

CITY PLANS PANEL

**Meeting to be held Remotely on
Thursday, 6th August, 2020 at 1.30 pm**

MEMBERSHIP**Councillors**

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

Note to observers of the meeting:

To remotely observe this meeting, please click on the link below. This will take you to Leeds City Council's YouTube channel, and the meeting can be viewed live from there.

<https://www.youtube.com/playlist?list=PLggQFjpTLqplgAcWdE9UNwAaDYRCjTMWS>

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 receive apologies for absence (if any)	
6			MINUTES OF THE PREVIOUS MEETING To consider and approve the minutes of the previous meeting held on 16th July 2020 (Copy to follow)	
7			MATTER ARISING FROM THE MINUTES To consider any matters arising from the minutes.	

Item No	Ward	Item Not Open		Page No
8	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 seeks outline planning consent 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)	7 - 80
9	Little London and Woodhouse		APPLICATION NO. 20/01965/FU - DEMOLITION OF EXISTING BUILDING AND ERECTION OF PART 4, PART 10 AND PART 32 STOREY STUDENT ACCOMMODATION BUILDING WITH COMMERCIAL UNIT (USE CLASS A1, A3 OR A4 OR D1), D1 UNIT AT UPPER GROUND LEVEL AND ASSOCIATED ACCESS; PARKING; ALTERATIONS TO PUBLIC REALM AND LANDSCAPING WORKS ON THE SITE OF 44 MERRION STREET, LEEDS, LS2 8LW To consider a report by the Chief Planning Officer which sets out details of an application which seeks the demolition of existing building and erection of part 4, part 10 and part 32 storey student accommodation building with commercial unit (Use Class A1, A3 or A4 or D1), D1 unit at upper ground level and associated access; parking; alterations to public realm and landscaping works on the site of 44 Merrion Street, Leeds, LS2 8LW (Report attached)	81 - 126

Item No	Ward	Item Not Open		Page No
10			DATE AND TIME OF NEXT MEETING To note that the next meeting will take place on Thursday, 3 rd September 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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Leeds
CITY COUNCIL

Originator: Adam Ward

Tel: 0113 378 8032

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 6th August 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 DEFER and DELEGATE approval to the Chief Planning Officer subject to the following conditions (and any relevant others deemed necessary) 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 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

INTRODUCTION:

1. The application was previously reported to Plans Panel on 16th July 2020 and was deferred due to further information that was brought to the attention of the Plans Panel which required further public consultation to be carried out. The Panel resolved that consultation be carried out and the application reported back to the next Plans Panel meeting on 6th August. Public consultation has been carried out on the additional information and the comments received to date have been summarised and considered in the report below. Any further representations will be reported verbally at the Panel meeting. Prior to this, 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). Whilst these were not fully set out within the previous report, it is worth noting that the following policies are 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. It is positive that the Wetherby Neighbourhood Plan can positively steer the following considerations at reserved matters stage:

- 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 and the proposal is in compliance with them. The proposal delivers the required 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. Conditions can be applied to ensure that in terms of the performance of the buildings can be linked to both current and future standards.
11. The proposal fits with the Wetherby Neighbourhood Plan and relevant policies will be considered at any subsequent reserved matters stage.

SAP

12. The SAP allocates this site for housing.
13. The Inspectors were clear that the allocated SAP sites are in sustainable locations. 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."

14. 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.
15. 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.

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 significant 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. Members requested that the site requirements relating to Highway Access be further considered, in particular the possible access point from York Road along Carr Lane. The SAP site requirements establishes the need to create access points onto York Road and Racecourse Approach. The SAP site requirements do not specify where exactly the access should be formed on York Road nor does it specify that this has to be vehicular access. Site accesses will be dictated by a number of factors including accessibility, highway safety and visual amenity. The possible access point 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 would need significant improvements in order to make it appropriate for vehicular movement to serve a reasonable quantum of residential development. Carr Lane is vested with the City Council with 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) and 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 to secure improvements to facilitate improved access for pedestrians and cyclists on the existing bridleway as part of the development in order to improve walking and cycle connectivity. Such works would be secured through a s278 Agreement and would satisfy the fourth Highway Access site requirement that requires a pedestrian and cycle link onto York Road in the South-west corner of the site to be provided. This is a positive feature of the development and ensures that there is safe and practical all year round active travel links to Wetherby Town Centre and its services from the residential development, achieving the Council's Best Plan priorities of Health and Wellbeing and Sustainable Infrastructure encouraging sustainable means of travel and reducing reliance on the private car. The application is proposed to be served by three vehicular access points off Racecourse Approach and this, alongside the improved cycle and pedestrian access along Carr Lane in the SW corner, is in compliance with the SAP highway access site requirements.

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 been refused 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 which includes a comprehensive approach and masterplan for the wider allocation. The agent acting on behalf of the third party landowner has confirmed that their client has not accepted the offer from the applicant to purchase the land and are indeed considering other offers from other developers. This indicates that develop may come forward at some point, but not as part of the current application. Notwithstanding this, the current application would still deliver significant improvements to Carr Lane and the bridleway which satisfies the site requirement to 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. Whilst the third party land might not come forward in the immediate future, the current application does not prejudice development of this part of the site and it can come forward in a future phase.
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 identifies sites in sustainable locations, 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 and more recently on 16th July, a number of additional representations have been submitted, some of which originate from residents who have previously made representations. Further consultation has also taken place following the resolution on 16th July and all those who made representations have been re-notified. Given the tight timescales in which the Panel decided to report this back to Panel, there will inevitably be a number of comments that will be received after the publication of this report and will be reported verbally at the Panel meeting. However, for completeness, and at the time of writing, since the meeting on 30th January, a further 44 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;
 - Site should comprise eco houses;
 - Proposals are a contravention of the SAP;

- Proposal is contrary to the Wetherby Neighbourhood Plan;
- 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;
- Illustrative plan is not a masterplan and is an artist impression;
- Access from Carr Lane onto York Road is dangerous;
- The SW corner was never suitable for a vehicular access;
- Access should be provided from York Road in the SW corner of the allocation;
- 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 should be carbon neutral;
- Site is adjacent to motorway and prevailing wind will carry high levels of pollution to new properties;
- Risk of groundwater flooding;
- 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 organisation;
- Applicant not engaged with the local community;
- Developer not yet initiated any discussions with local representatives in the form of a Consultative Forum;
- Covid-19 virus should logically place greater emphasis on pollution and climate emergency;
- Comments made on Panel report dated 16th July and the price offered for the land at Carr Lane which should be a necessary cost to the developer;
- Illustrative plan of SW corner offer nothing new;
- Access elsewhere on York Road should be provided;
- LCC should not be seen to subsidising Taylor Wimpey;
- Applicant have failed to respond positively to the requirements of the Plans Panel;
- Failure to deliver a new access point in the SW corner could jeopardise the viability of the new primary school;
- Illustrative plan of 3rd party land is provided without a supporting narrative from the applicant and also shows only 62 units;

- Concerns over officers consideration of the value of the 3rd party land;
- Plans Panel are not bound by the recommendations of officers;
- Decision to refuse permission for car wash on SAP land in SW corner might be viewed as a cynical mechanism to exert further pressure on the landowner to sell; and
- Limited weight should be attached to officers recommendations;

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 cycling 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. Other concerns relate to the application number quoted was incorrect, further consultation necessary, application is being rushed to Panel, application does not comply with the Wetherby Neighbourhood Plan, and issues relating to the financial assessment of the 3rd party land. In summary, more dialogue with the local community and developer is required.
34. **Wetherby Town Council:** Reiterates previous objections in respect of lack of consultation, access is not proposed from York Road but is being recommended for approval, the SAP states that the site should be brought forward as a whole, and the Wetherby Neighbourhood Plan has since been adopted and is contrary to that plan.
35. **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.
36. **Leeds Civic Trust:** The proposal is not SAP compliant and should be refused.

Consideration of Objections

37. 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.

38. 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.
39. Any further letters of representation received following the publication of this report will be reported verbally at the Panel meeting.

CONCLUSION

40. In accordance with the wishes of the Plans Panel the applicant has endeavored to secure third party land in the south-west corner. However, despite a reasonable offer to purchase the site from the third party landowner, the landowner does not accept the applicant's offer to purchase the land and is 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 part of the site. However, this does not diminish the ability of the scheme to come forward in compliance with the SAP site requirements and indeed focuses movement through the south west corner nearest to Wetherby on active and sustainable means of travel in accordance with the Best Council Plan objectives.
41. Officers further consider that 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 develop on other sites that maybe in the Green Belt.
42. 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 linkage to the school.
43. 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 Greenspace 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 a 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 in respect of traffic impact,

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

- 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 recommends 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 on-line and off-line open attenuation basins are proposed up to a depth of 1.5-2.0m. These will be sited adjacent to Sand Beck, but outside of Flood Zone 3. In addition to the footprint of the basin, there will be a requirement for the earthworks profile and maintenance margins associated with adopting company or authority requirements.

10.56 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.*

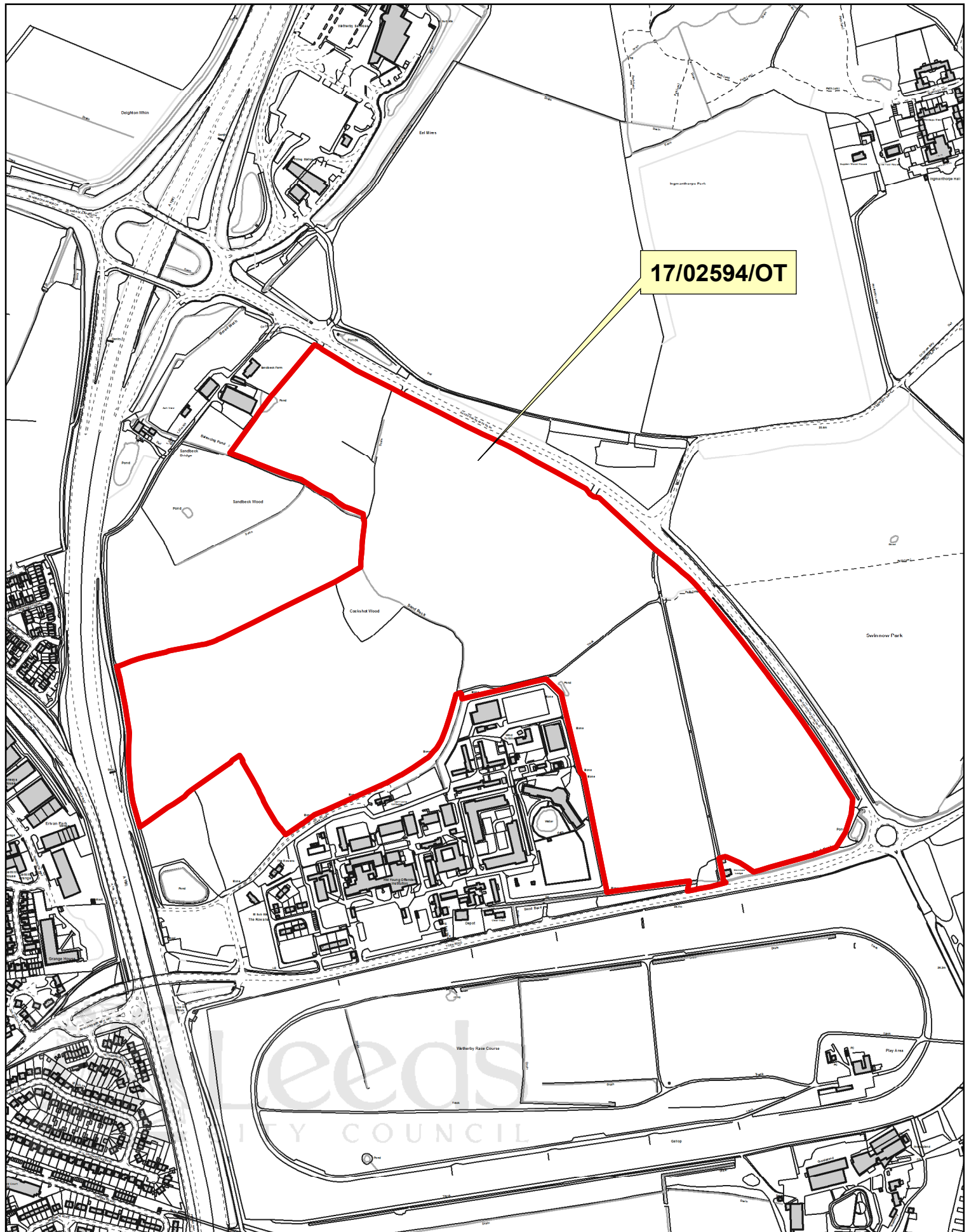
11.0 CONCLUSION:

- 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





Originator: Tim Hart

Tel: 3788034

Report of the Chief Planning Officer

CITY PLANS PANEL

6th AUGUST 2020

Demolition of existing building and erection of part 4, part 10 and part 32 storey student accommodation building with commercial unit (Use Class A1, A3 or A4 or D1), D1 unit at upper ground level and associated access; parking; alterations to public realm and landscaping works on the site of 44 Merrion Street, Leeds LS2 8LW (20/01965/FU)

Applicant – Merrion Street (Leeds) Ltd.

Date valid – 30.3.2020

Target date – 29.6.2020

Electoral Wards Affected:

Little London and Woodhouse

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions identified in Appendix 2 (and any others which he might consider appropriate) and also the completion of a Section 106 agreement to include the following obligations:

- Occupation of student accommodation solely by students in full-time higher education during recognised term-times
- Compliance with agreed Green Travel Plan measures and an indexed review fee of £4,609;
- Contribution of £400,000 (indexed) towards off-site highway and environmental improvements on Merrion Street;
- 24 hour public access through the site;
- Local employment and training initiatives;
- Section 106 management fee £2,250.

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

1.0 Introduction

- 1.1 The Santander offices at 44 Merrion Street, Leeds 2 were vacated during 2019. City Plans Panel received a pre-application presentation of the emerging redevelopment proposals on 20th February 2020, commenting that the mass and form of the development and its relationship with the surrounding context was acceptable and that the proposed use of the site for student accommodation was acceptable in principle.
- 1.2 Since the Plans Panel meeting the scheme has been refined and matured in response to Members' and other stakeholder's comments. Planning permission is now sought for the demolition of the existing building and the construction of a multi-storey student residential-led development comprising a 4 to 10 storey street building with a tower element rising up to 32 storeys containing a total of 660 student bedspaces.
- 1.3 The architects, SimpsonHaugh, are responsible for a number of award-winning projects around the country including several tall buildings and student developments. Reform, the landscape architects, are involved in the design and delivery of a number of public realm schemes throughout the City Centre.

2.0 Site and surroundings

- 2.1 The existing 3-4 storey former office building is L-shaped with its principal elevation fronting Merrion Street. A rear projection extends towards the new Symons House student accommodation building to the north. A parking courtyard is situated between the two, serving the offices and also providing access for vehicles to service Symons House. Fairfax House, an eight storey office building fronting Wade Lane, is arranged on a perpendicular axis to 44 Merrion Street and Symons House, effectively enclosing the western end of the parking court beyond a pedestrian route which steps up from Merrion Street to Belgrave Street. There is a level pedestrian route between these two roads at the eastern edge of the application site. Trees alongside both footpaths help to soften but also reduce visibility through the spaces.
- 2.2 The Grand Quarter Conservation Area is located adjacent to the south and eastern boundaries of the site extending down New Briggate towards The Headrow and northwards as far as Belgrave Hall on Belgrave Street. Ground levels fall from the site to the south and east towards the City Centre core and the City Centre conservation area beyond. St John's Church and the surrounding greenspace forms the western third of the Grand Quarter Conservation Area. St John's Church and churchyard, located south of Merrion Gardens, is the oldest surviving church in the City Centre and is a Grade I listed building. The conservation area also includes the Grand Theatre (Grade II*); Grand Arcade (Grade II); and 51C New Briggate (previously Nash's fish restaurant), a Grade II listed house dating from the early 18th Century. The built environment of the conservation area is typically dominated by relatively low buildings with a high level of architectural detail. 26-34 Merrion Street, meanwhile, is a plain two storey terraced property located to the east side of the site, stepping down Merrion Street to the three-storey Wrens public house located at the junction with New Briggate.

- 2.3 Buildings at higher ground levels to the north of the site are noticeably much larger in scale than 44 Merrion Street and those in the conservation area. These include Symons House, a part 9, part 23, storey building; St Alban's Place, rising to 18 storeys north of Belgrave Street; and the emerging buildings situated on the northern side of Merrion Way including Altus House, a 37 storey building on the former site of Hume House.
- 2.4 Merrion Street presently comprises a two lane carriageway, together with a long lay-by presently used for taxi parking and bus standing. It forms part of the City Centre Loop and, under normal conditions, is a busy road at peak hours. Merrion Place to the east is a narrow road linking Cross Belgrave Street and Belgrave Street and provides access to the parking / servicing court.
- 2.5 Buildings to the south and east of the site, including the Grand Theatre, Belgrave Music Hall, Parkside Tavern, The Wrens and other bars located around the Grand Arcade and Cross Belgrave Street are predominantly in leisure uses. Fairfax House remains primarily in office use whilst there is a mix of residential apartments and student accommodation located on and to the north of Belgrave Street. The Merrion Centre to the north-west contains a wide mix of uses whilst St John's Centre to the south west primarily comprises retail space and office accommodation. Consequently, what was for many years an office-focused area, is now very much more of a mixed use area.

3.0 Proposals

- 3.1 It is intended to demolish the existing building and to construct a new building extending across approximately three-quarters of the site area. The building would encompass three principal elements: a street building fronting Merrion Way; a service wing with rooftop greenspace extending to the rear of the street building; and the tower.
- 3.2 Street building
- 3.2.1 The street building would comprise a ten storey element situated close to the western edge of the site, approximately 9 metres from Fairfax House and a similar height to that building. The main top 5 storeys of that section of the building would be canted back from the building line below. Moving eastwards down Merrion Street, the street building would step down to 5 storeys in height. The double height glazed ground floor frontage would contain retail space at the western corner and a student café/amenity space on the eastern corner. Towards the centre, the focus of the ground floor is a pedestrian arcade running directly from Merrion Street through to the concourse to the north of the building. In addition to being a route through the building, the space would provide access to reception areas and stair and lift cores to accommodation above and also to a lift providing access to the greenspace to the rear. The entrance to the arcade from Merrion Street would be triple height with a centrally located lantern section extending vertically through this part of the street building and terminated by glazing within the Level 4 roof terrace.
- 3.2.2 The double height frontage would sit behind a series of profiled glazed ceramic columns with ceramic fins suspended at mezzanine level between them. The fins would increase in intensity above the arcade entrance. The ceramics would utilise colours directly relating to the architectural faience along New Briggate.

- 3.2.3 The façade of the upper levels of the street building would primarily be clad in red brick slips. The window openings would be vertically staggered, repeating every alternate floor. The deep window reveals would incorporate coloured ceramic reveals positioned on the right side to the west of the arcade entrance and to the left side to the right, leading the eye towards the centre. Two thirds of the full height windows would be clear vision panels whereas the remaining third, sitting behind perforated powder-coated metal panel would be openable for natural ventilation. This treatment would be replicated for the canted section of the street building located between levels 5 and 8. The western elevation, facing Fairfax House, would have blank windows. The uppermost level of this part of the building, level 9, would be set further back from the street frontage and faced in a curtain-wall glazing system.
- 3.2.4 As noted, level 0 would contain a small retail space, access to the separate building cores and student amenity space. Bike and bin storage areas would also be provided at this level, located towards the eastern edge of the building. At mezzanine level a community/arts centre is proposed with level access from the amenity space to the northwest. Student amenity space and plant is proposed at this level to the east of the arcade. Student bedrooms commence at level 1. The western half of the footprint of the street building is identified for post-graduate students, comprising 87 studio rooms (24-33m²), typically with a shared living space or amenity located towards the centre of the plan. The eastern half of the street building is intended for undergraduates. There would be 15 studios (21-35m²) on each floor which would also have a study room, multimedia room or laundrette provided.
- 3.3 Service wing
- 3.3.1 The northwest corner of street building at level 0 projects and widens out towards Symons House. This wing of the building would contain plant, such as water storage areas, a substation, a communications room, and bin stores. There would be a 2.5m gap between the building and Symons House which, in common with the proposals, incorporates plans and servicing facilities at this level.
- 3.3.2 A roof garden is proposed above the service wing accessed directly from the footpath running between the development and Fairfax House. Approximately half the roof garden would be paved providing access into the community/arts centre and a route through to the lift down to the arcade or steps down to the rear courtyard.
- 3.4 Tower
- 3.4.1 The proposed tower would be located above the eastern end of the street building, separated from the lower levels by a tall, single storey recessed level. Unlike the street building, which would follow and reinforce the Merrion Street building line, the tower would be slightly rotated, sitting back a little from the Merrion Street frontage to align with Symons House 15 metres to the north. The tower would be symmetrical in plan about its north-south axis. Each of the elevations would have a centrally positioned crease, indenting the facets of the façade set back 1.2-1.5 metres from the outer corners. The corners, themselves, would be inverted such that the plan form would resemble a form of Maltese Cross.
- 3.4.2 The highest level of accommodation would be at level 31. The roof level (98.6 metres above ground level) would be concealed by an extended façade terminating 2 metres above the roof so as to screen window-cleaning equipment and plant.

- 3.4.3 The tower would have a largely glazed, flush, surface albeit the panels which make up the elevations would vary in nature. A coordinated system of clear, double-glazed panels, fritted double-glazed panels, perforated metal screens and insulated panels faced with back-painted glass would be used to correspond with internal functions as well as to present a vertical grain to the facades. The inverted corners of the tower would be entirely opaque. Each of the panel widths would be equal and, spanning the full height of each storey, would be slender in proportion. The dimensions of the jointing would also be minimised to reinforce the purity of the façade.
- 3.4.4 The glazed panels would be arranged in an off-set pattern alternating on each of the eleven lowest levels of the tower, every two floors for the next ten levels, and subsequently every three floors up to the top of the building. The panel colours are intended to emphasise the sky tones that would be reflected on the facades of the tower. A palette of blues and greys are proposed for the back-painted panels, and the glazing would be treated with a coating to create a unified surface appearance between the vision and colour-treated panels. The soffit to the tower would have a reflective metal finish, intended to help lighten the space beneath the cantilever and to provide visual interest when viewed from the street level.
- 3.4.5 Linear lighting fixtures are proposed in the inverted corners of the tower, using a cool white light directed inwards to wash the facades with a gentle glow of light while creating multiple reflections. Discrete uplighters would be used on the street building to light one side of the window reveal with a warmer white light. Feature lighting may be introduced into the arcade, whilst the glazed skylight presents the opportunity to create an infinity mirror.
- 3.4.6 Commencing at level 5, levels 5-25 of the tower would have a recurring internal floorplan. The central lift and stair core would provide access to a four cluster flats, each comprising five ensuite bedrooms (12.8-15.5m²) and a 15.2m² kitchen/dining room. The kitchen/dining rooms would provide access to living rooms (18.4m²) shared between two clusters. Levels 26-31 would be studios, 18 per floor. The studio rooms would vary in size between 20-26m². Consequently, in total the development would comprise 240 studio rooms and 420 bedrooms in cluster flats.
- 3.5 Public realm and servicing
- 3.5.1 A courtyard to the rear of the building, accessible by vehicles from Merrion Place, would be used for servicing the development and also Symons House. The space would also be laid out to also accommodate two disabled person parking spaces. Three wind baffles would be installed close to Symons House. Given direct linkages with the arcade and the roof terrace it is also intended that the space is used as a pedestrian route.
- 3.5.2 The rooftop terrace would contain areas of herbaceous planting with seating around the edges. Several trees (potentially *Alnus glutinosa* 'Laciniata', *Acer griseum*, *Betula pendula* or *Prunus x subhirtella* 'Autumnalis') are proposed in the soft landscape in this space. Climbing plants either side of the steps down from the rooftop terrace to the courtyard would form a green wall.
- 3.5.3 It is intended to retain 1 existing tree to the south-west of the building and two to the south-east. Three new trees are proposed in the courtyard immediately to the north of the tower. Two trees are proposed in the footway between the development and Fairfax House and three multi-stem trees are proposed in planters which would step up alongside the existing steps on this route.

4.0 Relevant planning history

- 4.1 The current scheme was the subject of a pre-application presentation to City Plans Panel on 20th February 2020 following a site visit by Members earlier that day (PREAPP/19/00563). A full copy of the minutes of that meeting is attached as Appendix 1.
- 4.2 Following submission of the current application the primary changes have been to the appearance of the street building to create a stronger relationship with buildings in the Grand Quarter and to the footprint of the tower so as to reduce its apparent mass.
- 4.3 The existing office building was constructed following the grant of planning permission in 1979 (H20/399/79/).
- 4.4 Planning permission for the demolition of the buildings to the east, 26-34 Merrion Street, and the construction of a five storey part commercial, part residential, building was granted on 14th May 2019 (19/00861FU). This followed planning permission for its redevelopment with a four storey building (18/00407/FU); and an earlier planning permission for addition of two floors to the existing building (17/03112/FU).
- 4.5 Prior approval for the conversion of the majority of Fairfax House into 147, 154 or 169 residential apartments was granted in June 2020 (20/00791/DPD, 20/00792/DPD and 20/00794/DPD).
- 4.6 Planning permission for several tall buildings containing purpose built student accommodation to the north of the site has been granted during recent years:
- Symons House, Belgrave Street - part 9, part 23 storeys (17/06605/FU)
 - St Alban's Place, Belgrave Street – part 7, part 11, part 18 storey (16/07741/FU)
 - Hume House, Wade Lane - 37 storeys (18/01819/FU).
 - White Rose View, Merrion Way - one 17 and one 27 storey building (18/05738/FU)

There is also a current application for the redevelopment of Commerce House, Wade Lane for a part 8, part 18 storey student accommodation building (20/02803/FU)

- 4.7 Planning permission for a 17 storey office building 50 metres to the west of Wade Lane in the Merrion Centre was approved in July 2019 (18/07799/FU).

5.0 Public / local response

- 5.1 Site notices advertising the application were erected on 29th May 2020 and the application was advertised in the Yorkshire Evening Post on 5th June 2020.
- 5.2 5 letters of support have been received commenting that:
- The proposed architecture would enhance the streetscape and the Leeds' skyline helping to advance the city's image and character
 - The glass tower is visually appealing

- The height of the building would fit in well with the developing cluster of tall buildings in the area
- The building would be highly sustainable
- There is a need for student accommodation in the city
- Relocation of the student population out of residential suburbs to purpose built accommodation closer to the universities would free up family housing and help to re-balance the demographics in areas such as Hyde Park and Headingley
- Locating students closer to the universities would reduce the demand for transport in the city
- The development would bring jobs and investment into the city and additional students would enhance the economy and environment

5.3 4 letters of objection have been received. The planning concerns raised are that the development would:

- produce a building overbearing in its scale in close proximity to the Grade I listed church of St John and the quiet open space of the churchyard. In addition, the development would have a detrimental impact on the Grand Quarter Conservation Area.
- not be an appropriate location for a tower.
- not provide affordable and social housing in the City Centre
- result in anti-social behaviour and crime
- deter companies from investing in the city
- affect the operation of a neighbouring building which has a rooftop events' terrace through overshadowing and potentially by generating noise complaints regarding the existing use

5.4 Leeds Civic Trust (LCT) also consider that the new tower would be unacceptably dominant, overbearing and intrusive and that would seriously impact upon the setting of the Grade I listed Church of St John and the Grand Quarter Conservation Area, noting that tall buildings recently completed or under development step down in height towards the more sensitive areas and lower scale of the city centre. LCT comment that the tower would also be contrary to the Tall Buildings SPD

6.0 Consultation responses

6.1 Statutory

6.1.1 LCC Highways – a new, easy to define highway boundary should be agreed. Paving between private and public areas should be seamless in material and level, but a continuous delineation strip will be required. The servicing arrangements, using Merrion Place are acceptable although it is not clear from the plans how the retail unit on the Merrion Street frontage can receive deliveries. The development needs to further improve pedestrian and cycle routes if these are to be the predominant modes of travel to and from the site.

Construction works will be very damaging to the footways along Merrion Street and Merrion Place, reconstruction of these sections of footway will be required as a minimum following completion of the construction works and will need to be conditioned. There is an opportunity to improve the connectivity between Merrion Gardens and St Albans Place along Merrion Place and tie this in with the courtyard of the development and it would be beneficial to improve the surface treatment of Merrion Place itself. This will need the poster drum on Merrion Street to be

relocated. A contribution of £400,000 to the cycling scheme for Merrion Street which the Council is currently developing is considered appropriate.

The use of bollards in the highway as hostile vehicle mitigation is not supported as it would compromise the Highway Authority's flexibility to manage the highway. Any mitigation should be within the development site or encompassed in the building design. A wind assessment has been prepared to show that with mitigation there will not be any safety exceedances on the highway. The development is unlikely to have a negative impact on road safety.

Details of cycling facilities; provision for constructors; highway condition survey and off-site highway repair works should be required by condition. The section 106 agreement should include the travel plan; a contribution of £400,000 to improvement works on Merrion Street; and off-site highway works on Merrion Place.

- 6.1.2 Historic England (HE) – HE welcomes the approach to tall buildings set out within the Tall Buildings SPD and note that the tall buildings recently completed or currently under development in this area generally respond to the topography of the area and step down in height towards the more sensitive areas and lower-scale development of the city centre. HE does not object to the demolition of the existing building.

HE state that the proposals for a 32-storey tower on this site would impact upon the setting of the Grade I listed Church of St John and the recently designated Grand Quarter Conservation Area, as well as a number of other heritage assets across the city. HE has serious concerns about the principle of locating a tall building of this scale on this site which would result in a taller and more bulky structure being brought closer in to the fine grain and domestic scale of the Grand Quarter Conservation Area and setting of the Church of St John which would be intrusive. HE state that the proposals are contrary to the council's SPD and consider the tower would be harmful to surrounding heritage assets, particularly the Grand Quarter Conservation Area.

Considering the great weight which is afforded to the conservation of heritage assets (NPPF paragraph 193) and the weight which can be attached to the policies in the Tall Buildings SPD, HE cannot support this application. HE recommend permission is not granted unless the Council considers there is a "clear and convincing justification" for the harm the proposals would cause (NPPF paragraph 194) and for departing from the Council's planning policies.

- 6.1.3 Coal Authority (CA) - the application site falls within the defined Development High Risk Area. The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth. CA has no objection subject to conditions regarding intrusive site investigation and land stabilisation.

6.2 **Non-statutory**

- 6.2.1 LCC Flood Risk Management (FRM) – the proposed development is located in Flood Zone 1 and therefore at low risk of fluvial flooding. Records show that the risk of groundwater flooding is also negligible and there have been no known flooding incidents at the site. Conditions are recommended to control details of a foul drainage scheme, details of a sustainable urban drainage scheme, provision of a method statement for interim and temporary drainage measures during the demolition and construction phases, and details of maintenance arrangements for non-adopted drainage features.

- 6.2.2 LCC Conservation – there is no disguising that the new tower is much taller than St John’s Church but this is considered to be a positive intervention into the setting of the listed building in the views where the two towers are seen together with the new tower being an enhancement or amplification of the qualities of the church which would be foregrounded against the emerging background of tall buildings to the north. The enhancement of the setting of St John’s would also be an enhancement of the Conservation Area. The opportunity for counterpoint is a “one-off” and could not be repeated elsewhere along Merrion Street.

The folds of the tower have been gently increased in incline which will enhance shadowing and its verticality in long views. There has been a further development of the podium to make it more of a contextual “street” building which references existing buildings in the Grand Quarter Conservation Area such as the Grand Arcade. The walling material has been changed to red brick with sloping reveals to the windows to increase solidity and there has been an introduction of coloured ceramic cladding. These “moves” need further development to provide movement and hierarchy across the façade with a focus on the main entrance.

- 6.2.3 LCC Contaminated Land Team - the Phase 1 Desk Study report is acceptable. Conditions are recommended regarding the need for a Phase 2 site investigation. Depending on the investigation a Remediation Statement and Verification Statement may also be required. Conditions are recommended to secure the site investigation, and any subsequent remediation and verification statements.
- 6.2.4 LCC Environmental Health (EH) – note that there is potential for noise and odour from existing and future commercial sources in the area impacting upon residents. Given the considerable differences in the character of music and road traffic the identified glazing specification may not provide sufficient mitigation against low frequency elements typified by entertainment noise. There are no objections to the application subject to conditions regarding details of a sound insulation scheme designed to protect residents from commercial noise including music; a post completion sound test; limits on the construction hours; provision of a statement of construction practice; lighting details; delivery and waste collection hours; and details of any extract ventilation system.
- 6.2.5 LCC Environmental Studies (noise) - The Noise Impact Assessment prepared by Ramboll UK Ltd details noise measurements and noise modelling conducted around the site of the proposal, together with mitigation features required to reduce the impact of road traffic noise and so meet acceptable internal noise standards. We agree with the methodology, findings and recommendations contained within the Assessment, and conclude that the suggested noise insulation strategy should create an acceptable noise climate within the development.
- 6.2.6 LCC Environmental Studies (air quality) - no objection to the proposal on the grounds of local air quality from road transport sources. The air quality assessment submitted indicates that air quality standards will not be exceeded either at the application site or elsewhere as a result of the development.

The demolition and construction associated with the development has the potential for dust emissions. However, the air quality assessment concludes there is a low to negligible risk of health impacts from increases in particulate matter concentrations. Therefore, we have no significant concerns for dust during the construction, subject to assessment and mitigation in accordance with the Institute of Air Quality Management planning guidance as proposed in the submitted air quality report.

- 6.2.7 LCC Waste Management – as a private contractor will undertake collections there are no comments to make.
- 6.2.8 LCC Access – it is pleasing to see that the doors have now been changed to automatic opening doors which offer inclusive access to the atrium and the accommodation. The external / public realm design should be developed to meet BS8300-1:2018, providing accessible seating, contrasted nosings and handrails to steps. Manifestation will be required to the large areas of glazing and the colour and pattern of this will require careful consideration as it must contrast against the background against which it is seen in all lighting conditions. As the scheme involves a route through the scheme from adjoining streets wayfinding and signage will also need to be considered and made accessible in its format and design. The Good Sign design guide is the recommended standard.
- 6.2.9 LCC Landscape - Depending upon confirmation from the tree survey, tree T7 a visually important Acer located near to the south-west corner of the existing building, should be kept and protected. Trees along Merrion Street would be beneficial to the setting of the building and to mitigate removals elsewhere.
- 6.2.10 LCC Nature Conservation – providing conditions are attached to control tree removal during the bird breeding season, and to provide integral bat roosting and bird nesting features in the development, there are no significant nature conservation concerns.
- 6.2.11 LCC Influencing Travel Behaviour – the travel plan should be included in the section 106 agreement along with an indexed travel plan review fee of £4,609.
- 6.2.12 West Yorkshire Archaeology Advisory Service - The site is outside the historic core and has been heavily developed and re-developed since the 18th century and, as such, there is not much scope for archaeology remaining.
- 6.2.13 Yorkshire Water – if planning permission is granted conditions to provide separate systems of drainage and to confirm suitable surface water drainage is provided are recommended.
- 6.2.14 West Yorkshire Police – physical security measures should seek to achieve the Secured by Design accreditation. A security plan, detailing security measures is recommended. Areas likely to attract rough sleepers should be designed to avoid this potential. Natural surveillance around the site should be maximised. Good quality external lighting to BS5489-2:2016 would be essential. Monitored CCTV to BS EN 50132-7: 2012+A1:2013 is recommended. Bin and cycle stores should be behind locked access control points. Window frames should be securely fixed and laminated glazing utilised.

7.0 Policy

7.1 Development Plan

- 7.1.1 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. For the purposes of decision making for this proposal within the City Centre boundary, the Development Plan for Leeds currently comprises the following documents:

- The Leeds Core Strategy 2014 (as amended by the Core Strategy Selective Review 2019)
- Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
- The Natural Resources & Waste Local Plan (NRWLP), Adopted January 2013 including revised policies Minerals 13 and 14 (Adopted September 2015)
- Site Allocations Plan (Adopted July 2019)

7.2 **Leeds Core Strategy (as amended)(CS)**

7.2.1 The CS sets out the strategic level policies and vision to guide the delivery of development and the overall future of the district. Relevant CS policies include:

- Spatial Policy 1 prioritises the redevelopment of previously developed land in a way that respects and enhances the local character and identity of places and neighbourhoods.
- Spatial Policy 3 seeks to maintain and enhance the role of the City Centre as an economic driver for the District and City Region.
- Spatial Policy 8 supports training/skills and job creation initiatives via planning agreements.
- Spatial Policy 11 includes a priority related to improved facilities for pedestrians to promote safety and accessibility and provision for people with impaired mobility.
- Policy CC1 outlines the planned growth within the City Centre. Part B encourages residential development, providing that it does not prejudice town centre functions and provides a reasonable level of amenity for occupiers.
- Policy CC3 states new development will need to provide and improve walking and cycling routes connecting the City Centre with adjoining neighbourhoods, and improve connections within the City Centre.
- Policy H2 refers to new housing development on non-designated sites.
- Policy H3 refers to housing density requirements.
- Policy H6B refers to proposals for purpose built student accommodation. Development will be controlled to take the pressure off the need to use private housing; to avoid the loss of existing housing suitable for families; to avoid excessive concentrations of student accommodation; to avoid locations that would lead to detrimental impacts on residential amenity; and to provide satisfactory living accommodation for the students.
- Paragraph 5.2.46 of the supporting text to policy H9 states that “Provision of reasonable space standards is still important for student accommodation, and this will need to be judged on a case by case basis, and via the application of any national standards that might be created in the future”.
- Policy EC3 safeguards existing employment land, stating that the loss of an existing Class B use in an area of employment shortfall will only be permitted where the loss of the premises can be offset sufficiently by the availability of existing general employment land and premises in the surrounding area.
- Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and that development protects and enhance the district’s historic assets in particular, historically and locally important buildings, skylines and views.
- Policy P11 states that the historic environment and its settings will be conserved, particularly those elements which help to give Leeds its distinct identity.
- Policy P12 states that landscapes, including their historical and cultural significance, will be conserved and enhanced.
- Policies T1 and T2 identify transport management and accessibility requirements to ensure new development is adequately served by highways and public

transport, and with safe and secure access for pedestrians, cyclists and people with impaired mobility.

- Policy G6 protects existing open space and pedestrian corridors in the City Centre.
- Policy G9 states that development will need to demonstrate biodiversity improvements.
- Policies EN1 and EN2 set targets for CO² reduction and sustainable design and construction, and at least 10% low or zero carbon energy production on-site.
- Policy EN4 states that where technically viable major developments should connect to district heating networks.
- Policy EN5 identifies requirements to manage flood risk.
- Policy ID2 outlines the Council's approach to planning obligations and developer contributions.

7.3 Saved Unitary Development Plan Review policies (UDPR)

7.3.1 Relevant Saved Policies include:

- Policy GP5 states that all relevant planning considerations are to be resolved.
- Policy BD2 requires that new buildings complement and enhance existing skylines, vistas and landmarks.
- Policy BD4 relates to provision for all mechanical plant on and servicing of new developments.
- Policy BD5 requires new buildings to consider both amenity for their own occupants and that of their surroundings including usable space, privacy and satisfactory daylight and sunlight.
- Policy LD1 sets out criteria for landscape schemes.
- Policy N19 requires new buildings adjacent to conservation areas to preserve or enhance the character or appearance of the relevant areas.

7.4 Natural Resources & Waste Local Plan (NRWLP)

7.4.1 The NRWLP sets out where land is needed to enable the City to manage resources, like trees, minerals, waste and water and identifies specific actions which will help use the natural resources in a more efficient way.

7.4.2 Relevant policies include:

- Air 1 states that all applications for major development will be required to incorporate low emission measures to ensure that the overall impact of proposals on air quality is mitigated.
- Water 1 requires water efficiency, including incorporation of sustainable drainage
- Water 4 requires the consideration of flood risk issues
- Water 6 requires flood risk assessments.
- Water 7 requires development not to increase surface water run-off and to introduce SUDS where feasible.
- Land 1 requires consideration of land contamination issues.
- Land 2 requires that development conserves trees where possible.

7.5 Site Allocations Plan (SAP)

The site is not specifically identified in the SAP. St John's Churchyard and the Garden of Rest is identified as protected Green Space.

Other material considerations

7.6 National Planning Policy Framework (NPPF)

- 7.6.1 The revised National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) replaces previous planning policy guidance and statements in outlining the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the NPPF is a presumption in favour of Sustainable Development set out in three parts: Economic, Social and Environmental. Relevant paragraphs of the NPPF are outlined below.
- 7.6.2 Paragraph 108 states that appropriate opportunities to promote sustainable transport modes should be taken up; safe and suitable access provided for all users; and any significant impacts on the highway mitigated. 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.
- 7.6.3 Chapter 12 identifies the importance of well-designed places and the need for a consistent and high quality standard of design. Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. 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.
- 7.6.4 Chapter 14 identifies the approach to meeting the climate change challenge. New development should avoid increased vulnerability to the range of impacts arising from climate change and should be planned so as to help reduce greenhouse gas emissions, such as through its location, orientation and design (paragraph 150).
- 7.6.5 Chapter 15 identifies guidelines for conserving and enhancing the natural environment. Paragraph 170 states that new and existing development should not be put at unacceptable risk or be adversely affected by unacceptable levels of soil, air, water or noise pollution. Development should, wherever possible, help to improve local environmental conditions.

7.6.6 Chapter 16 refers to the historic environment. Paragraph 192 states that local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be).” Paragraph 196 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.”

7.7 **Supplementary planning guidance**

- Accessible Leeds SPD
- Travel Plans SPD
- Tall Buildings SPD
- Building for Tomorrow Today: Sustainable Design and Construction SPD
- Neighbourhoods for Living SPG
- Parking SPD
- City Centre Urban Design Strategy SPD

7.7.1 The Grand Quarter Conservation Appraisal and Management Plan (2017) states that new development should respond sensitively and creatively to the historic environment; ensure that public realm and traffic management measures respect and enhance the special character of the conservation area; protect the important contribution that trees make to the special character of the conservation area; ensure the historic environment plays a positive role in addressing climate change; promote and celebrate the special architectural and historic interest of the conservation area; and ensure that the setting of the conservation area is considered.

7.7.2 Whereas the Council has consulted on an update to the Tall Buildings SPD further pre-adoption consultation on amendments to the draft SPD are likely later in the year. Consequently, the draft SPD presently carries very little weight.

8.0 **Main issues**

- Principle of the development
- Amenity
- Townscape, heritage and design
- Transportation public realm
- Accessibility
- Wind
- Climate Change and Sustainability
- Planning Obligations and CIL

9.0 Appraisal

9.1 Principle of the development

- 9.1.1 The site is located within the designated City Centre. CS Policy CC1(b) encourages residential development in City Centre locations providing that the development does not prejudice the functions of the City Centre and that it provides a reasonable level of amenity for occupiers. Policy H2 of the CS states that windfall sites will be acceptable in principle providing the number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development.
- 9.1.2 Policy H6B relates specifically to the provision of student housing. It has been established that there are approximately 38,000 university students in the city presently without access to purpose-built student accommodation whilst the universities are increasingly reliant upon private sector accommodation. This would suggest that additional provision of purpose-built student accommodation is unlikely to result in an over-supply of such accommodation in the near future, notwithstanding the potential impact of the coronavirus pandemic upon new student intake in 2020. Further, CS paragraph 5.2.26 states that growth in new purpose built student accommodation is to be welcomed in order to meet need and to deflect pressure away from private rented houses in areas of over-concentration. At pre-application stage City Plans Panel confirmed the proposed development of the site for student accommodation was acceptable in principle.
- 9.1.3 The proposal is considered against the criteria set out below within the adopted CS policy H6B (identified in italics):

(i) To help extend the supply of student accommodation taking pressure off the need for private housing to be used.

The provision of approximately 660 student bedspaces would help to reduce the need to use private housing for student accommodation and in doing so deflect pressure away from private rented houses in areas of over-concentration.

(ii) To avoid the loss of existing housing suitable for family accommodation.

The existing building on the site was last used as office accommodation and the new building would be used primarily for the provision of purpose built student accommodation. The development would therefore not involve any loss of existing housing and would avoid the loss of residential family accommodation.

(iv) To avoid locations which are not easily accessible to the universities.

The site is located towards the northern end of the City Centre and is well-placed with regard to access to Leeds Beckett University, the Leeds University of Arts and the University of Leeds along Merrion Street and Woodhouse Lane or Wade Lane and Merrion Way. Forthcoming improvements to Merrion Way and the provision of new crossings across Wade Lane brought forward by other developers of student accommodation in the area will help to improve accessibility to the universities further and would accord with Core Strategy policies SP11, CC3 and T2.

Criteria (iii) and (v) of policy H6B are considered in the amenity section, at paragraph 9.2 below.

- 9.1.4 The existing building, 44 Merrion Street, comprises vacant B1 office space. Core Strategy Policy EC3 seeks to retain such a use unless the development (i) would not result in the loss of a deliverable employment site; or (ii) existing buildings are considered to be non-viable in terms of market attractiveness, business operations, age, condition and/or compatibility with adjacent uses; or (iii) the proposal will deliver a mixed use development which continues to provide for a range of local employment opportunities and would not undermine the viability of the remaining employment site.
- 9.1.5 The site is not in an area of the city with a shortfall of employment land. The Santander offices closed during 2019 and the proposal would reduce the available office supply by a relatively small amount. New office development has recently taken place at Merrion House and approval was granted last year for nearly 13,000m² of B1 office floorspace in a new 17 storey tower in the nearby Merrion Centre. There remains a significant amount of committed or newly completed office floorspace elsewhere within the City Centre, together with office space nearby such as within St John's Centre and the Merrion Centre. Additionally, there has been a shift in the focus of new office accommodation towards the west side of the City Centre to areas such as Wellington Place. Further, the scheme proposes a mix of uses, including a small retail space and also a community/ arts facility which would add additional vitality to the area. The development would also provide employment opportunities for local people in both the construction and subsequent operation of the development, to be secured through the section 106 agreement. As a result, the development would accord with CS policies SP8, EC3 and CC1b.
- 9.2 Amenity considerations
- 9.2.1 Criteria (iii) of Core Strategy policy H6B aims *to avoid excessive concentrations of student accommodation which would undermine the balance and wellbeing of communities.*
- 9.2.2 What was for many years an office-focused area, around the mixed-use Merrion Centre, is presently undergoing a rapid change to a largely residential one comprising a mix of private rental apartments and purpose-built student accommodation. This includes former offices in nearby buildings at Belgrave House, Warwick House, Zicon House and Brunswick Point which already have been, or are currently being, converted to private rental accommodation. Permission has also been granted for the conversion of Fairfax House into up to 169 residential apartments. The site is located on the southern edge of this cluster of residential uses, adjacent to entertainment establishments in and around New Briggate and close to the heart of the prime retail quarter.
- 9.2.3 Largely due to its proximity both to the universities and also the City Centre the area is a focus for new purpose-built student accommodation supplementing older developments at Sky Plaza on the west side of Clay Pit Lane, and Arena Village on Wade Lane. Havana Residence on Cookridge Street (96 bedspaces); Vita St Alban's Place (376 bedspaces) and Symons House, Belgrave Street (353 bedspaces) have opened during the past 18 months. During the next 18 months Unite White Rose View (976 bedspaces) and Olympian Homes Hume/Altus House (752 bedspaces) will open on Merrion Way, and Vita 2 (312 bedspaces) will open on Portland Crescent. Planning permission is also in place for 98 student studios on land north of the QOne Residence, Wade Lane and an application for redevelopment of Commerce House on Wade Lane (210 bedspaces) is due to be considered in the near future. The student accommodation in the proposed development would provide 660 bedspaces.

- 9.2.4 As noted, the growth in residential accommodation in the area is a recent phenomenon and it is not considered that existing local residents would be adversely affected by student accommodation in the proposed location given the wider area's use, levels of student accommodation already present in the area, and the manner in which purpose-built student accommodation is managed. Similarly, it is not considered that the number of students proposed would result in an excessive concentration of students that would undermine the wellbeing of the area within the context of a busy mixed use, City Centre environment. It is more likely that the students would help to support existing businesses within the City Centre. Further, the development's position relative to both the main university campuses and the City Centre is such that student journeys to and from these locations would avoid more established, residential communities around Lovell Park such that residents would not be adversely affected by the development.
- 9.2.5 Criteria (v) of policy H6B requires that *the proposed accommodation provides satisfactory internal living accommodation in terms of daylight, outlook and juxtaposition of living rooms and bedrooms*.
- 9.2.6 Although Policy H9 in the CS expressly excludes purpose built student accommodation from the minimum space standards for new dwellings a footnote states that "Provision of reasonable space standards is still important for student accommodation, and this will need to be judged on a case by case basis, and via the application of any national standards that might be created in the future".
- 9.2.7 CS Policy P10 and Saved UDPR Policies BD5 and GP5 provide more general requirements that development should contribute positively towards quality of life and provide a reasonable level of amenity and useable space. The assessment of amenity is also a wider consideration of qualitative factors including arrangement and separation of living functions (general living, sleeping, studying, eating, cooking, food preparation, storage and circulation), usable shape, daylighting, outlook, privacy and external amenity space.
- 9.2.8 Officers and Members have visited several student housing schemes to review the level of amenity provided for students occupying purpose built schemes. These include Fresh Student Living at Darley Bank in Derby (April 2014) where the studio was 22m²; Downing's Cityside, Calverley Street, Leeds (May 2016) where the student showflat was also 22m²; Vita Student's Telephone House, Sheffield (September 2016) where the average studio size was 20m²; and in March 2018 Unite's development at Angel Lane, Stratford where Members viewed a 10 bedroom cluster flat where the cluster bedrooms of 11m² were supported by 23m² kitchen/living spaces, together with other internal and external amenity space located around the building. Most recently, Members visited the Vita St Alban's Place scheme in October 2019. Members viewed the communal facilities located at the lower levels of the building and two student studios, the smallest of which had a floor area of 20m².
- 9.2.9 City Plans Panel has previously approved the following student accommodation developments:
- Planning permission for Vita's St Alban's Place scheme, in which the smallest studios is 20m² (78% of the total provision), was granted April 2017 (16/07741/FU). In approving the scheme it was recognised that the size of the majority of the studios would be restricted, providing little or no opportunity for socialising. However, each studio was found to benefit from a good outlook,

natural daylighting and a suitable noise environment. In order to provide acceptable levels of amenity and communal living the studios are supplemented by managed areas of dedicated communal facilities at the two lowest levels of the building.

- In December 2017, City Plans Panel approved the redevelopment of Symons House, Belgrave Street by LSSH where the proposed smallest studio would be 21.3m². 2 to 5 bedroom clusters in that development would have 14m² bedrooms with kitchen/living spaces increasing in size from 21-43m², all supported by areas of dedicated amenity space.
- During summer 2018 City Plans Panel approved the Unite and Hume House proposals on Merrion Way. The Unite scheme comprised 4, 5 and 7 bedroom clusters with 23-40m² kitchen/amenity space, and 30m² studios. Hume House comprised a similar mixture of studios (22m²) and 4, 5 and 6 bedroom clusters with 21-35m² kitchen/amenity space, the area depending upon the size of the cluster.
- In Autumn 2019 City Plans Panel approved the redevelopment of the College of Technology on Woodhouse Lane. The studios would range in size from 21-27m², with an average size of 23.5m². Typically, cluster bedrooms would be 13m². The amenity spaces attached to the clusters would range in size from 23.3m² for the four-bedroom clusters to 40.1m² for the 8-bedroom clusters. A total of 442m² of dedicated amenity space would be provided for use by students.

In each of these purpose-built student schemes the dedicated additional amenity spaces within the building were considered critical in providing acceptable levels of amenity for the occupiers of the development.

- 9.2.10 The format of the proposed scheme is similar to the purpose-built student accommodation schemes referred to above. In total there would be 240 studio rooms (153 for undergraduates and 87 for postgraduates) and 420 en-suite bedrooms in cluster flats. The smallest of the studios would be 20m² albeit a range of sizes is proposed dependent upon location within the development. Each studio would comprise an en-suite shower/wc, a cooking area, storage and study area, and a sleeping area.
- 9.2.11 All 84 cluster flats would be in groups of 5 bedrooms, the smallest bedroom of which would be 12.8m². Each cluster would have a kitchen/diner (15.2m²) and have shared access with an adjacent cluster to a lounge (18.4m²). Assuming 50% usage of the lounge the shared cluster would have a floor area of 123m² clearly surpassing the minimum space standard for a 5 bedroom, 6 person apartment identified in CS policy H9 (103m²).
- 9.2.12 Areas of dedicated amenity space for use by students would be provided throughout the development. The postgraduate accommodation would have 358m² of dedicated space, in addition to a laundrette which would be designed as a social-cum-functional space, with lounge areas and coffee/bar facilities, and also a reception area. Similarly, the undergraduate accommodation would have 549m² of dedicated space, in addition to a laundrette and a reception area. These dedicated areas would be laid out for uses such as quiet study, multimedia lounges, dining, common room and gym areas. Those rooms located towards the centre of the floorplate would look out over the arcade. Additionally, a shared area (166m²) would be provided at ground level fronting Merrion Street which may include café facilities.

Further external amenity space would be provided on the roof terraces at level 4 and level 9. Consequently, the approach to, and the amount of amenity space provided would be consistent with other purpose-built student schemes recently approved in the City Centre.

- 9.2.13 Student bedrooms would be located throughout the development. Those facing north would be located a minimum distance of 15 metres from southward-facing student bedrooms within Symons House. In a City Centre location such as this the intervening distance is considered acceptable in terms of both overlooking and outlook albeit it is recognised that daylighting of student apartments in Symons House will diminish to a degree relative to the existing scenario. Those apartments facing south in the new building would enjoy open aspects and, given the provision of full height windows, good levels of natural daylighting. The tower would contain apartments with east and west-facing windows which would not benefit from such advantageous conditions. A minimum distance of 11 metres would be achieved to Fairfax House albeit the rooms in this part of the development would face north or south and not rely on daylighting from the west. Given the proposed building position relative to that of the existing building, on balance, it is not considered that that occupiers of Fairfax House, if converted to residential accommodation, would be unacceptably affected. A room on each floor in the south-east corner of the street building would face towards 26-34 Merrion Street, 9.5m away. However, in the current format the outlook from these rooms would be over the rooftop of the neighbouring building such that occupiers of neither property would be affected. If 26-34 Merrion Street were to be redeveloped and vertically extended, as approved, rooms on three floors of the street building would be affected but, given the juxtaposition of the two buildings, not to an unacceptable degree. As such, it is not considered that the development would have an unduly harmful impact upon the amenities of occupiers of those neighbouring buildings within the context of a densely built City Centre.
- 9.2.14 The operators of Belgrave Music Hall have raised concerns that the proposed tower would overshadow their venue which has a rooftop terrace, and potentially also lead to complaints from residents of the development regarding noise and overlooking from the music venue. The closest part of the tower to the Belgrave Music Hall terrace is more than 20 metres away. Such a distance is considered acceptable to ensure reasonable levels of privacy in a City Centre environment. Further, whilst the tower would overshadow the terrace at times this is not untypical within the City Centre where there are a variety of building heights. It is not considered that the development would be unduly harmful. It is recognised that music from the Belgrave Music Hall could be audible within the development. Accordingly, a condition is proposed to ensure that the development incorporates appropriate sound insulation to protect occupiers from both music and traffic noise.
- 9.2.15 Consequently, it is considered that occupiers of the development would have acceptable levels of amenity whereas the occupiers of surrounding developments would not be unacceptably affected. As such, the proposals accord with CS policy P10 and saved UDPR policies GP5 and BD5.

9.3 Townscape, heritage and design

- 9.3.1 The site is located adjacent to the Grand Quarter Conservation Area and in the setting of listed buildings, most notably St John's Church. HE, LCT and objectors share similar concerns about the impact of the proposed 32 storey tower on the setting of these heritage assets commenting that the tower would be unacceptably dominant and overbearing in key views, particularly from New Briggate. In

accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development affecting the setting of a listed building the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any special architectural or historic interest which it possesses. Similarly, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Further guidance is provided within paragraph 193 of the NPPF which states that when determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Further, paragraph 193 of the NPPF states that great weight should be given to the conservation of nearby heritage assets. Any new development must also provide good design that is appropriate to its location, scale and function (CS Policy P10). Part (i) of the policy states that the size, scale, design and layout should be appropriate to its context and that (Part ii) the development should protect and enhance skylines and views. These policies accord with guidance in the NPPF which requires that development establishes a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; to respond to local character and history; and to reflect the identity of local surroundings.

9.3.2 St John's Church was constructed in 1632 and altered in 1830 and due to its architectural and historic interest is a Grade I listed building. The church is an important landmark but is relatively little seen in New Briggate where it is largely screened by trees and buildings. Here, the gateway and steps up into the churchyard form a focal point emphasised by the hard surfaced public realm space in front of them. Once within the churchyard the site is visible to the north of the church. Views of the church open up along Merrion Street when moving east past Wade Lane, or moving west beyond 21 Merrion Street such that space to the north of the church, including the application site, is important to its setting. A series of smaller landmark features help define the sense of place within the Grand Quarter Conservation Area including the architectural emphasis of corners with roof turrets, angled corner doorways and flat-iron forms. Buildings are designed to form 'end stops' to streetscape views, for example The Wrens at the junction of New Briggate with Merrion Street. Additionally, groups of trees make a significant contribution to the quality of the townscape within the conservation area including those at St John's churchyard and Merrion Street gardens.

9.3.3 The proposed development would replace a 1970's building which contributes little to the setting of the adjacent conservation area. Consequently, its removal would not have a harmful impact on its heritage setting and would not be resisted. The proposed development would comprise two principal components, a street building and a tower. The tower would have a largely glazed, flush, surface albeit the panels which make up the elevations would vary in nature. A coordinated system of clear, double-glazed panels, fritted double-glazed panels, perforated metal screens and insulated panels faced with back-painted glass would be used to correspond with internal functions as well as to present a vertical grain to the facades. The glazed

panels would be arranged in an off-set pattern alternating each of the eleven lowest levels of the tower, every two floors for the next ten levels, and subsequently every three floors up to the top of the building producing a horizontal gradation to the building. The vertical folds of the tower would enhance shadowing and its verticality in long views. These glazed, patterned, tower elevations would create a dynamic, animated, façade which would react to changing environmental conditions and will appear different when seen from shifting viewpoints.

- 9.3.4 The proposed tower would sit above the proposed street building on the north-south axis with St John's Church. This axial relationship presented an opportunity to counterpoint the tower of the church which has been the guiding principle behind the evolution of the siting, form and design of the proposed tower. The two towers are interdependent but distinct and harmonious whilst contrasting. The proposed tower would be rotated on the roof of the street building such that its southern elevation would be parallel to the north face of the tower of St John's Church. Proportionally, both towers have a ratio of approximately 1:4 height to width and both towers have a shared bi-lateral symmetry to their faces. The subtle fold in the plane of the proposed tower is not a literal response to the form of the church tower but is a "response" or development of the diagonal buttresses of St John's tower. Similarly, the inverted corners of the tower are a reference back to the buttresses. The glazed, crystalline, character of the new tower would contrast with and be deferential to the grit-stone gravitas of St John's Church. There is no disguising that the new tower would be much taller than St John's Church but this is considered to be positive intervention into the setting of the listed building in the views where the two towers are seen together, such as from south-east of the churchyard, with the new tower being an enhancement or amplification of the qualities of the church which would be foregrounded against the emerging background of tall buildings to the north.
- 9.3.5 Views are relatively contained within the immediate network of streets as a result of the enclosing urban development and the curvature of streets such as New Briggate. Beyond the immediate setting of the church, the proposed tower would be visible from a limited number of locations within the Grand Quarter and City Centre conservation areas including looking westwards along Merrion Street from its junction with New Briggate and looking northwards from Briggate. In key views from the south up Briggate, the proposed tower would sit just off the axial view, largely screening new views of Symons House and emerging views of Altus (Hume) House. Similarly, when looking west up Merrion Street the taller buildings to the north would not be readily visible. Consequently, the tower would appear as an isolated point of height amongst lower ones. The justification for a tall building which breaks the established scale of buildings in the conservation areas beyond is recognised above in relation to the setting of St John's Church. The enhancement of the setting of St John's would also be an enhancement of the Grand Quarter and City Centre conservation areas.
- 9.3.6 The site is located 55 metres to the north of St John's Church. Primarily as a result of the absence of significant built development between the two, the existing Tall Buildings SPD identifies the site as being within a zone of exclusion centred around St John's Church and Merrion Gardens intended to protect buildings, vistas and public spaces from the visual impact and physical proximity of tall buildings. A tall building on the site would also be in a protected view looking north up Briggate. Objectors' comment that a tall building on the site would be contrary to the adopted SPD. However officers consider that for the reasons given, that the townscape impact of the proposed development would preserve and enhance the character of the nearby listed buildings and conservation area and, as a result, the proposed tall building is considered acceptable in this location.

- 9.3.7 The area to the north of the site is characterised by a number of large, existing modern, buildings such as the Merrion Centre, Wade House, Arena Point (Tower House), CLV Arena Village, Leeds Arena, and the tallest building in the area, Sky Plaza situated on the west side of Clay Pit Lane. Partly in recognition of this context the Tall Buildings SPD identified that there could be the opportunity for a cluster of tall buildings in the area to the north and east of the Merrion Centre, extending close to the site. Following the catalytic effect of the introduction of the Leeds Arena the following tall buildings have been recently constructed or will be completed within the next 18 months in this area: Symons House (maximum 23 storeys) immediately north of the site; St Alban's Place (maximum 18 storeys) north of Belgrave Street; Hume (Altus) House (maximum 37 storeys); White Rose View (17 storey and 27 storey towers) on the north side of Merrion Way. There are also proposals for a 17 storey office building within the Merrion Centre to the west and an 18 storey building immediately north of QOne on Wade Lane.
- 9.3.8 Whereas there is some variation in scale, following the completion of the new buildings referred to above, building heights will, as a rule, ascend from the west along Merrion Way to a high point at Altus House and then generally descend from that point towards the north, east and south towards the site and the city centre. Longer distance views of this "doming" effect around the arena would be visible from the north and east of the City Centre. Although appearing as an anomaly to this doming effect when viewed from the A64 to the east there are established points of height in the north-south spine of tall buildings running through the City Centre such as K2 and West Riding House and ultimately Bridgewater Place. Consequently, the tower would be a positive marker slightly off-set from the north-south spine.
- 9.3.9 As noted, the existing building contributes little to the character of Merrion Street with much of the ground floor concealed behind heavy, protruding, planters. There is a flight of steps up to the ground floor entrance creating a barrier to movement whilst the existing recessed ground floor former office windows offer no animation or vibrancy to the street.
- 9.3.10 The proposed street building would introduce a taller western end, similar in height and width to Fairfax House to the west. The remainder of the street building would step down to the height of the building approved to the east of the site and, in doing so, represent a suitable transition between its two neighbours along Merrion Street. Level access would be provided into the centrally located arcade which would provide new permeability through the site. Expansive glazing to either side of the arcade entrance would provide open views into the double height space likely to contain a retail outlet on the southwest corner and a student café and study space to the southeast. Alone, these elements would significantly enhance the character of the Merrion Street and the setting of nearby heritage assets.
- 9.3.11 Following the pre-application presentation to City Plans Panel the developer's team has worked hard with officers to produce a contextual "street" building which references existing buildings in the Grand Quarter Conservation Area such as the Grand Arcade. Above the triple height glazed arcade entrance glazed tiles will reference those used in the conservation area. The ribbed profiling of the tiles will be extruded downwards as floating, coloured fins, to the front of the glazing. The application of these ceramic fins has been devised so as to enhance the overall grandeur and profile of the main building entrance, by increasing their density and height towards the centre of the facade. At the time of writing, the final detail of this element remains to be finalised and, as such, a planning condition to control the detail is likely.

- 9.3.12 The walling material has been changed to red brick chosen to respond to local hues and materiality. The window reveals have been increased in size to offer greater visual depth, reinforced by splayed, ribbed, ceramic reveals positioned to the left side of the windows located to the east of the entrance, and to the right side of the windows located to the west side of the windows. At ground level the ceramic, profiled, columns, would sit forward of the double height glazing behind and would extend upwards either side of the arcade entrance to emphasise this centre-piece. The articulation of the street building would produce a strong contrast with the flush appearance of the tower which would sit back and above the street building.
- 9.3.13 Subject to the final choice of materials, which would be best resolved through construction of a large scale sample panel, this part of the Merrion Street streetscape would be reinforced, helping to form a more cohesive setting to St John's Church.
- 9.3.14 The proposed development would provide high quality, contemporary, architecture which would maintain and enhance the setting of nearby heritage assets including St John's Church and the Grand Quarter Conservation Area, whilst animating and improving the appearance of the local townscape. Consequently, the development would accord with CS policies SP1, P10, P11, saved UDPR policy BD2 and the NPPF.

9.4 Transportation and public realm

- 9.4.1 The site is located in a highly sustainable location close to the many amenities offered by the City Centre and is readily accessible by a range of modes of transport. The development itself would be car-free (other than for two disabled persons' parking spaces) supporting the sustainable approach to parking provision advocated in the City Centre in the Parking SPD. Space would be provided within the courtyard to the rear for servicing both the development and Symons House as it is expected that more distant loading bays in Belgrave Street would be fully utilised by other users.
- 9.4.2 A management plan for student drop off and pick up at start and end of term time submitted with the planning application confirms that students would be allocated 20 minute time slots to unload within the courtyard and advising of nearby car parking availability. The management plan also commits to working with the other nearby student accommodation developments in order to minimise disruption. Implementation of the management plan would be conditioned.
- 9.4.3 Long-stay bike storage areas for the development are proposed at the lowest level of the building close to the pedestrian routes passing the eastern and western boundaries of the site. The identified number of long stay and short stay cycle parking places is in accordance with SPD guidance. A plan is required clearly showing the layout, and type of storage, details of which would be conditioned.
- 9.4.4 The development, accommodating 660 students, would result in additional pedestrian and cycling movements to and from the universities, placing greater demands on existing and proposed highway crossings and footways along the route. As a consequence, it is considered that the transport impacts of the development should be mitigated by cycle and pedestrian improvements as these would be the predominant modes of travel to and from the development. Recent and ongoing student developments in the area have contributed towards improvements to St

Alban's Place, Belgrave Street, Wade Lane and Merrion Way in order to mitigate the impact of those schemes by developing a more pedestrian-friendly environment.

- 9.4.5 The Council is currently developing a cycling scheme for Merrion Street that would create a two-way cycle route, utilising the current traffic lane on the south side of the street. In order to maintain two traffic lanes, which are currently still necessary on Merrion Street, the existing taxi rank / bus laybys and pedestrian crossing build-out would need to be removed and the road space allocated to a running lane. The cycle scheme would link the development to safe cycle tracks and lanes being developed on New Briggate and Vicar Lane which, in turn, connect to the wider strategic cycle network. It is considered appropriate for a financial contribution to be made to these works as they will be of direct benefit to future occupants of the development. Accordingly, a developer contribution of £400,000 towards the provision of cycle route improvements in the area is sought as a Section 106 contribution which the developer has agreed to pay.
- 9.4.6 As a result of the works to deliver the cycle lane there is limited scope to increase the width of the existing footway on the north side of Merrion Street. However, through the removal of the existing planters and by aligning the proposed building parallel to Merrion Street, the minimum footway width would be 4.5 metres which exceeds that existing and is considered acceptable.
- 9.4.7 In addition to the shrubs in existing planters surrounding the building there are several trees that would need to be removed to enable the development. Several of these are of low quality and their removal is not resisted. However, trees to the southwest and southeast corners are visually important and will be retained. Notwithstanding, a minimum of three new trees for each one to be removed should be provided to accord with NRWLP policy Land 2. Two new trees are proposed to the west of the building and three immediately north of the proposed tower. The opportunity for the introduction of small/medium size street trees along Merrion Street to the front of the building are subject to the width of the footway and the extent of utilities and services. However, such conditions are not unusual in the City Centre and such trees would offer a number of benefits including helping to strengthen green infrastructure in the area; mitigating the loss of trees around the site; moderating the scale of the proposed development, and providing wider environmental and sustainability benefits.
- 9.4.8 Additionally, it would be beneficial to improve the surface treatment of Merrion Place itself to aid pedestrian movement and to improve linkages between St John's Gardens to the south and the St Alban's greenspace to the north. Furthermore, construction work is likely to be very damaging to the Merrion Street footway and also to those surfaces to the east and west of the development. As such, reconstruction of these sections of footway to the Council's specification in materials to match the current City Centre palette will be required by condition following completion of the construction works.
- 9.4.9 Subject to the provision of the cycling and pedestrian improvements which form part of the agreed travel plan, for which there would be monitoring fee of £4,609, and the provision of appropriate tree planting the development would accord with CS policies P10, T2 and CC3 and the Travel Plan SPD.

9.5 Accessibility

- 9.5.1 Whereas Accessible Housing Standards (CS policy H10) do not apply to purpose built student accommodation developments the applicant appointed Approved

Inspectors to ensure that the scheme accords with inclusive design legislation and general accessibility requirements highlighted by CS policies T2 and P10.

- 9.5.2 There is limited space around the building but 2 disabled parking bays would be provided close to the northern access into the arcade. Proposed revolving doors have been replaced by automatically opening doors at all public entrance points to make the scheme more accessible. Although existing levels fall around the site from north-west to south-east the development has been designed with step-free entrances to the student accommodation from both Merion Street and Merion Place, and also into the rooftop greenspace and arts facility from Belgrave Street. A series of lifts within the development, including 5 residential lifts, and an access lift to and from the public realm would be provided to ensure level access throughout. WC facilities would be provided on the ground floor and mezzanine level for use by residents and the public. The facilities will include ambulant accessible cubicles and unisex accessible facilities.
- 9.5.3 5 per cent of bedrooms are proposed as wheelchair accessible units. Within the rooms designs will incorporate facilities that provide a choice of heights and fixtures and fittings that visually contrast from their backgrounds.
- 9.5.4 The approach to inclusive design is welcomed by the Council's Access advisor. Consequently as a result of the aforementioned provisions, it is considered the proposed development accords with relevant local and national requirements and would be accessible in accordance with Accessible Leeds SPD and CS policy T2.

9.6 Climate Change and Sustainability

- 9.6.1 The CS environmental policies are designed to ensure that new development contributes to carbon reduction targets and incorporates measures to address climate change concerns following the Council's declaration of a climate emergency in 2019. Policy EN1 is flexible, allowing developers to choose the most appropriate and cost effective carbon reduction solution for their site. Major developments also need to meet the BREEAM Excellent standard if feasible (EN2). Where technically viable, appropriate for the development, and in areas with sufficient existing or potential heat density, major developments should propose heating systems, potentially connecting to the emerging district heating network (EN4(i)). The application is supported by an Energy and Sustainability Statement that sets out the intended approach to these and wider sustainability requirements.
- 9.6.2 An audit has been carried out which confirmed that the existing building has a very high rate of recyclability. For example, all concrete would be crushed and re-used on site and all metals, bricks and blocks, plasterboard and carpets would be recycled off-site. Additionally, close to 100% of timber, glass and ceramics would also be recycled such that there would be little waste going to landfill.
- 9.6.3 The design of the new building will include high efficiency fabric, low air permeability, solar protection to glazing, use of LED lighting with daylight sensors throughout, high efficiency heat recovery ventilation (mechanical ventilation heat recovery units in student rooms), 150m² of photovoltaic panels on the tower roof and connection with the Leeds PIPES heat network to provide domestic hot water for the building. The development has been calculated to exceed the requirements of CS policy EN1.
- 9.6.4 The development would minimise water usage through water conservation utilising water efficient sanitary fittings such as low flush wc's, low flow taps and showers with flow regulation; managing water use such as planting plants that require less

irrigation; and leak detection and prevention. As such, the development should accord with CS policy EN2.

- 9.6.5 The development is well-placed with regard to Phase 2 of the Leeds PIPES district heating network. It currently appears that a connection will be viable and the developer intends working with the Council to develop the design of the network connection. Consequently, the development would accord with CS policy EN4.
- 9.6.6 In addition, the developer has produced a Sustainability Procurement Plan to identify solutions to reduce the overall impacts arising from construction materials. The plan includes a review to minimise the amount of raw materials used, specification of locally sourced materials and with an environmental performance declaration wherever feasible; specification of materials with a recycled content; and selection of materials designed for durability. It is also intended to provide sustainable urban drainage in the form of on-site retention with a regulated outflow so as to help reduce the potential for flood risk elsewhere. Whereas the accommodation is specifically designed for students the design is robust and flexible and could be adapted to provide other forms of residential accommodation if required in the future.
- 9.6.7 Consequently, the proposed development accords with relevant local and national sustainability policy and positively responds to the climate change emergency.

9.7 Wind

- 9.7.1 Due to the height of the tower the applicant was mindful of its potential impact on the local wind environment and from an early stage in the pre-application design developed the building massing and architecture in conjunction with input from a wind consultant. The planning application was supported by a wind report which used both CFD analysis and a suite of wind tunnel modelling to identify likely changes in wind conditions as a result of the development. Following recent convention, the assessments were reviewed by Tobermory Consultants Ltd on behalf of the Council. The earlier wind modelling was updated to address initial review comments and to reflect changes to the street building and to mitigation proposals.
- 9.7.2 The analysis shows that the wind conditions around the current development are suitable and there are no areas where distress wind speeds would be reached. The construction of the proposed development in the existing surroundings (without mitigation) would result in wind conditions worsening significantly to the east and being slightly worse to the south primarily due to high level winds from the south-west being channelled down to ground level. These offsite conditions would generally become calmer with the construction of approved buildings in the area although regions of uncomfortable and unsafe conditions would still persist.
- 9.7.3 Mitigation measures including 5 columns across the double height façade to the east of the arcade entrance, 2 solid screens in the south-east passageway and 3 porous screens to the north-east, all within the site, were subsequently tested in the wind tunnel. This resulted in predicted pedestrian comfort levels for thoroughfares around the building, off-site entrances and nearby bus stops being suitable for their intended use. Whilst conditions in Merrion Street Gardens and close to the junction of New Briggate and the Grand Arcade would become slightly windier they would be suitable for occasional sitting in both winter and summer conditions. Two localised areas on the level 4 roof terrace were predicted to exceed the distress wind criterion. However, the roof terrace has been redesigned such that there would be no access to these areas.

- 9.7.4 The owners of the Belgrave Music Hall which has a roof terrace used for events highlighted that the original wind study did not specifically comment upon the impact upon that venue. A supplementary wind report considered this issue concluding that the proposed development would have a shielding effect upon Belgrave Music Hall which should offer additional protection from wind. This view was corroborated by Tobermory.
- 9.7.5 Consequently, it is considered that the development would not have an unacceptable impact upon the local wind environment and would accord with saved UDPR policy GP5.
- 9.8 Planning Obligations and CIL
- 9.8.1 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010 (as amended in 2019). These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms,
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 9.8.2 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 the development acceptable in planning terms.
- 9.8.3 The proposed scheme produces the need for the following obligations which it is considered meet the legal tests:
- Occupation of the residential accommodation only by full-time students in higher education, as use for standard C3 accommodation would give rise to other requirements such as affordable housing;
 - Implementation of the Travel Plan and a Travel Plan monitoring fee of £4,609 so as to accord with the Travel Plan SPD;
 - Contribution of £400,000 towards highway/environmental improvements to improve cycling and pedestrian access to accord with Core Strategy policies, SP11, T2 and CC3;
 - 24 hour public access through the site;
 - Local employment and training initiatives so as to accord with Core Strategy Spatial Policy 8; and;
 - Section 106 management fee (£2,250).
- 9.8.4 This development is liable to the Community Infrastructure Levy (CIL) and is likely to generate a CIL charge of £130,137.49. This figure is presented for information only and should not influence consideration of the application. The infrastructure requirements for this development are likely to relate to public transport and public space provision. Consideration of where any Strategic Fund CIL money is spent rests with the Council's Executive Board and will be decided with reference to the 123 list (or Infrastructure Funding Statement as the case may be) at the time that decision is made.

9.9 Conclusion

- 9.9.1 The demolition of the existing building, and development of new student accommodation with ancillary facilities, a community facility and a small retail unit is acceptable in principle. By virtue of the combination of the facilities within the student bedrooms and the additional facilities provided within and around the building the living conditions provided for the occupiers would be acceptable. The development would have an acceptable impact upon its neighbours and also provide opportunities for local employment during its construction and subsequent use.
- 9.9.2 Subject to final details regarding materials and detailed architectural design the proposed development would provide high quality, contemporary, architecture which would maintain the setting of adjacent heritage assets, while animating and improving the appearance of the local townscape.
- 9.9.3 The development of this sustainably-located site would have an acceptable impact upon highway and pedestrian safety, and provide sustainable transport choices. The public realm around the site would also be improved.
- 9.9.4 The proposed development would provide a raft of measures to ensure compliance with relevant local and national sustainability policy and, in so doing, would positively respond to the Climate Change Emergency.
- 9.9.5 As a result, the development would accord with Core Strategy policies SP1, SP3, SP11, CC1, CC3, H6B, T2, P10 and P11, and saved Unitary Development Plan Review policies GP5, BD2 and BD5, and the NPPF. Accordingly, it is recommended that the scheme should be approved subject to the conditions specified in Appendix 2 and the completion of a Section 106 agreement.

Appendix 1 – Minutes of the City Plans Panel meeting 20th February 2020

PREAPP/19/00563 - PROPOSED STUDENT RESIDENTIAL ACCOMMODATION DEVELOPMENT SANTANDER UK PLC MERRION COURT 44 MERRION STREET LEEDS, LS2 8LW

The Chief Planning Officer submitted a report which set out details of a pre-allocation proposal for multi-level student residential accommodation development with ground floor commercial space on the site of 44 Merrion Street, Leeds LS2 8LW.

Members visited the site prior to the meeting. Site photographs and plans were displayed and referred to throughout the discussion of the application.

The applicant's representatives addressed the Panel, speaking in detail about the proposal and highlighted the following:

- Site / location / context
- Situated within an emerging cluster of tall buildings in the Arena area
- The existing building is a redundant office block
- The proposal is to demolish the existing building and construct a multistorey student residential accommodation 33 storey's in height stepping down to 10 and 5 storey's
- A mix of cluster and studio apartments (545 bed spaces)
- Materials – the building podium to utilise an expressed masonry frame, the tower element to be extensively glazed in clear fritted glass
- Double height ground floor frontage with retail space
- Servicing area to be located to the rear of the building, accessed from Merrion Place. Two disabled parking spaces located in same area
- Public realm and connecting corridors, high quality landscaping scheme including green walls and planters.
- Aspiration to reduce dominance of the highway along Merrion Street, potentially narrowing the carriageway; reducing or relocating the taxi rank and decluttering street furniture

Members raised the following questions:

- Members welcomed the tower element of the building but one Member queried the design of the podium section suggesting the masonry frame was not quite right
- In terms of vehicular movements, Merrion Street is very busy, how do you intend to make it safer for pedestrians
- What are the proposals for energy and carbon reduction measures
- What is the rationale for the height of the building
- Had St John's Church been consulted about the proposed development
- Was there any cycle storage included within the scheme
- Regarding the aspiration to improve Merrion Street would this include space for bus and taxi provision □ Where would taxis pick up and drop off, as there was still a need for taxi provision irrespective of any start and end of term 'drop off' provision
- Students need to mix and socialise, what communal facilities are proposed
- When would guidance for student space standards be provided
- How many lifts will be provided within the development and will these stop on each floor

- How will occupants be protected from road noise and pollution, given the proximity to the public highway
- What are the proposals for Merrion Place
- What is proposed for Fairfax House
- How will resident safety be ensured

In responding to the issues raised, the applicant's representatives said:

- The architect suggested there needed to be contrast between the different elements of the building through a series of textures and the use of different materials was aimed to achieve this, but unfortunately the textured detailing was not showing-up prominently on the displayed CGIs.
- Hopefully, in the not too distant future, the volume of traffic on Merrion Street may change in light of alterations to traffic flows and routes in other areas of the City Centre. If this is achieved, the carriageway could be narrowed and the taxi rank and pedestrian crossing may be re-located. The applicant is in ongoing discussions with officers on such matters
- The development as a whole is to be "lean, clean and green", with a fabric-first approach being adopted for energy and carbon reduction
- Mechanical and natural ventilation methods will be used, but the architect said there was an intention to connect to Phase 2 of the Leeds Heat Network and photovoltaic cells would be located on the roof
- The height of the building (33 storey's) gives a ratio of 1:4 for height versus footprint, which is the same ratio as St John's Church and therefore seeks to actively reflect its heritage setting by providing a visual counterpoint to the church. Although there was a context of tall buildings immediately to the north the height and location of the tower was also determined by the requirement to not over-dominate the nearby Symons House
- There is the aim to ensure that the development works commercially, but while keeping the footprint tight and not undermining the amenity of use for those at nearby Symons House
- It was reported that St John's Church had been consulted, there were no concerns about the scale and massing but drainage and the potential increase in groundwater had been identified as a potential concern. The Church Trust sees the potential increase in footfall through Merrion Gardens as a positive aspect to counteract anti-social behaviour within the Gardens.
- The applicant expressed its ongoing intention to work actively with St John's Church, understanding the importance of the building, its significant and how it interacts with its surroundings. Meetings were to be held in subsequent weeks with Historic England and Leeds Civic Trust to further this work and understanding.
- It was confirmed that LCC officers had been consulted and involved in relation to the conservation and heritage-impact elements of the scheme throughout the process to date
- It was confirmed that storage space for 145 cycles would be provided
- The applicant confirmed that dialogue was currently ongoing about provision of the current taxi and bus facilities on Merrion Street, with there being no intention to remove the ranks on Merrion Street entirely but different options also being considered.
- Merrion Place would be the access point to the NE corner of the site which would provide the taxi pick-up and drop-off facility for the development
- Merrion Place is outside the application boundary, but ongoing discussions were underway regarding possibilities to pedestrianise the area and create a useable public space

- There will be 3 no. lifts in the main tower and 2 no. lifts in the podium building, which will go to all floors and be of a good size
- There is a commitment from the applicant to declutter the environment surrounding the building, creating clear pedestrian routes with better lighting and areas of natural surveillance, so as to ensure the space is useable, safe and welcoming
- Air quality and noise reduction for residents to ensure a good standard of amenity is currently being assessed and considered
- The architect said there would be a large number of communal areas including roof gardens, cafés at ground floor level and communal spaces within the upper floors of the buildings.
- It was confirmed that the Council intends to provide supplementary planning guidance on student space standards
- An application has recently been received to convert Fairfax House into residential use pursuant to national permitted development rights.

In offering comments Members raised the following issues:

- The majority of Members welcome the scheme suggesting it was a really strong proposal
- Members were of the view that the height, scale and massing were acceptable
- One Member suggested more work was required on the design of the podium
- Further consideration of the greenspace/ landscaping was required

In offering comments on the officers' questions in the report:

- Members were of the view that the loss of office accommodation and proposed use of the site for student accommodation was acceptable in principle
- Subject to the receipt of detailed proposals, Members were supportive in principle to the approach towards living conditions for student accommodation
- Members were of the view that the proposed mass and form of the development and its relationship with the surrounding context was acceptable

The Chair thanked the developers for their attendance and presentation suggesting that Members appeared to be generally supportive of the development.

RESOLVED –

- (i) To note the details contained in the pre-application presentation
- (ii) That the developers be thanked for their attendance and presentation.

APPENDIX 2 – DRAFT CONDITIONS

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(a) No works shall commence (including any demolition, site clearance, groundworks or drainage etc.) until all existing trees, hedges and vegetation shown to be retained on the approved plans are fully safeguarded by protective fencing and ground protection in accordance with approved plans and specifications and the provisions of British Standard 5837 (2012) Trees in relation to design, demolition and construction, unless otherwise agreed in writing by the Local Planning Authority. NOTE Only the BS5837 default barrier with the scaffold framework shall be employed. Such measures shall be retained for the full duration of any demolition and/or approved works.

b) No works or development shall commence until a written Arboricultural Method Statement AMS in accordance with BS5837 for a tree care plan has been submitted to and approved in writing by the local planning authority. Works shall then be carried out in accordance with the approved method statement. The AMS shall include a Site Supervision Schedule i.e. a list of site visits and the operational specifics related to trees for the full construction duration. The AMS shall include for reporting back to the Local Planning Authority immediately after each site supervision intervention (written & photographic). NOTE – this item cannot be discharged until the last supervision visit report is submitted.

c) Evidence shall be submitted, such as a written appointment (including site specifics), that confirms that a qualified Arboriculturist/competent person has been appointed to carry out this Arboricultural monitoring/supervision

d) Seven days written notice shall be given to the Local Planning Authority that the protection measures are in place prior to demolition/ approved works commencing, to allow inspection and approval of the protection measures as implemented on site. NOTE-this item cannot be discharged until post inspection approval is confirmed.

e) No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services/drainage, without the prior written approval of the Local Planning Authority.

To ensure the protection and preservation of retained off-site trees during construction work.

4 No works to or removal of trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before (within

24 hours) the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority within 3 days of such works commencing.

To protect nesting birds in vegetation.

5 Prior to the commencement of demolition documentation demonstrating the absence or total removal of asbestos from the building 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

6 The approved Phase I Desk Study report indicates that a Phase II Site Investigation is necessary, and therefore 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'.

7 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.

8 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.

9 Any soil or soil forming materials brought to site for use in 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.

10 No development shall commence (excluding demolition) until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

In order to ensure the safety and stability of the development.

11 Where the findings of the intrusive site investigations (required by condition 10 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

In order to ensure the safety and stability of the development.

12 No works shall begin on the relevant phase of development until a Statement of Construction Practice for that phase has been submitted to and approved in writing by the Local Planning Authority. The Statement of Construction Practice shall include full details of:

- (a) 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;

- (b) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
- (c) measures to control the emissions of dust and dirt during demolition and construction; and
- (d) how this Statement of Construction Practice will be made publicly available by the developer.

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. The Statement of 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 amenity and highway safety.

13 The hours of construction including deliveries and waste collection shall be restricted to 08:00 to 18:00 hours Monday to Friday, 08:00 to 13:00 hours Saturdays, with no construction activities on Sundays and Bank Holidays.

In the interests of amenity.

14 Notwithstanding the submitted information development of the building superstructure shall not commence until typical detailed 1:20 scale (or other appropriate scale) working drawings of the following features have been submitted to and approved in writing by the Local Planning Authority:

- (a) ground level entrances;
- (b) glazing, including shopfronts and curtain walling;
- (c) material junctions;
- (d) tracery and fins to main entrance;
- (e) windows including heads, cills, reveals and perforated screens;
- (f) entrances and external doors;
- (g) soffits;
- (h) parapet detail, rooftop balustrades and rooftop equipment;

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

In the interest of visual amenity and in providing a high quality design.

15 Details and samples of all external facing building materials shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The samples shall include the erection of a full-size mock-up panels on site or in an agreed location nearby. The external surfaces of the building shall be constructed in accordance with the details thereby agreed.

In the interests of visual amenity.

16 The development, including demolition, shall not commence until a survey of the condition of Merrion Place and Merrion Street from Wade Lane to New Briggate has been submitted to and approved in writing by the Local Planning Authority. Following completion of the development a survey of those highways shall be submitted identifying their condition, together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to first occupation of the development. In the event that a defect is identified during other routine inspections

of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24 hours from the applicant being notified by the Local Planning Authority.

To ensure the free and safe use of the highway.

17 The off-site highway works shown on drawing RFM-XX-00-DR-L-0008 PL02 comprising improvements to Merrion Place between Merrion Street and Belgrave Street shall be implemented and completed prior to first occupation of the development.

In the interests of visual amenity, connectivity and to ensure the free and safe use of the highway.

18 Full details of cycle parking and facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved cycle parking and facilities have been provided. The approved facilities shall thereafter be retained for the lifetime of the development.

In the interests of sustainable travel.

19 The development shall not be occupied until a Servicing and Delivery Management Plan (including timescales and detailed loading bay proposals) 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.

20 The development shall be operated in accordance with the Move-In Procedure contained within the Premises Management Plan for the lifetime of the development unless a revised student management plan is submitted and approved by the Local Planning Authority prior to the first occupation of the development. The development shall thereafter be operated in accordance with the latest document to be approved.

To ensure the free and safe use of the highway.

21 The development shall not be occupied until the servicing area and disabled car parking spaces off Merrion Place identified on drawing RFM-XX-ZZ-DR-L-0007-S3-PL01 has been provided. The approved facilities shall thereafter be retained and maintained for the lifetime of the development.

To ensure the free and safe use of the highway.

22 Prior to the commencement of the building superstructure details shall be submitted to and approved in writing by the Local Planning Authority of integral bat roosting and bird nesting features (for species such as House Sparrow) within the building. The agreed details shall show the number, specification of the bird nesting and bat roosting features and where they will be located, together with a timetable for implementation and commitment to being installed under the instruction of an appropriately qualified bat consultant. All approved features shall be installed prior to first occupation of the development and retained thereafter.

To maintain and enhance biodiversity.

23 The following on and off-site hard and soft landscape works shall not take place until full details have been submitted to and approved in writing by the Local Planning Authority. These details, which should meet BS8300-1:2018, shall include (a) proposed finished levels and/or contours including details of any changes to the line or level of the existing adopted footway around the site; (b) walls and retaining walls including to proposed planters; (c) other pedestrian access and circulation areas; (d) hard surfacing areas; (e) gates and railings (f) minor artefacts and structures (e.g., freestanding artwork, street furniture including seating and bicycle anchor points, balustrades, bollards, directional signs, external lighting, CCTV and litter bins including recycling bins); (g) freestanding wind baffles; (h) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes etc.).

Soft landscape works shall include (i) planting plans; (j) written specifications (including cultivation and other operations associated with plant and grass establishment); (k) tree pit and planter details; (l) schedules of plants noting species, planting sizes and proposed numbers/densities; and (m) implementation programme.

To ensure the provision of amenity afforded by appropriate landscape design.

24(a) Further to condition 23 full details of the load bearing cell type rooting zone using proprietary structures for trees in hard landscape shall be submitted and approved in writing by the Local Planning Authority. The details shall be fully in accordance with LCC guidance on urban tree planting and shall be completed in accordance with the implementation programme. The details shall include:

- (i) proprietary soil cell structures to support paving over extended sub-surface rooting areas
- (ii) Soil cell volume /soil volume calculations
- (iii) specification of topsoil including additives and conditioners
- (iv) Tree grilles and guards and means of anchoring root balls. Built-in Root Irrigation Pipe system with end cap and aeration system.
- (v) 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
- (vi) Tree grill details
- (vii) drainage system for tree pits.
- (viii) Where applicable -details of protection measures for statutory utilities and drainage
- (ix) 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 Local Planning Authority when the works are still “open” to allow Local Planning Authority 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.

(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 Local Planning Authority for approval in writing. Confirmation of irrigation compliance shall be submitted to the Local Planning Authority 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.

25 Hard and soft landscaping works shall be carried out in accordance with the approved details. The hard landscape works shall be completed prior to the occupation of any part of the development. The soft landscape works shall be completed in accordance with the agreed implementation programme. The landscape works shall be implemented to a reasonable standard in accordance with the relevant provisions of appropriate British Standards or other recognised codes of good practice.

To ensure the provision, establishment and maintenance to a reasonable standard of landscaping in accordance with the approved proposals.

26 The development shall not be occupied until a plan, schedule and specification for landscape management during the establishment period has been submitted to, and approved in writing by, the Local Planning Authority. This shall include reference to planting and hard landscaped areas, including paving, seating and other features. The schedule shall identify the frequency of operations for each type of landscape asset and reflect the enhanced maintenance requirement of planted areas.

To ensure successful establishment and aftercare of the completed landscape scheme.

27 If, within a period of five years from the planting of any trees or plants, those trees or plants or any trees or plants planted in replacement for them is removed, uprooted, destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective another tree or plant of the same species and size as that originally planted shall be planted at the same place in the first available planting season, unless the Local Planning Authority gives its written consent to a variation. If such replacements die within twelve months from planting these too shall be replaced, until such time as the Local Planning Authority agrees in writing that the survival rates are satisfactory.

To ensure the maintenance of a healthy landscape scheme.

28 The 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 Local Planning Authority

To prevent flooding offsite.

29 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

In the interest of satisfactory and sustainable drainage.

30 There shall be no discharges of foul water from the development until a foul drainage scheme including details of provision for its future maintenance (e.g. adoption by the Water Company) has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority. In addition, written confirmation shall be provided from Yorkshire Water or any other third party involved to allow the laying of any sewer across third party land and discharge of the design foul flows to the sewer.

To ensure satisfactory drainage and pollution prevention.

31 Before development of the superstructure 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 maximum rate of discharge, off-site, shall not exceed 15 l/s and be in line with the drainage strategy as set out within the WSP Below Ground Drainage report reference 70063974 Version Rev 4 and shall be consistent with the Council's Minimum Development Control Standards for Flood Risk and the LLFA's requirements for Major Development unless otherwise agreed with Local Planning Authority. 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% Climate Change 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% Climate Change 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) A 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.

32 Prior to the first occupation of the development, 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 drainage is adequately maintained for the lifetime of the development.

33(a) Details of a sound insulation scheme designed to protect the future occupants of the proposed development from noise emitted by nearby sources shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of the superstructure of the development. The approved measures shall be completed prior to first occupation of the development and shall thereafter be retained.

The scheme shall achieve internal residential noise levels of no higher than noise rating NR20 in bedrooms between 23.00 and 07.00 and no higher than noise rating NR25 from commercial, industrial or transportation noise sources in all habitable rooms between 07.00 and 23.00. (Where low frequency noise is a particular concern then NR15 at 63 and 125Hz octaves should be achieved in bedrooms). Noise from commercial and industrial sources shall achieve a BS 4142:2014 rating level of no higher than the background at nearby noise-sensitive receptors of the development, including the character corrections for tonality, impulsivity, and intermittency as appropriate. Any mitigation measures that require windows to be kept closed to meet the internal noise level targets shall include a ventilation strategy to be agreed in writing with the Local Planning Authority, which provides for the control of room comfort during warm summer months that is sufficient to achieve suitable internal noise levels.

(b) Prior to occupation, a post completion sound test to confirm compliance with specified criteria shall be submitted for approval. In the event that sound levels exceed the specified limits, the applicant shall undertake corrective action and re-test. Once compliance can be demonstrated the results shall be re-submitted for approval.

In the interests of amenity.

34 Details of a whole house mechanical ventilation system to enable student accommodation windows to be kept closed to meet the internal noise level targets and to protect future residents against potentially poor air quality shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the superstructure of the building. The development shall be constructed and thereafter maintained in accordance with the details thereby agreed.

In the interests of the amenities of the occupiers of the student accommodation.

35 No external lighting shall be installed unless a scheme has previously been approved in writing by the Local Planning Authority. No lighting fitment shall be installed on the site in such a way that the source of light is directly visible from nearby residential properties or is a hazard to users of adjoining or nearby highways. The scheme shall be installed and retained thereafter in accordance with the approved details.

In the interests of amenity and highway safety.

36 The hours for deliveries and waste collection shall be restricted to 08:00 to 18:00 hours Monday to Friday, 08:00 to 13:00 hours Saturdays, with no deliveries/collection activities on Sundays and Bank Holidays.

In the interests of amenity.

37 Details of any external extract ventilation system shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and the system shall be installed and maintained in accordance with the approved details.

In the interests of amenity.

38 The relevant parts of the development shall not be occupied until the bin stores relating to that use has been provided. For the avoidance of doubt refuse bins shall not be stored outside the building at any time except at collection times.

In the interests of amenity and to ensure adequate measures for the storage and collection of wastes are put in place.

39 All windows in the western elevation of the proposed building directly facing Fairfax House shall be obscurely glazed.

In the interests of residential amenity.

40 The student accommodation shall not be occupied until the dedicated communal student space identified on the drawing 10287-SHP-Z0-AL-SK-A-F-100-00001 has been provided for the use of students residing in the building. The space shall thereafter be retained and maintained solely for use by students residing in the building for the lifetime of the development.

To ensure that students are provided with satisfactory amenity space within the building.

41 The development shall contain no more than 200sqm of Use Class A1 convenience retailing floorspace for the lifetime of the development.

In the interests of maintaining the vitality and viability of the prime shopping quarter.

42 The student accommodation development shall be implemented following the principles set out within the WSP Energy and Sustainability Statement March 2020.

(i) Within 6 months of the first occupation of the residential accommodation a post-construction review statement shall be submitted and approved in writing by the

Local Planning Authority demonstrating compliance with Core Strategy policies EN1, EN2 and EN4.

The development shall thereafter be maintained and any repairs shall be carried out all in accordance with the approved detailed scheme and post-completion review statement or statements.

To ensure the inclusion of appropriate sustainable design measures.

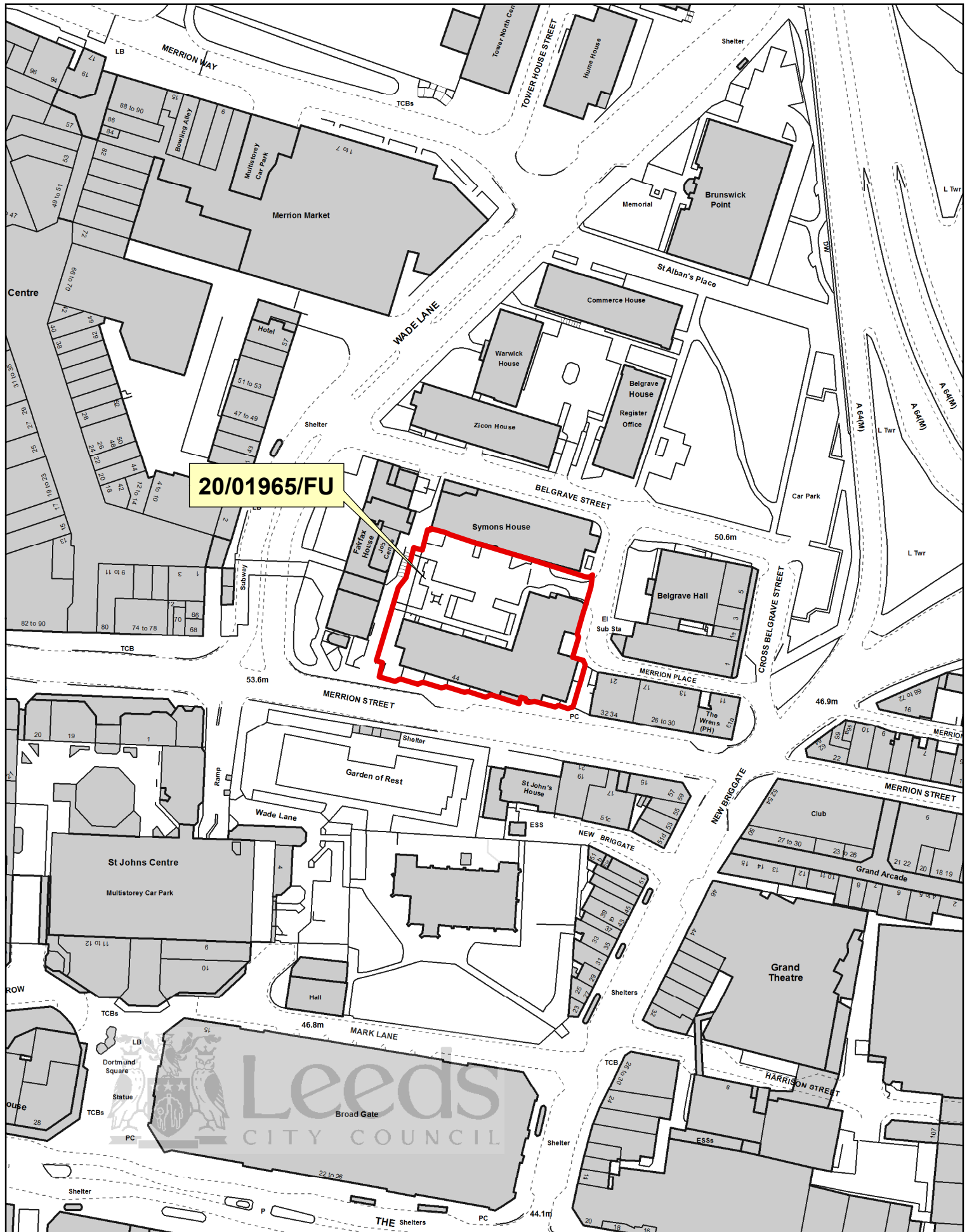
43 The student accommodation shall not exceed a water standard of 110 litres per person per day.

In the interests of sustainability.

44 Prior to the commencement of the construction of the superstructure of the development a Security Plan shall be submitted to and approved in writing by the Local Planning Authority. The Security Plan, which shall be prepared in conjunction with advice from the RSES (Register of Security Engineers and Specialists) shall set out measures to control access to the building; to protect the structure and fabric of the building; and also the public realm. The measures thereby approved shall be implemented prior to first use of the development and thereafter retained and maintained.

In the interests of security and public safety.

45 access requirements (agent email 24.4.2020)



CITY PLANS PANEL

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

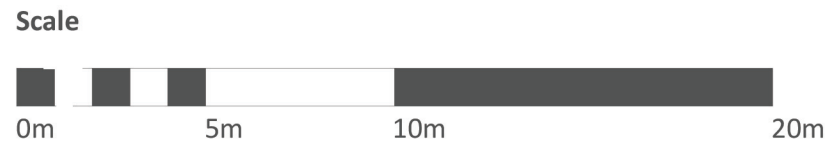
Page 123

SCALE : 1/1500





- Notes**
- All dimensions in mm, unless otherwise stated.
 - Scaling from drawing if printed incorrectly may lead to errors.
 - All information outside red line boundary shown for contextual purpose only.
 - All hatch patterns are indicative only unless stated otherwise.
 - This drawing is to be read in conjunction with the following re-form landscape architecture documentation:
 - RFM-XX-ZZ-DR-L-0002-Roof terraces general arrangement plan
 - RFM-XX-ZZ-DR-L-0002 Illustrative roof terrace plan
 - RFM-XX-00-DR-L-0003 Tree protection and removal plan
 - RFM-XX-ZZ-DR-L-0004 Planting strategy
 - RFM-XX-ZZ-DR-L-0005 - Illustrative landscape sections 1 of 2
 - RFM-XX-00-DR-L-0006 - Illustrative landscape sections 2 of 2
 - RFM-XX-ZZ-DR-L-0007 Levels and hardworks plan
 - RFM-XX-ZZ-DR-L-0008 Potential wider public realm proposalsAND all relevant documentation from the design team
 - Levels information on this drawing illustrates the design intent. The contractor is to check and verify all levels and dimensions against site survey information.
 - Any discrepancies in the design information are to be brought to the attention of re-form landscape architecture, in writing, prior to commencement of construction works.
 - All proprietary products shall be installed in strict accordance with manufacturers written instructions. Refer to other consultants' drawings and specifications for the following design information:
 - Foundation details
 - Base course and/or sub bases design & specification
 - Waterproofing of any element
 - Levels & Drainage design and infrastructure
 - Lighting and ducting
 - Existing & proposed utilities



06.07.20	Building footprint updated	PL	PL	GD	PL02
23.03.20	Issued for planning	PL	PL	GD	PL01
Date	Description of revision	Drawn by	Checked by	Approved by	Revision

re-form
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Project
THE MERRION PROJECT, LEEDS
RF19-755

Client
MERRION STREET LEEDS LTD

Document title
ILLUSTRATIVE LANDSCAPE GENERAL ARRANGEMENT PLAN

Paper size
A1

Scale
1:200

Status
FOR PLANNING

S3

Drawing number
RFM-XX-00-DR-L-0001

Revision
PL02

© re-form landscape architecture

Key

	Planning application boundary		Existing building		Litter bin		Proposed kerb		Tactile blister paving		Proposed tree in soft landscape		Wind Mitigation
	Proposed building		Bike stands		Paving type 1 High quality concrete block with natural aggregate. Indicative banding pending detailed proposals.		Proposed wall Refer to engineer's information		Frameless glass balustrade		Existing trees to be retained and protected in line with BS 5837:2012		
			Timber bench		Paving type to LCC adoptable standards to match existing context.		Proposed steps with handrails to both sides		Proposed tree in hard landscape		Proposed shrub and herbaceous planting		

ELEVATION KEY

- 01 BRICK-FACED PRECAST CONCRETE PANEL WITH CERAMIC DETAILING
02 PERFORATED METAL PANEL
03 INSULATED BACK-PAINTED GLASS PANEL
04 CLEAR GLASS PANEL
05 CLEAR GLASS PANEL WITH FRIT PATTERN
06 CURTAIN WALL GLAZING SYSTEM
07 GLASS BALUSTRADE
08 LIVING GREEN WALL



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