

CITY PLANS PANEL

Meeting to be held on
Thursday, 16th July, 2020
at 1.30 pm (Remote Meeting)

MEMBERSHIP

Councillors

D Blackburn
C Campbell
P Carlill
D Cohen
A Garthwaite
C Gruen
P Gruen
A Khan
P Latty
J McKenna (Chair)
E Nash
P Wadsworth
N Walshaw

To remotely observe this meeting, please click on the '*View the Webcast*' link which will feature on the meeting's webpage (linked below) ahead of the meeting. The webcast will become available at the commencement of the meeting.

https://leeds.public-i.tv/core/portal/webcast_interactive/492327.

Agenda compiled by:
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Governance Services
Civic Hall
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A G E N D A

Item No	Ward	Item Not Open		Page No
1			APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded) (*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)	
2			EXEMPT INFORMATION - POSSIBLE EXCLUSION OF PRESS AND PUBLIC 1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report. 2 To consider whether or not to accept the officers recommendation in respect of the above information. 3 If so, to formally pass the following resolution:- RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-	

Item No	Ward	Item Not Open		Page No
3			LATE ITEMS To identify items which have been admitted to the agenda by the Chair for consideration (The special circumstances shall be specified in the minutes)	
4			DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13 -16 of the Members' Code of Conduct.	
5			APOLOGIES FOR ABSENCE To consider apologies for absence (If any)	
6			MINUTES OF THE PREVIOUS MEETING To consider and approve the minutes of the previous meeting held on 21st May 2020. (Copy attached)	7 - 14
7			MATTERS ARISING FROM THE MINUTES To consider any Matter Arising from the minutes.	

Item No	Ward	Item Not Open		Page No
8	Hunslet and Riverside		APPLICATION 20/02048/FU - DEMOLITION OF EXISTING STRUCTURES, THE CONSTRUCTION OF A NEW CAFE AND A CYCLE HUB; A NEW TAXI RANK; PUBLIC REALM ENHANCEMENT WORKS INCLUDING HARD AND SOFT LANDSCAPING; IMPROVEMENTS TO THE CYCLE, PEDESTRIAN AND MULTI-MODAL INTERCHANGE ARRANGEMENTS AND THE INSTALLATION OF NEW ACCESS LIFT AT BISHOPGATE STREET, NEW STATION STREET AND MILL GOIT, NEVILLE STREET, AND DARK NEVILLE STREET, LEEDS CITY CENTRE AND LISTED BUILDING APPLICATION 20/01996/LI FOR THE DEMOLITION OF AN EXISTING SECTION OF WALL AND THE CONSTRUCTION OF A REPLACEMENT WALL, WHICH WILL BE BUILT INTO AN EXISTING LISTED WALL AT BISHOPGATE STREET, NEW STATION STREET, LEEDS. To consider a report by the Chief Planning Officer which sets out details of an application for the demolition of existing structures, the construction of a new cafe and a cycle hub; a new taxi rank; public realm enhancement works including hard and soft landscaping; improvements to the cycle, pedestrian and multi-modal interchange arrangements and the installation of new access lift at Bishopgate Street, New Station Street and Mill Goit, Neville Street, and Dark Neville Street, Leeds City Centre and Listed Building Application 20/01996/LI for the demolition of an existing section of wall and the construction of a replacement wall, which will be built into an existing listed wall at Bishopgate Street, New Station Street, Leeds. (Report attached)	15 - 54

Item No	Ward	Item Not Open		Page No
9	Wetherby		APPLICATION NO.17/02594/OT - OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS, FOR THE CREATION OF A NEW COMMUNITY COMPRISING UP TO 800 DWELLINGS, A FOOD STORE (A1) (UP TO 372 SQ.M), PRIMARY SCHOOL AND PUBLIC OPEN SPACES AT LAND OFF RACECOURSE APPROACH, WETHERBY, LS22. To consider a report by the Chief Planning Officer which sets out details of an application which sets out details of an outline planning application with all matters reserved except for access, for the creation of a new community comprising up to 800 dwellings, a food store (A1) (up to 372 sq.m), primary school and public open spaces at Land off Racecourse Approach, Wetherby, LS22. (Report attached)	55 - 126
10			DATE AND TIME OF NEXT MEETING To note that the next meeting will take place on Thursday, 6th August 2020 at 1.30pm (Remote Meeting)	
2				
a)				
b)				

Third Party Recording

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

Use of Recordings by Third Parties– code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

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CITY PLANS PANEL

THURSDAY, 21ST MAY, 2020

PRESENT: Councillor J McKenna in the Chair

Councillors D Blackburn, C Campbell,
P Carlill, D Cohen, A Garthwaite, C Gruen,
A Khan, E Nash, P Wadsworth,
N Walshaw, G Latty and P Gruen

141 Chair's Opening Remarks

The Chair welcomed everyone to this first “remote meeting” of City Plans Panel which was being broadcast live via webcast.

The Chair explained that internet connectivity may be an issue for some participants and suggested it may be appropriate to appoint a Vice Chair who could assume the Chair should the Chair lose connectivity.

The Chair proposed that Councillor Caroline Gruen be nominated as the Vice Chair, the proposal was seconded, upon been put to the vote the motion was passed.

142 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents.

143 Exempt Information - Possible Exclusion of Press and Public

There were no items identified where it was considered necessary to exclude the press or public from the meeting due to the confidential nature of the business to be considered.

144 Late Items

There were no late items of business identified.

145 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests made at the meeting

146 Apologies for Absence

There were no apologies for absence.

147 Minutes of the Previous Meeting

Draft minutes to be approved at the meeting
to be held on Date Not Specified

The minutes of the previous meeting held on 12th March 2020 were submitted for comment/ approval.

Commenting on Minute No. 137 - Application No.19/01666/FU – Mixed use development to land at Kirkstall Hill, Kirkstall, Leeds, LS5 3BH – Referring to the Members comments section, Members expressed the view that the highway network within the area was already at full capacity and could the issue of highway infrastructure be looked at further.

RESOLVED – That, with the inclusion of the above, the minutes of the previous meeting held on 12th March 2020 be accepted as a true and correct record.

148 Matters Arising from the Previous Meeting

There were no issues raised under Matters Arising.

149 Application No.17/08262/OT - Outline planning application for a residential development with all matters reserved save for the two principle accesses off Westerton Road and Haigh Moor Road, (but not to include access within the site), three points of access at Upper Green Avenue, Sandringham Drive and Hill Top Lane, associated works, public open space provision and accessibility and qualitative improvements to local greenspace at land off Haigh Moor Road and Westerton Road, West Ardsley, Leeds, WF3.

With reference to the meeting of 30th January 2020 and the decision to defer determination of the application to allow the Chief Planning Officer to prepare and bring back to Panel detailed reasons for refusal based on the following:

- The narrowness and nature of the access roads leading to the entrances to the sites
- The lack of information on the mitigation that is required to address the impact on the local highway junctions
- The failure of the site to meet the Core Strategy accessibility standards for housing development

Site photographs and plans were displayed and referred to throughout the meeting.

The Chief Planning Officer now submitted a report which set out the detailed reasons for refusal based on the issues raised by Panel. The report explained that Members were not supportive of the original Officer recommendation of approval and in line with paragraph 6.3 of the Council's Planning Code and Good Practice, where a decision by Members differs from the Planning Officer's recommendation, the Chief Planning Officer should provide provisional reasons for refusal, with an explanation of the implications of such action, Sections, 3, 4 and 5 of the submitted report refer.

The Planning Case Officer also explained that since the last Panel meeting representations had been received from the applicant's agent which raised various matters relating to material considerations; which are summarised as follows:

- It is regarded that the resolution is unreasonable and of significant concern given the implications such a decision has on the implementation of the recently adopted Development Plan;
- The decision sends a wrong signal to those within the development industry and undermines several years of working with the Council to adopt a sustainable strategy for this site;
- Contact with the housebuilding industry is ongoing and serious concerns over investment in Leeds is raised due to this application disregarding the clear aims of the Development Plan;
- The matters motioned to form the basis of the refusal have all been clearly identified at the Examination in Public of the SAP

The Planning Case Officer also referred to additional comments received since the agenda was published particularly from local members, and reiterated that new comments, including those from West Ardsley Access Group, who had raised concerns about the lack of opportunity to address the Panel at this meeting, did not raise any new material considerations.

In addition, Officers reported that further information had been received from the applicant, which sought to address concerns raised by Members regarding the accessibility of the site in regards to Policy T2 of the Core Strategy. The additional information had included 2 technical notes responding to the three points referenced in paragraph 1.7 of the submitted report.

The information received included agreement for the applicant to make further contributions, secured through the proposed Section 106 agreement, for improvements to the local bus services. The applicant had discussed the existing bus services within the area with West Yorkshire Combined Authority (WYCA) which has outlined potential improvements that could be made to the local bus services, and their costs, that would improve the overall accessibility of the site and wider area.

WYCA consider the site as effectively 2 parcels of land (north and south of Haigh Woods). The detailed accessibility in terms of access to services (including transport) across the individual parcels is considered to be varied due to the linear layout of the application site. The majority of the parcels of land are extensions to existing housing areas so it is considered that these parts of the site will be outside the desired walking distances to bus services (400 metres). It was therefore considered by WYCA that there are limited opportunities to improve this from a bus operating perspective. However, the sites are located between the main bus corridors on the A650 and Dewsbury Road.

The bus service frequencies in the area between these corridors is currently

considered to be low and there is a desire to facilitate some enhancements but this is reliant on demand and funding being available through developments such as the proposed. The services that operate are done on a commercial basis (routes 117, 425) and through the Combined Authority (route 48).

The 117 service presents the best opportunity to improve the service level, although this is based on the current demand levels and the 425 is desirable for improvement too. These services are currently operated on a commercial basis by Arriva and on an hourly basis. As commercial services, any enhancement would require further discussions with Arriva, but WYCA anticipate that to enhance the 117 service from an hourly service to half hourly service for the section between Leeds and the site, would require 2 to 3 buses. This would equate to an annual contribution of £300,000 to £450,000 per annum based on current standard costs. However, in the circumstances it would be expected that Arriva would cover some of this cost and require a lower contribution. It is considered by WYCA that £150,000 per annum for five years would be a proportionate requirement from the applicant to improve the frequency of the 117 service; however, the monies would potentially be used to improve the 425 also.

In terms of infrastructure, with respect to the Northern parcels of land, although ideally improvements would be sought to the bus stops, the existing residential frontages and lack of footpath width prevent further bus shelters being provided. However, with respect to the Southern Parcel, WYCA have suggested that the applicant funds 2 new bus shelters with real time displays (total £46,000) that would improve the existing stops with stops 16091 and 50378 (virtual stop as 16091 is a two direction stop) moved south and incorporated into the frontage at the new access point onto Haigh Moor Road.

The applicant had confirmed that they would fund the new bus shelters with a contribution of £46,000.00 and contribute £750,000 towards the bus service improvements (£150,000 set over 5 years), which would fully satisfy WYCA's request for bus stop and service improvements.

Members raised the following questions to officers:

- Would work on the development be phased
- What was the contribution towards public transport
- In terms of further contributions towards public transport, who had been involved in those discussions
- Would there be any net gain in terms of the local greenspace and biodiversity
- Is it intended that Panel will hear representations from the applicant or other parties at the meeting today.
- Could the frequency of the bus service be increased
- Could the Travel Plan contribution support other modes of transport in addition to the bus services
- Were there any proposals to introduce cycles lanes

- Could officers confirm that any refusal of development on this site would not alter the baseline level of traffic in the area which will not stagnate
- If this application was to be refused, would there be reputational damage to the local authority in terms of the SAP strategy
- The application site is in a remote location, the public transport contribution is £150k per year, what do you actually get for that amount of money
- Referring to paragraph 5.3 of the submitted report, Members queried who was responsible in deciding the matters relating to accessibility, were extensively covered through the SAP process

In responding to the issues raised, Planning Officers said:

- Planning Officers confirmed the development works could be phased and conditioned as part of the Reserved Matters Application
- The public transport contribution was £150k per year for a 5 year period
- The extra measures (Contributions) were instigated by the developer and discussed with Officers from WYCA
- Members were informed that a Biodiversity Management Plan would be prepared to assist in managing the private woodland and also improve biodiversity for the site and wider area
- Referring to the Plans Panel Speaking protocol, the Head of Legal Services said speaking rights were only permissible on one occasion unless, in the opinion of the Chair, significant new information had been produced raising new material planning considerations. It was the opinion of the Chair that on this occasion no significant new information raising new material planning considerations had been introduced.
- Members were informed that the bus service was a commercial operation and would need to be commercially deliverable and also support the needs of the local transport network
- Highway Officers confirmed that the Travel Plan Fund could be used to incentivise other sustainable travel modes
- Highways Officers confirmed that cycle lanes could be introduced within the site but this had not been discussed with the developers at this stage
- Officers confirmed that traffic density was due to wider development growth across the city but particularly in the outer areas
- The Chief Planning Officer suggested that Members need to reflect the adopted policy but to also be mindful of local issues
- The Highway Officer confirmed that the public transport contribution would provide the equivalent of one bus per day, frequency of the bus to be determined, for a one year period, but other options would also be available
- Members were informed that it was the Planning Inspectors who examined the Site Allocations Plan that determine the accessibility of the site, having considered all the objections submitted to them.

In offering comments Members raised the following matters:

- This site is allocated for housing development within the adopted Site Allocation Plan (SAP) and this puts constraints on the Panel when determining applications on sites allocated within the SAP. If the Panel are going to refuse any such developments, robust, defensible reasons must be brought forward in order to defend the decision at appeal. The applicant has now offered further contributions which address some of the outstanding issues Members raised and which now cast doubt on some of the reasons for refusal
- The SAP had identified a lot of sites across the city suitable for housing development, but it needs to be emphasised that not all sites initially put forward were acceptable
- Any development of this site requires further consultation with the applicant, Ward Members and local representatives of the community
- There still remains concerns about the road network in the area

The Chair requested the Area Planning Manager to summarise the discussion.

The Area Planning Manager explained that although Members had previously resolved that the application be deferred to allow the Chief Planning Officer to prepare and bring back to panel detailed reasons for refusal, the additional information and the offer from the applicant must also now be considered and taken into account.

Members were requested to further consider the application in light of the additional information and determine whether, in light of the further clarification and additional information (and increased offer from the applicant) they wished to support the Officer Recommendation (2) to grant permission, subject to the required planning obligations and conditions outlined in the first officer report (at Appendix 1), as set out in Recommendation (2) at the head of this report.

Alternatively, if Members were still minded to refuse the application (recommendation 1), they consider the impact such a refusal may have upon the delivery of the SAP sites across the city and whether in light of the additional information and offer received and implications of each refusal reason outlined in the report, they wish to support this recommendation or instead amend or withdraw one or more reasons for refusal.

It was proposed and seconded that the application be approved, subject to the required planning obligations and conditions outlined in the submitted report (Recommendation No.2)

Upon been put to the vote the motion was approved

RESOLVED – That the application be deferred and delegated to the Chief Planning Officer for approval subject to the conditions specified in Appendix 1 of the submitted report (and as outlined in the Officer's First Report dated 30th

January 2020) and to include within the Construction Environmental Management Plan (Condition No.24), the setting up of Construction Consultative Committee, to include the applicant, Ward Members and local representatives of the community and (any others which he might consider appropriate) and also the completion of a Section 106 Agreement to include the following obligations

- Provision of 15% affordable housing;
- £816,000- improvements to M62 Junction 28 with a 10% uplift provision;
- £87,000 – improvements to A650/Common Lane; and
- £111,000 – improvements to A650/A6029 Rein Road.
- Travel Plan Fund £148,005
- £750,000.00 bus service improvements
- £46,000.00 two additional bus stops

In the event the Section 106 Agreement having not been completed within three months of the panel resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

150 Date and Time of Next Meeting

RESOLVED – To note that the date and time of the next meeting would be announced in due course.

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Originator: Sarah McMahon

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 16 July 2020

Subject: Planning Application 20/02048/FU for the demolition of existing structures, the construction of a new cafe and a cycle hub; a new taxi rank; public realm enhancement works including hard and soft landscaping; improvements to the cycle, pedestrian and multi-modal interchange arrangements and the installation of new access lift at Bishopgate Street, New Station Street And Mill Goit, Neville Street, And Dark Neville Street, Leeds City Centre.

And

Listed Building Application 20/01996/LI for the demolition of an existing section of wall and the construction of a replacement wall, which will be built into an existing listed wall at Bishopgate Street, New Station Street, Leeds.

APPLICANT

Leeds City Council

DATE VALID

14 April 2020

TARGET DATE

7 July 2020

Electoral Wards Affected:

Hunslet and Riverside

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION: Defer and Delegate application 20/02048/FU to the Chief Planning Officer for approval, subject to the conditions at the Appendix and any others which the Chief Planning Officer considers appropriate.

Defer and Delegate application 20/01996/LI to the Chief Planning Officer for approval, subject to the conditions at the Appendix.

Conditions

A list of draft Planning Conditions for both applications is provided in the appendix to this report.

1.0 INTRODUCTION:

- 1.1 This is a joint report for the applications for planning permission and listed building consent, for alterations and improvements to New Station Street, Bishopgate Street, Neville Street and Dark Neville Street to create a fully accessible multi modal transport hub that connects key areas of the city, promotes the use of sustainable travel opportunities (walking and cycling) and improves links to the wider City Region.
- 1.2 Leeds City Station is the busiest in the North of England and of national importance. Passenger numbers are projected to grow by 81% by 2043. HS2, Northern Powerhouse Rail (NPR) and major upgrades to Trans-Pennine routes and services drive these capacity ambitions. By redeveloping the Station to accommodate these services, there is an opportunity to create a gateway that drives the economic growth and regeneration of Leeds City Centre and the Leeds City Region.
- 1.3 Through the Leeds City Region HS2 Growth Strategy and the Leeds Integrated Station Masterplan (LISM), proposals are to capitalise on HS2 which will achieve a step change in rail connectivity and capacity in the North of England. This includes integrating HS2 with NPR and redeveloping the existing station in a way that maximises economic benefits.
- 1.4 The Leeds Station – Sustainable Travel Gateway project is a key component of the LISM and ensuring that economic growth is sustainable by enhancing access pathways to Leeds City Station, both within the immediate city centre area and linking into communities on the periphery of the city centre.
- 1.5 Central to this project is the development of a fully accessible multi-modal transport hub, accessible to all, connecting key areas of the city, promoting the use of sustainable travel opportunities and improving links to the wider City Region. This will be achieved by facilitating a smooth transition between rail travel and onward pedestrian, cycling, and taxi and bus routes.
- 1.6 The project is part of the Department for Transport (DfT) Transforming Cities Fund (TCF) bid being put forward by the West Yorkshire Combined Authority (WYCA) for public transport improvements across the Leeds City Region. WYCA submitted the Strategic Outline Business Case (SOBC) to the DfT on the 28th November 2019, funding announcement is expected soon.
- 1.7 The Leeds Station – Sustainable Travel Gateway project compliments a wider programme of Leeds City Council transformational transport initiatives (Armley Gyratory, Meadow Lane, Regent Street and City Square) to be delivered across Leeds that aims to reduce vehicle usage within the city centre. The proposals here submitted have been designed to allow them to compliment and co-ordinate with the wider programme and in particular the future City Square works, which will be subject an architectural design competition. It also the case that Network Rail has aspirations to undertake enhancement works to the railway stations western facing entrance (Aire Street), which they potentially aim to start designing in the autumn of this year. The works are designed to encourage a modal shift towards sustainable forms of transport by creating user friendly spaces that support opportunities for cycling, walking and connectivity to other forms of transport.

- 1.8 The scheme is brought to City Plans Panel as the proposals involve a major investment on a significant site adjacent to the City Centre train station, this being a major transport hub for Leeds.

2.0 PROPOSAL:

- 2.1 The principle aims of the proposal is to create a fully accessible multi modal transport hub with free flowing pedestrian movement out of the station to the city centre and wider city areas. The new pedestrian focused arrival space to the front of Leeds Train Station will reduce the flow of vehicular traffic, improve connectivity and create a safer environment for pedestrians and cyclists using the station and adjacent streets. Further to this the scheme also aims to respond to counter-terrorism requirements to protect the New Station Street station entrance from potential vehicle incursion, be this deliberate or accidental and to make the space safer for the larger number of people that will be using it. The scheme also aims to improve air quality by discouraging general traffic and by creating connections to the existing cycling routes and improving cycling connectivity.
- 2.2 The proposal to redevelop Bishopgate will constitute the following key components:
- Development of a multi-modal transport interchange.
 - Pedestrianisation of New Station Street from the junction with Boar Lane to the point where it meets City Square, with only service vehicles and British Transport Police vehicles allowed access
 - Major improvements to the main entrance, enhancing the image of the station and creating a gateway to the city.
 - Complete re-design and re-building of the station entrance connecting Bishopgate and key pedestrian access routes to the east and south of the city centre.
 - Accessibility improvements through the installation of two new 21 person capacity pedestrian lifts connecting Bishopgate and the station entrance.
 - Enhanced pedestrian and cycle friendly routes through Neville Street, Dark Neville Street and Victoria Road to actively promote sustainable forms of transport.
 - Improving connectivity across the city centre by installing high quality cycle lanes on key strategic gaps in the city centre.
 - Installation of the 700 storage cycle hub at the junction of Bishopgate Street with the Neville Street Bridge providing connectivity from the Station to the cycle routes around Leeds centre and wider district. The cycle hub will include space for electric bikes and is expected to offer maintenance and repair services in addition to storage facilities.
 - Infrastructure improvements will help support the Climate Emergency agenda by encouraging uptake of sustainable forms of transport.

The proposals would be designed and detailed to set a high standard and a benchmark for cohesion with future plans (which are outside the remit of this current scheme) for the closing of City Square to general traffic, enabling the reduction of through traffic in Leeds City Centre and linking through to infrastructure improvements to the M621 and Armley Gyratory and the South Bank, as stated in the Leeds Transport Strategy.

- 2.3 As such the existing retaining wall to the train station forecourt, the existing cycle hub and rotunda staircase are to be demolished. These structures are not Listed Buildings, apart from a section of the wall which is attached to Grade II Queens Hotel. Therefore the listed building application is only in relation to that section of the wall that ties into the Listed Queens Hotel. In their place would be created an upgraded plaza along New Station Street, leading from the station entrance to Bishopgate Street via a series of grand sweeping steps and two generously sized passenger lifts.
- 2.4 As stated above New Station Street would be pedestrianised along its full length from its junction with Boar Lane to the point where it meets City Square. This means that the existing taxi rank (which is situated within the bus interchange area to the front of the train station) will be relocated at the bottom of the new sweeping steps and lifts on Bishopgate Street, where a new fully accessible taxi pick up point will be located. There are proposals to include additional taxi stacking ranks on Swinegate, Concordia Street and Sovereign Street.
- 2.5 Options are being explored for buses which currently use the interchange at the train station and Bishopgate Street to potentially be re-routed to run along Boar Lane and route around the outer edges of City Square. City Square is itself part of a linked, but separate, scheme to upgrade and further traffic calm the Square.
- 2.6 To Bishopgate Street, as well as the aforementioned relocated taxi rank and removal of bus routes, the footways will be widened and a segregated two way cycle route will be introduced. This will result in the carriageway being reduced to one lane and will link in to similar works to improve cycle and pedestrian facilities along Neville Street under the Neville Street bridge. On Neville Street this will result in wider footways, a segregated two way cycle path and the carriageway reduced to one lane in each direction. The current panelling to the walls of Neville Street is to be removed and new wall mounted architectural screens and lighting is to be introduced to improve the environment for pedestrians and cyclists.
- 2.7 Proposals are also intended to Dark Neville Street, where lighting will be upgraded, vacant arches will be screened with architectural panels and new surfaces laid for defined cycle routes and for pedestrian areas.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is the existing entrance area and transport interchange to the front of Leeds Train Station, as well as the carriageway and footways to Bishopgate Street and Neville Street (under the bridge), and an area underneath the existing interchange. The areas in question are currently trafficked with a variety of vehicles able to traverse them. There is an existing taxi rank running along New Station Street and in to the interchange area, which is adjacent to an existing cycle hub.
- 3.2 The site is partly within the boundary of the City Centre Conservation Area and within the setting of the Grade II Listed Queens Hotel, 40 Boar Lane (O'Neill's public house), the Scarbrough Hotel public house, The Griffin Hotel, Nos 4 through to 10 Mill Hill, 3 The Bourse, 58, 59, 60, 61-62, and 63 Boar Lane, Leeds Train Station Concourse and Railway Company Offices, the General Post Office, the former Majestic Cinema, listed K6 telephone kiosks lamp standard statues curving symmetrically either side of the Black Prince statue, and the Grade II* Listed statue of the Black Prince in City Square, Mill Hill Chapel and its boundary wall (grade II listed).

4.0 RELEVANT PLANNING HISTORY:

4.1 None

5.0 HISTORY OF NEGOTIATIONS:

5.1 The proposals have been the subject of pre-application discussions since October 2019. These discussions have focused on scale, massing and design, new surfacing treatments, opportunities for green landscape features, the changes to vehicle movements and the promotion of sustainable modes of transport and accessibility (with the Access Officer being involved in and supporting the proposals).

5.2 A preapplication presentation for the scheme was given to Members at Plans Panel on 30 January 2020. Members made the following comments:

- This would be a very demanding scheme, make sure you plan for unintended consequences.
- A number of Members welcomed the provision of a large cycle hub, suggesting it was a really positive step forward
- The proposals for the new station were welcomed but the whole area needs to be looked at and the proposals understood within this wider station context.
- Members supported the emerging building design and proposal to remove the wall to Bishopgate Street
- Members supported the emerging landscape scheme
- Members supported the approach to traffic calming and pedestrian/ cycle improvements subject to a detailed Transport Assessment and subject to more information on wider proposals for the station area.

5.3 Ward Members were consulted on 4 May 2020. No response have been received to date.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Two letters of support received (15 April 2020 and 23 April 2020). The comments made are summarised below;

1. Fantastic to see segregated cycleway in Dark Neville Street/Dark arches
2. Could electric charging points be included toward the back of the "taxi charging" zone on Swinegate?
3. It would be useful to provide fully segregated cycleways on New Station St in line with the rest of the scheme.
4. Could infrastructure for electric charging be laid under the pavement at the same time to save extensive digging up later?
5. Could the taxi shelter be provided on the opposite side of the road or shifted east allowing the cycle lane to remain continuous without switching sides?
6. Could free standing fixed bike pump and tool stations be provided outside cycle hub for quick access or out of hours access?
7. Provision is required for Leeds visitor maps and wayfinding/navigation points.
8. There are three central sets of steps but there seems little advantage to the middle set of the three. Could something more inventive be done with that space?
9. Is Mill Hill closed to all but buses and taxis?

Responses:

- Point 3, 5 and 8 will be addressed in the appraisal below.
- In respect of points 2 and 4 the Applicant has stated that the initial consultation for the project has not identified a requirement for electric charging points at the station,

however, this will continue to be reviewed as the project progresses. Leeds City Council, however, are delivering a rapid charge network across the region that will provide at least 88 rapid chargers in West Yorkshire. In Leeds there will be a minimum of 30 spread around the city area. There are currently 8 live charge points in Leeds. The rapid chargers, which are dual units and can support both fast & rapid charge at AC/DC, all have a dedicated bay for Taxi & Private Hire use, with a 2nd bay for public use (though a plug-in Taxi & Private Hire vehicle could still use it if the Taxi & Private Hire bay was already in use).

- In respect of point 3, space requirements and limitations and the wish to make this a pedestrian focused area have meant it has not been possible to incorporate segregated cycleways along New Station Street.
- In respect of point 6, the Applicant states that they will look to incorporate a fixed bike pump and tool station on New Station Street.
- Re point 7, wayfinding will be subject to a Planning Condition.
- Re Point 9. Mill Hill has business that requiring servicing and as such will remain open to through traffic. Stopping restrictions on the street are likely to be reviewed by Highways to ensure that traffic flows freely.

6.2 Letters of objection received on 6 May (1 letter), 21 May (1 letter), 26 May (1 letter), 8 June (1 letter), 13 June (1 letter), 14 June (1 letter), 15 June 2020 (1 letter), 16 June 2020 (5 letters), 17 June (1 letter) and 19 June (1 letter).

The comments made are summarised below;

1. That the plan does not enhance the integration of public transport or help meet the council target of doubling the number of bus passengers, because the bus stops currently in front of the Station south entrance are being removed to locations further away, with particular concerns regarding city centre bus 5 route and the airport bus, as well as all the other routes affected. That the loss of the train-bus interchange does not create a sustainable travel gateway and that east-west buses on Boar Lane should use New Station Street into the station area before exiting into City Square.
2. Private cars are still going to have access to the entrances off the north concourse, causing congestion at the entrance to Aire Street, and it is this access that needs to be moved away from the Station due to nuisance and air pollution issues and that it is at this entrance that a taxi rank should be formally provided.
3. The increased walking distances will make it difficult for people to locate their bus connection.
4. That the scheme would exclude and discriminate against adults and children living with disability, impairment and ill health and opposes the inclusive mobility of those with disabilities and is unlawful in failing to comply with legal duties under the Equality Act and Public Sector Equality Duties, including the need to make reasonable adjustment and remove or reduce the substantial and disproportionate disadvantage and less favourable treatment disabled people will suffer specifically relating to the discriminating plan to remove the Station Taxi rank from New Station Street.
5. That the guidance for someone who is mobility impaired with a stick, is that they can only reasonably walk for 50 metres, the bus stops are being moved much further than that and that the taxi rank would be positioned an unreasonable and significant distance away from the main station entrance, necessitating the need to find a lift to access the proposed taxi rank on Bishopgate and the scheme does not understand the role taxis and accessible ranks have in enabling and promoting the inclusion and participation of disabled people in society.
6. That the consultation process has not been correctly followed by the Applicant and West Yorkshire Combined Authority (WYCA), prior to submission of the planning application.

7. That there was a delay in the Design and Access Statement being made available to view on the planning application portal on the Council's website.
8. That the new steps appear to be a 'folly' that do not lead anywhere and do not create the statement 'gateway' that they intend. In addition, that the steps would be inappropriate for dealing with large numbers of people with cases and that there may be queues to use the lifts and that the bottom area of the steps and lifts on Bishopgate Street will have too much going on in terms of different uses, to work effectively.
9. That the scheme does not take into account a future Mass Rapid Transit system.
10. That the numbers for the cycle hub are questioned as potentially being too many spaces.
11. That the taxi rank will not be clearly visible to the public when they are leaving the station and this may mean people choose other transport modes (eg private hire) rather than using the taxi rank.
12. What would happen if the passenger lifts were to break down?
13. Some passengers would become reliant upon assistance to guide them to the taxi rank.
14. That it is unfair to allow other vehicles such as emergency vehicles, Police vehicles, servicing vehicles and some train replacement buses to still use New Station Street but to exclude taxis.
15. Has consideration been given to how quickly and efficiently taxis will be able to get through the flow of traffic in the city centre to the rank, given that it only accommodated 6 cars and currently up to 30 taxis can wait on New Station Street?
16. That by having only 6 spaces for taxis at the rank the peak demand will not be met.
17. If the taxi rank was to stay on the New Station Street concourse then the station could be ranked as the fastest moving station in England.
18. That no formal risk assessment for taxi drivers has been undertaken and there is no real justifiable reason why the taxi rank should now be removed and located in what the taxi drivers believe is an incomprehensible position.
19. That passengers will be standing on the pavement at the rank at busy times.
20. That there will be no shelter for the taxi drivers or disabled passengers in inclement weather.
21. That the new arrangement would make social distances impossible.
22. That there is no thought to late night security around the taxi rank.
23. That the scheme would be detrimental on the welfare and income of the taxi drivers.
24. That there has been no consultation with taxi representatives.

Responses:

- Points 1, 3, 4, 5, 8, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20 and 22 will be addressed as part of the appraisal below.
- In respect of Point 2, Princes Square is owned by Network Rail and is the official pick up and drop off area for the station for private vehicles, private hire and also accommodates the short and long stay station car parks. The area is currently being used as the site compound for the platform 0 works. Princes Square is a busy and congested area which in peak times leads to queuing traffic impacting upon the city centre. Princes Square was considered for the relocation of the taxi rank, however, due to insufficient space and the future requirement for redevelopment works at the station with the possibility of a platform -1 and -2 it was considered unsuitable. Network Rail are (separate from this current planning application) proposing to undertake short term works to re-orientate traffic and pedestrian flow in Princes Square which will reduce conflicting moves, improve accessibility and journey times, reduce potential accidents and contribute to improved air quality. It is anticipated that the design works for this will be completed early 2021.

- In respect of Point 6 the Applicant's consultation exercises are detailed in Section 3.2.2 of the Planning Statement and Section 6 of the Design and Access Statement and are in compliance with planning guidance on consultation.
- In respect of Point 7, the Applicant needed to make amendments to the Design and Access Statement which delayed its appearance on the Public Access page of the Council's website. The Planning Application was validated on 7 April 2020 and the Design and Access Statement was uploaded to it on 20 April 2020.
- In respect of Point 9 it is not possible to detail in a designed Mass Rapid Transit system route at this stage due to the fact that the type of system is yet to be settled upon. However the scheme as submitted does protect the route for a future Mass Rapid Transit system to allow it come forward in an integrated manner at a future date.
- In respect of Point 13, Network Rail already provide an optional travel assist service whereby people can be escorted to the existing taxi rank. The Applicant has advised that Network Rail will continue to provide the travel assistance service between the platform and the new taxi rank and will have staff available during the initial weeks following project completion to advise passengers on the changes to New Station Street. In addition hand held tactile maps will be provided on site and at local forums to assist visually impaired passengers along with audio description which will be played through the stations tannoy system providing directions to everyone regarding the new location of the taxi rank and relocated bus stops.
- In respect of Point 21, the Applicant states that should social distancing measures still be in place following the completion of the taxi rank in January 2023, then the appropriate risk assessment will be undertaken and signage installed advising passengers of their responsibility to remain appropriate distances.
- In respect of Point 23, the Applicant has advised that their view is that the increase in user numbers of the station will mean that the taxis serving the area will not see an reduction in income and may see an increase as the number of train passengers increases and that the welfare of taxi drivers to allow them to continue to trade will continue to be a key consideration in the management of the day to day arrangements for the taxis.
- In respect of Point 24, The Applicant has written to taxi representatives at Unite the Union and have advised that they are exploring ways in which to safely host meetings at Council premises whilst following social distancing guidance.

7.0 CONSULTATIONS RESPONSES

- 7.1 **Network Rail** state that they are aware of the proposal and are working with the Applicants towards its design and delivery, and that without prejudice to their permitted development rights, which continue to apply on the basis that New Station Street is operational railway land, they have no comment to make at this stage, subject to the continuation of discussions and relevant agreements between themselves and the Applicants in respect of the scheme.
Response: Such discussions will be continued as required.
- 7.2 **Environment Agency.** No comments have been received.
- 7.3 **Canal & River Trust** state that they welcome the improvements to Dark Neville Street and hope that this will include new wayfinding to Granary Wharf and seek clarification on whether the hard landscaping can be increased to include the access to Dark Neville Street from the canal side area.
Response; New wayfinding signage will be controlled via a Planning Condition. The area around the canal side access to Dark Neville Street is beyond the scope of the scheme but is likely to form part of future enhancement works under the HS2 proposals.

- 7.4 **Historic England state** that they have no comments to make.
- 7.5 **Yorkshire Water** have stated that they object due to a lack of information in respect to the schemes relationship to a public 450 mm water main that comes close to the proposed steps for the station.
Response: Further information has been submitted and discussions by the Case Officer with Yorkshire Water highlight that the details required are a technical matter that will be likely to be resolvable by the provision of technical details and by controlling the subsequent agreed approach via Planning Conditions. Officers will update Members verbal at Plans Panel regarding this matter.
- 7.6 **Highways** state that the project is supported in principle and the level of information provided on the highway arrangements at this advanced feasibility stage is sufficient. However, the detailed design is crucial to the scheme's success, as such the a Condition is necessary to agree the detail of the design as it is developed covering the following matters;
a) The means of control and management of the taxi rank and the feeder rank to it.
b) Layout of loading bays.
c) Layout and operation of pedestrian crossing points
d) Operation of the traffic signals including intelligent technology
e) The cycle priority scheme on Dark Neville Street including the junction with Neville Street
f) Changes to traffic signs and lining.
Response: such a Planning Condition will be applied.
- 7.7 **Access Officer** states that they are satisfied that the proposed relocation of the taxi rank has been considered in detail and that the proposed design seeks to deliver accessible solutions by following best practice. That they accept that the rank cannot be retained on New Station Street as it is imperative to pedestrianise this area to aid the dispersion of travellers out of the station entrance area. This change will make the area less congested, noisy and confusing for all users including disabled people. That in their view the design team focused on finding the nearest accessible and safe location for the taxi rank to the main entrance on New Station Street. That the proposed Bishopsgate location offers choices in term of access routes to the taxi rank from the main entrance of the station;
1. Three sets of well-designed steps opposite the main entrance
2. Two highly visible large capacity lifts also very visible from the main entrance
3. A ramped route along New Station Street which then brings travellers onto the section of Bishopsgate where the rank is located.
They stated that they consider it important to clearly delineate this area such that no shared area (where traffic and pedestrians share surfaces which was found to be unsafe and government asked all such schemes be halted in August 2018) or areas which could confuse users are created. The only vehicles which would access New Station Street would be out of hours delivers to businesses and replacement buses loading along the Swinegate section and that introducing a taxi rank onto New station Street closest to the station main entrance would create crowds and queues which would be make this area harder for many disabled people to navigate and would also reduce the speed and efficiency with which travellers can disperse from this area.
- 7.8 **Flood Risk Management** state that a statement of intent submitted to address drainage principles is acceptable but that full drainage details are required under Planning Conditions.
Response; Such Planning Conditions will be applied.

- 7.9 **West Yorkshire Police** have provide guidance for Secure by Design and for Hostile Vehicle Mitigation.
Responses; The Applicants have been made aware of this guidance for incorporation in to the detailed design stages of the development.
- 7.10 **Environmental Studies - Transport Strategy** state that they have no objection to this proposal, in terms of its being affected by transportation noise.
- 7.11 **Contaminated Land Team** state that it is recommended in the approved Phase 1 Desk Study report that a site investigation be carried out. As such Conditions should be applied to cover a Site Investigation Report, a Remediation Statement, Verification Reports, imported soils and any removal of asbestos.
Response; Such Planning Conditions will be applied.
- 7.12 **HS2 Safeguarding.** No comments have been received.
- 7.13 **Public Rights Of Way.** No comments have been received.
- 7.14 **Open Spaces Society.** No comments have been received.
- 7.15 **Nature Team.** No comments have been received.
- 7.16 **Landscape Team** query whether there is the possibility for more street on Bishopgate Street and concourse trees once explorations under existing pavements have been conducted. In addition are there areas of further blank wall to Bishopgate Street that could have green walls?
Response: The Applicant states the inclusion of street trees has been specifically assessed in respect of the location of below ground utilities, above ground project features and the routes necessary for walking, wheeling, cycling, delivery loading/unloading, passenger waiting space and the other common usages of the urban environment. The study indicated that there were very few locations suitable for street tree locations that did not incur either significant conflict with utility runs, or were poorly placed from a functionality point of view. However, at the detail design stage it will be possible to re-evaluate the location for additional trees and planting.
- All landscape matters are to be controlled via Planning Conditions and the addition of any further trees and green walls will be explored at the Condition stage once more survey work has been undertaken.
- 7.17 **Coal Authority** state that the site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement for a Coal Mining Risk Assessment to be submitted.
- 7.18 **Leeds Civic Trust** state that they welcome the work that has been, is being and will be carried out to enhance the travellers' experience of the area and acknowledge the principles behind the scheme currently proposed. They do however have concerns that;
1. There is a lack of wayfinding clarity
 2. The public transport focus appears to be on taxis rather than buses and that bus use is not mentioned as a priority and that the scheme involves the loss of a good bus/train interchange at the station and adds walking distance to relocated bus services at new stops

3. That the bus service relocations should be subject to consultation with users, operators and other stakeholders.
4. That the new steps appear to be the key driver for the project and they cannot see how these will improve pedestrian flows in and out of the station.
5. That pedestrians and cyclists will have to use the same area along Bishopgate Street.
6. That there is also the potential for conflict between pedestrians and cyclists at the junction of Bishopgate Street and Boar Lane where a number of shared-use toucan crossings are proposed.
7. That taxis could use a rank at the Prince Square entrance to the station off Aire Street and what opportunities are there for short stay parking and the long term station plans?
8. That servicing vehicle will require hours of restriction to access New Station Street.
9. That there is an existing issue of bins and beer barrels being stored on New Station Street.
10. The size of the cycle hub and position of cycle routes is questioned.
11. That the taxi rank appears to only provide space for 6 cars and is further away from the station increasing walking distances.
12. Whether or not the scheme has considered the future Mass Rapid Transit?
13. Will the new lifts be able to cope with passenger numbers?

Response: Points 1, 2, 4, 5, 6, 9, 10, 11 and 13 will be addressed in the appraisal below.

In respect of Point 3 regarding the bus service changes consultation the Applicant states that that routing of bus services has been developed alongside WYCA and bus service operators to maximise kerbside opportunities whilst minimising impact on journey times. Traffic levels and the installation of adaptive technologies, the signalised junctions will be designed to limit unnecessary waiting for public service vehicles.

In respect of Point 7 Princes Square is owned by Network Rail and is the official pick up and drop off area for the station for private vehicles, private hire and also accommodates the short and long stay station car parks. The area is currently being used as the site compound for the platform 0 works. Princes Square is a busy and congested area which in peak times leads to queuing traffic impacting upon the city centre. Princes Square was considered for the relocation of the taxi rank, however, due to insufficient space and the future requirement for redevelopment works at the station with the possibility of a platform -1 and -2 it was considered unsuitable. Network Rail are (separate from this current planning application) proposing to undertake short term works to re-orientate traffic and pedestrian flow in Princes Square which will reduce conflicting moves, improve accessibility and journey times, reduce potential accidents and contribute to improved air quality. It is anticipated that the design works for this will be completed early 2021.

In respect of Point 8 an access strategy for service delivery times for the businesses on New Station Street including the station and the Queens Hotel is currently being developed and will be discussed by the Applicant with all relevant stakeholders in due course.

In respect of Point 12 not possible to detail in a designed Mass Rapid Transit system route at this stage due to the fact that the type of system is yet to be settled upon. However the scheme as submitted does protect the route for a future Mass Rapid Transit system to allow it come forward in an integrated manner at a future date.

8.0 RELEVANT PLANNING POLICIES:

- 8.1 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.
- 8.2 The Development Plan for Leeds currently comprises the following documents:
11. Core Strategy 2014 (as amended by the Core Strategy Selective Review 2019)
 2. Saved Leeds Unitary Development Plan Policies (Reviewed 2006), included as Appendix 1 of the Core Strategy
 3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) including revised policies Minerals 13 and 14 (Adopted September 2015).
 4. Leeds Site Allocation Plan 2019
 5. Aire Valley Leeds Area Action Plan (Adopted November 2017)
 6. Any Neighbourhood Plan, once made.
 7. Site Allocations Plan ('SAP') (adopted July 2019)
- 8.3 **Core Strategy**
- 8.4 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. Relevant Core Strategy policies are as outlined below.
- 8.5 **Spatial Policy 3: Role of Leeds City Centre**
Seeks to maintain and enhance the role of the City Centre as an economic driver for the District and City Region. This includes comprehensively planning the redevelopment and re-use of vacant and under-used sites for mixed use development and areas of public space; enhancing streets and creating a network of open and green spaces to make the City Centre more attractive; and improving connections between the City Centre and adjoining neighbourhoods
- 8.6 **Spatial Policy 11: Transport Infrastructure Investment**
Sets out a series of spatial priorities for the delivery of an integrated transport strategy for Leeds. One priority is related to improved facilities for pedestrians to promote safety and accessibility, particularly connectivity between the edges of the City Centre and the City Centre
- 8.7 **Policy P10: Design states that:**
New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.
New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.
- 8.8 **Policy P11: Conservation states that development proposals will be expected to demonstrate a full understanding of historic assets affected. Heritage statements assessing the significance of assets, the impact of proposals and mitigation measures will be required to be submitted by developers to accompany development proposals.**
- 8.9 **Policy T1: Transport Management states that support will be given to the following management priorities:**

c) To support wider transport strategy objectives for sustainable travel and to minimise congestion during peak periods.

- 8.10 Policy T2: Accessibility Requirements and New Development states that new development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility:
- 8.11 **National Planning Policy Framework (NPPF)**
- 8.12 The National Planning Policy Framework (NPPF) was revised and adopted in February 2019 and sets out the Government's planning policies for England and how these should be applied.
- 8.13 Paragraph 110 states that priority should be given to pedestrian and cycle movements; the needs of people with disabilities and reduced mobility addressed; creation of safe, secure and attractive spaces; allow for the efficient delivery of goods; and be designed to enable use by sustainable vehicles.
- 8.14 Paragraph 127 states that 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.
- 8.15 Paragraph 195 of the NPPF states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss
- 8.16 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.17 **The Site Allocations Plan (Adopted July 2019)**
- 8.18 The Site Allocations Plan (SAP) states that Leeds City Centre is the main retail and service centre for the city. The site has no specific allocations or designation under the SAP although the nearby City Square is designated as a Green Space.

8.19 **Supplementary Planning Guidance**

Street Design Guide (August 2009)

Building for Tomorrow Today: Sustainable Design and Construction (August 2011)

Accessible Leeds (adopted November 2016)

9.0 **MAIN ISSUES**

1. Principle of the proposed use
2. Climate Emergency and Sustainability
3. Sustainable transport
4. Accessibility
5. The impact of the proposed design on the character and visual amenity of the host site and surrounding
6. Landscaping and public realm

10.0 **APPRAISAL**

10.1 Principle of the Use

- 10.2 Leeds City Station is one of the busiest stations in the North of England with passenger numbers set to increase over the next 20 years. The proposals aim to assist the station to manage this increase in passenger numbers, by creating an enhanced, pedestrian focused, accessible arrival space that allows the safe management of people and addresses counter-terrorism concerns by removing general traffic from the area. This will also result in the relocation of the existing taxi and bus services, the reconsideration of servicing requirements and cycle parking and route connections improvements. These changes, combined with a resurfacing of the area to the front of the train station, with opportunities for new high quality hard and soft landscaping, would allow for the creation of a new user friendly, pedestrian focused space.
- 10.3 The scheme is also part of a wider programme of transformational transport initiatives to be delivered across Leeds, which aims to reduce vehicle usage within the city centre. The works are designed to encourage a modal shift towards sustainable forms of transport by creating user friendly spaces that support opportunities for cycling, walking and connectivity to other forms of transport. The scheme will also support the City Council's Climate Emergency agenda (expanded below).
- 10.4 The use of the new kiosk is proposed to be as an A3 café/coffee shop. . The proposed use would be an appropriate city centre use that would add to the vibrancy and vitality of the station area and the wider Leeds City Centre.
- 10.5 The proposals therefore accord with local and national planning policies and in particular with the aims and objectives of policies Spatial Policy 3, Spatial Policy 11, P10, T1 and T2 of the Core Strategy and paragraphs 110, and 127 of the National Planning Policy Framework.
- 10.6 Climate Emergency and Sustainability
- 10.7 Members will be aware that the Council has recently declared a Climate Emergency. 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.

- 10.8 Sustainable transport and the improvement of the environment and air quality in the immediate area are key drivers of the proposal, with its aims to reduce vehicle movements (and associated emissions), to promote walking and cycling in the area and to create a more pedestrian focused and accessible entrance to the train station, there are also proposals to green the area, with different types of planting including trees. Biodiversity enhancements will also result via the inclusion of green roofs to the taxi shelter and kiosk, and soft landscaping in the planters and terraces, as well as a green wall to the lift tower. In addition the creation of new greened public space will enhance well-being for users of this area.
- 10.9 Sustainable transport
- 10.10 The proposal fundamentally seeks to promote sustainable forms of transport and to do so a number of changes are required to the existing transport network in the immediate area. These are being designed to connect to and co-ordinate with the Council's broader programme of transformational transport projects. The proposed changes for this immediate scheme currently presented to City Plans Panel are as follows:
- A reduction of the width of Bishopgate Street to one lane, to allow for wider pedestrian footways, new segregated cycle lane provision and the relocation of the existing station taxi rank to a newly laid out area on Bishopgate Street.
 - The new sweeping steps and passenger lifts will connect to Bishopgate Street from the new station arrival space.
 - A reduction of the existing carriageway under the Neville Street bridge to one lane each way, to create wider pedestrian footpaths and segregated cycle lane route connections.
 - New Station Street will be pedestrianised with only access allowed for emergency, servicing and British Transport Police and for replacement bus services for train cancellation vehicles to create a traffic calmed, pedestrian focused area. The removal of general traffic will also assist to address concerns regarding potential vehicle incursion of the station either by accident or by attack.
 - The existing bus service routes that currently use the train station interchange will be relocated so that they avoid this arrival area that is to be pedestrianised. This means that the buses in question will be rerouted to run along Boar Lane, Mill Hill and along the eastern side of City Square to connect to Infirmary Street (which will become a two way street under a separate highways scheme).
 - A new 700 space cycle hub will be created which would be accessed via an entrance close to the northern end of the Neville Street Bridge. Facilities will include space for electric bikes and maintenance and repair services.
- 10.11 The proposals include the moving of the existing taxi rank to a new purpose built stand on Bishopgate Street. Objections received state that the rank should be retained in its current position to allow the station to become the fastest moving station in England. The Applicant states that this is not possible due to the need to traffic calm the area along New Station Street to allow this concourse area to be able to meet a predicted 81% increase in user numbers by 2043, to ensure the future operation of the station does not diminish. It is the case that other options for the location of the taxi rank were considered during the initial project scoping, included directly outside the main station entrance, adjacent to the vehicle mitigation bollards, by the Platform building and Princes Square. However assessments of these locations found them to be unsuitable for the taxi rank as a result of the aforementioned increase in pedestrian capacity on New Station Street. It is also the case that the current rank operates with the following operational and accessibility issues;

- To reach the current taxi rank from the station there is a need to cross vehicular lanes which carry taxis, buses, emergency vehicles and delivery vehicles.
- The current route, although recently improved, still requires people to navigate a narrow footway which runs along the frontage of the existing Cycle Point building, with vertical street furniture located in the pedestrian route, further narrowing the available space.
- To get to the existing taxi rank from Bishopgate Street, users must navigate to either end of New Station Street (City Square or Boar Lane ends), or use the partially enclosed existing staircase.
- The existing rank's loading is from the driver's side of the taxi. Wheelchair accessible taxis are generally designed to be loaded from the passenger's side or the rear. As a result, the taxi rank has a specific crossing point to an island to enable boarding of wheelchair users from the right or the rear, however this is not at the front of the queue.

10.12 Concerns have also been raised by the Objectors about the removal of taxis from New Station Street when other vehicles will still be able to use the street. As stated above, the increase in passenger numbers arriving and exiting the train station is a major factor influencing the approach and layout of the scheme. The Applicant states that by 2026 passenger numbers (predicted to be in excess 45 million by 2023 and 70 million by 2043) will be at a level where, if no action is taken, the station's gateline and boarding procedures will need to be managed. Similar to London Kings Cross Station this will mean that passengers will be held back in the southern concourse and only called forward to the platform once the train is ready to depart. The southern concourse is limited in space and given the number of platforms there are at Leeds Station, this will result in significant numbers of people, particularly at peak times, spilling into New Station Street increasing the risk of pedestrian / vehicle conflict on New Station Street. As the majority of these passengers will arrive and leave the station on foot, this increases space needed to safely accommodate these additional users. Therefore, a key aim of the proposals is to reduce the impact of vehicles on the station approach. This means that along New Station Street the majority of vehicle movements will be removed. Due to specific needs, provision will still be required for emergency vehicle, replacement bus services for train cancellations, British Transport Police vehicles and the servicing of businesses operating along New Station Street. However, to achieve the space requirements to accommodate the predicted passenger numbers New Station Street need to be traffic calmed as much as is possible and this is why taxis, general buses and general traffic would no longer be able to use the space. Servicing arrangements will be time limited and designed to avoid peak pedestrian flow hours.

10.13 Therefore the new taxi rank is to be positioned on Bishopgate Street. The current distance from the platform gateline within the station to the existing taxi rank is some 115 metres. The proposed taxi rank on Bishopgate Street would be some 130 metres distance from the said gateline.

10.14 Whilst this does mean that the taxi rank is further away from the station entrance, by an additional 15 metres from the position of the existing rank, there are a number of improvements that result from this relocation as follows;

- The new taxi rank will be a large purpose built shelter that would be a 21.6 m long (22.8 m long roof), 3.2 m wide enclosure (5.3 m wide roof), and 3.2 m in height to the top of eaves line.
- The existing taxi rank accommodates 3 vehicles with a feeder rank set out for 25 vehicles along the length of New Station Street (although comments from Objectors state that up to 30 cars can park up on New Station Street at any one time). By

contrast the new taxi rank on Bishopgate Street can accommodate up to 6 taxis and is to have a series of successive feeder ranks, with space to be set out on Swinegate to accommodate 14 vehicles directly underneath the bridge and the option to utilise Concordia Street and/or Sovereign Street, with space for 12 vehicles (giving a total of 32 spaces for taxis in combination). As such, together, the new rank and these feeder ranks will provide more capacity for waiting vehicles than the current rank on New Station Street. Taxis feeding the rank on Bishopgate Street will wait in their dedicated lane on Swinegate and will be called forward to the taxi rank under traffic signal control at the junction of Mill Hill/Swine gate/Bishopgate. The timing of the traffic signals will enable up to 6 taxis to be called forward to the rank. To supplement this the intention is to retain the Taxi Marshall (which will also assist to address security concerns) and relocate them to Bishopgate. The Applicants have calculated that by using this set up this will allow for between 229 to 284 taxis per hour being able to access the rank via the feeders, depending on use of the new toucan crossing. This equates to 297-369 passengers per hour travelling to suburban areas and 343-426 inner-city passengers per hour.

- The proposed rank is designed to load from the passenger and rear side of the taxi and as such has multiple points of entry to allow for such loading. This means less pressure for people who require assistance to access the taxi, as vehicles behind the front vehicle can load and depart without having to wait for the assistance-required taxi to depart first.

- A direct route from the station entrance to the rank on Bishopgate Street is designed in to the scheme. This would follow a straight-line route, demarcated in a contrasting colour from the surrounding surfaces. Concerns have been raised by Objectors that the rank will not be clearly visible to the public when they exit the station. Clear directional signage and wayfinding will be installed on New Station Street, Bishopgate Street and within the northern and southern concourse areas of the station. Signage and wayfinding will be designed in consultation with the Access and Usability Group, the appointed inclusive design specialist and the Council's Economic Development Team who are responsible for wayfinding across the city centre.

- Access between the different levels of New Station Street and Bishopgate Street and the taxi rank is proposed to meet a range of needs. Two large passenger lifts are proposed. These are strategically located at a prominent location in front of the station entrance. The lifts are large, being 21-person capacity, and are appropriate for large volumes of people, and those with luggage / wheelchair / mobility scooter / young children / pushchairs etc. Objectors have questioned what would happen if a lift broke down. By using two lifts, additional capacity is enabled and allows for the continued functioning of one lift should maintenance or closure of the other lift be necessary. The Applicant advises that Network Rail have a standard 2 hour response time for the contractor to attend site, the rectification time will then depend on the type of fault found, that if a person is trapped within the lift then Network Rail will endeavour to rectify this within 30 mins and that daily checks of the lifts will also take place by the station team. In the unlikely event that both lifts fail at the same time then step free access to the taxi rank will be provided by travelling along New Station Street, turning right onto Bishopgate at the Queens Hotel (a distance of some 160 metres).

- The lifts are intended to be partially transparent, with glass to some elevations and with a modern and clean aesthetic. In addition, the lift entrances at both New Station Street and Bishopgate Street levels have been carefully located directly adjacent to the new commercial space to offer natural surveillance.

- The lift core location also forms the edge of the ambulant step route from the station entrance to the taxi rank. This allows for a physically more legible route for visually impaired people who wish to use steps to 'follow the building line' in order to navigate to the steps and rank.

- Alternatively, multiple stair options are provided. Commentators have raised a question about whether or not there are too many sets of steps. As already stated in this report, it is the case that passenger numbers are increasing. Therefore, providing substantial areas of steps alongside lifts is required to allow the projected increases to be catered for. As such, the stairs are proposed in a broad sweep, to accommodate large numbers of people at busy periods.
- One of the stair flights accommodates a bike ramp which allows cyclists to push their bike up or down the stair flight. Its location has been selected to reduce conflict with users of the stairs who may require assistance / handrails / the most direct ambulant route between the station entrance and taxi rank.
- The proposed taxi rank shelter itself includes seating for 15 people), together with seating in the public realm at New Station Street level. Although the route between rank and station is further, the seating and canopies in the shelter and at the lifts offers mid-points for people to rest or break the route into smaller sections.

- 10.15 Concerns have been raised by objectors with regards to the removal of the bus stops on New Station Street and Bishopgate Street and the moving of bus services to other stops outside the station, in respect of increased walking distances to these stops and the loss of the train –bus interchange arrangement that is currently on New Station Street. The Applicants have advised that in order to accommodate the projected increase in station user numbers, and to create a safe environment for these pedestrians accessing the station, New Station Street must be trafficked calmed by the relocation of bus services. The exact locations for the re-sited services are still the subject of ongoing discussions by the Applicants with bus operators and all other key stakeholders. However, to minimise walking distances as much as is possible, the closest stops to the station will be utilised as well as there being potential for new stops to be created on Boar Lane. The existing distances from the platform gateline to the bus stops that are to be removed ranges from 60 metres to 160 metres. The new locations for the repositioned bus services would range from 235 metres to 375 metres from the said gateline depending on the services and which stops can accommodate the relocations. Therefore, for example, it is likely that the airport bus and some rail replacement buses would be moved to the first stop on Wellington Street opposite the Majestic building, allowing them to be as close to the train station's north-west and west entrance/exits as possible. Bus stops on Aire Street, Wellington Street, Boar Lane and Infirmary Street would be likely to accommodate the other relocated services. The proposed rail replacement bus services will be located at stops between 100 metres and 255 metres from the platform gateline.
- 10.16 The existing carriageway, covered by the scheme, will be replaced with improved pedestrian links and crossings at multiple locations. Routes to loading bays and zones will be retained and will become time-restricted. Objections received have questioned the value of the new steps linking the station to Bishopgate stating that most users are likely to exit towards the city. Whilst it is true that a high number of uses will head in the direction of the city centre, the continued expansion of the city centre in to the Southbank area means that future footfall is predicted to increase significantly to and from the south of the city centre. Therefore, the proposed steps and passenger lifts will help to accommodate this change in passenger numbers from this side of the city centre and will offer users more options for their direction of travel.
- 10.17 Pedestrian crossings will be reconfigured to address the new focus on pedestrian movements with defined crossing in the following locations;
- Across Swinegate approaches at Mill Hill junction;
 - Across Mill Hill approach at Swinegate junction;

- Across right-turn lane into Neville Street;
- Across Neville Street northbound lane close to junction with Bishopgate Street;
- Toucan crossing on Bishopgate Street, north off Neville Street entrance;
- Across Boar Lane, east of Bishopgate Street;
- Across Bishopgate Street, south of Boar Lane;
- Across New Station Street, in line with Bishopgate Street pedestrian crossing south of Boar Lane.

Leeds Civic Trust have raised concerns that there is the potential for conflict between cyclists and pedestrians at shared-use toucan crossings. The Applicant has advised that the width and provision of crossings will be reviewed and adjusted during the detail design stage in conjunction with the signal timings and highways layouts to enable all modes, including cycling and walking, to operate effectively. The number of crossings is considered to be appropriate to allow for junctions to operate and their locations have been selected to strategically link the primary crossing points for both pedestrians and cyclists.

- 10.18 The new cycle hub would provide secure high quality parking for some 700 bicycles in converted arches and the former mill goit under New Station Street, accessed from a new entrance on Bishopgate Street. Comments received question why this number of spaces has been proposed. The Applicant has advised that this number is proposed to allow the scheme to effectively improve on the existing provision and to respond to the Leeds Public Transport Investment Programme (LPTIP) cycling promotion aspirations via the provision of cycle facilities that can meet potential future demand. As such the proposed cycle hub is envisaged to serve both the station and the wider city centre and to expand the provision of cycle parking over that currently provided. As such the layout of the cycle hub, across different underground spaces means that the provision could be brought forward in a phase manner in response to need.
- 10.19 In addition, the cycling in Leeds City Centre will be further supported by the installation of new high quality, clearly-defined and segregated cycle lanes on routes along Dark Neville Street, Neville Street and Bishopgate Street. Concerns have been raised by Objectors regarding the potential for conflict between pedestrians and cyclists on Bishopgate Street and whether the cycle lanes could be on the opposite side of the road. The layout for the cycle route, street and taxi rank has been carefully considered to minimise the number of potential pedestrian, cycle and vehicle conflicts at this busy location. As a result the area will be laid out to direct all cyclists to use the segregated defined two way cycle route. The proposals will ensure safer and a more continuous cycle network connecting the station with local cycle routes and key destinations. To accommodate a two way segregated cycle route under the Neville Street bridge, that will connect into a two way cycle route on Bishopgate Street, the northbound carriageway under the bridge will become bus only and the southbound carriageway will accommodate buses, taxis and general traffic. Dark Neville Street will also include a segregated cycleway, with a raised pedestrian crossing point to allow access to and from Little Neville Street.
- 10.20 These works will be subject to detailed designs for these elements and co-ordination with all key stakeholders to ensure that bus services, taxi provision, cycling and walking routes are set out and routed logically with the minimum of disruption and that service levels are retained for users of public transport. However, Officers consider that the principles of these moves towards more sustainable transport in this area accord with Core Strategy policies Spatial Policy 3, Spatial Policy 11, T1 and T2 of the Core Strategy and paragraphs 110 and 127 of the National Planning Policy Framework.

10.21 Accessibility and Inclusivity

- 10.22 Local Planning Policy seeks developments to adopt a 'pan-disability'/ 'pan-impairment' approach, taking into account and creating an inclusive environment for people with a wide range of impairments. Good building and spaces design should ensure accessibility for all.
- 10.23 Objectors have raised concerns regarding the additional distances that users need to travel from the station entrance to the new taxi rank and the relocated bus services at new and existing bus stops, stating that this would exclude and discriminate against adults and children living with disability, impairment and ill health and opposes the inclusive mobility of those with disabilities and is unlawful in failing to comply with legal duties under the Equality Act and Public Sector Equality Duties. As stated above in this report, the fundamental requirement for the scheme is to create an environment which can safely and effectively cope with the significant increase in passenger numbers that are predicted to need to use the train station. This means that the spaces around the station entrance and the taxi waiting provision need to be enhanced to create a safer, more fit for purpose station entrance. It is the case that to allow the improvements to come forward to meet this predicted demand, the taxi rank and bus stops do need to be relocated. This does mean that the taxi rank and bus stops will be further away from the station entrance, but does provide the opportunity to create a larger, purpose built taxi rank that can accommodate more taxis and more passengers to reflect the increase in user numbers.
- 10.24 The scheme has therefore been developed to take into account the following inclusive design good practice guidance:
- BS8300:20018, Design of an accessible and inclusive built environment – Part 1 External Environment – Code of practice.
 - BS8300:20018, Design of an accessible and inclusive built environment – Part 2 Buildings – Code of practice.
- As such the scheme includes the following inclusive design principles.
- 10.25 The New Taxi Rank
- Bespoke purpose built taxi shelter designed to provide kerbside space for the deployment of ramps from the side and rear of taxis.
 - As detailed above in paragraph 10.14, the new taxi rank will be able to park up and load passengers in to 6 cars at any one time, with other taxis being able to wait close by in a feeder queue for up to 14 vehicles on Swinegate and with the option to use Concordia Street and/or Sovereign Street for a further 12 vehicles, meaning that no passengers should be disadvantaged in respect of waiting times.
 - The new taxi rank will allow embarkation of vehicles on the correct side of the taxis (the current rotunda taxi rank does not allow for this and some users have to approach taxis from the wrong side).
 - The taxi shelter will be of a length to allow a number of taxis to wait at any one time, with all access points being designed to take account of the need for taxi ramps to be deployed.
 - The taxi shelter to have both internal seated (of differing heights and fitted with arm and back rests) and standing areas and is to be appropriately light inside and outside.
 - The taxi shelter will be fitted with an overhanging canopy at the rear, providing protection to passengers and to taxi drivers when they are out of their cars assisting passengers, in inclement weather.
 - The taxi rank is to have clear signage and glazing is to be treated with contrasted manifestations (BS 8300).

- Although there is an increase of 15 metres in the distance to the taxi rank from the train station platform gateline (giving a full distance of 130 metres), the scheme is favourable in comparison with other train stations in other large city centres (eg the distance between the station gate and the taxi rank at Birmingham New St is some 183 metres).

10.25 Bus Stops Relocations

- Whilst distances between bus stops and the platform gateline will increase as a result of moving the buses off New Station Street, all bus services will be located to the closest bus stop possible outside of the train station as discussed above in paragraph 10.15.
- Flat and level pedestrian routes along New Station Street will allow users to progress to nearby bus stops

10.26 The New Steps

- The new steps will be constructed with risers and goings of dimensions to meet best practice and flights will be aligned to building lines to aid detection for people with visual impairment.
- Landings are to be provide as rest points at regular intervals on the stairs.
- Tactile paving is to be installed to the tops and bottoms of all steps.
- Steps are to be treated with contrasting nose edgings.
- Left and right handrails are to be provided for the steps and to incorporate downlighters to illuminate the steps.
- The steps would have generous widths to reduce perceptions of confinement in small spaces (this is a significant upgrade over the current covered stair rotunda).
- The stairs are arranged in multiple distinct flights. This allows each separate flight to maximise accessibility by following a straight-line geometry. None of the stairs are curved or tapered, and the user is able to navigate the stairs and handrails at 90 degree angle from the adjacent footways, minimising the risk of overstepping or miscalculating the direction of stair flights

10.27 The New Lifts

- The two new lifts are to be designed to meet the safety and accessibility requirements of BS8300-2:2018 and BS EN 81-70:2018.
- The two lifts will be large enough to accommodate 21 people in each lift.
- Call and control buttons are to have tactile indicators.
- Visual and audible indicators will also be installed to advise users that lifts are moving and/or have arrived. Audible announcements will also advice users when the lift doors are opening or closing.
- Entrance doors to the lifts will be slow opening, and will include glazing to allow users to see into and out of the lifts. The sides of the lift will be solid to allow for the location of the lift control panels.
- Each lift will be fitted with internal handrails.
- Canopies will be provided at the lift entrances to provide shelter whilst users are waiting.

10.28 The Reduction in Vehicles on New Station Street and the Relaying of the Spaces

- The removal and reduction of the different forms of vehicles that currently use New Station Street will allow the spaces along it to become more pedestrian focused, allowing for the creation of larger, safer space for all people, including those with reduced risk perception.
- The reduction in vehicle traffic will mean an associated reduction in noise levels, of potential benefit to a variety of neurodivergent and hearing impaired users.
- The reconfigured spaces are to have a simplified layout to delineate movement, direction and uses,

- Outside of the enlarged pedestrian priority area, kerbs will delineate the route for cyclists and occasional vehicles and will provide a detectable edge for blind and partially sighted users.
- Routes for cyclists will be set out to achieve the shortest distance to the cycle hub and to avoid crossing the pedestrian flows around the bottom of the lift and steps.
- A strong defined pedestrian route will be created between the station entrance and the taxi rank via the positioning of street furniture, the use of demarcation and lighting, the layout, type and colour contrast of paving for easier detection (both visually and physically).
- Key pedestrian routes and areas will be defined as 'cyclists dismount' areas to ensure pedestrians have priority.
- A variety of seating types will be provided at regular intervals, including accessible and varying height seating with all seating to meet the requirements of BS 8300. Seating will also be integrated into the landscaped public realm features.
- Appropriate lighting, designed to meet best practice to serve both wayfinding and safety, will be installed in all areas of the newly reconfigured concourse and routes, to ensure a safe and inviting environment is created for users.

- 10.29 Objectors have also raised concerns that there will be a lack of clarity for users as to which route they should take when exiting the station. Clear directional signage and wayfinding will also be installed on New Station Street, Bishopgate Street and within the northern and southern concourse areas of the station as part of this project. The signage and wayfinding will be designed by the Applicant in consultation with the Access and Usability Group and the appointed inclusive design specialist and the Council's Economic Development Team who are responsible for wayfinding across the city centre.
- 10.30 As such whilst it is acknowledged that there is an unavoidable increase in distances to the taxi rank and the bus stops, it is the case that the scheme provides the opportunity to increase pedestrian priority in the area, to create an inclusive taxi rank designed to allow easy and safe orientated embarkation and to create spaces and routes which acknowledge accessibility needs, whilst addressing the predicted future increase in the numbers of users of the station, which will result in an associated increase in use of the new taxi rank and the nearby bus services.
- 10.31 It is therefore considered that the scheme embeds accessibility into layout and design and through its external spaces. More specifics on the elements of the accessibility features of the scheme will come through in the detailed stages under Planning Conditions submissions should Members be minded to support this Planning Application to ensure that the scheme does come forward in an accessible and inclusive manner as is possible.
- 10.32 The impact of the proposed design on the character and visual amenity of the host site and surrounding
- 10.33 The proposal would involve a number of physical alterations to the area between the train station and Bishopgate Street to facilitate the creation of the new pedestrian focused arrival space. Key to this is the removal of the existing supporting wall that edges the current bus interchange in front of the train station and fronts on to Bishopgate Street. This supporting wall addresses a levels change between the interchange and station area and Bishopgate Street. Therefore, it is proposed to replace this supporting wall with new structural walling fronted by a series of grand sweeping steps, in appropriate high quality materials, a new kiosk and pedestrian lift building and a new entrance to the new cycle hub space. A new free standing taxi

shelter would also be sited on Bishopgate Street close to base of the new steps and lifts.

- 10.34 The wall to be removed is not itself a listed structure but is attached to the Grade II listed Queens Hotel, as well as to the Grade II listed vaulting and basements beneath the hotel and the station Concourse structures. As a result an application for listed building consent has been submitted for this element of the entrance works. The section of the wall to be removed is utilitarian in appearance and is unremarkable in respect of its historical and architectural merits. The removal of the wall and its replacement with the new steps, kiosks and lift building will not intrude on the fabric of the hotel, due to the new flank wall facing on the stairs being structurally independent of the hotel's hidden south east wall. The utilitarian, unremarkable character of the wall would mean its removal would have only a minor adverse impact on the hotel's significance.
- 10.35 As noted in paragraph 3.2 above, the site is also within setting of a number of other Grade II and Grade II* listed buildings and the City Centre Conservation Area. The proposed new steps and kiosk building are designed to be respectful, appropriate additions in respect of their character and impact on this heritage rich setting. As such the aim is to introduce sensitively detailed complimentary, rather than competing, structures that enhance the setting of the nearby listed buildings and the City Centre Conservation Area.
- 10.36 The new kiosk building would be predominantly a two storey structure, the height of which is largely determined by the manner in which it traverses the levels change between Bishopgate and the station concourse at New Station Street. The scale ensures that the building would be subordinate to other existing buildings around it in the street scene. However, a point of height will be created in the structure due to the placement of the new pedestrian lifts in a small tower. This tower is also intended to be a way-finding device that would be visible from within the upgraded public realm and from the train station exit. To this end its verticality is to be emphasised by a lantern feature to its top, which would be capable of conveying electronic information to the public such as the time and the temperature. The building is designed to be a contemporary addition to the streetscene. The form of the building would mean it would have a simple but bold horizontal roof form, edged in bronze tone metal cladding, with a feature green roof upon it. This level roof form would accentuate the lift tower, and would terminate in a canopy overhanging the building beneath it. The facades of the kiosk and lift tower would be planar frameless glazing (with decals to aid accessibility) to the Bishopgate and station faces, to allow views in and out of the structures, with surrounds of Yorkstone and bronze toned metal cladding to both elements. The two sides of the kiosk and lift tower would flank the new steps and would have different facades. To the north facing side of the structure the façade would be dressed in a green wall. To the south facing side the façade would be a more opaque channel glazing system (e.g. a Reglit type of system).
- 10.37 To create cohesion the proposed cycle hub entrance and the new standalone taxi shelter will also be designed with the same aesthetic approach as the new kiosk and lift tower. As such these too will be structures with large areas of glazing (treated with the appropriate decals to aid accessibility) with bronze clad framing. All structures will take account of counter-terrorism requirements in respect of their design to ensure effective blast mitigation measures are incorporated. The new taxi rank shelter is designed to be complimentary but visible, being of some 21.6 m in length by, 3.2 m in width and 3.2 m in height to the top of eaves line. As such it should be readily viewable for people approaching the station from Park Row, City

Square, Swinegate, Mill Hill and Neville Street. Inside the cycle hub areas of cycle parking will be laid in the arches and the former mill goit, beyond an access secured entrance lobby and a unit for a potential cycle related repair-shop and toilets, shower and changing areas. The existing arches to Sandford Street, accessed under the Neville Street Bridge will be re-elevated with glazing in the archways, allowing views in and out of the cycle hub.

- 10.38 The current environment under Neville Street Bridge is dark and oppressive, with vehicular traffic being a dominant feature causing dirt, air quality and noise issues. The proposals seek to make significant improvements to this with works to encourage a reduction in the volumes of traffic, the relaying of the public highway to create narrower carriageways. This will allow footways to be widened and for the creation of a new segregated two way cycle route. New lighting is proposed and will be designed to prevent the 'black box effect' traffic currently suffer when approaching the bridge. The new lighting would also effectively and appropriately illuminate the pedestrian footways, creating a safer feeling to the route. The current dark 'feature' cladding to the walls (and soffit over the footways) will be removed and will be replaced with light coloured demountable perforated panels (with an acoustic absorbent layer behind), decorated with art and/or heritage images, with the new lighting above the footways set in to new soffits of feature fabric metal mesh.
- 10.39 Dark Neville Street is quieter in respect of the level of traffic and has had some upgrade work undertaken to its furthest end, with paving beyond the bridge, a new entrance to the train station and feature, colour change lighting that accentuates the vaulted roof form. It is proposed to add to these past works by relaying the surfacing of the street, creating defined pedestrian and cycling routes. New downlighters will replace and upgrade existing downlighters that sit beneath the existing roof feature lighting, to illuminate the new foot and cycle ways. In addition, at present a large number of the arches off Dark Neville Street are either vacant or in some form of functional/storage use. It is hoped that at a future date more active uses will be found for these arches. In the meantime these will be screened by way of temporary architectural frontages that will illustrate art and/or heritage imagery.
- 10.40 On the basis of the information provided thus far Officers consider that the level of demolitions and alterations will be likely to lead to less than substantial harm to the significance of these designated heritage assets and the character of the City Centre Conservation Area, and as such the proposals can be justified in accordance with the considerations of paragraph 196 rather than paragraph 195 of the NPPF. Case law has held that once harm to a heritage asset is established, considerable weight needs to be attached to that harm.
- 10.41 The public benefits to the scheme include:
1. The provision of a state of the art multi-modal transport interchange.
 2. The promotion of sustainable modes of transport.
 3. Improved pedestrian routes along New Station Street from the junction with Boar Lane to the point where it meets City Square and connecting the station to Bishopgate and route to the south and east of the city centre.
 4. An improved environment with reduced traffic levels in the area
 5. An enhanced entrance for the station and defined gateway to the city.
 6. Accessible connections to the station from Bishopgate via the new pedestrian lifts.
 7. The creation of a new purpose built taxi shelter, with a larger waiting area than the current provision, better access arrangements for getting in and out of waiting taxis and covered seating.
 8. Improved, defined and connected cycle routes.

9. Improved and expanded cycle parking provision, encouraging the use of this sustainable mode of transport.

10. Green landscape features including trees to create an attractive, environmentally positive area outside the station entrance.

11. New level high quality paving, creating level accessible attractive streets and spaces.

12. Environmental enhancements to the area under the Neville Street Bridge and along Dark Neville Street to make these places feel safer and more attractive to users.

10.42 Therefore, whilst it is acknowledge that there is harm in the loss of the historic wall this is considered to be less than substantial. It is also considered that the harm is outweighed by the benefits of providing this high quality, appropriately designed transformational transport initiative.

10.43 Landscaping and public realm

10.44 The Applicant has stated that they understand the need to include green infrastructure in the project and that the benefits brought, both in terms of performance and visually from green elements, being a strong part of the urban environment, are considerable. As a result the principle aim of the new public realm is to create a pedestrian focused area that can adapt to increasing numbers of train passengers. Therefore, more generous and better accessible public routes to and from the station concourse are required. The landscaping aims to create legible dispersal and escape routes should an incident occur at the station, as well as making safe and welcoming, connected spaces and routes that allow the free flow of pedestrians through them.

10.45 To achieve the above aspirations the proposal is to relay the new entrance area, and the route along New Station Street, with high quality pavers and setts to all pedestrian zones, with full height panels and support post to areas needing balustrades. To this end, a high quality palette of materials is proposed, including Yorkstone paving, hardwood timber seating and feature stainless steel, granite and concrete steps. Some seating will be integrated into the landscape structures and a variety of types and heights of seating will be provided. Where existing refuse and recycling bins and beer barrels are being stored on New Station Street (for businesses who have no back of house areas to accommodate these) these will be concealed behind architectural screening, of a design to be agreed under a Planning Condition. Where it is necessary to have vehicle trafficked areas on Bishopgate Street, the aim is to lay these with asphalt concrete surfacing. Automated hydraulic hostile vehicle mitigation bollards are to be positioned to the areas where vehicle admittance will be restricted.

10.46 To green the new public realm area and routes along New Station Street soft landscaping will be provided in raised planted beds, with integrated seating, to the concourse and between the steps where there are opportunities for tree planting as well as ornamental shrubs, grasses and meadow planting. Some of these will be ground planted in urban tree pits with cellular support systems, whilst other planting will be in raised planters due to the voids that are under New Station Street (I.e. the mill goit, arches and back of house tunnels that serve the Queens Hotel). Green roof structures are proposed to the cycle hub and taxi shelter, and green wall treatments will also feature on the lift tower building. Further opportunities for any additional tree planting or green wall installation will be explored at the detailed design stages, once physical surveys of what is under the streets in question have been actioned. As such full details of the landscape scheme will come forward under relevant

Planning Conditions to ensure all potential locations for planting are given consideration.

11.0 CONCLUSION

- 11.1 In conclusion it is considered that the proposal would result in a high quality, appropriate development, that would allow Leeds Train Station to adapt to a predicted, significant increase in user need, whilst create a traffic calmed enhanced, greened, attractive, accessibility considered environment, whilst promoting sustainable modes of transport via its focus on pedestrians and cycling and its creation of a bespoke taxi facility.
- 11.2 The proposals would result in less than substantial harm to the Grade II Listed building (The Queens Hotel) by virtue of the extent of demolition of the station boundary and its proposed replacement with the new kiosk and lift tower building and its steps and the creation of a cycle hub in the underground mill goit and arches. The level of harm is considered to be tolerable when balanced against the public benefits of the scheme.
- 11.3 Therefore the proposal is in accordance with the Development Plan and is considered to be acceptable and is recommended for planning approval and listed building consent approval subject to the conditions set out in the Appendix.

Background Papers:

PREAPP/19/00511

20/01996/LI

20/02048/FU



Appendix - Draft Conditions

CITY PLANS PANEL

Subject: Planning Application 20/02048/FU for the demolition of existing structures, the construction of new cafe and cycle hub; a new taxi rank; public realm enhancement works including hard and soft landscaping; improvements to the cycle, pedestrian and multi-modal interchange arrangements and the installation of new access lift at Bishopgate Street, New Station Street And Mill Goit, Neville Street, And Dark Neville Street, Leeds City Centre.

And

Listed Building Application 20/01996/LI for the construction of a wall which will be built into an existing listed wall at Bishopgate Street, New Station Street, Leeds.

20/02048/FU

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

For the avoidance of doubt and in the interests of proper planning.

3) No works shall begin on the development until a Statement of Demolition and Construction Practice has been submitted to and approved in writing by the Local Planning Authority. The Statement of Demolition and Construction Practice shall include full details of:

- a) details of any phasing of the development
- b) the means of access, location of site compound, storage and parking (including workforce parking), means of loading and unloading of all contractors' plant, equipment, materials and vehicles and associated traffic management measures
- c) the positions and types of cranes and details of excavations and earthworks
- d) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
- e) measures to control the emissions of dust and dirt during construction;

- f) location of site compound, and its means of enclosure and of safety barriers including soundproofing barriers and vehicle crash barriers
- g) details of plant equipment/storage as well as details of any vibro-impact machinery;
- h) details and location of contractor and sub-contractor parking and of the management of abnormal loads
- i) a local resident and business communications strategy for the duration of the works
- j) how this Statement of Demolition and Construction Practice will be made publicly available by the developer
- k) the hours of construction activities

The approved details shall be implemented at the commencement of work on site, and shall thereafter be retained and employed until completion of works on site. Any changes to the approved details as the development progresses will be agreed in writing with the local planning authority prior to the commencement of construction of each subsequent phase. The Statement of Demolition and Construction Practice shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.

In the interests of highways safety and residential amenity in accordance with Saved Leeds Unitary Development Plan Review (2006) policy GP5 and the National Planning Policy Framework.

4) Development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority. Where remediation measures are shown to be necessary in the Phase II Report and/or where soil or soil forming material is being imported to site, development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site 'suitable for use'.

5) If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. An amended or new Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Statement.

To ensure that any necessary remediation works are identified to make the site suitable for use.

6) Remediation works shall be carried out in accordance with the approved Remediation Statement. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time

as all verification information has been approved in writing by the Local Planning Authority.

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use.

7) Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use. A methodology for testing these soils shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto site. The methodology shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed (as determined by risk assessment). Testing shall then be carried out in accordance with the approved methodology. Relevant evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto the site.

To ensure that contaminated soils are not imported to the site and that the development shall be suitable for use.

8) Prior to the commencement of demolition documentation demonstrating the absence or total removal of asbestos from any building(s) to be demolished shall be submitted to and approved in writing by the Local Planning Authority. Should documentation be unavailable or insufficient, post-demolition surface soil sampling of future landscaped or garden areas shall be carried out and the results shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any post-demolition development.

Where surface soil sampling indicates remediation to be necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction. The Remediation Statement shall include a programme for all remediation works and for the provision of verification information.

Remediation works shall be carried out in accordance with the approved Remediation Statement. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or that phase of the site shall not be brought into use until such time as all necessary verification information has been approved in writing by the Local Planning Authority.

To ensure that the site is safe and suitable for use

9) No demolition or development to take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

To ensure appropriate architectural and historic recording.

10) Prior to the commencement of construction details of existing and proposed ground levels, including external areas and the proposed finished floor levels relevant to the works within the development, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

In the interests of amenity.

11) Prior to the first use a pedestrian wayfinding scheme, including alteration of existing signage shall be submitted to and agreed in writing with the Local Planning Authority. The approved signage scheme shall be implemented and completed before first use of the development.

In the interests of highway safety.

12) The development shall not be occupied until provision has been made in the means of access both to and within the proposed development, and within sanitary conveniences, for the needs of employees and members of the public who are disabled as well as non-gender specific provision. All such facilities shall thereafter be retained and made available for use.

In the interests of access for all.

13) The development hereby permitted shall not be occupied until full details of both hard and soft landscape works for that phase, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include

- (a) proposed finished levels and/or contours,
- (b) boundaries, means of enclosure and retaining structures,
- (c) refuse and recycling bins store architectural screening;
- (d) other vehicle and pedestrian access and circulation areas,
- (e) hard surfacing areas,
- (f) minor artefacts and structures (e.g. artwork, furniture, play equipment, refuse or other storage units, signs, lighting etc.),

Soft landscape works shall include

- (h) planting plans including any additional opportunities for planting street trees
- (i) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- j) schedules of plants noting species, planting sizes and proposed numbers/densities including the trees proposed to address the requirements of Policy Land 2
- k) full details of and a management and maintenance plan for any green walls/screens including details of irrigation, feeding and the timescales and mean by which any failed planting will be removed and replaced
- l) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedule

All hard and soft landscaping works shall be carried out and completed in accordance with the approved details, approved implementation programme and

British Standard BS 4428:1989 Code of Practice for General Landscape Operations. Confirmation in writing of the completion date shall be provided to the Local Planning Authority.

To ensure the provision and establishment of acceptable landscaping

14) a) No works or development shall commence until full details of the load bearing cell type rooting zone using proprietary structures has been submitted and approved in writing by the local planning authority. Details shall be fully in accordance with LCC guidance on urban tree planting (available on Landscape Planning website).

Details shall include:

- Proprietary soil cell structures to support paving over extended sub-surface rooting areas
- Soil cell volume /soil volume calculations
- Specification of topsoil including additives and conditioners
- Tree grilles and guards and means of anchoring root balls. Built-in Root Irrigation Pipe system with end cap and aeration system.
- Passive and / or active irrigation including directed use of grey water / roofwater or surface water infiltration to benefit planted areas. Details of distribution system and controls
- Tree grill details
- Drainage system for tree pits.
- Where applicable -details of protection measures for statutory utilities and drainage
- Works shall then be carried out in accordance with the approved details.

b) To ensure full compliance, a brief report on the installation of the rooting zone structures, including supporting photographic evidence, shall be submitted to the LPA when the works are still “open” to allow LPA inspection prior to any surfacing works. Seven days written notice shall be given to the Local Planning Authority that the rooting zone structures are in place to allow inspection and approval of them as implemented on site.

NOTE-this item cannot be discharged until post inspection approval is confirmed.

c) A 3 year irrigation programme for the trees (in accordance with BS 8545-2014 Trees from Nursery to Independence) shall be submitted to the LPA for approval in writing. Confirmation of irrigation compliance shall be submitted to the LPA on a quarterly basis for the full 3 year programme period

To ensure the provision of amenity afforded by appropriate landscape design and its cultural requirements are integrated into the development scheme

15) If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season or such other timescale as is agreed in writing by the Local Planning Authority.

To ensure maintenance of a healthy landscape.

16) No external lighting shall be installed unless a scheme has been approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. The source of external lights should be designed to not materially impact nearby sensitive receptors which shall be defined as residential dwellings and any highways infrastructure such as traffic lights.

In the interests of amenity.

17) No building works of the new kiosk building, lift tower, external steps, the taxi shelter and cycle hub entrance until details and samples of all external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site prior to the commencement of building works, for inspection by the Local Planning Authority which shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity.

18) No construction of the demountable perforated panels to the walls and soffit under the Neville Street Bridge and of the temporary architectural frontages to the arches along Dark Neville Street shall commence until details and samples of all external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site prior to the commencement of building works, for inspection by the Local Planning Authority which shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity.

19) No building works of the new kiosk building, lift tower, the cycle hub entrance and the taxi shelter until full details of the following have been submitted to and approved in writing by the Local Planning Authority-

- (i) 1 to 20 scale drawings of the detail of roof line treatments and ground floor treatments
 - (ii) 1 to 20 scale section drawings of window details and the depths of any reveals
 - (iii) 1 to 20 scale section drawings of all new external doors and entrances
 - (iv) 1 to 20 scale section drawings of the junctions of different materials.
- The works shall be carried out in accordance with the details thereby approved.

In the interests of visual amenity.

20) No surfacing works shall take place to the hard surfaced paved and trafficked areas and street and the landscaped areas until details and samples of all surfacing materials to the said hard surfaced and landscaped area have been submitted to and approved in writing by the Local Planning Authority. The surfacing works shall be constructed from the approved materials.

In the interests of visual amenity.

21) The new kiosk building shall not be occupied until, where relevant, details for the provision of bin stores (including siting, materials and means of enclosure) and (where applicable) storage of wastes and access for their collection shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full before the occupation of the phase.

In the interests of amenity.

22) Details of any external extract ventilation system for commercial food premises shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The system shall be implemented in accordance with the approved details.

Hot food uses will often require an extract ventilation system to deal with odour and fumes. Guidance on suitable design is provided in DEFRA guidance at:
<http://www.defra.gov.uk/publications/files/pb10527-kitchen->

In the interests of amenity.

23) Details of the highway design of the scheme on Neville Street, Swinegate, Mill Hill, Bishopgate Street and Dark Neville Street shall be submitted and agreed in writing by the Local Planning Authority prior to commencement of construction of the highway works, details shall include:

- a) The means of control and management of the taxi rank and the feeder rank to it.
- b) Layout of loading bays.
- c) Layout and operation of pedestrian crossing points
- d) Operation of the traffic signals including intelligent technology
- e) The cycle priority scheme on Dark Neville Street including the junction with Neville Street
- f) Changes to traffic signs and lining.

The works shall be implemented in accordance with the approved details.

To ensure the free and safe use of the highway during all development works and throughout the lifetime of the development.

24) The development shall not be brought in to use until a Taxi Operations Management Plan, including details of how taxis will be called from the feeder ranks to the new taxi shelter ranks and how the ranks and taxi waiting shelter will be maintained, has been submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented and operated in accordance with the approved timescales.

To ensure the free and safe use of the highway in accordance with adopted Leeds Core Strategy policy T2.

25) Before development commences, the detailed SuDS based Drainage Scheme based on the principles of The SUDS Manual (C753) with design criteria as set out within the Council's Minimum Development Control Standards for Flood Risk should be submitted and approved in writing by the Local Planning Authority. The application should provide suitable drainage drawings, summary calculations and results of all investigations detailing the surface water drainage works as set out below. The final drainage design shall be in line with the drainage strategy as set out within the Statement of Intent – Drainage Strategy prepared by Atkins (Ref 5193758 dated 20/06/2020) unless otherwise agreed with the LPA. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

The detailed design drawings, calculations and supporting information shall include the following:

- (i) Model Information (Micro Drainage or similar approved) to include a plan showing pipework model numbering and network details,
- (ii) Results: Summary of Results showing all the modelling criteria and summary network results for critical 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% CC storm events showing maximum water level, flow and velocity and details of any surface flooding anticipated.
- (iii) A drawing showing the proposed impermeable areas, suitably annotated.
- (iv) Calculations and any supporting survey and investigations to justify and demonstrate the existing and proposed discharge rate.
- (v) Drainage Plan showing drainage layout, manholes including cover and invert levels, proposed levels, pipe sizes and gradients, all on -line controls, on and off line storage structures and outfall details.
- (vi) Plan showing overland exceedance routes in the event of a failure of the drainage system or storm event in excess of the 1 in 100 + 40% CC storm event.
- (vii) Summary Drainage Report setting out the Drainage Strategy and results of the calculations demonstrating compliance with the above.
- (viii) Where third party agreements to construct sewers and to discharge flows are required, then written evidence of these two agreements shall be provided.
- (ix) Timetable for implementation of the drainage works including an assessment of any phasing of the development.
- (x) Demonstrating that adequate water quality of the off- site surface water flows in accordance with the Simplified Index Approach as set out within Section 26 of the SUDS Manual (C753) can be achieved during all phases of the development.
- (xi) Where SUDs are only proposed in part or not at all, then a full justification statement shall be provided to demonstrate why it is not considered appropriate or reasonable.

To ensure sustainable drainage and flood prevention in accordance with Adopted Natural Resources and Waste Local Plan Policy Water 7 and Policy GP5 of the Leeds Unitary Development Plan Review 2006.

26) Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and

sediment to any receiving watercourse or sewer system. Where temporary discharges to a sewer are proposed, written confirmation from the sewer owner that these have been accepted shall be provided. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority

To prevent flooding offsite in accordance with the National Planning Policy Framework.

27) Prior to the occupation of the first unit, details shall be provided in respect to the management, inspection and maintenance of any non-adopted drainage features. The details shall identify the responsible parties and set out how these will be funded and managed and provide a schedule of the proposed inspections and annual maintenance for the lifetime of the development. The plan shall be submitted to and approved in writing with the Local Planning Authority prior to first occupation and the development shall thereafter be maintained at all times in accordance with the approved details.

To ensure the development is adequately maintained for the lifetime of the development.

28) No construction works in the relevant area (s) of the site shall commence until measures to protect the public 450 mm water main that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority in consultation with the relevant statutory undertaker. The details shall include but not be exclusive to the means of ensuring that access to the pipes for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand -off or protection measures are to be achieved via diversion or closure of the infrastructure, the developer shall submit evidence to the Local Planning Authority that the diversion /closure has been agreed with the relevant statutory undertaker and that , prior to construction in the affected area (s), the approved works have been undertaken.

In the interest of public health and maintaining the public sewerage and water supply network.

20/01996/LI

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

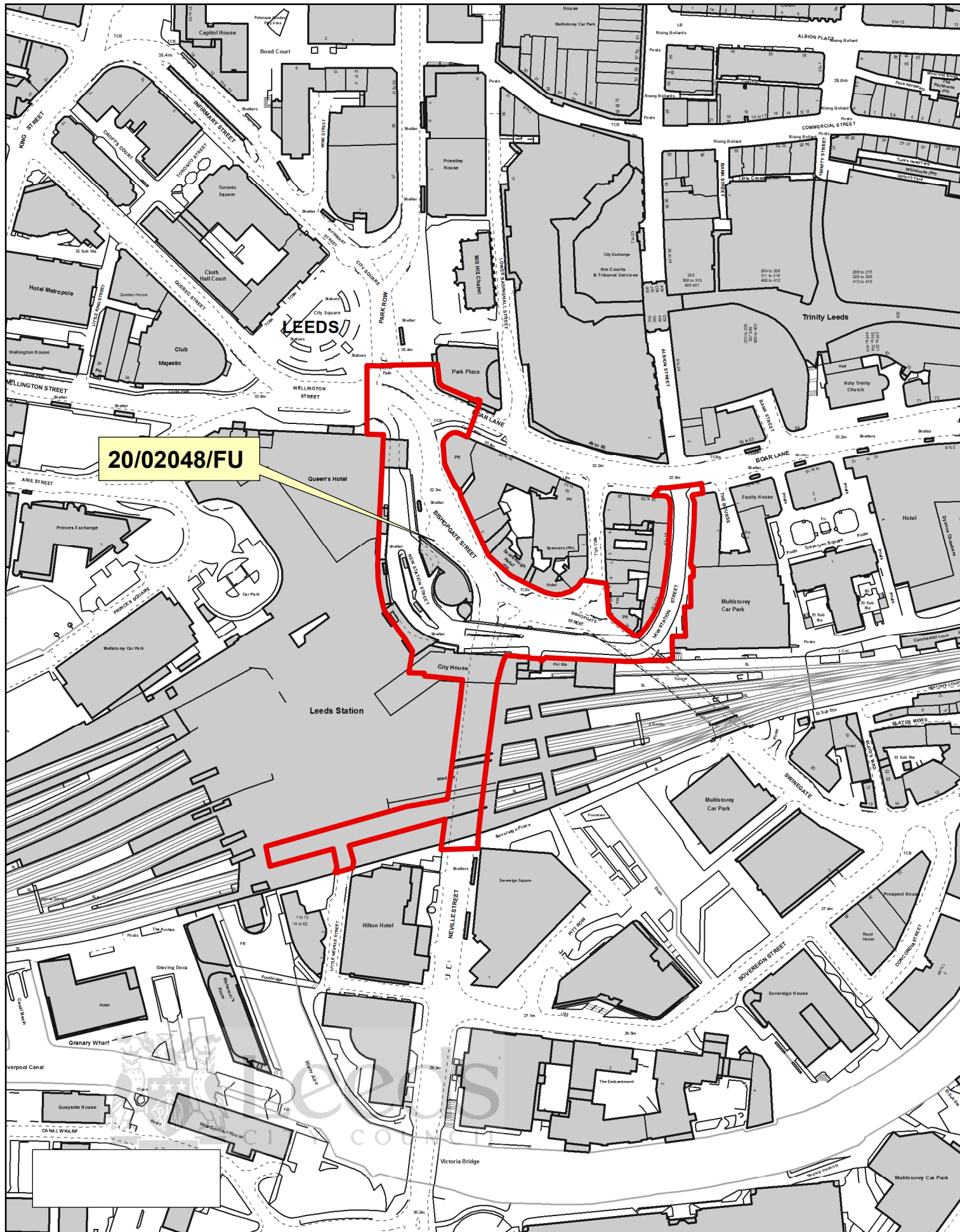
Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

For the avoidance of doubt and in the interests of proper planning.

3) No building works of the new external steps and wall shall commence until details and samples of all external materials have been submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site prior to the commencement of building works, for inspection by the Local Planning Authority which shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity.



CITY PLANS PANEL

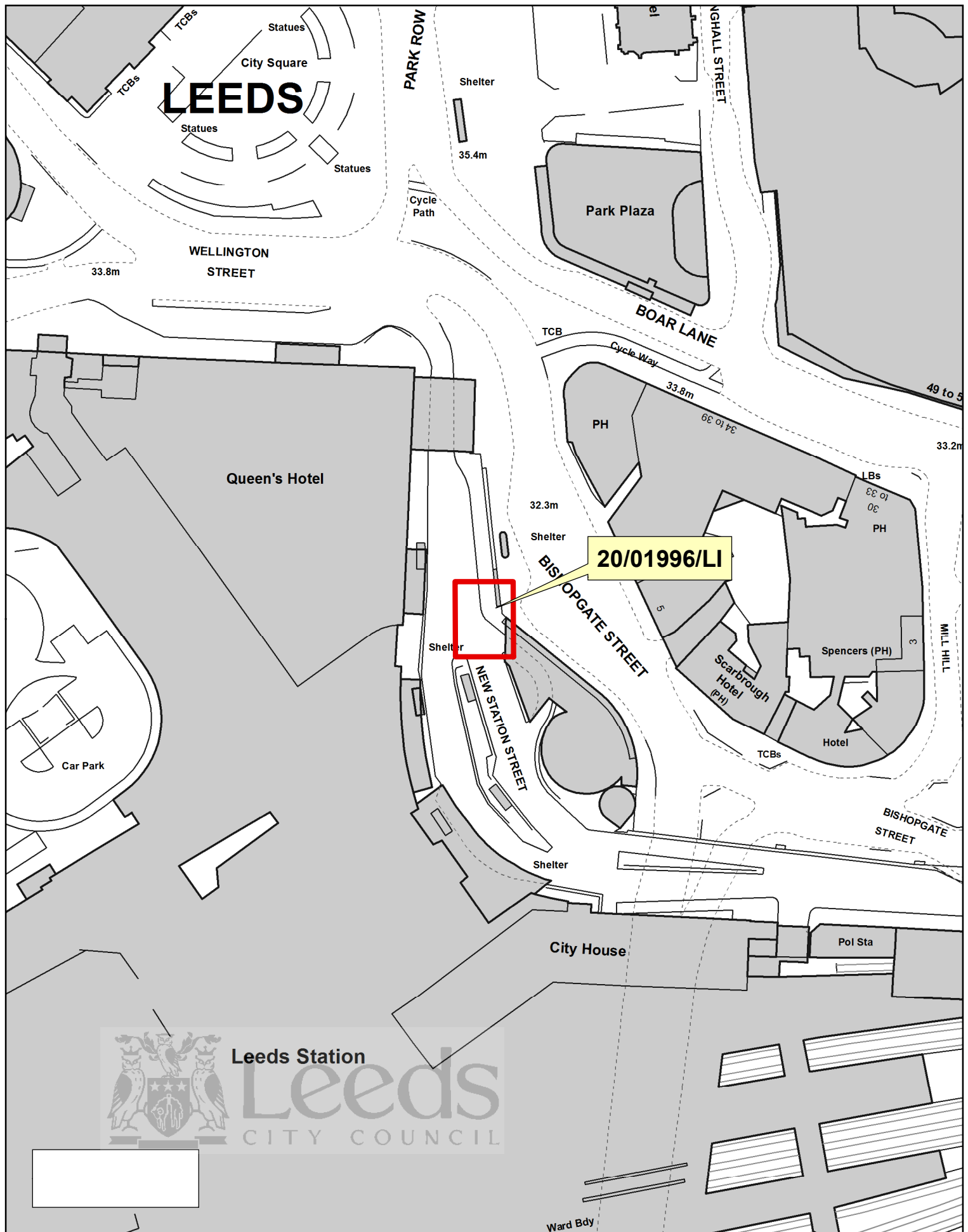
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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

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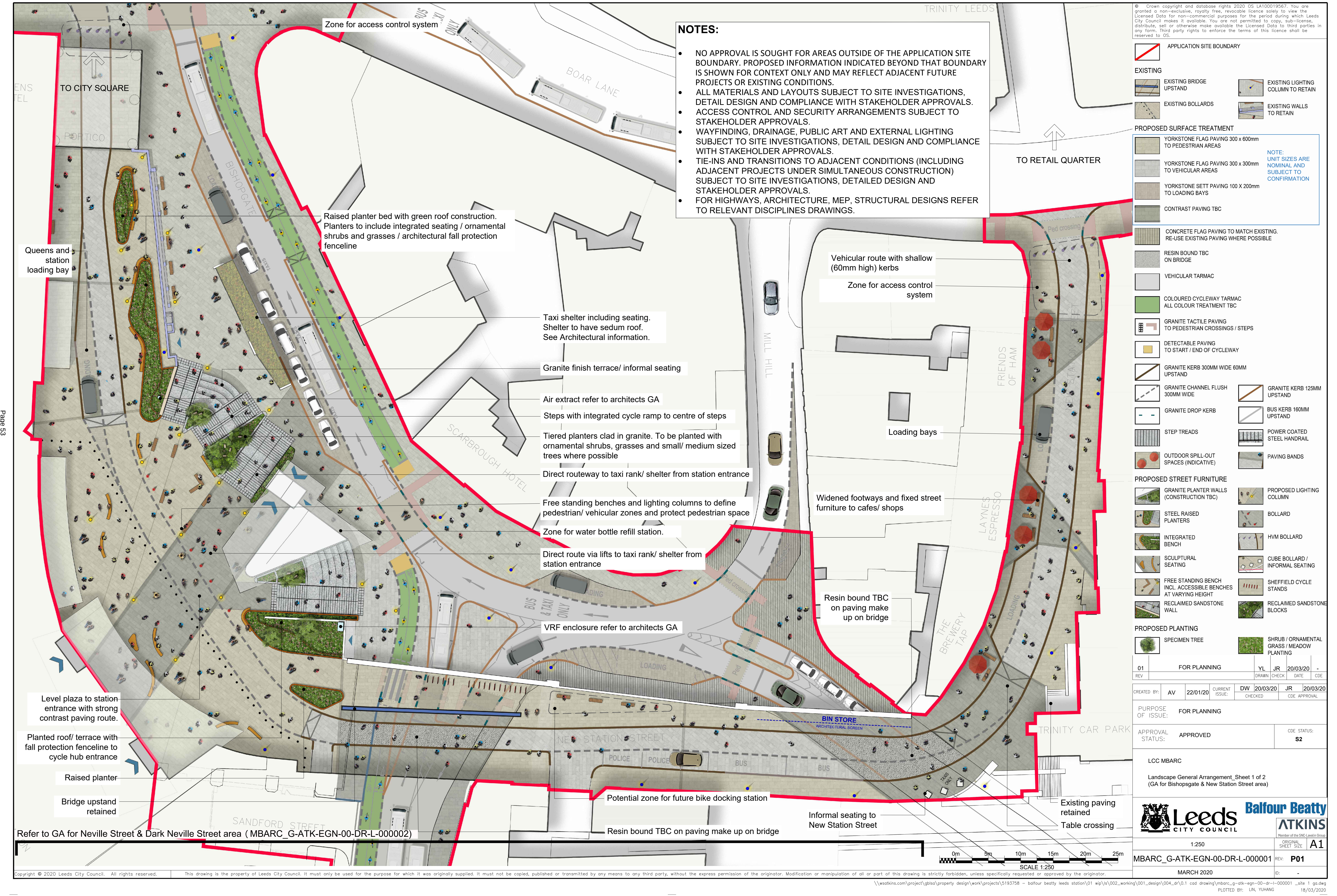
SCALE : 1/2500





CITY PLANS PANEL





- NOTES:**
- NO APPROVAL IS SOUGHT FOR AREAS OUTSIDE OF THE APPLICATION SITE BOUNDARY. PROPOSED INFORMATION INDICATED BEYOND THAT BOUNDARY IS SHOWN FOR CONTEXT ONLY AND MAY REFLECT ADJACENT FUTURE PROJECTS OR EXISTING CONDITIONS.
 - ALL MATERIALS AND LAYOUTS SUBJECT TO SITE INVESTIGATIONS, DETAIL DESIGN AND COMPLIANCE WITH STAKEHOLDER APPROVALS.
 - ACCESS CONTROL AND SECURITY ARRANGEMENTS SUBJECT TO STAKEHOLDER APPROVALS.
 - WAYFINDING, DRAINAGE, PUBLIC ART AND EXTERNAL LIGHTING SUBJECT TO SITE INVESTIGATIONS, DETAIL DESIGN AND COMPLIANCE WITH STAKEHOLDER APPROVALS.
 - TIE-INS AND TRANSITIONS TO ADJACENT CONDITIONS (INCLUDING ADJACENT PROJECTS UNDER SIMULTANEOUS CONSTRUCTION) SUBJECT TO SITE INVESTIGATIONS, DETAILED DESIGN AND STAKEHOLDER APPROVALS.
 - FOR HIGHWAYS, ARCHITECTURE, MEP, STRUCTURAL DESIGNS REFER TO RELEVANT DISCIPLINES DRAWINGS.

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APPLICATION SITE BOUNDARY

EXISTING

- EXISTING BRIDGE UPSTAND
- EXISTING LIGHTING COLUMN TO RETAIN
- EXISTING BOLLARDS
- EXISTING WALLS TO RETAIN

PROPOSED SURFACE TREATMENT

- YORKSTONE FLAG PAVING 300 x 600mm TO PEDESTRIAN AREAS
- YORKSTONE FLAG PAVING 300 x 300mm TO VEHICULAR AREAS
- YORKSTONE SETT PAVING 100 X 200mm TO LOADING BAYS
- CONTRAST PAVING TBC
- CONCRETE FLAG PAVING TO MATCH EXISTING. RE-USE EXISTING PAVING WHERE POSSIBLE
- RESIN BOUND TBC ON BRIDGE
- VEHICULAR TARMAC
- COLOURED CYCLEWAY TARMAC ALL COLOUR TREATMENT TBC
- GRANITE TACTILE PAVING TO PEDESTRIAN CROSSINGS / STEPS
- DETECTABLE PAVING TO START / END OF CYCLEWAY
- GRANITE KERB 300MM WIDE 60MM UPSTAND
- GRANITE CHANNEL FLUSH 300MM WIDE
- GRANITE DROP KERB
- STEP TREADS
- OUTDOOR SPILL-OUT SPACES (INDICATIVE)
- GRANITE KERB 125MM UPSTAND
- BUS KERB 160MM UPSTAND
- POWER COATED STEEL HANDRAIL
- PAVING BANDS

PROPOSED STREET FURNITURE

- GRANITE PLANTER WALLS (CONSTRUCTION TBC)
- STEEL RAISED PLANTERS
- INTEGRATED BENCH
- SCULPTURAL SEATING
- FREE STANDING BENCH INCL. ACCESSIBLE BENCHES AT VARYING HEIGHT
- RECLAIMED SANDSTONE WALL
- PROPOSED LIGHTING COLUMN
- BOLLARD
- HVM BOLLARD
- CUBE BOLLARD / INFORMAL SEATING
- SHEFFIELD CYCLE STANDS
- RECLAIMED SANDSTONE BLOCKS

PROPOSED PLANTING

- SPECIMEN TREE
- SHRUB / ORNAMENTAL GRASS / MEADOW PLANTING

01	FOR PLANNING	YL	JR	20/03/20	-
REV		DRAWN	CHECK	DATE	CDE
CREATED BY:	AV	22/01/20	CURRENT ISSUE:	DW	20/03/20
				JR	20/03/20
				CHECKED	CDE APPROVAL
PURPOSE OF ISSUE:	FOR PLANNING				
APPROVAL STATUS:	APPROVED				CDE STATUS: S2
LCC MBARC					
Landscape General Arrangement_Sheet 1 of 2 (GA for Bishopsgate & New Station Street area)					
 					
1:250					
MBARC_G-ATK-EGN-00-DR-L-000001					
REV: P01					
MARCH 2020					
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PLOTTED BY: LIN, YUHANG

18/03/2020

Refer to GA for Bishopsgate & New Station Street area (MBARC_G-ATK-EGN-00-DR-L-000001)

KEY

PROPOSED SURFACE TREATMENT



GRANITE CHANNEL FLUSH 300MM WIDE

 DROP BOLLARD

- NO APPROVAL IS SOUGHT FOR AREAS OUTSIDE OF THE APPLICATION SITE BOUNDARY. PROPOSED INFORMATION INDICATED BEYOND THAT BOUNDARY IS SHOWN FOR CONTEXT ONLY AND MAY REFLECT ADJACENT FUTURE PROJECTS OR EXISTING CONDITIONS.
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- FOR HIGHWAYS, ARCHITECTURE, MEP, STRUCTURAL DESIGNS REFER TO RELEVANT DISCIPLINES DRAWINGS.

Station entrance

ID: -



Leeds
CITY COUNCIL

Originator: Adam Ward

Tel: 0113 378 8032

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 16th July 2020

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

Applicant: Taylor Wimpey

Electoral Wards Affected:

Wetherby

☐ Yes

Ward Members consulted

☐☐☐

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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

INTRODUCTION:

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

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

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

UPDATED POLICY POSITION

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

Core Strategy Selective Review (CSSR)

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

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

Wetherby Neighbourhood Plan

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

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

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

SAP Review

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

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

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

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

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

UPDATE

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

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

Third Party Land Update

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

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

Appeal & Wider Implications for Refusing Permission

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

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

Design Work

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

FURTHER REPRESENTATIONS

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

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

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

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

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

Consideration of Objections

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

CONCLUSION

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

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

APPENDIX 1



Originator: Adam Ward

Tel: 0113 378 8032

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 30th January 2020

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

Applicant: Taylor Wimpey

Electoral Wards Affected:

Wetherby

☐ Yes

Ward Members consulted

☐
☐
☐

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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

1.0 INTRODUCTION:

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

2.0 UPDATE

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

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

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

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

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

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

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

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

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

3.0 CONCLUSION

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

APPENDIX 2



Originator: Adam Ward

Tel: 0113 378 8032

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 29th August 2019

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

Applicant: Taylor Wimpey

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 an amended Masterplan and Access Parameter Plan the following conditions and the prior completion of a section 106 Agreement to cover the following:

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

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

Conditions

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

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

1.0 INTRODUCTION

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

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

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

2.0 POLICY UPDATE

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

Site Allocations Plan

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

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

Emerging Policy - Core Strategy Selective Review (CSSR)

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

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

Wetherby Neighbourhood Plan

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

- 2.5 Some the key policies within the Plan are:

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

3.0 FURTHER INFORMATION

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

Principle of Development

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

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

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

Housing Mix

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

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

Highways and Accessibility

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

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

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

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

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

Climate Change, Health and Well-Being, Sustainability

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

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

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

Education

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

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

Economic Benefits

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

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

- 3.30 The applicant's report also highlights the construction benefits, namely:
- £120m – Construction value
 - £8.3m – GVA Economic output (additional GVA p.a)
 - 85 Jobs – Construction jobs (temporary jobs p.a over a circa. 13 year build period)
 - 125 Jobs – Supply chain jobs (indirect/induced spin-off jobs p.a.)
- 3.31 In addition, the applicant's report also notes a number of operational and expenditure benefits associated with the scheme:
- 35 Direct FTE jobs – Additional jobs from new commercial/community uses)
 - 15 FTE Supply chain jobs – Indirect/induced jobs supported
 - £1.6m – Economic output (additional GVA p.a)
 - £4.4m – First occupation expenditure (spending to make house 'feel like a home')
 - £10.7m – Resident expenditure (within local shops and services p.a.)
 - 180 FTE jobs – Supported by increased expenditure in local area
- 3.32 The identified benefits, whilst not disputed in principle, are material to the determination of the application, although officers have no evidence to either confirm or dispute the figures provided. In any event, one of the primary overarching objectives of the NPPF is an economic objective which states at paragraph 8:

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

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

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

Public Consultation

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

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

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

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

Further Representations

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

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

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

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

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

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

4.0 CONCLUSION

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

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

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

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

APPENDIX 3



Originator:	Adam Ward
Tel:	0113 378 8032

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 28th March 2019

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

Applicant: Taylor Wimpey

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 the following conditions and the prior completion of a section 106 Agreement to cover the following:

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

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

Conditions

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

3 INTRODUCTION:

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

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

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

4 SITE AND SURROUNDINGS:

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

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

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

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

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

5 PROPOSAL:

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

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

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

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

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

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

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

6 RELEVANT PLANNING HISTORY:

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

5.0 HISTORY OF NEGOTIATIONS

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

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

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

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised as a major development, as a departure from the development plan, as affecting a right of way and is accompanied by an Environmental Statement. Site notices were posted around the site on 12th May 2017 and through publication in the Yorkshire Evening Post in a notice dated 4th May 2017.
- 6.2 No written comment has been received to date from any Ward Councillor.
- 6.3 A total of 129 representations have been received from residents in relation to the application, 128 of these objecting to the proposed development and 1 letter of support. A number of the objections are however repeat comments. The objections raised were highlighted in the Panel report in October in the position statement and can be summarised as follows:

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

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

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

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

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

Letters of Support

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

7.0 CONSULTATION RESPONSES:

Statutory

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

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

Non-statutory

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

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

- 7.7 Yorkshire Water: Yorkshire Water would welcome the opportunity to work with Leeds City Council and the developer to incorporate integrated water management practices in to the eventual design of the development. Such an approach is ideally suited to a large green field site as it allows for the water cycle to be considered throughout the planning and design process whilst making the most efficient use of existing infrastructure thus minimising the need for reinforcements and upgrades (and potential inconvenience to residents) whilst providing greater future resilience
- 7.8 The Environment Agency: The EA notes that the submitted FRA states that the proposed development extents have been omitted from flood zones 2 and 3. Therefore, no objections are raised provided that the development is carried out in accordance with the approved FRA
- 7.9 Local Plans (Flood Risk): Some parts of the site are within flood zones 2 and 3 and therefore Policy Water 4 of the Natural Resources and Waste Local Plan applies. This means that the applicant is required to demonstrate that they have attempted to steer development to areas with the lowest probability of flooding by providing sufficient information to demonstrate that the sequential test has been passed. The applicant has confirmed that there will be no built development within flood zones 2 and 3. This sequential approach to the layout of the site avoids the need for the sequential and exceptions test to be undertaken. However, it is recommended that the outline permission has a condition attached to ensure this, otherwise the applicant will need to provide information to demonstrate that the sequential and exception tests have been passed. The applicant has provided a Drainage Feasibility Statement. Advice from colleagues in the Council's Flood Risk Management section should be sought.
- 7.10 Ainsty Internal Drainage Board: No objection in principle, but recommends that the applicant provides a satisfactory drainage strategy and obtains the necessary consent before any approval is granted. A number of conditions are therefore recommended.
- 7.11 West Yorkshire Police Architectural Liaison Officer: At this outline stage in the planning process WYP would encourage the developer to consider building these properties to Secure by Design standards, achieving accreditation has been simplified and the associated cost significantly reduced, in order to assist the developer a pre-application meeting may prove beneficial.
- 7.12 Air Quality Management Team: Given the proximity of the site to the A1(M), a further air quality assessment should be undertaken at the reserved matters stage when details of the layout are established to ensure that residential accommodation and primary school is not subjected to NO2 levels which would fall below the required levels. The proposals to include electric vehicle charging points are welcomed.
- 7.13 TravelWise: A Travel Plan will be required as part of the s106 agreement. Also, a monitoring contribution of £6,000 for the residential component and £2,500 for the school component will be required. Also required will be a shuttle bus, a travel plan

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

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

8.0 RELEVANT PLANNING POLICIES:

The Development Plan

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (2014), The Aire Valley Area Action Plan (2017), saved policies within the Leeds Unitary Development Plan (Review 2006), the Natural Resources and Waste Development Plan Document (2013), and any relevant (made) Neighbourhood Development Plan.
- 8.2 The proposed development has been considered in the context of the detailed policies comprised within the Development Plan. The site is currently designated as Rural Land within the development plan. The following documents and policies are relevant to the determination of this application:
- The Leeds Core Strategy (Adopted November 2014) (CS);
 - Saved UDP Policies (2006), included as Appendix 1 of the CS;
 - The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013).

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

Spatial policy 1 Location of development
Spatial policy 6 Housing requirement and allocation of housing land
Spatial policy 7 Distribution of housing land and allocations
Spatial policy 8 Economic Development Priorities
Spatial policy 10 Green Belt
Policy H1 Managed release of sites
Policy H2 Housing on non allocated sites
Policy H3 Density of residential development
Policy H4 Housing mix
Policy H5 Affordable housing
Policy P4 Shopping parades and small scale standalone food stores
Policy P8 Sequential and impact assessments for town centres uses
Policy P9 Community facilities and other services
Policy P10 Design
Policy P11 Conservation
Policy P12 Landscape
Policy T1 Transport Management
Policy T2 Accessibility requirements and new development
Policy G1: Enhancing and extending green infrastructure
Policy G4 New Greenspace provision
Policy G8 Protection of species and habitats
Policy G9 Biodiversity improvements
Policy EN1 Climate change – carbon dioxide reduction
Policy EN2 Sustainable design and construction
Policy EN5 Managing flood risk
Policy ID2 Planning obligations and developer contributions

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

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

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

Natural Resources and Waste Local Plan (NRWLP)

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

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

Site Allocations Plan

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

Core Strategy Selective Review

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

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

8.10 Supplementary Planning Guidance/Documents

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

Neighbourhood Planning

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

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

National Planning Policy Framework (NPPF 2019)

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

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

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

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

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

Planning Practice Guidance

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

DCLG - Technical Housing Standards 2015:

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

9.0 MAIN ISSUES:

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

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

10.0 APPRAISAL:

Principle of Development

- 10.1 The application seeks to establish the principle of residential development for up to 800 dwellings, a new primary school and a small retail store. The site is open agricultural land that lies adjacent to the A1(M) motorway on one side, is located to the side and rear of the Wetherby Young Offender's Institute and front onto Racecourse Approach on another side. The site is designated as Rural Land under saved Policy RL1 of the Unitary Development Plans (Review 2006), but allocated as a housing site under Policy HG2-226 within the advanced Site Allocations Plan (SAP).
- 10.2 Saved Policy RL1 of the Unitary Development Plan (Review 2006) (RUDP) states:
- THE AREA OF OPEN COUNTRYSIDE TO THE NORTH OF THE RIVER WHARFE IS DESIGNATED AS RURAL LAND. THIS AREA WILL BE SAFEGUARDED IN ACCORDANCE WITH UDP STRATEGIC PRINCIPLE SP2. ANY DEVELOPMENT PROPOSED IN THIS AREA WILL BE ASSESSED AGAINST THE GUIDANCE CONTAINED WITHIN PPG7 "THE COUNTRYSIDE AND THE RURAL ECONOMY" AND OTHER RELEVANT NATIONAL AND LOCAL POLICY GUIDANCE.
- 10.3 The undeveloped land to the north of the River Wharfe is currently designated as Rural Land under saved UDP Policy RL1. It is clear from this policy that it is somewhat out-of-date, since it refers to UDP Strategic Principle SP2 which has since been deleted, and also to PPG7, which is also deleted and was replaced with PPS7 before itself being deleted and replaced with the NPPF. Therefore, it could be said that Policy RL1 can be considered of-of-date for its applications and accordingly it is therefore appropriate to consider the proposal against policies contained within the Core Strategy and the guidance contained within the NPPF, as considered below.
- 10.4 The NPPF at paragraph 49 indicates that housing applications should be considered in the context of the presumption on favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Paragraph 14 of the NPPF confirms that a 'presumption in favour of sustainable development; should be seen as the 'golden thread' running through the planning process. It goes on to confirm that for decision taking this means that where relevant policies are out of date, then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in this Framework indicate development should be resisted.

- 10.5 The NPPF advises that LPAs should identify and update annually a supply of specific deliverable sites to provide five years' worth of housing supply against their housing requirements. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence of delivery.
- 10.6 The Council does not currently have a five year land supply and won't have one until Adoption of the revised Submission SAP. This has been evidenced at several s78 Appeals over the past 18 months.
- 10.7 As outlined earlier, the Core Strategy policies relating to housing land supply are considered to be out of date if a five year supply of deliverable housing sites cannot be demonstrated. Notwithstanding this, the local planning authority are undertaking a selective review of the Core Strategy which involves reviewing and updating the housing policies, as well as carrying out their Site Allocations Plan which is at a very advanced stage.
- 10.8 At present, it is therefore clear that the Council has not got a five year supply of deliverable housing site. This therefore lends weight to the principle of residential development as paragraph 11 of the NPPF notes that in making decisions local planning authorities should apply a presumption in favour of sustainable development. The guidance then advises that for decision makers this means approving proposals that accord with an up-to-date development plan without delay, or the policies which are most important for determining the application are out-of-date, granting planning permission unless the any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Frameworks taken as a whole. This referred to as the tilted balance.
- 10.9 It is also considered necessary to assess the proposal against adopted policies within the development plan. However, as paragraph 73 of the NPPF advises that Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. Therefore, as policies SP6 and SP7 as well as policies within the housing chapter of the Core Strategy relate specifically to housing, then they could be regarded as being not up-to-date. However, an analysis is provided against Core Strategy policies nevertheless.
- 10.10 Core Strategy Spatial Policy 1 (Location of development) sets out the Council's spatial development strategy based on the Leeds settlement hierarchy and seeks to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services and high levels of accessibility. The hierarchy prioritises the location of future development and sets out those areas towards which development will be directed. Table 1 identifies settlement types in the hierarchy as being the Main Urban Area of Leeds, Major Settlements, Smaller Settlements, and finally Villages. Wetherby is defined as a Major Settlement. The proposals are therefore considered to be compliant with SP1 in that the development represents a development adjacent to a Major Settlement that would be compliant with the 9 principles set out within that policy.

- 10.11 Policy SP6 of the Core Strategy sets out the Authority's policy for allocating housing and considers sustainable locations as a key consideration:
- "Sustainable locations (which meet standards of public transport accessibility - see the Well Connected City chapter), supported by existing or access to new local facilities and services, (including Educational and Health Infrastructure)"*
- 10.12 Policy SP7 also includes a schedule of the distribution of housing land and allocations across Leeds. Policy SP7 identifies a requirement for 5,000 dwellings to be located within the Outer North East HMCA. This policy also recognises that a significant proportion of this should be directed towards extensions to existing Major Settlements. The site is located at the top of the settlement hierarchy that seeks to ensure that land is used effectively and efficiently and seeks to meet Accessibility Standards. The nearest health care facilities, supermarkets and employment opportunities are in Wetherby and the provision of a dedicated shuttle bus with a frequency of every 20 minutes running from the development site to Wetherby town centre and back will provide a choice of means of transport other than the private car. On this basis, the proposed development complies with some elements of the Accessibility Standards, and with policy SP1. It therefore represents sustainable development and would therefore comply with the overarching aim of the NPPF.
- 10.13 Furthermore, Core Strategy Policy H2 states that new housing development will be acceptable in principle on non-allocated land, providing that the number of dwellings does not exceed the capacity of local infrastructure and that for developments of more than 5 dwellings the location accords with the Accessibility Standards in Table 2 of Annex 3. Under policy H2 greenfield land should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, or makes a valuable contribution to the visual, historic and/or spatial character of an area. In this respect, the proposals are not considered to be harmful to the intrinsic character of the area, would not be harmful to nature conservation and the historic or spatial character of the area, and thus is compliant with Policy H2.
- 10.14 It is fully recognised that whilst the current designation is 'Rural Land', the site has been assessed and proposed by the Council as a future housing site within the advanced Site Allocations Plan for 1,100 new dwellings. Therefore, in the absence of any comments from the Inspector relating to the principle of allocation of this site, it must be concluded that the site is considered to be sound in terms of its allocation. Therefore, significant weight can now be given to the residential allocation in the SAP in the decision making process.
- 10.15 The site assessment within the SAP concludes that the site would be well contained and the wider area currently contains several urbanising developments such as the Young Offenders Institute. As such, the development of the site would not be unduly detrimental to the character of the area. The site is situated adjacent to Wetherby which is the only major settlement within the HMCA. The site would have reasonable access to the town centre and local services. The site is considered to form the best option for expanding Wetherby town compared against reasonable alternatives.
- 10.16 Other sites have been allocated in the SAP in terms of bringing forward housing in this part of the housing market characteristic area, these include, amongst other sites at land at Sandbeck Lane, Wetherby, and the Mercure Hotel, Wetherby Road, Wetherby, as well as Church Street, Boston Spa, and Walton Road near Thorp Arch.

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

Prematurity

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

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

Education

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

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

Affordable Housing

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

Highways and Transportation

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

Accessibility

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

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

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

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

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

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

- 10.48 One of the main considerations has been the ability to provide improved access points into the site from York Road towards the south western corner of the allocation. It is recognised that this application does not include the full allocation as the site is separated into different land ownerships. As such, it is acknowledged that a vehicular access cannot yet be provided from the south eastern corner that connects directly with York Road. However, it is important that this application does not prejudice the ability for this to happen in the long term, although it may have to serve a limited quantum of development, rather than facilitating vehicular access to the entire allocation. Consequently, the applicant has submitted a scheme which upgrades the existing vehicular access known as Carr Lane which currently serves a limited number of residential properties. This will make improvements to the existing bridleway and footpath and will provide appropriate and improved facilities for pedestrians and cyclists to obtain easier and short access routes to Wetherby town centre, rather than having to use Racecourse Approach and a longer section of York Road. This involves some land within the ownership of Highways England who currently own land which previously provided access to a maintenance site at a point in time when the A1(M) motorway was being upgraded. Discussions have taken place with Highways England who have indicated that they do not object to the improvements to Carr Lane on their land. It is therefore important that this is delivered at the appropriate time, dependent on the phasing plan, to allow easier and safer access for pedestrians and cyclists. This would be secured through a planning obligation.
- 10.49 Furthermore, the developer will be required to provide and make contributions towards a number of mitigations measures. These are:
- Contribution of £61,700 towards Harrogate Road corridor cumulative impact;
 - Contribution of £55,000 towards Racecourse Approach 40mph speed limit;
 - Contribution of £41,000 toward Bus Shelters and Displays;
 - Sustainable Travel Fund - £396,000 (based on 800 dwellings);
 - £30,000 for mitigation measures if residential model split targets are not met;
 - Contribution towards Public Rights of Way of £283,249 towards enhancement of Bridleway No. 7 and Footpath No. 8 Wetherby;
 - Residential Travel Plan and Monitoring Fee of £6,000; and
 - School Travel Plan and Monitoring Fee of £2,500.
- 10.50 In summary, the highways aspects of the proposed development have been addressed, while the required mitigation measures that are required would be secured through the obligations identified.

Drainage & Flood Risk

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

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

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

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

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

Design & Layout

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

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

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

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

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

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

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

Landscape Impact

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

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

Ecology

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

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

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

Impact on Living Conditions

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

Loss of Best and Most Versatile Agricultural Land

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

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

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

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

Land Contamination

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

Environmental Impacts

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

Planning Obligations and CIL

- 10.88 The heads of terms for the S106 agreement would be as follows:
- Provision of 35% affordable housing on site (280 dwellings);
 - Primary Education Contribution of £2.7 million (phased payments to be agreed) and Transfer of Land for Primary School with an access road before occupation of 200th dwelling;
 - Provision of shuttle bus fully funded for 10 years (£150,000 pa);
 - Contribution of £61,700 towards Harrogate Road corridor cumulative impact;
 - Contribution of £55,000 towards Racecourse Approach 40mph speed limit;
 - Contribution of £41,000 toward Bus Shelters and Displays;
 - Contribution of £7,000 towards a TRO for York Road parking;
 - Sustainable Travel Fund - £396,000 (based on 800 dwellings);
 - £30,000 for mitigation measures if residential model split targets are not met;
 - Completion of access road up to adjoining development sites;
 - Marketing strategy of retail unit prior to occupation of 400th dwelling and operationally available by occupation of 500th dwelling;
 - Residential Travel Plan and Monitoring Fee of £6,000;
 - School Travel Plan and Monitoring Fee of £2,500;
 - Maintenance of Greenspace and SuDS;
 - Contribution towards Public Rights of Way of £283,249 towards enhancement of Bridleway No. 7 and Footpath No. 8 Wetherby;
 - Contribution of £16,000 towards other public footpath and bridleway enhancements; and
 - Employment and Training.
- 10.89 From 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is all of the following:

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

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

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

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

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

Sustainability

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

Planning Balance

- 10.99 Paragraph 11 of the NPPF notes the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or specific policies in the Framework indicate development should be restricted.
- 10.100 It is considered that the potential adverse impacts of the proposed development comprise:
- i) There is conflict with saved UDPR Policy RL1 in that the proposal will result in significant development within the open countryside. However, given that part of this policy is out of date and the SAP now proposes to allocate the site for housing, this carries limited weight in the decision making process.
 - ii) The proposed development would result in the loss of agricultural land. The scale of the loss would be limited to the size of the application site, approximately 15ha of which would be grade 3a and hence is below the scale of 20ha which DEFRA consider significant. The loss of this agricultural land is not therefore significant in the opinion of officers, particularly taking into account the conclusions reached by the Inspector when dealing with the Tingley PAS appeal. It is considered that the harm ascribed to this issue is limited.
 - iii) The proposed development does not meet all of the accessibility requirements set out within Core Strategy Policy T2. The site is not within appropriate walking distances of services and facilities and bus routes. Residents of the development site would also have use of the private car which may have limited harm to the environmental dimension of sustainable development. However, the site is located adjacent to a Major settlement and the developer proposes to fund a shuttle bus to Wetherby town centre with a 20 minute frequency. Furthermore, pedestrian and cycling opportunities will also be enhanced, allowing trips across the bridge, and towards the town centre and other schools. It is therefore considered that the harm ascribed to this issue is limited.
- 10.101 The material issues that weigh in favour of the proposed development are:
- i) The proposals can deliver up to 800 dwellings, with a significant proportion being capable of being built out and occupied within the short term and hence this site would make a valuable contribution to the 5 year land supply. It is considered that significant weight should be ascribed to this issue.
 - ii) The scheme would also deliver 280 affordable homes, although that would be a normal planning requirement for any development site in this area. Nevertheless, the provision of affordable homes carries moderate weight
 - iii) The proposed CIL contribution that would be delivered through the proposed development would be of some benefit to the local community. However,

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

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

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

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

Consideration of Objections

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

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

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

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

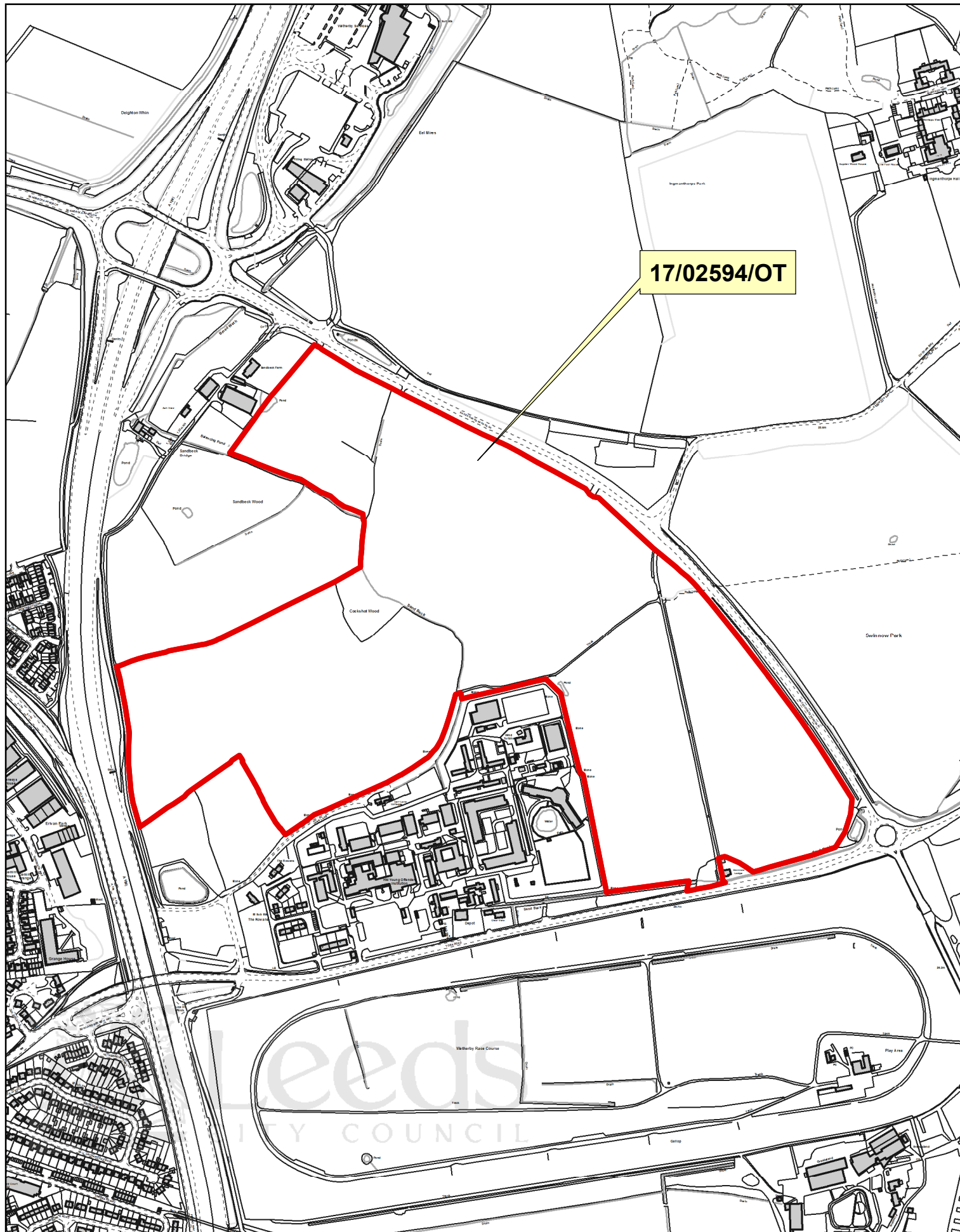
11.0 CONCLUSION:

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

Background Papers:

Application file 17/02594/OT

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



CITY PLANS PANEL

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SCALE : 1/7000





12 / ILLUSTRATIVE MASTERPLAN - SCHEME A



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



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