has produced a further updated position, from 1 April 2018. That confirms that a further 7,660 new homes were approved on sites during 2017/18 (excluding windfall) - a record year for the number of planning permissions granted.
- 10.11 The Council is now in a position to evidence, with complete confidence, having noted the outcomes of the *Tingley Station* and *Thorp Arch* recovered appeal decisions and having again substantially boosted its “*deliverable*” planned supply of land. This duly takes into account recent planning and construction activity to establish and substantiate the five year supply of 4.38 years for the period of 1 April 2018 to 31 March 2023.
- 10.12 Consequently given the receipt of several appeal decisions relating to proposed new major housing developments in Leeds, it is clear that the Local Planning Authority are unable to demonstrate a five year housing land supply of deliverable sites.
- 10.13 As outlined earlier, the Core Strategy policies which are relevant for the determination of this application will be considered out of date if a five year supply of deliverable housing sites cannot be demonstrated. Notwithstanding this, the local planning authority are undertaking a selective review of the Core Strategy which involves reviewing and updating the housing policies, as well as carrying out their Site Allocations Plan which has just finished the Examination in Public.
- 10.14 At present, it is therefore clear that the Council has not got a five year supply of deliverable housing sites, and has been consistently under-delivering. This therefore lends weight to the principle of residential development provided there are no adverse impacts arising from the development when balanced against the benefits.

- 10.15 It is also considered necessary to assess the proposal against adopted policies within the development plan. However, as paragraph 73 of the NPPF advises that Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. Therefore, as policies SP6 and SP7 as well as policies within the housing chapter of the Core Strategy relate specifically to housing, then they could be regarded as being not up-to-date. However, an analysis is provided against Core Strategy policies nevertheless.
- 10.16 Core Strategy Spatial Policy 1 (Location of development) sets out the Council's spatial development strategy based on the Leeds settlement hierarchy and seeks to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services and high levels of accessibility. The hierarchy prioritises the location of future development and sets out those areas towards which development will be directed. Table 1 identifies settlement types in the hierarchy as being the Main Urban Area of Leeds, Major Settlements, Smaller Settlements, and finally Villages. Wetherby is defined as a Major Settlement. The proposals are therefore considered to be compliant with SP1 in that the development represents a development adjacent to a Major Settlement that would be compliant with the 9 principles set out within that policy.
- 10.17 Policy SP6 of the Core Strategy sets out the Authority's policy for allocating housing and considers sustainable locations as a key consideration:
- "Sustainable locations (which meet standards of public transport accessibility - see the Well Connected City chapter), supported by existing or access to new local facilities and services, (including Educational and Health Infrastructure)"*
- 10.18 Policy SP7 also includes a schedule of the distribution of housing land and allocations across Leeds. Policy SP7 identifies a requirement for 5,000 dwellings to be located within the Outer North East HMCA. This policy also recognises that a significant proportion of this should be directed towards extensions to existing Major Settlements. The site is located at the top of the settlement hierarchy that seeks to ensure that land is used effectively and efficiently and seeks to meet Accessibility Standards. The nearest health care facilities, supermarkets and employment opportunities are in Wetherby and the provision of a dedicated shuttle bus with a frequency of every 20 minutes running from the development site to Wetherby town centre and back will provide a choice of means of transport other than the private car. On this basis, the proposed development complies with some elements of the Accessibility Standards, and with policy SP1. It therefore represents sustainable development and would therefore comply with the overarching aim of the NPPF.
- 10.19 Furthermore, Core Strategy Policy H2 states that new housing development will be acceptable in principle on non-allocated land, providing that the number of dwellings does not exceed the capacity of local infrastructure and that for developments of more than 5 dwellings the location accords with the Accessibility Standards in Table 2 of Annex 3. Under policy H2 greenfield land should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, or makes a valuable contribution to the visual, historic and/or spatial character of an area. In this respect, the proposals are not considered to be harmful to the intrinsic character of the area, would not be harmful to nature

conservation and the historic or spatial character of the area, and thus is compliant with Policy H2.

- 10.20 The proposals have been discussed at some length at the department's Planning Board. It is fully recognised that whilst the current designation is 'Rural Land', the site has been put forward as a future housing site within the advanced Site Allocations Plan for 1,100 new dwellings. Therefore, some weight can be afforded to this document, and demonstrates the local planning authority's long term aspirations over this site on the edge of Wetherby and the fact that it has been considered in light of its suitability and sustainability credentials.
- 10.21 The site assessment within the SAP concludes that the site would be well contained and the wider area currently contains several urbanising developments such as the Young Offenders Institute. As such, the development of the site would not be unduly detrimental to the character of the area. The site is situated adjacent to Wetherby which is the only major settlement within the HMCA. The site would have reasonable access to the town centre and local services. The site is considered to form the best option for expanding Wetherby town compared against reasonable alternatives.
- 10.22 Other sites have been allocated in the SAP in terms of bringing forward housing in this part of the housing market characteristic area, these include, amongst other sites at Parlington, land at Sandbeck Lane, Wetherby, and the Mercure Hotel, Wetherby Road, Wetherby.
- 10.23 These are the closest allocated sites that fall within the Outer North East Housing Market Characteristic Area, and they all contribute to meeting the planned housing numbers for the area over the Core Strategy period. Policy H1 of the Core Strategy advises that in the event of a lack of a 5 year housing land supply sites from latter phases will be brought forward. That said, all of the housing sites within the SAP have been allocated as Phase 1.
- 10.24 In addition, the lack of a 5 year supply of deliverable housing sites and lack of any other harm, lends weight in support of the proposal which could deliver much needed housing in the short term. It is located in a sustainable location, adjacent to a Major Settlement, where infrastructure already exists to absorb the pressure for additional residential development, but recognising that additional measures will be required, including improvements to public transport and other non-car modes of transport.
- 10.25 In terms of other proposed uses, the proposed convenience store and primary school are considered to be acceptable and would enhance the sustainability credentials of the site. However, the application does not fully meet the site requirement for a 2 form entry school as submitted and more information and discussion on this will be required.

#### Prematurity

- 10.26 The principle of residential development is wholly consistent with the SAP. However, there are a number of specific site requirements which need to be demonstrated to have been met before planning permission can be granted.
- 10.27 The SAP process is the correct method for determining the relative merits of all sites considered for development. The application site (HG2-226) has been considered through that process and it has been determined that the site is sustainable in terms of meeting the housing requirement in the ONE Housing Market Characteristic Area for the plan period.

- 10.28 Whilst the advice within the PPG and NPPF advises that the Plan led system is the most appropriate mechanism for determining whether residential development of this scale, it is not considered that the development would undermine or prejudice the plan making process.

#### Education

- 10.29 The nearest schools to the development within Wetherby are Crossley Street Primary School, Deighton Gates Primary School, St James' Church of England Primary School and St. Joseph's Catholic Primary School. All of these are located on the other side of the motorway to the site, with the nearest being St. James', some 1.3km from the centre of the site. Primary Schools in this area are popular and oversubscribed and this trend is expected to continue in future years as demographics continue to increase. The nearest secondary school is Wetherby High School which currently has significant surplus capacity.
- 10.30 In terms of the advance SAP, the SAP Schools Background Paper, it notes that the residential allocation at the East of Wetherby site identifies a need for school provision. For such large scale residential developments such as the Wetherby site, developers and landowners are expected to provide schools as an integral part of the development. In these cases, the school can either be constructed as part of the proposed development site or the site reserved and transferred at nil consideration to the appropriate body delivering the school together with a contribution in cash or kind to the delivery of the school. In the latter case the school provision can be funded and/or delivered through the use of planning obligations.
- 10.31 Whilst the proposal includes the provision of a new one form entry primary school, with the capacity to be expanded to a two form entry school (land will be reserved for this), it will be inevitable that the new school will not be built and open following immediate occupation of the first dwelling as it would not be feasible and viable to do so. It is likely that the new school will need to be delivered and ready to use upon occupation of 300 – 400 dwellings, the details of which would be dealt with as part of the planning obligations. Furthermore, whilst the applicant holds the majority share of the land allocation, ownership of other parcels lie with different land ownerships and it is considered necessary for any future developers of these sites to contribute financially for the need to upgrade the school to provide a two form entry school. Based upon the application submission of 800 dwellings, a contribution of £2.7 million would be required, based upon a figure of approximately £13,000 per pupil place. This is in addition to the provision of the 2 hectares of land that would be transferred to the Council by the developer.

#### Affordable Housing

- 10.32 Core Strategy policy H5 identifies the affordable housing policy requirements. The site lies within Affordable Housing Zone 1 on Map 12 of the Core Strategy. The affordable housing requirement is 35% of the total number of units, which equates to 280 units. The applicant proposes that 35% of the total number of dwellings on site are affordable and is agreeable to a S106 obligation in this regard.
- 10.33 Due to the outline nature of the application the full details of the affordable provision is not known but an indicative layout including indicative affordable housing locations are included in the submission. The quality of the affordable units will need be the

same as the open market dwellings. If the application were considered to be acceptable in all other respects, this would be secured through a S106 agreement.

- 10.34 The submitted draft masterplan shows a layout which proposes up to 800 dwellings. In terms of the composition of the development, the applicant intends to provide a range of housing options which has been informed by a housing needs survey. A range of house sizes are proposed, which comprise a mix of 2, 3, 4 and 5 bedroom homes, although the exact mix is not known at this stage. The applicant intends to provide 35% of these for affordable housing, which would equate to 280 dwellings.
- 10.35 The information provided states that up to 800 dwellings will be offered although no exact mix is specified. The applicant has submitted a Housing Needs Assessment with the application which analyses current residential market evidence and trends to identify a proposed housing mix that is suitable for the site. Paragraph 61 of the NPPF is relevant and states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The submitted assessment reviews the national and local markets having regard to value trends and average house prices in the local area, reviews the mix against Core Strategy Policy H4, the Renew Housing Market Assessment produced for the Wetherby Neighbourhood Plan, the content of the Council's SHMA, in order to formulate a mix for the proposed development.
- 10.36 Any mix proposed would be able to comply with the requirements of Policy H4. As this is an outline application this could be subject to change through the submission of any future reserved matters. However, for the purposes of the outline application, the proposed housing mix, having had regard to the applicant's Housing Needs Assessment is generally considered to be acceptable.
- 10.37 The affordable housing policy requirement for this area is 35% and the applicants have confirmed that the proposal will be policy compliant which will deliver 280 new affordable homes on site. This would be secured as a planning obligation within a s106 Agreement. However, the applicant has also confirmed that they would be willing instead, to look at providing some of this off site, as a financial contribution, similar to what was agreed with the Bellway Homes site at Spofforth Hill, Wetherby. However, as submitted, a scheme for 35% on site is considered to be in accordance with Core Strategy Policy H5 and also paragraphs 62 and 64 of the NPPF, and at present, there is no justification from departing from this policy.
- 10.38 **Given the proposed allocation within the SAP, do Members support the principle of this development ?**

#### **Highways and Transportation**

- 10.39 The planning application has been submitted in outline with all matters reserved, save for vehicular access. The masterplan shows that a new vehicular access will be created at three access point from Racecourse Approach. The distributor roads would then feed into a series of smaller roads and cul-de-sacs and courtyards.
- 10.40 The application is accompanied by a Transport Assessment (TA), the scope of which was agreed with Highways Officers at the pre-application stage. The TA seeks to inform on and assess the key highways related implications of the proposed development. This assesses matters relating to the accessibility of the development, trip generation and traffic assignment, future year flows, operational

assessment of junctions (particularly the York Road and Racecourse Approach roundabout and junction 46 of the A1(M) motorway), highway and pedestrian safety, and any highways works that are necessary to facilitate and mitigate the impact of the development. Further information has been submitted by the applicant following discussions and negotiations with the Council's Highways Officer, Highways England and North Yorkshire County Council Highway Authority.

- 10.41 The NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Core Strategy Policy T2 states that new development should be located in accessible locations and with safe and secure access for pedestrians, cyclists and people with impaired mobility. In locations where development is otherwise considered acceptable new infrastructure may be required provided it does not create or add to problems of safety or efficiency on the highway network.

#### Accessibility

- 10.42 Whilst Wetherby is regarded as a Major Settlement in the Core Strategy and is the most significant settlement in the outer north east segment of the city, the bus station is not considered to be a major public transport interchange. Wetherby is regarded as a transport hub by WYCA, although it does not provide direct services to Leeds at the recommended 15 minute service frequency.
- 10.43 The principle of a significant level of residential development in this location, which does not meet Core Strategy accessibility standards, should be given further consideration in light of the current site allocations process, housing targets for the outer north east segment of the city and other material planning considerations. It is noted that the site is being brought forward as a housing allocation in the emerging Local Development Framework Site Allocations Plan (Site Ref. HG2-226).
- 10.44 The site fails to meet Core Strategy Accessibility Standards with regards to access to; Local Services, Employment, Health Care and Town/City Centres.
- 10.45 It is acknowledged that the proposals include a new primary school and convenience store, which will enhance accessibility and the sustainability of the site in the longer term. However these are both in phase 2 of the development and are unlikely to be built and operational until phase 1 (circa 270 dwellings) has been completed. The table below is an assessment against the **Core Strategy Accessibility standards**:

	Accessibility Standard	Site	Meets Standard
<b>To Local Services</b>	Within 15 min (1200m) walk	Closest local services to the site are located on York Road around 1400m from the site. A wider range of services are available in Wetherby town centre around 1800m from the site. Moto Wetherby Services (A1M J46) is about 1200m walking distance from centre of site. Convenience store is	No

		proposed on site and Aldi is on Sandbeck Lane.	
<b>To Employment</b>	Within 5 min (400m) walk to a bus stop offering a 15 min service frequency to a major public transport interchange	Closest bus stops are located on York Road around 750m from the centre of the site. These stops are served by service 412 providing a 1–2 hour service frequency between York and Wetherby. Local opportunities at Sandbeck Ind Est and Thorp Arch Estate.	No
<b>To Health Centre</b>	Within 20 min (1600m) walk or a 5 min walk to a bus stop offering a direct service at a 15 min frequency	Closest health centre is Wetherby Health Centre, Hallfield lane, Wetherby, around 1900m walking distance from the centre of the site	No
<b>To Primary School</b>	Within 20 min (1600) walk or a 5 min (400m) walk to a bus stop offering a direct service at a 15 min frequency	Closest primary school is St James' C of E, Primary School, Hallfield Lane, Wetherby, around 1400m walking distance from the centre of the site. The proposals include a primary school.	Yes
<b>To Secondary School</b>	Within 30 min (2400m) direct walk or 5 min (400m) walk to a bus stop offering a 15 min service frequency to a major public transport interchange	Closest secondary school is Wetherby High School, Hallfield Lane, Wetherby, around 1900m walking distance from the centre of the site	Yes
<b>To Town / City Centres – defined as Leeds, Bradford and Wakefield</b>	Within a 5 min (400m) walk to a bus stop offering a direct 15 min frequency service	Closest bus stops are located on York Road around 750m from the centre of the site. These stops are served by service 412 providing a 1–2 hour service frequency between York and Wetherby	No

10.46 Following consideration of the submitted TA and additional information, it is considered that the proposed site access points are acceptable. On balance, the access road details are regarded as adequate for the purposes of providing access to a residential development in the order of 800 dwellings, a new primary school and retail store, together with the potential to access further residential development on other parcels of land within the overall SAP allocation.

10.47 Adequate forward visibility can be achieved in both directions for all three access points. The TA concludes that both the site access points and the nearby junctions and roundabouts would operate with adequate capacity during all of the tested scenarios, taking account of both the development traffic and committed development traffic. However, a review of the traffic impact of residential development proposals to the west of Wetherby has identified that the A661 Spofforth Hill / West Gate / Linton Road mini-roundabout and A661 West Gate / Crossley Street priority junction currently operate close to capacity with significant queuing observed in the AM and PM periods. To enable officers to fully understand

the impact of development generated traffic on these junctions it is requested that both junctions are now fully assessed. Further information is therefore awaited.

- 10.48 It is noted that a number of revisions would be needed in order that Highways Officers could support the submitted layout. However, it is acknowledged that the layout is indicative only given the outline status of the current application, and therefore any amendments that would be necessary could be achieved and delivered through any subsequent reserved matters submission. Likewise, parking requirements for each dwelling plus visitor parking would need to be provided on any subsequent detailed layout. Furthermore, a number of off-site highway works would be required as part of the development and these could be secured through a s278 Agreement if permission was granted.
- 10.49 With regard to the site's accessibility, it is noted that the site does not fully meet the Core Strategy Accessibility Standards, but the proposal does include the provision of a new shuttle bus to/from Wetherby town centre which would operate on a frequency of 20 minutes. This would be funded by the developer for 10 years. This public transport measure, whilst not enabling the development to meet the accessibility standards, would boost the sustainability credentials of the site and should be considered in the round in the overall decision making process.
- 10.50 As previously stated it is noted that Leeds Bridleway No.7 and Leeds Footpath No.8 are not within the Applicant's control, however, it is not accepted that these cannot be included in the redline boundary, subject to appropriate notice being served. The view of Transport Development Services (TDS) remains that the redline boundary should be revised to include lengths of footpath/bridleway to be improved. These routes offer the most direct pedestrian walking routes, for the majority of the site, to Wetherby Town Centre and it is considered fundamental to pedestrian accessibility of the site that these routes are improved, to provide a safe, practical all year round pedestrian route. TDS are of the view that this can best be achieved by condition and that the routes should be included in the redline boundary.
- 10.51 In summary, there is still further work for the applicant to undertake to demonstrate that the development will not have a severe impact upon the local highway network and will make improvements to the local footpath and bridleway network.
- 10.52 **Are Members satisfied with the proposed access arrangements and agree that further traffic modelling is necessary to fully consider the impacts of the development ?**

### **Drainage & Flood Risk**

- 10.53 Core Strategy Policy EN5 relates specifically to flood risk and states that the Council will manage and mitigate flood risk by utilising a number of measures. With relevance to the residential developments these include:
- Avoiding development in flood risk areas, where possible, by applying the sequential approach and mitigation measures outlined in the NPPF;
  - Protecting areas of functional floodplain from development;
  - Requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigation where appropriate;



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

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

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

- 10.59 In terms of the foul water strategy, it is noted that there are no existing foul water sewers within the extents of the land parcels or the vicinity of the site which are suitable for the discharge of foul sewerage. A piped network connection within the site will collect and connect the sewers to a foul water pumping station(s). Yorkshire Water have confirmed there is inadequate capacity within the existing piped network for connection of more than 250 dwellings. However, sewer modelling will be undertaken in order to assess and identify the requirements for the further development of circa 550 dwellings, school and ancillary uses.
- 10.60 In terms of the applicant's strategy towards flood risk and drainage, the proposed development has been the subject of consultation with the EA and FRM Officers based upon the updated information, no in principle objections were received from both consultees, although it is recognised that further detailed work will be required and therefore a number of planning conditions are recommended. Therefore, the applicant has demonstrated that the proposal would be policy compliant with regard to flood risk.
- 10.61 **Do Members have any concerns or comments relating to flood risk and drainage issues ?**

### **Design & Layout**

- 10.62 An indicative masterplan has been submitted that identifies the landscape buffers adjacent to the A1(M) motorway and along Racecourse Approach to protect the amenity of future residents in these locations. The masterplan also identifies a number of development zones with the residential areas covering 21.24 hectares. A number of areas of public open spaces are located across the site including a substantial area of greenspace adjacent to York Road which is annotated as Racecourse View Park on the submitted indicative plan and lies immediately adjacent to the tree lined avenue that runs from north/south and which would be car free. The existing woodland known as Cock Shot Wood (which is protected by a TPO) would also be retained and managed for ecological benefit through the establishment of a comprehensive management plan. Three formal play areas are also proposed on the eastern, western and central parts of the site. In total, the masterplan notes that there will be over 13 hectares of green infrastructure within the site.
- 10.63 In addition to the proposed green infrastructure, blue infrastructure is proposed in the form of ponds, swales and detention basins across the site, which measure 2.5 hectares in total, and will largely lie adjacent to and complement the proposed green infrastructure. As well as providing recreational opportunities, these areas will also be of benefit to ecology within the site.
- 10.64 The development includes three vehicular access points, all taken from Racecourse Approach which forms the site's north eastern boundary. This application cannot deliver a direct connection to York Road towards the south western corner of the housing allocation as this is land within a different ownership. Therefore, any future application to develop the south western corner may or may not be able to deliver a vehicular connection directly onto York Road, subject to demonstrating it

acceptability with regard to visibility and other technical requirements. The scheme does however, include the utilisation of the existing public footpath in the south western corner which connects the site to York Road for pedestrians and cyclists. However, it is important that the entire site is capable of being developed on a comprehensive basis and in accordance with the requirements set out within the SAP document. As submitted, the proposal does not demonstrate that this is fully capable of being achieved. Whilst the application does not include all of the land within the proposed SAP allocation, and is therefore unfortunately, there is no access shown from York Road, while there is an absence of information to demonstrate how the school and drainage strategy can be delivered comprehensively.

- 10.65 The general layout appears connected and subject to detailed consideration at reserved matters stage to assess space between dwellings, garden sizes etc. However, it is considered that better connections needs to be shown to adjoining sites which lie within separate ownerships and which also form part of the proposed housing allocation. The development is split into three residential zones on the submitted indicative masterplan and ranges from 30 - 35 dwellings per hectare and that is considered to be a reasonable density that can be delivered on this site. Core Strategy Policy H3 seeks to achieve a density of 30 DPH within smaller settlements. For fringe urban areas the policy advises that 35 DPH should be met or exceeded. The policy also notes that special consideration should be given to the prevailing character and density of the surrounding area in order to ensure that the development will not be at odds with and harmful to that established residential character. Whilst the masterplan is indicative only, a development comprising a density range of 30 -35 DPH is appropriate and in accordance with Policy H3.
- 10.66 The submitted masterplan layout also shows the primary school and retail unit located close to northern most access on Racecourse Approach. The location of this would allow its appropriate phasing and is located in a position which will not involve associated traffic being routed past and adjacent to the proposed housing. The location of these uses are sited towards the north east side of the site, and ideally it would be preferable for such uses to be located closer to the existing settlement and accessed from York Road towards the south western corner of the site. It is envisaged that the 2 form entry school would serve the development and the eastern side of Wetherby, as schools within the town are reaching capacity. The location of the school closer to the established part of Wetherby would cut travel distances and avoid vehicles having to travel further along York Road and Racecourse Approach. The submitted layout also locates car parking areas into courtyards and streets where cars may dominate some street frontages. However, it is noted that the layout is indicative only and it would be possible to achieve a layout that satisfies the principles of good design laid out within Core Strategy Policy P10 and the guidance within the SPG Neighbourhoods for Living.
- 10.67 In summary therefore, it is considered that based upon the submitted illustrative masterplan, there are some concerns over whether a comprehensive development can be delivered in accordance with the site requirements set out within the SAP.
- 10.68 **Do Members consider that further assurances are required to illustrate that the development of this part of the site will not undermine the remainder of the site allocation ? Do Members have a preference as to where the school should be located within the overall allocation ?**

### **Landscape Impact**

- 10.69 The application site is designated as Rural Land and is not formerly recognised in any policy designation in terms of its landscape quality. Nevertheless, the application is accompanied by a Landscape & Visual Impact Assessment as well as a Tree Survey (contained within the Environmental Statement).
- 10.70 Policy P12 of the Core Strategy seeks to ensure that the character, quality and biodiversity of Leeds' landscapes is conserved and enhanced to protect their distinctiveness. Policy LAND 2 of the Natural Resources and Waste DPD state seeks to ensure that development conserves trees where possible and introduce new tree planting as part of creating a high quality living and working environments and enhancing the public realm. Where tree removal of trees is agreed in order to facilitate development, suitable tree replacement should be provided.
- 10.71 The tree survey identifies that there are a number of important and significant trees and groupings of trees within the site. The most notable of these is the tree lined avenue which once provided a direct route towards Ingmanthorpe Hall. The protect Cock Shot Wood is also of importance, as are a number of trees within the site, particularly along the edges of the site. At this stage, the masterplan is illustrative, but it is inevitable that the wholesale development of the site will result in some tree and hedgerow removal.
- 10.72 Furthermore, the amount of new trees that would be planted to compensate for the removal of existing trees and to soften and enhance the residential development would be significant, resulting in a substantial uplift in the number of overall trees within the site. These are shown on the submitted illustrative masterplan and therefore there are no reasons to doubt that a substantial and quality landscaping scheme could be provided in accordance with Policy LAND 2 of the Natural Resources and Waste Local Plan and saved Policy LD1 of the UDPR.
- 10.73 A number of concerns were raised by the Council's Landscape Architect over the impact on existing trees and the submitted masterplan. This involved the potential impact upon the grouping of trees located close to the siting of the proposed school and retail unit. However, it is noted that the masterplan is illustrative, and any future reserved matters submissions would need to provide detailed layouts. As such, this would allow further consideration over the impact upon trees and the ability of the Council to influence the overall detailed layout.
- 10.74 **Do Members have any concerns over the impact of the proposed development within the landscape ?**

### **Ecology**

- 10.75 Core Strategy Policy G8 seeks to protect important species and habitats while Policy G9 seeks that new development demonstrates that there will be a net gain for biodiversity, that development enhances wildlife habitats and opportunities for new areas for wildlife and that there is no significant impact on the integrity and connectivity of the Leeds Habitat Network. The application includes a detailed Ecological Impact Assessment. The ecology survey notes that the site contains no statutory nature conservation designations. The nearest statutory protected area, Kirk Deighton Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), lies approximately 1.5km to the north-west of the Site boundary. This SAC and SSSI is reported to support a great crested newts, (one of the largest breeding populations within the UK), within 4 ha of grazing land, but is separated from the Site by the B6164 Wetherby Road, the A168 Hudson Way, and

the A1(M), which together are likely to form a barrier to the movement of great crested newts between this SAC, and the site itself.

- 10.76 Various surveys were carried out over a number of periods to identify habitat species within and adjacent to the site. Surveys for Great Crested Newts, reptiles, birds, owls, bats, water voles, badgers as well as flora a fauna were carried out. The results of the surveys indicated the presence of one single male Great Crested Newt in a pond outside the site to the west. More updated surveys of this pond will be required. Other surveys identified the presence of toads, voles, breeding birds within hedgerows and woodland (Cock Shot Wood), bats (common pipistrelle, soprano pipistrelle noctule) and brown rats. No badger setts were found within any part of the site. In analysing these result of various surveys, the application has adopted a sequential process to avoid, mitigate and compensate for ecological impacts. It is worthy to note, that the application does not include any residential development located close to the pond which identified the presence of a Great Crested Newt, and instead proposes a new attenuation pond close by and separating this from the school site.
- 10.77 Following advice from the Council's Nature Conservation Officer, it is acknowledged that a positive result has been identified for the Great Crested Newts for the pond approximately 100m off-site. This will require the survey results that are currently being carried out to determine population size, and a mitigation plan for avoiding an impact on this population. Should permission be granted, conditions are recommended which relate to both biodiversity protection and enhancement, while detailed consideration would need to be given to the management of areas of the site of ecological importance. This would be dealt with through any reserved matters and planning conditions should outline permission be forthcoming. This could involve the re-profiling of part of the Sand Beck.

### **Heritage**

- 10.78 Part of the site requirements within the SAP include the need to ensure that any development preserves the special architectural or historic interest of the listed buildings and their setting at Ingmanthorpe Hall. These building are located approximately 700m to the north east of the application site and separate by Racecourse Approach and a number of agricultural fields. Guidance within the NPPF advises that great weight should be given to the heritage assets' conservation when considering the impact of a proposed development. Furthermore, paragraph 194 advises that any harm to the significance of a designated heritage asset should require clear and convincing justification. Policy P11 of the Core Strategy states that the historic environment, consisting of archaeological remains, historic buildings townscapes and landscapes, including locally significant undesignated assets and their settings, will be conserved and enhanced. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty for local planning authorities, in the exercise of planning functions in relation to listed buildings. It states that:

*"In considering whether to grant planning permission which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

- 10.79 In assessing the overall impact, given the significant distance between the site and the listed buildings at Ingmanthorpe Hall, plus the site requirement for a landscape buffer along Racecourse Approach, it is not considered that the development would cause any harm to the architectural or historic interest of the identified listed buildings, including their setting.
- 10.80 The SAP also identifies areas of potential archaeological sensitivity present within the site. In this respect, the applicant has carried out an archaeological evaluation of the site which has concluded that the development will not impact upon the currently known archaeological record. However, further investigations will be required to ensure that any currently unknown archaeological features within the site are protected.

### **Impact on Living Conditions**

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

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

- 10.83 The Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. It helps underpin the principles of sustainable development. The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a. This is the land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses such as biomass, fibres and pharmaceuticals. Current estimates are that Grades 1 and 2 together form about 21 per cent of all farmland in England - Subgrade 3a contains a similar amount.
- 10.84 It is understood that the entire housing allocation is broken down as follows:

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

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

- 10.85 UDPR policy N35 states 'Development will not be permitted if it seriously conflicts with the interests of protecting areas of the best and most versatile agricultural land'. Whilst Paragraph 112 of the NPPF states 'Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development on agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'
- 10.86 The application site results in the loss of approximately 15 hectares of land within grade 3a and its loss is not considered to 'seriously conflict' with UDPR policy N35 and the NPPF when considered against the substantial areas of agricultural land within close proximity of the site and throughout the rest of North and East Leeds, much of which is Grade 2.
- 10.87 The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) requires Natural England to be consulted on applications relating to agricultural land greater than 20ha. It is considered this 20ha threshold is a good guide for what could be considered as a significant area of agricultural land and the application site result in the loss of 15ha within grade 3a is considered to further diminish any requirement to maintain this piece of land for agriculture.
- 10.88 Furthermore, it is worth noting that in considering the Tingley PAS site appeal, the Inspector gave the loss of agricultural land little weight in the overall balance of considerations. In conclusion, the loss of agricultural land is not considered to be significant and to an extent which lends support for withholding planning permission.

### **Land Contamination**

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

### **Environmental Impacts**

- 10.90 As the proposed development constitutes EIA development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as

amended 2015), the submission of an Environmental Statement (ES) is necessary in support of such as large scale development. The content of the ES has been split into numerous chapters to cover a number of environmental, social and economic matters. These have been considered in the assessment and consideration of this current outline planning application in the various sections of this Panel report. Various chapters of the ES set out the baseline data and seek to consider the environmental impacts and what, if any, mitigation measures are required.

10.91 In summary, the information and baseline line data as well as the level of mitigation that is considered to be required, has been assessed and considered in the various sections of this Panel report. Officers have considered the impact of the proposed development on socio economics; transport; air quality; noise; landscape character and trees; ecology; heritage; contamination; flood risk; agricultural land; housing needs and construction/phasing, and have concluded that the development does not lead to significant environmental impacts, provided that the level of mitigation that is required is delivered.

10.92 **Do Members have any other concerns over the environmental impact of the proposed development ?**

#### **Planning Obligations and CIL**

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

- Affordable housing at 35% (280 dwellings) on site;
- Transfer of Land for Primary School and Contribution of £2.7 million (trigger points to be agreed);
- Provision of shuttle bus fully funded for 10 years;
- Sustainable Travel Fund - £392,920 (based on 800 dwellings);
- Travel Plan measures and monitoring fee of £8,500.
- £30,000 mitigation is residential model splits are not met;
- Bus stop and real time display provision of £41,000
- Management and maintenance of Greenspace and SuDS;
- Local employment and training;
- Public access to public open space;
- Contribution to improve Public Rights of Way of £16,000; and
- Completion of access roads up to adjoining development sites.

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

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



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

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

10.96 The proposed development could therefore bring about financial benefits for the local area and it is considered that the Council is justified in seeking such contributions.

10.97 The development is CIL liable and the applicants estimate that the scheme could generate a significant contribution, 25% of which could be directed towards Wetherby Town Council in the event that the Neighbourhood Plan is made, or 15% before the plan is adopted. This is for Members information only, and should not be determinative in the assessment of the application and decision making process.

### **Sustainability**

- 10.98 Another key factor will be whether the applicant can demonstrate that a sustainable form of development can be achieved. The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The NPPF suggests that these factors are mutually dependent and should be sought jointly and simultaneously. The NPPF further notes that decisions need to take account of local circumstances. In reaching a view on this regard will have to be had to the range of facilities in the local area and what contribution that they make to reducing the need to travel by private car, public transport provision. The sustainability credentials of the development can also be enhanced through the design and construction of the buildings and matters such as drainage provision.
- 10.99 The proposed residential development provides a housing mix to meet an identified housing need, including the provision of affordable housing which would provide for a balanced and mixed community. The site lies adjacent to the Major Settlement of Wetherby and although separated by the motorway, the existing bridge provides access to the town. Concerns are clearly raised over whether a comprehensive development can be achieved and one which would create a high quality environment and a sense of place, particularly relating to the location of the school and creation of an access point on York Road.
- 10.100 It is acknowledged that the proposed development would provide large new areas of greenspace that would be accessible to new residents and residents in the local vicinity, which would help promote a healthy community.
- 10.101 In environmental terms, whilst the site would be lost in perpetuity to development, any ecological impact would be mitigated and improved upon with the introduction of significant levels of landscape planting and sustainable drainage areas that would improve the ecological value.
- 10.102 With regard to meeting the challenges of climate change, the applicant's Design and Access Statement notes that new development would incorporate high standards of sustainable design and construction. The development would also provide enhanced flood storage benefit and would reduce the risk of flooding locally.

### **Planning Balance**

- 10.103 Paragraph 11 of the NPPF notes the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or specific policies in the Framework indicate development should be restricted.
- 10.104 It is considered that the potential adverse impacts of the proposed development comprise:
- i) There is conflict with saved UDPR Policy RL1 in that the proposal will result in significant development within the open countryside. However, given the lack of a 5 year housing land supply and the guidance within paragraph 11 of the NPPF, this policy is considered out of date. The SAP now proposes to

allocate the site for housing, and this carries moderate weight in the decision making process.

- ii) The proposed development would result in the loss of agricultural land. The scale of the loss would be limited to the size of the application site, approximately 15ha of which would be grade 3a and hence is below the scale of 20ha which DEFRA consider significant. The loss of this agricultural land is not therefore significant in the opinion of officers, particularly taking into account the conclusions reached by the Inspector when dealing with the Tingley PAS appeal. It is considered that the harm ascribed to this issue is limited.
- iii) The proposed development does not meet the accessibility requirements set out within Core Strategy Policy T2. The site is not within appropriate walking distances of services and facilities and bus routes. Residents of the development site would also have use of the private car which may have limited harm to the environmental dimension of sustainable development. However, the site is located adjacent to a Major settlement and the developer proposes to fund a shuttle bus to Wetherby town centre with a 20 minute frequency. I consider that the harm ascribed to this issue is limited.

10.105 The material issues that weigh in favour of the proposed development are:

- i) The proposals can deliver up to 800 dwellings, with a significant proportion being capable of being built out and occupied within the short term and hence this site would make a valuable contribution to the 5 year land supply. It is considered that significant weight should be ascribed to this issue.
- ii) The scheme would also deliver 280 affordable homes, although that would be a normal planning requirement for any development site in this area. Nevertheless, the provision of affordable homes carries moderate weight
- iii) The proposed CIL contribution that would be delivered through the proposed development would be of some benefit to the local community. However, part of this would be used to help mitigate the impact of the proposed development and therefore this is considered to be of limited weight. The New Homes Bonus derived from the development would carry no weight.
- iv) The proposed development will generate construction jobs, as well as jobs at the primary school and retail unit and would thus contribute to the local economy. It is considered that moderate weight should be ascribed to this issue.
- v) The application site is currently a series of agricultural fields with some public access. The proposals would provide for a greater level of public access to the site and would provide public open space as part of a detailed housing scheme. This would therefore improve public access to the site and provide public open space facilities which would be of benefit to the community. It is considered that limited weight should be ascribed to this issue.

10.106 The Local Planning Authority have shown above that the potential adverse impacts of approving the proposed development are moderate and limited, whilst the

material issues that weigh in favour of the proposed development are significant, moderate and limited.

**10.107 Do Members agree with the conclusions reached in the balancing exercise ?**

**Consideration of Objections**

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

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

**11.0 CONCLUSION:**

11.1 There are concerns over whether a comprehensive development can be achieved through this planning application given the illustrative masterplan put forward, and therefore more work on this aspect is required. There is also further traffic modelling that is required to demonstrate that the impact on the local highway network will not be severe and harmful to highway safety.

11.2 Members are respectfully requested to provide answers to the questions posed in the main body of this report, all of which are reproduced below for ease of reference and to offer any additional comments that they consider are appropriate regarding this development proposal:

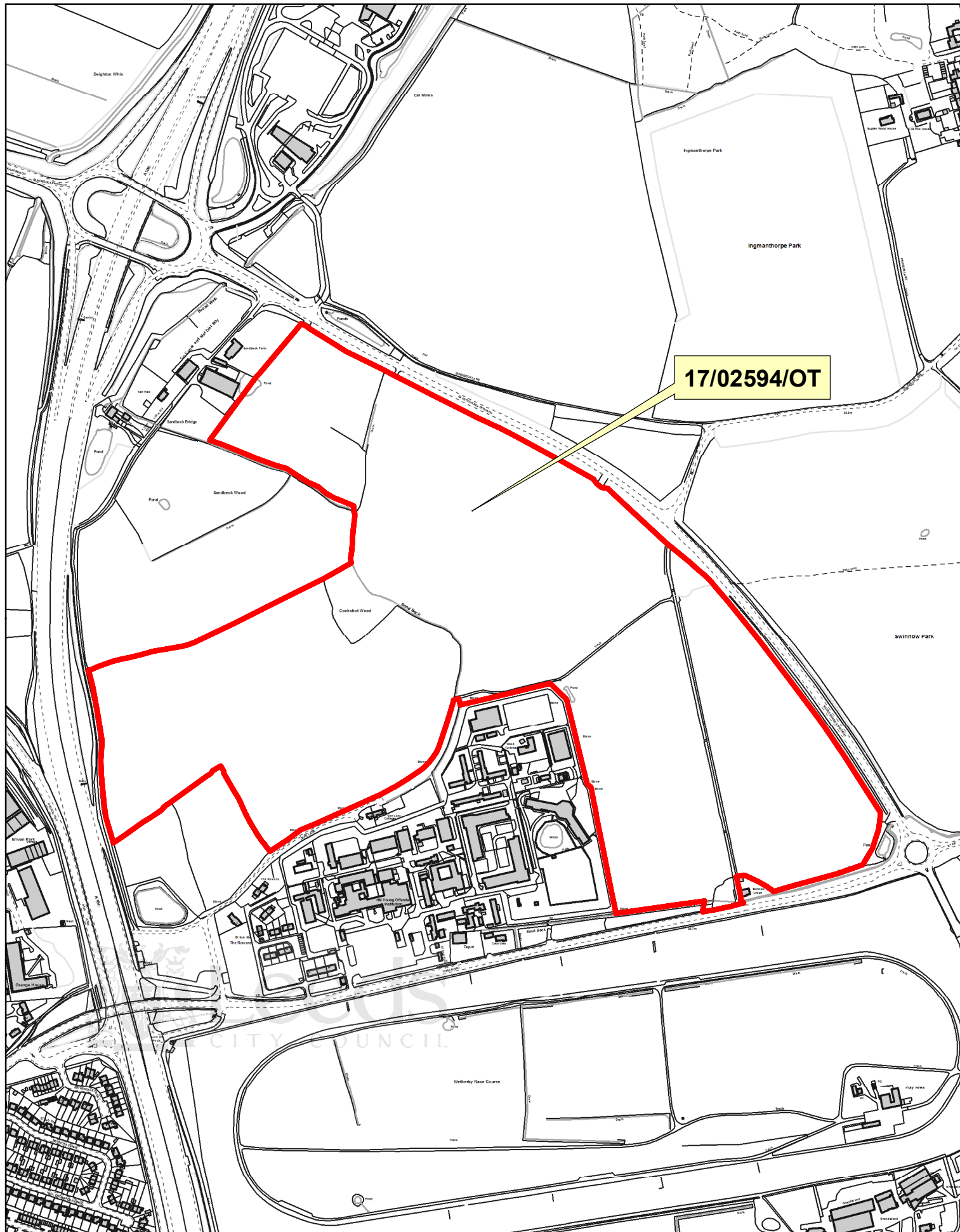
- **Given the proposed allocation within the SAP, do Members support the principle of this development ?**
- **Are Members satisfied with the proposed access arrangements and agree that further traffic modelling is necessary to fully consider the impacts of the development ?**
- **Do Members have any concerns or comments relating to flood risk and drainage issues ?**
- **Do Members consider that further assurances are required to illustrate that the development of this part of the site will not undermine the remainder of the site allocation ? Do Members have a preference as to where the school should be located within the overall allocation ?**

- **Do Members have any concerns over the impact of the proposed development within the landscape ?**
- **Do Members have any other concerns over the environmental impact of the proposed development ?**
- **Do Members agree with the conclusions reached in the balancing exercise ?**

**Background Papers:**

Application file 17/02594/OT

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



# CITY PLANS PANEL

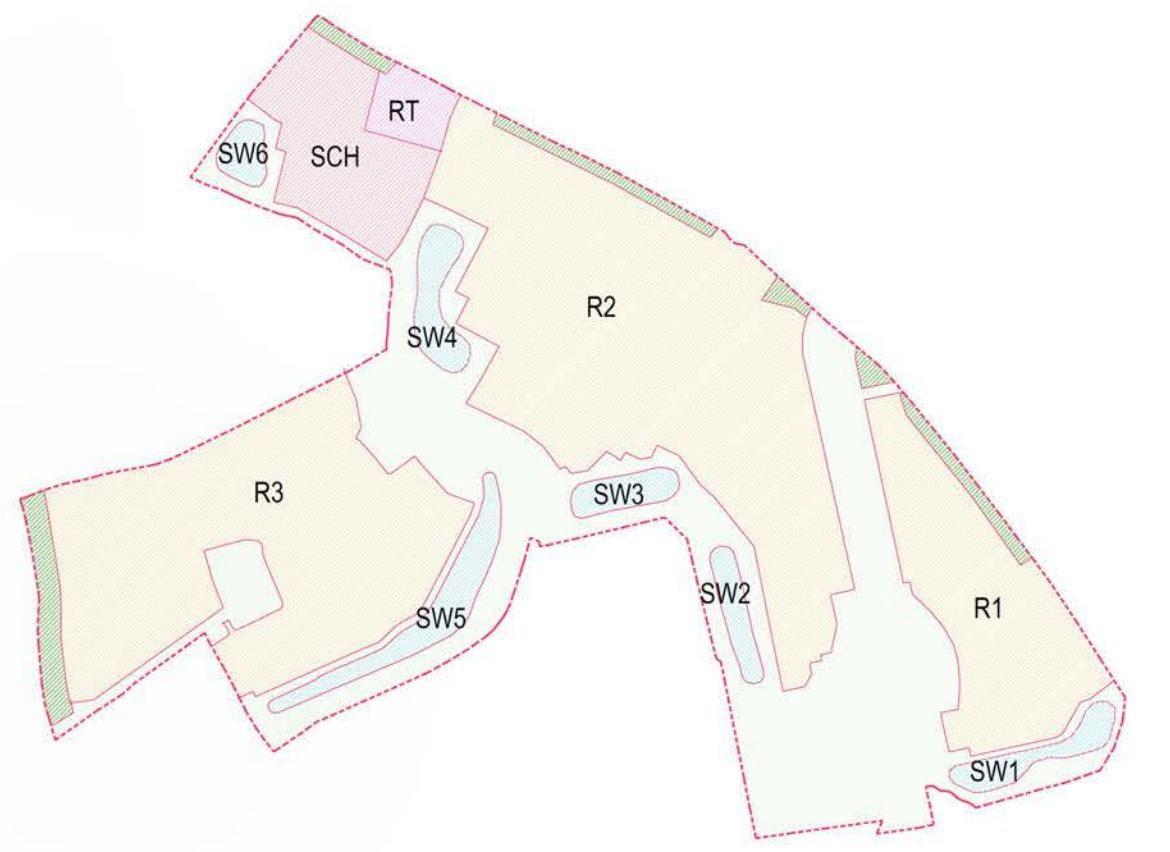
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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/6500







Swinnow Park, Wetherby Masterplan Schedule of Areas				
	hectares	acres	density dph	units
<b>Residential</b>				
R1	3.57	8.81	30	107
R2	10.12	25.00	35	354
R3	7.55	18.66	35	264
Sub Total	21.24	52.47		725
<b>SW Attenuation</b>				
SW1	0.41	1.02		
SW2	0.31	0.77		
SW3	0.33	0.81		
SW4	0.47	1.15		
SW5	0.79	1.95		
SW6	0.23	0.57		
Sub Total	2.54	6.28		
<b>Green Infrastructure</b>				
Public Greenspace (exc basins)	11.83	29.23		
Buffers	1.29	3.19		
<b>Other Uses</b>				
School	2.19	5.40		
Retail	0.51	1.25		
Totals	39.59	97.83		725