



**Planning Services**  
Merrion House  
110 Merrion Centre  
Leeds LS2 8BB

# DELEGATION REPORT

## REPORT OF THE CHIEF PLANNING OFFICER

**WARD:** Wetherby **Application:** 17/02594/OT  
**Address:** Land Off Racecourse **Applicant:** Taylor Wimpey  
Approach  
Wetherby  
LS22  
**Proposal:** Outline application for 800 dwellings, primary school, convenience store (up to 372 sqm), PoS and landscaping

### Application advertised by means of:

Site Notice	12 May 2017
Advert Posted	4 May 2017
Neighbour Notification letters posted	21 July 2020
Publicity Expires on	4 August 2020

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### Update

Following the Plans Panel resolution on 6<sup>th</sup> August 2020, and following extensive discussions and negotiations, the Section 106 Agreement has been signed and sealed. All pre-commencement conditions have also been agreed with the applicant.

Furthermore and since the Panel resolution in August 2020, 3 further representations have been received commenting that more bungalows should be built on the site; that the development should be more environmentally friendly; that the development must be stopped due to a climate and ecological emergency; that the site of the former Swinnow Hall should not be built upon and left as a public space and that archaeological recording and evaluation takes place. In response, as this is an outline application, details of the house types would be dealt with at the Reserved Matters stage. The development will be built to high levels of sustainable design and construction, and the submission of more detailed ecological surveys

and mitigation, controlled through planning conditions and the Reserved Matters. The former Swinnow Hall site is subject to archaeological recording and was identified in the Environmental Statement. The Reserved Matters will consider the siting of buildings and locations for public open spaces.

Therefore, it is considered that outline planning permission can now be granted and is in accordance with the terms of the City Plan Panel resolution. The most recent report to Plans Panel is set out below.



Originator:	Adam Ward
Tel:	0113 378 8032

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## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 6<sup>th</sup> 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**

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#### Electoral Wards Affected:

Wetherby

Yes Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**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 400<sup>th</sup> dwelling and operationally available by occupation of 500<sup>th</sup> 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 16<sup>th</sup> 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 6<sup>th</sup> 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 30<sup>th</sup> 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 30<sup>th</sup> 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 30<sup>th</sup> 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 29<sup>th</sup> 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 30<sup>th</sup> 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 30<sup>th</sup> 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 is ....sufficiently 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 30<sup>th</sup> 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 30<sup>th</sup> 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 30<sup>th</sup> January 2020, 29<sup>th</sup> August and 28<sup>th</sup> March 2019 are attached and appendix 1, 2 and 3 for information.

#### **FURTHER REPRESENTATIONS**

32. Since the Panel meeting on 30<sup>th</sup> January 2020 and more recently on 16<sup>th</sup> 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 16<sup>th</sup> 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 30<sup>th</sup> 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 16<sup>th</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 29<sup>th</sup> August 2019 and 30<sup>th</sup> January 2020 which are appended to this report.

## **RECOMMENDATION:**

Approve subject to the following condition(s):-

- 1) Application for approval of all reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be agreed.

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) Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the development is commenced.

Layout  
Scale  
Appearance  
Landscaping

Plans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved.

Because the application is in outline only and as no details have been submitted of the reserved matters, they are reserved for subsequent approval by the Local Planning Authority.

- 3) 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.

- 4) The outline consent hereby granted shall be for no more than 800 dwellings.



In order to satisfy the site requirements of the Site Allocations Plan and in the interests of proper planning.

- 5) Prior to the approval of any Reserved Matters, details of a comprehensive Design Brief for application area shall be submitted to and approved in writing by the Local Planning Authority. The Design Brief shall include principles of connectivity into the remaining parts of the wider allocation. Following approval, all Reserved Matters submissions relating to the layout, scale, appearance and landscaping of the site shall accord with the principles and details as set out within the approved Design Brief.

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

- 6) No development shall commence until details of a phasing plan for the permitted site has been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall demonstrate how each phase of the development is to be implemented, including all infrastructure (including Adjoining Site Accesses (as defined in the Section 106 Agreement)), residential development, the retail unit and all associated drainage systems and Greenspace.

In order to ensure that the development is planned in a coordinated way.

- 7) The development hereby permitted shall comprise public open space within the development, including the provision of children's play areas and equipment, in accordance with the requirements of the relevant Core Strategy policy at the time of the Reserved Matters submission. Such details shall also include details of landscaping, how the Greenspace is to remain public in perpetuity and details of its long term maintenance. Each phase of Greenspace should be laid out in accordance with the approved details prior to each phase of the development to which it relates.

In order to meet the requirements of Policy G4 of the Core Strategy (as amended 2019) and/or for the benefits of future residents.

- 8)
  - a) No retained tree/hedge/bush shall be cut down, uprooted or destroyed nor any tree be pruned, topped or lopped or suffer root severance other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved pruning, topping or lopping shall be carried out in accordance with current British Standards and any tree survey approved by the Local Planning Authority.
  - b) If any retained tree/hedge/bush is removed, uprooted or destroyed or dies the Local Planning Authority shall be notified forthwith in writing. Another tree/hedge/bush of an agreed size and species shall be planted at the same place and at such time, as may be specified in writing by the Local Planning Authority.

Retained tree/hedge/bush refers to vegetation which is to be retained, as shown on the approved plans and particulars, and the condition shall have effect until the expiration of five years from the date of occupation.

To ensure the continuity of amenity afforded by existing vegetation.

- 9) A landscape and woodland management plan, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the permitted site. The landscape and woodland management plan shall be carried out as approved.

To ensure successful aftercare of future landscape and woodland management.

- 10) No development shall take place on any phase of the permitted site until an Ecological Design Statement (EDS) relating to the watercourse, swales and Sustainable urban Drainage Systems have been submitted to and approved in writing by the LPA. The EDS shall include the following:

- a) Purpose and conservation objectives for the watercourse and water attenuation areas;
- b) Review of the site potential and constraints;
- c) Detailed design and working methods to achieve the stated objectives;
- d) Extent and location of proposed works on appropriate scale maps and plans
- e) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- f) Persons responsible for implementing the works; and
- g) Details of initial aftercare and long term future maintenance.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

To ensure the protection, retention and enhancement of biodiversity, in accordance with Core Strategy policies G8 and G9 and the National Planning Policy Framework.

- 11) Prior to the commencement of each phase of the permitted site a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of biodiversity protection zones
- c) Measures to avoid or reduce impacts during construction
- d) Location and timings of sensitive works to avoid harm to biodiversity features, including nesting birds

- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) The role of a responsible person (Ecological Clerk of Works) and lines of communication
- g) Use of protective fences, exclusion barriers and warning signs

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.

To ensure the protection of existing biodiversity features in accordance with Core Strategy Policy G8, the NPPF, and BS 42020:2013.

- 12) Prior to the commencement of each phase of the permitted site a Biodiversity Enhancement & Management Plan (BEMP) shall be submitted to and approved in writing by the LPA. The Plan shall include details of the following:

- a) Description and evaluation of features to be managed and enhanced;
- b) Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- c) Ecological trends and constraints on site that might influence management;
- d) Aims and objectives of management;
- e) Appropriate management options for achieving Aims and Objectives;
- f) Prescriptions for management Actions;
- g) Preparation of a work schedule (including an annual plan capable of being rolled forward over a 5 year period);
- h) Details of the body or organisation responsible for implementation of the Plan, and;
- i) Ongoing monitoring and remedial measures.

The Plan shall include details of the legal and funding mechanisms by which the long-term implementation of the Plan will be secured by the developer with the specialist ecological management company responsible for its delivery. The Plan shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the Objectives of the originally approved scheme. The approved Plan will be implemented in accordance with the approved details.

To ensure the protection, retention and enhancement of biodiversity, in accordance with adopted Core Strategy policies G8 and G9 and the National Planning Policy Framework.

- 13) No development shall commence for each phase of the permitted site until an updated bat survey and impact assessment has been submitted to and approved in writing by the Local Planning Authority. Once approved, any recommended actions and

mitigation measures derived from the survey and impact assessment shall be implemented in full prior to occupation of the relevant phase of the development.

To ensure the protection, retention and enhancement of biodiversity, in accordance with adopted Core Strategy policies G8 and G9 and the National Planning Policy Framework.

- 14) Prior to the commencement of development on each phase of the permitted site, a plan shall be submitted to and approved in writing by the LPA of bat roosting and bird nesting opportunities (for species such as House Sparrow, Starling, Swift, Swallow and House Martin) to be provided within buildings and elsewhere on-site. The agreed Plan shall show the number, specification of the bird nesting and bat roosting features and where they will be located for the relevant phase. All approved features shall be installed prior to first occupation of the dwelling on which they are located and retained thereafter.

In the interests of nature conservation and biodiversity enhancement, in accordance with Core Strategy Policy G8 and the National Planning Policy Framework.

- 15) No development shall commence on the permitted site until a scheme detailing surface water drainage works, include details of the Sustainable Urban Drainage scheme, has been submitted to and approved in writing by the 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 surface water and Sustainable Urban Drainage scheme forms an integral part of the overall design of the development and failure to provide an appropriate scheme would be harmful to interests of flood prevention and sustainable drainage.

- 16) There shall be no discharges of foul water from the permitted site until a foul drainage scheme including details of provision for its future maintenance (e.g. adoption by a Water Company) has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

To ensure satisfactory drainage and pollution prevention.

- 17) Notwithstanding the submission of the approved Flood Risk Assessment (FRA) 19/04/2017 / MT/LDS/WDL/P16-362/006 / Morgan Tucker Ltd, no development shall commence until an updated Flood Risk Assessment has been submitted to and approved in writing by the Local Planning Authority with updated and approved flood risk modelling of Sand Beck and agreement to any mitigation measures required to ensure there is no net loss of flood zone capacity. Once approved, the mitigation measures shall be fully implemented prior to occupation of the development hereby permitted.

To reduce the risk of flooding to the proposed development and future occupants.

- 18) Construction in the relevant area(s) of the site shall not commence until works to protect the 4" water main that is laid within the site boundary have been implemented in full accordance with details that have previously been submitted to and approved by the Local planning Authority. No trees shall be planted within 5 metres either side of the water main.

In order to protect the public water supply and ensure access for purposes of maintenance and repair for the statutory undertaker at all times.

- 19) No building or other obstruction including hard landscape features shall be located over or within 3.5 metres either side of the centre line of the 450mm public sewer ie. a protected strip width of 7 metres, that crosses the site. No trees shall be planted within 3 metres either side of the sewer. If the required stand -off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

In order to protect the public sewerage and ensure access for purposes of maintenance and repair for the statutory undertaker at all times.

- 20) No development approved by this permission shall be commenced until the Local Planning Authority in consultation with the Ainsty Internal Drainage Board has approved a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

- 21) A feasibility study into the use of infiltration drainage methods shall be submitted to the LPA for approval together with the submission of the final drainage details for the development. The undertaken Study shall include the results of soakaway tests carried out in accordance with the BRE Digest 365 with an appraisal of various infiltration and SuDS based systems that could be reasonable employed at the development site. The results of the Study shall confirm the options for surface water drainage of the development with due consideration for the hierarchy of surface water drainage as set out in the councils Minimum Development Control Standards for Flood Risk.

To ensure sustainable drainage and flood prevention in accordance with NRWLP policy Water 7 and GP5 of the UDP.

- 22) Before development of any phase commences, the detailed SuDS based Drainage Scheme based on the principles of The SUDS Manual (C753) with design criteria as

set out within the Councils 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 shall be in line with the drainage strategy as set out within the Morgan Tucker Drainage Feasibility Statement (ref MT/LDS/WDL/P16-362/004 Rev D dated 06/04/17) unless otherwise agreed with the LPA. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

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

- (i) Model Information (Micro Drainage or similar approved) to include a plan showing pipework model numbering and network details,
- (ii) Results: Summary of Results showing all the modelling criteria and summary network results for critical 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% CC storm events showing maximum water level, flow and velocity and details of any surface flooding anticipated.
- (iii) A drawing showing the proposed impermeable areas, suitably annotated.
- (iv) Calculations and any supporting survey and investigations to justify and demonstrate the existing and proposed discharge rate.
- (v) Drainage Plan showing drainage layout, manholes including cover and invert levels, proposed levels, pipe sizes and gradients, all on -line controls, on and off line storage structures and outfall details.
- (vi) Plan showing overland exceedance routes in the event of a failure of the drainage system or storm event in excess of the 1 in 100 + 40% CC storm event.
- (vii) Summary Drainage Report setting out the Drainage Strategy and results of the calculations demonstrating compliance with the above.
- (viii) Where third party agreements to construct sewers and to discharge flows are required, then written evidence of these two agreements shall be provided.
- (ix) 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 in accordance with NRWLP policy Water 7 and GP5 of the UDP.

- 23) No piped discharge of surface water from the permitted site and any phase shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

To ensure that the site drained in accordance with sustainable drainage principles and in order to prevent overloading, surface water is not discharged to the foul sewer network.

- 24) No development shall commence for each phase of the permitted site until details of any required compensatory flood storage works have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location of the works, detailed cross sections, details of the maintenance and long term management and details of their implementation. Once approved, the compensatory flood storage works shall be implemented in accordance with the agreed details.

In the interests of sustainable drainage and visual amenity.

- 25) 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'.

- 26) 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.

- 27) 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.

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

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

- 29) No works shall begin on the development until a Statement of Construction Practice 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 methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
  - b) measures to control the emissions of dust and dirt during construction;
  - c) location of site compound and plant equipment/storage;
  - d) details of workforce parking; and
  - e) 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.

The carrying out of the development could result in significant harm to highway safety and accordingly details of construction practice is required to be agreed prior to the commencement of works in order to protect such interests.

- 30) The hours of construction and site deliveries shall be restricted, unless otherwise agreed with the Council, to 08.00hrs to 18.00hrs Monday to Friday and 08.00hrs to 13.00hrs on Saturdays with no works or deliveries taking place on Sundays and Bank Holidays.

In the interests of residential amenity in accordance with saved Leeds UDP Review (2006) policy GP5 and the National Planning Policy Framework.

- 31) No development shall commence until an updated air quality assessment is submitted to and approved in writing by the Local Planning Authority. Once approved, any



associated air quality measures that are deemed necessary as a result of air quality related issues shall be implemented in full prior to first occupation of relevant phase of development.

Given the proximity to the A1(M) motorway in the interests of the residential amenity of future occupants.

- 32) No development shall commence until an updated noise survey and noise impact assessment is submitted to and approved in writing by the Local Planning Authority. Once approved, any associated noise mitigation measures that are deemed necessary as a result of noise issues shall be implemented in full prior to first occupation of relevant phase of development.

Given the proximity to the A1(M) motorway and Young Offenders Institute in the interests of the residential amenity of future occupants.

- 33) The development shall not be occupied until a Section 278 Agreement has been entered into and confirmed which secures the required off site highways works, including the following:

- a) Enhancements to Carr Lane, including the carriageway, as well as facilities for pedestrians, cyclists and horses;
- b) Footway / cycleway improvements including crossing facilities between junction 46 of the A1(M) and the northern most Racecourse Approach site access;
- c) All site access works from Racecourse Approach; and
- d) Improvements to York Road, including a footway along the northern flank, west of The Avenue.

In order provide the required standard of access into the site and to mitigate any associated impact in the interests of highway and pedestrian safety.

- 34) All vehicular roads, footways and cycleways to be approved as part of any future Reserved Matters submissions shall be constructed up to the boundary of the site or any other agreed logical feature in order to facilitate access to other areas of land that form part of the overall allocation within the Site Allocation Plan.

In order to facilitate a comprehensive development and to allow reasonable access to other parts of the overall allocation in the interests of proper planning.

- 35) The retail unit hereby permitted shall not be occupied until details of servicing arrangements and car parking have been submitted to and approved in writing by the Local Planning Authority. Once approved, the servicing and car parking area shall be laid out prior to occupation of the retail unit and thereafter retained.

In the interests of highway safety.

- 36) Building operations shall not commence until a scheme for the provision of charging facilities for electrical battery powered vehicles has been submitted to and approved in writing by the Local Planning Authority. The approved charging facilities shall be provided prior to occupation of the relevant part of the development and thereafter be retained for the lifetime of the development.

In the interests of pollution prevention and in order to accord with the Travel Plan SPD, Saved UDP Review (2006) Policy GP5, Core Strategy Policy EN1 and the National Planning Policy Framework.

- 37) As part of the Reserved Matters submission, details of new pedestrian and cycle routes within the development which connect into the existing bridleway and public footpath network shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the agreed details shall be implemented in full and thereafter retained.

In order to integrate the development into the existing bridleway and public footpath network for the benefit of future occupants and users.

- 38) The details submitted pursuant to condition 2 above shall demonstrate how the development shall comply with Policy H4 of the adopted Core Strategy with regard to achieving an appropriate housing mix.

To provide a sustainable form of development that meets the requirements of Policy H4 of the Core Strategy.

- 39) As part of the Reserved Matters submission, details and plans of all housetypes shall be submitted to the Local Planning Authority demonstrating compliance where practically possible with the Councils Accessible Housing Standards under Policy H10 of the Core Strategy. Once approved, the development shall be implemented in accordance with the approved details.

In order to achieve accessible homes in accordance with Policy H10 of the Core Strategy.

- 40) As part of the Reserved Matters submissions, all residential development should demonstrate compliance with the Councils Minimum Space Standards as set out within Policy H9 of the Core Strategy (as amended 2019).

In order to provide a satisfactory level of amenity for future occupants.

- 41) Prior to the commencement of above ground works within each phase an updated Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority, which will include a detailed scheme to demonstrate compliance with Core Strategy Policies EN1 and EN2 or any subsequent relevant policies relating to sustainability of climate change that may supersede these in the future, comprising:

- a) a recycled material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit)
- b) a Site Waste Management Plan (SWMP)
- c) an energy plan showing the amount of on-site energy produced by the selected Low and Zero Carbon (LZC) technologies and that it produces a minimum of 10% of total demand
- d) details that demonstrate a minimum of 20% carbon dioxide emissions reduction against Part L of the 2013 Building Regulations,
- e) the implementation of the low water usage target 110 litres/person/day

The development of each phase shall be carried out in accordance with the detailed scheme approved for that phase, and

f) Within 6 months of the final occupation of each phase a post-construction review statement shall be submitted to the Local Planning Authority including demonstration that the terms of the approved Sustainability Statement have been met.

The development and buildings comprised therein shall be maintained thereafter and any repairs shall be carried out all in accordance with the approved Sustainability Statement.

In the interests of sustainable development, and in compliance with Core Strategy Policies EN1 and EN2 or any subsequent relevant policies that may supersede these in the future.

- 42) The new primary school shall not be occupied until the relevant certification to show that the development meets BREEAM standard of excellent has been submitted to the local planning authority.

In the interest of producing a sustainable form of development.

- 43) Within 3 months from the date of the outline approval, details of the location of the primary school shall be submitted and approved writing within a period of 16 weeks of submission by the Local Planning Authority. The approved location shall thereafter form the basis of the future Reserved Matters submission.

In order to provide certainty over the location of the school in the interests of proper planning.

- 44) No development shall take place until a programme of archaeological recording has been secured. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted in writing to and approved in writing by the Local Planning Authority. The works shall be implemented in full in accordance with the approved scheme.

To ensure appropriate archaeological recording in accordance with saved Leeds UDP Review (2006) policies N29 and ARC5, and the National Planning Policy Framework.

- 45) No part of the primary school shall be occupied until details of a Community Use Agreement have been submitted to and approved in writing by the Local Planning Authority. The Community Use Agreement should include details of what facilities will be made available, details of marketing and booking arrangements, details of affordability, timescales and availability of facilities and management responsibilities. Once approved, the school shall be operated in accordance with the agreed Community Use Agreement.

In order to make use of the school land in the interests of sustainability and promoting inclusivity and social integration.

- 46) Prior to the occupation of the Primary School, a School Travel Plan which shall demonstrate measures to encourage alternative modes of transport for staff other than single occupancy of vehicles and include timescales for when those measures shall be put into place, shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the plan, which shall also include procedures for monitoring the uptake of alternative modes of travel and providing evidence of compliance to the Local Planning Authority shall be put into place and thereafter operated in accordance with the approved timescales.

In the interests of amenity and to encourage the use of transport other than single occupancy of a car in accordance with the principles of sustainable transport.

- 47) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and any associated provisions of the Town and Country Planning General Permitted Development Order 2015 (including any future amendment or enactment of those Orders), the Class A use hereby permitted shall be A1 shops only and no other use.

In order for the Local Planning Authority to seek control of the use in the interests of sustainable development.

**For information:-**

- 1) In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way to produce an acceptable scheme in accordance with the National Planning Policy framework.
- 2) THIS APPLICATION HAS BEEN DETERMINED BY PANEL RESOLUTION ON 29TH AUGUST 2019.

- 3) The applicant should be aware that there is an Agreement/Obligation by way of undertaking under Section 106 of the Town and Country Planning Act 1990 affecting this site or that there is likely to be a need to enter into such Agreement/offer an Obligation to discharge the requirements of conditions above.
- 4) All reports addressing land contamination should be compiled in accordance with best practice and policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

Prior to preparing any reports in compliance with conditions related to land contamination the applicant is also advised to refer to the Leeds City Council guidance leaflets in the series:- The Development of Contaminated Sites:  
 The Blue Leaflet (CL2) - Reports in Support of Planning Applications  
 The Yellow Leaflet (CL4) - Residential Development on Land Affected by Contamination

These leaflets can be obtained at [www.leeds.gov.uk/contaminatedland](http://www.leeds.gov.uk/contaminatedland)

- 5) This permission does not absolve the applicant(s) from the requirements for compliance with a Building Regulation approval, or the duty of compliance with any requirements of any Statutory Body, Public Utility or Authority.

The applicant is advised that where any of the following apply, The Party Wall Act 1996 provisions are relevant, and you may well need to serve notice and get agreement from adjoining owners/neighbour(s) to carry out the work;

- work carried out directly to an existing party wall or structure
- new building at or astride the boundary line between properties
- excavation within 3 or 6 metres of a neighbouring building or structure depending on the depth of the hole or proposed foundations.

- 6) The public footpath/bridleway which crosses/abuts the site should not be closed at any time without the written consent of the Local Highway Authority.
- 7) This permission does not convey or imply any authority for the applicants to enter on to land not in their ownership or control in order to carry out the development hereby approved.

**This recommendation relates to the following Approved Plans**

Plan Type	Plan Reference	Version	Received
Access	ITM8252-GA-001	C	05.11.2020
Access	ITM8252-GA-002	E	05.11.2020
Access	ITM8252-GA-003	B	05.11.2020

Access	ITM8252-GA-005	C	21.09.2020
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Access	ITM8252-GA-016	B	28.01.2019
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Site Location Plan/Red Line/OS Plan	P16 5043 01	A	19.04.2021
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