



## **PLANS PANEL (WEST)**

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**Meeting to be held in Civic Hall, Leeds on**

**Wednesday, 25th May, 2011**

**at 1.30 pm**

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### **MEMBERSHIP**

#### **Councillors**

N Taggart (Chair)	B Chastney	P Wadsworth	T Leadley
J Akhtar	J Matthews	R Wood	
M Coulson			
J Hardy			
J Harper			

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2 To consider whether or not to accept the officers recommendation in respect of the above information.</li> <li>3 If so, to formally pass the following resolution:-</li> </ol> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of those 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</p>	

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3			<p><b>LATE ITEMS</b></p> <p>To identify items which may have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p><b>DECLARATIONS OF INTEREST</b></p> <p>To declare any personal/prejudicial interest for the purpose of Section 81 (3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive any apologies for absence</p>	
6			<p><b>MINUTES</b></p> <p>To approve the minutes of the last meeting held 28<sup>th</sup> April 2011 as a correct record.</p> <p>(Copy attached)</p>	3 - 8
7	Horsforth;		<p><b>APPLICATION 10/03015/FU - ONE 6 BEDROOM DETACHED HOUSE INCLUDING CONVERSION OF CHAPEL TO FORM ANNEXE AND ONE 4 BEDROOM DETACHED HOUSE BOTH WITH DETACHED DOUBLE GARAGES AT CRAGG WOOD NURSERIES, CRAGG WOOD DRIVE, RAWDON LS19</b></p> <p>To consider the report of the Chief Planning Officer on an application for two detached houses with detached double garages and conversion of Chapel to form annexe at Cragg Wood Nurseries, Rawdon</p> <p>(Report attached)</p>	9 - 26

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8	Horsforth;		<p><b>APPLICATION 10/03014/CA - CONSERVATION AREA APPLICATION FOR DEMOLITION OF OUTBUILDINGS AT CRAGG WOOD NURSERIES, CRAGG WOOD DRIVE, RAWDON LS19</b></p> <p>To consider the report of the Chief Planning Officer on an application seeking consent for the demolition of outbuildings at Cragg Wood Farm, Rawdon.</p> <p>(Report attached)</p>	27 - 34
9	Armley;		<p><b>APPLICATION 11/00811/FU - CONSTRUCTION OF 12 FLATS, 8 HOUSES, DETACHED COMMON HOUSE WITH CAR PARKING, PUBLIC OPEN SPACE AND COMMUNAL GARDENS AT FORMER WYTHYER PARK PRIMARY SCHOOL, VICTORIA PARK AVENUE, BRAMLEY, LS13</b></p> <p>To consider the report of the Chief Planning Officer on an application for a residential development with detached Common House and associated car parking, communal gardens and public open space on the site of the former Whyther Park Primary School, Bramley</p> <p>(Report attached)</p>	35 - 46
10	Otley and Yeadon;		<p><b>APPLICATIONS 10/00848/FU &amp; 10/01122/LI - CHANGE OF USE AND LISTED BUILDING APPLICATIONS INVOLVING PART DEMOLITION OF AND ALTERATIONS TO FORMER AGRICULTURAL BUILDINGS TO FORM ONE 2 BEDROOM, ONE 3 BEDROOM AND ONE 4 BEDROOM TERRACES HOUSES WITH ASSOCIATED CAR PARKING AND AMENITY SPACE AT THROSTLE NEST FARM, WESTON LANE, OTLEY LS21</b></p> <p>To consider the report of the Chief Planning Officer on an application seeking the part demolition of and alterations to former agricultural buildings to form terraced houses with associated car parking and amenity space at Throstle Nest Farm, Otley.</p> <p>(Report attached)</p>	47 - 56

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11	Otley and Yeadon;		<p><b>APPLICATIONS 09/04287/RM &amp; 10/03695/FU - APPLICATIONS FOR LAYING OUT OF ACCESS ROADS AND ERECTION OF 138 DWELLINGS, 21 FLATS, 41 RETIREMENT APARTMENTS, 2 STOREY OFFICE BLOCK AND ALTERATIONS AND EXTENSIONS TO MILL BUILDING TO FORM 36 FLATS AND 1 OFFICE UNIT AND CHANGE OF USE OF BUILDING TO BAR/RESTAURANT AND 20 SPACE CAR PARK, GREENSPACE AND LANDSCAPING ON LAND AT GALLOWES HILL, ADJACENT TO CEMETERY, POOL ROAD, OTLEY LS21</b></p> <p>To consider the report of the Chief Planning Officer setting out a reserved matters application (09/04287/RM) for the laying out of access roads and erection of 138 dwellings, 21 flats in 3 blocks, 41 retirement apartments, 2 storey office block and alterations and extensions to a mill building to form 36 flats and 1 office unit; and for the change of use of a mill building to bar/restaurant and 20 space public car park, greenspaces with landscaping along with an application (10/03695/FU) for the laying out of an access road at land at Gallows Hill adjacent to cemetery, Pool Road, Otley.</p> <p>(Report attached)</p>	57 - 74
12	Otley and Yeadon;		<p><b>APPLICATION 11/00704/FU - REMOVAL OF CONDITION 01 FROM PLANNING PERMISSION REFERENCE P/07/05389/FU IN ORDER TO ALLOW THE PERMANENT RETENTION OF THE EXISTING ANIMAL STABLES AND THE CONTINUED USE OF THIS BUILDING FOR ANCILLARY CAR PURPOSES AT HICKORY THICKET, WEST CHEVIN ROAD, OTLEY LS21</b></p> <p>To consider the report of the Chief Planning Officer on an application seeking the removal of Condition No. 1 of an existing permission in order to allow the permanent retention of animal stables and the continued use of the building for ancillary car purposes at Hickory Thicket, Otley</p> <p>(Report attached)</p>	75 - 86

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13	Horsforth;		<p><b>APPLICATION 11/00414/FU - CHANGE OF USE OF STORAGE BARN TO OFFICES/TOILETS AND EXTENSIONS TO ABATTOIR AT LOW GREEN FARM, 40 LEEDS ROAD, RAWDON LS19</b></p> <p>To consider the report of the Chief Planning Officer for the change of use of a storage barn to offices/toilets and extensions to abattoir at Low Green Farm, Rawdon</p> <p>(Report attached)</p>	87 - 94
14	Bramley and Stanningley; Horsforth; Kirkstall;		<p><b>APPLICATION 11/01400/EXT - EXTENSION OF TIME FOR 25/96/OT FOR MIXED DEVELOPMENT, SITE REMEDIATION, BRIDGE WORKS, RIVER WORKS, CAR PARKING AND LANDSCAPING AT KIRKSTALL FORGE, ABBEY ROAD, KIRKSTALL LS5</b></p> <p>To consider the report of the Chief Planning Officer on an application seeking an extension to the time limit for implementation of permission 25/96/OT for the proposed mixed development comprising residential, offices, leisure, hotel, retail, bar/restaurants with access, site remediation, bridge works, river works, car parking and landscaping at Kirkstall Forge.</p> <p>(Report attached)</p>	95 - 162
15			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>To note the date and time of the next meeting as Thursday 23<sup>rd</sup> June 2011 at 1.30 pm.</p>	

**Chief Executive's Department**

Democratic Services

4<sup>th</sup> Floor West

Civic Hall

Leeds LS1 1UR

Contact: Helen Gray

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Your reference:

Our reference: ppw/sitevisit/

17 May 2011

To:

Members of Plans Panel (West)

Plus appropriate Ward Members and

Parish/Town Councils

Dear Councillor

**PLANS PANEL (WEST) – SITE VISITS – WEDNESDAY 25<sup>th</sup> MAY 2011 AT 1.30 pm**

Prior to the next meeting of Plans Panel West there will be site visits in respect of the following;

- 1 10.00 am Application 10/00848/FU - Change of use, part demolition & alterations to former agricultural buildings to form one 2 bedroom, one 3 bedroom and one 4 bedroom terrace houses at Throstle Nest Farm, Weston Lane. (Otley & Yeadon Ward)
- 2 10.20 am Applications 09/04287/RM & 10/03695/FU - Laying out of access roads, erection of 138 dwellings, 21 flats in 3 blocks, 41 retirement apartments, 2 storey office block, alterations and extensions to Mill buildings to form 36 flats and 1 office unit and change of use of buildings to bar/restaurant and 20 space public car park, greenspace and landscaping – Garnetts Paper Mill, Gallows Hill, adjacent to Cemetery Lane, Otley. (Otley & Yeadon ward)
- 3 10.50 am Application – 11/00414/FU - Change of use of storage barn to offices and toilets and extensions to abattoir – Low Green Farm, 40 Leeds Road, Rawdon. (Horsforth ward)
- 4 11.15 am Application – 10/03014/FU and 10/03015/FU - One bedroom detached house, conversion of Chapel to form annexe and one 4 bedroom detached house both with detached double garages.- Craggwood Nurseries, Cragg Wood Drive, Rawdon. (Horsforth ward)

12 noon Return to the Civic Hall

**A minibus will leave the Civic Hall at 9.40 am prompt.** Please contact Steve Butler Area Planning Manager (West) Tel: (0113) 2243421 if you are intending to come on the site visits and meet in the Civic Hall Ante Chamber at 9.35 am

Yours sincerely

**Helen Gray**  
**Governance Officer**

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## PLANS PANEL (WEST)

THURSDAY, 28TH APRIL, 2011

**PRESENT:** Councillor N Taggart in the Chair

Councillors B Chastney, M Coulson,  
J Hardy, J Harper, G Latty, T Leadley and  
J Matthews

### 133 Late Items

The Chief Planning Officer tabled one Late item of business for the Panel to consider, with the agreement of Councillor Taggart. The late report pertaining to Leeds Bradford International Airport had been despatched prior to the meeting. (minute 139 refers).

Additionally the Panel received a revised version of the planning officers report on Application 10/02363/OT Retail superstore at Armley, containing amendments arising from continuing discussions with the developer (minute 137 refers)

### 134 Declarations of Interest

The following Members declared personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct:

Councillor J Harper – Application 10/02363/OT retail development, Armley - declared a personal interest as Vice Chair of West Leeds Gateway Steering Group and as a member of the Townscape Heritage Initiative (minute 137 refers)

Councillor N Taggart - Application 10/02363/OT retail development, Armley - declared a personal interest as a member of West Leeds Gateway Steering Group (minute 137 refers)

### 135 Apologies for Absence

Apologies for absence were received from Councillors Wadsworth and Wood. The Panel welcomed Councillor G Latty as a substitute for Councillor Wadsworth.

### 136 Minutes

**RESOLVED** – The minutes of the last meeting held 31<sup>st</sup> March 2011 were approved as a correct record

### 137 Application 10/02363/OT - Outline Application to erect Retail Superstore with car parking, petrol filling station/shop, three A1/A2/A3 Units and public open space at land off Carr Crofts, Town Street and Modder Place, Armley LS12

The Panel considered the report of the Chief Planning Officer on an outline application including the siting and access arrangements for a large retail superstore with car parking and three retail units in Armley. The Panel was in receipt of a revised covering report setting out an amended description of

development, amended officer recommendation, amended conditions and additional details of heads of terms for the Section 106 agreement.

Plans of the site, street elevations, architects 3D graphics and a photo montage showing the proposals in the street scene were displayed at the meeting. Officers addressed the revisions made to the report and highlighted the amendments made to the proposals since Panel received and commented on a position statement presented in July 2010. In particular:

Petrol station – Reduced in size, set back from Carr Crofts, reorientated to provide better access arrangements and live frontage onto Carr Crofts and improved roof design.

Conservation Area buildings – those originally earmarked for demolition to make way for the petrol station would now be replaced with new retail units to turn the corner on Town Street with public seating set in a wide pedestrian area. Officers concluded that the demolition now had a neutral impact on the Conservation Area, as the new buildings were an acceptable replacement in the conservation area.

Public transport – a new bus stop with real time display to be provided on both sides of Carr Crofts and those on Town Street to be relocated.

In addition officers reported on the following issues previously raised by Members:

Scale and impact on Armley Town Centre – officers reported they had investigated the impact of similar developments on similar town centres as requested in Batley and Rothwell – and concluded that those superstores had generally encouraged vitality in the towns and reduced vacancy. However there had been some fall off in trade in Batley following introduction of a mezzanine, but this could also be attributable to current economic circumstances.

Whether a smaller scheme would be viable – as previous concerns about the impact of this development on the Conservation Area and highway impact had been addressed, this was no longer a fundamental issue.

Impact on employment – importantly, two companies currently on site had confirmed that they would relocate and expand within the Leeds district.

Officers reported their remaining concerns over the proposed roof form shown on the indicative drawings due to the expanse of the unit and the inclusion of roof lights which were felt to be contrived, but noted this could be dealt with at the Reserved Matters stage. Members were directed to the regeneration and employment benefits brought by the proposals as a key issue to consider in light of the matters now addressed.

The Panel commented the site had historically been a busy area and noted the local support for the scheme, although they were concerned that the relationships between the new development and the neighbourhood were right. Members discussed the following:

Retail Mix –

- noted that Condition 42 restricted uses within the retail store in order to protect uses currently on Town Street.

- queried whether there was flexibility in this condition to reflect subsequent use changes on Town Street and whether the condition would prohibit the store selling products which were available on Town Street.
- commented that shoppers may not venture into Town Street in the future.
- wanted officers to assess this proposed condition further.

#### Noise –

- noted conditions 22/23 restricted the hours of opening/deliveries and commented that other supermarkets in similar neighbourhoods had later hours. Local residents here would have an expectation this store would open until 23:00 hours.
- queried whether the restriction was necessary and if it would prevent existing uses relocating.
- noted that it would be preferable for the service vehicles to retain their reverse beepers in the interests of public safety.
- could sound deadening surfaces be installed within the service area to alleviate the impact on noise from vehicles.
- wanted officers to assess this proposed condition further.

Officers responded that the restrictions arose from concerns to protect vitality and viability of Town Street and Environmental Protection Team advice regarding potential noise impact. The conditions would not prevent uses relocating and could be reviewed as requested. Surfacing materials would be addressed in the detail of the Reserved Matters application. Restrictions should have regard to the context of the site, as it was surrounded by residential properties.

Opening hours (in particular night time access and car parking arrangements) could be reviewed, perhaps making use of under croft car parking to minimise noise. The main access to the unit would be off Carr Crofts/Station Avenue. Direct access onto Station Avenue will be stopped up.

#### Roof –

- queried whether a green roof could be incorporated and requested further details on the carbon footprint.

Officers noted that care should be taken when viewing the indicative drawings as such matters would only be designed and formally considered at Reserved Matters stage

#### Highways –

- welcomed the provision of signals to the Tong Road/Carr Crofts junction as the store would attract customers from the Farnley and Wortley areas.
- Queried if the Branch Road/Armley Road junction should also be addressed as traffic from the new store could use this route and add to long queues of stacking traffic already experienced at the junction waiting to make the difficult right turn onto Armley Road. The Highways Officer confirmed that this concern would be passed onto Urban Traffic Control.

Some Members were concerned about the number of issues which appeared to be unresolved and required further attention through the defer and delegate process. Officers reiterated that some of the issues raised by Panel now could only be dealt with at the Reserved Matters stage at which point an application would be brought back to Panel. Furthermore, a defer and delegate decision would afford opportunity to review the conditions relating to restricted uses and proposed hours of operation. In addition it was agreed that officers would consult ward members on such details prior to a decision being formally issued.

The Panel considered the revised officers recommendation and **RESOLVED** – That the application be approved in principle and final approval be deferred and delegated to the Chief Planning Officer subject to the submission of an acceptable Stage 1 Road Safety Audit; the conditions specified in the revised report and the completion of a Section 106 Agreement to cover those matters listed within the revised report namely the management fee, travel plan monitoring fee (£4,000 index linked), public transport contribution (£660,756 index linked), bus infrastructure contribution (£40,000 index linked), specification and timing of public realm works, specification and timing of works to the former Chapel, specification and timing of construction/marketing of retail units, details of training and employment for local people.

Under the provisions of Council Procedure Rule 16.5 Councillor Leadley required it to be recorded that he voted against this matter.

(Councillors Coulson and Hardy withdrew from the meeting)

### **138 Planning For Growth - National Advice**

The Chief Planning Officer submitted a report setting out information sent to all Local Planning Authorities (LPAs) in England by the Chief Planner (Communities and Local Government) in respect of the national objectives in 'Planning for Growth'. Appended to the report was a statement by the Minister for Decentralisation and further information on planning obligations.

(Councillors Coulson and Hardy resumed their seats in the meeting)

The Head of Planning Services highlighted the following

- the importance now placed on delivering sustainable growth and the clear expectation that a positive answer should be given to development and growth whenever possible, particularly for moving forward previously stalled schemes, although key sustainable development principles should not be compromised
- weight should be given to the economic factors and economic recovery when an application is finely balanced,

Members noted that Executive Board was due to consider the revised Affordable Housing (AH) figures on 18<sup>th</sup> May 2011 and noted that any permission granted with the lower AH threshold will be required to be implemented within 2 years. The Head of Planning Services commented that

applications to vary the AH offer were anticipated from those developers who had recently won appeals for residential Greenfield developments offering AH at the higher threshold. Members expressed concern that developers would repeatedly apply for extensions of time for applications with lower AH thresholds. The Head of Planning Services clarified that once the 2 years had elapsed with no development on site, a fresh full application would be required.

The Chair expressed interest in the impact this new approach would have had on some recent Panel decisions and requested officers undertake an exercise to review those decisions in the light of the government advice

**RESOLVED** - To note the report and attached papers and to have regard to them in making planning decisions

**139 LATE ITEM - Leeds Bradford International Airport - Monitoring report September 2010 to February 2011 of night time aircraft movements, noise levels and air quality**

Further to minute 123 of the previous meeting, the Chief Planning Officer presented a Late Item of business relating to monitoring of night time aircraft movements, air quality and noise at Leeds Bradford International Airport (LBIA).

The report was accepted as a Late Item as Panel had specifically requested a report at the last Panel on the reasons why enforcement action was not to be taken in respect of breaches of conditions as raised by Councillor Matthews and that it should be provided in the context of the latest monitoring report. The Head of Planning Services apologised for the lateness of the report which was due to the time taken to get the required monitoring information but felt it was important that the information and explanation was tabled at this meeting. He also made it clear that Members did have the option of deferring the item a cycle if they wanted to allow more time to consider its contents

The comments of an e-mail from local ward Councillor Campbell on the contents of the report and the approach taken by the Local Planning Authority to the monitoring of LBIA were read out in full to the meeting.

The Head of Planning Services outlined the circumstances of the last 3 breaches which had occurred since he wrote to the airport in May 2010 and considered that they were exceptional. He referred to the history of Pakistan International Airlines (PIA) breaches; the improvement over time and the actions which had been taken by the airport to improve the situation. The Head of Planning Services recognised that there were a number of factors to take into account before taking formal enforcement action and the impact of the breaches had to be weighed against the economic benefits brought to Leeds by PIA flying from LBIA. Consideration was also being given as to how other airports dealt with breaches of conditions and the need to continue to work co-operatively with the airport

Members commented that allowing the planning conditions to continue to be flouted would set a worrying precedent. They noted the number of breaches

which had happened over the last 3 years but that improvements had been made and the latest breaches were due to exceptional circumstances

Members considered that enforcement action at this time would not be appropriate but that the issue should be kept under review and the enforcement file should remain open. We should continue to bring the matter to the attention of the airport and urge further dialogue with PIA to bring the quieter B777 aircraft into service on this route at the earliest opportunity

**RESOLVED –**

- a) To note the contents of the report in relation to night time aircraft movements, noise and the air quality monitoring
- b) To note the update in relation to outstanding enforcement action in relation to breaches of the planning condition on night flying and aircraft noise
- c) To support the approach adopted by officers so far, in seeking to resolve the issues of the PIA breaches by continued dialogue rather than formal action at this stage given the improvement in the position over time and the low number of breaches now occurring
- d) To note the intention to present a further monitoring report in six months time

**140 Date and Time of Next Meeting**

**RESOLVED –** To note the date and time of the next meeting as Wednesday 25<sup>th</sup> May 2011 at 1.30 pm (avoiding Annual Council on 26<sup>th</sup> May 2011)



Originator: Philippa Simpson

Tel: 0113 2478018

## Report of the Chief Planning Officer

### **PLANS PANEL WEST**

**Date: 25 May 2011**

**Subject: APPLICATION 10/03015/FU – One 6 bedroom detached house including conversion of chapel to form annexe and one 4 bedroom detached house both with detached double garages at Cragg Wood Nurseries, Cragg Wood Drive, Rawdon, Leeds LS19 6LG**

#### **APPLICANT**

Yorparks Ltd.

#### **DATE VALID**

1 July 2010

#### **TARGET DATE**

26 August 2010

#### **Electoral Wards Affected: Horsforth**

☐ Yes

Ward Members consulted  
(referred to in report)

#### **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 conditions specified in this report; and completion of a section 106 legal agreement to cover firstly improvements to the public footpath, (Aireborough No 100), which adjoins the eastern site boundary; and secondly the right for pedestrians to pass and re-pass along the section of site access road between Woodlands Drive and the southern end of the public footpath.

**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 planning application shall also be delegated to the Chief Planning Officer.**

1. Time limit on full permission, (3years).
2. Development in accordance with the approved plans
3. Samples of walling and roofing materials to be submitted.
4. Sample panel of stonework.
5. Samples of surfacing materials to be submitted.
6. Door/window frame details.
7. Details of fencing and walls including garden boundary treatment to be submitted.
8. No insertion of further window and door openings.

9. No construction of specified buildings (extensions, roof alterations/enlargements, conservatories, garden structures, additional hard surfaced areas) unless otherwise approved.
10. Retention of garages for the parking of motor vehicles.
11. Provision of approved visibility splay at the start of development.
12. Areas to be used by vehicles to be laid out, drained, surfaced and sealed.
13. Preservation of existing trees and vegetation.
14. Protection of trees and other vegetation during construction.
15. Submission of revised woodland management measures to include revised new planting details, an implementation programme and details of future maintenance responsibilities
16. Implementation of approved landscape management measures
17. Submission of landscape maintenance scheme to include maintenance of the surrounding woodland area.
18. Submission of a comprehensive biodiversity and protection and enhancement plan to include an implementation of programme.
19. Implementation of a programme of archaeological and architectural recording in relation to the Cragg Wood Burial Ground.
20. Submission of a maintenance and management scheme, (to include arrangements for public access) for the Burial Ground.
21. Details of external lighting to be submitted.
22. Provision of visibility splay at the start of development.
23. Area used by vehicles to be laid out prior to first occupation.
24. Cycle parking details to be submitted.
25. Bin storage details to be submitted.
26. Submission of maintenance agreement for the site access road.
27. Submission of feasibility study into the use of infiltration drainage.
28. Submission of contamination information prior to development commencing
29. Amendment of remediation statement
30. Submission of verification reports

**Reasons for approval:** The application is considered to comply with policies SP3, GP5, N12, N13, N19, N20, N23, N25, N33, N37, N49, N51, H4, T2, T24, A4, BD5, BC7 and LD1 of the UDP Review, as well as guidance contained within the 'Street Design Guide' SPD, 'Public Transport and Developer Contributions' SPD and 'Neighbourhoods for Living' SPG13 and the draft Rawdon Cragg Wood Conservation Area Appraisal and Government Guidance and policy as detailed in PPS1, PPS3, PPS5, PPS9, PPG2 and PPG13 and having regard to all other material considerations, on balance, it is considered that there are very special circumstances to justify this development in the Green Belt.

## **1.0 INTRODUCTION:**

- 1.1 The application is brought to Plans Panel West at the request of Councillor Cleasby. The application has led to deep divisions amongst neighbours with the developers accused of being selective in their consultation with local residents. The application site is also located within the Rawdon Cragg Wood Conservation Area, which is currently under review. As a result of these two factors, Councillor Cleasby considers that a Plans Panel decision would be more readily accepted than an officer decision made under delegated powers.
- 1.2 The application has attracted a considerable number of representations; both against and in support of the proposed development.

## **2.0 PROPOSAL:**



- 2.1 The application seeks full planning permission for two detached family dwellings on the site of the former Mansell and Hatcher orchid nursery. The application is accompanied by a concurrent application for Conservation Area Consent (reference 10/03014/CAC) for demolition of outbuildings, (associated with the former nursery use), on the site. All existing buildings will be demolished apart from the disused 'Cragg Wood Baptist Chapel' and a mono-pitched brick garage building.
- 2.2 The proposed houses will be located on the part of the site currently occupied by former nursery buildings and structures and are referred to on the submitted plans as 'Mansell' and 'Hatcher.' The houses are of contemporary design with over-hanging mono-pitch roofs and large areas of glazing to maximise views and natural light. Both houses are split level, (one/two storeys), to reflect the natural gradient of the land. Proposed construction materials are natural stone with substantial areas of timber panelling and natural slate roofs.
- 2.3 'Mansell,' the six bedroom house, will be constructed towards the centre of the site. The south west (front) section will be largely two storeys high with a mono-pitch roof. A single storey flat roof element to the south eastern side allows for provision of an external 'eating area' on the roof. A narrow flat roof two storey link provides a connection to the rear section, which consists of two subordinate single storey buildings with mono-pitch roofs separated by a glazed link.
- 2.4 The 'Cragg Wood Baptist Chapel' to the north east will be converted to form an annex to the new house. The route up to the chapel through the existing buildings will be retained following demolition of the buildings to form an external pathway to the annex. The resulting pathway will be surfaced with the existing floor tiles and flanked by 'water features' to each side. The retained garage building to the west will also be converted to provide a double garage for the new house.
- 2.5 'Hatcher,' the four bedroom house,' will be constructed to the south east of 'Mansell'. This house, although occupying a smaller footprint, will be of similar design with a two storey front section with a mono-pitch roof and a two storey flat roof link to two subordinate single storey rear buildings with mono-pitch roofs joined by a glazed link. A new detached double garage with a mono-pitch roof will be constructed to the west of the house.
- 2.6 Since the application was submitted, the domestic curtilage of the houses has been substantially reduced to exclude the surrounding woodland, and the Cragg Wood Baptist Burial Ground located towards the centre of the site.
- 2.7 Vehicle access will be from Woodlands Drive, a long un-adopted road with no footways running between the A658, Bradford to Harrogate road, to the west and Knott Lane to the east, with residents only access from Knott Lane. The site is accessed via Cragg Terrace, a narrow un-adopted road running off Woodlands Drive, which also serves existing houses on Cragg Terrace and Cragg Lodge. The application proposes visibility improvements for traffic turning out of Cragg Terrace onto Woodland Drive. A three metre wide hard surfaced access with one passing place will be constructed from the end of Cragg Terrace to the new houses. This follows the line of the existing internal nursery track.

- 2.8 Improvements to pedestrian routes are also proposed. The existing definitive footpath, which runs along the eastern boundary of the site between Cragg Terrace and Craggwood Drive, will be cleared, signposted and re-surfaced. Former 'designated landscaped routes' linking Craggwood Drive and the definitive footpath to the Baptist Burial Ground will be re-established and maintained.
- 2.9 The applicants have submitted several documents in support of the application. These include a planning support statement, a design and access statement, contamination reports, a flood risk assessment, an ecological assessment, an arboricultural report and woodland management plan, a highway statement and transport CO2 report, a statement of community involvement, a historical report, an archaeological desk based survey and building fabric assessment and letters of support from nearby residents.
- 3.0 SITE AND SURROUNDINGS:**
- 3.1 The application site is located within a wider area of land designated as Green Belt and Special Landscape Area on the Leeds Unitary Development Plan (Review 2006). It is also located within the Rawdon Cragg Wood Conservation Area.
- 3.2 The application concerns a very secluded site located between Cragg Terrace to the south and Craggwood Drive to the north. The site slopes steeply upwards from south to north. Bands of mature and well established trees; adjacent to the site boundaries provide effective screening. As a result, the buildings within the site are largely hidden from public view. The trees at the south eastern end of the site are protected by Tree Preservation Order.
- 3.3 The application site was in horticultural use up to 2008. Nurseries were in existence on the site in 1893 and since 1909 the site was occupied by the Mansell and Hatcher orchid nursery. This closed down in 2006 as the orchid farm was no longer sustainable primarily because of availability of cheaper and readily available orchids from Holland. The sloping nature of the site and the poor access combined with the increased size of delivery vehicles also hindered business efficiency. The extensive former nursery buildings occupy the centre of the site and consist of a number of brick buildings and large glasshouses. They are now disused and in a dilapidated condition.
- 3.4 The site is of archaeological significance as it is associated with the early years of Baptist worship in West Yorkshire. A small non conformist burial ground, (known as Cragg Wood Burial Ground), is located towards the centre of site. The burial ground, known to have been present since at least 1712, is roughly square in shape and level with retaining walls to the west and north and boundary walls to the south and east constructed from local stone.
- 3.5 Adjoining the graveyard to the north east is a disused L shaped building, (known as 'Cragg Wood Baptist Chapel'). This is a single storey building constructed of stone with a corrugated sheeting and slate roof, currently in a dilapidated condition. This building is of later construction and is first shown on the 1893 Ordnance Survey map. It is identified as a 'positive'

building on the draft Rawdon Cragg Wood Conservation Area Appraisal and Management Plan.

- 3.6 Since the application was originally submitted, English Heritage has received a request to assess both the burial ground and chapel for possible inclusion on the statutory list of buildings of special architectural or historic interest. This assessment is now complete and in March 2011, the Minister of Tourism and Heritage decided to list the eleven surviving tombs and grave markers together with the boundary walls of Cragg Wood Baptist Burial Ground as a Grade II listed building.
- 3.7 English Heritage have concluded that 'Cragg Wood Baptist Chapel' is neither a chapel or associated with the burial ground, but may have been constructed from materials left over from demolition of the original chapel. The building is associated with the former orchid nursery as a possible boiler house and store. Whilst English Heritage have decided not to list the building, they state it is of local significance as one of the oldest buildings associated with the orchid nursery and the only stone built structure.
- 3.8 Adjoining the site to the south are traditional stone cottages on Cragg Wood Terrace and to the south east is Cragg Lodge, a large stone detached house in extensive grounds. A definitive footpath, which is both steep and overgrown, runs alongside the eastern boundary with designated Ancient Woodland beyond. To the north the land continues to steeply slope upwards towards Craggwood Drive, an unmade single track road which is also a definitive bridleway. A large stone detached house, (Zimbabwe), accessed from Craggwood Drive bounds the northern site boundary. To the north of Craggwood Drive is a designated Cragg Wood Leeds Nature Area. To the west the area is semi-rural with isolated large houses.
- 3.9 The vicinity is characterised by narrow lanes, footpaths, mature woodland with, (mainly large), houses occupying clearings within the woodland.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 06/03604/OT – Outline application to erect 6 detached dwelling houses to site of former nursery – planning permission refused 7 August 2006. The six reasons for refusal concern inappropriate development in the Green Belt, lack of evidence to justify development of a green field site, unsustainable location, inadequate access and insufficient amenity space for future residents.
- 4.2 10/03014/CA – Concurrent application for conservation area consent for demolition of outbuildings – pending consideration.

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 From the outset, the applicants indicated their wish to resolve any problematic issues, which may arise during the assessment process. They accepted this could take a time and the application would not be determined within the 8 week target period. There have been several discussions with the applicants and agent during consideration of the application. As a result, revised plans have been submitted to address concerns raised by consultees together with additional documentation including an archaeology desk based survey and building fabric assessment, a viability statement in connection with horticultural or

commercial uses, a Transport CO2 report and a statement from the former land owner in relation to vehicle movements to and from the orchid nursery.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application was advertised as a departure from the development plan and as affecting the character of the Conservation Area by site notice posted on 26 July 2010 with an expiry date of 16 August 2010 and by advertisement in the Wharfe Valley Times published on 22 July 2010 with an expiry date of 12 August 2010.
- 6.2 The application was re-advertised following submission of revised plans and additional documentation by site notice dated 14 January 2011 with an expiry date of 28 January 2011.
- 6.3 Stuart Andrew MP has commented on the application, (following re-advertisement), and raised the following points:
- The site is in the centre of a Green Belt and Conservation Area. A previous application for houses was refused in 2006
  - Impact on wildlife and peace and tranquillity of the area
  - No new recent developments have been allowed in the Conservation Area
  - Should the application be approved just because the site is derelict?
  - Design out of keeping with the area
  - The listed Baptist graveyard and walls should be preserved in their entirety.
  - Two households who signed the pre-written letter of agreement have sold/are selling their properties whilst 58 households have signed a petition stating the site should not be developed.
- 6.4 The Campaign to Protect Rural England, (CPRE), has objected to the application, (after re-advertisement). It considers that the reasons for refusal on the 2006 application still stand. The development would create a precedent for new development in the Conservation Area, the design is out of keeping and it would impact on wildlife and tranquillity.
- 6.5 A petition signed by 61 local residents objecting to the development was received following re-advertisement of the application.
- 6.6 Five letters of support were submitted prior to re-advertisement of the application. These include a letter from an agent acting on behalf of three local residents; two of whom have also written separate supporting letters.
- 6.7 The issues raised by supporters can be summarised as follows:
- The application satisfies previous objections, (to the 2006 application), in relation to building density, increased car usage and impact on flora and fauna.
  - Will reduce building footprint on site and will have little impact on car usage in the area.
  - Will eliminate criminal and anti-social activities on the site – these include a recent arson attack and alleged storage of stolen property and drug use.

- Current state of dereliction of the site is a threat to wildlife and the surrounding woodland.
- Innovative and quality design
- The plans have been developed following lengthy consultation with the local community and are designed to protect and enhance the natural diversity of the area.

6.8 Objections were received from eight local residents, seven of whom objected following initial submission of the application. Following re-advertising, three previous objectors submitted further objections and one new objection were received.

6.9 The issues raised by objectors can be summarised as follows:

- Green Belt and Conservation Area location where residential development is inappropriate; no very special circumstances to justify the proposal.
- Previous applications for new dwellings and extensions to existing properties in the area have been unsuccessful and two recent appeals to extend a house in close proximity of the site were dismissed.
- If this application was permitted, it could create a precedent for further inappropriate development in the vicinity.
- The site has not been marketed for horticultural or other more appropriate uses.
- The 2006 reasons for refusal are still applicable.
- Two large houses do not comply with planning criteria in relation to access to transport and affordability.
- Access to the site is via a private road which is not in good condition.
- The railway bridge on Woodlands Drive has a 3 tonne weight restriction, so is unsuitable for construction traffic,
- There is no public transport along Woodlands Drive.
- The submitted CO2 report is misleading as emissions will not drop by 83% as this is a non-working nursery.
- The area is of outstanding landscape value. It provides an attractive green buffer between towns and a valuable amenity for local walkers.
- The site should either remain in horticultural use or be allowed revert to nature with the woodland remaining unmanaged.
- Trees, shrubs, flora and fauna would be destroyed. Bats inhabit the buildings and rare tawny owls use the site. Other affected species include deer, badgers, mice, weasels and wild birds.
- Would introduce noise and light pollution on an undisturbed site.
- Access to the Burial Ground can be secured, inappropriate former horticultural buildings removed and site safety improved without needing to develop the site.
- The design of the houses is totally out of keeping with neighbouring dwellings and the Conservation Area.
- The proposal represents a 250% increase in building footprint as the existing greenhouses should be excluded from the building footprint calculation.
- The statement from the former owner in relation to traffic generated by the former nursery is inaccurate. The proposed development will generate more traffic than the nursery did in recent years.

- The pre-written letter of agreement, which the applicants asked residents to sign prior to submission, contains inaccuracies and assumptions.
- The applicants have implied that community involvement equates to community approval – this is not the case.
- It is alleged that the some letters of support have been drafted by the developer or do not reflect the views of people they purport to represent. (Note – no evidence has been submitted which indicates this to be the case).

6.10 In addition a third party commented on the application following the initial advertisement::

- Whilst supportive of the development and woodland management plan; caution is advised with regard to the long term preservation/maintenance of the Baptist Burial Ground including future public access. (Note - the graves and boundary walls have since been listed and an additional plan showing access to the burial ground has been submitted).

## 7.0 CONSULTATIONS RESPONSES:

### **Statutory Consultations:**

None

### **Non Statutory Consultations:**

#### Local Plans

The development is inappropriate development in the Green Belt and involves development of a greenfield site in an unsustainable location. For special circumstances to apply, it will be necessary to demonstrate that the horticultural use is no longer viable and significant positive improvements to the Green Belt and Conservation Area outweigh the policy objection.

#### West Yorkshire Archaeology Advisory Service (WYAAS)

No additional archaeological or architectural recording is required in relation to the remains of the former nursery or 'Cragg Wood Baptist Chapel', although observation and recording would be desirable during ground works. The long term treatment of the Burial Ground is still to be determined and it is considered that preservation 'in situ' with a mutually level of maintenance and management is the most appropriate response. The condition previously requested regarding archaeological and architectural recording is still applicable in relation to the Burial Ground.

#### Sustainable Development Unit (Landscape)

Tree report is sound and can be approved. Does not support some of the detailed woodland management measures but submission of revised details can be covered by condition. Requests further conditions in relation to protection and preservation of existing trees and other vegetation and submission of a landscape maintenance scheme

#### Sustainable Development Unit (Nature Conservation)

Supports findings and recommendations of the ecological assessment; there are no particularly sensitive habitats or species present on the site and the existing woodland will be retained. However the woodland management plan needs more ecological focus. Requests conditions in relation to garden boundary fencing, tree protection, amendments to the woodland management plan and submission of a comprehensive biodiversity and enhancement plan.

#### Sustainable Development Unit (Conservation)

The submitted drawings have been revised to take into account initial design concerns. No objection subject to conditions covering submission of building materials and WYAAS requirements. Also requests informative in relation to the listed structures and visitor access to the Burial Ground.

#### Sustainable Development Unit (Land Contamination)

No objections subject to conditions.

#### Highways

Initially objected to the application as an unsustainable; the site is located some 20 minutes walk from the nearest bus stop and is served by a private road with a sub-standard internal layout. Revised plans have since been submitted together with details of vehicles movements associated with the former nursery use. Highways now consider that as the proposed two houses will generate less vehicle movements than the former use; the development can be supported. The applicant needs to clarify future maintenance of the access road and Woodlands Drive. (Note: the agent has been asked to provide the requested information and a verbal update will be given at the Plans Panel meeting).

#### Public Rights of Way

The definitive footpath, (Aireborough No. 100), along the eastern boundary is for most part an historic 'ginnel' between dry-stone walls. Requests section 106 agreement to cover clearance and re-surfacing works. Also the section of private access road between Woodlands Drive and the start of the existing footpath is dedicated as 'public footpath'. (Note: this may not be possible as the developer does not have sole control over the access road; however it is suggested that the right for pedestrians to pass and re-pass along this section of road is included within the section 106 agreement).

#### Flood Risk Management:

No objections subject to a condition relating to infiltration drainage

## **8.0**

### **PLANNING POLICIES:**

#### **Development Plan Policies**

##### Regional Spatial Strategy (RSS). adopted May 2008

The following policies are considered relevant:

- YH1 Overall approach and key spatial priorities
- H1 Provision and the distribution of housing
- H2 Managing and stepping up the supply of housing including prioritising development on brown field land

On the 6 July 2010, the Secretary of State for Communities announced the revocation of the Regional Strategies which would leave the Leeds Unitary Development Plan (Review 2006) as the sole statutory Development Plan. Although the High Court has recently ruled that the Secretary of State's decision to revoke the Regional Spatial Strategies was unlawful, the Coalition Government has introduced the Localism Bill to Parliament, which will remove Regional Strategies through the parliamentary process.

##### Leeds Unitary Development Plan (Review 2006)

The following policies are considered relevant:

SP3	Development location strategy
GP5	Requirement of development proposals
N12	Priorities for urban design
N13	Design and new buildings
N19	Conservation areas new buildings
N20	Conservation areas and retention of features
N23	Development and incidental open space
N25	Development and site boundaries
N33	Development in the Green Belt
N37	Development in Special Landscape Areas
N49	Nature conservation
N51	Nature conservation and enhancement
H4	Windfall development sites
T2	Transport provision to development
BD5	Amenity and new buildings
BC7	Building materials in conservation areas
LD1	Landscaping schemes

### **Supplementary Planning Documents/Guidance**

'Street Design Guide' SPD

'Public Transport and Developer Contributions' SPD

'Neighbourhoods for Living' SPG13

### **Other Guidance**

Rawdon Cragg Wood Conservation Area Appraisal and Management Plan  
(Community Consultation Draft dated February 2011)

### **Government Planning Policy Statements/Guidance**

Planning Policy Statement 1 : (PPS1) 'Delivering Sustainable Development'

Refers to the desire to improve the character and quality of an area (paragraph 13 iv) and enhance the environment (paragraph 19). Design, which is inappropriate in its context or fails to take opportunities for improving the character and quality of an area, should not be accepted (paragraph 34).

Planning Policy Statement 3: (PPS3) 'Housing'

States that good design should contribute positively to making places better for people (paragraph 13).

Planning Policy Statement 5 (PPS5) 'Planning and the Historic Environment'

Outlines broad policy principles for determination of applications affecting the setting of a designated heritage asset. Applications that preserve elements of the setting of a heritage asset that make a positive contribution or better reveal the significance of the asset should be treated favourably, (policy HE10.1).

Planning Policy Statement 9 (PPS9) 'Biodiversity and Geological Conservation'

Sets out policies on protection and enhancement of biodiversity through the planning system.

Planning Policy Guidance 2 (PPG2) 'Green Belts'

Contains a presumption against inappropriate development in the Green Belt

Planning Policy Guidance 13 (PPG13) 'Transport'

Seeks to promote more sustainable transport choices



The main issues are:

- Principle of development
- Transport issues
- Design issues
- Amenity issues
- Impact on the Conservation Area and Listed Structures
- Impact on trees and biodiversity

## **10.0 APPRAISAL**

### Principle of development

- 10.1 The site is located within the Green Belt. UDPR policy N33, which reflects national policy guidance in PPG2, states that, except in very special circumstances, approval will only be given in the Green Belt for limited types of development – these do not include the construction of new houses except in a few very specific circumstances, which are not applicable in this instance.
- 10.2 The last use of the site was an orchid nursery. Nurseries and market gardens fall within the definition of agriculture as set out in Section 336 of the Town & Country Planning Act 1990. The application therefore proposes a change of use from an appropriate to an inappropriate use in the Green Belt.
- 10.3 Furthermore, the proposal is also considered contrary to UDPR policy H4. As the former use was agricultural, this is a 'greenfield' site. It is located outside the main and smaller urban areas as defined on the UDPR and remote in terms of access to public transport, shops, schools, health facilities, services and community/leisure facilities. The location is therefore not considered to be sustainable and as such the majority of trips to and from the site would be by private motor vehicle.
- 10.4 The applicants accept the proposal represents inappropriate development in the Green Belt and has put forward reasons to justify the development through the required 'very special circumstances.' They consider that the proposed development would enhance the openness of Green Belt and would lead to a range of 'benefits' including a significant reduction in building footprint on the site, improvements to visual amenity through removal of derelict buildings, implementation of a woodland management plan leading to biodiversity enhancements, improved visibility at the Woodlands Drive junction, footpath improvements, retention and reuse of the former 'Cragg Wood Chapel' and provide for public access to the Cragg Wood Burial Ground. They consider that these factors would, on balance, outweigh the policy objections.
- 10.5 There is no statutory definition of what constitutes 'very special circumstances' but in considering any case it is important to assess whether the 'circumstances' are, (for all intents and purposes), unique to the site in question, cannot be used to justify development of other sites within the Green Belt and/or the social, economic or environmental benefits to the wider community are such that they outweigh the purposes and objectives of the Green Belt.

- 10.6 This is a very secluded site and the existing buildings, although substantial in scale and coverage are barely visible when viewed from outside the site because of effective screening provided by boundary trees. The houses will be built on the site of existing buildings so likewise will be hidden from view.
- 10.7 The footprint of the existing buildings on site is approximately 1810 square metres. The proposed dwellings will have a footprint of approximately 717 square metres representing a 60% reduction in area covered by buildings. Whilst objectors argue that the area occupied by glasshouses should be excluded from the footprint calculation; it is considered that this is not appropriate given that the glasshouses are large commercial scale buildings constructed on substantial brick and stone plinths.
- 10.8 The plans, as originally submitted, showed the whole site, as being within domestic curtilage with the houses having very large gardens, which included substantial woodland areas and a Burial Ground. Following discussions with the agent, revised plans have been submitted, which show garden areas reduced in size and confined to the land immediately surrounding each house. The surrounding land including the woodland areas, the Burial Ground and a substantial section of the area currently occupied by buildings will be outside domestic curtilages. The houses and their gardens will be constructed on the remaining developed areas of the site.
- 10.9 The new houses will be located on existing developed areas. It is therefore considered that the openness of the Green Belt would be enhanced and Green Belt objectives as outlined in PPG2 would not be compromised.
- 10.10 Nevertheless it is not considered that this factor is sufficient in itself to justify a departure from policy. Whilst the proposed development would improve the appearance of the site through the removal of unsightly derelict buildings, this is not considered a sufficient reason to justify residential development.
- 10.11 However the proposal does offer other benefits including implementation of a management plan for the woodland area, which includes new planting and biodiversity enhancement. The draft Cragg Wood Conservation Area Appraisal recognises that the relatively steep and heavily wooded nature of the valley side defines the character of the area with mature and boundary trees being a dominant element. Developments should seek to protect the important contribution, which the trees make to the special character of the area.
- 10.12 The site also contains recently listed grade II Burial Ground structures, and 'Cragg Wood Baptist Chapel', which has been identified as a 'positive building' in the Conservation Area Appraisal and, in the opinion of English Heritage, is of local significance. It is very difficult to access the Burial Ground at present – the definitive footpath adjoining the site and way through the site to the Burial Ground is very overgrown, (and potentially dangerous). The proposed development includes better public access to the graveyard through improvements to the definitive footpath and the reinstatement of former routes through the site from both the footpath and from Craggwood Drive.

- 10.13 The 'Cragg Wood Baptist Chapel' currently unused and in a dilapidated condition will be brought back into beneficial use as an annex to six bedroom house, ('Mansell'). Proposed external alterations to this building are minimal although the submitted plans show this building will be roofed entirely in slate.
- 10.14 Other improvements proposed include visibility improvements at the junction of the access road with Woodlands Drive, which will also benefit existing residents of houses at Cragg Lodge and along Cragg Wood Terrace; whilst the proposed footpath improvements will also benefit walkers.
- 10.15 Notwithstanding the above, the applicants were also asked to demonstrate that the former horticultural use is no longer commercially viable and to provide details of efforts that have been made to market the site for an appropriate Green Belt use. The applicants acquired the site in October 2009 from the former orchid nursery owner and have not sought to actively market the site. They have however asked Savills, national property consultants, for their professional view on the commercial viability of the site both as a plant nursery and for a wider form of commercial use possibly with some investment, refurbishment or re-development of buildings. The letter from Savills has been submitted as part of the supporting documentation.
- 10.16 Savills are of the view that the topography of the site, the poor access and its location together with the high cost of refurbishment make it unattractive for commercial development. Also an increasing number of occupational clients require 24 hour working. Whilst there are no planning restrictions on the hours of operation on the site, this could lead to amenity problems as the access to site passes close to residential properties. Over the last two years, there has been a significant increase in the number of smaller commercial units remaining vacant for indefinite periods of time, even on established industrial parks. The market requires modern, well located units on level sites.
- 10.17 To conclude, in principle it is considered that the applicants have demonstrated that very special circumstances do exist in this instance to outweigh the policy objections.

#### Transport and sustainability issues

- 10.18 As stated in paragraph 10.3, this is not a sustainable location. Access to the site is via Woodlands Drive, a private road, serving in excess of 50 dwellings. Woodlands Drive has no footways and is very narrow in places with sharp bends. The site access off Woodlands Drive is even narrower and lined by boundary walls and mature trees and likewise has no footway. It joins Woodlands Drive opposite the junction with Underwood Drive and close to access points leading to 'The Stables', (a large house) and Carlton Nursing Home.
- 10.19 The site is not adequately served by public transport; the nearest bus stop is about 20 minutes walk away. The SPD on 'Public Transport and Developer Contributions' requires that maximum walking distance to a bus stop to a bus stop should not exceed 400 metres – the application site considerably exceeds this distance. Future residents of the houses are

therefore likely to be dependent on private motor vehicles for the majority of trips to and from the site.

- 10.20 Nevertheless, horticultural use could resume at the site without the need for a planning consent. This would generate traffic movements of a different nature and hence when assessing transport and sustainability implications of the current proposal, it is also necessary to consider the 'fall back' position should the horticultural use resume.
- 10.21 The applicants have submitted a letter from the former landowner and operator of orchid nursery, which sets out the various levels of operation of the nursery since he started working at the nursery in 1958. The letter details numbers of staff, delivery vehicle movements, customers visiting the premises and opening arrangements over the last 50 years of operation. Latterly whilst staff numbers have steadily declined from 10 full time employees in the 1960s to 2 immediately prior to closure; the number of customers visiting the nursery had increased over the years particularly at weekends with up to 40 cars visiting the site on any given weekend together with up to 3 coach parties of orchid enthusiasts a month and 3 to 4 delivery vehicle movements per week.
- 10.22 A CO2 report has also been submitted – this provides a CO2 assessment for both the nursery use and the proposed residential use. The report concludes that the proposed development would result in an overall transport CO2 reduction of 83% compared to when it was last actively in use as an orchid nursery.
- 10.23 The applicants have clarified future road maintenance arrangements in response to a query from highway officers. Woodlands Drive is maintained by 'Cragg Woods Roads', an established road maintenance group, funded by all property owners, (including the applicants), served by private roads in the Cragg Wood area. The funds are used to maintain and repair the road.
- 10.24 The section of the site access road between Woodlands Drive and the individual residential access points, which is approximately 140 metres long, will be re-graded and re-surfaced to provide a level sealed surface. It will subsequently be maintained to this standard by a commitment held within the property deeds of the two new houses. The individual access points will be the sole responsibility of owners of the houses.
- 10.25 Highway officers now consider that proposed development is acceptable as the number of vehicle movements generated by the development would be less than the 'fall-back' position. Also the applicants have agreed to re-surface the access from Woodland Drive and provide visibility improvements at the junction.
- 10.26 Improvements to the definitive footpath linking the site access with Craggwood Drive, as stated in paragraph 10.14 are also proposed. This footpath is currently very overgrown and appears little used as a result – the improvements should improve footpath linkages in an area popular with walkers.
- 10.27 It is accepted that the road access is not ideal and the site is in an unsustainable location. However, it is considered that as the proposed development represents an improvement over the 'fall-back' position and,

refusal on transport and sustainability grounds can therefore not be justified.

#### Design issues

- 10.28 The built environment of Cragg Wood Conservation Area is characterised by a mixture of vernacular farmsteads, traditional stone cottages and substantial Victorian mansions with high levels of architectural ornamentation in gothic revival, Tudor and Elizabethan styles.
- 10.29 It is accepted that the proposed houses, being of contemporary design, are different to existing buildings. However this is a secluded site with no properties in close proximity and hence provides an opportunity to introduce buildings of a contemporary and high quality design, which will make a positive contribution to the variety and texture of the area. The proposed houses, although of modern design, seek to relate to local character through the use of traditional materials and building form. This broad approach is endorsed by conservation officers.
- 10.30 Since the application was originally submitted, revised elevation plans have been submitted to address detailed design concerns raised by conservation officers. In particular roof pitches have been steepened and roofing materials changed from coated stainless steel to natural slate. T
- 10.31 In summary it is considered that this is a well designed development. The houses, being of split level design, respect to the site's topography, and the use of natural materials is welcome. The proposed retention and conversion of 'Cragg Wood Baptist Chapel', and the former garage retain a link with the past horticultural use of the site, as does re-use of the floor tiles on the walkway from the new house up to the annexe in the former 'chapel'.

#### Impact on the Conservation Area and Listed Structures

- 10.32 Conservation Area designation does not preclude new development. However the draft Conservation Area Appraisal states that any new development must respond sensitively and creatively to the historic environment. Also new development should relate well to the geography and history of the place and line of the land, sit happily with the pattern of existing development, use high quality building materials and create new views and juxtapositions that add to the texture and variety of their settings.
- 10.33 It is considered that the proposed development meets these objectives and will enhance the special character and historic interest of the Conservation Area. The proposed development includes removal of derelict and dilapidated buildings and hence will result in a considerable visual improvement. The proposed retention and conversion of 'Cragg Wood Baptist Chapel,' which has been identified as a 'positive building' in the draft Conservation Area Appraisal, is welcome. This building is currently disused and in a dilapidated condition. It will be brought back into use through sensitive conversion involving few external changes.
- 10.34 No alterations are proposed to the listed Cragg Wood Burial Ground structures, which will now be outside the garden areas of the new houses. Although it will be largely surrounded by garden areas, it is considered that the proposed development will not impact adversely on the setting of the Burial Ground. The boundary walls are protected as listed structures. The proposed houses are at a lower level so will appear as less intrusive, the

woodland setting will be retained, and public access enhanced by improved and restored footpath links.

#### Impact on trees and biodiversity

- 10.35 The draft Conservation Area Appraisal identifies the heavily wooded nature of the valley side as a key characteristic of the area. It is therefore important that any development seeks to retain and enhance the extensive woodland areas around the perimeter of the site.
- 10.36 A woodland management plan and ecological assessment form part of the application submission. Both landscape and nature conservation officers support the approach and broad recommendations of these documents. However they do have some concerns in respect of some detailed proposals; for example the extensive use of beech in new planting proposals, which is not native to the area, some felling of existing birch and goat willow regeneration, and removal of ivy, which provides a useful habitat and food source for birds and bats. It is considered that these concerns can be covered by a condition requiring submission of revised woodland management measures should planning permission be granted.
- 10.36 Subject to the above, it is considered it is considered that the existing woodland areas will be retained and enhanced through new planting with a more ecological focus and by active management.

#### Impact on residential amenity

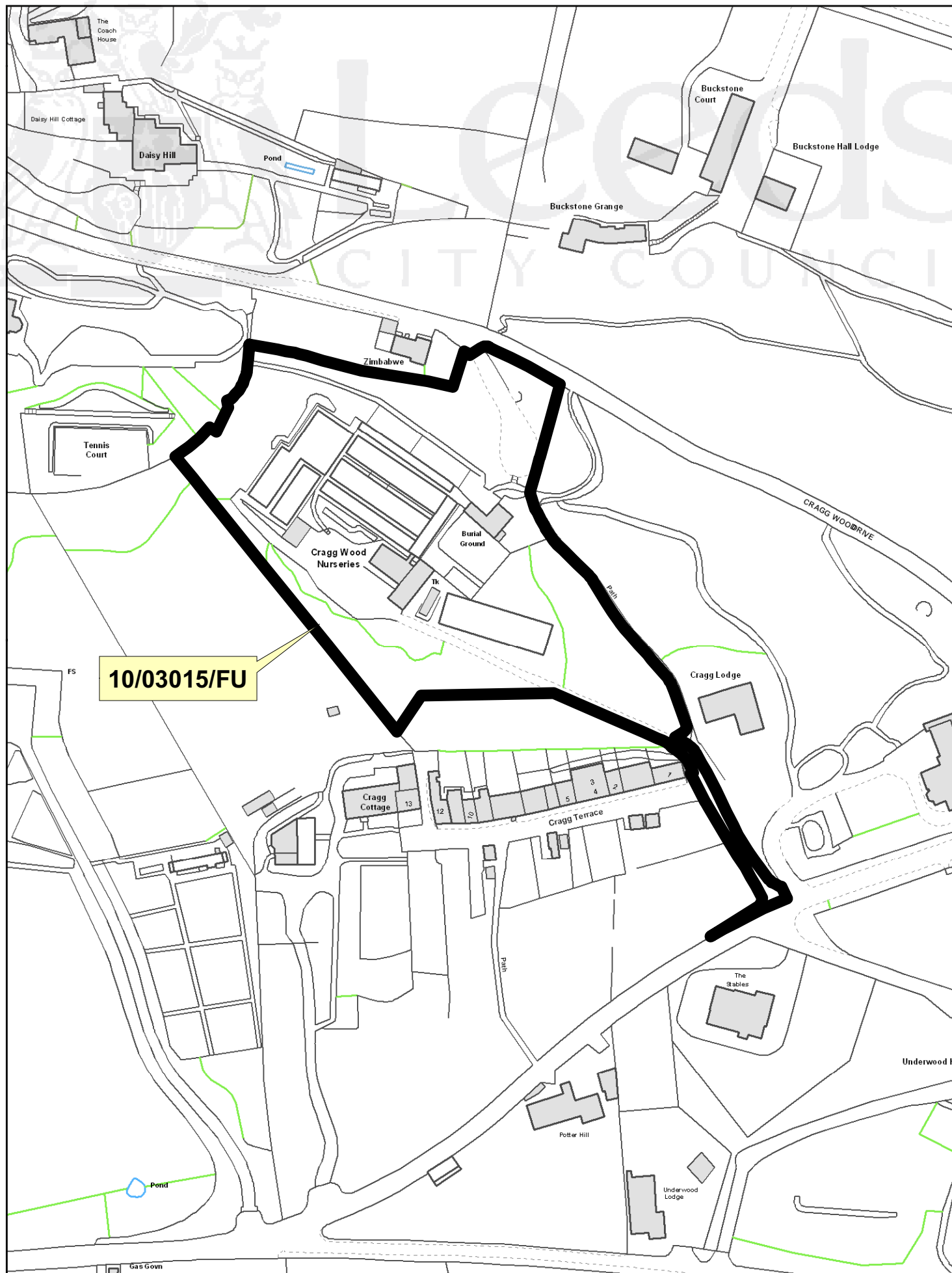
- 10.37 The proposal is not considered to result in a significant loss of residential amenity. The new houses will be sited away from the nearest residential properties on Cragg Terrace to the south and Zimbabwe to the north. Furthermore, as the trees surrounding the site provide very effective screening, the impact on residential amenity will be minimal.

### **11.0 CONCLUSION**

- 11.1 Whilst it is acknowledged new housing is inappropriate development in the Green Belt; also it is not a sustainable location, it is considered that the proposed development does offer several benefits. These include a significant reduction in the building footprint on the application site, improvements to the setting of the Conservation Area through implementation of a woodland management plan, provision of public access to the Cragg Wood Burial Ground, public footpath improvements, reduced traffic levels when compared to the former horticultural use, visibility improvements for traffic turning onto Woodlands Drive, which will also benefit existing residents..
- 11.2 Furthermore the proposed development will not impact on the openness of Green Belt or compromise Green Belt objectives. Therefore, on balance, it is considered that very special circumstances do apply and hence it is recommended planning permission is granted.

#### **Background Papers:**

Application and history files: Application file reference 10/03015/FU, concurrent application file for Conservation Area Consent 10/03014/CA and history file 06/03604/OT  
Certificate of Ownership Certificate B completed on the application form



10/03015/FU

# WEST PLANS PANEL

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Originator: Philippa Simpson

Tel: 0113 2478018

## Report of the Chief Planning Officer

### **PLANS PANEL WEST**

**Date: 25 May 2011**

**Subject: APPLICATION 10/03014/CA – Conservation Area Application for demolition of outbuildings at Cragg Wood Nurseries, Cragg Wood Drive, Rawdon, Leeds LS19 6LG**

**APPLICANT**  
Yorparks Ltd.

**DATE VALID**  
1 July 2010

**TARGET DATE**  
26 August 2010

**Electoral Wards Affected:**  
Horsforth

☐ Yes

Ward Members consulted  
(referred to in report)

#### **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 conditions specified in this report.**

1. Time limit on Conservation Area Consent, (3years).
2. Development in accordance with the approved plans
3. Submission of a method statement to include timetable, method of demolition, protection to trees, boundary walls, retained structures and temporary site restoration

#### **Reasons for approval:**

The application is considered to comply with policies N18A, N18B and N20 of the UDP Review, as well as guidance contained within the draft Rawdon Cragg Wood Conservation Area Appraisal, and Government guidance as detailed in PPS5. In granting Conservation Area Consent, regard is also given to all other material considerations relating to the buildings' contribution to the architectural and historic interest of the area and the wider effects of demolition, including those arising from the consultees' comments and public representations about the application. On balance, the City Council considers the proposal would not give rise to any unjustified consequences for the character and appearance of the Conservation Area.

## **1.0 INTRODUCTION:**

- 1.1 Councillor Cleasby has requested that a concurrent planning application on the site, (reference 10/03015/FU - one 6 bedroom detached house including conversion of chapel to form annexe and one 4 bedroom detached house both with detached double garages), is brought to Plans Panel West in view of the deep divisions amongst neighbours on the proposed new development and the current review of Rawdon Cragg Wood Conservation Area.
- 1.2 As this development can only proceed subject to Conservation Area Consent being granted for demolition of existing buildings on the site; it is considered this application should be considered at the same time as the planning application.

## **2.0 PROPOSAL:**

- 2.1 The application seeks for demolition of outbuildings, (associated with the former orchid nursery use), on the site. All existing buildings on the site will be demolished apart from the disused 'Cragg Wood Baptist Chapel' and a mono-pitched brick garage building; which will be retained and converted to provide respectively an annexe and a garage to the proposed new houses. The grade II listed structures, (tombs, grave markers and boundary walls of the Cragg Wood Baptist Burial Ground), will also be retained.
- 2.2 The application is accompanied by a historical report, which includes details of the structures and buildings to be demolished. These include:
  - A brick building with a single pitched corrugated asbestos sheet roof
  - A brick building with a double pitched corrugated asbestos sheet roof
  - A brick and stone building with a double pitched roof constructed of corrugated asbestos sheet and clear polycarbonate sheets.
  - Greenhouses of glass or polycarbonate construction on brick and stone plinths.
- 2.3 Since the application was originally submitted an archaeological survey and building fabric assessment of all existing buildings and structures on the site has been undertaken. This document was submitted following discussions with the West Yorkshire Archaeology Advisory Service and the former owner of the orchid nursery and provides a detailed description and assessment of the buildings to be demolished together with photographs. Although primarily a desk based exercise, the buildings proposed for demolition were inspected on site.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is located within a wider area of land designated as Green Belt and Special Landscape Area on the Leeds Unitary Development Plan (Review 2006). It is also located within the Rawdon Cragg Wood Conservation Area.
- 3.2 The application concerns a very secluded site located between Cragg Terrace to the south and Craggwood Drive to the north. The site slopes steeply upwards from south to north. Bands of mature and well established trees; adjacent to the site boundaries provide effective screening. As a result, the buildings within the site are largely hidden from public view. The trees at the south eastern end of the site are protected by Tree Preservation Order.

- 3.3 The application site was in horticultural use up to 2008. Nurseries were in existence on the site in 1893 and since 1909 the site was occupied by the Mansell and Hatcher orchid nursery. This closed down in 2006 as the orchid farm was no longer sustainable primarily because of availability of cheaper and readily available orchids from Holland. The sloping nature of the site and the poor access combined with the increased size of delivery vehicles also hindered business efficiency. The extensive former nursery buildings occupy the centre of the site and consist of a number of brick buildings and large glasshouses. They are now disused and in a dilapidated condition.
- 3.4 The site is of archaeological significance as it is associated with the early years of Baptist worship in West Yorkshire. A small non conformist burial ground, (known as Cragg Wood Burial Ground), is located towards the centre of site. The burial ground, known to have been present since at least 1712, is roughly square in shape and level with retaining walls to the west and north and boundary walls to the south and east constructed from local stone.
- 3.5 Adjoining the graveyard to the north east is a disused L shaped building, (known as 'Cragg Wood Baptist Chapel'). This is a single storey building constructed of stone with a corrugated sheeting and slate roof, currently in a dilapidated condition. This building is of later construction and is first shown on the 1893 Ordnance Survey map. It is identified as a 'positive' building on the draft Rawdon Cragg Wood Conservation Area Appraisal and Management Plan.
- 3.6 Since the application was originally submitted, English Heritage has received a request to assess both the burial ground and chapel for possible inclusion on the statutory list of buildings of special architectural or historic interest. This assessment is now complete and in March 2011, the Minister of Tourism and Heritage decided to list the eleven surviving tombs and grave markers together with the boundary walls of Cragg Wood Baptist Burial Ground as a Grade II listed building.
- 3.7 English Heritage have concluded that 'Cragg Wood Baptist Chapel' is neither a chapel or associated with the burial ground, but may have been constructed from materials left over from demolition of the original chapel. The building is associated with the former orchid nursery as a possible boiler house and store. Whilst English Heritage have decided not to list the building, they state it is of local significance as one of the oldest buildings associated with the orchid nursery and the only stone built structure.
- 3.8 Adjoining the site to the south are traditional stone cottages on Cragg Wood Terrace and to the south east is Cragg Lodge, a large stone detached house in extensive grounds. A definitive footpath, which is both steep and overgrown, runs alongside the eastern boundary with designated Ancient Woodland beyond. To the north the land continues to steeply slope upwards towards Craggwood Drive, an unmade single track road which is also a definitive bridleway. A large stone detached house, (Zimbabwe), accessed from Craggwood Drive bounds the northern site boundary. To the north of Craggwood Drive is a designated Cragg Wood Leeds Nature Area. To the west the area is semi-rural with isolated large houses.

- 3.9 The vicinity is characterised by narrow lanes, footpaths, mature woodland with, (mainly large), houses occupying clearings within the woodland.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 06/03604/OT – Outline application to erect 6 detached dwelling houses to site of former nursery – planning permission refused 7 August 2006. The six reasons for refusal concern inappropriate development in the Green Belt, lack of evidence to justify development of a green field site, unsustainable location, inadequate access and insufficient amenity space for future residents.
- 4.2 10/03015/FU – Concurrent planning application for one 6 bedroom detached house including conversion of chapel to form annexe and one 4 bedroom detached house both with detached double garages – pending consideration.

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 From the outset, the applicants indicated their wish to resolve any problematic issues, which may arise during the assessment process. They accepted this could take a time and the application would not be determined within the 8 week target period. There have been several discussions with the applicants and agent during consideration of this and the concurrent planning application and an archaeological survey and building fabric assessment was subsequently submitted specifically in connection with this application – see paragraph 2.3.

#### **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application was advertised under the Planning (Listed Buildings and Conservation Areas) Act 1990 as proposed demolition in Conservation Area. by site notice posted on 26 July 2010 with an expiry date of 16 August 2010 and by advertisement in the Wharfe Valley Times published on 22 July 2010 with an expiry date of 12 August 2010.
- 6.2 The Aireborough Civic Society strongly objects to the application to demolish former nursery buildings. The Conservation Area was designated due to its historic landscape and some of the glasshouses may be Victorian and of historical interest. The Civic Society opposes the proposed development of two houses, which would compromise the character of the Conservation Area and add to congestion on the A658 and A65. It would prefer the site to be re-used as a nursery or remain undeveloped particularly with respect to historic Baptist Burial Ground.
- 6.3 Two letters of support have been submitted. One is from neighbouring residents who support this application but strongly oppose the concurrent planning application. The other considers that demolition of the buildings and subsequent re-development will eliminate criminal and anti-social activities on the site – these include a recent arson attack and alleged storage of stolen property and drug use.
- 6.4 One further representation has been received strongly opposing the planning application for a number of reasons, (see report on planning application 10/03015/FU). This letter states that if the applicants really want to maintain and enhance the Green Belt then they should demolish the greenhouses and plant trees rather than seek to re-develop the site. They

are also concerned about impact on nature conservation as bats inhabit the buildings.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory Consultations:**

None

### **Non Statutory Consultations:**

#### West Yorkshire Archaeology Advisory Service (WYAAS)

Initially requested submission of a full appraisal of the historic and archaeological significance of the site to include a built heritage appraisal of the former nursery buildings. WYAAS were re-consulted following submission of the archaeological desk based survey and building fabric assessment. They have confirmed that no additional archaeological or architectural recording is required in relation to the buildings proposed for demolition.

#### Sustainable Development Unit (Conservation)

No objections following submission of the archaeological survey and building fabric assessment referred to above.

## **8.0 PLANNING POLICIES:**

### **Development Plan Policies**

#### Leeds Unitary Development Plan (Review 2006)

The following policies are considered relevant:

- N18A – Presumption against demolition of a building/parts of a building which makes a positive contribution to the character and appearance of the Conservation Area.
- N18B – Consent for demolition in a Conservation Area will not be given unless detailed plans for re-development of the site have been approved.
- N20 Demolition of features, which contribute to the character of the Conservation Area, will be resisted

### **Other Guidance**

Rawdon Cragg Wood Conservation Area Appraisal and Management Plan  
(Community Consultation Draft dated February 2011)

### **Government Planning Policy Statements/Guidance**

Planning Policy Statement 5 (PPS5) 'Planning and the Historic Environment'

Outlines broad policy principles relating to information requirements for applications for consent affecting heritage assets – these include submission of a desk based assessment where the site includes or has the potential to include heritage assets with archaeological interest, (policy HE6), and policy principles guiding the determination of applications for consent relating to heritage assets, (policy HE7).

## **9.0 MAIN ISSUES**

The main issues are:

- Impact on the Conservation Area
- Impact on the Listed Structures

## **10.0 APPRAISAL**

### Impact on the Conservation Area

- 10.1 The buildings proposed for demolition are 20<sup>th</sup> horticultural buildings. The earliest two buildings date from between 1906 and 1934 and housed heating boilers. There are several larger greenhouses on the site; five were constructed between 1934 and 1962 and a further four between 1962 and 1978. Most of the buildings have been altered and/or modified since.
- 10.2 Although the buildings are in a neglected and dilapidated condition, PPS5 makes it clear that this is not a factor that should be taken into account in assessing the application. However it is necessary to take into account the historic and archaeological interest of the buildings in question and also whether or not they make a contribution to the character and appearance of the Conservation Area.
- 10.3 WYAAS is satisfied with the architectural and archaeological recording that has taken place as part of this submission. They consider the recording has been done to a satisfactory standard and enables them to make an informed decision on the appropriateness of the new development. They have concluded that no further recording work is necessary.
- 10.4 The buildings are well screened and it is considered that their demolition would not impact adversely on the character and appearance of the Conservation Area.
- 10.5 Conservation officers have also raised no objection to the proposed demolition. The 'Cragg Wood Baptist Chapel' and the Baptist Burial Ground including the listed structures, which are of archaeological and historic interest, will be retained.
- 10.6 To conclude on this issue, whilst UDPR policy N18B would normally require that any Conservation Consent for demolition is subject to a condition requiring that works do not take place until a contract for an approved scheme of redevelopment has been let, it is considered that such a condition is unnecessary in this instance. The buildings are in a dilapidated condition and have potential for attracting anti-social behaviour and criminal activities. However a condition is suggested requiring submission of a method statement for the demolition works, which will include details of temporary site restoration and protection to retained trees, buildings and structures whilst works are in progress to ensure that the character and appearance of the Conservation Area is not compromised.

#### Impact on the Listed Structures

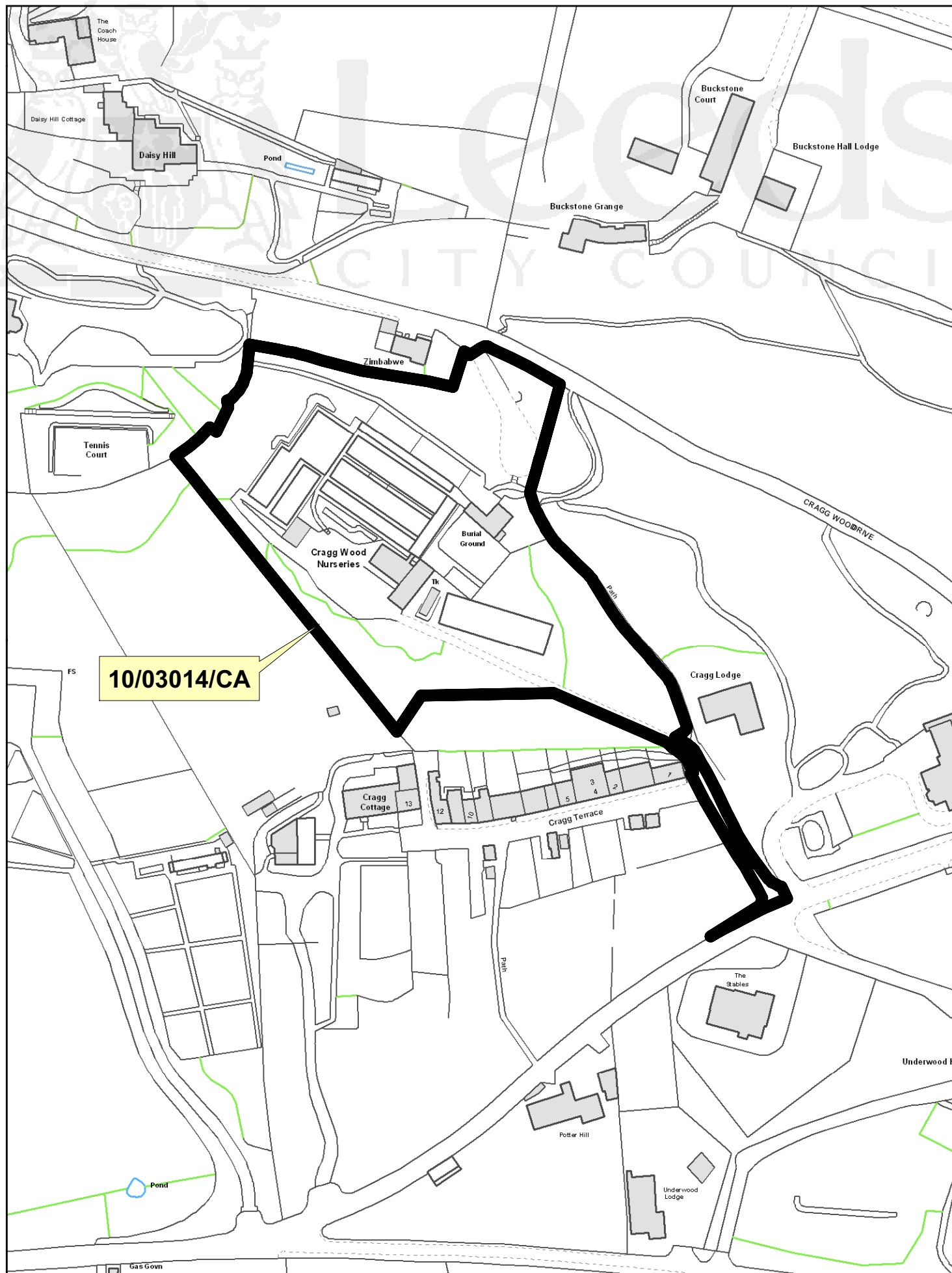
- 10.7 The proposed demolition works will enhance the setting of the listed Burial Ground structures as it will provide a more open setting – at present the Burial Ground is largely surrounded by buildings except on the south east side.

## **11.0 CONCLUSION**

- 11.1 It is recommended that Conservation Area Consent is granted.

### **Background Papers:**

Application and history files: Application file reference 10/03015/FU, concurrent application file for planning permission 10/03015/FU and history file 06/03604/OT  
Certificate of Ownership Certificate B completed on the application form



# WEST PLANS PANEL

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Originator: Ian Cyhanko  
Tel: 0113 247 4461

## Report of the Chief Planning Officer

### **PLANS PANEL WEST**

**Date:** 26<sup>th</sup> May 2011

**Subject:** PLANNING APPLICATION 11/00811/FU – Construction of 12 flats, 8 houses, detached common house, with car parking, public open space and communal gardens

**at:** Former Wyther Park Primary School, Victoria Park Avenue, Bramley

#### **APPLICANT**

Lilac Co op

#### **DATE VALID**

25th February 2011

#### **TARGET DATE**

27<sup>th</sup> May 2011

#### **Electoral Wards Affected:**

Armley

N

Ward Members consulted  
(Referred to in report)

#### **Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

## **RECOMMENDATION:**

**APPROVE** planning permission, subject to the following conditions

- 1 3 year time limit
- 2 Development completed in accordance with approved plans
- 3 Samples of walling and roofing materials
- 4 Surfacing materials
- 5 1:20 sections of window and door openings
- 6 Soft landscaping details
- 7 Landscaping Implementation
- 8 Landscaping Maintenance
- 9 Removal of PD rights
- 10 No land drainage to be connected to public sewer
- 11 Full details of sustainable drainage measures to be submitted

- 12 Full details of pond to be submitted, including water depth, bank profiles, inflow/ outflow
- 13 Retention of trees
- 14 Retention of soft landscaped areas as approved
- 15 Details of cycle and bin storage to be submitted
- 16 No construction between the hours between hours of 18.30 and 07.30 on weekdays, 13.30 and 09.00 on Saturday and none on Sundays
- 17 Measures to prevent mud and dust on roads
- 18 Submission of Phase 1 Contamination survey
- 19 Amended Remediation Statement required if expects remediation works can not proceed
- 20 Submission of Verification certificate once all contamination works are completed
- 21 Details of hours of opening for public access into Public Open Space

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, N12, N13, BD5 and T2

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

## **1.0 INTRODUCTION**

- 1.1 The application is brought before Plans Panel due to local significance of the scheme, the unique nature of the housing product proposed, and the fact the proposal does not comply with all of the normal planning policy requirements.

## **2.0 PROPOSAL**

- 2.1 The proposal seeks to construct a co-operative residential development, which comprises of 8 houses, and 12 flats. The residential development is arranged in 5 blocks which vary in height from 2 to 3 storeys. The buildings are all flat roofed, and have facing materials of timber and lime render. The properties are insulated by straw bales. The units are made from separate modules, which are pre-fabricated off site (within a 10 mile radius to provide local employment), and have large areas of the glazing in the form of floor to ceiling glazing and balconies. The proposed form of development appears relatively 'angular'.
- 2.2 The future occupiers will be required to sign up to live and participate within the development as a co-operative. Certain rules will be applied through this agreement aimed to promote sustainability. An example of this is that number of cars owned by the future occupiers will be restricted, and car owners must allow other non owning car residents to use their cars. Ample space is provide on site for residents to grow their own produce, and the scheme will include several mechanism to reduce the

reliance on energy, an example of this is that water is to be collected and recycled on site. All of the properties are also to have solar panels installed to provide electricity.

- 2.3 The development also comprises of a 'common house' which will offer a community focal point for the future occupiers of the development. This building has a kitchen which will allow communal dining between residents, a pool of computers and washing machines to avoid the need for the individuals on the site to own such apparatus, and is aimed to promote community life and reduce the carbon footprint of the development. This building overlooks a pond, which will act as the focal point for the development.
- 2.4 A large percentage of the site is to be left undeveloped. The proposal includes significant areas of open space and landscaping which include Public Open Space, 'Productive Gardens' (allotments), a private playing area, dedicated garden areas for each of the proposed dwellings and apartment blocks, a herb garden and pond and viewing deck/ platform. The table below illustrates this point;

		Percentage of total area
Total Site Area	7 216	
Total Gross buildings foot print (over 2/ 3 floors)	1827	25.3
Total private Garden area	933	12.9
Total Private communal garden area	1370	19.0
Productive gardens	916	12.7
Public garden	592	8.2

Note all areas are in sq m

- 2.5 The proposal includes parking facilities for 14 cars and several secure cycle parking stores are proposed. The scheme will be gated apart from access into the parking areas. The gate to the public open space will be open during day time, and available to all users. The scheme has secured part funding the Home and Communities Agency (HCA). The remainder of the costs will be funded by the members of the co-operative.
- 2.6 The application is supported by the following documents
- Floor Plans and Elevations
  - Planting Plan
  - Topographical Survey
  - Drainage Plan
  - Boundaries Plan
  - Code for Sustainable Homes Ecological Assessment
  - Design and Access Statement
  - Statement of Community Involvement
  - Arboriculture Report
  - Geoenvironmental Appraisal (Contamination)

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site comprises of a cleared L-shape site, which until recently accommodated Wyther Primary School, which has been demolished. The site is bound by roads to all four sides, Kirkstall Mount to the east, Victoria Park Avenue to the south, Lancaster Grove to the west, and Victoria Park Grove to the north. The site is surrounded by residential dwellings to all sides. These are typically semi-detached, red brick built, 2 storeys in height with a mixture of both gable and hipped roof properties, of a relatively low density. The site is enclosed by a red brick wall and railings which were the boundaries of the former school.
- 3.2 The site slopes upwards, from Victoria Park Avenue to the northern end of the site. The north-western corner of the site contains a number of large trees, which are to be retained. The remainder of the site contains no other vegetation and is solely hard surfaced. The north-eastern part of the wider site has been developed separately (see planning history) and is now severed from the remainder of the site, subject of this application.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 There are no records of any previous planning applications to redevelop this site, following the demolition of the school.
- 4.2 Planning consent was granted on 28<sup>th</sup> February 2008 for '*Erection of two 5 bedroom detached bungalows each with communal facilities and a detached single storey 12 bedroom children's unit with communal facilities*' Reference 07/06986/FU. This development lies upon the north-eastern part of the former school site and is now within separate ownership. This development has been constructed and is now complete and occupied.

### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Officers have been in negotiations with the architects and founding members of the co-operative group approximately over the last 12 months. Concerns have been expressed mainly over the relationship of the proposed development to the existing street scenes, the level and location of parking proposed, and the required policy requirements to deliver an element of on-site affordable housing.
- 5.2 In view of these concerns, the proposal was presented to Members at West Plans Panel on 3<sup>rd</sup> February 2011. Members overwhelmingly expressed their support to the scheme due to the innovative nature of the proposal in terms of its sustainability credentials, and its affordability to the future occupiers. Members accepted the principle of nil provision for affordable housing (as defined by Planning Policy).
- 5.3 The proposed scheme was presented to the regional CABE Design Review Panel on 26<sup>th</sup> August 2010. This panel expressed concerns regarding the relationship and interaction of the development with the existing street scenes. Concerns was also raised regarding natural surveillance and the position of the remote parking areas.

### **6.0 PUBLIC/ LOCAL RESPONSE:**

- 6.1 The application was publicised by five site notices which were posted adjacent to the site on 11<sup>th</sup> March 2011. An advert was also placed in the local Press on 17<sup>th</sup> March 2011. To date no letters of objection or representation have been received to the application.
- 6.2 The proposal was publicised widely by the applicant at this pre-application stage. Events have included a public exhibition held on the site on 24<sup>th</sup> and 25<sup>th</sup> September 2010 at which plans were presented and comments invited, with attendance by approximately 50 local residents and councillors. This event was publicised by sending 200 leaflets to nearby dwellings. Various local groups have also been consulted on the proposal including Victoria Park Neighbourhood Watch Group, and Wyther Park Action Group. From this consultation 13 letters of support were received.
- 6.3 Two launch events which were attended by approximately 130 people in total, and were held at the Carriage Works, and Leeds Central Library, in November 2009 and November 2010. The latter event was opened by Councillor James McKenna.

## **7.0 CONSULTATION RESPONSES:**

Highways: have raised concerns to how the low level of parking provision is to be managed and controlled. This is considered to be a management issue for the Co-Operative and given the location of the application site is not considered a degree of on-street parking (should it arise from this proposal) would cause conflict or pressure with the parking patterns of existing local residents. This issue is fully assessed in the appraisal of the report in paragraph 10.17.

Drainage: No objection subject to conditions to ensure suitable drainage measures

Yorkshire Water: No objection subject to conditions to ensure suitable drainage measures

Metro: Seek a contribution of £8, 751.60 to allow 60% of the residential to benefits from free Metro cards for a 3 year period.

Environmental Health: No objections subject to lighting restrictions and hours of construction to minimise disruption on existing residents.

Contaminated Land: No objections subject to conditions

Nature Conservation: Support the retention of the trees, full details of the pond are required and can be dealt with planning conditions

Police Architectural Liaison Officer: No objections, the window and door fixtures should meet secured by design accreditation.

## **8.0 PLANNING POLICIES:**

### **Local Planning Policies:**

- 8.2 Locally Leeds City Council has begun work on our Local Development Framework ("LDF") with the Local Development Scheme most recently approved in July 2007.

This provides a timetable for the publication and adoption of the Local Development Documents.

8.3 In the interim period a number of the policies contained in the Leeds Unitary Development Plan (“UDP”) have been ‘saved’. The Leeds UDP Review was adopted in 2006. The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below: -

- UDP policy GP5 seeks to ensure all detailed planning considerations are resolved as part of the application process including the protection of local residents amenities.
- UDP policy H4 refers to residential development on sites not identified for that purpose will generally be permitted provided the proposal is acceptable in sequential terms, and is within the capacity of existing and proposed infrastructure.
- UDP policy BD5 seeks to ensure that all new buildings are designed with consideration given to their own amenity as well as that of their surroundings.
- UDP policy N13 seeks to ensure that the design of all new buildings should be of a high quality and have regard to the character and appearance of their surroundings.
- UDP policy N25 seeks to ensure that boundaries of sites should be designed in a positive manner and be appropriate to the character of the area.
- UDP policy T2 seeks to ensure that new development should be served adequately by existing or programmed highways and by public transport, make adequate provision for cycle use and parking, and be within walking distance of local facilities.
- UDP Policy T24 seeks to ensure parking provision reflects the guidelines set out in UDP Appendix 9.

#### **Relevant Supplementary Guidance:**

8.4 Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- SPG13 Neighbourhoods for Living.

#### **Government Planning Policy Guidance/Statements:**

8.5 In addition to the principal elements of planning policy other advice contained in Planning Policy Guidance Notes and replacement national Planning Policy Statements (PPS) may be of relevance to the submitted proposal. This includes:

PPS1 Delivering Sustainable Development.

## **9 MAIN ISSUES:**

9.1 Having considered this application and representation, it is the considered view that the main issues for consideration are:

- Principle of the Development;
- Design/ Appearance
- Layout
- Amenity Considerations
- Sustainability credentials
- Landscaping / Trees
- Highways/ Parking
- Other Issues

## **10.0 APPRAISAL**

### Principle of Development

10.1 The site is considered to be a brown field site as defined by PPS3. The site until recently accommodated a Primary School which has now been demolished. The majority of the site still contains hard surfaced areas which were once play grounds and parking areas etc. A part of the site which contains a number of mature trees is to remain undeveloped as illustrated in paragraph 2.4. The site lies in an established residential area which is well served by local amenities and infrastructure. There is bus service every 30 minutes (no 87) directly adjacent to the site to Leeds and the local centre of Bramley. There are more regular bus services a short walk away from the site. It is considered that the proposal follows the national planning policy guidance of PPS3 of developing brown field sites for new residential development, in the interests of sustainability and regeneration. The principle of this proposal for residential development is therefore considered to be acceptable.

### Design/ Appearance

10.2 It is considered that the proposed blocks are well designed, with large areas of glazing to provide surveillance and which breaks up the mass of the buildings. The actual external elevations have both a combination of high level windows and floor to ceiling windows which results in patterns within the rendered panels, which creates visual interest within the elevations. The facing materials proposed are integral to the overall concept of the scheme in terms of it delivering low carbon, sustainable, affordable dwellings, constructed from local and natural materials.

10.3 The extensive areas of landscaping and open space within the site, and around the proposed buildings will minimise and soften the appearance of the proposed blocks. The design of the proposed development is described as being modern and contemporary, which is not characteristic of this suburban locality. The site however, is a stand alone island site, being bound by road to all sides. As the site is isolated and is not adjoined by any other houses, it is not considered that the proposal would appear overly incongruous or alien within this locality. The degree of separation with other properties provides an opportunity for the buildings upon this site to be of a different design.

- 10.4 The buildings vary in height between 2 and 3 storey's depending on the levels within the site. The proposed buildings are no taller than the existing surrounding residential dwellings. As such it is considered the heights of the buildings proposed respects the character of this suburban locality. All of the proposed blocks have flat roofs which accommodate sloping solar panels, which will provide an illusion in part, of 'single pitch roofs' to the properties. A condition will be placed on approval for 1:20 sections of the window and door openings to ensure they adequately recessed.
- 10.5 Discussions have taken place with the agents regarding the materials of the common house, as it is considered the use of partial brick on this building alone, which acts as a focal point for the entire development, would tie in with, and relate the development to the existing boundary walls, and the built form of the surrounding area. The agents have agreed to this, and the full materials details will be conditioned on approval. For all of these reasons it is considered the design of the proposal follows the policy guidance of PPS1 and policies N12 and N13 of the adopted Leeds UDP.

#### Layout

- 10.6 The proposed development is located around a central pond and communal house. The residential units are 'inward' facing, around these communal landscaped areas. The scheme has been devised in this way to encourage social interaction between the future occupiers, and to develop the community living within the development. A result of this means that the proposed units do not have active frontages or door openings onto the adjacent streets. This issue has been heavily discussed with the applicants, and it is considered that having traditional frontages of the properties onto the street would severely comprise one of the main objectives of this development of providing a co-operative community living. This scheme is largely unique in terms of ownership, management and how the future occupiers will co-exist together as a community, and as such it is considered there are special circumstances to allow a departure from normal design principles.
- 10.7 The proposal has two separate parking areas which are located adjacent to two existing access points into the site. The plans have been amended to increase the surveillance of these areas by introducing new and larger openings within the adjacent buildings to overlook these areas. This is an example of how the existing features of the site have influenced the layout of the scheme. The land levels of the site have also influenced the exact location of the buildings to minimise the need for retaining walls and level changes. Overall it is considered the scheme has been well designed bearing in mind the objectives of the co-operative and the existing features of the site.

#### Amenity Considerations

- 10.8 It is not considered the proposal would have an adverse impact on the living conditions of existing residents. The proposed residential blocks are located over 21m away from any residential dwellings located opposite. The proposed residential use conforms with the predominate land use of the surrounding locality, and it is considered the proposal for 20 residential units is less intensive in terms of activity, when compared to the previous Primary School which occupied this site.
- 10.9 It is also considered the future occupiers of this development would experience an adequate level of amenity. Each of the proposed flats have dual aspects with openings which face both north and south. Some of the proposed flats have windows to three sides. Similarly all of the dwelling houses proposed have dual aspects with some units having window openings to three sides.



- 10.10 Each of the proposed dwellings have their own dedicated private curtilage area. The size of these garden vary in depth between 5 and 8m. These gardens areas do fall short of the minimum requirements as stated through the adopted SPG 'Neighbourhoods for Living'. This issue has been discussed with the applicants, as there is scope within the site to provide larger gardens for the individual units, which would meet the minimum guidance of 'Neighbourhoods for Living'.
- 10.11 The applicants have stated they wish for the gardens to remain modest in size to promote the communal use of the other garden areas, and the allotments which are shared between the future residents of this development. Given the co-operative nature of this development, and the availability of other open spaces within this site which includes a private play area (18m x 26m), nature water and associated landscaping (16m x 22m), herb garden (5m x 10m) 25 productive garden plots which are a minimum of 45sq m in size, and an area of public open space which is approximately 550 sq m in size, it is considered that the sizes of the private gardens are acceptable.

#### Sustainability Credentials

- 10.12 The entire ethos of this development is to provide affordable, sustainable residential accommodation which will allow the future occupiers of this development to reside at this site with a minimal demand on resources. As stated above the development will operate a car pool, and has extensive open areas to allow the future occupiers to grow their own produce. The proposal has been supported by a full 'Code for Sustainable Homes Assessment'. In summary this document states that the ecological value of the site will increase substantially, mainly due to the removal of the large areas of hard standing and introduction of an increased amount of soft landscaping.
- 10.13 The residential units all have solar panels and will collect rain water which will allow for the watering of garden areas, and sustainable drainage measures are also proposed. Compost bins will also be provided for each dwelling and the allotments. The ModCell system, which is used to construct the external walls of the development are constructed from agricultural waste, which have excellent insulation qualities which will lessen the requirement to heat the premise's (when compared to traditional construction methods). A manufacturing unit will be set up to construct these modular units locally, providing jobs. The completed residential units will achieve Code 4 of Sustainable Homes.

#### Landscaping/ Trees

- 10.14 The proposal retains the trees which are located within the north-western part of the site, and all of the existing red brick boundary walls and railings. As illustrated in paragraph 2.4, the proposal increases the amount of open space and soft landscaping within the site. The north-western area of the site, where the trees are to be retained will be laid out as public open space, for use both by the wider public and the future occupiers of the development.
- 10.15 Local Plans have stated that they do not consider that this area of open space meets with the policy requirements of the Leeds UDP in providing new green space as part of a new residential development. This is due to the fact it is physically detached from the proposed residential development, does not benefit from 24 hour access, and is essentially a wildlife area in and around the existing trees which are to be retained on site. Local Plans are therefore seeking a commuted sum in lieu of on site green space. On balance, given the co-operative ownership of the site, and the fact the site is not been developed for any profit, along with the other benefits of the scheme in terms of sustainability, and the availblity of both public and private spaces within the

site, a commuted sum contribution for green space has not been pursued. The proposed development does provide public, communal and private open spaces through the site, and as well as designated allotments which will be available to residents and non residents of the development.

- 10.16 It is considered the availability for soft landscaping throughout the site which enhance the site and wider locality. The submitted landscaping scheme does not give exact details of the ratio, density and location of planting and as such, a full landscaping scheme will be conditioned on approval. The retention of the existing boundary walls and railings is welcomed, as it will tie the proposed development with the existing built form of this locality, as well as providing a physical historic remainder of the previous 'school' use of the site.

#### Highways

- 10.17 The proposal offers 14 designated parking spaces for 20 separate residential units, 4 of these 14 spaces are overspill parking spaces for visitors. The applicants have stated that given the green ethos of the development, and the future occupiers, the number of cars owned by the future residents will be managed by the co-operative and restricted. Future occupiers will share their cars, with other residents and will have to agree to this, when signing up to be a resident of this co-operative. This is a management issue and will not be controlled by the planning system, as it is not considered necessary to control parking given the location of this application site.
- 10.18 The applicants have conducted parking surveys on the adjacent streets, at varying times of the day which do illustrate that car ownership levels within this locality are lower than average, and there is not a problem resulting from on-street parking levels. Therefore, it is considered that there is scope to park on the adjacent streets, should there be a demand for additional visitor parking.
- 10.19 The proposal utilises the existing vehicular access's to the former school. It is considered the level of traffic to and from this site would be significantly less, when compared to the former school use of this site, and as such the proposal would not pose an increased risk to highway safety. For all of these reasons it is considered the proposal follows the guidance of T2 of the adopted Leeds UDP.

#### Other Issues

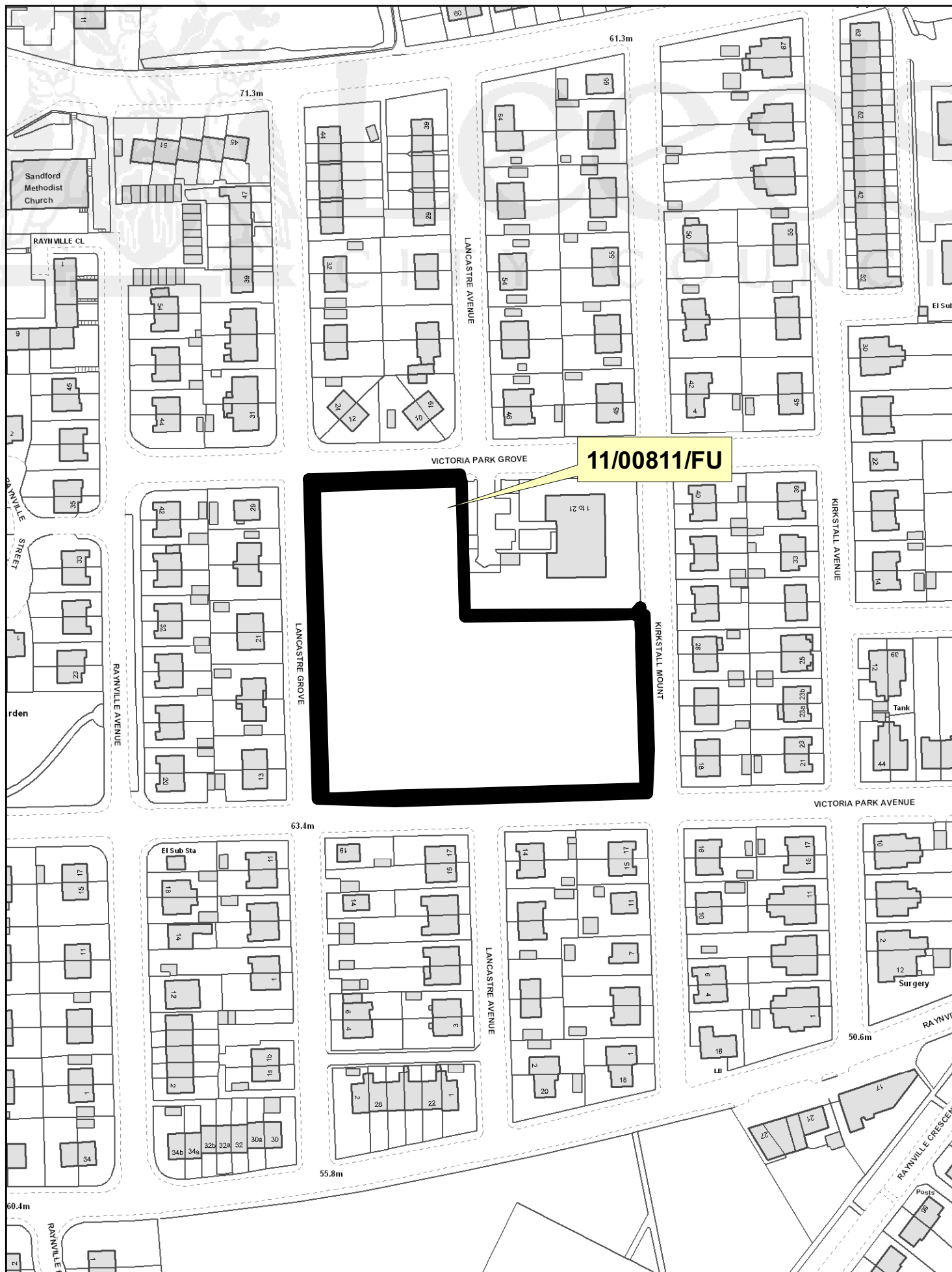
- 10.20 Although the applicants state the proposed development will be affordable for the future occupiers, it is not providing affordable housing, as defined by Planning policy, through a social registered landlord. The applicants have stated they could not afford to provide an element of affordable housing, which meets the definition and requirements of planning policy as the scheme is not being developed for any profit. The principle of this was accepted by Members at the pre-application presentation by the Co-operative members at Plans Panel on 3<sup>rd</sup> February 2011.
- 10.21 As the scheme is not being developed for profit, and is self funded by the future occupiers of the development, it is not considered there is any need for the future occupiers of the development to be provided with Metro cards. The Co-operative will fully manage the development in a democratic process. Should anyone leave the Co-operative the remaining members would select new resident/s for the vacant residential unit, who would wish to join the co-operative and contribute accordingly. Any vacant units would not be placed on the open housing market.

## **Conclusion**

- 11.1 The concept behind the development, in terms of developing a co-operative to own, manage and communally live as residents in the proposed properties, is new within Leeds and indeed in the UK. As such it is not considered a standard approach can be taken, in terms of assessing this application against normal planning considerations and policies. It is considered that the scheme has been well designed bearing in mind the objectives of the co-operative, and the constraints of the site. It is also considered that the form of this development would not necessarily suit normal housing tenures, as this development has been physically designed and arranged to promote social interaction and activity between residents and the wider community. Future occupiers essentially have to sign up to a lifestyle which promotes a social and environmental responsibility for the site and wider locality, which include committing a set proportion of their salaries towards management and mortgage commitments.
- 11.2 It is considered that the aims and objectives of the cooperative, particularly with regard to the green/ sustainability credentials of the development should be actively encouraged. On balance it is considered the benefits of the development in terms of providing new soft landscaped open spaces, affordable modern residential accommodation, which promotes sustainability, far outweigh any harm caused by the development in terms of not delivering the normal requirements of planning policy with regards 'affordable housing' and adopted guidance in terms of space about dwellings etc. The proposal is considered to be a well considered quality development, which utilises a vacant brownfield site, and therefore is recommended for approval, subject to conditions.

### **Background Papers**

N/A



# WEST PLANS PANEL

**Report of the Chief Planning Officer**

**Plans Panel West**

**Date: May 25<sup>th</sup> 2011**

**Subject: APPLICATIONS 10/00848/FU AND 10/01122/LI – Full planning and listed building applications for a change of use involving part demolition of and alterations to former agricultural buildings to form one 2 bedroom, one 3 bedroom and one 4 bedroom terrace houses with associated car parking and amenity space AT THROSTLE NEST FARM, WESTON LANE, OTLEY, LS21 2HJ**

**APPLICANT**

Weston Hall Estates  
CJ Dawson

**DATE VALID**

23<sup>rd</sup> March 2010

**TARGET DATE**

6<sup>th</sup> May 2010 (LB) and  
18<sup>th</sup> May 2010 (FU)

**Electoral Wards Affected:**

**Otley and Yeadon**

☐ Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

**RECOMMENDATION:**

**GRANT planning and listed building permission, subject to the following conditions:**

**Conditions**

**10/00848/FU**

1. Development to commence within 3 years
2. Plans to be approved
3. Sample panel of stonework to be constructed and approved
4. Sample of roofing and surfacing materials to be submitted and approved
5. Implementation of one way traffic scheme through site in accordance with details to be submitted and approved
6. Area to be used by vehicles to be laid out and surfaced
7. Provision of sightlines at new exit on to Weston Lane in accordance with scheme to be approved
8. Provision of bin storage
9. Development to be carried out in accordance with the mitigation method statement and timetable of works in section 5 of the Bat Method Statement for Works report dated 24 February 2011 (Ref:0083\_10/Re02) unless otherwise agreed in writing with

the LPA. The results of post development monitoring shall be submitted to the LPA no later than 31 October in the year in which it is carried out.

10. Details of works for dealing with surface water discharges, including proposals for any outfall connection to the neighbouring 457mm culvert must be submitted and approved
11. A method statement for the works to be carried out within the vicinity of the 457mm diameter culvert must be submitted and approved
12. Landscape scheme to be submitted and approved
13. Implementation of landscape scheme
14. Removal for permitted development rights for extensions, roof alterations and outbuildings
15. Phase 1 desk study to be submitted
16. Dealing with unexpected contamination

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, T2, T24, N12, N32, N33, BD6, GB3, GB4  
Neighbourhoods for Living  
Street Design Guide

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

#### **10/01122/LI**

1. Development to commence within 3 years
2. Plans to be approved
3. Survey and method statement for repair/ replacement of all doors and windows
4. Conservation type rooflights to be used
5. Stone flagged floor in barn 2 to be retained
6. 2 areas of internal walling to be retained as exposed stonework. Details to be submitted and agreed.
7. Programme of architectural and archaeological recording to be implemented prior to commencement of demolition or development
8. Submission and approval of method statement for the proposed changes to internal levels

In granting Listed Building Consent the City Council has taken into account all material matters relating to the building's special architectural or historic interest, including those arising from the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

N14, N15, N17 and GB3

On balance, the City Council considers the proposal would not give rise to any unjustified consequences for the special architectural or historic interest of the listed building.

## **1.0 INTRODUCTION:**

- 1.1 The application has been brought to the plans panel following a request by ward councillor, Councillor Downes, who is concerned that the proposal is a departure from Green Belt policy.

## **2.0 PROPOSAL:**

- 2.1 The application is for full planning permission for a change of use of a collection of formal agricultural buildings adjacent to the existing dwelling, to 3 terraced houses.
- 2.2 Car parking will be provided as will small areas of outdoor amenity space.
- 2.3 A number of modern corrugated steel agricultural buildings will be removed to facilitate the development.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is located within the Green Belt to the North of Otley. It is situated on the fringe of the urban area with a large residential area to the North and open farm land to the South with Weston Lane forming the Green Belt boundary.
- 3.2 The site contains a Grade II listed farmhouse dating from the 18<sup>th</sup> century of 3 storeys and forming part of a group with the outbuildings which date from 1480.
- 3.3 A number of modern corrugated steel buildings surround the barns.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 08/04552/FU – Change of use involving part demolition of and alterations to former agricultural buildings to form 3 dwellings and garaging – withdrawn following officer's expression of concern over the impact of the conversion on the character of the listed buildings, highways officer objection to the proposed access onto the highway and concern over future residents living conditions and also harm to the openness of the green belt.
- 4.2 08/06359/LI - Listed Building Application to carry out alterations and partial demolition to 3 existing barns to form 3 three bedroom dwelling houses with 2 detached garages – withdrawn

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Following a withdrawn application in 2008, discussions with officers have resulted in a reduced pocket of land being included within the domestic curtilage and revised and reduced window openings.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 4 letters of objection and 2 letters of support have been received to the full application and 2 letters of objection to the listed building application. These raise the following issues:
- Impact on appearance of the Green Belt
  - Removal of hedgerow to East of site

- Removal of stone wall to North
- Too great an area enclosed for the change of use
- East elevation of buildings changed to look like dwellings not barns
- Addition of road to south and east impacts on rural character
- Contrary to PPS5
- Engineering works required to construct driveway not indicated
- Proposal includes alterations to roof
- Illegal tipping on site
- Concern about drainage
- New drive detracts from setting of listed building
- Employment use should be preferred
- Welcome visual improvement to site
- Existing buildings are safety hazard
- Site currently attracts anti-social behaviour
- Impact on wildlife
- Increased traffic on Weston Lane

## **7.0 CONSULTATIONS RESPONSES:**

- 7.1 Highways have not objected to the proposal. They have recommended conditions to ensure the visibility splays are maintained clear of vegetation and that the one way system is maintained. Adequate parking provision is to be made and bin storage must be provided.
- 7.2 Contaminated land do not object in principle but have required a Phase 1 desk study report to assess the potential risk posed by the former farm. This can be secured by condition.
- 7.3 Nature conservation have assessed the submitted bat surveys which have shown that the proposals will result in the loss of roosts used by pipistrelle bats. A mitigation statement has been submitted to detail working methods and timing to minimise disturbance and the provision of bat boxes. Bats are protected under the European Habitats Directive and the City Council has a duty to have regard to the requirements of the Directive when carrying out its functions however as bat roosts will be destroyed a licence is required from Natural England. Nature Conservation have advised that they consider that Natural England could issue a licence to allow the development to proceed and they therefore have no objection to the proposals subject to condition.
- 7.4 Drainage have highlighted that the development is adjacent to a culverted watercourse and therefore care must be taken not to do harm to it nor to increase the rate of discharge of surface water. Conditions were recommended on the previous application 08/04552/FU.
- 7.5 Otley Town Council have asked for a planning brief for the site as they do not want to see it being developed piecemeal.

## **8.0 PLANNING POLICIES:**

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.



The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below.

GP5 - seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

BD6 – extensions should respect the scale, form, detailing and materials of the host building.

BD5 –all new buildings should be designed with consideration given to their amenity and that of their surroundings.

T2 – developments need to be adequately served by existing or proposed highways, capable of being served by public transport and have provision for safe and secure cycle use and parking.

T24 – parking provision requirements

N12 - development proposals should respect the main principles of good urban design

N14 - presumption in favour of the preservation of listed building. Demolition or substantial demolition will only be permitted in exceptional circumstances

N15 – proposals for the change of use of listed buildings will be considered if the new use does not diminish the special historic value of the building and its setting.

N17 – existing detailing and features of listed buildings should be preserved.

N33 – except in very special circumstances development in the Green Belt is only allowed for the purposes of agriculture, outdoor recreation; limited extension of dwellings; limited infilling; and re-use of buildings where GB4 is satisfied.

GB3 – if an appropriate Green Belt use cannot be found for a building of historic interest another use may be permitted providing this results in the retention of the building and its character.

GB4 – planning permission for a change of use in the Green Belt is only acceptable if physical changes would maintain the character and openness of the Green Belt; the building is in sound physical condition; a safe access can be achieved without harming the countryside; a new hamlet is not formed; further new farm buildings are not allowed; and the proposal would not harm the local economy.

### **Relevant supplementary guidance:**

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

Street Design Guide  
Neighbourhoods for Living

### **Government Planning Policy Guidance/Statements:**

In addition to the principal elements of planning policy other advice contained in Planning Policy Guidance Notes and replacement national Planning Policy Statements (PPS) may be of relevance to the submitted proposal. This includes:-

PPS1: Delivering Sustainable Development (2005)

PPS5: Planning for the Historic Environment (2010)

PPG2: Green Belts (1995)

## **9.0 MAIN ISSUES:**

- 9.1 The principle of the development and impact on the Green Belt
- 9.2 Design and character
- 9.3 Highways considerations
- 9.4 Amenity issues
- 9.5 Protected species
- 9.6 Representations

## **10.0 APPRAISAL:**

### **The principle of the development and impact on the Green Belt**

- 10.1 Both PPG2 and policy N33 allow the re-use of existing buildings and this is not considered inappropriate subject to several criteria. Policy GB4 outlines these criteria as follows:

*Physical changes to the building should maintain or enhance the openness and character of the Green Belt*

The removal of a number of unattractive modern agricultural buildings is proposed with a consequent positive impact on openness. Proposed parking and outside amenity areas are within the existing development footprint and new stone walls will help to contain the area of development. A relatively small number of new windows and rooflights are proposed to facilitate the development and it is not considered that these will have any significant impact on openness.

*The building can be shown to be in a generally sound physical condition and of a form suitable for the intended after use*

Few alterations in terms of window openings are required and only a small area of re-building is required to the rear of one of the barns. The only amendments to the roofscape proposed are in the form of 5 conservation type rooflights. This is a considerable improvement over the withdrawn scheme 08/04552/FU which proposed 13 rooflights.

*A safe access can be achieved without harming the character or appearance of the countryside*

The proposal makes use of the existing access point to the farmhouse to enter the site. A one way system is utilised so that exit is via an existing track which will be upgraded and passes to the south of the farmhouse. A small new section of driveway will be required to join the track to Weston Lane. The provision of this small new section of drive is considered inappropriate development in the Green Belt however the track could be extended as part of the agricultural development rights of the farmhouse. The conversion and re-use of the listed barns, which are in an increasingly poor state of repair, is also considered some justification for this small area of inappropriate development within the Green Belt.

Other GB4 criteria which include matters relating to additional expense not falling on the public utilities, permitted development rights for new farm buildings being

removed, scale of development resulting in a hamlet and proposal not harming the local economy are also considered to be met.

- 10.2 On balance, therefore the proposal is considered to comply with policies GB4 and with PPG2 guidance and is not detrimental to Green Belt openness character or appearance.

### **Design and Character**

- 10.3 The proposal for the demolition of the corrugated steel buildings, which surround the listed outbuildings on three sides, is considered to greatly enhance the setting of the farmhouse and outbuildings as well as improving the openness of the Green Belt. The pocket of land enclosed by the scheme is smaller in scale than that currently occupied by all the outbuildings on site and the use of sensitive new boundary treatments and traditional surfacing materials to the courtyard will enhance the visual setting of the buildings.
- 10.4 The scheme proposes 2 new windows and 2 conservation type rooflights facing the courtyard and 4 windows and 3 rooflights facing the Green Belt. This is considered a minimal increase in openings and the irregular spacing of the windows retains the agricultural character of the building and is not considered to harm the special historical character of the listed building.
- 10.5 Internally, the open character of the agricultural buildings is retained in barns 1 and 2 where the buildings are left open to the roof with exposed trusses. Conditions have been recommended to ensure that areas of natural stonework are left exposed internally to retain a visual indication of the original features of the buildings. Details of windows and other external features should also be conditioned to ensure that appropriate design features are utilised.
- 10.6 An internal alteration in floor levels appears to be proposed. To ensure that this does not undermine the stability of the barns, a method statement for the works is to be conditioned.

### **Highways considerations**

- 10.7 The existing farm access from Weston Lane will be utilised as the access point to the site. A one way system will then be utilised to take vehicles along an existing farm track to the south of the farmhouse and back on to Weston Lane, via a new exit point. The track will be made up to the appropriate standard and conditions will secure the implementation of a variety of measures to ensure the one way operation of the site access.
- 10.8 Parking provision is provided at 2 spaces per property to comply with UDP policy. Cycle parking is not provided however a condition has been recommended to restrict the provision of outbuildings under permitted development due to the potential for such buildings to impact on the openness of the Green Belt.
- 10.9 A condition has also been recommended to ensure that the visibility splays from the exit point as shown on the layout plan are retained and that vegetation is cut back to no more than 1.0m in height.

### **Amenity issues**

- 10.10 The proposal provides good levels of amenity for future residents with sensible internal layouts that reflect the character of the listed buildings.
- 10.11 Each property will have a small area of external amenity space within the courtyard area. While these are not private, they do allow residents to have some usable external space, will not be visible to passing traffic but only to other residents of the site and have little significant impact on the openness of the Green Belt being sited, in the main, within the existing built up area of the site.

### **Protected species**

- 10.12 Bat surveys have been carried out and submitted as part of the application. Small numbers of pipistrelle bats have been found to have summer roosts within the barns and these roosts will be lost as a result of the proposals.
- 10.13 Consequently a mitigation method statement has been submitted with proposed working methods and a timetable to minimise potential disturbance to the bats and replacement bat boxes will be sited in nearby trees.
- 10.14 As bat roosts will be destroyed during the works, a licence will be required from Natural England. The nature conservation officer has indicated that, given the information submitted by the applicant, a licence could be issued for the development to proceed and a condition is recommended to ensure the implementation of the mitigation method statement.

### **Representations**

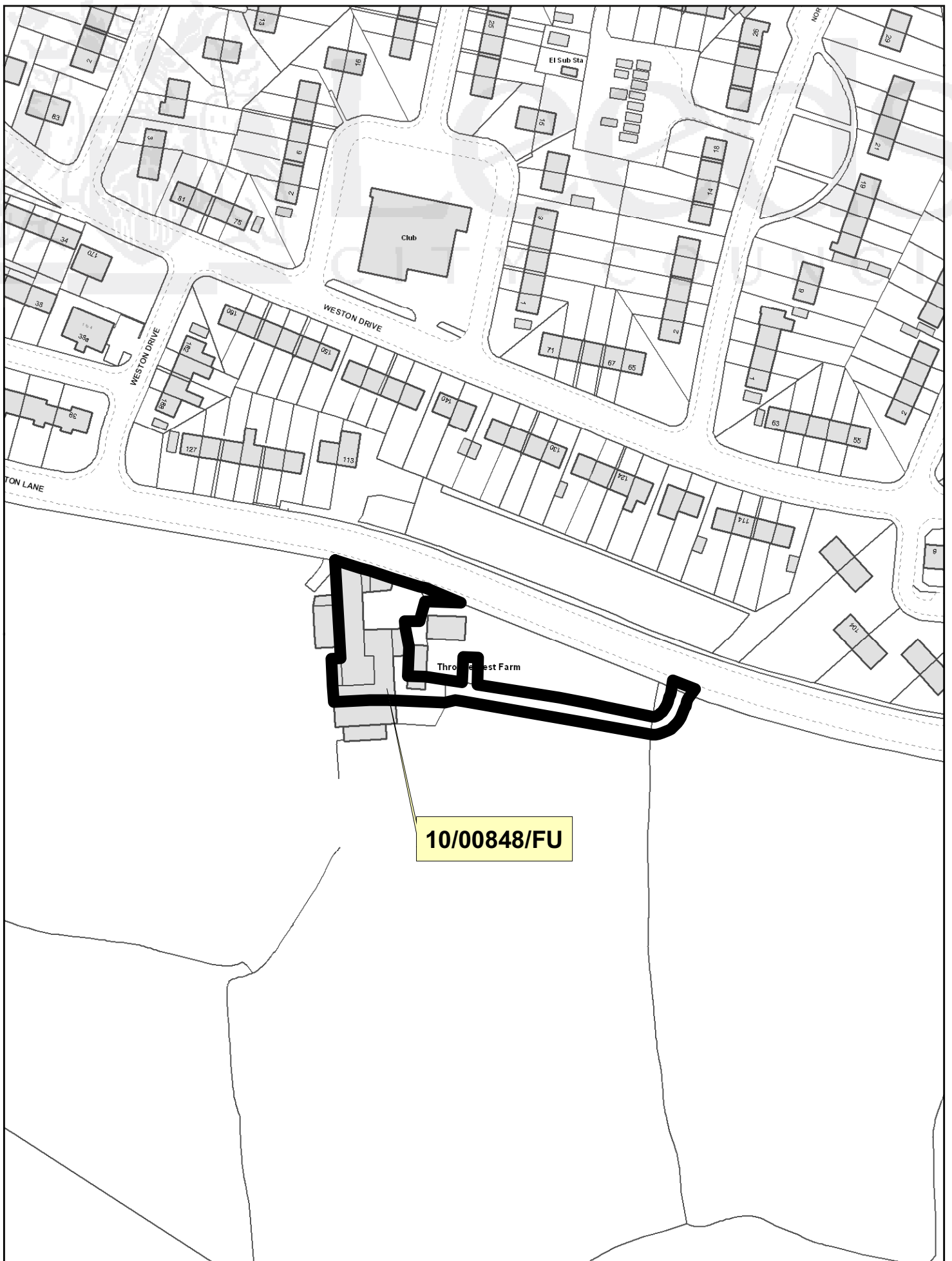
- 10.15 The majority of the points raised in the letters of representation have been covered above. It should be noted that removal of the boundary wall on Weston Lane is not required to secure visibility splays and that only some pruning of hedgerows should be necessary. Concerns about the impact of the use of the existing track to the south of the farmhouse on the setting of the listed building are balanced by the visual gain from the loss of the modern agricultural building as are concerns about local character and visual amenity. Drainage details are to be conditioned.

### **11.0 CONCLUSION:**

On balance it is considered that, the proposal presents a sympathetic and sensitive re-use of these listed agricultural buildings which complies with relevant national and local policy. The removal of the existing modern farm buildings and consequent positive impact on Green Belt openness balances out any harm caused by the slight intensification of use of the existing farm track to the south of the farm house and the addition of a new exit point on to Weston Lane.

### **Background Papers:**

Application and history files.



# WEST PLANS PANEL



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Originator:	Mathias Franklin
Tel:	0113 24 77019

## Report of the Chief Planning Officer

### PLANS PANEL WEST

Date: 25<sup>th</sup> May 20011

**Subject: APPLICATION NUMBER: 09/04287/RM - Reserved matters application for laying out of access roads and erection of 138 dwellings, 21 flats in 3 blocks, 41 retirement apartments, 2 storey office block and alterations and extensions to mill building to form 36 flats and 1 office unit and change of use of building to bar/restaurant and 20 space public car park, greenspace and landscaping at Garnetts Paper Mill, Otley; and:**

**APPLICATION NUMBER 10/03695/FU - Laying out of access road at land adjacent to Gallows Hill, Pool Road, Otley LS21.**

APPLICANT	DATE VALID	TARGET DATE
BDW Ltd 09/04287/RM	29.10.2009	PPA 18.03.2010
BDW Ltd 10/03695/FU	10.08.2010	09.11.2010

#### Electoral Wards Affected:

**OTLEY AND YEADON**

☐ Y

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

#### RECOMMENDATION:

**09/04287/RM DEFER AND DELEGATE approval to the Chief Planning Officer subject to the conditions specified and the completion of a Section 106 agreement within 3 months from the date of resolution to include the following: laying out of public car park, affordable housing (to 59 units for affordable housing, of which 29 for social rent and 30 for submarket) greenspace (£185,951.21), education (£619,295), travel planning (bus stop, metrocards for residents and employees & £75,000.00 for bus diversion service) and off site highway works and the construction of the Eastern Access Road (10/03695/FU) prior to occupation of any dwelling at the Garnetts Mill site. All contributions to be indexed linked.**

**10/03695/FU DEFER AND DELEGATE approval to the Chief Planning Officer subject to the conditions specified and the completion of a Section 106 agreement within 3 months from the date of resolution to include the following: Mechanism for ensuring that the Eastern Access Road is constructed and made available prior to first occupation or use of any development associated with application**

**Conditions 09/04287/RM**

1. Development to be carried out in accordance with approved plans.
2. Highway works to be completed and brought into use prior to first occupation.
3. No vehicular access or egress to be taken to the residential development from Mill Lane.
4. A management plan is required for the maintenance and operation of Mill Lane, the bus gate and the flood warning scheme.
5. Pedestrian linkages to Otley Town Centre and connecting path and link to White Bridge to be provided prior to first occupation.
6. Means of Preventing Mud etc on Highway.
7. Removal of Permitted Development rights Part 1, Classes A-H (Extensions, roof alterations and outbuildings).
8. Area used by vehicles to be laid out prior to occupation
9. Prior to the commencement of development a scheme for the protection of the otter holt during the construction phase of the development shall be submitted and approved by the LPA.
10. Prior to first occupation a scheme for the external lighting of the riverside walk and public open spaces areas shall be submitted and approved in writing by the LPA.
11. Details of door and window frames and designs to residential and commercial buildings to be submitted and approved by LPA prior to commencement of development.
12. Hours of use of pub-restaurant and offices to be approved by LPA.
13. Details of window and door frames to be submitted and approved and installed in a manner traditional to the area.
14. Details of proposed works to re-use the hydro electric turbine to be submitted to approved by the LPA.
15. Updated tree survey and programme of works to be submitted and approved by LPA.
16. Details and plans for extension to Manor Parade Gardens to be submitted and approved by LPA.
17. There shall be no vehicular access for any dwelling built on site from Mill Lane for the lifetime of the development.

In approving these reserved matters the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the Planning policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

UDPR Policies: H1A, GP5, BD5, N2, N3, N4, N12, N13, N23, N25, N26, N38, N39, N49, N50, N51, H11, H12, LD1, T2, T5, T6, T24, BC7, BC8, N18, N18B, N19, N20, N21, N22 and H4.

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

**Conditions 10/03695/FU**



1. The existing Gallows Hill access shall be closed before first use of the new access road, shown on the approved plans, other than for construction traffic for the Garnetts Mill Development (planning application number 09/04287/RM).
2. Development to be carried out in accordance with approved plans.
3. The new vehicular access and footway/cycleway onto Pool Road must be completed before first occupation of the Garnetts Mill Development (planning application number 09/04287/RM), unless otherwise agreed beforehand in writing with the local planning authority.
4. The off-site highway works which include:
  - Reinstatement of Gallows Hill as a dropped vehicular crossing, Relocation of a bus stop,
  - Provision of pedestrian crossing islands and associated dropped crossings/tactile paving, Ghost island right turn lane facilities and centre hatching modifications, relocation of a street lighting column,
 shown on the approved plans must be completed before first occupation of the Garnetts Mill Development (planning application number 09/04287/RM), unless otherwise agreed beforehand in writing with the local planning authority.
5. Details of surfacing materials to be submitted.
6. Levels details to be submitted
7. Landscape scheme to be submitted and implemented.
8. replacement trees and shrubs to be provided.
9. Means of Preventing Mud etc on Highway
10. The Eastern Access Road hereby approved shall not be brought into use until all approved drainage works have been implemented in accordance with full details previously submitted to and agreed in writing by the Local Planning Authority.

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, N33, LD1, N37, T2, T5

On balance, the City Council considers there are very special circumstances to justify this development in the Green Belt.

## 1. INTRODUCTION:

- 1.1 Member's will recall that in December 2010, this scheme was presented before Panel as a position statement. The applications are now brought to Panel for a determination. The application (09/04287/RM) relates to the former Garnett's Paper Mill site in Otley adjacent to the River Wharfe. The proposal represents a substantial redevelopment on the edge of Otley town centre. Application 10/03695/FU relates to the proposed Eastern Access Road which would serve the residential element of the Garnetts site and would be accessed via Pool Road, close to the access track to Gallows Hill. Members comments from the December Panel report are shown below:

*Members discussed the following issues with officers:*

- *Reduction in the mix of uses. Members did note however the developed site would retain some element of destination and public spaces and have scope for further*

*development in the future. The development of the riverside walkway was regarded as an attractive asset*

- *Sustainable access to the site. Members voiced concern over the impact of flooding on the developed site and accessibility for visitors/residents. Officers responded that even if Mill Road was raised; the western area could still be susceptible to flooding. The Panel noted the comment by the Mill owner who stated their records showed the site had not flooded to the point of impassability in the previous 100 years.*
- *Pedestrian footbridge. Members commented that the area could become an island site particularly for pedestrians in the event of a major flood but recognised that more detail on the flood risk and necessary engineering works to establish a bridge would be required before they could comment further.*
- *Standard of design and quality of materials. Members were keen to ensure the proposals maintained the high quality originally proposed which had promised an exemplar estate. Members sought a consistent palette of materials for the substantial apartment block.*

- 1.2 This application follows on from an Outline planning permission issued first in 2007 ref: 29/267/05/OT (then renewed and conditions varied in 2008 ref: 08/02079/OT) for the redevelopment of the site for a mixed use development comprising, residential, offices, bar restaurant, hotel and nursing home and surgery with a public car park and associated landscaping and new access road to connect the site to Pool Road to the east of Otley town centre. The Outline approval granted planning permission for this mixed use scheme. All matters were reserved except for Access which included using the existing Mill Lane access road onto Bridge Street and proposed to create a new access road to connect to Pool Road running east out of the site at Gallows Hill. The Outline planning permission did not include any indicative details of the proposed mix use scheme except for a masterplan which showed the areas of the site where the various uses would be located.
- 1.3 The Reserved Matters application has been submitted in accordance with the Outline planning permission. The notable changes from what was approved in Outline relate to the reduction in amount of office spaces proposed and the removal of the hotel and doctors surgery elements which the developer states have no market in Otley. The Reserved Matters proposal is still a mixed use scheme with the predominant use being residential.
- 1.4 The Reserved Matters application is twinned with an application for the creation of a new vehicular access at land next to Gallows Hill out on to Pool Road. The application ref: 10/03695/FU has been submitted as the approved access onto Pool Road which the applicants could deliver would not be as efficient or as safe as the proposed Eastern Access Road. This application varies only slightly the point of access out onto Pool road which is now proposed to be slightly further to the east; about 40 metres. The proposed Eastern Access Road would be within the Green Belt and represents a Departure from the Development Plan and is inappropriate development. As such very special circumstances need to be demonstrated by the applicant to justify this element of the scheme. This application would be linked to the Reserved Matters application by Section 106 agreement for the delivery of this access road prior to the commencement of development.

## **2.0 PROPOSAL:**

- 2.1 The proposed masterplan shows the layout of the site. The commercial elements of the scheme are located next to the Mill Lane access road which is towards the western end of the site. In this area are proposed the new build offices, amphitheatre, public car park, and pub restaurant. These uses will have vehicular

access from Mill Lane. The remainder of the site will be served via the new Eastern Access Road. Behind the commercial elements will be located the start of the housing estate and the nursing home. The retained mill and proposed extension located on the river front will be converted into apartments blending a mixture of contemporary and traditional designs unified by a constant palette of materials. The majority of the new build housing would be constructed out of artificial slate and stone, though the buildings in and adjacent to the Conservation Area would be natural stone and slate as would some of the new build houses to provide a change of appearance and to add interest and variety. A plan will be shown to Members showing the location of properties and the materials proposed. The houses would be mixture of 2, 2.5 and 3 storeys. The houses would be of traditional design and appearance. The nursing home would be 3-4 storeys in height and would be located in front of a proposed public and vehicular square and would incorporate a tower feature. Car parking would be accommodated mostly within communal courtyard areas. The proposal includes a few flats over garages which are considered to provide surveillance and ownership of territory to enhance security and separate out private and public spaces.

- 2.2 The public open space would be located to the south of the site, described on plan as the 'ecological park'. This area of land would also accommodate the flood storage capacity for the site. The site would create pedestrian foot paths and cycle routes to link to both White bridge and Otley town centre. This is in line with the aspirations of creating an urban extension to make the site as connected to the town centre as possible and also to create a tourist destination by promoting a circular walk from Titty Bottle Park down to White Bridge and back round through Wharfemeadows Park and via the ecology park if desired.
- 2.3 The site would have two vehicular access points as per the Outline approval, though the proposed Eastern Access Road is about 40 metres east of the location of the Outline approved location. The site however, would not be a through access except for buses and emergency vehicles. A bus gate or similar device will be installed at a point on the internal spine road to control through access. This gate would be located close to the commercial element of the proposal near to the pub restaurant and offices. Vehicles for the housing element of the scheme would only be able to enter and exit the site via the new eastern access connecting on to Pool Road. This eastern access would be constructed to ensure that the road was above the 1:100 year plus climate change level to ensure safe and dry means of access. The existing site access onto Mill Lane would not have its levels altered from the existing situation. Rather this road, which is shown in flood maps of the Environment agency to flood, would be allowed to flood and signage and appropriate flood warning procedures would advise people of this if the river is thought to be flooding. The bus gates would prevent through traffic in this situation also. Further discussion and agreement on the finer details of this are required with the applicant.
- 2.4 A table showing a comparison between the proposed floor space and numbers of the approved Outline applications and currently proposed Reserved Matters scheme is shown below. The detailed proposals are consistent with areas of development approved in the outline permission.

<b>Reserved 09/04287/RM floorspace)</b>	<b>Matters (numbers proposal and</b>	<b>Outline approval 08/02079/OT Uses were granted permission in turns of Hectares (ha)</b>
139 Dwellings and 21 new build apartments		Residential (apartments and housing) 3.20 Ha

325 sqm of pub restaurant in converted mill building and 36 apartments	Commercial uses (office, hotel and restaurant) 0.77 ha
604sqm of new build office space	(as above)
41 bedroom nursing home	Nursery and Surgery 0.08 Ha
20 space public car park	As proposed
Greenspace, cycle route and footpaths, circa 5.0ha	Open Space 5.0 Ha

## **1.0 SITE AND SURROUNDINGS:**

- 3.1 The site is that of the former Garnetts paper manufacturers on the riverside at Otley. The site as a whole extends to an area of 6.1 hectares. The main buildings and active part of the complex are concentrated towards the western end of the site and along the riverside. Access to the site is taken from this end along Mill Lane ie: along the rivers edge from Bridge St. The more eastern parts are open areas of former landfill area and flood plain land. A small part of the site located at the western end of the site is located within the Otley Conservation Area, namely half of the Mill buildings and the access road area between the site and Mill Lane. The site is surrounded by flood zone 2 but the main developable area is out of this zoning.
- 3.2 The location of the proposed Eastern Access Road is within the Green Belt. The boundary of the Green Belt is the track at Gallows Hill where the Outline approved eastern access road was proposed. The character of this area is rural edgeland with a mixture of uses and buildings. Pool Road is a main road, there is a row of semi detached dwellings fronting this section of Pool Road and there is a small cul de sac located behind these dwellings and further backland development served off East Busk Lane. The area to the east of Gallows Hill is largely open fields leading down to the river Wharfe.

## **4 RELEVANT PLANNING HISTORY:**

- 4.1 08/02079/OT - Amendments to conditions numbers 22, 24 and 31 to extend planning permission 29/267/05/OT and to amend conditions relating to highways, footpath, cycleway and off site improvements including flood storage (approved 4<sup>th</sup> July 2008)  
29/267/05 – Outline application for access, residential, offices, pub, hotel, retirement complex and surgery. Approved 14 Nov 06  
29/2/95: Outline application to erect business, warehouse and industrial units and nursing home –approved July 1995.  
29/24/97: laying out access and hospital and residential development withdrawn March 1999.  
29/265/97/OT: Outline proposal for housing on land to east of Garnetts Mill. (Appeal against non-determination was dismissed).  
29/167/98 -25: Industrial and warehouse units and 3 storey nursing home approved 2002.  
29/166/99/OT: Proposed Wharfedale General Hospital (relocation) withdrawn.

## **5 HISTORY OF NEGOTIATIONS:**

- 5.1 The developer engaged with Officers in a formal pre-application process and also undertook community consultation prior to submitting this application. Pre-application meetings with officers took place and a community exhibition was held by the developer. Ward Members were also briefed during the pre-application process. The developer also presented the scheme to Plans Panel West in September 2009.

## **6 PUBLIC/LOCAL RESPONSE:**

- 6.1 These applications were advertised via site notices and also with adverts in the Press. The bullet points below relate to both planning applications. One letter has been received from Greg Mullholland and 13 letters of objection, 1 letter of support and 6 letters making general comments have also been received. 51 petition letters of objection have also been received. These letters are individually signed and addressed but contain the same pre-printed objections to the applications. Greg Mullholland MP is not objecting personally but is expressing the concerns of a constituent who has contacted him about the application. Councillor Campbell has objected to the access road planning application for the following reasons:

- [The access road proposal] “The original application [2005 Outline] was for the current entrance to the area and though not ideal for residents opposite did not infringe on the green belt. There has to be a good reason for setting aside policy and I cannot see one in this case.
- The area in question has some historical significance hence the name Gallows Hill and was also a Victorian tip”.

- 6.2 The grounds for objection, in summary, are:

- Scale and height of the proposed houses and offices,
- Impact on local roads, rat running and increased traffic and highway safety,
- Impact of the access road on Gallows Hill nature reserve,
- Concern over highway safety of the proposed eastern access,
- Impact on trees and local landscape,
- Otley is already full and cannot accommodate more houses or cars,
- Design, appearance and layout objections,
- The impact on the character of the area,
- Impact on views across the river
- Noise and disturbance,
- Insufficient car parking for increased tourism,
- Concerns over flood risk and drainage,
- Concern over construction phase,
- Relocation of large over ground sewer,
- Proposed bus route will create more traffic,
- Loss of local chimney landmark,
- Devaluation of property prices,
- Increased congestion at Pool Road access,
- Increased likelihood of accidents at Pool Road access,
- Harm to highway safety caused by density of the site and the impacts of high numbers of cars on Pool Road at the proposed access location,
- The applicants’ very special circumstances as outlined in the letter from Walker Morris Solicitors are not supported. Local residents have employed a consultant to object to the applications on their behalf to the application for the Eastern Access Road. The consultant has written in twice to object.
- One letter of support has been received for the new access onto Pool Road.

- The petition letters object to both the Reserved Matters application and the New Eastern Access Road application. The petition objects on the following grounds; over development and overly dense form of development on the site, Eastern access road will be within the green belt, promotes urban sprawl and is harmful to local character. No special circumstances demonstrated to justify the development in the green belt. Harm to residential amenity from eastern access road. Increases in traffic and congestion. Loss of on street parking for local residents.

6.3 Otley Council makes the following comments:

- The construction of the buildings should be natural stone with slate roofing.
- The road from Pool Road into the development should be built prior to the development in view of safety and parking issues, and there should be no direct access from Mill Lane.
- The Council is concerned that there is insufficient parking for the restaurant/bar.
- Allotments should be provided on the open areas for the benefit of the community of Otley.
- Section 106: Council requests that before the Section 106 is settled the developer is required to meet with Otley Town Council to decide what terms would be suitable.
- Council is disappointed to note that there will not be a hotel on the development.

## 7 CONSULTATIONS RESPONSES:

### Statutory Consultees

- 7.1 **Highways** – All streets need to meet the requirements of Leeds Street Design Guide SPD. This requires that roads serving in excess of 5 dwellings need laying out to adoptable standards. Shared surface roads can serve up to 10 dwellings without the need for a footway / designated pedestrian route but if there is a desire line through the shared area then this should also be catered for. With regard to the application at Gallows Hill for a new access onto Pool road, this provides safe access to the new development, but action under the Highways Act will be necessary to close the existing track which emerges onto Pool Road at this point as it conflicts with the new access. The pedestrian crossing islands on Pool Road are for safety improvements and improved accessibility for local residents. A short right turn lane facility has been provided for the vehicular access between dwellings 57 and 63a. The eastbound bus stop has also been moved to a suitable location.
- 7.2 **Drainage** – Have no objections to the proposed layout in relation to flood risk matters. Drainage engineers have been engaged within the discussions and negotiations with the applicant. The drainage position is that this scheme should not result in flooding of the proposed houses and that the proposed flood storage areas located to the south of the site within the proposed ecological park is sufficient to meet the needs of PPS25. There are no serious concerns in relation to displaced flood waters affecting neighbouring residents or affecting flooding down stream. The eastern access road complies with the requirements of PPS25 and it is accepted in drainage terms that Mill Lane does not need to be raised and can remain within the flood zone. Overall the drainage considerations of the scheme have been resolved.
- 7.3 **Environment Agency** – have formally withdrawn their objection to the planning application and recommend conditions to be attached.

- 7.4 **Natural England** – Have withdrawn their previous objection to the scheme as the discovery of an Otter Holt at the site required that the layout of the proposed housing estate needed to be revised in order to protect this habit. Natural England is satisfied with the approach set out in the mitigation strategy. The construction of a barrier wall and erection of dog proof fencing should ensure that there is no direct disturbance to otters during the construction and operation phases. Natural England also welcome the steps that will be taken to ensure that otters are prevented from entering the proposal site. The establishment of a planting screen and the use of directional lighting should ensure that there is no indirect disturbance from noise and light pollution during the operation of the site. Natural England welcomes the fact that an ecologist will oversee the construction of the wall and that regular monitoring of the Otter Holt will be undertaken during the construction phase of the development.

### **Non- Statutory Consultees**

- 7.5 **Contaminated land Team** - No objections subject to conditions
- 7.6 **Environmental Health** – Do not object.
- 7.7 **Education Leeds** – Require a contribution of £619,295 due to a shortfall of both places at both primary and secondary schools in the locality.
- 7.8 **Refuse Management Team**- The refuse collection arrangements on the above site look to be ok although closer attention will have to be paid to the size of the bin
- 7.9 **Yorkshire Water** – No objection but have requested the developer supply further information about the proposed drainage details for the site.
- 7.10 **West Yorkshire Police** - Fully support the application.
- 7.11 **Metro** – Had pre-application discussions with the development. No objections to the application. Some changes to the wording of the draft S106 requested.

## **8 PLANNING POLICIES:**

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan which consists of the Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.

### **Development Plan:**

- 8.1 The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below.

The application site is unallocated within the UDP.  
The adopted Leeds UDP (Review 2006) Proposals Map identifies the site within a defined shopping and conservation area. There are a number of relevant policies in the adopted Leeds UDP Review (2006) as follows:

Policy H1A of the Unitary Development Plan states that account must be taken of the guidance contained in PPS3 – Housing June 2010.

GP5: seeks to ensure development proposals resolve detailed planning considerations.

BD5: seeks to ensure appropriate design

N2, N3, N4: seek to secure greenspace provision within new residential development. The type of greenspace required dependent on size and location of development.

N12: Seek to achieve appropriate urban design.

N13: Seeks to ensure that the design of the buildings is of a high quality and respects urban design.

N23: seeks to ensure quality in design of incidental open space, also aid nature conservation.

N25: Seek to ensure the design of boundary treatments is positive.

N26: Seeks with ensure a full landscape scheme for part of the proposal.

N38, N39: Washlands

N49, N50, N51: nature conservation

H11, H12: seek to secure affordable housing where appropriate.

LD1: Aims of landscape schemes.

T2 : Guidance relating to new development and the highway network.

T5: Safe and secure access for pedestrians/cyclists.

T6: Satisfactory access for disabled people and persons with mobility problems.

T24: Seeks to ensure that there is sufficient parking provision.

BC7 Development within Conservation Areas will be expected to be in traditional local materials.

BC8 Certain features of buildings may require to be salvaged.

N18, N18B, N19, N20, N21, N22: all advocate high quality design which, especially in Conservation Areas, respects its surroundings. N18 seeks to ensure that buildings which contribute to the character of a Conservation Area are retained. N18B requires that plans for replacement buildings are approved prior to consent for demolition of the existing is granted.

N25: Seek to ensure the design of boundary treatments is positive.

SF8: Development within secondary shopping frontages.

H4: Residential development

### **Relevant supplementary guidance:**

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

Neighbourhoods for Living  
 Street Design Guide SPD  
 Travel Plan SPD  
 Greenspace relating to new housing development SPG  
 Otley CA SPG appraisal  
 Otley Riverside Strategy

### **Government Planning Policy Guidance/Statements:**

In addition to the principal elements of planning policy other advice contained in Planning Policy Guidance Notes and replacement national Planning Policy Statements (PPS) are of relevance to the submitted proposal. This includes:-



PPS1: Delivering Sustainable Development (2005)

PPG2: Green Belts (1995)

PPS3: Housing (2010)

PPS4: Planning for Sustainable Economic Growth (2009)

PPS5: Planning for the Historic Environment (2010)

PPS25: Development and Flood Risk (2010)

## **9 MAIN ISSUES:**

- Principle of the development
- Design and layout and masterplanning
- Highways and sustainability
- Drainage and flooding
- S106 package

## **10 APPRAISAL:**

### Principle of the development

- 10.1 The principle of the development was established when the Outline planning permission was granted for a mixed use redevelopment of the site. The proposal is still considered to be compliant with PPS3 Housing in relation to the preference for using previously developed land first. The site is in a sustainable location. The mixture and disposition of uses is considered well thought out. The re-use and conversion of the positive buildings on site along with sympathetic new build developments are considered to preserve the character and appearance of this part of the Otley Conservation Area. The creation of the Eastern Access Road within the Green Belt is considered acceptable and very special circumstances have on balance been demonstrated to outweigh the harm caused by inappropriate development.

### Design and layout and masterplanning

- 10.2 The masterplan that was shown to the Panel by the developer in September 2009 prior to the submission of the Reserved Matters application has been revised through the course of negotiations and discussions with Officers. Broadly the layout remains similar and the architecture is similar to what was shown. It is considered that the design and layout in relation to streets, courtyards, public open spaces, pedestrian linkages into the site and through the site are well thought out and considered and will make a positive contribution to local character. The proposed new build elements adopt a traditional design on the whole except for the mill extension building for apartments located on the riverside and the new build office. The use of stone and slate materials predominantly is considered reflective of local character. Members will recall from the pre-application presentation that the style and layout of properties, broadly was welcomed however, much more detail needed to be shown. The presentation to Panel in December 2010 which showed drawings and plans of the masterplan, house types, riverside apartment building, nursing home and mill conversion was also well received by Members. The house types are traditional in appearance and are considered reflective of local character. The riverside walk is an attractive feature and properties will front onto this walkway. The main estate road has properties fronting on to the estate road with courtyards

created set behind this. The estate will not have properties with integral garages, and courtyards have been considered a suitable way to accommodate car parking. The use of a limited number of flats over garages is considered appropriate for surveillance and security and also creates a homezone effect. The nursing home building is a large building located in the south western part of the site. This building has been reduced in height through negotiations and fronts onto a public space proposed as part of the layout of the site. Behind the nursing home would be the open space which is also the flood storage area. The scale of this building is acceptable given the openness and space around the building which officers feel allows a building of this 4 storey scale to work comfortably without being overbearing or dominant or out of local context.

10.3 The commercial elements have a mixture of styles and appearance though traditional materials on the whole unify the different design of this part of the scheme. The grouping of the commercial elements at the western end of the site closest to the town centre and the existing access off Mill Lane is considered appropriate to create a 'destination' which was an aspiration of the Outline approval. Whilst the hotel and doctors surgery elements of the Outline have not been brought forward the scheme is still considered likely to attract visitors to the pub restaurant located in the converted mill buildings and the office elements are hoped to be attractive to small sized businesses. The public car park will be located off Mill Lane at the Western end of the site enabling access for visitors. In addition the riverside walk is an attractive feature and discussion have been held to use the S106 greenspace money to upgrade and create connections to White Bridge and make a circuit connection to Wharfe Meadow Parks.

10.4 Overall the design and layout of the site is considered to result in a positive addition to Otley and should create an attractive place to live, work and visit. The proposals are considered to preserve the setting and appearance of this part of the Otley Conservation Area.

#### Highway and Sustainability Matters

10.5 The western access road can not reasonably be raised above the 1:100 year flood level and the Highway Authority will not therefore take responsibility for the adoption and maintenance of this road. As the western access road will only serve the office car park, public car park, public house and public bus route it is considered that this is acceptable subject to an acceptable maintenance and management plan. Outline consent has already been granted for a mixed use development on the site. The principle of the development is therefore acceptable and the proposed Eastern Access Road as the principle access road is on balanced considered acceptable. Further discussions between officers, the developer and legal representatives have been concluded in order to make the application for the new access next to Gallows Hill acceptable. The Highway Authority has no objection to the proposed Eastern Access Road. The site is fully connected in pedestrian terms. Whilst there is potential that the footway at the western end of the site may be liable to flooding. It is considered that the proposed Pool Road footway delivers a safe pedestrian link above the flood levels for this purpose.

10.6 The proposed bus service that will have access through the site from Pool Road out on to Mill Lane through the bus gate will be funded for by the developer and is included in the S106. Metro have not yet established which service will be extended but have agreed with the developer the contribution.

10.7 The proposed Eastern Access Road as stated would be within the Green Belt. Very special circumstances need to be demonstrated to overcome the policy objection as

stipulated in PPG2 if this element is to be accepted. The proposed Eastern Access road is required as the Outline application approved location of the Pool Road access would result in an inefficient and poor access solution, which is sub standard but it would potentially work in highway terms. This element of the scheme has drawn the majority of the objections. It is clear that the introduction of a new access road in this location would have some detrimental effects upon the visual amenity of the area and in relation to local character. It is considered however, that these impacts are relatively minor in nature given the amount of development involved and given the limited extent of the incursion into the Green Belt and the ability to appropriately landscape the area around the proposed road. The current proposed Eastern Access Road is acceptable to highways officers and would be a safer and more efficient junction arrangement than if the access that where approved under the Outline was installed. A signalised junction arrangement would be the only likely option that could be installed under the Outline access location at Gallows Hill. The current proposal is more efficient and safer than this option. The proposed Eastern Access may have a limited impact on the outlook of the local residents but it is not envisaged it would result in any serious harm to the living in conditions of the neighbouring residents by reason on noise and disturbance or comings and goings. It is noted that the Outline planning permission had sited the main access into and out of the site broadly in this location at Gallows Hill about 40 metres away. The proposal is not considered to adversely impact the car parking arrangements for existing neighbouring residents though the location of some on street car parking would be affected. This impact however is not considered significant. The current proposal would also enable the more effective delivery of the former Garnetts site which is a major development site within the urban area and would assist in the delivery of key policy objectives such as provision of housing on a sustainable brownfield sites, education contributions and affordable housing provision. On balance therefore it is considered very special circumstances have been demonstrated that outweigh any harm to the objectives and purposes of including land within the Green Belt.

#### Drainage and flooding

- 10.8 Since the Outline was first approved, the flood maps for this area have been revised and updated. In addition there has been a change of planning circumstance with the publication of PPS25. Flooding and flood risk management are significant issues in the determination of this application. The Environment Agency have formally withdrawn their objection to the application. The discussions and revisions to the scheme involving officers, the applicant and the EA have addressed their [EA] concerns. The site is located adjacent to the River Wharfe, the surrounding area is liable to flooding. The site layout, access arrangements and compensatory flood storage provision have been part of the masterplanning process. The storage area is located to the south of the site and will also be part of the public open space provision. This accords with the approach of PPS25 as the land is not suitable for development but has ecological and amenity value. Due to the site being surrounded by areas highly liable to flooding it is necessary to ensure this development meets the requirements of PPS25. The Council's drainage engineer has been involved in the masterplanning phase of the application and has no objections in relation to PPS25 considerations or the application as a whole. Much time has been spent resolving and considering this issue. The broad layout is considered to be acceptable in relation to not adding to flooding in other parts of Otley or further downstream.
- 10.9 The Pool Road access will be above the 1:100 plus climate change level and the proposed arrangements for managing the flooding of Mill Lane in relation to the need for warning systems, signage and a management plan are being prepared by

the developer for submission to the EA and is a condition of the Outline approval. The Outline approval had as part of its access arrangements plans to raise up Mill Lane; however the updated data in relation flood levels by the EA has shown that this would require raising of Mill Lane by about 1.8m in height. This is considered inappropriate given the length of road that would need to be raised and the impact on amenity and local character. Officers have on balance accepted this is not a suitable way to proceed with the access arrangements and have accepted that Mill Lane could flood and that the Pool Road eastern access would provide vehicular and pedestrian access at a time of flood. In addition and on balance a pedestrian route at the western end of the site which is above the 1:100 year plus climate change level has not been considered necessary. This is because of the length of bridge that would be required to provide a dry access route and also due to the potential costs and the visual impacts of such a structure. The applicants engineers have advised that the pedestrians links within the flood flow channel at the western end of the site should remain accessible and safe for up to the 1 in 10 years predicted flood event. The emergency warning signs and alarms in the area will alert members of the public for more extreme flood events, directing them to use the eastern access road for safe egress from the area. The eastern access road out on to Pool Road enables this development to comply with PPS25.

#### Section 106 package

- 10.10 The Outline planning permission first granted in 2007 did not have a Section 106 agreement attached, rather the use of planning conditions secured the delivery of the required policy contributions. The developer has submitted a draft S106 with the application and all the contributions outlined below have been agreed with the applicant. All contributions are to be indexed linked.
- 10.11 Affordable housing: 25% (50/50 split between submarket and social rented) of 236 dwellings. This equates to 59 units for affordable housing, of which 29 are for social rent and 30 for submarket.
- 10.12 A bus stop, £75,000.00 for bus diversion service, metrocard for each dwelling metrocards for the employees of the commercial elements. Travel Plan monitoring fee and car club contribution are required along with additional travel planning measures.
- 10.13 Highway Section 106 and S278 requirements that require contributions.
- S278 Works:
- New access onto Pool Road, including ghost right turn island and likely re-location of bus stop.
  - Mill Lane / Manor Street Works to restrict access.
  - Upgrade of existing zebra crossing on Cross Green to pelican crossing (including build-outs)
  - Upgrade to signals at Manor Square and Wesley Street to fit ADSL lines and Chameleon equipment  
Deployable UTC Camera
- S38 - Internal Highway Works
- Additional signing requirements for bus gate and flooding to be provided - Will require commuted sums if within Highway.
- S106 Pedestrian / Cycle Links:

- Upgrade to White Bridge to increase height of parapets - this work can not be delivered through LCC Highways - needs discussing with Parks and Countryside and Yorkshire Water.
- Links to White Bridge (across 3rd party land)
- Links to existing public footpath off Riverdale Road
- Links to Cemetery Footpath

- 10.14 The public car park shall be laid out and made available for the use at the developer's expense.
- 10.15 The Greenspace contribution is only required for policy N2.3 (district parks) and for equipped children's play equipment as the development is providing open space within its curtilage and Wharfe Meadow Park is on the other side of the River. The contribution is £185,951.21.
- 10.16 An Education contribution towards local school provision is required, Primary schools £386,401 and Secondary £232,894 overall the contribution is £619,295.
- 10.17 The contributions are required by UDP policies and the contributions are considered to be in accordance with the Community Infrastructure Levy (CIL) regulations introduced in April 2010.
- 10.17 The site contains the existing hydroelectric turbine, the developer has stated the continuing intention to bring this back into beneficial use. Due to the complexity of this and the need for a third party the developer has still to provide further details on the progress on this matter. In addition although not a Section 106 requirement a condition on the Outline requires a fish pass to be built, again little detail has been provided but the developer remains committed to this condition precedent.

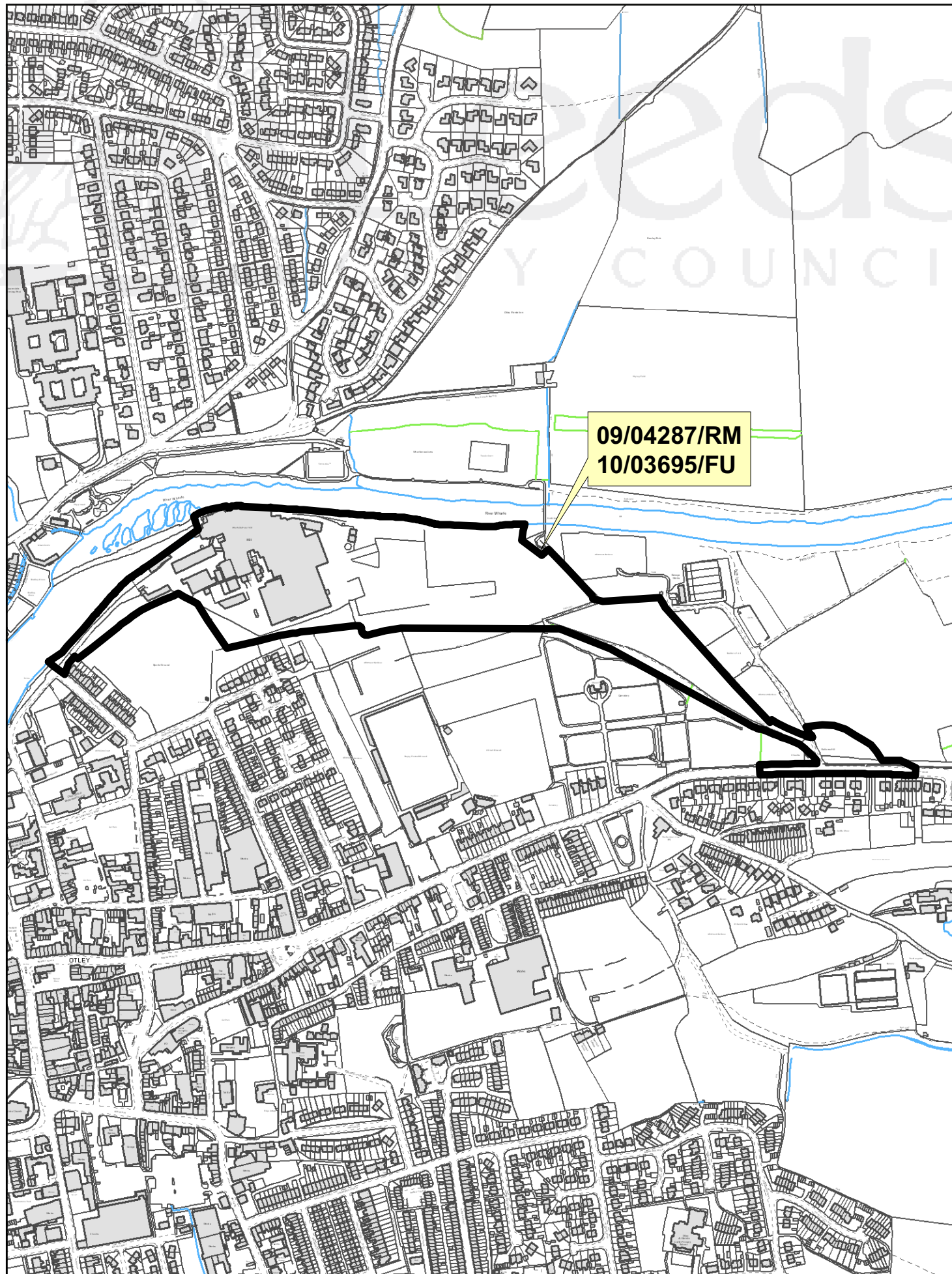
#### Summary

- 10.18 Overall it is considered that the progress made on the detailed matters of the Reserved Matters application has been positive and the scheme presented will deliver a good urban extension to Otley. The urban design and architectural elements are considered to have progressed well. It is considered that the layout of the site is acceptable. The developer has stated they intend to use artificial stone and slate for the majority of the new build elements, a sample panel has been erected on site which is considered to show a good quality palette of materials being promoted in this development. Whilst the buildings within and adjoining the Conservation Area will be constructed out of natural stone and slate it is considered that use of artificial materials outside the Conservation Area and away from key views and vistas is an appropriate selection and will not harm visual amenity or local character.
- 10.19 The proposed Eastern Access Road application has generated the majority of the objections received. The very special circumstances have demonstrated that on balance this element of the application is acceptable and the harm to the Green Belt is outweighed by the very special circumstances outlined above.
- 10.20 The proposed redevelopment of Garnetts has been carefully assessed by the EA and by drainage engineers and the layout and accessibility of the proposed development complied with PPS25.
- 10.21 In conclusion the proposed redevelopment of the Garnetts Mill site and the associated Eastern Access Road applications accord with the relevant provisions of

the Development Plan. The proposal is considered to preserve the character and appearance of this part of the Otley Conservation Area. The objectives and purposes of including land within the Green Belt along with the openness are on balanced not harmed by the proposed Eastern Access Road. The proposals are not envisaged to result in serious harm to the amenity of neighbouring residents or future occupiers of the development. There are no other material considerations that outweigh this finding.

**Background Papers:**

Application and history files.



# WEST PLANS PANEL

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Originator: Tim Poupard

Tel: 0113 2475647

## Report of the Chief Planning Officer

### **PLANS PANEL WEST**

**Date: 25 May 2011**

**Subject: APPLICATION 11/00704/FU – REMOVAL OF CONDITION 01 FROM PLANNING PERMISSION REFERENCE P/07/05389/FU IN ORDER TO ALLOW THE PERMANENT RETENTION OF THE EXISTING ANIMAL STABLES AND THE CONTINUED USE OF THIS BUILDING FOR ANCILLARY CARE PURPOSES AT HICKORY THICKET, WEST CHEVIN ROAD, OTLEY, LEEDS, LS21 3HA.**

**APPLICANT**  
Options Group

**DATE VALID**  
21 February 2011

**TARGET DATE**  
18 April 2011

#### **Electoral Wards Affected:**

Otley & Yeadon

☐ Y

Ward Members consulted  
(referred to in report)

#### **Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

#### **RECOMMENDATION:**

Grant planning permission subject to the following conditions: -

1. In accordance with the approved plans.
2. The use hereby permitted shall be discontinued and the buildings shall be demolished and the land restored to its previous appearance upon the cessation of Options Group ownership or management of Hickory Thicket or after a period of 5 years, whichever is the sooner.
3. The animal stables shall be used for private use only and not for livery purposes or any other commercial horse or animal business.
4. The building shall be used in conjunction with the adjoining existing 2 flats at Hickory Thicket only and shall not be severed from Hickory Thicket through being separately sold or let.
5. In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any

statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

Policies N33, GB1, GB13, N37 and GP5.

On balance, the City Council considers there are very special circumstances to justify this development in the Green Belt.

## **1.0 INTRODUCTION:**

- 1.1 This application is being brought to Plans Panel West for determination at the request of Councillors Kirkland and Campbell (Otley and Yeadon Ward) Local Ward Councilors, who have raised objects on the grounds that the proposals are contrary to Green Belt policies.

## **2.0 PROPOSAL:**

- 2.1 The application seeks permission for the removal of condition 01 from planning permission reference P/07/05389/FU in order to allow the permanent retention of the existing building. Condition 01 attached to that permission requires the building to be removed by 20 January 2012.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is located on the edge of Otley on the north side of West Chevin Road. It forms part of the curtilage of the former residential dwelling known as Hickory Thicket. It is bounded to the north and west by a large field, to the south by West Chevin Road and to the east by residential properties.
- 3.2 The current use of the property is as a residential home for young autistic adults allowing them to live independently in the community. It is currently arranged as two flats, one on each floor of the two storey converted dwelling. Related ancillary care and administrative facilities are also provided from the site.
- 3.3 The application site is located within the statutory Green Belt.

## **4.0 RELEVANT PLANNING HISTORY:**

### **Original Permission:**

- 4.1 A permanent planning application was submitted in July 2005 for a detached animal stables to field at the site under reference 29/231/05. Hickory Thicket was at that time being run by the same applicant (Options Group Ltd) and occupied by 4 adults with Autistic Spectrum Disorder (ASD) living as one household.
- 4.2 When the original application for the detached building was submitted it was supported by a range of information regarding the proposed use of the building as well as letters of support from various care related bodies. The primary justification for the building (with the attached six acres of fields) was to provide space for animal pens and to provide for animal interaction with residents of the site in order that they could learn from the experiences and develop relationships that assist them in understanding their responsibilities to society.

4.3 The original application was presented to members of Plans Panel West on the 3<sup>rd</sup> November 2005 and notwithstanding being a permanent application Members resolved to approve a temporary consent subject to a number of conditions. The most relevant of these being: -

- Condition 01 - The use hereby permitted shall be discontinued on or before 20.01.2012 and the buildings shall be demolished and the land restored to its previous appearance.
- Condition 02 - The animal stables shall be used for private use only and not for livery purposes or any other commercial horse or animal business.
- Condition 05 - The animal stables shall be used in conjunction with the adjoining existing dwelling at Hickory Thicket only, and shall not form a separate unit at any time.

**Amended Permission(s):**

4.4 A retrospective consent was granted in 2007 under reference 07/05387/FU for the change of use of Hickory Thickett from a dwelling house into 2 flats (one 1 bedroom and one 2 bedroom). The proposal did not include any external alterations and the property was still being operated by the same applicant (Options Group Ltd) and being occupied by adults with Autistic Spectrum Disorder (ASD). Members should note that this application was not considered to result in a change of use from a C3 (b) as defined in the Use Class Order (Amended 2005) 1987 to a C2 use (Residential Institutions).

4.5 Due to the alterations approved in the above permission an accompanying application (07/05398/FU) was also submitted with sought consent to vary condition 5 of planning permission 29/231/05 which bound the use of the animal stables to Hickory Thickett as a dwelling house. This application was also approved and varied that condition to allow the animal stables to be bound to the 2 flats within Hickory Thickett.

- Condition 01 - The use hereby permitted shall be discontinued on or before 20.01.2012 and the buildings shall be demolished and the land restored to its previous appearance.
- Condition 02 - The animal stables shall be used for private use only and not for livery purposes or any other commercial horse or animal business.
- Condition 05 - The animal stables shall be used in conjunction with the adjoining existing 2 flats at Hickory Thicket only, and shall not form a separate unit at any time.

4.6 The current proposals before Members seeks permission for the removal of condition 01 from that permission in order to allow the permanent retention of the existing building and for its continued use for ancillary care purposes additional to animal husbandry.

4.7 In addition, the following planning history on the site is also considered relevant:-

- 29/86/03/CLU: Certificate of lawful use issued in January 2004 confirming that Hickory Thicket could be used as a dwelling not associated with any agricultural use.
- 29/48/05: Change of use of part of field to enlarged garden – Approved 15/4/05 (Agreed an extension of the residential curtilage in line with adjoining gardens).
- 07/01103/FU: Planning permission granted in May 2007 for a detached animal shelter adjacent to the detached animal stables.

4.8 There is no other relevant planning history for the site.

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 Following the publicity of the application, the applicant submitted a detailed response to the comments received by interested third parties and Local Ward Members.

## **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 The application has been advertised on site by the means of three site notice, located on West Chevin Road. The site notices were displayed from the 11 March 2011 and gave reference to a departure from the Development Plan. The site Notices gave a publicity period which expired on the 1 April 2011.

6.2 The application has also been published in the local press (Wharfe Valley Times) from the 17 March 2011 and gave reference to a departure from the development plan. The press advertisement gave a publicity period which expired on the 1 April 2011.

### **Councillors:**

6.3 Councillor Graham Kirkland (Otley and Yeadon Ward) objects to this application as, the building is in an advanced state of dilapidation and it is a considerable time since there were any animals were kept in the building. The site is green belt and therefore there seems to be no reason to set green belt policy aside.

6.4 Councillor Colin Campbell (Otley and Yeadon Ward) objects to the application and has stated that while he believes it might be reasonable to allow the development of an agricultural building in the greenbelt (and on the important landscape area of the Chevin) he is unsure what the rational is for a building which may be used to develop IT skills or used as a sensory room. When the original application was received it was indicated that a building of this size was required because individuals would be transported to the site to learn to care for animals. This is not happening and he is unclear as to why the four residents of Hickory Thicket require such a large shed unless of course it is to be used in a wider context.

### **Local Residents:**

6.5 6 letters of objection have been received from local residents and their objections can be summarised as follows: -

- The original planning permission was granted for agriculture use to house animals. This building is now not being used for this purpose and the future use of the building is now being changed.

- The site now has a dilapidated and un-used appearance;
- The future intended uses clearly have no place on a green belt site and the application should be refused;
- Concerned that if an extension of planning permission was granted, they may inappropriately develop the use of these buildings further in the future;

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory Consultees:**

- 7.1 None – due to the nature of the application.

### **No-Statutory Consultees:**

- 7.2 OTLEY TOWN COUNCIL:  
The Town Council objects to the removal of condition 1 and believes the original decision should be upheld in respect of condition 1.

## **8.0 PLANNING POLICIES:**

- 8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined having regard to the Development Plan which consists of the adopted Regional Spatial Strategy for Yorkshire and the Humber of May 2008 and the Leeds Unitary Development Plan (Review 2006).

### **REGIONAL PLANNING POLICIES:**

- 8.2 The Regional Spatial Strategy for Yorkshire and the Humber to 2026 (RSS) was adopted in May 2008 and sets out a strategic framework for development up to 2026.
- 8.3 However, it is not considered that this proposal raises any issues of regional significance.

### **LOCAL PLANNING POLICIES:**

- 8.4 Locally Leeds City Council has begun work on our Local Development Framework (“LDF”) with the Local Development Scheme most recently approved in July 2007. This provides a timetable for the publication and adoption of the Local Development Documents.
- 8.5 In the interim period a number of the policies contained in the Leeds Unitary Development Plan (“UDP”) have been ‘saved’. The Leeds UDP Review was adopted in 2006. The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below. This proposal should comply with these policies in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, unless material considerations indicate otherwise.
- 8.6 The application site lies within the greenbelt, therefore the specific development Leeds Unitary Development Plan policies are: -
- Policy N33: refers to approval in the Green Belt shall only be given for certain developments unless very special circumstances.

- Policy GB1: Defines the intent of the Green Belt Policies and specifies the characteristics of the Green Belt to be preserved and encouraged.
- Policy N37: refers to development proposals within Special Landscape Area will only be acceptable were they do not harm or detract form the characteristics of the area.
- Policy GP5: refers to development proposals should seek to avoid loss of amenity.

#### NATIONAL PLANNING POLICY:

8.7 In addition to the principal elements of planning policy other advice contained in Planning Policy Guidance Notes and replacement national Planning Policy Statements (PPS) may be of relevance to the submitted proposal. This includes:

- PPG2: Green Belts;
- PPS7: Sustainable development in rural area;

#### 9.0 MAIN ISSUES:

9.1 Having considered this application and representation, it is the considered view that the main issues in this case are:

- Whether the proposal would constitute inappropriate development within the Green Belt;
- The effect of the proposal on the openness of the Green Belt;
- The effect of the proposal on the character and appearance of the area; and
- Whether any harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations so as to amount to 'very special circumstances' necessary to Justify the application.

#### 10.0 APPRAISAL:

##### **Procedural matters:**

10.1 Whilst the structure is built, the existing permission requires its removal on site by 20 January 2012. It should be therefore considered as a temporary building. Although the application description is couched as a variation of condition, it would, in effect result in the issuing of a new fresh permission subject to conditions differing from the original.

##### **Inappropriate development in the Green Belt:**

10.2 PPG2 states that there is a general presumption against inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and very special circumstances are required to justify such development. Paragraph 3.12 of PPG2 states that the making of material changes in the use of land are inappropriate development unless they maintain the openness and do not conflict with the purposes of including land in the Green Belt. This guidance is

reflected in Policy N33 of the Leeds Unitary Development Plan Review (UDP), adopted in 2006.

- 10.3 Policy N33 of the UDP sets out the general presumption against inappropriate development in the Green Belt which should not be approved except in very special circumstances. The construction of any new buildings in the Green Belt would be inappropriate unless it is for one of the limited range of circumstances set out under Policy N33 which do not include ancillary care facilities.
- 10.4 Part of the justification for the building was to provide space for animal pens and to provide for animal interaction with residents of the site in order that they could learn from the experiences and develop relationships that assist them in understanding their responsibilities to society. Whilst this previous use of the building was agricultural in nature, the building is now mainly used for other care and therapeutic purposes ancillary to the lawful use as a residential home as and when required.
- 10.5 Bearing the above in mind it is considered that the proposed building would amount to inappropriate development in the Green Belt and conflict with the main purposes of the Green Belt in accordance with the development plan policy N33 and the advice in PPG2.

**The effect of the proposal on the openness of the Green Belt;**

- 10.6 The building is a relatively small, single storey structure. Its agricultural in form and design and the topography of the area means that the building is set at a much lower level than adjacent public land. This means that pedestrians and car users along West Chevin Road actually look over the building when looking into the distance. Similarly if viewed from the private land on the other side, the building would be seen against the backdrop of the wall that retains West Chevin Road.
- 10.7 Notwithstanding the above, any new building in the Green belt by its very nature would reduce the openness of the Green Belt which is its most important attribute.

**The effect of the proposal on the character and appearance of the area:**

- 10.8 The building is approximately 24.4m in length with a width of 8m at the end. It is 3.3m to ridge height and 2.5m to the eaves with a floor area of 133m<sup>2</sup>. It is situated close to the building to allow the residents access from within the residential curtilage. It is also placed close to the residential dwelling to reduce the impact on the openness of the green belt by keeping it within the existing built form
- 10.9 The building is set into the bund/slope of the land to screen the buildings further within the site. Efforts were made on the original permission to reduce the impact of the building in the Green Belt and conditions to ensure a landscaping scheme of local species and replacement timber post and rail outer fence with a native hedgerow were secured and was carried out.
- 10.10 It was considered that timber shiplap boarding with a felted roof was more appropriate for the previous use for the building, which was for animal pens. The colours of the materials which were used were also agreed and implemented.
- 10.11 Whilst some objections relate to the building having an unused appearance and being dilapidated, officers challenge this assertion. The building is essentially agricultural in form and its design and materials are compatible with both the building's surroundings. The building's appearance and construction are not of a

temporary nature and the building is appropriate for permanent retention without any modification.

- 10.12 As such the proposals would not have a adverse impact on the character and appearance of the area

**Very Special Circumstances:**

- 10.13 Policy N33 of the UDP and PPG2 advises that “very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”. In turning to those considerations put forward by the applicant weighs in favour of the development.
- 10.14 The applicant is Options Group Ltd a provider of services for young people with an Autistic Spectrum Disorder (ASD). The existing residential dwelling is used for 4 young adults with care provided. Whilst Options Group Ltd have other facilities in the region, the facilities within the application proposal have been and will continue to be used by the residents of Hickory Thicket only.
- 10.15 The original use of the building was for the stabling of small groups of rare breed animals (*such as Kune Kune pigs, Soay sheep and Pygmy goats*) to be looked after by young people living at Hickory Thicket. The reasoning behind this was that there is an essential need for the animal pens to be designed in a way that enables the young people to appropriately interact with the animals, learn from the associated experiences and develop relationships that assist them in understanding their responsibilities to society’.
- 10.16 Support was given for this proposal as it was felt that that proposal provided essential ancillary care facilities for the residents of Hickory Thickett and thus provided ‘very special circumstances’ to justify the development.
- 10.17 Whilst the building remains used for approved purposes at times and is still laid out as per the relevant planning permission, the spaces within it have also been used for other care and therapeutic purposes ancillary to the lawful use as a residential home as and when required.
- 10.18 The applicant contends that this is because it has been necessary to respond to the individual needs of residents as their specific care and development requirements change over time.
- 10.19 The individual spaces that form the building provide a significant enhancement to the quality of the service that is offered to the four residents who currently live at the site. Each of them possesses severe intellectual impairment. This means that all rely heavily upon high levels of staff support and a highly structured environment and programme of activities to develop existing skills and have opportunity to experience new activities. The main impact of Autism is that people have significant issues with social skills, communication and flexibility of thought, leaving the individual extremely vulnerable and particularly 'at risk' in the wider community without support.
- 10.20 It is considered that while the main building provides an ideal and safe living environment and is structured so that each person has the opportunity to build upon existing daily living skills in the home, it has limitations in terms of providing opportunities to residents in experiencing day to day activities that we may take for



granted, which may cause major problems for these individuals if presented in the wider community.

- 10.21 For instance, at times one of the spaces in the detached building has been used to perform desk top activities (i.e. arts/crafts/music) and IT which would normally only be associated with specialist day care provisions. While some of these activities might be conducted within the general home setting, the building presents an environment which is 'context specific' which has seen a dramatic increase in the uptake of these types of activities since they were moved to the barn building. It has been possible, therefore, to provide a predictable structure of activities in a familiar and safe environment that the residents enjoy.
- 10.22 The applicant has stated that the use of space as an activity area has also provided a opportunity for the young residents to enjoy social functions which without the building be present was virtually impossible to implement. This has meant that the residents have opportunities to enjoy birthday parties and other special occasions incorporating family and peers whereas this was impossible before. In the past, trying to implement such activities in the main home resulted in some serious incidents due to the limited space.
- 10.23 The applicant has also stated that, at times, space in the building is also used as a relaxation room where the residents will spend time engaged in sensory activities which is for many people with their disabilities an essential part of their development as many have extreme sensitivities to light/sounds/smells. This has provided a controlled and safe, context specific area in which the residents can enjoy sensory stimulation as opposed to being overwhelmed in non-specific environments.
- 10.24 On balance it is considered that although the building is not being used strictly for its original intent, it is still being utilised as an essential ancillary care facility for the existing residents and that sufficient evidence has been provided to justify 'very special circumstances' of sufficient weight to justify inappropriate development in this Green Belt location.
- 10.25 These 'very special circumstances' are associated to the building being used solely by and ancillary to Hickory Thicket and conditions have been suggested to ensure the building is not used for other commercial uses or split from the main building and planning unit of Hickory Thicket.
- 10.26 The previous approval was granted on a temporary basis and it is considered appropriate that this permission should also be for a temporary five year period and in addition that the building must be removed should the applicant cease ownership or management of Hickory Thicket.

#### **Other Considerations:**

- 10.27 Given the siting of the building relative to its neighbours, it is considered that the development will not give rise to residential amenity concerns given the low key nature of the site's use. This has been borne out by the fact that the building has now been in use for a number of years without any formal complaints from nearby residential occupiers.

#### **11.0 CONCLUSION:**

- 11.1 Whilst it is considered that the building would amount to inappropriate development in the Green Belt and it would reduce the openness of the Green Belt, 'very special circumstances' have been provided to demonstrate that the building is required in association with the development of the autistic residents.
- 11.2 It is considered that the application proposal is in line with central government policy objectives which seek to ensure consideration is given to social inclusion and recognising the needs of everyone as well as supporting the provision of small-scale, local facilities to meet community needs.
- 11.3 The proposal is therefore considered to comply with policies N33, N37 and GP5 of the Unitary Development Plan and the government guidance contained within Planning Policy Guidance Notes 2 'Green Belts' and is recommended accordingly.

**Background Papers:**

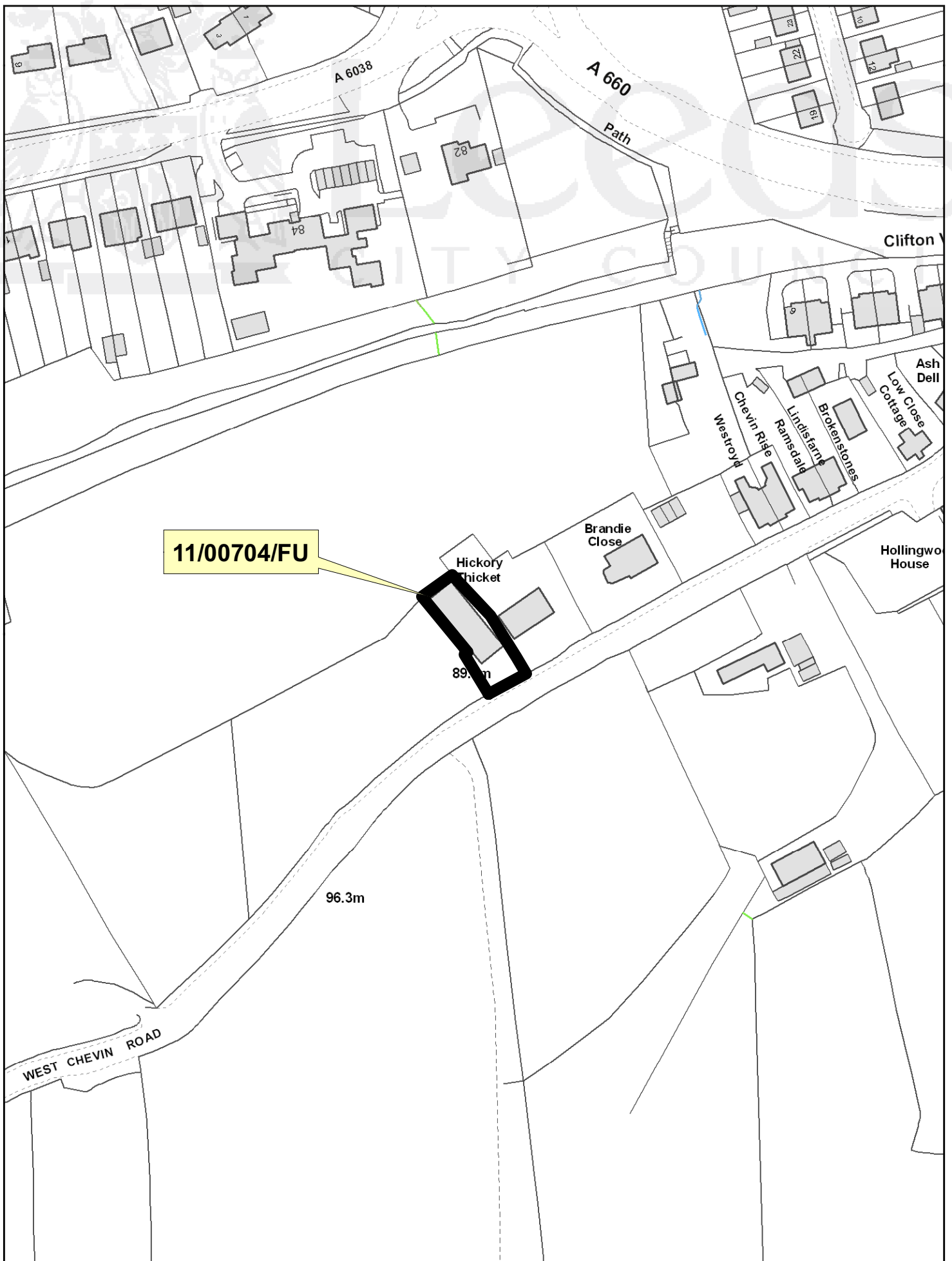
Application file 11/00704/FU

Certificate of Ownership

Application file 29/231/05

Application file 07/05398/FU

Application file 07/05387/FU



# WEST PLANS PANEL



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Originator: Bob Packham

Tel:2478204

## Report of the Chief Planning Officer

### **PLANS PANEL WEST**

Date: 25/5/11

**Subject: APPLICATION 11/00414/FU – CHANGE OF USE OF STORAGE BARN TO OFFICES/TOILETS AND EXTENSIONS TO ABATTOIR. LOW GREEN FARM 40 LEEDS ROAD RAWDON LEEDS LS19 6NU**

**APPLICANT**  
**MR J PENNY**

**DATE VALID**  
**8 MARCH 2011**

**TARGET DATE**  
**7 JUNE 2011**

#### **Electoral Wards Affected:**

**HORSFORTH**

☐ Y

Ward Members consulted  
(referred to in report)

#### **Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

#### **RECOMMENDATION:**

**GRANT PERMISSION subject to the following conditions**

1. Standard time limit 3 years
2. Development to be in accordance with approved plans
3. Sample materials
4. Submission of Landscape scheme
5. Implementation of landscape scheme
6. Details of surfacing and drainage of areas to be used for parking of vehicles
7. Cycle and motorcycle parking to be provided
8. Restriction on hours of delivery (0700 hours to 1800 hours Monday to Friday only with no such operations taking place on Saturdays, Sundays and Bank Holidays)
9. Scheme for noise insulation of plant and machinery
10. Details of extract ventilation system to be submitted
11. Phase 1 desk study to be submitted
12. Dealing with unexpected contamination
13. Validation report

**Reasons for approval:** The development is not of a type normally considered appropriate in the Green Belt but it is considered that the limited effect on the openness of the Green Belt and economic considerations outweigh the limited harm caused by this inappropriate development.

On balance, therefore, it is considered that there are very special circumstances to justify this development in the Green Belt.

## **1.0 INTRODUCTION:**

1.1 The application is being reported to Panel at the request of Councillor Cleasby.

## **2.0 PROPOSAL:**

2.1 The proposal is an application for full planning permission for extensions to the west and south of the existing abattoir and the conversion of a barn on the northern frontage of the site to include offices, toilets and changing rooms. The abattoir is located on the south side of the Leeds Road between Horsforth and Rawdon, within Low Green Conservation Area, the Green Belt and a special landscape area.

2.2 The proposal is an enlargement of a development approved in February 2010 under reference 09/05472/FU and includes an additional element – the conversion. The earlier consent gave permission for a retrospective extension with a floor area of approximately 200 m<sup>2</sup> (a chiller room) and a new development to the south of this extension with a total floor area of approximately 625m<sup>2</sup> to include a dispatch area and a carcass chiller building.

2.3 The current proposals retain these elements, extended slightly to the west, and also include an extension for a chiller room to the south of the existing building of 225m<sup>2</sup> and an extension to the north, incorporating an office and further chiller room of about 420m<sup>2</sup>, giving a total new floor area nearly 1400m<sup>2</sup>. The application forms indicate the new floor area is 1600m<sup>2</sup> but this appears to include the floor area of the retrospectively approved building.

2.4 External roofs and walls will be clad with plastisol coated profile steel cladding. In the case of the existing building for which retrospective permission was given the cladding used is a dark green colour. This differs from the older buildings on the site which are primarily grey artificial stone, concrete block and grey cement cladding. The proposed extensions will appear primarily as single storey, however because of the difference in levels across the site there will be a basement level below the carcass chiller building with access from the south and from the existing building. The proposal includes additional planting beyond the southern boundary of the existing yard and additional car parking giving a total of 37 spaces,

## **3.0 SITE AND SURROUNDINGS:**

3.1 The site is located on the west side of Leeds Road south west of Rawdon and overlooking the Aire valley to the south and west. Despite its Green Belt status, the site has developed over time as an abattoir with the whole site covered with buildings, and concrete or gravel hardstanding. The main building occupies the centre and eastern part of the site. There are a number of ancillary buildings to the north, and between these and the Leeds Road are parking areas. In the north west corner of the site is a house, probably of Victorian origin, which has been subsequently converted to offices with planning permission. Formerly this property had a walled garden to the south but this has been greatly reduced in size in order

to accommodate the 200m<sup>2</sup> chiller extension and additional car parking. The proposed extension to the north of the previously unauthorised building will be on this existing parking area.

- 3.2 Immediately to the north west is an area of three storey buildings which were originally in residential and industrial use but now also include offices. Immediately west the land is in residential use with properties fronting Low Green and Cliffe Lane to the west and with extensive gardens running to the western boundary of the application site. The nearest property, to the south west, is 20 metres from the south west corner of the site but the property and its garden are screened from the abattoir grounds by a tall coniferous hedgerow.
- 3.3 On the opposite side of Leeds Road the entire frontage is residential and there are two further dwellings on the same side of Leeds Road to the east. Land to the south and south east is in agricultural use.
- 3.4 Because the land on the south side of Leeds Road slopes quite steeply towards the Aire Valley, the buildings within the site other than those on the frontage are not prominent from Leeds Road. From the east there are views of the eastern edge of the site but it has the appearance of a group of farm buildings. From the south the area is visible from Rodley Lane, but the abattoir is seen against existing development and the additional extensions will not be prominent. The site cannot be seen from the west because of existing buildings and vegetation.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 09/02987/FU: Part 2 storey part single storey extension to abattoir. Withdrawn 05.10.09.
- 4.2 09/005472/FU: Part two storey, part single storey extension for carcass chiller, storage and dispatch building and retrospective application for single storey chiller room. 23.02.10 This is the application for extensions to the abattoir referred to in the description of the proposal and the difference between this and the current application are relevant to the consideration of this application.

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 There was a limited pre-application discussion between the applicant's agent and the Area Planning Manager prior to submission of this application. It was noted that the extension to the abattoir had previously been supported in principle by the grant of application 09/005472/FU, and that the main issue relating to the consideration of this application would therefore be the details of the proposal and the changes to the previous approved scheme.

#### **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application was advertised by a site notice posted on 18 March 2011 (Conservation Area/Departure), an advertisement in the Wharfe Valley Times dated 7 April 2011 and notification letters were sent to 19 local residents.
- 6.2 Councillors Cleasby and Townsley have indicated that they object to the application for the reasons put forward by the objectors and because they consider the site is operated as a commercial abattoir and is not an agricultural site.

- 6.3 There have been seven representations objecting to the proposal. One is essentially a complaint about the cattle shed located to the south of the abattoir. A further representation indicates that after complaints in October 2010 there has not been a particular problem of odour but that there is a need to continue to impose strict rules on the matter.
- 6.4 The remaining representations specifically objecting to this application put forward the following points:
- The applicant has a history of ignoring planning regulations
  - Part of the previous consent was retrospective
  - The proposal represents creeping urbanisation in Green Belt/Conservation Area.
  - Application will result in increases in delivery and collection despite the comments of the applicant that increase in motor traffic will be minimal. Increased hardstanding and parking
  - No comparison of existing and proposed traffic movements or details of public transport use.
  - Existing use already contributes to hold ups and congestion especially at rush hour.
  - Landscaping proposals vague and lacking commitment.
  - Proposed materials not reassuring
  - Development not appropriate in the rural area.
  - Will add to intrusive buildings and will be unscreened to walkers for west and south lack of landscaping.
  - The case for very special circumstances has not been made
  - The effect on property values
  - Problem of noise and smell from premises, including late night noise

## **7.0 CONSULTATIONS RESPONSES:**

### **7.1 Statutory Consultations:**

Coal Authority: No objection subject to conditions

### **7.2 Non Statutory Consultations:**

Mains Drainage: No objection

SDU Landscape: No objection subject to use of native trees for the planting area to the south.

Highways: No objection subject to conditions relating to provision of cycle and motorcycle parking arrangements and surfacing of all vehicle parking areas.

Environmental Protection: No objection subject to condition relating to the details of the extract ventilation system.

Contaminated Land: No objection subject to conditions.

## **8.0 PLANNING POLICIES:**

### **8.1 Government Policies**



PPG2: Green Belts

PPG15: Planning and the historic environment

PPS 4: Planning for sustainable economic growth

Policies of the Leeds Unitary Development Plan (Review 2006)

GP5: Development proposals should resolve detailed planning considerations.

N19: New buildings and extensions in Conservation Areas.

N33: Development in the Green Belt.

N37: Development in Special Landscape Areas.

T2: Development proposals should ensure that no new transport and highway problems are created or existing ones exacerbated.

T24: Parking provision to reflect guidelines.

T7A: Provision of cycle parking.

T 7B: Provision of motorcycle parking.

Supplementary Planning Document:

LCC Street Design Guide SPD

## **9.0 MAIN ISSUES**

- **Principle of Development**
- **Impact on Visual Amenity**
- **Impact on Residential Amenity**
- **Highway Issues**
- **Other considerations**

## **10.0 APPRAISAL**

- 10.1 The site of the abattoir is located in the Green Belt, Special Landscape Area and a Conservation Area.
- 10.2 Within the Green Belt permission will only be granted, other than in very special circumstances, for a defined list of developments. The current proposal does not fall within the list of developments considered appropriate for a Green Belt Location and therefore, it is incumbent of the applicant to demonstrate that there are very special circumstances.
- 10.3 The proposal will not increase the number of employees at the premises or the number of employee vehicle movements. The applicant has argued that the development is necessary, however, to improve efficiency, to allow the existing business to grow in order to maintain the level of employment on the site and to supply local businesses and considers that the proposal accords with DEFRA's Rural Development Programme for England.

- 10.4 It is relevant that PPS4 - Planning for Sustainable Economic Growth - specifically states that in considering commercial proposals that are contrary to the development plan local planning authorities should weigh market and other economic information alongside environmental and social information and take full account of any longer term benefits, as well as the costs, of development, such as job creation or improved productivity including any wider benefits to national, regional or local economies. In a recent Ministerial Statement the Minister for Decentralisation has indicated that in fostering economic growth the planning system has a key role to play by ensuring that sustainable development is able to proceed as easily as possible. He stated that in determining planning applications, local planning authorities should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.
- 10.5 In light of the above it is considered that in assessing these very special circumstances, the impact of the development on the openness of the Green Belt needs to be considered and weighed against the economic benefits of the proposal.
- 10.6 For reasons that will be explained in the relation to the visual impact of the proposal, it is considered that the effect on openness is very limited and the economic benefits of the development outweigh the harm caused by inappropriate development. Similarly the visual impact of the development on the Special Landscape Area and Conservation are mitigated by its location, and the development will not result in harm to the character and appearance of the Special Landscape Area or the Conservation Area.
- 10.7 Looking at all these issues, and taking account of the advice in the consultation response from Local Plans it is considered that on balance the specific nature, location and circumstances of this proposal make it acceptable in principle.

#### Impact on Visual Amenity

- 10.8 The proposed extensions will form part of an existing large group of quasi industrial buildings which have developed over a long period. The proposed visual impact of the proposals must be assessed in the context of the existing development on the site.
- 10.0 The proposed buildings are located to the west of the existing buildings, and behind frontage buildings. The proposed conversion of the building will result in no alterations to the exterior of the building. As a result the proposed buildings will only be visible from public viewpoints in long distance views from the south, from where they will be seen against the existing buildings and the development on the opposite side of Leeds Road from the site. They will not be seen from the east at all because they will be screened by existing buildings and only in part and from very limited locations from the road frontage. They will be seen from residential garden land and commercial buildings to the west. However, this will be against or in place of existing buildings (which will be further screened by the new development) and largely screened by the existing hedgerow. It is considered that with appropriate use of materials the appearance of the site from the west can be enhanced and the proposal also offers the opportunity for additional site landscaping by means of a condition of the consent.
- 10.10 In view of the above it is considered that the development will not be detrimental to visual amenities.

#### Residential Amenity

- 10.11 Residents have raised a number of issues relating to residential amenity, in particular relating to noise, odours and traffic. Traffic issues are considered below. In relation to noise, the effect can be mitigated to some extent by the imposition of conditions relating to hours of operation of 07.00 to 18.00 hrs (the Transport Statement indicates that the business runs a single shift system, 07.30 to 17.00 hours) and insulation of plant and

machinery, as recommended by Environmental Protection, but control of both noise and odours are subject to other legislation. In 2010 there were three complaints about odour issues in the whole year.

- 10.12 It is not considered that the proposal will result in any material change to the operation of the abattoir and consequently the impact of the present use on residential amenity will not change. The existing area for loading/unloading remains in the same location and no comments have been received in relation to this aspect of the development other than the concerns about traffic moving on the road and within the site. However the movement of vehicles is an existing impact of the abattoir and will not materially change.

#### Highway Issues

- 10.13 The application forms indicate that the proposal will not alter the number of employees at the premises and Highways do not consider that the development will have implications for road safety. This is an established business and there is currently no control over the number of deliveries and dispatches. There have been no reported increase in traffic movements as a result of the recent construction of the chiller building. The Transport Statement identifies a limited potential for an increase in delivery vehicles to the site of 4 trips per day by HGV. A condition to control the hours of traffic movements will prevent disturbance in the early morning and evening. It is considered that the proposal is, therefore, acceptable in highway terms.

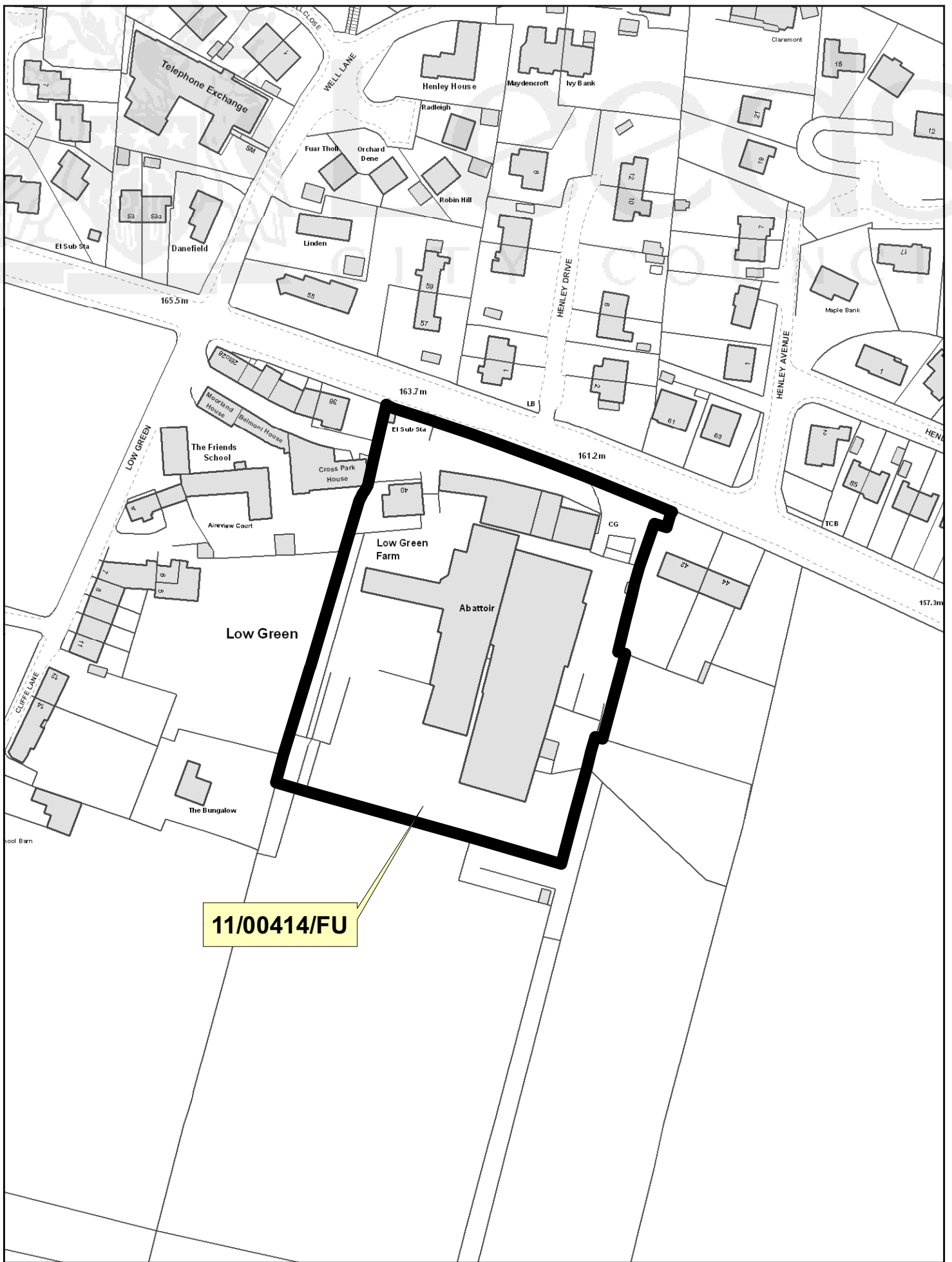
#### Other issues

- 10.14 Residents have raised issues relating to animal welfare and the lighting of fires on the site that are the subject of separate regulatory controls. Environmental Protection are well aware of the potential environmental issues on the site and monitor it regularly, including responding to specific concerns of local residents.
- 10.15 Other concerns, requesting that the development be closely monitored, relate to unauthorised development on the site in addition to the retrospective element of the present proposal of which the City Council is aware and is addressing.
- 10.16 The development is considered acceptable for the reasons set out above and in view of this it is recommended that permission is granted subject to appropriate conditions.

## **11.0 CONCLUSION**

- 11.1 The development is considered acceptable for the reasons set out above and in view of this it is recommended that permission is granted subject to appropriate conditions.

Background papers: Application file 11/00414



# WEST PLANS PANEL





Originator: Peter Jorysz

Tel: 0113 247 7998

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## Report of the Chief Planning Officer

### PLANS PANEL WEST

Date: 25<sup>th</sup> May 2011

**Subject: 11/01400/EXT; PROGRESS REPORT; EXTENSION OF TIME FOR 25/96/OT FOR MIXED DEVELOPMENT COMPRISING RESIDENTIAL, OFFICES, LEISURE, HOTEL, RETAIL, BAR/RESTAURANTS, ACCESS, SITE REMEDIATION, BRIDGE WORKS, RIVER WORKS, CAR PARKING AND LANDSCAPING; KIRKSTALL FORGE, KIRKSTALL.**

#### APPLICANT

Commercial Estates Group

#### DATE VALID

5<sup>TH</sup> April 2011

#### TARGET DATE

31/8/11

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#### Electoral Wards Affected:

Kirkstall, Horsforth and  
Bramley & Stanningley

☐ Y

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

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**RECOMMENDATION: Members are requested to note the progress report below and are invited to comment on the main issues.**

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## **1.0 INTRODUCTION:**

- 1.1 The primary purpose of this progress report is to update Panel regarding a recent outline planning application by the landowner/developer, Commercial Estates Group (CEG), for Kirkstall Forge.
- 1.2 CEG has submitted an application to extend the life of the original outline permission by requiring submission of reserved matters within 15 years from the date of a new outline permission. The application has been prompted by the slowdown in the economy and issues with funding of the associated train station on the adjoining site. Revisions to the S106 and conditions are suggested to increase the proportion of funding for the proposed train station and enable flexibility with highway construction and bus services. Members views are invited.

## **2.0 PROPOSAL:**

- 2.1 The original outline planning permission (24/96/05/OT), including details of access only, was granted on 20<sup>th</sup> July 2007. This required submission of reserved matters within 10 years. The description of development comprised:

“Residential, offices, leisure, hotel, retail and bar/restaurants including access, site remediation, construction of bridges and river works, car parking and landscaping.”

- 2.2 The indicative development at outline stage contained the following elements:

- 1,355 dwellings (1,109 apartments and 246 townhouses/ maisonettes);
- 146,000 square feet of offices;
- Support facilities including bars, restaurants, small scale retail, health and fitness and spa, banking, hotel, a creche and accommodation for social community uses totalling 104,000 square feet;
- Preservation and change of use of existing grade 2 listed lower forge building to provide food and drink uses;
- Change of use grade 2 listed stables to residential;
- Areas of amenity green space;
- Wildlife and ecological enhancements;
- Park and ride for approximately 150 cars;
- Improvements to vehicular junctions, allowing access to the A65;
- Internal access roads, catering for new bus services;
- Network of pedestrian and cycle routes, enabling connections to the national cycle network and canal towpath, including new footpaths alongside the former abbey mill race;
- New pedestrian and vehicular bridge across River Aire;

- Site remediation works;
- Riverside improvement works and creation of flood relief channel.

The development was predicated on delivery of a new railway station on adjoining land.

- 2.3 The current application documentation is identical to the original outline (bar one supporting statement), as the application simply seeks to extend the life of that permission in line with government guidance in “Greater Flexibility for Planning Permissions.” The additional supporting statement seek to justify the extension of time. As part of this documentation CEG are arguing that the viability of the scheme has changed and are seeking an amendment to the S106 to provide additional funding for the train station.
- 2.4 The proposed train station, which already has planning permission (10/01211/FU), is fundamental to a successful, sustainable development of Kirkstall Forge. The original intended construction date of 2011/12 has been deferred due to the Coalition government spending review and is now looking likely to be 2015 at the earliest. The Department of Transport have now stated that government funding may still be forthcoming; but only if the extent of local funding is increased to 40%. METRO are looking at providing additional funding of £1.3 million, leaving a shortfall of £1.3 million. CEG have therefore requested that the original S106 be revised as follows.

<b><u>ORIGINAL S106</u></b>		<b><u>REVISED S106</u></b>	
Train Station	£4 million	Train Station	£5.3 million
Affordable Housing/ Horsforth Roundabout/ Footpath Improvements/ Community Benefits.	£3.5 million	Affordable Housing/ Horsforth Roundabout/ Footpath Improvements/ Community Benefits.	£2.2 million
Education	£100,000	Education	£100,000
TOTAL	£7.6 million	TOTAL	£7.6 million

- 2.5 The application also seeks to amend some of the original conditions to allow the western access to be completed first and introduce revised triggers for provision of a bus route through the site taking the increased commercial floorspace into account.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site comprises the former Kirkstall Forge site. This totals c 23 hectares, located off the A65, about 6km (3.7m) from the city centre. The former commercial buildings have now been fully cleared with the exception of the listed buildings. Archaeology work and remediation work in accordance with the original outline permission are largely complete.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 The original outline permission (24/96/05/OT) was granted on 20<sup>th</sup> July 2007. The original officer reports dated 26<sup>th</sup> January 2006 and 20<sup>th</sup> April 2006 are attached at Annex A and B to this report.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Discussions with CEG have focussed on material changes of circumstance since the original outline permission, the difficulties in funding the train station and necessary revisions to the S106 agreement/conditions.
- 5.2 As a separate exercise, CEG is proposing revisions to the illustrative Masterplan considered at outline stage. These revisions were initially brought to Panel as a pre-application presentation on 21<sup>st</sup> January 2010. Whilst these do not affect consideration of this application to extend the original permission, they will affect the form that subsequent applications for reserved matters will take.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application was advertised by site notice on 15<sup>th</sup> April 2011 and will be advertised in the press on 18<sup>th</sup> May 2011. No representations have so far been received.
- 6.2 A pre-application item was considered by Panel in February 2010 which looked at the initial revised Masterplan referred to above. Panel were supportive of the principle of the changes.
- 6.3 The Kirkstall Forge Community Liaison Group (inc Kirkstall ward members) also meets every 4 months to discuss progress and ensure local community engagement. The most recent meeting was on 11<sup>th</sup> May at which general support was expressed for both the scheme and the train station.
- 6.4 Horsforth Town Council have responded that they have no comment to make.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory**

Network Rail: Support the application. Delivery of the station would be seriously jeopardised if extension of time not granted. A fundamental element of the application is to deliver significant improvement to public transport in the Aire Valley and recognition should be given to difficult financial pressures on delivery of such infrastructure projects.

METRO: No objection. If extension of time not granted the funding arrangement for the train station would be put in serious jeopardy.

Environment Agency: Comments awaited.

British Waterways: No objection

Highways: Comments awaited.

Yorkshire Water: No objection, request imposition of conditions as originally suggested.

National Grid: Comments awaited.

Civic Trust: Comments awaited.



West Yorkshire Archaeology Service: No objection, subject to conditions.

### **Non Statutory**

Asset Management: Consider that the conclusions of the applicant's viability assessment are reasonable. The applicant's proposed scheme, on which the viability assessment is based, is not viable in the current market if it is to comply with current policy requirements and a 20% return. The reasons for the lack of viability are considered to be:

1. Current and ongoing depressed state of the property market.
2. Substantial proportion of residential accommodation.
3. Substantial costs associated with demolition, site clearance, treatment of contamination, ecological and environmental issues etc.
4. Continued limited bank funding availability.

Asset Management comment that:

"The risk to the Council, which grows with the length of the consent period, is that it commits itself too soon and too remotely from the circumstances of actual development and misses out on the opportunity to secure these benefits but similarly the developer risks committing to requirements which are not deliverable at the moment on the assumption that at some undefined points over the life of the renewed consent viability will improve sufficiently to make them deliverable."

Asset Management comment that the proposed development, in 8 phases over 15 years, would allow the developer to optimise on timing. In this context a snapshot viability assessment is of limited value and profitability could vary significantly over this time period. Asset Management's "strong view" is that further assessments of viability are best deferred to pre-determined trigger points such as reserved matters and recession proof clauses should be introduced into the S106.

Contamination: No objection subject to repetition of original conditions.

Environmental Health: Comments awaited.

Rights of Way: Comments awaited.

Nature Conservation: No objection in principle but updated otter survey will be required which should include details of mitigation and enhancement measures to be implemented as part of the development.

## **8.0 PLANNING POLICIES:**

- 8.1 A full list of relevant policies was contained in the original officers report at Panel dated 26<sup>th</sup> January 2006 (attached at Annex A). Since determination there have been material changes and additions to planning policy at national, regional and local levels that are relevant to the extension of time application (and any future reserved matters). These changes are as follows.

### **Leeds Unitary Development Plan Review (UDP) (2006)**

- 8.2 The adopted Leeds UDP (2001) and UDP Deposit Draft (2003) have been replaced by the adopted Leeds UDP Review (2006). In the Leeds UDP Review (2006) the site comprises land within the main urban area. A small part of the western site is

allocated as part of the existing employment supply under policy E3A:28 and designated as policy N38 Washland. The southern part of the site (south of the river) is also designated under policy N8 as urban green corridor. The previous forge building is designated as a grade 2 ancient monument (nos137) under policy N29.

- 8.3 A small part of the site (comprising the former cafeteria on the A65 frontage) is designated as green belt and the site is surrounded by designated green belt on the western, northern and southern boundaries.
- 8.4 To the south of the site lie designated nature reserve LNA 020 (Bramley Fall & Newlay Quarry) and designated SSSI 009 (Leeds/Liverpool Canal).
- 8.5 Relevant policies include:

GP5: Detailed planning considerations to be taken into account.

GP7: Where development not otherwise acceptable and a condition not effective, a S106 will be necessary.

GP11: Development must meet sustainable design principles.

GP12: Major applications must include a Sustainability Assessment.

SP3: New development concentrated within or adjoining main urban areas on sites well served by public transport.

SP4: Priority to supporting public transport.

SA6: Promotion of leisure and tourism.

N2/4: Residential development will be required to provide on or off-site greenspace.

N13: Design to have regard to character and appearance of surroundings.

N24: Where development abuts the green belt assimilation into the landscape must be achieved.

N29: Sites of archaeological importance will be preserved and appropriate investigation required.

N32: Land shown on Proposals Map as Green Belt.

N38B: Flood Risk Assessment in certain circumstances.

N51: Development, including landscaping should enhance existing wildlife habitats.

H1: Provision of housing in line with RSS targets.

H3: Housing Land Release (inc. Phase 2 to 2010-2012).

H4: states: "Residential development on sites not identified for that purpose in the UDP but which lie within the main and smaller urban areas as defined on the proposals map, or are otherwise in a demonstrably sustainable location, will be permitted provided the proposed development is acceptable in sequential terms, is clearly within the capacity of existing and proposed infrastructure, and complies with all other relevant policies of the UDP."

H11/12: Council will negotiate for appropriate affordable housing.

T1: Transport investment directed towards improving public transport.

T2: New development should be capable of being served adequately by:

- existing/programmed highways or improvements to the highway network,
- public transport,
- cycling,
- convenient walking distance to local facilities.

T2B/C: All planning applications of significant traffic generation must be accompanied by a Transport Assessment and Travel Plan.

T5/6: Satisfactory safe and secure access for cyclists and pedestrians.

T9: Effective public transport service encouraged and supported.

T15: Measures giving priority to bus movements will be supported.

T16: Criteria for suitable park and ride facilities.

T24: Parking provision guidelines.

N2/4: Hierarchies and provision of greenspace.

N8: Development affecting urban green corridors  
 N12: Priorities for urban design.  
 N13: Design of all new buildings to be of high quality and have regard to character and appearance of surroundings.  
 N14: Presumption in favour of retention of listed buildings.  
 N23: Incidental open space.  
 N24: Assimilation of development abutting the green belt.  
 N29: Sites and monuments of archaeological importance to be preserved.  
 N32: Areas designated as green belt.  
 N38A: Development not allowed in the functional floodplain.  
 N38B: Planning applications to be accompanied by a Flood Risk Assessment.  
 N49: Development not normally permitted if net depletion of wildlife.  
 N50: Impact of development on local nature reserves.  
 N51: Design of new development to enhance existing wildlife habitats.  
 E3: Existing supply of employment land.  
 E5: Employment uses on non-identified sites.  
 E7: Non-employment use will not be permitted unless:  
     -site is not reserved for employment use,  
     -sufficient alternative sites district wide/in locality,  
     -no resultant environmental, amenity or traffic problems.  
 S9: Non major retail proposals outside centres.  
 LT6: Leisure potential of waterways corridor will be recognised.  
 LT6B: LCC will seek to secure footpath access to the River Aire and canal system.  
 ARC4: Confirms there will be a presumption in favour of the physical preservation of class 2 areas and their settings.  
 ARC5: Informed planning decisions to be made where development may adversely affect a class 2 area or setting.  
 ARC 6: Archaeology preservation by record by condition or S106.  
 LD1: Requirements for landscape schemes.

### **Regional Spatial Strategy (RSS) (2008)**

8.6 The RSS (2004) has been replaced by the adopted RSS (2008). A recent high court decision following a challenge to the Secretary of State's purported abolition of RSS leaves RSS as part of the development plan. However, the Secretary of State's intention to abolish RSS may be taken into account as a material planning consideration. Therefore the amount of weight to be given to RSS is a matter for the decision maker. Relevant policies include:

YH4: Regional cities to be the prime focus for housing.  
 YH7: First priority to re-use previously developed land and existing developed areas within town and cities. LPA's to make best use of existing transport infrastructure, take into account capacity constraints and comply with public transport accessibility.  
 LCR1: Focus most development in Leeds and Bradford.  
 ENV5: Reduce greenhouse gas emissions, improve energy efficiency, developments over 10 dwellings to secure at least 10% renewable or low carbon sources.  
 ENV8: Maintain, enhance and restore natural environment.  
 H2: Prioritise development of brownfield land.  
 H4: LDF's to set affordable housing targets 30%-40%.  
 Table 12.3: indicative gross build rate 4,740 pa.  
 T1: Personal travel reduction and modal shift - discourage inappropriate car use and encourage public transport and accessibility to non-car modes.

### **Local Development Framework (LDF)**

- 8.7 Initial consultations on “Issues and Allocations” were carried out in October 2007 followed by consultation on the “Preferred Approach” in October/December 2009. The formal publication of the Core Strategy however will not take place until Autumn 2011, with a Public Inquiry in 2012. The Strategic Sites DPD is not due for publication until 2012. In the context that the LDF is at an early stage, it is considered that it carries little weight in planning decisions at this time.

**PPS3 “Housing” (2010)**

- 8.8 Para 40 states the key objective of making the best use of previously developed land. Para 57 states that the supply of housing land should be managed so that a 5 year supply of deliverable sites is maintained. Para 69 states that local planning authorities should have regard to:

- achieving high quality housing,
- good mix of housing,
- suitability of site given environmental sustainability,
- using land effectively and efficiently
- ensuring development in line with planning for housing objectives.

**PPS4 “Planning for Sustainable Economic Growth” (2009)**

- 8.9 PPG4 (1992) and PPS6 (2005) were replaced in 2009. Policy EC10 states that:

“Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.”

**PPS5 “Planning for the Historic Environment” (2010)**

- 8.10 PPG15 (1994) and PPG16 (1990) were replaced by PPS5 in 2010. This advises on the approach to heritage assets.

**DCLG Guidance “Greater Flexibility for Planning Permissions”(2010)**

- 8.11 Para 21 confirms procedures for extending the life of outline permissions. Para 23 states that:

“In current circumstances, local planning authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly.”

- 8.12 Para 28 confirm there may be a need for a supplementary deed to update S106 agreements.

**Ministerial Statement “Planning For Growth” (March 2011)**

- 8.13 This notes that the planning system has a key role in helping to secure a swift return to economic growth. In determining planning applications local planning authorities should:

“ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably...” and

“..reconsider, at developers request, existing S106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed...”

**Adopted SPD “Public Transport Improvements and Developer Contributions” (2008)**

- 8.14 Para 4.3.2 states that the minimum level of accessibility to public transport should be 400m walking distance to a bus stop and 800m walking distance to a rail stop. Section 5 sets out the methodology for calculating S106 contributions.

**Adopted “Interim Housing Policy” (2008)**

- 8.15 Introduced in 2008 this requires 30% in the inner suburbs in accordance with the latest Strategic Housing Needs Assessment 2007.

**Draft “Interim Housing Policy” (2011)**

- 8.16 Executive Board considered an item on 11<sup>th</sup> February 2011 proposing revisions to the Interim Housing policy. This follows receipt of a LCC commissioned report from DTZ undertaking an Economic Viability Assessment of affordable housing targets across Leeds. This report identifies that because of the economic downturn existing targets are not viable and should be reduced to be deliverable. Policy has confirmed that the site would be categorised as Inner Suburb where 30% affordable housing was previously required, but 15% is now suggested.
- 8.17 The Draft Interim Housing Policy has undergone four weeks public consultation, the result of which are to be reported back to Executive Board on 18<sup>th</sup> May before formal adoption as Council Policy, suggested as 1<sup>st</sup> June 2011.

**Draft SPD “Travel Plans” (2007)**

- 8.18 Para 4.23 confirms that any applications comprising more than 50 dwellings will require a Travel Plan. Table 2 lists essential components of any Travel Plan. Table 6 lists the process for speculative outline applications.

**Adopted SPD “Biodiversity and Waterfront development” (2006)**

- 8.19 Provides guidance on biodiversity interests for developments adjacent to rivers, canals and becks.

**Adopted SPD “Street Design Guide” (2009)**

- 8.20 Provides guidance on the Council’s current standards for adopted road design and parking requirements in residential areas.

**Draft SPD “Sustainable Design and Construction” (2010)**

- 8.21 Provides guidance on eco-standards in design.

**Adopted SPD “Tall Buildings Design Guide” (2010)**

- 8.22 Provides guidance on appropriate locations/design for tall buildings.

**9.0 MAIN ISSUES/APPRAISAL**

1. Principle of Development.
2. Material Change of Circumstances
3. Timescales/Phase 1
4. Section 106 issues
5. Highways Conditions

**10.0 APPRAISAL**

**1. Principle of Development:**

- 10.1 As an application for extension of time, the description of development remains the same as the original outline permission. The principle of development was established as acceptable by the extant planning permission (24/96/05/OT).
- 10.2 The site remains a substantial brownfield site within the main urban area and development would comply with policy H4 of the adopted Leeds UDP (2006) by comprising development within the main urban area, acceptable in sequential terms and within the capacity of existing or proposed infrastructure. Development would contribute towards brownfield regeneration targets, the Council's 5 year Housing Land Supply and provide the *raison d'être* for development of the train station on adjoining land as a significant sustainability benefit.
- 10.3 As such it is considered that the principle of the development remains acceptable and members are requested to confirm this view.

## **2. Material Change of Circumstances:**

- 10.4 There have been a number of material changes of circumstances regarding national, regional and local planning policy since the original permission.
- 10.5 The general thrust of development plan policy has not changed since the Panel decision in April 2006, despite the adoption of the current Leeds Unitary Development Plan in July 2006 and RSS in 2008. Many of the original Leeds UDP(2001) policies were carried over into the Leeds UDP (2006) which constitutes a Review, rather than a new UDP. The overall approach of focusing development in the main urban areas, in sustainable locations, utilising brownfield land where possible, and reducing the need to travel all remain within current policy.
- 10.6 The Regional Spatial Strategy for Yorkshire and the Humber was approved in 2008. However on the 6 July 2010, the Secretary of State for Communities announced revocation of the Regional Strategies, which would leave the Leeds Unitary Development Plan (Review 2006) as the sole statutory Development Plan. Although the High Court has recently ruled that the Secretary of State's decision was unlawful, the coalition government has confirmed that it will still seek to remove Regional Strategies through the Localism Bill.
- 10.7 Other material changes of circumstances are:
- a) on site - all buildings (bar the listed buildings and former cafeteria) are now demolished and remediation/archaeology work has been undertaken and relevant conditions discharged.
  - b) off-site - the train station now has planning permission (10/1211/FU) and the Department of Transport has stated that in the current financial climate it is not able to fund the station without an increase in funding to 40% at the local level. Whilst this is a financial matter, the train station affects the potential mix and quantum of development on the site as well as delivery and hence is concluded to be a material planning consideration in this case.
- 10.8 Having identified the material change of circumstances, the key question is what bearing they have on this application. This assessment is ongoing and Members will be fully advised at determination stage.

## **3. Timescale/Phase 1**

- 10.9 The applicant is seeking a 15 year timescale for the submission of reserved matters, on the basis that the earliest delivery of phase 1 would not be prior to construction of the train station (provisionally 2015).
- 10.10 The existing outline permission does not require submission of final reserved matters until 2017 (i.e. a further 6 years from now). A further 15 years as requested would give the developer 11 years (after provisional construction of the train station in 2015) to submit final reserved matters. It is considered that although the timeframe for this development is substantial; extending the life a further 15 years may not offer the certainty the local planning authority want in terms of:
- a) understanding highways impacts over the timescale of development and  
b) initiating development in accordance with the “Planning for Growth” Ministerial Statement, which encourages flexibility on S106 agreements to “allow development to start on stalled schemes.”
- 10.11 In similar cases the local planning authority has requested that developers commit to implementation of the first phase within the life of the original permission. Other developers have agreed to this (e.g. Keyland Developments in relation to a warehouse distribution development at Temple Green, East Leeds). CEG has indicated a willingness to commit to the first phase of infrastructure works (i.e. main access, spine road, link to train station, river works and bridges). Discussions are ongoing regarding the contents of this first phase.
- 10.12 Members views are requested on the proposed 15 year timescale, requirements in relation to a first phase and degree of flexibility in a revised S106 for future phases.

#### **4. Section 106 issues**

- 10.13 The application seeks to vary the original Section 106. Although the package of measures totaling £7.6 million remains the same, the applicant has requested that £1.3 million be diverted from the wider planning benefits (namely affordable housing, off-site highway works at Horsforth roundabout, footpath improvements) to the train station to cover the Department of Transport funding shortfall.
- 10.14 A revised business case (“Best and Final Bid”) has to be made by METRO to the Department of Transport by 9th September 2011 with a final decision by December 2011. CEG argues that this revision to the S106 is fundamental to provide the certainty the Department of Transport need to confirm central government funding and delivery of the train station. Further information specific to funding of the Kirkstall train station is awaited from METRO.
- 10.15 There have been a number of material changes of circumstance since the original outline permission that mean that if a revised S106 was to meet current policy, the following contributions would be required e.g.
- potential reduced affordable housing (20% in 2006, 30% now but proposed to comprise 15% after 1st June),
  - increased primary education contribution (£1,750,697),
  - increased secondary contribution (£1,055,189),
  - public transport contribution (covered by the train station contribution),
  - travel plan monitoring fee.
- 10.16 Panel accepted a reduced sum with the original outline permission in the

context of viability and in recognition of the substantial up-front costs of remediation, contamination works, infrastructure provision and public transport benefits. Asset Management has confirmed that the deterioration in economic circumstances has reduced viability further. In this context it is concluded that any increase in S106 contribution above the original outline to meet current circumstances would not be viable at this time. As such it is considered that the retention of the Section 106 package as £7.6 million, as suggested by CEG, is acceptable.

- 10.17 Asset Management's initial advice is that over the proposed 15 year time period the viability position is likely to change and that the sum of £1.3 million to be diverted from affordable housing, off-site highway works at Horsforth roundabout and footpath improvements may well become viable in that time frame. As such recession proof clauses have been suggested for the S106. Further discussions with Asset Management are required.
- 10.18 The Council's planning policy section and planning solicitors have been working on recession proof clause wording for S106's to enable a flexible approach to S106's in line with government guidance "Greater Flexibility for Planning Permissions" and the Ministerial Statement of March 2011. It may be possible to negotiate wording that could enable a reduction in S106 contributions at the current time with re-assessment of viability at future set times, where this sum would be repaid if viability improves. Given that the time period requested is 15 years not 10 years, this re-assessment of viability may also require increased sums above £7.6 million to contribute towards legitimate planning benefits in later phases e.g. those listed in para 10.15 above.
- 10.19 Such an approach may provide a flexible solution that offers the Department of Transport sufficient certainly re train station funding, but also protects the Council's position re planning benefits if the economic situation improves and viability increases. It is therefore officer's intention to explore this option.
- 10.20 **The key question is whether Panel agree that the train station is fundamental to the delivery of a sustainable development and in this context, agree a reapportionment of monies within the S106 package to increase train station funding. Members views are requested.**

## **5. Highways Conditions**

- 10.21 The supporting documentation seeks to revise some of the highway conditions on the outline (namely conditions 11 and 14). The suggestion is:
- Condition 11- revisions to enable either the eastern or western access to be built first to enable construction, rather than requiring both accesses at the same time.
  - Condition 14- revision to the bus service triggers to enable flexibility in the timing of commercial development.
- 10.22 The wording follows pre-application discussions and are broadly in line with those discussions. A formal consultation response commenting on the proposed wording is awaited from Highways.

## **11.0 CONCLUSION**

- 11.1 The site is one of the key regeneration sites in the city with outline permission for mixed use redevelopment. The delivery of the new railway station at Kirkstall Forge



is significantly financed by the development. Long and complex negotiations with Network Rail, the Strategic Rail Authority and Metro have already been progressed to realise the delivery of the station. It is considered that the delivery of this major brownfield site in this sustainable location, supported by rail infrastructure, must remain a key objective given the pressure at present on greenfield sites around the city.

- 11.2 The project has been delayed due to the economic downturn and the applicant has applied to extend the life of the outline and revise the proportion of S106 funding between the different planning benefits.
- 11.3 Panel are asked to note the current application and comment on the main issues; in particular:
- officers view that the principle of development remains acceptable,
  - the applicant's suggestion that contributions to affordable housing, off-site highway works to Horsforth roundabout, footpath improvements and community benefits are reduced to increase funding for, and ensure delivery of, the train station,
  - officers intention to assess potential recession proof clauses in a revised S106,
  - the applicant's proposed 15 year timescale and extent of commitment to a first phase within the life of the original permission,
  - the applicant's proposed alteration to highways related Conditions 11 and 14.

**Background Papers:** Outline permission ref 24/96/05/OT

## PLANS PANEL WEST 26 JANUARY 2006

### REPORT OF THE CHIEF PLANNING AND DEVELOPMENT SERVICES OFFICER

**WARD:** Kirkstall, Horsforth,  
Bramley and Stanningley

**Application:** 24/96/05/OT

**Address:** Kirkstall Forge, Abbey Road,  
Leeds 5

**Applicant:** Commercial Estates Group

**Proposal:** Outline Application to erect mixed-use development comprising residential, offices, leisure, hotel, retail and bar/restaurants to industrial site

#### **RECOMMENDATION:**

**Members are requested to note the report , support the principle and scale of this development and defer the application for further consideration and resolution of outstanding issues and Ward Member briefings. Members are particularly requested to indicate if there is any further information that is needed which is not highlighted in the report to enable a determination to be made at a future Panel meeting.**

#### **1.0 Introduction:**

- 1.1 Members will be aware that plans for the redevelopment of Kirkstall Forge were received in February 2005 and reported to Panel on 17<sup>th</sup> February 2005. The receipt of the application followed a lengthy period of pre-application discussion and community involvement. The site was acquired by the Commercial Estates Group (CEG) from the Dana Corporation back in 2003. Panel Members together with other Members of Council had an opportunity in December 2004 for an extended look around the site, a briefing on the proposals and to view an exhibition at the site, and also visited Kirkstall District Centre and the former Alders site on Bridge Road.
- 1.2 An update report was noted by Panel Members on 6<sup>th</sup> October 2005.
- 1.3 A full briefing for Panel Members has been arranged at the site on Thursday morning 19<sup>th</sup> January, a week prior to Panel, so that Members are given an in depth opportunity to look at the implications and impact of the scheme prior to its formal consideration.

- 1.4 The site extends to a total area of about 23 hectares (56.7 acres), much of it previously developed for industrial purposes. It is therefore a major brownfield site which offers substantial opportunity for a high quality development within the main urban area and only some 6 km (3.7 miles) to the west of the City Centre. The site is complex because of the number of issues involved and has posed a substantial challenge to the development team and officers. The processing of the application and its consideration has therefore been protracted. Whilst not all issues have yet been fully revolved and work is ongoing on a number of fronts, this report seeks to update Members with the latest information available and then appraise the application to narrow down the areas where further work is necessary before a formal resolution of the application can be made.
- 1.5 Substantial pre-application discussion and community consultation has culminated in the submission of this outline application which seeks to establish the principle of development on the site within which detailed reserved matter applications for different phases will be considered. CEG have made it clear that they have a long term interest in the site and that community involvement will continue and be ongoing through the detailed planning and implementation of the development. At this stage it is anticipated that the development will take about 10 years to complete.

## **2.0 Proposal:**

- 2.1 The outline application as submitted comprised a mixed-use development consisting of:
- 1385 dwellings
  - 16,500m<sup>2</sup> of B1 office floorspace
  - Support facilities including bars, restaurants, small scale retail, health and fitness and spa, banking, a creche and accommodation for social/community uses
  - a hotel
  - preservation and change of use of the existing Grade II Listed Lower Forge building in an enhanced setting to provide food and drink uses
  - change of use of the existing Grade II listed former cottages/stables to residential use
  - areas of amenity green space
  - wildlife and ecological enhancements
  - a park and ride car park for approximately 150 cars within the site
  - improvements to existing vehicular junctions, allowing access into and out of the development site from Abbey Road (A65)
  - internal access roads, catering for new bus services running through the site
  - internal undercroft parking to help avoid car-dominated street scene
  - a network of pedestrian and cycle routes, enabling connections to the national cycle network and canal towpath, including new footpaths

- alongside the former Abbey Mill Race, which is to be re-opened, and along the riverside
  - new pedestrian and vehicular bridge crossings over the River Aire
  - site remediation works to address contamination associated with the site's historical industrial usage
  - riverside improvement works (including work to the river bed and bank)
  - creation of a flood relief channel next to the railway bridge
- 2.2 Although not included as part of the application a key aim in the development is the delivery of a new railway station at Kirkstall Forge and significant time and effort has been spent pursuing this aim during the consideration of the application.
- 2.3 The application whilst in outline seeks approval in detail for the means of access to the site, and to establish the principle and scale of a mixed-use development on the site. Whilst the masterplan is illustrative it sets the parameters in terms of height, scale and massing of future development. The footprints of the buildings are indicative with siting reserved for future determination. The Design Statement submitted with the application is a supporting document to the illustrative masterplan and is intended to guide the detailed planning of the site.
- 2.4 A substantial amount of information has been submitted to support the application:-
  - Planning statement
  - Statement in Response to PPS1 : Delivering Sustainable Development (March 2005)
  - Sustainability Appraisal
  - Design Statement incorporating an indicative masterplan
  - Full Environmental Statement in 3 volumes with Non-technical summary
  - Transport Assessment incorporating a Green Travel Plan and Access Details
  - Statement of community involvement
  - Arboricultural survey of the trees
  - 43 application drawings
  - additional drawings to indicate impact of office buildings at West and Eastern entrances to the site
  - additional cross sections and 3D graphics to indicate massing across the site
  - Indicative sketch layout and cross sections of the actual residential zone at a scale of 1:500 to show massing, spaces and inter-relationship of buildings
  - landscape infrastructure during the various phases of the development
- 2.5 The main change since submission has been the request by officers to omit the 2 four storey "gateway" office buildings at the West and Eastern entrances because of their impact on the Green Belt, the Urban Green corridor and existing trees. The applicants have agreed to this change and a revised masterplan showing this change is expected shortly.

### **3.0 Site and Surroundings:**

- 3.1 The application site comprises about 23 hectares of land in total lying some 6 kilometres to the west of Leeds City Centre. The site is roughly rectangular in shape with the thinner end of the rectangle to the eastern end of the site which then broadens out towards the western part of the site and then thins again to a narrower neck of land to the west along the valley bottom towards Newlay Bridge in Horsforth. Effectively the site is in the base of the Aire Valley through which run the historic transportation routes of the Leeds and Liverpool canal and the Aire Valley rail line, both of which for reasons of topography have generally followed the line of the River Aire. Immediately downstream of the site lies Kirkstall Abbey set within its Conservation Area. Upstream is Horsforth and the Newlay Conservation Area.
- 3.2 Whilst a small portion of the site lies effectively trapped between the railway and the southern bank of the River Aire the majority lies on the northern bank and is bounded on its northern-most edge by the A65 main arterial route connecting Leeds to Leeds/Bradford Airport, Ilkley and Skipton. There are significant gradient changes as the land slopes down from Abbey Road into the site representing the valley side before the valley bottom adjoining the River Aire is reached. Therefore existing buildings on the site are formed at a number of different levels. On the valley floor however the site is relatively flat.
- 3.3 Significant areas of woodland planting along the northern boundary with the A65 and the position of the site within the Kirkstall Valley means that generally there are limited views of the existing site from the surrounding area and those views which are most clearly seen are those from the existing railway line or the other side of the river. Travelling along the A65 with the very strong 2 metre high red brick boundary wall with trees behind it is difficult to envisage the scale of existing development on the site. Within the site however it is clear that there are substantial areas of existing building and hard-standings on the valley side and valley bottom which occupy the majority of the site. Many of these have developed over a period of time and are substantial in size and scale and have been used for a variety of purposes including mainly light or heavy industry or warehousing. The buildings are very significant in terms of size, age and condition reflecting the piecemeal development of the site over its lifetime and also the decline of manufacturing that has occurred with economic restructuring. Areas of hard-standing and car-parking surround the industrial buildings with a large part of the site being occupied by areas of hard-standing. Broadly speaking the buildings are located within the central area of the site on land west of the existing security gatehouse and east of the “blue box” bridge crossing the River Aire. Within the site itself the height of existing buildings does vary ranging from 2 storey to 4 storey generally.

- 3.4 There are four listed buildings and structures located on or around the site, all of which are Grade II listed. The largest of these is the Lower Forge building surrounded by large portal-framed industrial buildings one of which sits over the route of the tail-races which eventually discharge into the River Aire. Effectively this building is in two parts. The part open to the elements houses 3 wheel pits, one of which retains its original wheel, albeit with 20<sup>th</sup> century woodwork. The internal part of this building accommodates a further waterwheel and various examples of stamps used on the site during its early operation as a Forge. A rail mounted crane is also located adjacent to this building. This building sits at a lower level than the surrounding ground level and is thus dominated by the proximity of larger buildings and is screened by these buildings from the rest of the site. Part of the building is roofed with a 20<sup>th</sup> century addition. The second and third listed buildings comprise 2 cottages and adjoining stables which lie adjacent to the existing eastern security gatehouse. They are domestic in scale but were last used as offices and a boardroom. The fourth listed building is the milepost located close to the eastern entrance of the site on the A65 which delineates the mid-point between London and Edinburgh (200miles either way).
- 3.5 Apart from the buildings and the hard-standings the remainder of the site comprises areas of woodland and self-seeded vegetation particularly alongside the riverbanks, the railway and the northern boundary with the A65. These areas are generally sloping and did not therefore lend themselves to heavy industry and have therefore been allowed to remain.
- 3.6 To the north of the site on the other side of the A65 Abbey Road is a steep tree-covered bank which separates the A65 from the residential area of Hawksworth. The land to the north of the western entrance forms an area of public open space known as Hawksworth Wood, through which there is existing public access and walks. To the eastern end of the site there is existing residential development and a former petrol station which is now vacant and is also owned by CEG but does not form part of this planning application. The southern boundary of the site is formed by the Leeds-Shipley/Ilkley railway line. Beyond this lies the Leeds-Liverpool canal, which is a Site of Special Scientific Interest, and this forms the northern extent of the woodland known as Bramley Falls which comprises dense, mature woodlands. Bramley Falls is a steep tree-covered hill which rises from the valley floor up towards Bramley proper to its south and is a popular area of public open space. To the west of the site is the residential area of Newlay, much of which is designated as a Conservation Area. Pollard Lane bounds the western most extent of the site and beyond this lies the site of the former Woodside Works which has been granted permission for the development of 120 new residential units. Immediately to the east of the site lies an existing rugby club ground and its associated playing pitches. Beyond this lies Kirkstall Abbey, a former Cistercian abbey which is set within generous grounds which lie both north and south of the A65. Kirkstall Abbey lies within its own designated Conservation Area and has recently benefited from substantial improvement works as a result of a grant through the Heritage Lottery Fund. The Abbey is a key building within the valley and an historic and important landmark.

- 3.7 The site does have a significant landscape setting with significant areas of trees along the western boundary to Cow Beck which also forms the boundary of the Green Belt along with the A65 where there is an urban green corridor and also the eastern end of the site where there is significant tree cover and again the land is within Green Belt. The Green Belt does therefore effectively encircle the site with the only gap being along the northern boundary near to the entrance where it is bounded by existing residential development on the other side of the A65. To that extent the site could be considered as an island site set within the Green Belt.
- 3.8 Close to the western entrance and directly to the south of it is an existing electricity sub-station and whilst the applicant holds the freehold to this site, no works to this area are proposed and it is therefore excluded from the application. It is understood that this is a significant sub-station supplying electricity to the local area.
- 3.9 The former Abbey Mill Race passes through the woodland on the northern boundary of the site adjacent to the A65. The Mill Race is mainly open, albeit culverted in parts and slow-moving due to heavy silting. The existing sluice gates in the Mill Race are in disrepair and water escapes from these into the former goit below. Water from the Mill Race formerly fed the original Forge (the "Upper Forge") which was located close to the northern boundary of the site. This was subsequently diverted underground through the listed Lower Forge to discharge into the River Aire on the eastern side of the rail bridge through the associated tail-races. The now defunct goit, which is located mid-way through the site, once fed a large reservoir which in turn fed the waterwheels in the Forge until this was filled up some years ago. The goit was originally fed from Cow Beck to the west boundary of the site but this link was severed through the instatement of a concrete retaining wall rendering the western section of the goit stagnant being fed by rainwater alone. The mid-sections of the goit have been canalised through the insertion of a brick lining and those sections are now at a higher level than the western section which formerly fed it. The only flow through this section of the goit is provided by surface water run-off and by water which leaked from the sluice gates of the Mill Race. The eastern section of the goit is located underground and passes through the Lower Forge.
- 3.10 A small portion of the site on both northern and southern banks of the River Aire retains the flat or artificially level areas formerly occupied by the Lower Forge and stamping process buildings. However development on the northern bank is terraced to make viable platforms for development compatible with its industrial history. These terraces are punctuated by man-made or modified watercourses, the most significant of which being the Mill Race which has been described above. Whilst the site is relatively narrow in terms of the valley-wide proportions, the area immediately to the north and south of the river has a platform which broadens to the extreme western end of the site and remains as washland.

- 3.11 Whilst the site is constrained in relation to its location and topography it is a significant site in terms of size and is some 1000 metres in extent from Cow Beck in the west to the eastern entry into the site and at its broadest is some 230 metres wide between the A65 and the existing railway line.

#### **4.0 Relevant Planning History:**

- 4.1 The site has been used for heavy industry for a significant period of time dating back many centuries. The first record of industrial activity on the site was through a lease agreement in 1618. At this time the site was located in open countryside some way west of development in Leeds. The Upper Forge is thought to have been located close to the Abbey Mill Race thereby utilising the existing watercourse to power it. Expansion and redevelopment was the key for the next 100 years or so until the then owners sold the lease for the developing complex to a family partnership, the Beecrofts and Butlers. It was under this partnership that the site continued to develop apace for the next 300 years or so with descendants of the family finally buying the site in 1893. Throughout the operation of the site the production of axles survived as one of the few continuous processes undertaken on site with a shift away from the production of cart and railway axles towards axles for commercial motor vehicles. Such was the success of the Kirkstall Forge axles that in the post-war period up to the 1930's it was thought that almost every lorry and bus made in England had a Kirkstall back-axle casing.
- 4.2 The final major expansion of the site took place in the first few years of the Second World War with the site growing in order to meet the war demand. Due to the output of the site during the war years the Government sought ways to protect the complex with a detailed camouflage scheme being developed for the site and gun emplacement positions being cut within the boundary wall to the side in July 1940. The site continued to operate successfully for the next 40 years or so although by this time Leeds had grown around the site and complaints regarding the noise of the Forge hammers, particularly in the summer months when the doors were opened to enable ventilation, were commonplace. The issue of noise was exacerbated by the fact that the site operated almost continuously throughout the day and night. The site was sold to Dana Spicer in the late 1990's. Dana Spicer, a multi-national industrial engineering firm based in the United States, operated the site up until its closure in December 2002, the company subsequently sold the site after moving the operation to Spain and India, along with most of the machinery and materials. At the time of the Forge's closure approximately 300 people were employed on the site.
- 4.3 The history of the site post 1947, and the introduction of the planning system, indicates that the site has been subject to incremental general expansion and rationalisation over the years. In addition to minor applications there have been some applications for larger scale development which have been subject of appeals against refusal by the Council. In 1994 a local inquiry was held into a recovered appeal against the refusal of application for non-food retail development on land within the western limits of the site. That appeal was



dismissed principally as a result of policy conflicts in relation to major out-of-centre retail development. In 1994 an appeal was lodged against the refusal of an outline application for residential development on land at the site's eastern extremity. The site which was just below a hectare in size lay between the existing eastern side entrance and the club to its east. The site was in the Green Belt and it was considered to be inappropriate development without very special circumstances. The Inspector also did not consider that effectively developing the site in isolation for a non-employment use was acceptable, the appellant had argued that the proposals would form " an extension of an industrial area". The appeal was dismissed.

- 4.4 Since the site was acquired by CEG in 2003 there has been one application for a temporary storage use on the valley floor at the western end of the site and this has been given a temporary planning permission pending the redevelopment of the site.
- 4.5 Of greater significance is the adoption by the City Council of the Kirkstall Forge Planning Framework in September 2003 as Supplementary Planning Guidance following public consultation in June and July 2003. The Framework was developed to guide the redevelopment of this key site and form the basis of discussions to bring forward a more detailed masterplan for the site. It is within the context of that document that this outline planning application has been submitted. The content of the Planning Framework is dealt with in more detail in the policy section.
- 4.6 Within the identified boundary of the Kirkstall District Centre in the adopted UDP there are two applications of significance which are under consideration which will have also impact on traffic conditions along the A65 ;
  - **24/413/04/FU** for the redevelopment of the former Alders store at Bridge Road with a retail scheme and public square on a 1.27 hectare site. The existing store which has a net sales area of about 12,730 square metres and would be replaced by 5 larger retail units within the site and 7 smaller retail and A3 uses along the Bridge Road frontage. The floorspace of the proposed scheme is some 16,620 square metres gross.
  - **24/572/05/OT** for the redevelopment of the Kirkstall District Centre on a 3.6 hectare site for a mixed use scheme comprising retail, residential, restaurant café/bar premises, nursery and health club/ gym, local support facilities and space for community and social facilities ( such as a LIFT scheme proposed for the site as a Joint Service Centre between the Council and the PCT ). Although the application does not propose a specific amount of floorspace for each activity the Transport Assessment has been based on an assumed maximum of the whole site of 11,410 square metres of retail floorspace and about 780 apartments. It is now known that the likely floorspace requirement for the LIFT scheme will be about 8,900 square metres which includes a library and pharmacy.

## 5.0 Consultations:

- 5.1 **Highways** – A significant amount of time has been spent in looking at transport issues which are raised by this significant development within the main urban area and its impact on the road network and also what measures can be brought forward to improve public transport as part of the proposal. There has been significant discussion on the scope and content of the original Transport Assessment and Green Travel Plan which were submitted and that has now resulted in an agreed position in relation to the impact of the proposal in terms of traffic generation.

The developers have expended considerable effort and money in looking at the provision of a rail halt to serve this development and the wider area. Discussions with the relevant transport bodies have sought to deal with all of the constraints to see if in both timetabling and capacity terms two rail stations can be delivered on this rail line. These would be at Kirkstall Forge and Apperley Bridge. The aspiration for two stations at Kirkstall and Apperley Bridge are included within the Local Transport Plan (LTP).

The philosophy behind the planning of this development has been to reduce the need to travel and seek to provide alternative modes to the use of the car either via bus or rail.

This is a major development proposal with consequential major traffic implications. Whilst the issue of sustainable travel is key to the success of this development there is a major highway concern that the provision of the rail halt and/or the Quality Bus Initiative (QBI) scheme on the A65 is not tied into the implementation of the development. **From the Highway Authority's point of view it has been demonstrated that there will be a significant detrimental impact from this development on traffic congestion levels.** The Highway Authority is only willing to support the full redevelopment of the Kirkstall Forge site on condition that the rail halt is provided at the site and the Horsforth roundabout is signalised to cater for the additional development trips.

- 5.2 **Environment Agency** – The Environment Agency (EA) have considered at some length the Flood Risk Assessment (FRA) submitted as part of the Environmental Statement. Their latest response is dated 5<sup>th</sup> January 2006. **The EA objects to the development as insufficient flood risk information has been provided with the application.**

Part of the proposed development site lies within Flood Zone 3, "high risk" as described in paragraph 30 of PPG25. In addition EAs historical evidence records that the site has flooded 3 times in the last 60 years (1946, 1967 and 2000). Following the autumn 2000 flood event consultants were commissioned to produce a model of the river Aire to determine the catchment wide peak flood level data. This data was to be used as a baseline for the Upper Aire Catchment Strategy and the City of Leeds Flood Alleviation Scheme.

The applicants have purchased this data for their own investigations and assessments of the site. The applicant's consultant has refined the model to

better reflect the local flood regime at the development site and this has formed the basis of their FRA. A similar refinement was also done by the EA to give a detailed basis for the City of Leeds Flood Alleviation Scheme and covered the Kirkstall Forge site.

Since the receipt of the application and the FRA a significant amount of work has been done and a lengthy dialogue entered into with the applicant's consultants.

The findings from the applicants model show a lower peak flood level than the EA's model and despite detailed work the EA have not been able to reach agreement with the applicant regarding the peak flood level data to be used at the site. The differences between the two models is significant. The EA consider their own model adopts the necessary precautionary approach advocated within PPG25. The model used for the applicants FRA indicates that the site is not at high risk of flooding which is considered contrary to historical records. The site does not currently have the standard of protection necessary to meet the requirements of PPG25 and climate change will further diminish the standard of defence on the site.

The EA have referred both sets of modelling results to an independent modeller for them to be tested.

In addition to the flood risk discussions, the Environment Agency has also met with the applicants' consultants on several occasions to discuss biodiversity and fishery issues. Finalised biodiversity plans are expected once the issue of flood risk has been resolved. The inclusion of a fish pass on the River Aire has also been discussed and the applicant is keen to support this. Further discussions regarding this will also take place once the flood risk issue has been resolved.

In their latest comment the EA have concerns that the information submitted regarding protection and enhancement of the biodiversity of the site is inadequate to address PPS9. The development gives a significant opportunity to improve an area of river corridor that has been neglected at the expense of industrial growth. It is essential that further submissions be made to reflect how the proposals will comply with PPS9 by enhancing the biodiversity along the river corridor and elsewhere on the site.

The proposals need to consider the naturalisation of the river corridor. Past industrial uses along the site have led to a mixture of bank treatments. The EA would welcome proposals that restore the riverbank to its natural state. Proposals should not just aim to enhance what is currently on site but aim to return the river corridor to its natural form.

Opportunities should be investigated to open up the culverted sections of the Abbey Mill Race to the north of the site to restore it to its original form and help to regenerate the habitats along its length.

A number of conditions are recommended to ensure the application meets the requirements of PPS9.

- 5.3 **Yorkshire Water** – Observations are in relation to water supply and waste water. The local public sewer network does not have the capacity to accept any discharge of surface water from the proposed site and the developer and Local Planning Authority are advised to contact the relevant drainage

authorities with a view to establishing a suitable watercourse for the disposal of surface water – the River Aire passes through the site and seems to be the obvious place for surface water disposal. Sustainable systems of drainage are recommended for this particular site. An offsite foul sewer will be required which may well need to be adopted under Section 104 of the Water Industry Act 1991. Conditions are recommended.

- 5.4 **Land Drainage** – Awaiting the final response of the Environment Agency to the Flood Risk Assessment so that the finished floor levels, flood mitigation measures and drainage matters can be agreed jointly with Land Drainage and the Environment Agency.

- 5.5 **Land Contamination Officer** – A significant amount of information on contamination and its remediation is included within the submitted Environmental Statement following on earlier work from the Geo Environmental appraisal carried out. Given the previous use of the site as a Forge and with an industrial history of over 900 years including a chemical works, a gasworks and landfill, there are clearly significant contamination issues which have to be addressed on this site as part of any redevelopment of the site.

Extensive site investigation works ( over 200 boreholes and trial pits ) across a range of areas have taken place within the site and the main sources and locations of potential pollutants have been identified. It is considered that each of the potential pollutants can be satisfactorily addressed using the appropriate methods of remediation.

In principle remediation involves placing of a capping layer over the made ground and removal/treatment of hydrocarbon contamination. Remediation will be necessary to treat contamination within the site and improve sections of the River Aire.

A full remediation strategy covering the whole site will need to be agreed prior to works commencing on the site and suitably worded conditions are recommended at this stage to ensure that this happens as well the general remediation which now needs to be carried out for each phase of development.

Meetings have taken place between officers and consultants on behalf of CEG in relation to outstanding issues in relation to remediation and general approach has been agreed. The principles will be need to be agreed at outline stage with the detail coming in as part of detailed planning applications for the individual phases. The remediation strategy is still being developed. At this stage however it is envisaged that the remediation will comprise ground clearance following demolition, remediation of identified hotspots (primarily hydrocarbons), and other assessments based on visual and old factory evidence, re-profiling of the site as necessary to suit the masterplan and development platforms, application of cover to suit the contamination characteristics with regard to safeguarding the proposed end use.

No remediation work is planned within the woodland area along the northern margin of the site adjacent to Kirkstall Road as this is an area with high ecological value and the trees are subject to a Tree Preservation Order making it difficult to undertake any remedial work. The risk therefore is low and remedial work is probably not appropriate – further assessment however

of the risks regarding residual contamination which may be present in this area is to be further considered by the Local Planning Authority.

- 5.6 **British Waterways** – Support the principle of mixed-use redevelopment of this site including residential, office, leisure, business and hotel uses built to a high standard and set within a landscape setting focusing on the river. It offers the opportunity to create a sustainable community and new destination location.

The Leeds-Liverpool canal runs close to the site with “area of landscape to be improved as part of the development scheme” lying adjacent to the waterway. British Waterways would support the use of the canal for tourism, leisure, recreation and sporting activities and in particular formation of a network of pedestrian and cycle routes enabling connections to the national cycle network and canal towpath.

British Waterways note the potential location for the new rail station and pedestrian link across the site to Bramley Fall Park and canal. As well as being a benefit to the development a new station well connected to the canal would allow greater public access to the waterway and this is particularly supported as an element of the scheme. The canal corridor is ecologically valuable and forms a green corridor that links habitats and enhances the biodiversity of the local area. There is a substantial woodland adjacent to the waterway and it is important that this is retained and enhanced. New footpath links through this woodland should be carefully designed to ensure that this happens. Opportunities for habitat creation or enhancement in consultation with an ecologist should be incorporated into the development wherever possible.

British Waterways would wish particularly to be involved in the landscape improvement works to take place on the land in the applicants’ ownership between the river and the canal.

British Waterways also confirm that they are happy to discuss with the applicants the possibility of forming business destination moorings on the canal at a suitable point to enable boaters to stop and use the leisure facilities to be provided as part of the development and this could be dealt with by way of a Section 106 Agreement given the additional impact this development will have on the canal and towpath and the fact that such an amenity will provide for residents as an area of open space and a sustainable transport route. British Waterways conclude that they are looking forward to working with the applicants as the scheme proceeds and being consulted on the subsequent reserved matter applications.

- 5.7 **Sport England** – The development does not affect any statutorily defined playing field and so the consultation has been treated as non-statutory. 60% of the overall site area is to be used as open space with a defined hierarchy of formal areas on the other side of the River Aire directly related to the built forms planned to be erected including 2 squares with associated footbridge crossings. The site shape is essentially linear with little scope for the inclusion of formal playing pitches. A network of new footpaths and cycleways are to be provided within the site linked to neighbouring open space facilities e.g. Bramley Fall to the south, Hawksworth Wood to the north.

The pedestrian/cycle routes are intended to foster increased walking and cycling to generate a more sustainable lifestyle.

Sport England consider that the scale of development may introduce a substantial level of additional public demand with a potential need for additional or improved sports and recreational facilities within this part of the Leeds district. Notwithstanding the proximity of existing formal outdoor sports facilities, the question of the capacity of these facilities to accommodate the increased pressure has not been presented as part of the evidence base. Sport England refer to their objectives to promote the use of planning obligations as a way of securing the provision of new or enhanced places for sport and a contribution towards their future maintenance to meet the needs arising from new developments. The need for additional formal outdoor sports facilities ought to ideally be addressed in the context of an Open Space Sport and a Recreation Strategy/ Playing Pitch Strategy whereby a contribution to known deficiencies within the catchment area of the site could be addressed.

- 5.8 **Network Rail** – No objection in principle to the outline planning application. The site has a long boundary with the railway but there does not seem to be any particular element of the developed proposal that is likely to be of concern to Network Rail. Protection measures will be sought to ensure that the railway is not adversely affected. Network Rail do not comment on the potential railway station as if this comes to fruition it will form a separate and later planning application. They do raise issues in relation to construction and particularly the use of multi-storey construction where crane working may well be necessary and these works will need to be regulated as the railway is electrified adjoining to some of these structures. Network Rail do comment in relation to the proposed railway station that support will need to be obtained from the West Yorkshire Passenger Transport Executive and the current train operating company, Northern Rail Ltd and the franchisee will need to agree to stop its services at the proposed halt stop.
- 5.9 **Metro** – In a letter dated 17<sup>th</sup> January 2005 Metro state they have current Rail Plan aspirations to provide new additional rail stations at Kirkstall and Apperley Bridge. Metro has carried out feasibility design work at both locations but subsequent timetable and capacity studies have identified significant train capacity issues on existing Leeds to Skipton and Leeds to Ilkley services. It has therefore been necessary to undertake further development work on timetable and cost issues.
- The proposed commitment by CEG of a significant financial contribution towards transport improvements in the A65 corridor and in particular towards a rail station would be of major benefit to both station proposals. It creates an opportunity for Metro to consider the development of both stations at the same time using a combination of LTP and third party funding and allows costs savings to the public purse. It is understood that the funding contribution from CEG would be flexible to be delivered in the form of capital and/or revenue which is helpful to Metro in terms of future ongoing cost issues.
- Assuming that an acceptable financial commitment can be secured from CEG and that Metro can assemble an appropriate public/private funding package

for the stations then Metro will pursue the further development of both station sites. Actual delivery is subject to all the necessary railway regulatory processes being achievable and the business case for both stations meeting the requirements of Metro, the train operator and the Department for Transport. Assuming this can be achieved it is reasonable to expect at this stage that a delivery programme could be assembled that would meet the current development timescales of the Kirkstall site. Since the Supertram decision Metro and the City Council have been working together on a revised transport strategy for Leeds. Whilst this is still at an early stage it is likely that both Kirkstall and Apperley Bridge stations and their park and ride opportunities for the A65 corridor will feature in it.

It is worth noting that CEG have tangibly demonstrated their support for the rail stations by committing significant expenditure for consultancy services and these consultants continue to work with Metro on the resolution of issues relating to the development of a workable timetable, provision of appropriate train capacity and the business cases.

**The creation of an opportunity that enables both stations to be developed and delivered is therefore supported.**

- 5.10 **Yorkshire Electricity** – No particular points are made in the consultation response. Yorkshire Electricity are expecting the developer and all their agents to contact them in the near future to discuss the scheme in greater detail and to allow Yorkshire Electricity to produce firm proposals for any new connections work and diversions of existing cables.
- 5.11 **Commission for Architecture and the Built Environment (CABE)** – CABE have responded to say that they have received consultations for more schemes than they currently have resources to deal with and will not therefore be able to comment on this scheme. They ask the City Council to note that a “no comment” should not be interpreted as their tacit endorsement of the scheme.
- 5.12 **English Heritage** – English Heritage have considered the application and do not intend to comment in detail upon the proposals. They do state that given the potential for archaeological deposits and features of industrial significance it is essential that discussions are held with the West Yorkshire Archaeological Advisory Service to establish a suitable level of archaeological mitigation. Providing that that is adequately dealt with they recommend that the case is determined in accordance with government guidance, development plan policies and with the benefit of any necessary further conservation advice locally. It will not be necessary for them to be consulted again on the application.
- 5.13 **West Yorkshire Archaeology Advisory Service (WYAS)** – Substantial discussions have taken place with WYAS during the consideration of the planning application. A specification for archaeological evaluation by trial trenching at the Forge has been agreed and the works were carried out before Christmas. Whilst the results have not yet been formally submitted it is understood that little of archaeological significance has been found through the trial trenching work. One particular trial trench (Trench 5) which was

underneath an existing building has not been examined at this stage and it has been agreed with WYAS that a Grampian condition will be imposed on the permission which ensures that no work is carried out in this area until the results of this evaluation have taken place.

In relation to the illustrative material submitted as part of the application WYAS comment that any designs for the treatment of the Lower Forge area must retain in situ and incorporate sympathetically all industrial fixtures and fittings which survive within the structure of the Lower Forge building and that also the successful design should be sympathetic with the massing roofline and pallet of surviving portions of the Lower Forge buildings. To date they do not consider that the information so far submitted does this but it is understood that this is illustrative at this point.

WYAS concur with the Environmental Statement that the primary archaeological significance of the development site relates to its industrial function. Although not of medieval origin, Kirkstall Forge probably had its inception in the mid to late 1580s functioning initially as a forge and bloomery and then through the course of the 17<sup>th</sup> and 18<sup>th</sup> centuries as a forge converting pig iron for the manufacture of small implements, the site expanded during the 19<sup>th</sup> century into the production of a variety of general engineering products. The closure of the engineering department in the 1870s led to a concentration on the specialist production of superior line shafting and vehicle axles, the latter of which survived until the closure of the site in 2003. There is a very high probability that Kirkstall Forge is one of a very small number of sites, and may be the only site nationally, to have survived in continuous use as an iron-working site from the late 16<sup>th</sup> century to the late 20<sup>th</sup> century.

The Forge is also one of the earliest sites to have housed an all-iron waterwheel and the iron puddling plant on the south side of the site appears to have been among the earliest established and the last to cease production nationally. The site as a whole is therefore potentially of national, if not international, significance. With regard to individual structures WYAS, whilst concluding that many of the buildings on site could not be justified to be listed, consider that some of them are of regional archaeological significance and the proposed demolitions will therefore have a major impact on the archaeological resource of the county. They therefore want these properly recorded prior to demolition.

The trenching work has been carried out to identify the likelihood of survival of below ground archaeology. This could potentially be of regional or possibly national significance by reason of the period of use (few sites of this date survive nationally to any degree of completeness, the longevity of the site and the possibility for survival of evidence of technological innovation). Conditions are therefore recommended in relation to proper archaeological recording of buildings and also to enable below ground archaeological exploration and the developer has been strongly advised to allow reasonable periods of time for this to take place during the development of the site.

- 5.14 **Architectural Liaison Officer** – The ALO makes various recommendations about the need to take into account security concerns during the design



process as the detailed designs for the development are worked up. There are a number of potential areas of risk involved in the scheme and there is clearly a need to design out crime and use Secured by Design standards in the detailed planning of this development.

- 5.15 **Public Rights of Way** – The definitive footpath map shows that in the vicinity of the site there is only one known public right of way recorded on the definitive map and statement which is public footpath Leeds Number 39 which exists on the northern towpath of the Leeds-Liverpool canal and passes through the separate area of the identified site off the main site lying between the railway and the River Aire and the Leeds-Liverpool canal. Additionally public bridleway Horsforth Number 35 lies in close proximity to the north-west of the site, and public footpath Leeds Number 45 lies to the north of the site across Abbey Road.

Public footpath Number 39 co-exists with the Aire Valley towpath route from Leeds to Bingley which is part of the national cycle network and multi-user recreational links between the site and this route would offer much public benefit. There is a non-definitive footpath that currently exists westwards from Kirkstall Abbey along the northern bank of the River Aire towards the development site and it seems feasible that a future link can be made to this from the site. Improvement work would be necessary however to bring this route up to a reasonable standard for designated public use. The status of this footpath is currently unknown as it has not been formally claimed as a public right of way. The application suggests that pedestrian, cycle and possibly horse-riding access is being considered within the redevelopment proposals and these are welcomed. Links to neighbouring public paths are also feasible and would benefit the development of the public rights of way network within the area.

- 5.16 **Housing** – The site is in an area where 20% affordable housing is normally required with a 40/60 split between social housing and mid-market housing. As this scheme is on a very big scale there may also be other issues which need to be taken into account.

- 5.17 **English Nature** – Additional information has been sought in relation to the ecological survey work and protected species survey and proposed treatment of the riverbank where it passes through this site. The additional ecological survey information has been received and it is understood that there has been a recent site meeting to discuss in greater detail the nature conservation and biodiversity issues in relation to the riverbanks.

With regard to the protected species surveys it is noted that the Inspector on the site did not find any evidence of any active bat roosts within the development area – some additional work on this is required in relation particularly to in-filled sections of the mill goit as the culverts could be used by roosting bats.

English Nature note that the proposed development lies close to the Leeds-Liverpool canal of which is a Site of Special Scientific Interest (SSSI) but only a small portion of the application site immediately adjoins the canal. It is English Nature's view that the proposed development is unlikely directly to affect the interests of this statutory nature conservation site. However there

may be an opportunity to provide interpreted information on the SSSI on notice boards placed beside footpaths in this area.

The development will affect an important wildlife corridor created by the River Aire and the associated Mill Race. It is essential therefore to recognise and to accommodate the needs of wildlife within the proposed redevelopment scheme. The proposal should include the retention and where necessary the recreation of a natural riverbank through the development site together with the provision of a generously proportioned corridor with semi-natural habitats alongside. The opportunity to reinstate a more natural river corridor as a result of the redevelopment of this former industrial site must not be missed. English Nature would wish to see that sustainable urban drainage systems, including the use of swales and the creation of balancing ponds are implemented on this site. The redevelopment of this site offers an ideal opportunity to use an imaginative approach to create an area which, whilst providing sustainable business and residential land uses, benefits local wildlife and enhances peoples ability to enjoy the wildlife.

## **6.0 Public/Local Response:**

- 6.1 Since the involvement of CEG from March 2003, there has been extensive pre-application consultation. This started with an initial 3-day consultation in April 2004, attendance at the Kirkstall Festival in July 2004 and a 3-day exhibition in July and August of 2004. A Kirkstall Forge Liaison Group involving all community organisations was established and met first in October 2004 and has met a number of times since then. A submission exhibition prior to putting the application into the Local Planning Authority was held for 3 days in November 2004.
- 6.2 In addition to these formal sessions, a number of meetings have taken place with local community groups, Councillor briefings have been held and there has been publicity through "Kirkstall Matters", the magazine of Kirkstall Village Community Association which is circulated widely throughout the Kirkstall area. All of the pre-application consultation is documented in the Statement of Community Involvement submitted with the planning application.
- 6.3 On balance of those responses received throughout the course of the various public exhibitions and consultations most were supportive of the redevelopment proposals, recognising that the site was no longer required to meet today's employment needs nor was it appropriate now to locate heavy industrial uses at the site. Most responses were supportive of mixed-use proposals and the scheme's potential to open up public access to the site for the first time in over 400 years.
- 6.4 The public consultation in terms of responses received have confirmed that there is significant support for;
  - public open space being provided on the site
  - public access to the river to be provided in the form of riverside walkways

- for the heritage of the Kirkstall Forge site to be retained and enhanced
- the provision of woodland walks
- improved bus services along the A65 corridor
- the provision of a rail halt as part of the development
- the provision of jobs for local people as part of the development
- the provision of restaurants on site
- the provision of new housing on the site
- for there to be a mix of commercial development such as local shops, craft workshops and bars and cafes,
- for there to be leisure facilities such as a fitness centre on the site.

- 6.5 There was little support for student housing on the site. The position in relation to the provision of a hotel on the site was relatively neutral.
- 6.6 The majority of people who commented felt that the site should be redeveloped before greenfield sites on the edge of city were built upon. A number of individual comments were made about the possibility of particular uses on the site and these are all responded to in the Statement of Community Involvement.
- 6.7 It is true to say overall that community involvement has been significant and comprehensive and has certainly contributed towards the final form of the scheme which is now put before Members.
- 6.8 Consultation and involvement has continued after the application has been submitted. People on the database who have expressed interest in the scheme over the pre-application consultation period and have asked to be kept informed have been sent information regarding the submission of the planning application.  
Community groups have been consulted and a number of briefings have taken place at their regular meetings.  
The site has been open every Tuesday morning for the public to visit where surgeries have been held.  
The plans and submission documents have been held and available for inspection at four local libraries (Armley, Kirkstall, Headingley and Horsforth) as well as at site and also the Development Department offices at The Leonardo Building.  
The receipt of the planning application was well advertised in the local press and site notices have been displayed along the complete site frontage on Abbey Road and into Horsforth on residential streets in the Newlay Wood area, on Pollard Lane and also on Leeds and Bradford Road on the opposite side of the valley in Bramley. People have been given an extensive period in which to comment.  
The Kirkstall Forge Liaison Group has continued to meet as necessary and there has been attendance at Area Committees and again this year at the Kirkstall Festival to keep people informed of progress on this application.
- 6.9 The extensive consultation exercise which has been undertaken has meant that people have been well informed about this particular development and that seems to have resulted in very few public comments actually being made.

- 6.10 The involvement of people in the development of this site is expected to continue with a similar approach being adopted by CEG through the consideration of detailed applications and when development is taking place on site. It is anticipated that the overall development period for the construction of this scheme will be about 10 years.
- 6.11 **Councillor Minkin** has commented back in June about having looked in detail at the Planning Statement, the Environmental Statement and Design Statement but by far the greater part of the plans seem to her to promise an excellent development of “this wonderful site” but that she has some concerns about one or two aspects which she hopes can be addressed.
- These mainly relate to levels and sections through the site compared to the existing levels and understanding what the impact of the new development will actually be. She therefore questions the footprints of some of the proposed blocks, the permeability through the site, how much car parking will be surface and how much will be underground, the treatment along the riverside, some of the indicative street scenes and views, and the materials to be used.
- Her concerns are to ensure that there is good permeability through the site, that large areas of car parking is avoided, that there is a sensitive treatment to the riverside avoiding the steep high vertical banks, and that there is good space between buildings so that we do not end up with streets which appear rather like canyons.
- She makes it clear in her comments that she is a member of the Plans Panel and so that these are initial comments only and are given to help inform the process given how open CEG have been during the whole of what she describes as “the excellent public consultation process”.
- Councillor Illingworth** strongly supports Councillor Minkin’s comments especially in relation to permeability, canyon-like streets and any harsh concrete or sheet piling near the river - he feels that any treatment along the riverside should be of a much gentler shelving or terraced bank treatment which would be better for wildlife as well as an improvement in health and safety terms.
- 6.12 **Leeds Civic Trust** have had the opportunity to consider in detail the Design Statement for this development and have received a detailed presentation and site tour from the developer. They have written to support this outline application which they consider is an appropriate way to redevelop this “brownfield” site. They include a letter with detailed points sent to CEG which are raised to inform the development and which they consider to be important. These include;
- ensuring that the less common Flora which exists on the site be protected and be given the opportunity to establish over wider areas, rather than be replaced by imported species
  - that consideration be given to “green roofs” given that there are significant level changes and the potential for views from above and it also may help to alleviate storm water run-off
  - that there is a varied treatment to the riverbank and hoping that hard edges will be kept to a minimum particularly as these may require fencing

- that consideration be given to the retention of the stone façade of the workshop just to the north of the Forge as a retaining wall
- that any dressed stone be retained on site for use in features
- that any artefacts from the site are retained on site and displayed in some way
- that the Forge is properly restored and incorporated into a pub or bar complex and
- that despite the practical difficulties that some pedestrian access to the canal and the residential development on the opposite side of the river ought to be explored so that the site can be properly integrated into the community.

They did express some concern over views from Kirkstall Abbey and will be looking at that further as the scheme develops.

Leeds Civic Trust particularly welcomes the public consultation that has been carried out with the local community from the outset and hopes that it will be used as an exemplar when the City Council starts talking to other developers with large sites.

- 6.13 **Leeds Local Access Forum** have written following a presentation made to them on 21 June. The Leeds Local Access Forum is a statutory body set up under Section 94 of The Countryside and Rights of Way Act 2000 by the City Council as local highway authority to advise it on strategic access and open-air recreational issues. In particular the Forum was very interested to learn about the proposed network of pedestrian and cycle routes within this large and strategic site. The Forum supports the outline planning application for the former Kirkstall Forge insofar as it relates to the provision of new pedestrian and cycle routes within the site. These proposed routes will enable valued links to be made with the existing rights of way networks across the valley, between Hawksworth Wood and Bramley Falls, and create new routes along the river between Newlay and Kirkstall.

The Forum agreed that it would be in the best interest of both the Local Authority and the improved rights of way network if any works required offsite to create connections to the existing rights of way network are incorporated into a Section 106 Agreement.

The Forum also agreed that they would like to see this site become an exemplar of how a major prestigious development can deliver improvements to the rights of way network both in the routes themselves and in the construction, the Forum will be urging and supporting officers in the public rights of way section to achieve the highest standards when discussing the specifications with the developer.

An update was given on progress of the development at the LLAF meeting on 17<sup>th</sup> January 2006.

- 6.14 A letter has been received sent on behalf of the **Aire and Calder Rivers Group** who would like to bring to the City Council's attention the possibility of the return of salmon to Leeds and the way in which this could be aided by the development. The water quality is now such that salmon are returning to the lower Aire after a 200 year absence. In order for salmon to return to Leeds, it is necessary to put fish passes on the weirs in the Leeds area.

The Environment Agency has recently published its fish pass strategy for the river Aire in the Leeds area. This strategy and overall objectives are supported by SORM, a partnership which was officially launched in April 2004 between British Waterways, the Environment Agency, the City Council, the Leeds Initiative, Yorkshire Water, Water Voice Yorkshire and Eye on Leeds. The partnership's main objective is to improve the environmental and amenity value of the river Aire. Primary funding is required to enable the Leeds fish pass strategy to be put in place and it is hoped that some of this funding can be obtained from developments which are taking place along the Leeds riverside. Fish passes are one of the aims of the West Yorkshire biodiversity action plan and are also covered by the wildlife enhancement provisions of policy N51 of the UDP. The group hope that the above can be taken into consideration and that some funding might be obtained from the prospective development to advance the Leeds fish pass strategy.

They also raise an additional wildlife related concern to facilitate fish breeding. They believe that a flood channel is to be created as part of the scheme and the riverbed is to be reinstated. As part of this exercise they ask for thought to be given to creating suitable spawning habitats for salmonids and of coarse fish.

- 6.15 A letter has been received from a local resident which has also been copied to the applicants in relation to the use of the site for waterpower. The resident makes the point that Kirkstall Forge has used waterpower since medieval times and used the Forge goit as a source of cooling water which was only abandoned in 1919. The resident urges the developer to take advantage of the historic water resources of the site to generate hydro-electricity. This would be a useful source of clean and renewable energy and would also demonstrate the city's commitment to sustain energy sources and reduction of greenhouse gases. The resident confirms that he has no personal connection with the Kirkstall area or the energy industries but lives in north Leeds and is interested in a sustainable future for the country.

- 6.16 **Four other letters from individual residents** have been received in relation to the planning application.

One letter is opposed to any more shops, offices, bars or restaurants as it is considered there are sufficient of these already and that leisure is already provided at Cardigan Fields.

One letter raises concerns that the development will alter the environment making it another "village" complex. The main concern of this particular resident however is the amount of traffic on the A65 which will result given that the road is already heavily used by all kinds of traffic. The resident makes the point that it is very difficult at present for pedestrians to cross the road and that traffic will increase on the A65 as a result of the development of the High Royds and other various schemes along the A65. This resident also raises concerns about the height of the development and is concerned about the future of the woodland area adjoining Abbey Road. The resident makes the point that much thought is needed when considering this plan and hopes from the conservation side that the heritage of the Forge will be retained and that the names of Butler and Beecroft could be used somewhere in the development which has long historical associations with the site and that it

would be possible to link it with the important heritage site of Kirkstall Abbey. This resident wishes us success with our deliberations on this particular scheme and raised also the issue of the insensitive placing of the speed camera at the eastern entrance of the site very close to the historic milestone at the Forge's entrance.

Another local resident is mainly concerned about the two high rise buildings which appear to be 8 to 10 storeys high which she considers will be obtrusive and out of keeping with the valley side and will spoil the long-distance views as well as the views from within the site itself and will rob nearby residential properties of their privacy. She considers overall that the proposed plan in her opinion is mediocre and wastes the opportunity for world-class development that this interesting site presents.

The fourth representation is from someone who has a property in Armley and resides in Yeadon and who is particularly concerned about the impact of the development on the A65 given the number of people projected to be employed on the site and the number of houses proposed. Whilst accepting that the Forge did produce some lorry traffic, this has been minimal in the last few years of the Forge's operation. The objector considers that the minimum requirement of the site is that a railway station should be provided on the Aire Valley line at the sole cost of the applicant to service this development and that all the demolition waste and materials ought to leave the site by rail rather than by road. Failing that, it is suggested that severe limitations are placed on the hours at which construction traffic can use the site to avoid adding to rush hour congestion. This particular representation also states that there should be no existing trees lost on the site, that there should be no net loss of open space on the site, there should be no net loss of grass areas on the site, and that there should be no extra demand on local utilities by this site. Finally the objector considers that there should be no visual intrusion to the valley scene caused by this site, views from any vantage point or the Abbey site itself.

- 6.17 There have been no formal written comments regarding the application from any of the local community organisations although they have been regularly involved in Liaison Group meetings.

## **7.0 Planning Policies:**

### **7.1 National Planning Guidance;**

There are several national policy statements or guidance notes which are important in the consideration of this planning application;

PPS1: Delivering Sustainable Development – This statement emphasises the encouragement that should be given to mixed-use development and also the role of substantial pre-application consultation and community involvement prior to the submission of a planning application.

- PPG2: Green Belts – Inappropriate development within the Green Belt should not be allowed unless very special circumstances can be justified and shown.
- PPG3: Housing – This directs that new housing development should take place in sustainable locations on previously developed sites in existing urban areas and that Councils should undertake urban capacity studies to identify such sites. The guidance also gives general advice about the quality of new housing, mix, densities to be provided and car parking guidelines. In January 2005 the Government published a new paragraph 42A the effect of which is to introduce a presumption in favour of housing on existing employment sites that are no longer needed for that use. Only where the site's development for housing would undermine the relevant regional or local housing or employment strategy should permission be resisted.
- PPG4: Industry and Commercial Development – This guidance deals with the planning issues associated with the location of industrial and commercial development and seeks to reconcile the need for economic development with the Government's environmental objectives. It does stress the need to bring back underused or vacant former industrial land in to beneficial use which is crucial in achieving regeneration of towns and cities. It also emphasises the importance of maximising the reuse of urban land.
- PPS6: Planning for Town Centres – This statement was issued in 2005 and sets out the Government's key objectives for town centres to promote their vitality and viability in planning for growth and development and promoting and enhancing existing centres. It sets out a number of criteria for considering the development of town centres in development plan documents and the need to ensure that retail, office and leisure developments are incorporated in centres where possible which are most accessible and which strengthen the role of town centres in providing services to a wide range of the population. The PPS though does also set out the wider Government policy objectives of delivering more sustainable patterns of development, ensuring that locations are fully exploited through high density, mixed-use development and promoting sustainable transport choices, including reducing the need to travel and providing alternatives to car use. It sets out that in dealing with planning applications material considerations to be taken into account include physical regeneration, employment, economic growth and social inclusion. Small scale ancillary retail development out of centres is not necessarily unacceptable providing that it remains ancillary and small in scale and the use of planning conditions to ensure that this happens is recommended.



- PPS9: Nature Conservation – This is a recent Planning Statement replacing PPG9 and sets out the Government’s policies for the conservation of the natural heritage and embodies the Government’s commitment to sustainable development and to conserving wildlife diversity.
- PPG13: Transport – Aims to promote sustainable transport choice, accessibility to jobs and essential services by non-car modes, thereby reducing the need to travel. Also recommends the use of travel plans.
- PPG15: Heritage – This sets out the Government’s objectives in dealing with all aspects of heritage including conservation areas and listed buildings.
- PPG16: Archaeology and Planning – Sets out detailed guidance on the importance of the consideration of archaeological matters during the consideration of a planning application and the need for works to be retained in situ or for watching briefs to be maintained during the development process.
- PPG17: Open Space, Sport and Recreation – In considering new housing proposals, local authorities should ensure that provision is made for local sports and recreational facilities. In planning for development local authorities should seek opportunities to improve the local open space network, to create public open space from vacant land and to incorporate open space within new development on previously developed land.
- PPG23: Planning and Pollution Control – This states that the planning authorities may use conditions or planning obligations to meet planning goals to protect the environment, where these are relevant to the development proposed, including where there is a need to ensure decontamination works are undertaken.
- PPG24: Planning and Noise – This confirms that the impact of noise can be a material consideration in the determination of planning applications.
- PPG25: Development and Flood Risk – This sets out the Government’s policy on the positive role of land use planning in reducing the risk to people, the developed and natural environment from flooding. In assessing proposed new development the impact of the development from flooding or increased flood risk elsewhere should be considered. The restriction and reduction of surface water run-off from new developments is also encouraged through the use of sustainable drainage systems.

## **7.2 Regional Planning Guidance;**

The Regional Spatial Strategy (RSS) – The RSS for Yorkshire and the Humber was established in September 2004 and comprises former Regional Planning Guidance Note 12. This picks up national policy themes including the encouragement for the development of previously developed urban sites and translates them into regional policy.

Relevant regional policies are;

S3 - which seeks to foster the renaissance of existing urban and regional settlements of all sizes and make them more attractive, high quality and safe places to live, work, shop, spend leisure time and invest in. This is achieved by concentrating new developments of all appropriate kinds within existing settlements in ways which respect their character and landscape setting, by improving the quality of life they offer including reclaiming and remediating derelict and underused land for development, open space, recreation and amenity and high standards of design.

P1 - continues the support for the redevelopment of brownfield urban sites by setting out a series of locational principles for new development. The policy seeks to minimise the need for greenfield development and the need to travel and confirms that wherever possible, development should be located within urban areas. This should be achieved by adopting a sequential approach to meeting development needs, prioritising the reuse of suitable previously developed land and buildings within urban areas.

SOC3 and S3 seek to ensure that the provision of facilities minimises the need for communities to travel, especially by car.

T1 provides advice on the integration of planning and transportation.

The Revised Draft RSS was issued for consultation on 16 January 2006. Whilst acknowledging its status, it is noted that the Revised Draft RSS proposes significantly higher house-building targets for the District as well as an increased target of 80% for new housing on previously developed land.

## **7.3 Adopted Unitary Development Plan**

Within the adopted Unitary Development Plan (UDP) there are some site specific designations which affect the perimeters of this site. The eastern part of the site beyond the existing site entrance is in the Green Belt as is the western extremity of the site between Pollard Lane and Cow Beck across part of the valley floor. At the north-western part of the site adjoining the western entrance there is also a piece of land which is in the Green Belt and the Green Belt designation in this part of the A65 is actually drawn inside the site to include the woodland trees along the northern boundary on the southern side of the A65. A small piece of land on the valley floor towards the western end of the site and immediately to the west of Cow Beck is down as an E3

existing supply site under the local economy. This part of the site together with adjoining land to the west and the east is designated as washland.

**There are no specific proposals put forward for this site in the UDP.**

The environmental sensitivities of the site are demonstrated by the Leeds Nature Areas (LNAs) to the north (Hawthornthwaite Wood) and to the south (Bramley Falls) and also to the Leeds-Liverpool canal to the south which is a Site of Special Scientific Interest (SSSI). The site is therefore effectively surrounded by Green Belt and areas of special interest in terms of nature and the environment. Land to the north, west and south as well as the fringes of the site to the north and south are designated as urban green corridors.

There are a number of relevant policies in the adopted UDP which should be taken into account when considering this planning application;-

- GP2: Development proposals on redevelopment sites for which there are no specific proposals in the local plan will be considered favourably in the context of other policies in the plan.
- GP5: Detailed planning considerations need to be taken into account in looking at development proposals.
- SP3: New development to be concentrated within or adjoining main urban areas on site well served by public transport.
- SP4: Priority to supporting public transport.
- S9: Non-major retail proposals outside of defined centres.
- SA6: Promotion of tourism.
- LT7: Encouragement of the development of a wide range of visitor accommodation.
- HO4: Major hotel development outside city centre and adjoining inner city areas normally be acceptable where it will contribute toward the regeneration of the riverside
- T1: Transport investment will be directed to supporting public transport.
- T2: New development should normally be served adequately by existing or programmed highways, be capable of being adequately served by public transport, and make adequate provision for parking and be within convenient walking distance of local facilities.
- T5/T6: The need for safe and secure access for pedestrians, cyclists and disabled people.
- T15: Measures to give priority to bus movements will be supported.
- T16: Support to the provision of park and ride facilities associated with bus routes and rail stations.
- T24: Requires the provision of adequate parking and associated with the detailed guidelines contained in the annex to the UDP.

- N2/N4: The requirement for a hierarchy of greenspaces within residential developments.
- N8: Development affecting urban green corridors.
- N12: Sets out the fundamental priorities for urban design that all development proposals should respect.
- N13: Requires all new buildings to be of high quality and to incorporate contemporary design that is sympathetic to its setting
- N14: Presumption in favour of the preservation of listed buildings.
- N23: Development should retain wherever possible existing features that make a positive visual contribution.
- N24: Proposals abutting the Green Belt must be assimilated into the landscape.
- N29: Requires sites and monuments of archaeological importance to be preserved and investigated to provide an accurate record of their significance.
- N32: Development principles within the Green Belt.
- N38: Development within flood plains.
- N49: Developments resulting in significant net depletion of wildlife or habitats will not normally be permitted.
- N50: Impact of proposals on local nature areas (LNA).
- N51: Encourages new development to enhance existing wildlife habitats and provide new areas for wildlife as opportunities arise.
- N52: Reclamation of derelict/despoiled land to enhance and provide wildlife areas.
- ARC4: Confirms there will be a presumption in favour of the physical preservation of Class 2 areas and their settings.
- ARC5: Informed planning decisions need to be made where development may adversely affect a Class 2 area or its setting.
- ARC6: Refers to the use of planning obligations to secure the implementation of appropriate programme of archaeological investigation before development commences.
- E3: Existing supply of industrial land.
- E5: Deals with proposals for employment uses on sites not identified as such in the UDP.
- E7: Relates to proposals for non-employment uses on employment sites, either allocated or in use as such.
- H1A: Need to take account of guidance in PPG3 (Housing).
- H8: Development of housing on non-identified sites in the UDP.
- H11/H12: Affordable housing requirements.
- .

The Leeds UDP First Deposit (2003) also contains relevant policies;-

- GP9: Development must ensure that it meets sustainable design principles.
- GP10: Requires a Sustainability Appraisal.

- N38A: Development will not be permitted on washland unless it is for open uses or essential transport/utility infrastructure.
- N38B: Applicants must submit a Flood Risk Assessment in certain circumstances.
- H2: The phasing of housing land release into three phases. The majority of Phase 1 land to comprise brownfield land within the main urban area.
- T2C: All planning applications of significant traffic generation must be accompanied by Travel Plan.
- T2D: Where public accessibility is unacceptable the Council will expect developer contributions.
- E7: Extends resistance to development of employment sites to those “last” in employment use unless the site comprises a mixed-use scheme.

The Inspector’s Report following the Public Inquiry into representations in the UDP Review was received back in November 2005. The Report confirms the general approach to Housing Strategy and the phasing policy with the emphasis and importance of the development of brownfield sites in the next few years. The Inspector in his decisions on individual sites has emphasised the need to develop sites within the main urban areas before embarking on major urban extensions. In relation to policy E7 the Inspector recommends that the policy and supporting text be modified to accord with PPG3 para 42a.

## 7.4 Supplementary Planning Guidance

A Planning Framework for Kirkstall Forge was adopted as Supplementary Planning Guidance on 26 September 2003 following public consultation in June and July 2003 (SPG26). **The Framework should therefore be afforded significant weight in the consideration of this application.** The objective of the SPG is to guide redevelopment of this key site and form a basis for bringing forward a more detailed masterplan for the site.

The overall intention is to create a mixed-use development with retention of some employment uses as an essential element of the redevelopment. The Framework therefore sets out that the redevelopment should include a mix of uses with a satisfactory proportion of employment generating uses within the B1 and B2 use classes (equivalent amount of employment floor space to that existing prior to the Forge closure), different types of residential accommodation, support facilities including those in use Class C1 (Hotel) and A3 (specifically public house/restaurant), greenspace and recreation, and uses which bring life to the river and its banks.

Specific requirements of the Framework are as follows;

- 20% of the total dwellings on the site should be affordable with a balanced mix of sizes and types with 50% being sub-market and 50% social rent.
- a minimum of 20% of the area should be laid out as greenspace not including the riverside walkway.
- Land contamination should be addressed.
- Phasing details will need to be negotiated through the outline application and detailed planning applications and a Section 106 Agreement.
- This is an important historical site – some features of historical and archaeological interest may need to be preserved in situ, others restored, interpreted and incorporated into new developments so the scheme reflects the site's historic character.
- There is a need to promote public transport and include feasibility of establishing a rail halt adjacent to the site and improvement of bus services.
- How the site links into strategic pedestrian and cycle movement across the valley and watercourses is important to improve linkages between communities with direct access to Abbey Road and Woodland paths to the north and the south.
- Parking below the maximum standards in the UDP is to be encouraged. A large proportion of the car parking ought to be in basement car parks or below landscape deck and avoid dominance of surface car parking areas.
- A Travel Plan will be necessary.
- Proposals should reflect guidance in "Neighbourhoods for Living" SPG. Innovative design and sustainable development objectives should be integrated into any proposals including sustainable drainage. A soft landscape structure should define and create a hierarchy of spaces.
- A walkway/cycleway should be provided along the River Aire and where possible link to the Leeds-Liverpool canal footpath. Links should be provided over the river for pedestrians and cyclists to the island site. There should be a dedicated bridge over the railway for pedestrians and cyclists.
- The goit and Abbey Mill Race should be retained and reopened where possible.
- There should be a maintenance and improving of habitat for otters along the river and avoiding a hard edge where possible.
- Flooding implications should be properly looked at and resolved as part of the application and restrictions on the rate of run-off and use of sustainable drainage will be important.

## **8.0 MAIN ISSUES**

1. Compliance with Policy – Mix of Uses
2. The Scale and Massing of the Scheme
3. Design Quality
4. Transport Implications and the Impact on the Highway Network
5. The Environmental Impact
6. The Impact on Listed Buildings/Archaeology/ Conservation Areas
7. Impact on the River Aire
8. The Planning Benefits Package
9. The Legal Agreement and Planning Conditions

## **9.0 APPRAISAL**

### **9.1 Compliance with Policy – Mix of Uses**

- 9.1.1 The site is a substantial brownfield site within the main urban area in a very sustainable location close to local facilities and infrastructure. It therefore offers a substantial opportunity for a high quality redevelopment which will substantially regenerate this part of the Kirkstall valley. It is generally recognised both by officers and by the local community that the previous use of the site for heavy industry is now obsolete and no longer applicable and that a new reuse of the site should be found.
- 9.1.2 The context for the consideration of this planning application is the several years of work which has been done in the production of the Kirkstall Forge Framework done by the City Council and then the significant amount of community consultation to bring about the current scheme that is undertaken by CEG since they acquired the site in March 2003. It is generally recognised in the community and amongst officers and members that the extensive public consultation and involvement in this project is unparalleled within the city and is an exemplar for major development sites within the city. It is also fully in accordance with the principles set out in PPS1 in terms of delivering sustainable development and is a material consideration in dealing with this planning application.
- 9.1.3 The backcloth to the production of this scheme which is before Members is the production of the Leeds Urban Housing Capacity Study (UHCS) produced in August 2003 and the adoption of the Kirkstall Forge Planning Framework as Supplementary Planning Guidance (26) in September 2003.
- 9.1.4 The UHCS was undertaken by the City Council in accordance with national policy in PPG3 in order to identify sites with potential for new housing development. The exercise did identify Kirkstall Forge as a site acceptable for new housing and indicated at that stage an undiscounted capacity of 500 dwellings on a 6.56 hectare parcel of the site. The document endorsed in

principle the acceptability of the site as a location for new housing at a high density (about 76 units per hectare). At the time the capacity of the site was limited because it was thought that this was the extent of land within the site to be available for development at the time the UHCS was being prepared and was not a ceiling for the overall development of the site. In the UHCS the site lay within the priority survey area as it was within a high accessibility zone which was defined as being within 300 metres of a main bus corridor, 600 metres of light rail or 800 metres of heavy rail stop.

- 9.1.5 Kirkstall Forge Planning Statement was prepared with public consultation and was adopted so that it could guide the redevelopment of this key site to ensure the proposals which are brought forward for reuse are sustainable and provide maximum benefit to the local communities in which the site is located. Whilst not setting a capacity for the site the Framework clearly talks about the site being reused for a mixed-use development including employment generating uses within the B1 and B2 use classes, different types of residential accommodation, support facilities including those within the use class C1 (Hotel) and A3 (specifically public house/restaurant), greenspace and recreation areas and uses which bring life to the river and its banks. The range of uses which are included within this application reflect the Framework and also public consultation which has been undertaken and which is summarised earlier in this report.
- 9.1.6 The regeneration of this site for a mixed-use scheme which is sustainable is considered to be wholly in line both with national, regional and Unitary Development Plan policy and the Kirkstall Forge Framework. For the purpose of determining this application the Development Plan is the RSS and the saved policies of the UDP. The reuse of the site with a mix of uses will provide the opportunity for people to live and work on the site and will give a reasonable opportunity for trips to be minimised. This reflects Government guidance on achieving sustainable development set out clearly within PPS1 and PPG3 but also retains useful employment on the site in accordance with PPG4 and the objectives of the Framework and detailed policies within the Unitary Development Plan.
- 9.1.7 In locational terms it is considered that this site is well placed in terms of accessibility and meets all the criteria for being a priority area where sustainable development should be achieved. It is close to the A65, a main arterial route into the City Centre where there are existing bus services and where improved bus services and priority is proposed via the Quality Bus Initiative (QBI). It also adjoins the main railway line in to Leeds from Ilkley/Shipley and a key component of the scheme is the deliverability of a railway station as part of the overall development. There is a well established district centre with shopping and other service facilities established at Kirkstall Bridge which is within a relatively short distance to the east of the site and where there are now applications for the further enhancement and enlargement of the centre which are referred to in the planning history.
- 9.1.8 If the City Council are to ensure that it meets Government targets in relation to the provision of new housing and also to meet the strategy of the Unitary



Development Plan in terms of the priority given to the reuse of brownfield sites then this is a key site which must be brought forward for development.

- 9.1.9 The adopted Planning Framework suggests that in the development employment generating uses within the B1 and B2 use classes (i.e. office, light industrial and general industrial) would be acceptable and that an equivalent amount of floor space should be provided to that which currently exists on the site. Members will be aware that the existing footprint of the buildings and their associated hard-standings is substantial and covers the majority of the site outside of the woodland edges. Employment on the site at the time of closure of Dana Spicer in December 2002 was approximately 300 people. The application proposals aim to deliver 16,500 square metres of B1 office floor space in a range of flexible formats, dispersed throughout the site including along the riverside and in the gateway building at the eastern entrance to the site. There is a concentration of commercial activity around the proposed location for a railway station. The scale and nature of the proposed office development has been formulated to appeal to a range of potential occupiers ranging from small businesses to regional, national and public sector occupiers. In addition to office development it is proposed that a range of additional non-B class type job opportunities will also be created via the support facilities that are integral and essential to the overall development.
- 9.1.10 The detailed job generation calculations which have been provided as part of the application suggest that when it is complete the development will employ approximately 1,170 jobs in office development and 370 jobs in support and other facilities. In addition it is calculated that there will be spin-off jobs within the local area and wider region from the businesses within the site in terms of goods supplies and services from other firms. In addition to these of course there is the substantial number of construction jobs which will be created during the lifetime of the development. The aim with the development is therefore not to be able to create an equivalent amount of floor area ( current useable industrial buildings on the site total some 43,300 square metres) because the general economic climate and demand for commercial premises has changed, but to create a substantial additional demand for jobs on the site in a form of development which will be compatible with the housing scheme to overall create a high quality mixed-use scheme where people will both live and work.
- 9.1.11 It is acknowledged that it will be very difficult to provide heavy industrial uses on this particular valley site and public consultation has shown that this would not be a form of development on the site which would be favoured by local people. Local jobs are considered to be important and it is thought that the employment aspect of this proposal more than satisfies the desire for an equivalent amount of employment to be provided on this site as required by the Framework. As such it is considered that the development complies with the relevant policies within the Unitary Development Plan and particularly Policy E7 and Policy E3 where part of the western part of the site is shown as existing employment land supply.

- 9.1.12 It should be noted that the Inspector in his report on the Unitary Development Plan Review particularly on Policy E7 has felt that the tightening of the policy proposed by the City Council is unduly restrictive and he has recommended the deletion of a couple of criteria which he considers to be not consistent with national policy advice in relation to PPG3 paragraph 42a. Nevertheless this proposal is a genuinely mixed-use scheme which whilst there is an emphasis on housing there is still substantial employment generating uses within it.
- 9.1.13 Recent guidance in relation to PPS6 states that office and leisure development should generally be located in town and district and other centres to give the best chances of accessibility to all sections of the community. It is considered given the balance of policies that are included both in national policy, regional policy and Unitary Development Plan policy and the significant weight which can be afforded to the Kirkstall Forge Planning Statement that the element of office use within this particular proposal can and should be supported.
- 9.1.14 The support facilities for the mixed-use scheme that are proposed include;-
- Small scale shopping facilities to meet the day to day needs of residents and employees on the site in a range of units such as newsagent, sandwich shop, general convenience store, pharmacy or dry cleaners;
  - Bars and restaurants to include coffee shops, bars, a public house and restaurants catering for differing dining requirements;
  - A health and fitness facility and spa which is proposed on the basis of the needs of people living and working on the site and is supported by increased Government emphasis on healthy living;
  - A crèche/management suite to provide onsite childcare that is both attractive to employees and residents. The management suite will have the potential to provide a multi-purpose community space, capable of fulfilling a wide range of social functions;
  - Banking for those people living and working on the site; and
  - A riverside hotel catering for the accommodation needs of visitors to both the employment and residential elements of the proposals, but also capable of assisting in meeting wider tourism needs.
- 9.1.15 The retail element shows a total of under 1,000 square metres (10,600 square feet) which is well short of the PPS6 criteria of a major retail development and will clearly need planning conditions to limit its extent and to ensure that it remains ancillary to the needs of the development. In relation to the hotel clearly this is an element which was included within the Kirkstall Forge Planning Framework and is also supported by Policy HO4 within the adopted Unitary Development Plan where hotels outside the City Centre and adjoining inner-city areas will normally be acceptable where they contribute towards the regeneration of the riverside. The hotel proposal is a significant element within the scheme and is integral to the proposal in regenerating this site.
- 9.1.16 The application proposals make provision for a total of 1,385 dwellings, based upon an indicative mix of 1,133 apartments and 252 houses in detached and townhouse format and also via the conversion of existing mill

cottages and stables at the eastern end of the site. Overall the development density proposed on this site is somewhere in the region of 60 dwellings per hectare. The proposed balance of house types on the site has been driven by a number of factors which include the goal of maximising the efficient use of land through high densities, the need for an appropriate design response to the site and its riverside setting, and market advice on “gaps” in provision and the need to balance local mix in the context of existing house types. All of these factors are found within PPG3 guidance. The scale and massing of the scheme and the Design Statement are considered further in the next section but suffice to say that the general objective has been to achieve a truly mixed-use scheme in a high quality living environment, positively shaped by the provision for public transport and with a range of greenspaces and public realm.

## **9.2 The Scale and Massing of the Scheme**

- 9.2.1 The Design Statement submitted with the planning application sets out the detailed and lengthy process that has led to the production of the masterplan. The evaluation process leading to the design has been informed by significant public consultation and by a full review of relevant up to date national planning policy and best practice guidance on design led by PPG1, PPS1 and PPG3 and associated guides and by advice from CABI. In a more local context the process has also paid due regard to information within the Kirkstall Forge Planning Framework.
- 9.2.2 A number of alternative development frameworks have been proposed and appraised as part of the evaluation process which have included such key factors as location, types of buildings, highways, access, permeability, form and massing and the frameworks have then been assessed and tested against functional, cultural and locational goals. It is true to say that the topography and natural characteristics of the site have both benefited and constrained the final form of the masterplan for this site. It is also noted that the gradient visually isolates the bulk of the site from the surrounding area and at present only fleeting views are obtained seen either from the railway line or from the canal towpath to the south of the site. The physical constraints and characteristics of the site mean that development platforms need to be created within the site on the valley bottom and that from within the site little of the surrounding area is visible promoting the concept of an inclusive community. The topography, particularly of the steep north valley side, will also limit the scale of development but will also constrain the views across the valley and from the more elevated sides.
- 9.2.3 The main aim of opening up the site for public use and the connection of the site to existing areas of public open space to the north and south and along the riverside together with giving priority to pedestrians and minimising the impact of the car have been fundamental aims which have been pursued in developing the final scheme. Whilst the Kirkstall Forge site has a lengthy history of industry related development, much of the subsequent growth and redevelopment of the site over the years have changed its original features and changed its character significantly so that a number of the water-driven

features have either been damned or subsequently filled in and the current context of the Forge has been compromised. The masterplan does seek to blend old with new and in so doing create a contemporary environment and community. In some ways there are similarities with the general drive and ethos when Sir Titus Salt developed Saltaire as a location which combined an inclusive live/work environment.

- 9.2.4 During the two-year appraisal and preparation of the masterplan the site constraints have been analysed in depth by a series of specialist advisors looking at critical areas of topography, transport, heritage/archaeology, contamination, hydrology and permeability. These have informed the Environmental Statement which has been submitted as part of the application. The characteristics and topography of the site have been seen as opportunities to develop a medium-rise development which could take place without intrusion in to the surrounding landscape or skyline and which also give a significant scale of development here on a brownfield site thereby easing pressure on more peripheral greenfield areas.
- 9.2.5 The structure of the masterplan has sought to produce a high density development within the middle body of the site where the island of land between the river and the railway is and then to decrease the scale and density of development towards the edges of the site. To the west this will be within the washland area and will lead towards the Green Belt and Pollard Lane and is shown as detached housing whilst to the eastern entrance of the site there is the Forge and the sensitivities of existing listed buildings. A gateway building on the eastern entrance to the A65 is proposed to mark the entrance. This is on the western side of this access and not in the Green Belt and would have to be a building whose architecture is striking as a landmark or statement building. The main height of the development is therefore in the centre of the site located where there are crossings of bridges across the river and near to where the location of the railway station is shown. Ribbons of development have been created to follow contour lines and scaling of buildings has been designed to minimise the intrusion of the development into its surroundings and optimise views where these benefit from more elevated positions.
- 9.2.6 Opportunities for linking the site north south and joining up established routes between Hawksworth and Bramley Fall must be taken as part of the proposal. There is significant connectivity / permeability within the scheme and the creation of a number of public open space areas so that there is a series of spaces provided throughout the development. The key principle of the design is to focus public areas around nodal points but also provide connections to these both along the river. Pedestrian-dominated shared surfaces follow natural site contours where possible. The variation in density across the scheme is balanced to respond to and generate uses which are compatible with the design of the main hubs of the scheme – which in their key locations contain an active mix of uses to give extended life and vibrancy to the scheme. There are two main prime hub locations, one around the location of the Lower Forge and one around the location of the new station.

- 9.2.7 The highest densities and heights of buildings are shown within the central section of the site adjoining the riverside. On the southern bank development is shown as varying in size from 5 storey to 10 storey with one landmark building adjoining the railway station which would be 15 storeys in height. On the northern bank opposite the development is generally shown as lower, between 6 and 9 storeys. Development to the north on higher land towards the A65 is shown as between 3 and 4 storeys. This is similar around the Forge building which provide the context for a central space. There are two feature buildings which are elliptical in shape adjoining the railway line on either side of the river which are some 10 storeys in height. Development at the western and eastern extremities of the site is generally shown as being 2 or 3 storeys in height.
- 9.2.8 At ground floor level the main commercial uses including the bars/restaurants, retail, gymnasium, craft workshops, health spa and crèche are adjoining the riverside, around the station hub or are gathered around the Lower Forge building. The office buildings are towards the western end of the site near the river crossing and at strategic locations within the site. The hotel is within the landmark building near the station.
- 9.2.9 The inclusion of a landmark building at the commercial focus of the site is intended to mark the heart of the commercial zone and provide identification and character for the immediate locality. Its height has been tested with the conclusion that there will only be limited views of it from the outside of the site and one of the most significant of these will always remain that from the railway line. The intention is that for commuters and irregular users of the railway line, it will establish and mark the significance of the site. So it therefore provides a visual focus, a circulation hub, a defining form at both destination and arrival points to the site and a symbol of the Lower Forge regeneration. The form of this building has been carefully considered within the context of the site as a whole and works in design terms connected to the delivery of the railway station.
- 9.2.10 An area of the residential part within the centre part of the site has been looked at in more detail to look clearly at the relationships between the buildings and the spaces that are created and it is felt that the Design Statement and masterplan is robust and gives a good variety of space and form which can then be worked up in more detail through subsequent detailed applications.
- 9.2.11 The Design Statement for this site and the overall evolution of the masterplan has been significantly influenced by officers within the City Council who are generally comfortable with the overall scale and massing of the scheme in design terms within the site and its visual impact within the broader area. There are significant spaces which are open to the public as part of this proposal and the general detail of the masterplan is considered fully acceptable in terms of the public open space that is being provided, the links to riverside, and offsite public open space areas to the north and south, permeability within the scheme, and the creation of walkways along the Abbey Mill Race and also along the riverside. The more detailed sketch study of the

residential area of the northern side of the Aire has shown that the riverside walkway at this point will be of a significant width, and will not appear as a narrow claustrophobic area, that will significantly enhance the riverside in a dense urban setting at this point.

- 9.2.12 In conclusion therefore it is considered that the scale and massing of this scheme does achieve many of the aims and objectives of achieving a sustainable mixed-use scheme with a good use of space within this scheme which provides a variety of built-form and an interesting and potentially very exciting development.

### **9.3 Design Quality**

- 9.3.1 The Design Statement includes sufficient detail to indicate that if it is followed in subsequent detailing of the scheme then a high quality development can be achieved. The masterplan in terms of the overall concept of the scheme, it's philosophy, permeability, public open space provision and spaces between buildings in relation to their size and scale is fully supported. The Design Statement does look at a number of these spaces in more detail to indicate the quality that can be achieved and gives guidance in relation to detailed design and materials. This has not yet been developed sufficiently to become a design Code for the site. At this stage there is a need to retain some flexibility within the overall design parameters for changed circumstances which will almost certainly occur given the 10 year timescale.

- 9.3.2 If quality is to be achieved in the detail however a number of things need to happen;

- The future station needs to work in the framework of the emerging design code and be fully integrated
- A fuller design code is developed in the working up of detailed applications to also include the landscape
- The existing architect team is retained if possible to ensure consistency of approach in moving from the masterplan to the detail
- The urban design quality of the highways needs to relate to the masterplan and Design Statement and be design led particularly in relation to the distributor road and its impact on key locations within the site such as the Lower Forge
- Sensitive and innovative markers at the entrances to announce the development within its Green Belt and landscape setting

## **9.4 Transport Implications and the Impact on the Highway Network**

- 9.4.1 A transport assessment has been submitted and negotiations have been ongoing for some considerable time. Agreement has been reached on the order of traffic volume likely to be generated by the development proposals and most likely distribution onto the local highway network based on local census information. Account has also been taken of the traffic generating potential of the existing buildings on the site should they be brought back into use.
- 9.4.2 As a result it is concluded that the site will generate between 750 and 900 two - way vehicle movements in the morning peak hour. Allowing for the potential of bringing existing buildings back into use the net traffic generation in the am peak is between 380 - 525 vehicle movements in the peak hour. It should be noted that these trip generations are for the am peak hour only (ie 8-9am). In the am peak 3 hour period (7-10am) the trip generations are roughly double the peak hour alone.
- 9.4.3 It can clearly be seen that this site is a major generator of peak hour traffic onto the surrounding road network and there is no disguising the fact that traffic congestion will significantly increase on the A65 corridor in peak times - this will be detrimental to the 1500 existing vehicles using this primary route.
- 9.4.4 This extra traffic, a net additional flow of 250-300 vehicles, will be heading towards Leeds in the am peak hour (8-9am). As the traffic lights at the Kirkstall Gyratory are already at capacity at peak times these extra vehicles will extend the queues. Effectively 300 vehicles will extend the queue by 1800m ie over 1 mile, which along with the queue relocation effect of the Quality Bus Scheme, has the potential of queuing traffic back into Horsforth New Road Side area and back towards Horsforth roundabout itself.
- 9.4.5 Clearly this level of traffic impact will not be noticed in one go as the build programme for the site is over a 10 year period. It would be Highway Officer advice to seek to tie the implementation of the development into key provisions on the highway network eg signalisation of Horsforth roundabout prior to first occupation, provision of rail halt before development flow exceeds extant position.
- 9.4.6 The provision of the rail halt is key to this density of development being acceptable on this site in terms of its otherwise severely detrimental impact on the existing highway network. Although the benefits of the rail halt have not been modelled it is quite clear that the provision of stations at Kirkstall Forge and at Apperley Bridge have the potential to remove a significant number of trips from the A65 corridor.

- 9.4.7 To cater for safe access to and from the site signalised junctions are being provided to existing access points at each end of the site. The entrance at the western end of the site will be linked to the signalisation of the Hawksworth Road junction nearby which is also required as part of the development. An internal road will connect between the two accesses enabling bus penetration into the site and providing a link to the possible rail halt. A public car park is proposed to serve as a park and ride site, primarily for the rail halt but with potential for the bus. Bus and cycle feeder lanes are provided on the approaches to the junctions to minimise delays. The junction designs take account of the A65 QBI scheme.
- 9.4.8 The development proposals, in line with the adopted planning guidance, seek to bring buses into and through the site. First Bus have confirmed that they would look to divert a 10 minute frequency service through the site between 3 and 5 years after commencement, subject to adequate infrastructure being in place. This will be an important factor in supporting the successful implementation of the Green Travel Plan. The Quality Bus Scheme for Kirkstall Road has not yet received government funding but is in the list of regional priorities to be recommended for support as part of the regional review. It is likely to be at least March this year before we have a view from Government as to whether they agree with the regional prioritisation. The first phase of the bus priority scheme, which is funded separately, is however programmed to commence on site this summer covering the length from Horsforth to Kirkstall Lights. *There are currently no firm proposals to enhance the service in terms of numbers of buses although it is expected that the increased reliability of the bus service will lead to increased patronage and hence improved services.*
- 9.4.9 Access by cyclists is currently restricted to the main access roads. Whilst the canal towpath runs close to the site it is not directly accessible due to the barrier of the railway line. An access to the canal towpath is being promoted making use of the Pollard Lane bridge at Newlay, however this is not a convenient route for cyclists wishing to commute into Leeds. There may come an opportunity to form a route to the canal towpath if and when the rail halt is constructed as a bridge across the railway to access the far platform would be required as part of the design. The Developers have indicated that it would be feasible to link the rail halt (once provided) to the canal towpath across land which is in Leeds City Council ownership. This is highly desirable both for commuters on bicycle and also to enable residents from the Bramley side to access both the rail halt and the employment opportunities on the Forge site. A pedestrian route is also being catered for through the rugby ground and on into Kirkstall Abbey grounds. The delivery of these off site connections must be achieved as part of this development.



9.4.10 A substantial Green Travel Plan has been submitted which promotes means of travel other than the single occupancy car. Measures such as free metrocards for a year or a free bicycle per household, personal travel planning and a Kirkstall Forge website posting travel timetables and giving information on local services will be provided. Additionally car share schemes and potential for a car club on site is being investigated. The applicants have indicated their belief that the travel planning measures could bring about reductions in vehicle trips from the site of the order of 15% over that which may otherwise have been expected. It will be a requirement of the travel plan to submit annual surveys to record the progress of the travel plan and set and amend modal split targets as required.

## **9.5 The Environmental Impact**

9.5.1 The Environmental Statement submitted as part of the planning application considers in some detail the potential impact on human beings, land use, landscape and visual impact, cultural and material assets, Flora and Fauna, traffic and transportation, contamination, soils and geology, water and hydrology, noise and vibration, air quality, and the construction process. The non-technical summary sets out the main conclusions and this is backed up by a three-volume Environmental Statement, one volume of which is the Transport Assessment. Overall the conclusions are that the development is positive in terms of its general impact on the landscape and local area.

9.5.2 The removal of the existing large industrial sheds on the site and the decontamination of the site are obviously of significant importance. The built form of smaller building footprints interspersed with peripheral and internal landscape treatment will soften the existing strongly urban character and help to integrate the proposed development with nearby housing and the character of the valley although it is accepted that there will be more urban uses developed towards the centre of the site which will then dissipate outwards to merge with the adjoining areas to the west and east.

9.5.3 The proposed retention, reuse and refurbishment of the listed buildings within the site in a sensitive manner will result in the development having a beneficial and permanent impact on the cultural and material assets of the site. In particular the setting of the Lower Forge will be substantially improved.

9.5.4 The valuable woodland areas around the edges of the site are retained which give the site much of its individual setting along with the topography. Many of the trees are protected by Tree Preservation Orders. The Abbey Mill Race will be retained in its entirety and restored by de-silting to an open water habitat, with significant nature conservation benefits. It is recognised that the redundant goit will be lost as part of the scheme.

9.5.5 Overall nothing of major or substantive nature conservation value will be lost or adversely affected but there will be substantive mitigation and habitat

enhancement. A new wildlife pond is proposed in the western extremity of the site. Appropriate measures will take place to ensure compliance with wildlife legislation including the protection of breeding wild birds and all bat species. There will be an eradication of alien plant species and other measures to improve the riverbanks upstream and downstream of the central part of the site. A management plan will be prepared to ensure the woodlands and other habitats including vegetation and wild species are conserved and managed in the interest of nature conservation and biodiversity.

- 9.5.6 There will be no adverse impact on the setting of the SSSI ( Leeds Liverpool Canal) or the LNAs to the north and south of the site.
- 9.5.7 Each of the potential pollutants identified through ground investigation studies can be satisfactorily addressed by appropriate remediation and will be conditioned as part of any approval. The potential for water pollution from the site is likely to decrease as a result of the development compared to its present industrial setting.
- 9.5.8 Based on measured data the site generally falls within the national standards provided in PPG24 in relation to noise and vibration. Use of appropriate mitigation measures including barriers and upgraded glazing specification where necessary will be employed to achieve acceptable noise levels in all proposed buildings and gardens. Prevailing vibration levels on the site, due to the passage of trains on the adjacent railway line, are below the range for a “low probability of adverse comment”, and should prove acceptable for all occupants of the development. Estimated internal noise levels to commercial and residential properties are within acceptable design ranges.
- 9.5.9 A number of activities during the demolition and construction process are a potential major resource of dust emissions, such as building demolition, soil remediation, earthworks and operation of internal haul roads. The nearest potentially sensitive receptors are residential properties situated a minimum of approximately 50 metres to the north-east of the site. With the implementation of standard best practice mitigation measures the significance of the potential construction dust impacts is considered to be modest at most. The site complies with air quality standards and is suitable for residential development.
- 9.5.10 Overall it is considered that there are positive things coming from this scheme in terms of environmental impact and those elements where there is increased impact, apart from traffic volumes, can be adequately mitigated. In the consideration of all of this however it must be recognised that the history of the site has been one of heavy industry with significant adverse environmental impact and this application represents a major opportunity to improve the site and the character of the local area. A range of positive environmental measures are made as part of the application, which include;-
- The creation of a network of connected greenspaces, walkways and other areas of open space throughout the development site (so that 60% of the

overall site area will be open space compared to 20% requested in the Planning Framework);

- Comprehensive proposals for new tree planting and landscaping throughout the site;
- The ecological enhancements that are proposed including the creation of a new wildlife pond and wildlife meadow;
- The riverbank treatment strategy, still under discussion with the Environment Agency, which proposes measures including the provision of artificial halts to aid the passage of otters along the River Aire;
- The detailed site remediation and decontamination measures set out in the Environmental Statement and which are expected to be the subject of conditions attached to a planning permission.

## **9.6 The Impact on Listed Buildings / Archaeology / Conservation Areas**

9.6.1 The intention for the Lower Forge is to substantially enhance the setting of what remains of this historic building. The Lower Forge building represents the industrial heritage of the site, which through subsequent phases of production-related development has been encroached upon and eroded in stature. This scheme offers the potential to redress that balance and realise the potential of this building to act as a focus and a hub for leisure-based activities for local people. The proposals would bring back into active use the old Lower Forge building and the indicative drawings submitted as part of the application suggest that it could become a restaurant/leisure building with a more modern glass building abutting the existing derelict shell. Around the space it is envisaged that a traffic-free pedestrian square can be developed with buildings of a semi-formal setting in contemporary style to complement the historic stone building of the Lower Forge. Water is also suggested within this design which will be entirely consistent with the previous use of the building and opportunity for the existing tail-race from the Forge in to the river to be opened up more as a public amenity.

9.6.2 The other listed buildings within the site are to be reused as part of the scheme for residential purpose which seems fully appropriate given their size, scale and setting. The existing milepost on the A65 is not shown as being affected by this proposal at present. Its setting could however be enhanced given other street furniture in the locality and opportunity for doing that should be explored.

9.6.3 The archaeological investigation done to date does not suggest that there are any significant findings in the underground archaeology. Some further work is however still required and this will be conditioned to take place before any other development commences. This includes work to Trench 5 which is mentioned by WYAS as of great importance and only when the findings of this trench (which is currently under an existing building with a heavy concrete base) have been obtained will decisions be able to be made about the possible future use of this area. An archaeological watching brief will be necessary during the development of the site.

- 9.6.4 It is not considered that the development will have an adverse impact on either the Kirkstall Abbey Conservation Area or the Newlay Conservation Area but there should be improved linkages to them by connecting paths.
- 9.6.7 Overall it is considered that the scheme offers substantial benefits in terms of the cultural heritage of the site and an opportunity for them both to be retained, enhanced and also interpreted which could then be linked via footpaths to the historic setting of Kirkstall Abbey and provide an enhanced tourist destination.

## **9.7 Impact on the River Aire**

- 9.7.1 There have been substantial discussions with the Environment Agency in relation to the Flood Risk Assessment for this particular development. At the present time this still remains unresolved and the Environment Agency are maintaining an objection on flood risk grounds. In addition to the flood risk there is also the impact of the proposal on the visual and wildlife element of the river in terms of the treatment to the riverbanks and again this is subject to ongoing discussion. The existing riverbank treatment through the middle of the site is very urban in appearance and poor in quality and the scheme does offer the opportunity for substantial enhancement in this area. It is recognised that there will be different treatments along the river through the site and this complements the design of the masterplan. The central higher density area will have a more urban feel whilst the lower density edges should have a more natural feel. There needs to be further detailed discussions about this as the project progresses which ensures that the eventual outcome is to a high design quality and also protects and enhances nature interests along the river to the satisfaction of the Environment Agency and English Nature.

## **9.8 The Planning Benefits Package**

- 9.8.1 A package of benefits in relation to the application was offered by CEG in August 2005 and has been subject to further discussion and refinement since then. The package has been based on the economics of delivering this particular scheme. It is recognised that there are substantial costs involved in bringing this site forward for development in terms of site clearance and remediation costs and also substantial investment in infrastructure to ensure that the site can be properly serviced.
- 9.8.2 The overall infrastructure costs including remediation, drainage, preparation of development platforms, bridges and access roads is in the order of £30million for 25 net developable acres. The applicants considers that the planning gain given as part of this scheme needs to be considered in the light of this substantial cost. Nevertheless they do accept that this is a large development and accept the need to make contributions in terms of planning benefit.

9.8.3 In terms of approach the main emphasis of the planning benefits package has been to seek to deliver public transport improvements as part of this particular scheme and to minimise the amount of extra trips generated on to the highway network.

9.8.4 The main benefits being offered are a substantial sum towards the following;

- £4 million to enable stations to be delivered at Kirkstall Forge and Apperley Bridge.

- Some contribution towards the QBI scheme for the A65.

A comprehensive and substantial Green Travel Plan which has been costed.

- Signalisation of the A65/ Ring Road roundabout ( currently being costed).
- A park and ride facility to cater for 150 cars
- A small contribution towards education provision ( evidence from the Environmental Statement suggests that there is spare capacity within local schools).
- The refurbishment work of the listed Lower Forge and cottages.
- The provision of affordable housing
- Provision of public open space and subsequent maintenance of both POS and woodland areas

9.8.5 At present the general way of dealing with this has been to suggest the provision of a pot of money in the Section 106 Agreement which could be used towards transport, the improvement to the Ring Road roundabout or affordable housing dependent upon the priorities given to it by the Council. Overall the planning benefit package is substantial and latest estimates suggest it is now over £10 million in total.

9.8.5 The original package included quite a low figure for affordable housing and in total was proposing a contribution of 50 apartments as affordable housing by way of equity share transferred to a registered social landlord at 75% of market value. It is clear from the Kirkstall Forge Framework document that overall the City Council was looking for 20% of the housing on the site to be affordable. There is therefore currently a significant shortfall in provision although it is recognised that there are substantial costs in bringing this site forward and substantial benefits being offered in relation to the provision of public transport. Nevertheless it is considered important that a range of housing is provided on this site which provides a good mix and further thought and negotiation will need to take place to ensure a range of housing prices on

the site so that the City Council's aim for a proportion to be lower priced can be achieved.

## **9.9 The Legal Agreement and Planning Conditions**

- 9.9.1 Work has already started on the drafting of a Section 106 Agreement and a set of planning conditions. This will need to be presented to Members in due course when a final recommendation is able to be made on the application. This work is still in progress as this report is being written particularly given the ongoing discussions taking place in relation to transport and flooding issues. Clearly there will be a need to ensure that the listed building renovation and refurbishment work is brought forward as part of the scheme. There will also need to be consideration given to the phasing of the development and what benefits are delivered at what stages in the lifetime of the development.

## **10 Conclusions**

- 10.1 There is much to commend this scheme both in terms of the process that has been followed and the masterplan which has resulted. The scheme offers substantial benefits in terms of regeneration and reuse of a significant brownfield site and opens up the site to public access for the first time in many centuries. The principle of a mixed use scheme here has been established by the adopted Framework, substantial public consultation and is supported by the raft of national, regional and UDP policies which set the Development Plan and policy context against which this application must be judged.
- 10.2 The design process and evaluation together with national, regional and local context all suggest that the scale of development being proposed is entirely appropriate having regard to the need to make best use of this site and to deliver the substantial public benefits which will result. However this is not without cost. The chief impact will be on the highway network where significant additional traffic generation will occur and which will further add to congestion on the A65 corridor. Whilst the strong aims to minimise trips and maximise public transport use should be pursued even with the implementation of the QBI and the delivery of two train stations at The Forge and Apperley Bridge the likely traffic impact cannot be mitigated but will add to current difficulties. A lesser scale of development whilst reducing the traffic impact will not deliver the benefits being offered and could prove uneconomic given the substantial up-front costs involved in redeveloping this site.
- 10.3 Overall officers consider that the scale of this development should be supported, despite the highway implications, given the compliance with policy and the benefits which result. There is a need to continue to work to achieve the two rail stations which are critical if trips by car are to be reduced.

10.4 Other major issues which need to be resolved are;

- the objection by the EA in relation to the flooding issue
- the cost and feasibility of a traffic controlled junction at the A65 / Ring Road in the light of the recently published Ring Road study
- the level of affordable housing to be provided

10.4 There is also a need to brief Ward Members in the 3 Wards identified so they are brought up to date with the current situation

**Background Papers:**

Application file: 24/96/05/OT.

**REPORT OF THE CHIEF PLANNING AND DEVELOPMENT SERVICES OFFICER  
PLANS PANEL WEST**

**DATE : 20<sup>th</sup> April 2006**

**SUBJECT: Outline Planning Application 24/96/05/OT to erect mixed-use development comprising residential, offices, leisure, hotel, retail and bar/restaurants including access, site remediation, construction of bridges and river works, car parking and landscaping to industrial site at Kirkstall Forge, Abbey Road, Leeds 5.**

**Electoral Wards Affected :**

**Kirkstall, Horsforth**

**Bramley & Stanningley**

**Specific Implications For :**

Ethnic Minorities

☐

Women

☐

Disabled People

☐

**RECOMMENDATION:**

**Defer and Delegate approval of the outline application to the Chief Planning and Development Services Officer subject to the completion of the Section 106 agreement as set out in this report and the conditions contained in the appendix together with any other conditions considered necessary and the removal of the objection from the Environment Agency**

**1. Introduction**

- 1.1 Plans for the redevelopment of Kirkstall Forge were received in February 2005 and reported to Panel on 17<sup>th</sup> February 2005. Panel Members together with other Members of Council had an opportunity in December 2004 for an extended look around the site, a briefing on the proposals and to view the exhibition at the site. An update report was noted by Panel Members on 6<sup>th</sup> October 2005.
- 1.2 A full briefing for Panel Members took place at the site on Thursday 19<sup>th</sup> January 2006 so that Members were given an in depth opportunity to look at the implications and impact of the scheme prior to its formal consideration. A substantial report was then considered by Members at the Panel Meeting on 26<sup>th</sup> January 2006. Members noted the report and approved the principle and scale of development outlined, but deferred the application for further consideration and the resolution of



outstanding issues and Ward Member briefings. Additionally the Panel requested that future reports include information on the following matters:-

- comments of the Environment Agency
- details of the pedestrian linkages outside the site
- progress of discussions with the relevant transport providers
- environmental impact of the scheme and sustainability issues
- progress to deal with Public Right of Way issues

- 1.3 A further report was considered and noted by Panel at the last meeting on 23<sup>rd</sup> March when the position was updated regarding flooding, transport, archaeology and layout. Members were also shown the visual presentation which could not be shown in January and which had been updated and corrected regarding some height inaccuracies discovered with the taller buildings in the scheme.
- 1.4 It has previously been recognised by Panel that it would be sensible, if possible, to deal fully with this outline scheme through the Member stage before the Local Government Elections and any possible Panel changes which might result.

## **2. Outstanding Matters**

- 2.1 Ward Member briefings – these have now been offered to the 9 Members in the 3 wards of Kirkstall, Bramley & Stanningley and Horsforth who have been sent copies of the previous reports to 26<sup>th</sup> January and 23<sup>rd</sup> March Panel. 3 of the Members – Councillors Minkin, Taggart and Hanley are of course also Members of the Plans Panel.
- 2.2 Flooding – the formal response of the Environment Agency to the review of the hydrological and hydraulic modelling of the site by Wallingfords is awaited. At present the Environment Agency have objected to the application and approval could not be given until that objection is finally removed.
- 2.3 Public Right of Way and linkages – whilst more detailed work is required on these elements the importance of them is recognised and provision has been made in the Section 106 and Conditions to ensure they are delivered.
- 2.4 Section 106 Heads of Terms – work has been progressing in drafting an appropriate legal agreement for the site. The main Heads of Terms are as follows:-
- The provision of a Rail Halt contribution of £4 million (Index Linked) towards either
    - a) the provision of a railway station at Kirkstall Forge; or
    - b) the purchase of new rolling stock to service a new railway station at Kirkstall Forge; or
    - c) as a subsidy towards new rolling stock to serve a new railway station at Kirkstall Forge; or
    - d) a combination of any or all of the above

The Rail Halt contribution is being made available for 10 years from grant of planning permission provided that within 2 years Metro has carried out a designated feasibility evaluation of the provision of a new railway station at Kirkstall Forge. Once Metro have entered into an agreement with the Owner to build a new station at the Forge, then the Rail Halt contribution would be paid in two parts:

- a) £2 million within 1 month of commencement of contract to build the rail station at The Forge, and
- b) £2 million on date the train service first stops at The Forge
- A contribution of £3.5 million (Index Linked) to a Footpaths/Highway infrastructure/Affordable Housing pot which can be applied in the Council's absolute discretion towards the provision of any of the following:-
  - a) provision of footpaths from site boundary to grounds of Kirkstall Abbey and from existing canal towpath to the new railway station
  - b) improvements to Horsforth Roundabout
  - c) provision of Affordable Housing on site

The Council would not be able to call upon the money for the linking footpath from the canal to the station until the station had been completed. The contribution to improvements to the Horsforth Roundabout and provision of Affordable Housing would be triggered once 600 open market dwellings have been completed on site, as presently drafted, although discussions are continuing regarding an alternative formula which will take into account any office development which has been built as an appropriate trigger for the drawing upon the money for the Horsforth Roundabout works. The Council would be able to draw upon the money early to enable the footpath link to Kirkstall Abbey to be done as part of the 1<sup>st</sup> Phase and for design fees for the Horsforth Roundabout improvement works to be paid.

- A contribution of £100,000 towards Educational Provision following occupation of 700 dwellings provided the Council is able to demonstrate insufficient capacity in local schools to accommodate the number of pupils which the development will generate.
- Training and Employment initiatives to recruit and train employees having regard to the following training programmes:-
  - Job Placement programme
  - Foundation modern apprenticeships
  - Advanced modern apprenticeships
  - New Deal Welfare
  - Job guarantee
  - Ambition construction

and to send full details of job opportunities prior to construction and occupation of any building to an Officer nominated by the Council.

- To make all Footpath Links identified and available for use by the public as permissive footpaths. This would ensure public access along identified routes within the site but still entitle the owner to close these from time to time to enable maintenance works to be carried out. Within the site all the footpaths would be maintained by the Management Company to be established.
- To appoint an architect prior to commencement of development to have overarching responsibility for ensuring that each phase of the development accords with the design philosophy set out in the Design Statement. This is of great importance to ensure continuity and that the philosophy and quality evident in the outline submission is carried through into the implementation phase and is not lost sight of.

- 2.5 Draft Conditions – work has also been progressing on drafting appropriate conditions for the outline permission. The latest set are appended to this report for information. Whilst these are likely to be refined and perhaps others added, they do give a good indication of the likely conditions to be imposed. The general approach has been to deal with those things to be provided within the site via conditions as part of the approval, and to deal with off site provision via obligations in the Section 106 agreement. The only real exception to this is the works to the Hawsworth Road/A65 junction which is conditioned and will need to be linked to the provision of the western access junction onto the A65.

### **3. Conclusions**

- 3.1 Members have already recognised in previous reports the substantial benefits which result from the scheme in terms of regeneration, the reuse of a significant brownfield site, opening up the site for public access, and the opportunity to create a truly sustainable development in the Kirkstall Valley.

- 3.2 Whilst there are significant costs and risks involved for the developer and substantial investment required in the early years in demolition, remediation and infrastructure provision, a planning benefits package has been assembled which is substantial comprising:-

- £4 m towards improvement to public transport through the provision of a rail station
- £3½ m towards footpath, highway improvements to Horsforth Roundabout and affordable housing
- £1 m committed towards listed building renovation and improvement
- £1 m committed towards implementing a robust Travel Plan for the site
- £100,000 towards educational provision if required

On site substantial areas of public open space will be laid out, including a fully equipped playground, and with other natural areas like the Abbey Mill Race will be managed in the long-term. Two new traffic controlled junctions will be provided to the A65 at the east and west entrance with western access linked to the signalisation of the Hawsworth Road/A65 junction. There are substantial opportunities to improve the river corridor through the site and give improved rights of access with links to wider recreational routes in the Valley.

- 3.3 The scale of development does give rise to significant highway implications for the A65. This was recognised in the report in January. The delivery of the two rail stations at Apperley Bridge and Kirkstall is of critical importance and everything is being done to ensure that these can be delivered. The final decision regarding that however is in the hands of others rather than the developers although they have done all they possibly can to facilitate it.
- 3.4 Overall it is considered that the stage has been reached that the application can be recommended to Members for approval and to be deferred and delegated to Officers subject to the satisfactory completion of the legal agreement, appropriate conditions and the withdrawal of the objection by the Environment Agency.

## APPENDIX

### Kirkstall Forge

#### Revised Draft Conditions – at 03.04.06

1. Application for approval of the following details (hereinafter referred to as the reserved matters) for each phase of the development shall be submitted to the local planning authority within ten years from the date of this permission

Siting of the buildings  
Design  
External appearance  
Landscaping

The development shall be carried out in accordance with the reserved matters as approved.

2. Applications for approval of reserved matters for each phase of the development shall be broadly in accordance with the approved Design Statement unless otherwise agreed in writing by the local planning authority.
3. Approval of the reserved matters shall be obtained from the local planning authority in writing for each phase of the development before each respective phase of the development (excluding works of demolition, site remediation and archaeological investigation) is commenced, unless otherwise agreed in writing by the local planning authority.
4. 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 for the first phase of the development.
5. Prior to the commencement of any part of the development a remediation strategy for the whole of the site shall be submitted to and approved in writing by the local planning authority. The remediation strategy shall include details of:
  - a) phasing and implementation of remediation works;
  - b) existing and proposed ground levels;
  - c) those materials that are to be stored on or removed from the site.The remediation of the site shall be carried out in accordance with the approved remediation strategy or such variations thereto as may subsequently be approved in writing by the local planning authority.
6. In the event that remediation is unable to proceed in accordance with the approved Remediation strategy at any stage or should unexpected significant contamination be encountered during the development, the LPA shall be notified in writing immediately. A revised remediation statement shall then be submitted forthwith which deals with the situation for the approval of the LPA. Works shall thereafter be carried out in accordance with the approved remediation statement.

7. Prior to any phase being occupied a validation report shall be submitted to and approved in writing by the LPA, confirming that any remedial measures necessary in the approved remediation statement for that part of the site have been undertaken satisfactorily.
8. Prior to the commencement of any part of the development details of proposed site compound and cabin locations for the first phase of the development shall be submitted to and approved in writing by the local planning authority. Details of proposed site compounds and cabin locations for subsequent phases shall be submitted to and approved in writing by the LPA prior to the commencement of each phase. Site compounds and cabins shall be located in accordance with the approved details.
9. Prior to the commencement of development a strategy shall be submitted to and approved in writing by the LPA which deals with how the following matters will be dealt with consistently throughout the development:-
  - a) lighting
  - b) bin storage and rubbish collection
  - c) boundary treatments including walling, fencing and hedging
  - d) signposting and signage

Details for each phase shall then be submitted in accordance with the approved strategy.

10. Prior to the commencement of each phase of the development the following details in respect of that phase shall be submitted to and approved in writing by the local planning authority:
  - a) sustainability appraisal;
  - b) foul and surface water drainage;
  - c) works to the River Aire and its banks including any road or pedestrian bridges;
  - d) nature conservation works;
  - e) provision and layout of public open space;
  - f) provision of footpath and cycle links;
  - g) access arrangements for vehicles including servicing and car parking, motor bike and cycle storage areas
  - h) existing and proposed levels
  - i) tree protection measures

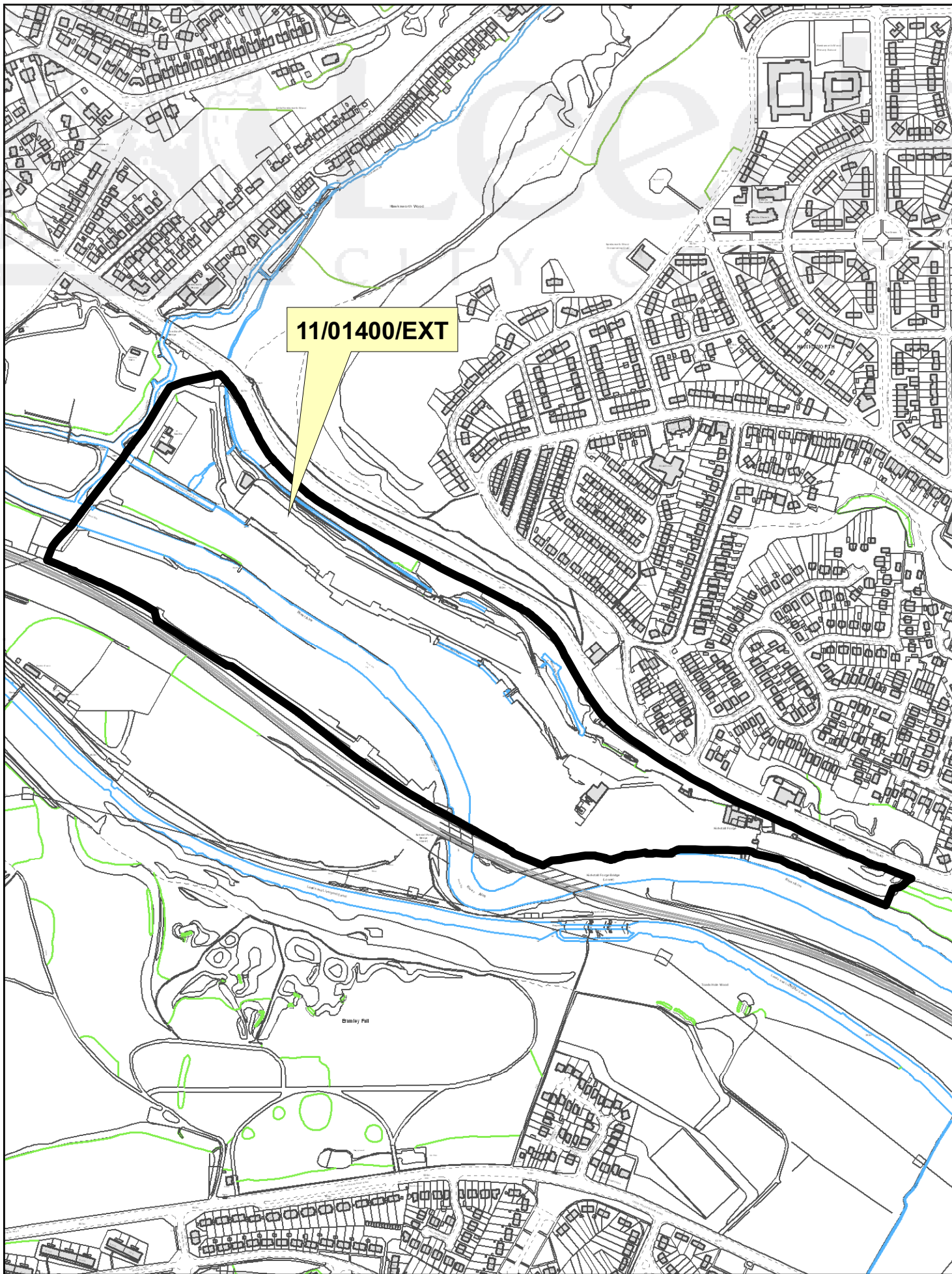
Each phase of the development shall be carried out and completed in accordance with the details as approved, prior to the occupation of each phase.

11. No part of the development shall be occupied until the eastern access junction with the A65 as shown on drawing number [ ] has been constructed in accordance with details to be submitted to and approved in writing by the local planning authority.
12. No occupiers shall use the western access until the works shown on drawing number [ ] to include the works to the Hawksworth Road junction with the A65 have been completed.

13. The western access works including the works to the Hawksworth Road junction with the A65 shall be completed prior to the occupation of 300 dwellings on the site ( or alternative formula to be agreed ) unless otherwise agreed in writing by the local planning authority.
14. A route for buses through the site shall be made available at the earliest opportunity on completion of 450 dwellings unless otherwise agreed in writing by the local planning authority
15. No development shall take place on the site until the applicant, or their agents, or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation comprising strip, map and preservation by record which has been submitted by the applicant an approved in writing by the local planning authority.
16. No development shall take place on the site until an archaeological investigation has been carried out of the area marked "Trench 5" on drawing number [ ] in accordance with a methodology agreed by the LPA, and the results submitted to the LPA.
17. No development shall take place within the Lower Forge area of archaeological interest shown edged in [ ] on drawing number [ ] until details of the development, the design of which shall provide for the preservation of the archaeological interest in situ, have been submitted to and approved in writing by the local planning authority. Development within the Lower Forge area shall be carried out in accordance with the approved details.
18. [Prior to the occupation of the first phase of the development] a scheme for the display and interpretation to the public of the archaeological artefacts within the Lower Forge area of archaeological interest shall be submitted to and approved in writing by the local planning authority. The archaeological artefacts shall be made available for public display in accordance with the approved details.
19. Prior to the commencement of the first phase of the development the listed buildings on the site shall be protected and the listed cottages made weather-tight in accordance with details to be submitted to and approved in writing by the local planning authority.
20. Prior to the commencement of construction of any buildings on the site a programme of works for the refurbishment of the listed buildings shall be submitted to and approved in writing by the local planning authority. The refurbishment works shall be carried out in accordance with the approved programme unless otherwise agreed in writing by the local planning authority.
21. Prior to occupation of any part of the development an overall strategy for the management and maintenance of woodland, landscaped and public open space areas shall be submitted to and approved in writing by the local planning authority. A detailed management and maintenance plan for each phase of the development which shall be in accordance with the approved overall strategy shall be submitted to and approved in writing by the local planning authority prior to the occupation of each respective phase of the development. The woodland, landscaped and public open space areas shall thereafter be managed and maintained in accordance with the approved management plan for the relevant phase of the development.

- 22 Landscaping works and laying out of public open space areas in respect of each phase of the development shall be carried out in accordance with the approved reserved matters prior to the occupation of each phase of the development.
23. Trees and shrubs dying or becoming diseased within 5 years of completion of the relevant phase of landscaping and open space works shall be replaced with a tree or shrub of the same size and species within the first available planting season following the loss of the tree or shrub.
24. Prior to the commencement of each phase of the development samples of all external walling and roofing materials and the external treatment of hard surfaced and parking areas in respect of that phase shall be submitted to and approved in writing by the local planning authority. The works shall be constructed in accordance with the approved details.
- 25 The Travel Plan for the development shall be progressed in accordance with the actions, management, programme and measures as set out in the Revised Travel Plan dated [            ]. In particular a Travel Plan Co-ordinator shall be appointed, the Travel Plan Steering Group established, and the interim and Full Travel Plan submitted in accordance with the stated timescales. The Travel Plan shall then be managed, implemented, monitored, renewed and updated over the long term as one of the functions of the Management Company established for the site.
- 26 The class A1 retail floorspace hereby permitted shall not exceed [            ] sq m gross
27. No single class A1 retail unit shall exceed [            ]sq m gross unless otherwise agreed in writing by the LPA.
- 28 There shall be no change of use of any of the class A3 (restaurants and cafes) floorspace hereby permitted to be used for class A1 retail of the Use Classes (Amendment) Order 2005 or any subsequent amendment unless otherwise agreed in writing by the LPA.





# WEST PLANS PANEL

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