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Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 8th November 2018

Subject: 17/07970/OT - Outline planning application for residential development of up to 119 dwellings, at land Off Walton Road, Walton, Wetherby

APPLICANT	DATE VALID	TARGET DATE
Homes England	5/12/17	TBC

Electoral Wards Affected:

Wetherby

Yes Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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

- **35% Affordable Housing on site;**
- **Greenspace, including play area and on-site maintenance;**
- **Agreed Travel Plan and review fee £2,595;**
- **Sustainable Travel Plan fund £58,905 (£495 per dwelling);**
- **Public Transport Infrastructure improvements (i.e. bus shelter to existing stop and real time passenger information display of £30,000);**
- **Implementation of resident's only permit parking scheme on Bridge Road;**
- **Contribution towards the emerging Boston Spa traffic management/place making scheme on High Street; and**

- **Contribution towards the provision of a footpath cycleway project on land to the west of the application site linking HMP Wealstun to the junction of Walton Road and Wighill Lane.**

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

Conditions

1. Outline time limits
2. Submission of Reserved Matters including Layout, Scale, Appearance & Landscaping.
3. Plans to be approved
4. Development not to comprise more than 119 dwellings
5. Provision of Public Open Space scheme
6. Trees to be retained and protected
7. Landscape Management Plan
8. Ecological management plan
9. Surface water drainage details
10. Foul water drainage details
11. Survey of culverted watercourse
12. Contamination details and remediation
13. Construction Method Statement
14. Provision of off-site Highways works through s278 Agreement
15. Programme of archaeological recording
16. Scheme for charging facilities for battery powered vehicles
17. Scheme for delivery of sustainable construction, sustainable design features and use of renewable energy to be submitted and approved.

1.0 INTRODUCTION:

- 1.1 The application was previously reported for determination to the North and East Plans Panel on 11th October where Members deferred consideration of the application for further negotiations and information to be presented back to Plans Panel in respect of:

Sustainability

- How the proposal sits with regard to accessibility standards. The accessibility standards should be set out and then details of the bus frequency of the bus service, location and days and hours of operation.
- Information in respect of the sustainability credentials of the site including proximity to employment opportunities, local schooling and local facilities (shops etc.).
- Details of what measures the applicant propose to improve the sustainability credentials of the site and development and how these would be secured (e.g. Use of renewable energy, electric car charging points, the sustainability credentials of the fabric of the build etc.).

Highway Matters at Thorp Arch Bridge

- To set out the impact of traffic associated with the development on Thorp Arch Bridge. What measures are proposed to mitigate that impact and what processes need to be gone through to deliver the mitigation measures.

Neighbourhood Planning

- More detail to be provided on how the proposal sits against the policies of the relevant Neighbourhood Plan and plans from neighbouring areas.

- 1.2 The applicant has put forward additional information to seek to address the concerns raised by the Panel and this is set out in more detail, in a summarized form, below, together with additional information from officers. A summary of a further representation received from the Thorp Arch Group is also presented and commented upon. The original report to Panel on 11th October is appended to this updated report and should be read together with this report for the purposes of determining the application.

2.0 SUSTAINABILITY

- 2.1 At the previous meeting, Members requested that more information be provided in respect of the Council's adopted accessibility standards and how the proposal, if at all, seeks to meet these standards. Particular reference was made to information relating to details of the bus frequency as well as the proximity to employment opportunities, local schools and other local facilities such as shops. Members also wished to see information relating to details of what measures the applicant proposes to improve the sustainability credentials of the site and development and how these would be secured, such as the use of renewable energy, electric car charging points, and the sustainability credentials of the fabric of the build (these matters are addressed at 2.17 to 2.19 below).

Accessibility Standards

- 2.2 Policy T2 of the Core Strategy sets out the accessibility requirements with regard to new development. Appendix 3 of the Core Strategy contains the specific Accessibility Standards to be used across Leeds (see para. 2.3 below). However, it is acknowledged that the characteristics of different parts of Leeds differ significantly, with Leeds City Centre for example, clearly being more accessible to a range of facilities than more rural areas. Indeed, much of the Outer North East Housing Market Characteristic Area is set within a rural context, and therefore it will be the case that most development within and adjacent to most of the settlements will not meet all of the Accessibility Standards. However, the failure of a development to meet these standards in full, should not of itself be a barrier for any future growth or new development. The standards should therefore not be read in isolation and should be taken into consideration in the wider planning balance, having regard to the scale of the development, any mitigation measures proposed, any relevant site specific factors and other material planning considerations such as the delivery of housing, including affordable

housing, as well as delivery of other benefits, such as those set out within any relevant Neighbourhood Plan for example.

2.3 Below is the Accessibility Standards table derived from Policy T2 and Appendix 3 of the Core Strategy and an indication of whether the proposed development meets these standards:

	Accessibility Standard	Site	Meets Standard
To Local Services	Within 15 min (1200m) walk	Very limited local services are available in Thorp Arch Village or Thorpe Arch Trading Estate. Boston Spa around 2500m walking distance from the centre of the site is the closest destination offering a full range of local services.	No
To Employment	Within 5 min (400m) walk to a bus stop offering a 15 min service frequency to a major public transport interchange	Bus stops on Walton Road around 250m walking distance for the centre of the site are served by Services 70 and 71 offering a 30 minute service frequency to Leeds City Centre.	No
To Health Centre	Within 20 min (1600m) walk or a 5 min walk to a bus stop offering a direct service at a 15 min frequency	There is a GP Practice in Boston Spa around 2500m walking distance from the centre of the site.	No
To Primary School	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 Lady Elizabeth Hastings C of E Primary School at Thorp Arch, around 1640m walking distance from the centre of the site. Just beyond the standard requirement walking distance of 1600m.	No* (Just beyond the standard requirement walking distance of 1600m at 1640m)
To Secondary School	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 Boston Spa High School, around 3850m walking distance from the centre of the site.	No
To Town / City Centres – defined as Leeds, Bradford and Wakefield	Within a 5 min (400m) walk to a bus stop offering a direct 15 min frequency service	Closest bus stops located on Walton Road	No

2.4 As can be concluded from the table above, the site, does not meet the Accessibility Standards. However, as previously stated, the standards should not be read in isolation and should be taken into consideration in the wider planning balance, having regard to other material planning considerations such as the delivery of housing, including affordable housing. In this regard, the proposal would deliver 42 affordable homes. Furthermore, it is also worth noting that the site is located within a built-up context, with housing located to the west and north, as well as the nearby British Library, industrial estate and prison.

Bus Services

2.5 Members at the previous Panel meeting, requested information relating to the existing bus service facilities in the local area. The development lies directly adjacent to 2 bus stops on Walton Road (one stop in each direction) and 2 bus stops on Street 5 (again, one stop in each direction). The frequency of bus services from two pairs of bus stops on Walton Road and Street 5 is described in the following table.

Service	Route	Operator	Weekday Hourly Frequency				Days of Operation
			AM Period	Peak	PM Period	Peak	
7	Harrogate – Wetherby - Leeds	Harrogate Buses	2 per hour		2 per hour		Monday - Sunday
174 / 174A	Wakefield – Wetherby – Thorp Arch	Arriva	1 service		1 service		Monday - Friday
412 / X70	Harrogate – Wetherby – Tockwith - York	Connexion Buses	1 service		1 service		Monday - Saturday

2.6 The main bus service is the number 7 which runs between Harrogate and Leeds with a frequency of approximately 30 minutes Monday to Saturday and an hourly service on a Sunday. The west Yorkshire Metro timetable states the first weekday service past the Application Site is approximately 5:30am towards Leeds (arriving 6:25am) and 7:05 towards Harrogate (arriving 7:40am), from nearby Walton Corner. The last weekday service is approximately 10:50pm and 11:39pm respectively. The Sunday hourly service runs between approximately 8:30am and 11pm. This bus service may be utilised for both commuters and leisure/retail use for future residents of the site.

2.7 There are hourly weekday services from these stops between Wakefield and Thorp Arch via route 174/174A provided by Arriva. In addition, the 412, has a single service to Wetherby and Harrogate in the morning and one service in the return direction in the afternoon, coinciding with standard workday times. The 412 service calls at the Street 5 stops only. The X70 provides one morning service only towards Harrogate.

- 2.8 These bus services provide convenient connections to several destinations including nearby Boston Spa which can be reached within a 15-minute bus journey time; Wetherby, Clifford, Bramham, Spofforth and Thorne within a 30-minute journey time; Harrogate, Barwick in Elmet, Garforth and the Seacroft area of Leeds within a 45-minute journey time; and central Leeds in a 60-minute journey time (not including walk or wait times). Connection to national rail services can be made in Harrogate, Garforth and Leeds.
- 2.9 The bus services operate seven days a week from early morning until late night on weekdays, offering connections to additional shops, services and facilities at Boston Spa; and access to employment opportunities in Wetherby, Harrogate and the wider urban area of Leeds.
- 2.10 Whilst the application site does not meet the Accessibility Standards as read, the results are not absolute and flexibility should be applied, particularly with the 15-minute bus service standard. To suggest that Thorp Arch/Walton fails on accessibility when it has a 30-minute service for most of the day, with buses running from the early hours (approximately 5.30am) until late night (approximately 10:50pm), does not factor the locational context, including the overall accessibility in the Outer North East HMCA..
- 2.11 Recent appeal decisions have considered accessibility requirements, including at Tingley, and the Secretary of State has made it clear that policy T2 should be applied flexibly, is not worded negatively and does not prohibit development that does not meet all of the criteria and that it should be used as an indicator only.
- 2.12 In light of this it is pertinent to note that the proposed allocation of the site as part of the emerging policy position of the council means the site is considered to be in both a sustainable location in terms of SP1 settlement hierarchy when considered against reasonable alternatives and that the Inspector has not to date requested the submission of any main modifications in relation to the site.

The Applicant's Sustainability Case

- 2.13 The applicant has carried out an assessment of nearby facilities and services, based on the Transport Assessment information and incorporating the Core Strategy Accessibility Standards. The applicant has looked at an alternative methodology which is presented in the application Transport Assessment. It is based on the well-established Chartered Institution of Highways and Transportation (CIHT) document 'Providing for Journeys on Foot (2000)' and suggests walking distances to different facilities and services. A review of the distance of the site from local facilities and services against the CIHT standard has been provided by the applicant in the table below.
- 2.14 However, Members should note that officers would only apply very limited weight to CIHT standards set out in this table in the decision making process. This is because the CIHT standards are not part of the council's planning policy framework and it is not intended that they will be in the

future. Officer advice would be to rely on the council's adopted planning policies including its adopted Accessibility Standards. Nevertheless, the CIHT standards are a recognised standard and the table is reproduced here as it forms part of the applicant's sustainability case:

Applicant's Table:

Facility/Service	Distance From Site (as per Prime Transport Assessment)	Meets LCC Standard?	Meets CIHT Standard?	Prime Transport Assessment – Walk Time (mm:ss)
British Library (Boston Spa reading room; open Monday – Friday 09:00 – 16:30)	517m	Yes – as a local service (within 1,200m or 15 mins walk)	Yes – within 2,000m for employment (commuting)	06:28
HMP Wealstun (daily visiting times AM and PM)	634m	Yes – as a local service (within 1,200m or 15 mins walk)	Yes – within 2,000m for employment (commuting)	08:03
LUFC Training Ground	741m	Yes – as a local service (within 1,200m or 15 mins walk)	Yes – within 2,000m for employment (commuting)	09:16
St Peter's Church	954m	Yes – as a local service (within 1,200m or 15 mins walk)	Yes – within 1,200m for local services	12:01
The Fox & Hounds	971m	Yes – as a local service (within 1,200m or 15 mins walk)	Yes – within 1,200m for local services	12:16
Playground	1,170m	Yes – as a local service (within 1,200m or 15 mins walk)	Yes – within 1,200m for local services	14:41
All Saints Church	1,407m	No – just beyond 1,200m walk distance (15 mins)	No – just beyond the 1,200m maximum distance	17:40
Thorp Arch Trading Estate	1,415m	No – within 5 mins of a bus stop but the service is not every 15 mins (employment)	Yes – within 2,000m for employment (commuting)	17:42
Walton Park Cricket Club	1,463m	No – just beyond 1,200m walk distance (15 mins)	No – just beyond the 1,200m preferred maximum distance for local services	18:18
Thorp Arch Retail Estate	1,586m	No – just beyond 1,200m walk distance (15 mins)	Within the employment distance	19:50

Facility/Service	Distance From Site (as per Prime Transport Assessment)	Meets LCC Standard?	Meets CIHT Standard?	Prime Transport Assessment – Walk Time (mm:ss)
		for local services; within 5 mins of a bus stop but the service is not every 15 mins (employment)	(2,000m) but not local services (1,200m)	
Lady Elizabeth Hastings' Primary School	1,666m	No – just beyond 1,600m standard (LCC say 1,640m distance to school)	Yes – within 2,000m for schools	20:52
The Pax Inn public house	1,819m	No – beyond the 1,200m walking distance	No – just beyond the 1,200m preferred maximum distance for local services (one pub already within 1,200m)	22:46
Boston Spa	2,450m	No – Boston Spa around 2,500m walking distance as the closest centre offering a range of local services	Exceeds both thresholds	30:38
Walton Village Hall	900m	Yes – as a local service (within 1,200m or 15 mins walk)	Yes – within 1,200m for local services	TBC (approx. 11 mins?)
Bus Stops				
Walton Road Sports Ground	216m	Yes – within 400m (5 mins walk) of a bus stop	No standard provided in CIHT 'Providing for Journeys on Foot'	02:43
Walton Road Sports Ground, Eastbound	234m	Yes – within 400m (5 mins walk) of a bus stop	No standard provided in CIHT 'Providing for Journeys on Foot'	02:56
Street 5 Wighill Lane	266m	Yes – within 400m (5 mins walk) of a bus stop	No standard provided in CIHT 'Providing for Journeys on Foot'	03:20
Street 5 Wighill Lane, stop	266m	Yes – within 400m (5 mins walk) of a bus stop	No standard provided in CIHT 'Providing for Journeys on Foot'	03:20

- 2.15 Members should note that the CIHT document identifies 3 categories of suggested acceptable walking distances. These are 'desirable', 'acceptable' and 'preferred maximum'. The applicant in their table above has quoted the 'Preferred Maximum' distances. Members should note that the 'acceptable' distances set out in the CIHT document are actually more stringent than the Core Strategy Accessibility Standards.
- 2.16 The following summarises the applicant's commentary in respect of accessibility and their table:
- a. The results in this table show that several local amenities in Thorp Arch are within the CIHT preferred maximum walking distance of 1,200m for access local services and 2,000m for commuting/education facilities. These include Lady Elizabeth Hastings' CE VA Primary School, St Peter's Church, the Fox & Hounds Public House and Thorp Arch playground as well as the potential numerous employment opportunities at Thorp Arch Trading Estate and Retail Park, British Library, HMP Wealstun and Leeds United Football Club's training ground. Boston Spa is just outside the preferred maximum distance for commuting/education trips but the village the applicant sets out that it may still be within a reasonable walking distance for some residents of the application site being less than a 31-minute walking trip away. The availability and frequency of bus services to and from the application site to Boston Spa is important, as evidenced in the previous tables (Accessibility Standards and CIHT Guidelines; and Bus Services Availability) when assessed against the Core Strategy Accessibility Standards.
 - b. With regard to the Accessibility Standards, the primary school is within the requisite 20 minute walk. It is acknowledged that primary health facilities are not; however, many rural villages do not have immediate access to primary healthcare. It has been demonstrated that the site is within a 15 minute walk to some local services and the above assessment against CIHT guidelines is also relevant as several services meet their walking distance recommendations. The site is also within a five minute walk to local bus stops. It is acknowledged that these bus stops do not offer the desired 15 minute frequency to a major public transport interchange or town centre; however, a 30 minute frequency is considered to be good for a rural area when also set in the context of the Outer North East and distribution of settlements. Given the evidence presented by the applicant and in the Transport Assessment, walking and public transport availability can be considered to be realistic and viable methods of travel indicating that the application site's location is accessible via these sustainable modes.
 - c. Finally, the application site has been put forward by the Council as a part of a wider housing allocation and Members have approved the SAP to be submitted for examination. Members will have been aware of the allocation during this process. The site has been considered through the SAP process and has been deemed by the Council sustainable in the context of meeting the Outer North East HMCA housing requirement for the Plan period.
 - d. Whilst some of the local facilities set out within the table above would not be of benefit the majority of residents within the new development, such as a reading room at the British Library, HMP Wealstun and Leeds United Training Ground, the table still shows that there are a range of other facilities available, taking into account the location of the site.

- 2.17 The following summarises the proposed sustainability measures, in the form of public transport enhancements, sustainable transport measures and highway improvements adjacent to and beyond the application site, put forward by the applicant:
- a. Residential Travel Plan Fund (the Travel Plan report has been agreed with Transport Development Services and is available on the Council's application website);
 - b. Travel Plan Review Fee of £2,595 to ensure that the agreed provisions within the Travel Plan are implemented;
 - c. Public Transport Infrastructure Improvements (bus shelter and real time passenger information display) at approximately £30,000;
 - d. Implementation of a residents only permit parking scheme on Bridge Road, Boston Spa which TDS consider is an acceptable measure as it would remove visitor parking (those who park to visit the centre) and significantly reduce on-street parking for large parts of the day, improving traffic flows across Bridge Road;
 - e. A developer contribution towards the emerging Boston Spa traffic management/place making scheme; and
 - f. A contribution towards the provision of a footpath cycleway project on land to the west of the application site linking HMP Wealstun to the junction of Walton Road and Wighill Lane. This measure is considered necessary to provide alternative and more attractive sustainable modes of transport.

2.18 In terms of other sustainability measures the applicant has proposed the following:

- a. A fabric energy efficiency approach will be pursued. Achieving a site wide 10% betterment over and above current building regulations.
- b. Cycle Storage will be provided.
- c. Home offices facilities will be available to encourage working from home (where appropriate).
- d. The use of water efficient fittings and appliances will be specified.
- e. Internal and external drying space will be provided.
- f. White goods will have an energy rating of A under the EU Energy Efficiency Labelling scheme.
- g. Materials will be responsibly resourced.
- h. Internal and external storage space for non-recyclable waste and recyclable household waste will be provided.
- i. Construction site waste will be appropriately managed.
- j. Insulating materials in the elements of the dwelling will only use substances that have a GWP < 5.

2.19 From an officer perspective it is considered that all of the measures proposed at paragraphs 2.17 and 2.18 will enhance the sustainability credentials of the proposed development and serve to mitigate, to an extent, the non-compliance with policy T2. However, it is important to note that some of these measures are beyond planning control. All of the measures listed at paragraph 2.16 would be secured via the proposed Section106 Agreement. Those matters listed at 2.17 c., d., e. (internal drying space), f. and h (internal storage space for non-recyclable waste) are not matters that could necessarily be required to be provided and/or retained for the lifetime of the development through the imposition of planning conditions or the Section106 Agreement. For example, it would not be reasonable to try and exercise control over which white goods either a developer or a householder decides to install. The remaining measures would be controlled via the scheme submitted pursuant to condition 17. In addition to the points identified above

condition 16 requires the provision of electric charging points for vehicles and condition 17 also requires the use and delivery of a scheme of renewable energy.

3.0 HIGHWAYS MATTERS AT THORP ARCH BRIDGE

- 3.1 At the previous Panel meeting, Members raised concerns over the impact of traffic associated with the proposed development on the operation of Thorp Arch Bridge. A proportion of the traffic arising from the development will travel towards Boston Spa to gain access to services such as schools, the doctor's surgery, shops and other local services. However, there is no major supermarket or any significant comparison goods shopping facilities within Boston Spa, so it is likely that residents will travel towards the Morrisons or Aldi supermarkets in Wetherby or further afield, and this will therefore not, ordinarily, involve journeys through Boston Spa to access those services. Nevertheless, the impact of the proposed development on Thorp Arch Bridge has been assessed by the developer in the submitted Transport Assessment, and this has been considered by the Council's Highways Officers.
- 3.2 The Assessment acknowledges that problems occur on the section of Bridge Road between Thorp Arch Bridge and the High Street/Bridge Road junction due to on-street parking. Measures were proposed in the Transport Assessment which involved widening the carriageway, although this scheme was proposed as a result of public consultation to help alleviate the existing issues. However, Highways Officers consider that a residents-only parking permit scheme along the southern side of Bridge Road offers a practical solution with funding secured by a Section 106 legal agreement. It is also considered necessary to provide a contribution towards the Boston Spa traffic management/place making scheme on High Street, which would also be secured by Section 106 agreement. A similar approach was taken in dealing with the Church Fields development (153 units) in Boston Spa, whereby a contribution was secured towards a traffic management/place making scheme (yet to be implemented). It is considered that the contributions sought from both schemes would make a valuable contribution to the realisation of the delivery of such as scheme which would seek to address a number of community actions / aspirations within the Boston Spa Neighbourhood Plan.
- 3.3 It is also worth acknowledging the recent appeal decision relating to the redevelopment of part of the Thorp Arch Estate. This involved the redevelopment on part of the brownfield site to accommodate a residential development comprising 874 dwellings, a 66 bed care home, a primary school and new retail facilities. Part of the council's case for resisting development on this site and collaborated by the Secretary of State in dismissing the appeal, was the impact upon highway safety and specifically the impact on the free flow of traffic across the single track Thorp Arch Bridge. However, the scale of this development was significant, at over 7 times the size of the current application (in terms of dwelling numbers and discounting the care home, the primary school and retail centre) and there is only limited value in making direct comparisons between this and the proposed development of only 119 dwellings.
- 3.4 Paragraph 109 of the NPPF advises that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road would be severe. In this instance and based upon a thorough analysis of the proposals and mitigation measures put forward, officers consider that there would not be an unacceptable impact on highway safety and that the residual cumulative impact on the road network would not be severe (see paragraphs 7.1 and 10.37 to 10.44 of original

report – appended). Officers therefore raise no objection in principle on highways impact grounds and consider that the mitigation measures put forward and agreed would be necessary, directly related and reasonably related in scale and kind to the proposed development. The impact on highway safety or the residual impact on the road network is therefore not a reason for withholding planning permission.

4.0 NEIGHBOURHOOD PLANNING

4.1 The Panel requested further information relating to the position of the Neighbourhood Plan and how the proposal sits against the policies contained within the plan. Furthermore, information was requested relating to other neighbourhood plans within the vicinity of the site.

4.2 The wider area is covered by three separate Neighbourhood Planning Areas, each of which have a ‘made’ neighbourhood plan in place. These form part of the adopted development plan for Leeds and therefore carry full weight in the decision making process and should be considered in the determination of any particular planning application falling within the Plan area. The application site sits within the area of Thorp Arch and consequently within the Thorp Arch Neighbourhood Planning Area. Other Neighbourhood plans cover the villages of Boston Spa to the south west and Walton to the north. A summary of the relevant plans are set out below for Members information.

Thorp Arch Neighbourhood Plan

4.3 The Thorp Arch Neighbourhood Plan 2017 - 2028 was ‘made’ on 30 January 2017, and therefore forms part of the development plan for Leeds. The Plan sets out the vision and objectives for the Neighbourhood Plan Area and contains a number of policies which are split into topic areas, as well as listing a number of projects and inspirations. The Neighbourhood Plan objectives are:

- To maintain and enhance the historic character of Thorp Arch.
- To maintain and enhance key landscapes, natural habitats and biodiversity.
- To provide new residential development that is well designed and that delivers housing that meets the needs and aspirations of the local community, with adequate parking and open spaces.
- To create an improved and safer environment for moving around the parish.
- To maintain and improve accessibility, to improve and increase recreational and social amenities.
- To support local businesses and improve opportunities for new business development.

4.4 Policy H1 of the Plan relates to residential development and states:

“The site of the former social club is a housing commitment and the Council resolved to approve outline planning permission in June 2017 for 23 dwellings on the site subject to the approval of reserved matters and a s106 Agreement. Proposals for development of any residential site should seek to incorporate the following design features (access to green spaces, contain their own green spaces, reflect local design, and provide adequate car parking).”

4.5 The Neighbourhood Plan does not seek to put forward any housing allocations, but merely factually acknowledges and accepts that the council has resolved to grant permission on part of this site (the emerging SAP housing allocation – see

paragraph 4.2 of the appended report for details of that planning application) for 23 houses, and therefore on this basis accept the principle of development. It must also be noted that the council had previously resolved to grant outline planning permission for the 23 house scheme before the Thorp Arch Neighbourhood Plan proceeded to referendum, which was in October 2017, 4 months after the Panel resolved to grant the outline planning permission.

4.6 The Plan also sets out a number of thematic policies, in addition to H1 above, which are set out at paragraph 8.10 of the previous report to Panel, also appended to this report. The Plan also sets out a number of projects and aspirations for the future. These include:

- P1 – Children’s play area and equipment: To be located on land adjacent to Thorp Arch Grange (1.09ha);
- P2 – New cycle track: To link housing areas in the north-east with Thorp Arch;
- P3 – New sports facilities including a new playing field and allotments: This is proposed to be allocated on the site which is now the subject of this planning application;
- P4 – Thorp Arch and Boston Spa Cricket ground and facilities: To purchase the land to secure its use for sport and the community in perpetuity;
- P5 – Improvements to facilities, infrastructure and visitor information in Thorp Arch Village: To include various visual and physical improvements and enhancements;
- P6 – Rudgate Park – Improve screening of TAE entrance road and the British Library: To include heavy tree planting
- P7 – Realign the pathway and road into All Saints Church; and
- P8 – New footpath for a section of Ebor Way.

4.7 In terms of the details of the submission, the application site provides on-site greenspace as well as the provision of a children’s play area and pedestrian/cycle enhancements are proposed to facilitate access to off-site greenspaces. The proposal is considered to satisfy Policy H2 ‘Housing Type and Mix’ in providing a mix of house types and dwelling sizes which seeks meet local housing needs, in particular downsizing.

4.8 The application site could also provide an area of allotments which has been illustrated to the south-east and adjacent to the woodland, with details to be agreed at reserved matters stage. This proposal could meet one of the Neighbourhood Plan’s proposed projects (P3) for re-establishing a playing pitch and providing allotments. Whilst the Neighbourhood Plan is clear that the projects list does not form part of the policy framework, such measures would contribute towards meeting Core Strategy Policy G6 (iii) in demonstrating a clear relationship to improvements of existing green space quality in the locality. Other project aspirations in the Neighbourhood Plan are provided for in the proposed development; these include the reinstated footpath, enhanced cycle connections and on-site public open space. It should be noted these are aspirations in the Neighbourhood Plan, not policy-based requirements. As such, it is not considered that the proposed development is contrary to any policies of the Neighbourhood Plan, and is, in fact, in conformity to it.

Walton Neighbourhood Plan

4.9 The Walton Neighbourhood Plan (2017 – 2033) was ‘made’ in September 2018. The application site falls outside of the area covered by this plan and therefore it

carries no weight in the determination of this planning application. However, at the previous Panel, when this application was considered, Members requested information be provided about all Neighbourhood Plans in the locality and this provides a wider understanding of aspirations and housing delivery in the wider area. The Walton Plan is one of very few plans which seek to allocate sites for new residential development within their Neighbourhood Plan area. This started with identifying and selecting sites for future housing and involved input from the council's design officers. The Plan also notes that as part of the process, the villagers were informed of the proposal by the Homes and Communities Agency (now Homes England) to build up to 200 properties adjacent to the southern parish boundary in Thorp Arch parish.

- 4.10 The Plan at Policy H1, identified 3 specific sites suitable for housing within or adjacent to the village for a total of approximately 20 new homes within the plan period. These included the sites at land to the west of Springs Lane (adjacent to the cricket pitch); the Coal Yard to the south of Main Street; and land to the north of Hall Park Road. As the site at Walton Road falls in the Thorp Arch NP area it is not considered that the development of the site at Walton Road would compromise the delivery of the objectives or be contrary to the policies contained within the Walton Neighbourhood Plan.

Boston Spa Neighbourhood Plan

- 4.11 As with the Walton Plan the application site falls outside of this Plan's boundary and accordingly it carries no weight in the determination of this application. The Boston Spa Neighbourhood Plan (2012 – 2028) is one of the four pilot plans that Leeds developed, in conjunction with the neighbourhood forum, based upon funding from central government. The Plan was 'made' in October 2017. The Plan does not put forward any sites for residential development, but acknowledges sites that have either previously obtained planning permission and 'probable development sites' (which are now included within the SAP). In terms of traffic management, the Plan identifies that the hotspots for traffic generation include the village centre at commuting times, with the "pinch point" in the village centre at the junction of the High Street and Bridge Road. The Plan sets out a number of community actions, including:

TMA1: The introduction of a 20mph speed limit throughout the village will be supported by the Parish Council.

TMA2: The Parish Council will support initiatives which encourage behavior modification to reduce traffic speed and unsociable parking.

- 4.12 The Plan also addresses the matter of parking, and notes that parking in the village is a particular problem, particularly at the junction of Bridge Road and the High Street, noting that resident's cars are parked throughout the day and night on Bridge Road. One of the Community Action points is as follows:

CPA1: The introduction of residents-only parking on designated streets will be supported by the Parish Council.

- 4.13 Whilst the development site lies within the Thorp Arch Neighbourhood Plan Area, the proposals do have implications for Boston Spa, particularly with regard to traffic generation and the impact upon parking. However, the proposed package of measures, including the provision of a resident's only parking scheme on Bridge Road and a contribution towards the High Street traffic management / place making scheme, would seek to deliver some of the aspirations of this

Neighbourhood Plan and indeed, would also not compromise the objectives or policies contained within the Plan.

5.0 FURTHER REPRESENTATIONS

5.1 Since the Panel meeting on 11th October, a further representation has been submitted by the Thorp Arch Group (TAG), objecting to the proposal. The further representation is summarised as follows:

- That information presented at the last Plans Panel meeting did not properly address the issues that TAG raised;
- Do not agree with the weight to be attached to the SAP;
- If objections to the SAP remain, then little weight can be given to the SAP;
- The issue of sustainability was not properly addressed in the officer's report to Panel, and is even more unsustainable than the TATE scheme since it does not have mitigation such as a school, convenience store and public transport improvements.
- That the factors (public transport, walking, cycling, proximity to local services and the local highways network) that led the Secretary of State and 2 Inspectors to conclude that TATE is not sustainable a sustainable location remain relevant to this site;
- Disagreement over the interpretation of policies, such as SP1 as TAG consider that the proposal is contrary to SP1 as the site is not in the Settlement Hierarchy;
- Appraisal of the site and the planners comments at the previous Panel meeting fail to address the planning deficiencies of the proposal;
- The application must be rejected.

5.2 It is considered that many of the comments raised by TAG have been addressed within this and the previous report which is appended. Those matters are not repeated here. However, a response to the new points raised is set out in the following paragraphs.

5.3 The starting point for the determination of a planning application is how the proposal meets the policies of the development plan. In this instance the site is partly unallocated ('white land') and part of the site is allocated as Protected Playing Pitch. Both of these aspects are addressed in the main report at paragraphs 10.1 to 10.33 in the Appraisal section. However, it is important to note that paragraph 10.18 of the main report sets out that "...*On this basis, the proposed development complies with some elements of the Accessibility Standards, and with policy SP1.*" However, it is now clear, from the table provided at paragraph 2.3 above, that the accessibility standards are not met. Members will have to have regard to this, and the accessibility of the site in general, in applying weight and balancing all of the material planning considerations when reaching a decision on this application.

5.4 Turning now to the issue of the weight to be attached to SAP. The relevant guidance is set out in the NPPF at paragraph 216:

"From the day of publication, decision-takers may also give weight² to relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*

- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

- 5.5 It is for the decision maker to apply weight in light of the advice set out above. The SAP is at an advanced stage having been published, subject to public consultation and been heard at a public examination. Following the conclusion of the Examination in Public (EiP), the SAP Inspectors have issued an interim note and the Council is considering the matters raised. These matters are not directly related to the proposed allocation of this site for housing. Accordingly, it is clear that weight should be attached to the SAP in light of its very advanced stage. TAG argue that the Secretary of State (SoS) in considering the appeal (the TATE appeal) for the large scale residential and mixed use application at the nearby Thorp Arch Trading Estate site attached "...*only little weight*" and that in light of the SAP Inspectors initial note the SAP has "...*gone backwards*". However, the TATE appeal was considered prior to the SAP EiP and the SAP was at that time, not considered to be advanced as it is now. In addition, the Inspectors post hearing note makes no reference whatsoever as to the soundness or otherwise of the allocation of this site. The SAP should therefore be given significant weight.
- 5.6 Land to the North of Wealstun Prison (HG2-227) was first proposed for allocation in the Revised Publication Draft of the Site Allocations Plan – Outer North East, following the withdrawal of Headley Hall at the Publication Draft stage. The site is proposed for allocation as it is considered sustainable against all reasonable alternatives within the Outer North East Housing market Characteristic Area, given its non-Green Belt status and its location being surrounded by development on all four sides. Whilst some of the site is designated as Protected Playing pitches, under UDP Policy N6 the majority of the site is 'white land'. The Greenspace designation is proposed to be removed by the SAP and replaced with the HG2-227 housing allocation. Overall, this site is within an urbanised setting outside of the Green Belt, and as such it is considered an appropriate site to contribute to meeting the adopted Core Strategy target of 5,000 homes in the Outer North East.
- 5.7 Concerns have also been raised by TAG about how the issue of the council's decision to propose to allocate this site for housing was reported at the last Plans Panel. This decision of the council does not affect the weight to be given to SAP. The point being made by officers at last Plans Panel was that Members should have regard to the fact that the council has proposed this site as a housing allocation in the SAP and have, in doing so, come to the view that this is a sound allocation which is sustainable suitable and deliverable site for housing development (see paragraph 5.6 above). In considering the planning application regard should be had to this fact as it represents the most up-to date emerging policy position of the Council.
- 5.8 Related to this point is that TAG also assert the SoS decisions and 2 Inspectors have concluded that TATE is not a sustainable site for housing development. TAG argue that those conclusions remain relevant and apply equally to this site.
- 5.9 In considering this point Members should have regard to two factors. First, TATE is not proposed to be allocated for housing in the SAP and therefore the council is not promoting that site as a sustainable site for housing development. Secondly, at

paragraph 18 of his letter on the TATE appeal of 12th July 2018 the SoS actually stated:

“The Secretary of State agrees for the reasons given at IR226-232 that the proposal would not fully meet the accessibility standards set out in the Core Strategy. He further agrees that the location is not, or would as a result of the proposal not be, adequately served by public transport, and would thus conflict with Policy T2 of the Core Strategy. He also agrees that opportunities for pedestrian access are limited. As such, he concludes that the site is not a sustainable location for the proposed development.”

- 5.10 It is clear that the SoS reached this conclusion in the context of the specific proposals for the TATE site. As has been set out previously the TATE was for a much larger form of development and as such the environmental effects associated that development (including traffic generation) would consequently be much greater. It is also worth noting that as part of the TATE scheme it was proposed to divert the existing bus service which would have benefited the residents of that development but would have removed the service from a reasonable walking distance from approximately 146 local dwellings. Accordingly, there are material and significant differences between the TATE appeal scheme and the application currently before Members which cannot be compared and Members will have to reach a view on the acceptability, or otherwise, of the current application based on its own individual planning merits.

6.0 CONCLUSION

- 6.1 The information above on matters relating to accessibility, sustainability, the impact upon Thorp Arch Bridge and how the proposal sits against the various Neighbourhood Plans in the area has been set out in order to aid Members consideration of this application. It is considered that the proposals do represent a sustainable form of development and accord with the development plan when read as a whole, including the Thorp Arch Neighbourhood Plan, whilst not compromising the objectives of the adjoining Boston Spa and Walton Neighbourhood Plans respectively, and with the guidance set out within the National Planning Policy Framework. The recommendation is therefore to approve the application, subject to the conditions set out and the completion of a legal agreement to secure the identified planning obligations.



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 11th October 2018

Subject: 17/07970/OT - Outline planning application for residential development of up to 119 dwellings, at land Off Walton Road, Walton, Wetherby

APPLICANT	DATE VALID	TARGET DATE
Homes England	5/12/17	TBC

Electoral Wards Affected:

Wetherby

Yes Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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

- **35% Affordable Housing on site;**
- **Greenspace, including play area and on-site maintenance;**
- **Agreed Travel Plan and review fee £2,595;**
- **Sustainable Travel Plan fund £58,905 (£495 per dwelling);**
- **Public Transport Infrastructure improvements (i.e. bus shelter and real time passenger information display of £30,000);**
- **Implementation of resident's only permit parking scheme on Bridge Road;**
- **Contribution towards the emerging Boston Spa traffic management/place making scheme on High Street; and**
- **Contribution towards the provision of a footpath cycleway project on land to the west of the application site linking HMP Wealstun to the junction of Walton Road and Wighill Lane.**

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

Conditions

18. Outline time limits
19. Submission of Reserved Matters including Layout, Scale, Appearance & Landscaping.
20. Plans to be approved
21. Development not to comprise more than 119 dwellings
22. Provision of Public Open Space in layout
23. Trees to be retained and protected
24. Landscape Management Plan
25. Ecological management plan
26. Surface water drainage details
27. Foul water drainage details
28. Survey of culverted watercourse
29. Contamination details and remediation
30. Construction Method Statement
31. Provision of off-site Highways works through s278 Agreement
32. Programme of archaeological recording
33. Scheme for charging facilities for battery powered vehicles

1.0 INTRODUCTION:

- 1.1 The application is presented to North and East Plans Panel as this is a major and sensitive development. Furthermore, the Ward Member, Councillor Alan Lamb has objected to the proposed development, setting out a number of material planning concerns listed at paragraph 6.3 and requests that should approval be recommended, the matter should be brought before Members for determination.
- 1.2 Outline planning permission is sought for a residential development comprising up to 119 dwellings. The application is in outline with all matters reserved, save for access which includes two vehicular access points. The site is currently partly undesignated within the development plan (UDPR) however part of the application site (1.5ha) is allocated as a protected playing pitch under saved policy N6 of the UDPR. This relates to the playing pitch formerly used by HMP Wealstun. The playing field was declared surplus by HMP Wealstun along with other land that forms the application site and was subsequently transferred to Homes England in January 2015. Therefore, there is no statutory procedure that is required. The application site is fenced with signage detailing it as private land. In terms of the development plan, the advanced Site Allocations Plan designates the application site for housing under allocation HG2-227.
- 1.3 It is considered that the proposals, when considered in the round, represent a sustainable form of development in accordance with the development plan and advanced SAP. The scheme will also deliver a significant proportion of affordable housing on site and provide highways and greenspace / ecology benefits through improvements addressed by legal agreement. Therefore the benefits associated with the scheme are considered to outweigh the harm, and therefore the application is recommended for approval, subject to the completion of a legal agreement.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site lies to the north of HMP Wealstun, approximately 1.6km outside of Thorp Arch Village. The Application Site covers an area of approximately 5.48 hectares which consists of open semi-improved grassland, scattered scrub and scattered trees and also adjacent to Grange Avenue which was previously occupied by managers' cottages associated with the Royal Ordnance Factory (ROF), which have since been demolished.
- 2.2 During the 19th and 20th century the site was used as agricultural land until it was developed as part of the campus of the former ROF in the 1940s. The ROF was closed in 1958 and its main site developed into the Thorp Arch Trading Estate.
- 2.3 The area adjacent the north and west of the application site comprises residential dwellings. The existing housing stock is made up of 2-storey housing with the relatively new developments of Walton Chase and Woodlands Drive also located to the west. Members of the Plan Panel resolved to grant outline planning permission for 23 dwellings on land adjacent to the west of the application site (reference 16/03692/OT) which also forms part of the same HG2-227 allocation within the Draft Site Allocations Plan as refers to the application site.
- 2.4 HMP Wealstun Prison is approximately 150m to the south of the Application Site. The prison campus features two levels of security, with a secure, enclosed institution forming the southern part of the prison and the open prison to the north. The northern boundary of the prison is formed by a 2m high chain link fence, with a newly planted group of young woodland structure planting on a bund in front of the fence.
- 2.5 To the east of the Application Site lies Thorp Arch trading estate, home of the British Library. The trading estate comprises business, retail and leisure facilities. A Site of Ecological Interest (designated as such within the UDPR) comprising un-managed young woodland and scrub on a raised bund is located to the south east of the Application Site.

3.0 PROPOSAL:

- 3.1 Outline planning permission is sought for the construction of up to 119 dwellings with means of access and designated areas of Greenspace. The following documents are supplied in support of the application and have been considered:
- Design and Access Statement
 - Statement of Community Involvement
 - Ecological Assessment
 - Arboricultural Impact Assessment
 - Historic Environment Desk-Based Assessment
 - Archaeological Written Scheme of Investigation
 - Geophysical Survey Report
 - Flood Risk Assessment and Outline Drainage Strategy
 - Ground Investigation Report
 - Site Location Plan
 - Planning Application Boundary
 - Development Framework
 - Illustrative Masterplan
 - Outline Drainage Strategy
 - Access Strategy
 - Local Sports Facilities Study

- 3.2 The application relates to a proposed residential development on land north of HMP Wealstun, Walton Road. The overall application site, which measures 5.48 hectares, is being put forward as a housing allocation within the advanced Site Allocation Plan (SAP). The SAP puts forward a target of 142 dwellings on this site alongside an area of land within the allocation which is already subject to a positive resolution to grant permission for housing (16/03692/OT) with a total site area of 6.33 hectares forming the overall allocation. The combined 119 dwellings proposed as part of the scheme under appraisal and the extant approval of 23 dwellings therefore precisely meets the 142 dwelling allocation target.
- 3.3 The identified site requirements within the proposed SAP allocation solely relate to the provision of an Ecological Assessment of the site, with potential requirements for mitigation measures, with a requirement for an associated biodiversity buffer to the south eastern boundary and a requirement that the land (designated as SEGI) in question not be transferred to private ownership.
- 3.4 The residential units are shown to be spread across the entire site, with some provision made for substantial landscaped buffers along the southern, western and eastern edges of the site. The layout of housing can be understood as being split into two component parts, with the southernmost portion of the application site served by Grange Avenue, comprising 32 dwellings with the proposed consolidated area of Greenspace located north and north west of this area (due south of the approved 23 dwelling scheme). The SEGI then lies due east of this area of housing.
- 3.5 Due north of the SEGI are proposed to be the remaining 87 dwellings, served from a new access onto Street 5 within Thorp Arch Trading Estate. The scheme involves renovation of 'The Old Workers Footpath' which is a proposed pedestrian route on a north-south axis. Other proposed pedestrian connections include access into Rudgate Park along the western boundary and a new pedestrian access point into Thorp Arch Trading estate at the site's north eastern corner.
- 3.6 Allotments are proposed to the southeast corner of the application site (adjacent Site of Ecological Interest SEGI) with 2nr full size plots (250m²) and 8nr half size plots (125m²), including 7nr parking spaces, central irrigation point and a communal area.
- 3.7 In terms of extents and mix, the outline scheme shows the potential for the following arrangements (subject to final agreements at Reserved Matters stage):
- Market Homes 65% totaling 77 units:
 - 23nr 2 bed houses (30%)
 - 31nr 3 bed houses (40%)
 - 23nr 4 bed houses (30%)

 - Affordable Homes 35% totaling 42 units:
 - 25nr 2 bed houses (60%)
 - 13nr 3 bed houses (30%)
 - 4nr 4 bed houses (10%)
- Public open space and Green Infrastructure totaling 1.27ha.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 15/07263/FU - Replacement fencing to part of site boundary (Withdrawn 13/05/2016)
- 4.2 16/036952/OT- Outline Application for residential development for up to 23 dwellings. The Plans Panel resolved to grant permission at the Panel meeting on 15 June 2017. The Section Agreement is currently being progressed and permission will be granted upon completion.
- 4.3 16/0014/DEM - Determination for Demolition of Prison officers Social Club (Approved 15/01/2016)
- 4.4 16/05226/OT - Section 78 appeal made by Rockspring Hanover Property Unit Trust at Land west of Street 5, Thorp Arch Estate, Wetherby - (Outline planning permission for up to 874 dwellings (a maximum of 840 dwellings with two or more bedrooms); a 66 bed care home; a one form entry primary school; a new local centre including a class A1 convenience store (up to 420m²), a five unit parade of small retail units (up to 400m²), and class D1 uses (up to 750m²); on-site open space, including areas for both public access and biodiversity enhancements; together with associated highway and drainage and infrastructure) (Appeal dismissed, 12.07.2018). There is also a similar application currently pending (Ref. 17/01350/OT).

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The application was submitted and validated on 06.03.2018. Following the initial consultation and publicity period, the applicant (Homes England) and agent (The Environment Partnership) met with officers of the LPA to seek to address officer concerns regarding the levels and proposed format of green space provision within the application scheme. The proposals as were first submitted included an area of land designated within the application site intended for the provision of a community centre/hall.
- 5.2 The hall was proposed following community consultation prior to submission, with feedback from the Parish Council and the community indicating strong support for a new facility in line with the Neighbourhood Plan. The Neighbourhood Plan lists a village hall as a key community facility to be delivered in the future. The Applicant advised their intent to enter into discussions with Thorp Arch Parish Council to provide the land and some funding towards this facility subject to it being viable and that appropriate facility management would be in place.
- 5.3 The community facility has been withdrawn from the finalised layout, as the applicant has noted the level of local opposition to provision of the facility within received public and parish council comments associated with the first round of publicity on this application, instead electing to use the land in question within the red-line to contribute towards and improved layout for Greenspace provision within the site and an offer to enter into discussions within Thorp Arch Parish Council in order to provide contributions towards the provision of a cycle path from HMP Wealstun to the junction of Walton Road and Wighill Lane.
- 5.4 Following consultation responses from highways and public comments which indicated a lack of support for the proposed highways improvement / mitigation scheme at Bridge Road, Boston Spa, the applicant has withdrawn this element of the scheme and offered alternatives including contributions towards a residents

only parking scheme on Bridge road and traffic management / place making scheme on Boston Spa High Street.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised as a major development. Site notices were posted around the site on 05.01.2018 and through publication in the Yorkshire Evening Post in a notice dated 05.01.2018. Following the receipt of revised plans and associated documentation, the application was re-publicised by site notice on 06.07.2018, with the re-consultation also including direct notification to all who had responded to the first wave of publicity in January. In total, 175 letters of objection have been received. A number of the objections received involve repetition of comments and subject matter. The objections raised are summarised as follows:

- Adjacent approved development should be completed prior to approval of this application so assessments on impacts can be made.
- Air-raid shelter not mentioned on any plans or documentation, nor surveyed
- Amendments to the application red-line at revision stage should not be accepted
- CIL receipts would not be directed to Boston Spa
- Contrary to strategic policies in Core Strategy and contrary to the Thorp Arch Neighbourhood Plan and is not within the settlement hierarchy defined in the Core Strategy.
- Creation of coalescence between Thorp Arch and Walton
- Cumulative impact of the development alongside committed and built out developments within the local area (Boston Spa, Newton Kyme)
- Existing playing pitch has been in use, contrary to the submitted details
- Impact on local drainage
- Impact on wildlife
- Impact on local services including doctors, shops and schools
- Incorrect certification of land ownership has taken place (resolved by revision)
- Increase in noise and pollution
- Ineffectual nature of proposed highways improvements to Walton Road/A168 roundabout and proposed residents parking scheme to Bridge Road
- Lack of associated employment opportunities within the local area to sustain population.
- Lack of locally placed facilities
- Lack of weight in overall planning balance to the unadopted SAP
- Loss of privacy
- Loss of sports pitches / Inadequate level of publicly accessible playing pitch facilities within the area
- Objection to the use of the term 'urbanized setting' to describe the application site by the applicant.
- Perceived negative highways and pedestrian impacts, including Bridge Road, Boston Spa and village centre of Boston Spa
- Plans at community engagement stage were not supported
- Prematurity in light of (the then pending) Thorp Arch Trading Estate Appeal Decision.
- Proposals for a community facility would undermine the vitality of Walton Village Hall.
- The application site was a late inclusion in the SAP selection process.
- Unsustainable location / lack of public transport provisions.

- 6.2 One letter of comment received, neither objecting to or supporting the application, but making comment that more housing is needed, although parking is a problem and could be eased by making Bridge Road residents parking only.
- 6.3 Ward Members: Councillor Alan Lamb has written in objection to the proposals (9th Feb 2018) and the objection content is summarised as follows:
- Allocation of the site fails in regard to Core Strategy policies SP1 and SP6 and was a late allocation into the overall site selection process
 - Cumulative impact from this development and others comprising an out of proportion burden on this local area as part of the overall housing provision requirements
 - Impact from construction traffic
 - Impacts on highways infrastructure including Bridge Road (Boston Spa) and Walton/Wetherby Road.
 - Impacts on local facilities
 - Inadequate level of consultations undertaken
 - Likely to be issues concerning drainage and land contamination
 - No public leisure facilities within walking distance
 - Prematurity in light of the (then) pending appeal decision at Thorp Arch Trading Estate
 - The land is rural land and unsuitable for housing
 - Unsustainable location
- 6.4 Thorp Arch Parish Council have written in objection to the proposals as were initially presented, summarised as follows:
- Conflicts with the Neighbourhood Plan regarding Greenspace given that the SAP is not yet adopted.
 - Core Strategy Select Review reduces the net housing requirement to 51,952
 - Cumulative impact of development alongside Thorp Arch Trading Estate proposals if approved at appeal.
 - Loss of playing pitch
 - Poor relationship between proposed community facility and the main settlement with potential to undermine existing facilities at Walton Village Hall.
 - Prematurity
 - The council should be able to demonstrate a 5 year land supply on adoption of the SAP
 - Unsustainable location for development / site does not meet accessibility standards conflict with Core Strategy policy H2
 - Concerns regarding deliverability and effectiveness of highways improvements at Bridge Road, Boston Spa and the A168 roundabout.
 - Extent of detailed unadopted road (Grange Avenue) as detailed on plans is incorrect
 - Statement of Community Involvement inadequate as turnout at publicity event was low (11% response rate on a 15% turnout) and does not therefore accurately reflect local views.

Thorp Arch Parish Council were re-consulted following receipt and publicity of revised plans, with comments summarised as follows:

- The proposal does not meet the accessibility criteria of Policy H2;

- There were strong objections at the SAP Hearing session raised to the inclusion of the site in the SAP which gives weight to the SoS decision for the Thorp Arch Estate appeal;
- The proposal is in conflict with the Neighbourhood Plan as the SAP has not been adopted;
- The site is not in an accessible and sustainable location;
- In highway terms, the withdrawal of the applicant's Bridge Road improvement scheme and replacement with a residents only parking scheme do not alter the fundamental objection;
- The increase in the size of the Greenspace is welcomed, but may be of an insufficient size to accommodate a full sized football pitch;
- Regrets the removal of the community hall and contribution;
- Given the increase in population, the applicant should provide a contribution towards the provision of a new community hall, in addition to the Greenspace as mitigation;
- Funding for the cycleway is welcomed;
- If permission is to be granted, a number of s106 benefits should be secured, including the Greenspace is set out as a football pitch; £570,000 is provided for a cycle path, changing facilities for the playing pitch, and a community/village hall.
- That the applicant's planning statement in respect of education is out of date and wrong.

6.5 Boston Spa Parish Council have written in objection to the proposals as were initially presented, summarised as follows:

- Initially proposed mitigation works at Bridge Road would not be adequate or effective.
- Prematurity in light of (then)pending appeal decision at Thorp Arch Trading Estate
- Pressure on local services / CIL monies received do not come to Boston Spa to remedy this matter
- Proposals do not reference Boston Spa Neighbourhood Plan.
- Site notice publicity did not extend to the Bridge Road area of Boston Spa

Boston Spa Parish Council were re-consulted following receipt and publicity of revised plans, with comments summarised as follows:

- The introduction of residents only parking is an inadequate solution to the problem and oppose a scheme in this location;
- Increased pressure on primary schools; and
- Impact on doctor's practice in Boston Spa.

6.6 Walton Parish Council have written in objection to the proposals are were originally presented, summarised as follows:

- Impacts upon the adjacent highway network
- Overpopulation of Lady Hastings Primary School
- Prematurity in light of (then) pending appeal decision at Thorp Arch Trading Estate
- Prematurity in light of SAP not yet being adopted
- Proposals for a community facility would undermine ongoing viability of Walton Village Hall.

Walton Parish Council were re-consulted following receipt and publicity of revised plans, with no further comments having been received.

6.7 A detailed objection document has also been received from TAG (Thorp Arch Group). The document advises that TAG has a mandate from over 146 people to oppose the development on Planning Grounds. Comments within the document are summarised as follows:

- Impact on Bridge Road, Boston Spa
- Loss of greenspace.
- Prematurity in light of (then) pending appeal decision at Thorp Arch Trading Estate
- Proposals for a community facility would undermine ongoing viability of Walton Village Hall.
- Unsustainable location / poor highways environment / lack of conformity with accessibility standards

TAG were re-consulted following receipt and publicity of revised plans, with comments summarised as follows:

- None of the benefits associated with the TATE proposal (now dismissed at appeal) apply to this proposal;
- Site is unsuitable and unsustainable for a 119 housing development;
- Impact from increased traffic;
- Premature in advance of adoption of the SAP;
- The site is neither part of Walton village or Thorp Arch village;
- Site is not within the settlement hierarchy;
- It has no planning merits and should be rejected.

6.8 The British Library have written in objection to the proposed development. The objection is summarised as follows:

- Increased highway movements will impact upon day to day transportation operations associated with the British Library
- Opposition to mitigation proposals at Bridge Road, Boston Spa
- Reliance on cars due to unsustainable location
- Requirement to delay determination of the application until the Thorp Arch Trading Estate Appeal has been determined
- Transport Assessment overplays the use of sustainable modes of transport

7.0 CONSULTATION RESPONSES:

Statutory

7.1 LCC Highways

The application seeks outline permission with access being the only matter for consideration at this stage. All other matters including; internal layout, servicing and parking have not been considered at this stage and will be addressed as reserved matters for approval at a future date. The acceptability of the principle a residential development in this location, which does not meet Core Strategy

Accessibility Standards, requires further consideration with regards to housing need in the outer north east segment of the city, the emerging Site Allocations Plan and other national and other planning policy considerations.

In terms of transport it is considered that the cumulative impact of traffic generated by the proposed development on the highway network could not be considered to be severe with regards to NPPF paragraph 32. (Note the NPPF reference pertains to the 2012 version NPPF, superseded by the 2018 NPPF in July. Paragraph 109 of the 2018 NPPF advises Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe).

Highways have advised a requirement to upgrade to adoptable standard the unadopted section of Grange Avenue. The whole of the unadopted section of Grange Avenue should be included in the redline boundary associated with this application (resolved by revised plan and re-certification of the application).

Highways officer identify that improvements are required at the Walton Road /A168 Roundabout. Highways consider that proposed improvements at Bridge Road, Boston Spa (Thorp Arch Bridge) would not be effective as proposed and should be replaced through formation of a residents parking scheme and developer contributions concerning this and the Boston Spa traffic management/place making scheme on High Street, to be secured through S106. Highways recommend that the developer contributes towards a Travel Plan review fee, Residential Travel Plan Fund and public transport infrastructure improvements in the form of a bus shelter and real time passenger information display. Funding being secured under the terms of a S106 Agreement.

7.2 Sport England

Sport England advises the existing playing field has not been used for at least five years and the consultation with Sport England is not a statutory requirement but also advise a lack of use should not be seen as necessarily indicating an absence of need for playing fields in the locality. Such land can retain the potential to provide playing pitches to meet current or future needs. Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field or land last used as such, unless one or more of the five exceptions stated in its policy apply. Sport England cite the findings of appeal decision APP/U4610/A/12/2176169 which relates to the redevelopment of a playing field that had not been recently used for sport, where it was held that:

- *"...there is no physical feature that makes the site inherently unsuitable for use for outdoor sport..."*
- *"There is no distinction between privately and publicly available sports provision in the National Planning Policy Framework. In paragraph 74, it is specified that existing open space, sports and recreational buildings and land, including playing fields should not be built upon unless various criteria are complied with. This is sufficiently broad to cover the last use of the relevant part of the application site."*
- *"There is no definition of the word 'existing' in the glossary. Although the site is not currently in active use, it is capable of being used for that purpose for the reasons given earlier in my decision. There has been no argument that the land has any other lawful use."*

It is Sport England's view that nothing has altered the lawful use of the playing field. The site could be made good, pitches marked out and brought back into use for sport and this would not require planning permission. Therefore the site is still playing field and should be considered as playing field. On that basis of the above, the Planning Inspectorate held that, in accordance with Local Plan Policy and National Planning Policy Framework, compensatory mitigation is necessary and should be provided as part of the scheme.

Non-statutory

7.3 LCC Sufficiency & Participation Team

Advise that 119 dwellings would generate approximately 4 primary aged children and 2 secondary aged children per year group. The nearest schools to this proposed development are Lady Elizabeth Hastings C of E Primary School at Thorp Arch and Boston Spa Secondary School. In addition there are a number of primary schools within Boston Spa however some of these may not be considered to be within a reasonable walking distance. Based on current projections it may be possible for Lady Elizabeth Hastings PS to absorb the additional children (yield) from this development, however this would need to be assessed at the point of any full planning application and would be subject to a review of demographics at that time, build start date and build out rates. There may be some options within the wider Boston Spa area to consider an expansion of one of the existing schools if required.

7.4 LCC Nature Team

Confirmation that the area of woodland to the south east of the site will be securely fenced to avoid public access, with badger access gates provided and long term monitoring must be provided and agreed.

An Ecological Impact Assessment (EclA) as per CIEEM Guidelines Dec 2017 and an assessment of habitats lost in order to demonstrate no net loss of biodiversity as per the NPPF is also required. The above should be based upon the latest revision with allotments proposed in the south-east part of the site - an appropriate boundary would be required along any interface to avoid unauthorised extension of allotments or dumping of associated waste into that area. Confirmation is also required of the approach for the retained wooded area in the south-east and whether public access will be allowed. Interpretation panels should also be provided in order to explain the management regime and biodiversity value of the area. A scheme that provides a wildflower grassland buffer area along the northern boundary of the retained woodland area (with interpretation panels as suggested above) would help provide a positive interface between adjacent housing and the natural woodland area should also be provided. It is considered appropriate to control these matters by condition.

7.5 West Yorkshire Police

WYP advise that, based on the submitted indicative layout, the proposals would accord with the principles of Secured by Design and advice has been provided in terms of lighting and planted boundary treatments, which will be passed on to the applicant in order to assist in the formulation of detailed proposals at the reserved matters stage.

7.6 Housing Growth Team

HGT advises the development is located within AH Zone 1 which has a 35% AH requirement over a threshold of 10 units. Within the proposed development of 119 dwellings, the Council would expect 42 units to be identified for Affordable housing. 40% (16 units) of which should be Affordable housing for households on lower quartile earnings and 60% (26 units) Affordable housing for households on lower decile earnings. For onsite provision, the developer should market affordable units to Registered Providers at the specified benchmark transfer prices, as outlined in the Affordable housing benchmark prices and rents in Leeds for 2017/18, to the Council's approved schedule only.

The Housing Growth Team further note that the applicant proposes a mix of 2,3 & 4 bedroom dwellings with the intention to confirm specific detail regarding housing mix at the reserved matters stage. The Council would be supportive of this approach; however, would also welcome a discussion with the applicant regarding the opportunity to also include 1 bedroom units within the affordable housing mix as this reflects the most significant demand on the Leeds Homes Register for the Wetherby housing area. This approach would also fall in line with the Core Strategy's H4 Housing Mix policy for new housing development. AH units should be pepper-potted amongst the development in order to encourage mixed communities. There is currently an undersupply of 24 Extra Care units in the Outer North East, increasing to an undersupply of 82 units by 2028.

The AH proposals meet adopted policy requirements for levels of affordable housing and this matter will be controlled through S106 agreement. Housing Mix and extra care requirements and recommendations would be addressed at the Reserved Matters stage.

7.7 Flood Risk Management

Flood Risk Management advises the submitted Flood Risk Assessment and Drainage Strategy provided only plans, some calculations and the results of a survey of the culverted watercourse to which it is proposed to discharge the surface water from the site. No statement of the proposed drainage strategy has been provided particularly as the Preliminary Drainage Layout indicates that a connection from an adjacent site, which was approved for development, would be made to the drainage network proposed for this site and it cannot be determined if this additional discharge has been considered in the overall drainage analysis.

Flood Risk Management advise they accept the proposed discharge rate of 5 l/s and the proposal to discharge to the culverted watercourse as the geotechnical analysis effectively determined that the option for the use of infiltration drainage methods for the surface water drainage of the site would not be a feasible one. Nonetheless it has to be stated that the drainage network shown in the Preliminary Drainage Layout could not be matched with that used for the analysis of the network.

Flood Risk Management go on to advise that, in addition, without a plan of the lengths of culvert surveyed i.e. referenced MH locations they are not currently in a position to determine which sections of the culvert would require additional cleaning or clearing works.

In consideration of the outline nature of the proposals, Flood Risk Management advise these matters can reasonably be addressed through the use of conditions.

7.8 LCC Travelwise Team

Advise that an interim travel plan has been submitted, which is not acceptable and that a full travel plan should be provided. The finalised travel plan should address deficiencies in the submitted document concerning repetition of content and the use of technical jargon. Planning conditions should be used to address matters concerning cycle parking provision, showers, motorcycle parking and Electric Vehicle Charging Facilities. Travelwise advise that in accordance with the Travel Plans SPD, the finalised and agreed Travel Plan should be included within the S106 along with obligations concerning a £2595.00 review fee and provision of a Residential Travel Plan Fund of £58,905. A revised Travel Plan has now been submitted and is considered to be acceptable.

7.9 LCC Environmental Studies Transport Strategy Team

Advise that on examination of Defra's strategic road maps and the layout and orientation of the proposed dwellings, noise from road traffic is unlikely to be of a level that would require specific measures over and above standard building elements. Therefore in this case, it is advised that an acoustic assessment is not required.

7.10 West Yorkshire Archaeology Advisory Service

WYAAS advise no objections to the proposed development subject to conditions controlling the submission of a scheme of architectural recording by a suitably qualified consultant, including a programme and methodology of site investigation and recording and programme of post-investigation assessment and analysis to be agreed by the LPA in consultation with WYAAS, prior to any demolition or development taking place on the site. This matter will be addressed by condition.

7.11 West Yorkshire Combined Authority

WYCA advises the site is located within the recommended 400m from the nearest bus routes that operate on Walton Road and Street 5. Bus services which operate on Walton Road and Street 5 include the 70/71 which operates between Wetherby and Leeds with some services extending to Harrogate at a 30 minute frequency. The bus availability for the site is therefore considered to be acceptable in the given circumstances. The size and scale of the development is unlikely to change the bus route of frequency. The closest bus stop on this corridor 14494 does not have a shelter. As part of this scheme, a bus shelter could be provided at the above named stop at a cost of £10,000 to the developer to improve the public transport offer. In addition a Real Time Passenger Information display could be provided at bus stops 14496 and 10223 at a cost of £10,000 each to the developer. In order to access these stops, safe and direct pedestrian links are required. WYCA also reinforce the comments made by TravelWise that the developer needs to fund a package of sustainable travel measures (see comments above at 7.8). These matters will be addressed through conditions and the S106 agreement.

7.12 LCC Contaminated Land

Advise no objections to the determination of the application subject to conditions concerning further information on ground investigations, amended reports, verification reporting, controls on the import of soil and asbestos removal which are matters proposed to be controlled through conditions.

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 majority of the site presently forms unallocated 'white land' on the Policies Map. The southern part of the site is presently designated as a protected playing pitch under saved policy N6 of the Unitary Development Plan Review (2006). 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).
- Thorp Arch Neighbourhood Plan

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

8.4 The Core Strategy sets out a need for circa 70,000 new homes up to 2028 and identifies the main urban area as the prime focus for these homes alongside sustainable urban extensions and delivery in major and smaller settlements. It also advises that the provision will include existing undelivered allocations (para. 4.6.13). It is noted that the application site falls within the Outer North East Housing Market Characteristic Areas identified in the Core Strategy. 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, space standards and greenspace. However, what is clear, based upon the receipt of recent appeal decisions for large scale residential developments, is that the Council has a housing land supply position of 4.38 years.

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

- GP5: General planning considerations.
- N6: Playing pitches
- N23/N25: Landscape design and boundary treatment.
- N24: Development proposals abutting the Green Belt or open countryside
- N29: Archaeology.
- BD5: Design considerations for new build.
- ARC5: Archaeology
- T7A: Cycle parking.
- LD1: Landscape schemes
- N6: Protected playing pitches

Natural Resources and Waste Local Plan (NRWLP)

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

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

Site Allocations Plan

8.7 The site is proposed as a housing allocation within the Revised Submission Draft SAP under site reference HG2-227. The site is earmarked for 142 units and includes the former Prison Officers Social club site which has recently obtained a positive resolution from Plans Panel to grant planning permission for 23 dwellings (16/03692/FU), to the north-west of the red line boundary. As noted above, the identified site requirements within the proposed SAP allocation solely relate to the

provision of an Ecological Assessment of the site, with potential requirements for mitigation measures, with a requirement for an associated biodiversity buffer to the south eastern boundary and a requirement that the land (designated as SEGI) in question not be transferred to private ownership.

- 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 is taking place between 15 January and 26 February 2018. The Council submitted the consultation responses to the Examining Inspectors in March. The Examination in Public commenced on 9th July 2018. The examination of HG2-227 took place on 3rd August 2018.

Core Strategy Selective Review

- 8.9 Further to the SAP, the Core Strategy Select Review 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 7th February 2018. It was the subject of public consultation up until end March. In April the Council considered the consultation responses received and a draft plan has been submitted to the Planning Inspectorate with an Examination in Public expected to be in November 2018.

Neighbourhood Planning

- 8.10 The Thorp Arch Neighbourhood Development Plan 2017-2028 is a 'made' plan and therefore carries full weight in the determination process forming part of the overall development plan for this part of Leeds. Relevant policies include:

- Policy BE1: Design and development in the Conservation Area
- Policy BE2: Design and development outside the Conservation Area
- Policy BE3: Local Green Spaces
- Policy BE4: Protecting non designated heritage features
- Policy CNE1: Protecting countryside character
- Policy CNE2: Green corridors:
- Policy CNE3: Public rights of way
- Policy CNE4: Enhancing biodiversity:
- Policy H1: Residential development
- Policy H2: Housing type and mix
- Policy CF1: Retention and provision of community and recreational facilities

8.11 Neighbourhood Plan Background

- 8.11.1 By way of background, prior to its examination, the draft Thorp Arch Neighbourhood Plan identified the application site as a desired area for green space provision, with community aspirations to establish allotments, a football pitch and a new footpath, identified as site 'K' within the draft plan. In response to the inspectors question as to whether the designation of site K would place a blanket

restriction on the site that would affect its potential in the emerging Site Allocations Local Plan, the Local Authority commented that:

- 8.11.2 *“The proposed housing allocation indicates that the site has a capacity of 142 units. The proposed local green space designation would significantly restrict the potential capacity of the site and consequently the housing needs for the wider area (Outer North East HMCA) would not be met to the detriment of achieving sustainable development. The proposed Local Green Space designation is therefore not supported.” “The Council feels that blanket designation of the whole of site K as Local Green Space would not be compatible with the development of the site for housing but an amended Neighbourhood Plan policy could set out a greenspace site requirement for that site in the event that it is allocated through the Site Allocations Plan.”*
- 8.11.3 The Green Space Background Paper which forms part of the evidence base to the submission draft Site Allocations Plan identifies that the Outer North East housing market area and Wetherby ward specifically are deficient of a number of green space typologies (parks and gardens, allotments and natural green space). 71% of the green space sites in the Outer North East area are below the required quality score, which indicates that there is a marked issue of substandard green space provision across the housing market area. It was noted by the inspector that onsite green space provision calculated in accordance with Policy G4 of the Core Strategy would result in 1.14 ha of green space.
- 8.11.4 The Inspector resolved to determine that Planning Practice Guidance is clear that neighbourhood plans should avoid placing blanket restrictions on sites that would prevent them being considered for housing development unless they are supported by robust evidence. NPPF paragraph 76 (2012 NPPF) states that the designation of sites as Local Green Space should be consistent with the local planning of sustainable development and investment in sufficient homes. The inspector resolved that Site K is part of a site that has been included in the Submission draft Site Allocations Plan for housing development to meet the strategic needs of outer north east Leeds and that its designation as a Local Green Space does not have regard to national policy, would not meet the Basic Conditions and, should the site be allocated for housing development in the Site Allocations Plan there will be a need to include some greenspace within the site.
- 8.11.5 Consequently the site is not allocated as a local green space within the made Neighbourhood Plan, despite the original intention to allocate it as such.
- 8.11.6 It is also worthy to note that both the Boston Spa and Walton Neighbourhood Plans have been made and therefore form part of the development plan. The application lies outside the boundaries of both Neighbourhood Plan areas, but in any event, does not conflict with the objectives or aspirations of either of these plans.

National Planning Policy Framework (NPPF)

- 8.12 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight they may be given.

- 8.13 A revised NPPF was published by the UK Government's Ministry of Housing, Communities and Local Government on 24 July 2018. This is the first revision of the National Planning Policy Framework since 2012. It implements around 85 reforms announced previously through the Housing White Paper, the planning for the right homes in the right places consultation and the draft revised National Planning Policy Framework consultation.
- 8.14 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 8.15 Paragraph 8 of the NPPF advises that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy
- 8.16 Paragraph 11 advises Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:
- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
 - b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area ;
 - ii. or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date*, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

* This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

8.17 Paragraph 12 advises the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

8.18 Paragraph 14 advises that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

8.19 Paragraph 47 advises planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

- 8.20 Paragraph 48 of the NPPF advises that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)
- 8.21 Paragraph 49 goes on to advise in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 8.22 Paragraph 91 of the NPPF advises planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
 - b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and
 - c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

- 8.23 Paragraph 97 of the NPPF advises existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 8.24 Paragraph 109 of the NPPF advises development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.25 Paragraph 127 of the NPPF advises planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) 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 and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Planning Practice Guidance

- 8.26 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:

- 8.27 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 (Draft Core Strategy Review Policy H9), but as this is only at an early stage moving towards adoption, only limited weight can be attached to it at this stage. Therefore, each dwelling should meet the minimum floorspace standards to provide a good standard of amenity for future occupants.

9.0 MAIN ISSUES:

Principle of Development
Playing Pitch Provisions
Affordable Housing
Highways and Transportation
Drainage and Flood Risk
Design & Layout
Ecology
Impact on Living Conditions
Land Contamination
Section 106 Obligations and CIL
Consideration of Objections

10.0 APPRAISAL

Principle of Development

- 10.1 The application seeks to establish the principle of residential development for up to 119 dwellings with associated public open space. The site covers an area of approximately 5.48 hectares which consists of open semi-improved grassland, scattered scrub and scattered trees and lies between Wealstun Prison to the south and established housing to the north. The site is not designated within the development plan, apart from a section of land to the south which is designated as Protected Playing Pitch under saved UDP Policy N6. The site, together with an adjoining piece of land is proposed to be allocated as a housing under Policy HG2-227 within the advanced Site Allocations Plan (SAP), with the associated hearing sessions on the topic of housing having concluded.
- 10.2 The application should therefore have regard to the white land nature of the site, the loss of the playing pitch in light of the designation of part of the site, whether the Council can demonstrate a 5 year supply of deliverable housing sites and the provisions of paragraph 11 of the NPPF.

National Guidance - Five Year Housing Land Supply

- 10.3 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.

- 10.4 The Council does not currently have a five year land supply and won't have one until Adoption of the revised Submission SAP.
- 10.5 The Council is 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 1st April 2018 to 31st 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 is currently 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.

Compliance with the Development Plan

- 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. It advises that the distribution and scale of development will be in accordance with the Settlement Hierarchy. Thorp Arch is in the 'village' category of settlements and is 'white land' - it is not subject to the 'rural land' or Green Belt policies.
- 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. Regard should be had to the settlement hierarchy, that land is used effectively and efficiently and to the Accessibility Standards. The nearest health care facilities, supermarkets and employment opportunities are in Wetherby and on and adjacent to the Thorp Arch Estate with bus services available on Walton Road which 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. In light of these factors, in combination with other matters including the scale and form of the development, it

is considered to represent a 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. The number of dwellings does not exceed the capacity of transport, educational and health infrastructure. The development would provide a CIL contribution which could go towards educational and health infrastructure, if required. The proposal could therefore not reasonably be said to exceed the capacity of local infrastructure. The proposals are also not considered to be harmful to the intrinsic character of the area and indeed would provide a useable area of greenspace to the front of the site which will contribute to the area's character. Furthermore, the proposal 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 site would be well contained and the wider area currently contains several urbanising developments such as Wealstun Prison to the south, Thorp Arch Industrial Estate to the east, the British Library complex and residential development to the north and west. As such, the development of the site would not be unduly detrimental to the character of the area. The site would have reasonable access to Wetherby town centre and Boston Spa town centre.
- 10.21 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 Parlinton, Church Street, Boston Spa, land to the East of Wetherby, land at Sandbeck Lane, Wetherby, and the Mercure Hotel, Wetherby Road, Wetherby.
- 10.22 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.
- 10.23 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 location, 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.
- 10.24 The SAP process is the correct method for determining the relative merits of all sites considered for development. The application site (HG2-227) 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.
- 10.25 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. In any event, the major of the site is unallocated and therefore should be determined on its merits.

- 10.26 In summary, the application site comprises unallocated land in the lowest tier of the settlement hierarchy. However, it is vacant land comprising greenfield and previously developed land situated between existing residential development and Thorp Arch Trading Estate. This is an urbanised setting outside the Green Belt. Proposals would not unduly conflict with Core Strategy Policies SP6 and H2, delivering policy compliant affordable housing and green space alongside additional necessary infrastructure contributions. The Council does not have a five-year housing land supply and the proposal has been phased accordingly in the SAP. Given the mitigation and enhancement measures proposed, the accessibility shortcomings do not significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. The development is therefore considered to be acceptable in principle.

Playing Pitch Provisions

- 10.27 The southern part of the site is allocated as a protected playing pitch under saved Policy N6 of the UDP. Core Strategy Policy G6 also protects green space from development subject to an assessment and evidence demonstration of adequate supply, replacement by equal size, accessibility and quality; or providing clear improvements of existing green space quality in the locality.
- 10.28 The playing pitch was formerly used by HMP Wealstun but it is understood that it has neither been in use nor maintained for such use since 2009. The site was subsequently declared surplus by the Ministry of Justice and transferred to the Homes Community Agency (now operating as Homes England) in January 2015. The site has since been fenced with signage detailing it as private land.
- 10.29 In terms of the policy evidence, the Green Space Background Paper Submission Draft (May 2017) is the latest evidence base document and that the Playing Pitch Strategy (referred to in Sport England's further response) is neither complete nor publicly available. The advanced allocation in the SAP adds further weight that the playing pitch is surplus to requirements and that the provision of significant, qualitative on-site public open space improves accessibility to open spaces for the community.
- 10.30 The illustrative masterplan provides for approximately 1.27 hectares of public open space and green infrastructure. This includes an enlarged village green public open space (0.88 hectares) and play area (including a Locally Equipped Area of Play) located at the development frontage on Grange Avenue. The large, high quality area of greenspace could function as a playing field/pitch and would provide a high quality and publicly accessible replacement of an appropriate scale. Furthermore, the application has indicated how the woodland area (SEGI) to the south-east would be enhanced through a long-term management and enhancement plan, to be secured by condition.
- 10.31 The application site could also provide an area of allotments which has been illustrated to the south-east and adjacent to the woodland, with details to be agreed at reserved matters stage. This proposal could meet one of the Thorp Arch Neighbourhood Plan's proposed projects (P3) for re-establishing a playing pitch and providing allotments. Whilst the Neighbourhood Plan is clear that the projects list does not form part of the policy framework, such measures would contribute

towards meeting Core Strategy Policy G6 (iii) in demonstrating a clear relationship to improvements of existing green space quality in the locality.

10.32 Concerns have been raised that the area of proposed Greenspace is not large enough to accommodate a full sized playing pitch with associated run off areas. However, it is not considered that there is any such demand for a playing pitch in this locality. Furthermore, the provision of a formal playing pitch would require protection from overuse and would only allow a limited number of residents to benefit from it. It is considered that a more general area of Greenspace would provide a facility that would appeal to a wide range of the local community and be of more benefit generally and one which could be appropriately landscaped and make more of a positive contribution to the character of the area than a playing pitch and act as a focal point to the area.

10.33 Overall the proposal provides for 1.27 hectares of public open space and green infrastructure, satisfying Core Strategy Policy G6 and UDP saved Policy N6 requirements at outline stage.

Affordable Housing

10.34 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 42 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.

10.35 Due to the outline nature of the application the full details of the affordable provision is not known but an indicative layout including indicative mix of 25 x 2 bed, 13 x 3 bed and 4 x 4 bed houses are included in the submission. The quality of the affordable units will need be the same as the open market dwellings. The provision of these affordable houses would be secured through a S106 agreement.

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, is generally considered to be acceptable.

Highways and Transportation

10.37 The planning application has been submitted in outline with all matters reserved, save for vehicular access. The masterplan shows that new vehicular access points will be created from Grange Avenue and Street 5. The access roads would then feed into a series of smaller cul-de-sacs and courtyards.

10.38 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, highway and pedestrian safety, and any highways works that are necessary to facilitate and mitigate the impact of the development.

10.39 The illustrative masterplan shows the development divided in to two distinct areas with access from Street 5 and Grange Avenue. Both accesses would be simple

priority junctions, the access roads would have a 5.5m carriageway and 2m footways to both sides. Junction geometry and visibility accord with recommended guidance. At the request of the Highway Authority there is no vehicular connection demonstrated through the site. Pedestrian and cycle routes are proposed to enhance accessibility and permeability for pedestrians and cyclists. Access arrangements are considered acceptable and appropriate for the scale of development proposed.

- 10.40 Several junctions were assessed in the submitted Transport Assessment. Given the anticipated additional vehicle movements over Thorp Arch Bridge, measures were suggested to improve the free flow of traffic. The Council's Transport Development Services (TDS) team consider that the introduction of a resident's only permit parking scheme along the southern side of Bridge Road offers a practical solution and will remove town centre visitor parking, significantly reducing on-street parking for large parts of the day. This in turn will improve traffic flows along Bridge Road. TDS also consider it necessary to provide a contribution towards the Boston Spa traffic management/place making scheme on High Street. These measures will be secured by Section 106 agreement and will serve to mitigate harmful effects arising from the development.
- 10.41 The TATE appeal referenced the proposed highways improvement works for the Walton Road scheme, including the benefits of a resident-only parking scheme in maintaining the free flow of traffic along Bridge Road. The Secretary of State considered the traffic impact of the Walton Road scheme (119 dwellings) would be significantly smaller than that of the Thorp Arch Estate scheme (up to 874 dwellings plus other development). The proposed traffic signal scheme in the TATE appeal did not offer the prospect of effectively mitigating the impact of the development in this location. As such, the scale of development proposed is much smaller than that proposed as part of the TATE proposal.
- 10.42 Off-site highway works include improvement to adoptable standards of adjacent access roads, traffic calming measures, improved pedestrian routes, junction widening and potential land allocation improvement. Specifically, these include:
- Improvement to adoptable standard and adoption of the length of Grange Avenue from its junction with Rudgate Park (current limit of adoption) to its junction with Walton Road. Works to include traffic calming features;
 - Renewal of existing traffic calming features on adopted (northern) section of Grange Avenue;
 - Improved pedestrian routes (minimum 2m wide footway and associated tactile paving) from Grange Avenue to bus stops on Walton Road;
 - Widening of Grange Avenue/Walton Road junction radii to accommodate refuse vehicle turning; and
 - Lane allocation improvement at Walton Road/A168 roundabout, (A168 Privas Way northern arm).
- 10.43 Under any reserved matters application the internal layout will need to be constructed to adoptable standards under Section 38 of the Highway Act 1980. The precise layout, parking, servicing and bin areas would all be considered at reserved matters stage having regard to the Leeds Street Design Guide.
- 10.44 West Yorkshire Combined Authority (WYCA) have requested that the applicant contributes towards a Travel Plan review fee, Residential Travel Plan Fund and public transport infrastructure improvements (to promote sustainable travel) with funding secured under the terms of a Section 106 Agreement. These are

considered to be agreed matters and set out with the Section 106 section of this report.

Drainage and Flood Risk

- 10.45 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.
- 10.46 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.
- 10.47 The planning application is supported by a preliminary drainage layout and is located outside of a flood risk area, and neither has the site been known to flood. No objections have been received from the statutory consultees, subject to the use of conditions requiring a drainage scheme to be agreed and a survey undertaken of the receiving culverted watercourse.
- 10.48 Subject to the use of conditions, as an outline application, it is considered that the development can be adequately drained, and the site itself is not at undue risk of flooding nor would unduly increase the risk of flooding elsewhere and is therefore policy compliant in these regards.

Design & Layout

- 10.49 An indicative masterplan has been submitted that illustrates how the site could be developed and built out for a development comprising up to 119 dwellings. One vehicular access point is proposed from Grange Avenue which leads towards a street comprising a range of dwellings all set back from the road frontage by a consistent distance. The front of this parcel of land is dominated by a large area of public open space which would accommodate a children's play area. An area of Greenspace links through towards the public open space associated with the

development site to the north for 23 dwellings. A second vehicular access is proposed off Street 5, which leads into a series of cul-de-sacs and courtyards. Planting is proposed along the majority of the Street 5 frontage between the proposed dwellings and the road which leads into Thorp Arch Industrial Estate. There are pedestrian connections through to each development parcel in order to assist in cohesiveness and permeability.

- 10.50 The general layout appears connected and subject to detailed consideration at reserved matters stage to assess space between dwellings, garden sizes etc. The development provides a proposals of 30 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 of 30 DPH is appropriate and in accordance with Policy H3.
- 10.51 It is also important that the development and layout of this site does not compromise the ability for the adjoining site to be developed and vice versa. It is also important that the scale and design of both sites are read as one, and this would be controlled and assessed through any reserved matters submissions for both sites. In summary therefore, it is considered that based upon the submitted illustrative masterplan, the proposed layout is acceptable and could provide a development which would positively contribute to the character of the area.

Ecology

- 10.52 Policy G8 states that development will not be permitted which would seriously harm any sites designated of national, regional or local importance or which would cause any harm to the population or conservation status of UK or West Yorkshire Biodiversity Action Plan Priority species and habitats. 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 majority of the application site is not the subject of any planning policy designation for its nature conservation interest. The site of the proposed development is previously mown grassland, and is not of itself of significant nature conservation value. Biodiversity enhancements in the form of bird and bat roosting features to dwellings and/or trees can be secured by condition, in line with the requirements of Core Strategy policy G8 and guidance contained within Section 15 of the NPPF. Subject to such a condition there is no evidence that the proposal would harm protected species or their habitats and as such is policy compliant in these regards.
- 10.53 The site does however adjoin a Site of Ecological or Geological Importance at the woodland to the immediate south-east; this land is within the applicant's ownership. This is designated as a Site of Ecological or Geological Importance (SEGI 029). The woodland is to be retained with a long term management and enhancement plan proposed, which would be secured by condition.
- 10.54 Additional measures include bird and bat roosting features to dwellings and/or trees can be secured by condition, in line with the requirements of Core Strategy

Policy G8 and guidance contained within Section 15 of the NPPF. Subject to an appropriate condition there is no evidence that the proposals would harm protected species. The requirements of Core Strategy Policy G9 and the NPPF to secure biodiversity enhancements under development proposals can be met through a condition requiring a scheme of biodiversity enhancements.

Impact on Living Conditions

- 10.55 Based upon the indicative illustrative masterplan, there is no reason to doubt that a residential development of up to 119 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 on Grange Avenue, Rudgate Park, and Northfields. 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.
- 10.56 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 prison to the south and industrial estate to the east, through appropriate separation and landscape planting, there are no reasons to doubt that an acceptable and attractive living environment could be provided. The provision of the Greenspace to the west of the site, adjacent to Grange Avenue, would also provide residents with an accessible and well designed amenity area. 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.

Land Contamination

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

Section 106 Obligations and CIL

- 10.58 The heads of terms for the S106 agreement would be as follows:
- Affordable housing at 35% (42 dwellings) on site;
 - Greenspace, including play area and on-site maintenance;
 - Travel Plan review fee £2,595;
 - Residential Travel Plan fund £58,905 (£495 per dwelling);
 - Public Transport Infrastructure improvements (i.e. bus shelter and real time passenger information display of £30,000);
 - Implementation of resident's only permit parking scheme on Bridge Road;

- Contribution towards the emerging Boston Spa traffic management/place making scheme on High Street; and
- Contribution towards the provision of a footpath cycleway project on land to the west of the application site linking HMP Wealstun to the junction of Walton Road and Wighill Lane.

10.59 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.

10.60 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% (42 dwellings) on site. This is in line with Core Strategy Policy H5.
- A scheme for the management and maintenance of the Greenspace is required to ensure that the associated land is made available for all residents in accordance with Core Strategy Policy G4.
- Travel Plan review fee £2,595. This is required to ensure that the agreed provisions within the Travel Plan are implemented.
- 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.
- Public Transport Infrastructure improvements (i.e. bus shelter and real time passenger information display of £30,000). This is considered to meet the CIL Regulations.
- The provision of the resident's only permit parking scheme on Bridge Road and a contribution towards the emerging Boston Spa traffic management/place making scheme on High Street are considered to be necessary in order to help mitigate the impact of the development in accordance with Core Strategy Policy T2.
- A contribution towards the provision of a footpath cycleway project is considered necessary in order to provide alternative and more attractive sustainable modes of transport.

10.61 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12th November 2014 and was implemented on the 6th April 2015. The application site is located within Zone 1, where the liability for residential development is set at the rate of £90 per square metre (plus the yearly BCIS index). In this case the application is in outline only, and therefore the CIL liable floorspace would be

calculated at reserved matters stage when the precise layout and scale is known. This information is not material to the decision and is provided for Member's information only.

Consideration of Objections

- 10.71 The issues raised by the objections received have been considered within the relevant sections of the report.

11.0 CONCLUSION:

- 11.1 The proposed scheme is considered to be acceptable in principle and officers do not consider that it is essential for the Site Allocations Plan to be further advanced in order to support this site, primarily due to the absence of a 5 year supply of deliverable housing sites and the fact that it is recognised in the advanced SAP in any event. The proposal would therefore deliver additional housing in the short term, including the provision of much needed affordable housing. The proposal is therefore policy compliant, when considered against relevant policy documents when read as a whole, and is considered to represent a sustainable form of development. The benefits of delivering new housing in this location are considered to outweigh any limited harm identified, and is therefore compliant with the NPPF and relevant policies contained within the development plan. On this basis the application is recommended for approval.

Background Papers:

Application file

Certificate of Ownership: Certificate B signed



- 1 Site access off Grange Avenue serving 32 dwellings. Grange Avenue to be adopted south of Rudgate Park.
- 2 Dwellings to front onto Grange Avenue and include front gardens and hedgerow planting in keeping with existing houses.
- 3 Village Green public open space (0.88ha) and play area with Local Equipped Area for Play located at the development frontage on Grange Avenue to provide open space and recreation for use by the local community.
- 4 Principal Street to define main access to development parcel with generous street width, tree avenue and hedgerow planting, and 3m wide shared footpath cycleway connection to public open space.
- 5 Dwellings to back onto existing landscaped bund and HMP Wealstun, with additional woodland structure planting to enhance the existing planted landscape buffer.
- 6 Allotments to southeast corner (adjacent Site of Ecological Interest SEGI) with 2nr full size plots (250m²) and 8nr half size plots (125m²), including 7nr parking spaces, central irrigation point and communal area. SEGI to be enhanced and managed as part of appropriately worded planning condition.
- 7 East West green link with 3m wide shared footpath cycleway connection through public open space, providing pedestrian connection between Grange Avenue and Street 5.
- 8 Old Workers' Footpath re-established, and defined with tree planting, to provide a pedestrian connection through the public open space.
- 9 Dwellings to overlook public open space and Site of Ecological Interest with shared space streets providing a pedestrian friendly environment.
- 10 Site access off Street 5 serving 87 dwellings.
- 11 Principal Street to define main access to development parcel with generous street width, tree avenue and hedgerow planting, and 3m wide shared footpath cycleway connection to public open space.
- 12 3m wide shared footpath cycleway connection to approved residential development at Rudgate Park.
- 13 Dwellings to back onto existing properties at Rudgate Park to create a secure perimeter block, with tree planting to back gardens to provide a landscape buffer.
- 14 Dwellings fronting onto Street 5, with parking to the rear, providing an active frontage and including a 5-8m wide landscape buffer with tree and hedgerow planting.
- 15 Small and overlooked areas of collective parking, including sentinel units, to the rear of properties on Street 5 to provide for higher density of housing and properties fronting Street 5.
- 16 Pedestrian connection to Rudgate Park, as part of Old Workers' Footpath, with dwellings overlooking existing properties.
- 17 Closed perimeter blocks with gardens a minimum of 10.5m long to boundary and a minimum area of 2/3 total gross floor area of the dwelling.
- 18 Existing high quality trees retained.
- 19 Pedestrian connection to existing footpath on Grange Avenue.
- 20 Dwellings to back onto existing properties to provide secure perimeter blocks and include tree planting to back gardens to soften development edge.

KEY

- Application boundary
- Additional Land Ownership
- Existing Trees
- Tree Root Protection Area
- Existing Hedgerow
- Existing Houses
- Sewer Easement

Proposed Development

- Dwelling
- Principal Street
- Shared Space Street
- Level Surface Street
- Public Open Space
- Private Garden
- 3m Wide Shared Footpath Cycleway
- Play Area - Local Equipped Area for Play
- Woodland Buffer Planting
- Tree Planting
- Hedgerow Planting
- Enhancements to Site of Ecological Interest including scrub removal and woodland management
- Allotments - 2nr full size plots (250m²) and 8nr half size plots (125m²)

Application Area: 5.48ha
 Residential Development: 4.06ha
 Public Open Space & Green Infrastructure 1.27ha

Residential Development of 119 dwellings at 30 dwellings per hectare with a mix of:

Market Homes 65% totalling 77 units with:

- 23nr 2 bed houses (30%)
- 31nr 3 bed houses (40%)
- 23nr 4 bed houses (30%)

Affordable Homes 35% totalling 42 units with:

- 25nr 2 bed houses (60%)
- 13nr 3 bed houses (30%)
- 4nr 4 bed houses (10%)

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B	Amended red line boundary	SO	NKH	12/06/2018
A	Public open space amended & Community Hall removed in line with LPA comments	SO	NKH	31/05/2018
Rev	Description	Drawn	Approved	Date

TEP THE ENVIRONMENT PARTNERSHIP

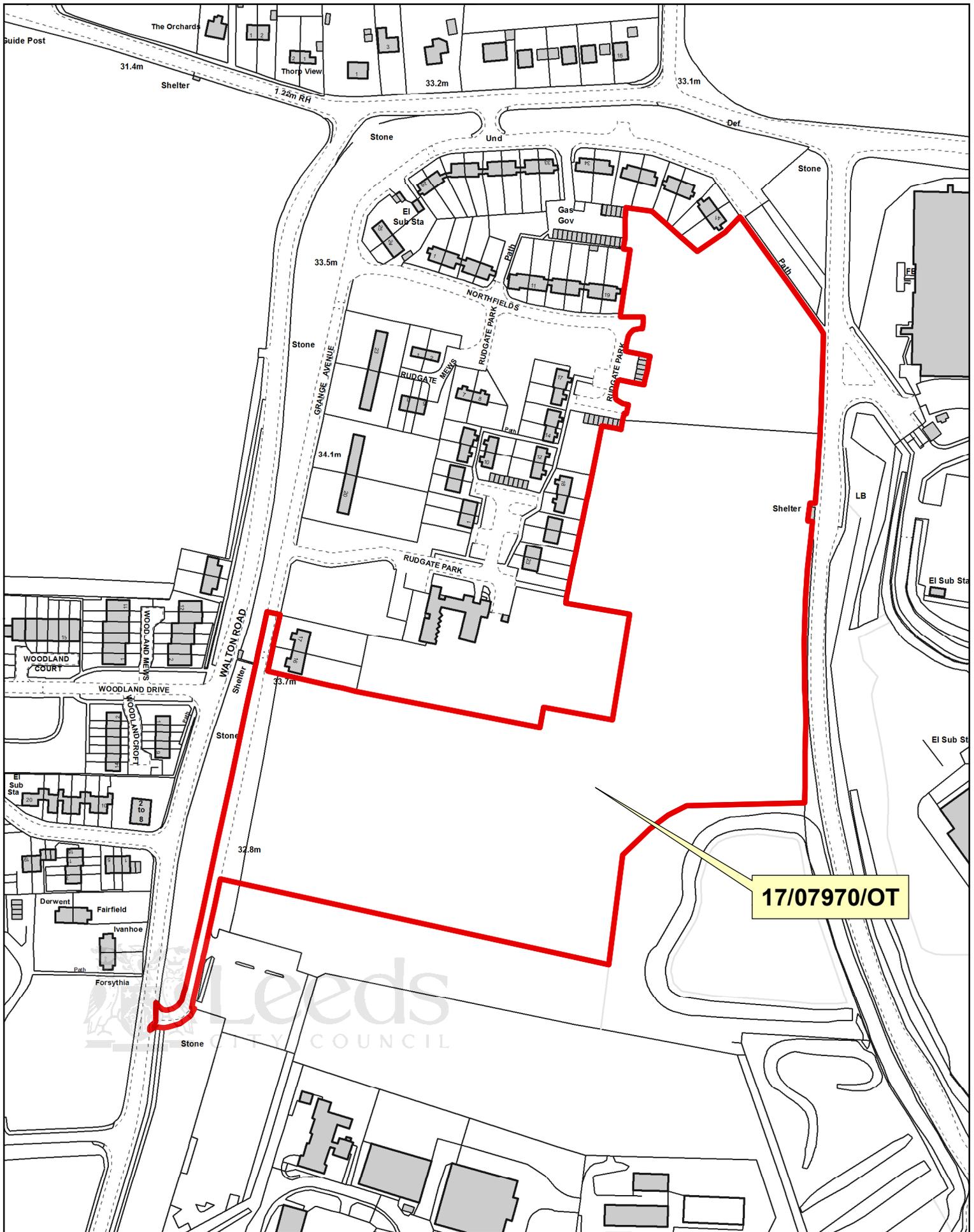
Genesis Centre, Birchwood Science Park, Warrington WA3 7BH
 Tel 01925 844004 e-mail tep@tep.uk.com www.tep.uk.com

Project
Land off Walton Road, Thorp Arch

Title
Illustrative Masterplan

Drawing Number
IN6507.004B

Drawn	Checked	Approved	Scale	Date
SO	NKH	NKH	1:1000 @A1	20/11/2017



17/07970/OT

NORTH AND EAST PLANS PANEL

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SCALE : 1/2500

