



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 03rd December 2020

Subject: 20/02494/OT – Outline planning application for a residential development (C3) with all matters reserved except for access at Land off The Rowans, Wetherby, Leeds, LS22 5EB

APPLICANT

Ian Watson
c/o agent

DATE VALID

30/04/2020

TARGET DATE

30/07/2020

Electoral Wards Affected:

Wetherby

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER AND DELEGATE approval of planning permission to the Chief Planning Officer subject to the conditions specified below, the expiration of the site notice and that no significant new planning issues are raised and the completion of a s106 legal agreement in respect of the following obligations:

- Off-site biodiversity gain contribution of £24,480
- Money towards a TRO to limit road to 20mph zone

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

- 1 Outline time limit of 3 years to submit reserved matters application
- 2 Reserved matters
- 3 Plans to be approved
- 4 Tree Protection
- 5 Landscape management plan
- 6 Housing mix
- 7 Accessible Housing

- 8 Minimum Space Standards
- 9 Phase II Desk Top
- 10 Remediation Statement
- 11 Verification Reports
- 12 Importing Soil
- 13 Footpath connections
- 14 Flood Risk Assessment and finished floor levels (Environment Agency)
- 15 Flood Risk Mitigation Measures
- 16 Sustainable Urban Drainage (incl. water butts)
- 17 Drainage Feasibility Study
- 18 Foul Water
- 19 Temporary drainage method statement
- 20 Maintenance of un-adopted drainage
- 21 Biodiversity and Landscape Enhancement & Management Plan
- 22 No removal of trees March to August (protect active bird nesting)
- 23 Bat roosting and bird nesting
- 24 Electric Vehicle Charging Points
- 25 Cycle Storage
- 26 Bus Stop Improvement Works
- 27 Informal Crossing
- 25 S38 Highway Upgrade Works to be agreed
- 26 Details of sustainable design of the housing to be submitted and approved

INTRODUCTION:

1. This application seeks outline planning permission for a residential development (C3) with all matters reserved with the exception of access. The application site is a parcel of land off The Rowans in Wetherby, Leeds. The application site is open countryside safeguarded by Rural Land policy RL1 within the Unitary Development Plan (UDP). Information submitted in support of the application suggests a small eco development of nine detached dwellings is proposed.
2. The application is brought to Panel for consideration, firstly, as it represents a departure from the Development Plan and secondly at the request of Ward Members who are concerned about a number of aspects of the scheme including highway safety and flood risk.

SITE AND SURROUNDINGS:

3. The existing site comprises two separate parcels of land which when combined extend to an area of 1.41ha. As such, the site is a small area of vacant land adjacent to an existing area of development which includes a cluster of residential properties. The area adjacent to the site contains significant urbanising features including HMP Wetherby Young Offenders Institution which is due east of the site. Wetherby Race Course is located due south of the site. The land is relatively level and consists of dense long grass and tree cover and mature hedging along the northern boundary. The southern frontage of the site is noticeably open in character. The site is separated from Wetherby via the A1M and accessed via the York Road flyover.
4. The site is not located within the UDP Green Belt, however it is open countryside which is safeguarded by Rural Land policy RL1 within the UDP. The site is located within Flood Risk Zones 2 and 3. A Public Right Of Way runs outside the western edge of application site in a north south direction.

5. The wider housing allocation site identified in the Site Allocations Plan (SAP) as HG2-226 (Land to the East of Wetherby) is immediately adjacent to the north east of the site; City Plans Panel granted outline permission (17/02594/OT) for 800 homes on that neighbouring, allocated site in August 2020. It is expected that the site will be developed for residential purposes in the future. However, the wider area is distinctly rural in character.

PROPOSALS:

6. The application seeks outline planning consent for a residential development (C3) with all matters reserved except for access. Information submitted in support of the application suggests a small eco development of nine detached dwellings is sought.
7. The proposed access will be taken from York Road. The internal road will be re-built to adoptable standards and then offered for adoption under Section 38 of the Highways Act.
8. The application is accompanied by a number of supporting documents:
 - Design and Access Statement
 - Planning Statement
 - Phase I Desktop Study
 - Transport Statement
 - Ecological Impact Assessment
 - Ecological Gain Survey
 - Tree Survey
 - Arboricultural Impact Assessment
 - Flood Risk Assessment and Drainage Strategy
 - Hydrological Assessment and Report
 - A number of plans for approval

RELEVANT PLANNING HISTORY:

9. PREAPP/18/00606 – Advice given:

The pre-application enquiry originally submitted relates to a proposal which seeks development for 20,000 sq. ft. of commercial space comprising of Offices (B1), Industrial (B8) or Hotel (C1), with associated parking.

Following an initial meeting held on 22nd January 2019 with Council Officers it was agreed to amend the proposals and seek detailed comments on a proposal for residential use of the site to address concerns raised by the Council in relation to the town centre uses proposed.

HISTORY OF NEGOTIATIONS:

10. During the course of the planning application the plans originally submitted have been amended. The access has been amended to meet adoptable standards and further details have been submitted in relation to ecology and landscape. Officers have sought to address concerns raised via local residents in relation to highway safety. Consultees have been re-consulted on the information provided.

PUBLIC/LOCAL RESPONSES:

11. The application has been advertised as major development representing a departure from the Development Plan by site notices which were posted around the site and area on 27th May 2020 & 17th November 2020 advertising it as Departure and a newspaper advertisement published in the Yorkshire Evening Post on 15th May 2020. As a result of this publicity, a total of 11 letters of objection have been received. The objections have been duly considered by officers and can be summarised as relating to the following issues:
- Loss of light and winter sun
 - Drainage and flooding
 - Loss of views across the racecourse
 - Contrary to Councils SAP assessment
 - Leeds already has a 5 year housing land supply
 - Pedestrian and cycle access to and from the site potentially unsafe for children
 - Ecology report is vague
 - Planning history suggests site not suitable for housing
 - No public transport
 - Air pollution harmful to health
 - Road safety
 - Climate change
12. Wetherby Ward Councillors have objected to the proposals on the grounds of the following:
- Housing mix
 - Site is not allocated in the SAP
 - Additional pressure on the highway network
 - Increased traffic in Wetherby
 - Close proximity to York Road A1M fly-over is concerning
 - Close to a 40mph zone certain motorists will speed
 - Site may be at risk of flooding
13. Wetherby Civic Society object on the ground of the following:
- Development which requires increased vehicular access to, and pedestrians crossing York Road immediately after the A1 road bridge
 - This is potentially very dangerous given the speed of traffic and obscured sightlines
14. Wetherby Town Council object on the ground of the following:
- The proposed access is dangerous due to its proximity to the junction on the A1 flyover
 - Additional traffic
 - Visibility (HMP Young Offenders Institute cars are frequently parked in the area)
 - Adverse effects on Climate Emergency
 - Wetherby town centre is already congested
 - Site is not allocated in the SAP
 - Future houses should be designed in line with Building for Tomorrow Today, Sustainable Design and Construction SPD' to ensure that the highest standards of eco-efficiency are achieved

CONSULTATION RESPONSES:

15. Highways: no objections subject to appropriately worded conditions to secure highway upgrade works via S38 Agreement.
16. Local Plans: no objections in principle (provided flood risk can be adequately addressed) and subject to suitable conditions in relation to housing mix to ensure further consideration of this at Reserved Matters stage. Further consideration should also be given to how the layout of the site responds to the adjacent allocation, and whether there are any opportunities to enhance the links between the two development sites.
17. Environment Agency: No objection subject to conditions.
18. Flood Risk Management: No objection subject to conditions.
19. Ainsty (2008) Drainage Board: No objection subject to conditions.
20. Contaminated Land Team: It is recommended in the approved Phase 1 Desktop Study that a site investigation be carried out. Should permission be granted, a number of conditions are recommended.
21. Nature Conservation Team: No objections: subject to conditions and an off-site contribution to secure biodiversity gains.
22. Landscape Team: No objection subject to conditions.
23. Environmental Studies Transport Strategy: No objections subject to conditions.
24. Yorkshire Water: No objection subject to conditions.

RELEVANT PLANNING POLICIES:

The Development Plan

25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, the Development Plan for Leeds currently comprises the following documents:
 - The Leeds Core Strategy (Amended 2019)
 - Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
 - The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)
 - Wetherby Neighbourhood Plan (February 2020)

These development plan policies are supplemented by supplementary planning guidance and documents.

26. The following Core Strategy (CS) policies are relevant:
 - Spatial Policy 1 Location of development
 - Spatial Policy 6: The Housing Requirement and Allocation of Housing Land
 - Spatial Policy 7: Distribution of Housing Land and Allocations Policy

- Policy H2 New Housing Development on Non Allocated Site
- Policy H3 Density of Residential Development
- Policy H4 Housing Mix
- Policy P10 Design
- Policy P12 Landscape quality, character and biodiversity of townscapes is preserved or enhanced
- Policy T2 Accessibility requirements and new development
- Policy G8 Protection of Important Species and Habitats
- Policy G9 Biodiversity Improvements
- Policy EN1 Climate Change and carbon dioxide reduction
- Policy EN2 Sustainable design and construction
- Policy EN5 Managing flood risk
- Policy EN8 Electric Vehicle Charging Infrastructure
- Policy ID1 Implementation and Delivery Mechanisms
- Policy ID2 Planning Obligations and Developer Contributions

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

- Policy GP5 General planning considerations
- Policy BD2 Design and siting of new buildings
- Policy BD3 Disabled access and new buildings
- Policy BD5 Amenity and new Buildings
- Policy RL1 Safeguarding Rural Land
- Policy LD1 Seeks to ensure that development is adequately landscaped
- Policy LD2 New and altered roads
- Policy N38A Development in the Countryside

28. The Natural Resources and Waste Local Plan (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. Relevant policies are as follows:

- General Policy 1: Support for Sustainable Developments
- Policy AIR 1: The Management of Air Quality through Development
- Policy WATER 1: Water Efficiency
- Policy WATER 2: Protection of Water Quality
- Policy WATER 3: Functional Flood Plain
- Policy WATER 4: Development in Flood Risk Areas
- 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

29. The SAP was adopted in July 2019. Following a statutory challenge, Policy HG2, so far as it relates to sites which immediately before the adoption of the SAP were within the green belt, has been remitted to the Secretary of State and is to be treated as not adopted. All other policies within the SAP remain adopted and should be afforded full weight.

The application site is not an allocated housing site in the Green Belt in the SAP. The adjacent site immediately to the north-east is allocated in the SAP as HG2-226

(Land to the East of Wetherby) and City Plans Panel granted outline permission (17/02594/OT) for 800 homes on that site in August 2020.

Neighbourhood Plan

30. The Wetherby Neighbourhood Plan was made in February 2020 and therefore forms part of the development plan.
31. The Plan lists a number of objectives which include:
- Encouraging development that supports a range of good quality jobs, businesses, shops and services that meet identified needs and protects and enhances the quality of the local environment
 - Encouragement of proportionate housing development that meets the identified needs of local people both long term and in the shorter term
 - To encourage access to a wide range of facilities: and
 - To provide education, leisure and recreational activities for all ages
32. The following policies are relevant to the determination of the current application:
- H1: Provide an appropriate mix of housing
 - H2: Quality and layout of housing developments
 - D2: Connectivity of new developments

Supplementary Planning Guidance / Documents:

- Neighbourhoods for Living SPG (2003)
- Street Design Guide SPD (2009)
- Sustainable Design and Construction SPD (2011)
- Guideline Distances from Development to Trees (2011)
- Parking SPD (2016)
- Accessible Leeds SPD (2016)
- LCC Achieving Net Gain for Biodiversity - Guidance for Developers (*Draft*)
- S106 Agreements and Developer Contributions
- Building for Tomorrow Today, Sustainable Design and Construction SPD

National Planning Policy Framework (NPPF)

33. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied, to ensure the delivery of sustainable development through the planning system and to promote good design, but all, to the extent that it is relevant, proportionate and necessary. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.
34. 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 NPPF, the greater the weight they may be given.

35. The Government attaches great importance to the design of the built environment. Section 12 (paragraphs 124 - 127) states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:
36. Good functionality and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - Development to be visually attractive as a result of good architecture and appropriate landscaping
 - Development to be sympathetic to local character and history, including the surrounding built environment and landscape setting,
 - Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - Optimising the potential of the site to accommodate development;
 - 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.
37. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
38. Paragraph 109 states that planning permission should only be prevented 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.
39. Paragraph 158 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
40. Paragraph 159 states that if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.

National Planning Practice Guidance

41. The National Planning Practice Guidance (NPPG) offers guidance in addition to the NPPF. The NPPG advises that reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application (i.e. that can be 'reserved' for later determination). These reserved matters are defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as:
 - 'Access' – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
 - 'Appearance' – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the

external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

- 'Landscaping' – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- 'Layout' – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 'Scale' – the height, width and length of each building proposed within the development in relation to its surroundings.

For the current application, the applicant is seeking the determination of '**access**' as part of the outline consent. Members are asked to consider the matters of principle and access only.

The following matters are reserved Appearance, Landscaping, Layout and Scale and so would form part of the consideration of a future reserved matters application.

MAIN ISSUES:

- Housing Delivery
- Access
- Flood Risk
- Ecology
- Landscape
- Housing Density and Mix
- Climate Change
- Consideration of Objections

APPRAISAL:

Housing Delivery

42. Wetherby is identified as a Major Settlement in the Core Strategy. As guided by the Core Strategy (paragraph 4.1.12) development of Major Settlements will help to reinforce their role as a provider of services to residents and those immediately surrounding the settlement. These settlements will offer the ability to phase growth, providing new development opportunities and services to complement existing. Development in and extensions of these settlements will contribute to approximately a fifth of all housing development but must occur so as to continue to preserve the distinctiveness of the settlements. Local employment and services will be developed and located alongside housing. The development of Major Settlements is also key to the strategy, offering a variety of housing opportunities spread across the District in the most sustainable locations.
43. In relation to the new residential use proposed, Leeds Core Strategy policy H2 (windfall housing sites), requires new housing coming forward on non-allocated land to meet a number of criteria. These are that new housing development (1) should

not exceed the capacity of local infrastructure, (2) should accord with accessibility standards, and (3) should satisfy Green Belt criteria. Due to the small scale nature of the proposal, the proposal will be unlikely to exceed the capacity of transport, educational and health infrastructure in the locality.

44. It is acknowledged that the site does not fully meet the Core Strategy Accessibility Standards in Table 2 of Appendix 3 for access to Local Services; Employment; and Town & City Centres. The site is within the designated 400m distance of bus stops located on York Road (Services 412), however the service does not visit a major public transport interchange (defined as Leeds, Bradford or Wakefield) and the frequency is below standard. The nearest bus stop with a service to Leeds is located on Deighton Road 1km away but again this does not provide a frequent enough service. However this is the case for most of the settlements in the Outer North East Housing Market Characteristic Area. The application site is not located within the Green Belt therefore the first part of Policy H2 is largely satisfied.
45. As the site is Greenfield, the latter part of Policy H2 states that greenfield sites should not be developed if they have 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. As noted in Section 2 of this report, the site is a small area of vacant land which is relatively level and consists of dense long grass with some tree cover and mature hedging along the northern boundary. The site is not considered to have an intrinsic value as amenity space or for recreation; the loss of this area for recreational purposes has not been raised by local people in objections. The site is not considered to have an intrinsic value for nature conservation, or make a valuable contribution to the visual, historic and/or spatial character of an area. Therefore, subject to suitably worded conditions in relation to tree protection and biodiversity the latter part of Policy H2 is largely satisfied. This will be discussed in more detail in the ecology and landscape sections of this report (paragraphs 58 – 62)
46. The site also lies within the area designated as Rural Land by Saved Policy RL1 of the UDP which seeks to safeguard open countryside. In this instance, the relationship of the site to both existing development, and the adjoining allocated land, means that it is effectively an infill site bounded by existing development, future development (17/02594/OT), York Road and the A1 Motorway. Due to the limited size of the site and existing spatial relationship, the land does not currently meet the function of rural land and due to its limited size and neighbouring uses is very unlikely to meet this function in the future. The application site would appear as being part of the wider allocation HG2-226 once developed. As a result, it is officer's view that the development would not undermine the principles of RL1, which is to safeguard the openness of the countryside. Therefore, the principle of bringing this forward for housing is considered acceptable and would meet the aims of relevant local and national planning policies in these respects.

Access and Accessibility

47. This outline application seeks access as the only matter for which planning approval is being sought. Core Strategy Policy T2 states that new development should be located in accessible locations and with safe and secure access for pedestrians, cyclists and people with impaired mobility. In locations where development is otherwise considered acceptable new infrastructure may be required provided it does not create or add to problems of safety or efficiency on the highway network.

48. As guided by NPPG, access can be defined as “*the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network*”. It is acknowledged that the site does not fully meet the Core Strategy Accessibility Standards for access to Local Services; Employment; and Town & City Centres. However, as noted above in paragraph 10.3 of this report, this is the case for most of the settlements in the Outer North East Housing Market Characteristic Area. In addition to this, Members of North and East Plans Panel recently determined to defer and delegate approval (17/02594/OT) for development of the adjacent site HG2-226 (East of Wetherby) for 800 new dwellings, primary school, convenience store, PoS and landscaping. It was concluded that the site met most of the accessibility criteria, and the provision of a new primary school and convenience store on site would make it more sustainable and provide services and a school close by, without having to travel in Wetherby town centre. Therefore, in terms of accessibility it would be both unreasonable of the Council, and demonstrate clear inconsistency in approach, to hold a strong objection to the principle of this site coming forward as a windfall site on the basis of unsuitable levels of accessibility.
49. The proposed access will be taken from York Road. The internal road will be re-built to adoptable standards and then offered for adoption under Section 38 of the Highways Act 1980. The Council's S38 Team have been consulted and have confirmed that a Type 2: Local Residential Street is the most appropriate form for the internal access arrangements. Alterations to the existing layout would require as follows:
- Internal road will be re-built to adoptable standards
 - The access road should be minimum of 4.8m wide (plus widening on bends where necessary subject to vehicle tracking details)
 - 2m wide footways on both sides of the road
 - Minimum forward visibilities of 25m, should be demonstrated on plan at the bends and there should be no obstructions to visibility exceeding 0.6m in height above the road level of the adjacent carriageway within the envelope formed
 - The maximum distance between speed restraint features is 60m
 - With regard to the provision of a footway passing under the canopy of existing trees a root protection area should be maintained around the tree(s). Leeds City Council's Parks Department should be consulted in relation to ways to preserve/protect the trees during construction due to their size and age.
50. The speed limit for the proposed development would be 20mph in accordance with the Street Design Guide and for the avoidance of doubt the cost of road markings, signage and appropriate speed limit Orders will be fully funded by the developer (inclusive of staff fees and legal costs) and secured via the s106 Agreement.
51. The Highways Team have offered further comments in relation to parking standards, cycle storage, garages, driveways, and also the need for Electric Vehicle Charging Points. Matters relating to the internal layout are not being considered as part of this application and these details are reserved for later consideration and determination when these elements of the scheme are known and the associated reserved matters application is submitted. However, the need for EVCP can be controlled by way of condition to ensure compliance with Policy EN8 of the Core Strategy.
52. As such, the Highways Team raise no objections to the proposed access and local concerns regarding highway safety are not shared by officers. As such the proposal

would meet the aims of relevant local and national planning policies in these respects.

Flood Risk

53. Guidance within the NRWLP states that Leeds has produced a Strategic Flood Risk Assessment (SFRA) which defines the four flood zones:
- zone 1 is areas of low flood probability;
 - zone 2 is areas of medium flood probability;
 - zone 3a is areas of high flood probability;
 - zone 3b is the functional floodplain

The application is identified as being located within Flood Zone 2 and 3.

54. The Environment Agency's current Flood Map for Planning shows the site predominantly within Flood Zone 2 with a small track of Flood Zone 3 crossing the smaller eastern parcel of the land. Flood Zone 2 comprises land assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding. Flood Zone 3 High Probability comprises land assessed as having a 1 in 100 or greater annual probability of river flooding (< 1%) or a 1 in 200 or greater annual probability of sea flooding (<0.5%).
55. Paragraph 158 of the NPPF states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Paragraph 159 NPPF states that if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.
56. The applicant has undertaken a Sequential Assessment and submitted a detailed flood modelling assessment. Following consultation with the Councils Flood Risk Policy specialist, it is accepted that the applicant's report adequately demonstrates that there are no other sites in a lower flood risk zone within the area of search that would provide the linkages and connectivity between allocated site HG2-226 and Wetherby Town Centre. The connectivity is an essential element of the regeneration of this part of Wetherby which serves to outweigh concerns about flooding.
57. The Environment Agency accept that the applicant has sufficiently demonstrated that there will be no displacement of flood waters as a result of the development. Subject to conditions in relation to finished floor levels, the Environment Agency raise no objections to the proposal. It is envisaged that flood risk would be suitably mitigated via good design and layout at reserved matters stage. The Councils Flood Risk Management Team also raise no objections subject to the use of appropriate conditions in relation to flood risk mitigation and drainage. As such the proposal would meet the aims of relevant local and national planning policies in these respects.

Ecology

58. Core Strategy Policy G8 seeks to protect important species and habitats while Policy G9 seeks that new development demonstrates that there will be a net gain for

biodiversity, that development enhances wildlife habitats and opportunities for new areas for wildlife and that there is no significant impact on the integrity and connectivity of the Leeds Habitat Network. The application is accompanied by and Ecological Impact Assessment and an Ecological Gain Survey.

59. The application has been assessed using the DEFRA Biodiversity Metric where it was concluded that there would be a net loss of 0.77 biodiversity units which is contrary to the NPPF and Policy G9 which seeks a net gain to habitats after development. Following negotiations, the proposals are able to deliver an additional 1.73 biodiversity units on-site, however to achieve the necessary 10% net gain a further 1.02 biodiversity units is required to be delivered by the Council under Option 2 of LCC Achieving Net Gain for Biodiversity - Guidance for Developers.
60. An indicative site layout plan shows nine detached houses on the site however, it is acknowledged that the exact scale of the development proposed is a reserved matter and further details are to be submitted at a later stage. Following discussions between the applicant and the Council, it was agreed that the Council would accept an off-site contribution of £24,480.00 via s106 Legal Agreement to secure biodiversity units offsite as well as 1.73 new units on the site to achieve an overall net gain. As such, the proposal would meet the aims of relevant local and national planning policies in these respects.

Landscape

61. Policy P12 of the Core Strategy seeks to ensure that the character, quality and biodiversity of Leeds' landscapes is conserved and enhanced to protect their distinctiveness. Policy LAND 2 of the NRWLP seeks to ensure that development conserves trees where possible and introduce new tree planting as part of creating a high quality living and working environments and enhancing the public realm. Where tree removal is agreed in order to facilitate development, suitable tree replacement should be provided as part of an overall landscape scheme.
62. Five trees are located within the red line application boundary however there are trees outside of the site on adjacent land which have an influence within the site. The majority of the trees within the site are of reasonable to good condition. Construction of the indicative layout would lead to the loss of two trees (Tree 1 category C Willow and Tree 7 category U Rowan). The Arboricultural Impact Assessment submitted with the application states that there is sufficient space within the site and indicative site layout to ensure that the Council's 3:1 tree replacement policy could be met.
63. It is the view of the Landscape Officer that there are no objections subject to tree protection measures with good Arboricultural supervision. A good pedestrian link is required so that the residents can have access to the PROW network without having to walk out of the site and along the York Road. Buffer planting, connectivity and linkages with the PROW and wider allocation are positive features associated with bringing this site forward for housing and would be dealt with in full at reserved matters stage when the detailed layout is submitted for approval. As such, the proposal would meet the aims of relevant local and national planning policies in these respects.

Housing Density and Mix

64. Whilst it is acknowledged that the application is made in Outline, with all matters reserved except for Access, it is noted that the indicative site layout plan is currently

proposing circa. 9 dwellings, which will comprise a mix of 3-bed and 4-bed units. This indicative mix and density has been raised as a concern by objectors.

65. Policy H3 of the Core Strategy sets minimum density standards for developments in different part of Leeds, which are expected to be met or exceeded to ensure the efficient use of land. This site is located in a fringe urban area, where a density of 35dph should be expected. Policy H4 of the Core Strategy requires that developments include an appropriate mix of dwelling types and sizes to address needs measured over the long term.
66. Further evidence in the Neighbourhood Plan identifies a greater demand for 1 and 2 bedroom properties in Wetherby. Policy H1 of the Neighbourhood Plan states that developments of 10 or more, i.e. major residential developments, should: a) contribute an appropriate mix of housing in terms of size, type, tenure and affordability which will help to support identified housing needs including the specific needs of Wetherby's residents. In Leeds, like most large authorities, the main driver of housing growth is single person households and this is reflected in the preferred mix shown in Table H4, which seeks a larger proportion of smaller (1 and 2-bed) properties.
67. Due to the proposed number of units envisaged on the site, the development would not trigger a need to comply with policy H1 of the Neighbourhood Plan. However, the indicative housing density falls short of the Core Strategy (Policy H3) requirement, equating to around 15 dph. The provision of only 3 and 4 bed properties on this site would also not help to address identified needs in accordance with the Policy or the Neighbourhood Plan evidence base.
68. However, Core Strategy Policy H3 does recognise that in exceptional circumstances there may be overriding reasons concerning townscape, character, design or highway capacity which justify a lower density development. The flood risk categorisation of the site may also be a relevant consideration as part of this. The density and housing mix would be dealt with in detail at the reserved matters stage. However, for the purposes of ensuring policy-compliance, a decision maker must be satisfied that there are sufficient overriding considerations that justify the lower density and departure from policy requirements in this instance. It is officer's view that this issue could be dealt with via appropriately worded condition to ensure that housing mix and density is dealt with appropriately when the reserved matters application is submitted.
69. As only 9 dwellings are indicated on the site layout plan proposed, it is acknowledged that the proposal would fall under the threshold for applying policies H5 (Affordable Housing), G4 (Green Space), EN1 (Climate Change) and EN2 (Sustainable Design and Construction), which each apply to schemes of 10 or more dwellings. The applicant is reminded that it is important that if any amendments are made which increase the density / number of units in the scheme at a later stage, that the requirements of these policies will also be considered and applied.
70. At Reserved Matters stage, consideration will also need to be made of;
 - Policy H9 (Minimum Space Standards) which sets out the minimum space standards that all new dwellings must comply with.
 - Policy H10 (Accessible Housing Standards) which sets out the requirements for a proportion of the dwellings on a site to meet specific accessibility standards.

71. Any reserved matters application would be expected to address relevant Core Strategy policies as discussed above. As such, and at this stage however, the proposal is considered acceptable in this regard.

Climate Change

72. Members will be aware that the Council declared a Climate Emergency in 2019. Existing planning policies seek to address the issue of climate change by ensuring that development proposals incorporate measures to reduce the impact of non-renewable resources. These policies only bite for applications for development of 10 houses or more. It is acknowledged that development of this site for housing will inevitably have a greater impact on the environment and create a new carbon footprint on greenfield land which is currently free of built development. However, information submitted with the application states that it is the applicant's future intention to deliver low carbon eco development on the site specifically to meet local need. The applicant has identified a number of measures that they propose to implement including:

- Reducing carbon emissions by reducing energy demand
- Using building fabric to conserve energy
- Heating and power generation on site
- Maximising natural daylight
- Measuring energy efficiency
- Recycling rain, grey and black water
- Material specification
- Reduction in construction waste

73. In light of this a condition is suggested to require details of the sustainable qualities of the development to be submitted for approval, and to require the development to be carried out in accordance with the approved details.

74. Other benefits proposed include improved connectivity and linkages with the wider site which would encourage walking and cycling as opposed to short car journeys to and from Wetherby town centre. The development would also improve links to the surrounding countryside which is considered to comply with policy D2 of the Neighbourhood Plan - which states new development should be well connected to Wetherby and surrounding countryside for pedestrians, cyclists, horse riders and users of public transport. Any reserved matters application would be expected to address relevant Core Strategy policies in relation to Climate Change. As such the proposal, subject to safeguarding conditions, is considered acceptable in this regard.

Consideration of Objections

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

Non-allocation of the site in the Site Allocations Plan:

76. This site does not compromise one of the sites identified and allocated for development within the SAP; this arises from the fact that the Council took a blanket approach to sites at risk of flooding and removed the sites located within flood risk Zones 2 and 3 from the SAP. At the time, it was not considered expedient for the Council to carry out further detailed assessment of sites within these areas and / or their suitability to be allocated for house (or other uses). As such, the principle of whether residential development on this site is considered acceptable is reliant on

the applicant being able to adequately demonstrate to the Council that there are no other sites in a lower flood risk zone within the agreed area of search and ultimately being able to pass the Sequential Test as set out in chapter 14 of the NPPF and policy Water 3 of the NRWDPD.

Air Pollution:

77. Concerns raised regarding air pollution are noted. The site is in close proximity to the A1 Motorway however as are the existing houses opposite at 'The Rowans'. Matters relating to the design and layout are not being considered as part of this application and these details are reserved for later consideration and determination. When these details of the scheme are known and the associated reserved matters application is submitted, the Councils Environmental Air Quality Team would be consulted in relation to this matter.

Loss of views:

78. It is noted that local residents at The Rowans have raised concerns regarding loss of views across the racecourse. A right to a view is not a material planning consideration. Concerns regarding loss of light and winter sun have also been noted though, and as such, a full assessment of residential amenity would be carried out when the Reserved Matters application is submitted and the scale, layout and detailed design details are known.

CONCLUSION

79. It is acknowledged that the proposal would develop a site located within the area designated as Rural Land by Policy RL1 which seeks to safeguard the openness of the countryside. As such, the proposal represents a departure from the Development Plan. However, the sites unique relationship to both existing and proposed development, and limited functionality mean that the proposal is not considered to undermine Saved Policy RL1 and would not harm the openness of the countryside.
80. The proposal is considered to meet the objectives of the Core Strategy including Spatial Policy 1 and create a sustainable form of development which would deliver a modest amount of new housing in Wetherby with associated access improvements designed to an adoptable standard. The development would also secure biodiversity net gain via financial contribution of £24,480.00.
81. Wider benefits of the proposal include infill development in this area of Wetherby and greater opportunities to enhance connectivity and pedestrian linkages with the wider housing allocation which in turn could help promote health and wellbeing. The applicant has sufficiently demonstrated that there are no other sites in a lower flood risk zone that would provide the linkages and connectivity offered in this instance between the neighbouring allocation, Wetherby Town Centre and the open countryside.
82. In this instance, the benefits strongly outweigh any harm created and therefore the planning balance weighs heavily in favour of granting planning permission
83. In conclusion, taking into account all relevant factors, including representations both for and against the development, the application is therefore recommended for approval.

Background Papers:

Planning Application file 20/02494/OT

Certificate of Ownership: Certificate A signed by the agent.

