



CITY PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 9th May, 2013
at 1.30 pm

MEMBERSHIP

Councillors

P Gruen	M Hamilton	R Procter	T Leadley	D Blackburn
N Taggart (Chair)		G Latty		
S Hamilton				
J McKenna				
E Nash				
N Walshaw				
J Hardy				
T Murray				

**Agenda compiled by:
Angela M Bloor
Governance Services
Civic Hall
Tel: 0113 247 4754**

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>SITE VISIT LETTER</p> <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information 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 Head of Governance Services at least 24 hours before the meeting)</p>	

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2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF PRESS AND PUBLIC</p> <p>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.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p>No exempt items or information have been identified on the agenda</p>	
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	

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4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES</p> <p>To approve the minutes of the City Plans Panel meetings held on 26th March 2013 and 11th April 2013</p> <p>(minutes attached)</p>	3 - 30
7	Morley North		<p>APPLICATION 10/04597/OT - WAKEFIELD ROAD GILDERSOME MORLEY LS27</p> <p>Further to minute 48 of the City Plans Panel meeting held on 13th December 2012, where Panel considered a position statement in respect of an outline application to lay out access road and erect light industry, general industry and warehouse development (use classes B1C, B2 and B8), a 115 bed hotel and pub/restaurant with car parking, to consider the formal application which includes a smaller hotel use, at 90 bedrooms</p> <p>(report attached)</p>	31 - 50

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8	City and Hunslet		<p>APPLICATION 12/03459/FU - LAND AT WHITEHALL ROAD AND GLOBE ROAD LS12</p> <p>Further to minutes 105-108 of the City Plans Panel meeting held on 9th May 2013, where Members deferred determination of an application for a multi-level development up to 17 storeys with 609 residential apartments, commercial units (Class A1 to A5, B1,D1 and D2), car parking, associated access, engineering works, landscape and public amenity space, to consider a further report</p> <p>(report attached)</p>	51 - 92
9	City and Hunslet	10.4(3)	<p>APPLICATION 12/03459/FU - LAND AT WHITEHALL ROAD AND GLOBE ROAD LS12</p> <p>With reference to the agenda item 8 above and minutes 105 - 108 of the City Plans Panel meeting held on 11th April 2013, to consider a report of the Chief Planning Officer in respect of the proposed mixed-use development, with car parking, associated access, engineering works, landscape and public amenity space</p> <p>(report attached)</p>	93 - 162
10	Wetherby		<p>APPLICATION 12/01715/FU - LAND OFF SANDBECK LANE WETHERBY LS22</p> <p>To consider a report of the Chief Planning Officer on an application for the erection of a supermarket and associated infrastructure including car parking provision for 265 vehicles and petrol filling station</p> <p>(report attached)</p>	163 - 194

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11	Rothwell		<p>APPLICATION 12/03400/OT - LAND AT ROYDS LANE ROTHWELL LS26</p> <p>To consider a report of the Chief Planning Officer on an outline application for residential development</p> <p>(report attached)</p>	195 - 218
12	Rothwell		<p>APPLICATION 12/03401/OT - LAND AT FLEET LANE OULTON LS26</p> <p>To consider a report of the Chief Planning Officer on an outline application for residential development</p> <p>(report attached)</p>	219 - 244
13	Burmantofts and Richmond Hill; City and Hunslet		<p>PREAPPS/10/00302 AND 10/00303 - LEEDS STATION TO KNOTSTROP WEIR</p> <p>To consider a report of the Chief Planning Officer on pre-application proposals for the Leeds (River Aire) Flood Alleviation Scheme – Leeds Station to Knostrop Weir</p> <p><i>This is a pre-application presentation and no formal decision on the development will be taken, however it is an opportunity for Panel Members to ask questions, raise issues, seek clarification and comment on the proposals at this stage. A ward member or a nominated community representative has a maximum of 15 minutes to present their comments.</i></p> <p>(report attached)</p>	245 - 254

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14	City and Hunslet		<p>PREAPP/13/00223 - WHITEHALL RIVERSIDE WHITEHALL ROAD LOWER WORTLEY LS12</p> <p>To consider a report of the Chief Planning Officer on pre-application proposals in respect of an outline proposal for 3 office buildings, multi-storey car park and pavilion unit with ground floor food, drink and gym uses and public realm</p> <p><i>This is a pre-application presentation and no formal decision on the development will be taken, however it is an opportunity for Panel Members to ask questions, raise issues, seek clarification and comment on the proposals at this stage. A ward member or a nominated community representative has a maximum of 15 minutes to present their comments.</i></p> <p>(report attached)</p>	255 - 262
15	City and Hunslet		<p>PREAPP/12/00494 - LAND BETWEEN BELGRAVE STREET AND ST ALBAN'S PLACE LS2</p> <p>To consider a report of the Chief Planning Officer on pre-application proposals for student accommodation buildings and new external space</p> <p><i>This is a pre-application presentation and no formal decision on the development will be taken, however it is an opportunity for Panel Members to ask questions, raise issues, seek clarification and comment on the proposals at this stage. A ward member or a nominated community representative has a maximum of 15 minutes to present their comments.</i></p> <p>(report attached)</p>	263 - 270

Item No	Ward	Item Not Open		Page No
16	City and Hunslet		<p>PREAPP/13/0040 - RIVERS HOUSE 21 PARK SQUARE SOUTH LS1</p> <p>To consider a report of the Chief Planning Officer introducing pre-application proposals for alterations and change of use of Rivers House, 21 Park Square South LS1 A separate exempt report has been submitted (agenda item 17)</p> <p>(report attached)</p> <p><i>This is a pre-application presentation and no formal decision on the development will be taken, however it is an opportunity for Panel Members to ask questions, raise issues, seek clarification and comment on the proposals at this stage. A ward member or a nominated community representative has a maximum of 15 minutes to present their comments.</i></p>	271 - 274
17	City and Hunslet	10.4(3)	<p>PREAPP/13/00400 - RIVERS HOUSE 21 PARK SQUARE SOUTH LEEDS LS1</p> <p>With reference to agenda item 16 above, to consider a further report of the Chief Planning Officer on proposed alterations and change of use of Rivers House, 21 Park Square South LS1</p> <p>(report attached)</p>	275 - 280
18			<p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday 6th June 2013 at 1.30pm in the Civic Hall, Leeds</p>	

Chief Executive's Department
Governance Services
4th Floor West
Civic Hall
Leeds LS1 1UR

To all Members of City Plans Panel

Contact: Angela M Bloor
Tel: 0113 247 4754
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Your reference:
Our reference: site visits
Date 30th April 2013

Dear Councillor

SITE VISITS – CITY PLANS PANEL – 9TH MAY 2013

Prior to the meeting of City Plans Panel on Thursday 9th May 2013 the following site visits will take place:

9.05am		Depart Civic Hall
9.15am – 9.45am	City and Hunslet	Preapp/12/00/494 – Proposed student accommodation buildings and new external space – land between Belgrave Street and St Alban's Place LS2
10.00am – 10.30am	Rothwell	Appln 12/03400/OT – Outline application for residential development – land at Royds Lane Rothwell LS26
10.40am – 11.10am	Rothwell	Appln 12/03401/OT – Outline application for residential development – land at Fleet Lane Oulton LS26
11.30am – 12.15Pm	Wetherby	Appln 12/01715/FU – Erection of supermarket and associated infrastructure including car parking provision for 265 vehicles and petrol filling station – land off Sandbeck Lane Wetherby LS22

For those Members requiring transport, a minibus will leave the Civic Hall at **9.05am**. Please notify Daljit Singh (Tel: 247 8010) if you wish to take advantage of this and meet in the Ante Chamber at **9.00am**.

Yours sincerely

Angela M Bloor
Governance Officer



CITY PLANS PANEL

TUESDAY, 26TH MARCH, 2013

PRESENT: Councillor N Taggart in the Chair

Councillors P Gruen, D Blackburn,
M Hamilton, S Hamilton, G Latty,
T Leadley, J McKenna, E Nash,
N Walshaw, J Hardy and J Procter

88 Chair's opening remarks

The Chair welcomed everyone to the meeting and referred to the recent opening of the Trinity Scheme by the Leader of Council. The Chair thanked Members who had sat on this panel and City Centre Panel, which had considered the detailed applications for the Trinity development and paid tribute to the efforts made which had resulted in a quality scheme being delivered for the City

89 Late Items

Although there were no formal late items, the Panel was in receipt of additional information in the form of large scale plans of the sites and a letter of representation dated 25th March 2013, which had been circulated to Members on the site visit which had taken place earlier in the day (minute 94 refers)

90 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

91 Apologies for Absence

Apologies for absence were received from Councillor Murray and Councillor R Procter who was substituted for by Councillor J Procter

92 Development Proposals and Current Planning Applications for East Leeds Extension and Thorpe Park

Panel considered a report of the Chief Planning Officer setting out the overall context of the major planning applications in respect of the Northern Quadrant of the East Leeds Extension and Thorpe Park which also included proposals for the formation of a new public park on the Thorpe Park site

Draft minutes to be approved at the
Meeting to be held on 9th May 2013

Plans and photographs were displayed at the meeting

The Chief Planning Officer introduced the report and stated that the proposals before Panel represented two of the largest schemes the Council would be likely to see for many years and if they were granted, would result in the transformation of East Leeds

Members were informed that the work on these applications had not been completed and that there were several critical issues still being discussed, e.g. highways and retail impact, East Leeds Orbital Route (ELOR), triggers for this and off-site impacts. However, it had been considered appropriate to bring the proposals to Members to provide an update and enable debate and comment ahead of further reports being presented

Common issues on both of the developments were outlined, these being:

- the delivery of ELOR and the Manston Lane Link Road (MLLR)
- the need for a co-ordinated approach to public transport
- the impact on the local highway network and the M1, Junction 46 and the mitigation proposals
- economic regeneration including local jobs, skills and training and that a commitment was required from the developers

In terms of the Northern Quadrant site additional issues were:

- housing and that the levels proposed would help meet the requirements of the Core Strategy,
- education provision, both for primary and secondary pupils
- community infrastructure, e.g. community and health facilities
- greenspace and cycleways and the need for good connections
- drainage, especially sustainable drainage

RESOLVED - To note the report

93 Application 12/02571/OT - Position Statement - Outline Application for means of access and erect residential development (Circa 2000 dwellings), retail, health centre, community centre and primary school development, with associated drainage and landscaping to land between Wetherby Road, Skeltons Lane and York Road, Leeds 14

Plans and photographs were displayed at the meeting. A Members site visit had taken place earlier in the day

The Panel considered a report of the Chief Planning Officer setting out the current position on proposals for a major residential development, including retail, health and community centre facilities, together with a primary school, means of access and associated drainage and landscaping on land between Wetherby Road, Skeltons Lane and York Road, known as the Northern Quadrant of the East Leeds Extension (ELE)

Officers presented the report and began by highlighting the highway issues associated with the proposals, including proposed road closures at Coal Road and Red Hall Lane, the spine road serving the site and the route of the ELOR

The amount of greenspace being provided on the site was also shown, with local concerns about the need for a strong buffer along the side facing the Greenbelt having been taken into account. As the ELOR separated the

road from the Country Park, Members were informed that the developers were amenable to providing a bridge link to this facility and that long term, there would be the opportunity to provide wider links, including to Roundhay Park

The position of the local centre and the primary school were shown. Since the scheme had last been presented, Members were informed that the position of the primary school had changed and was now situated on Skeltons Lane

In terms of phasing of the development, the delivery of the ELOR roundabouts at the A58 and A64 would be delivered early in the scheme, together with separate off-site highway mitigation works, including at the A58, A64 Barwick Road roundabouts with the Ring Road and the Coal Road signals and possibly elsewhere on the network

Construction would commence at each end of the site and delivery of around 693 dwellings and the local centre would form phase 1a

Phase 1b would see around 272 dwellings and the construction of part of the spine road which would join into Skeltons Lane, so providing access through the site. This would then provide the potential to take a bus from the adjacent Grimes Dyke development into the Northern Quadrant site. In the event the Grimes Dyke development was not built, access could be taken from the new roundabout at the A64

Further housing would then be provided, with the final phase seeing the completion of the spine road and the final dwellings

In terms of the S106 considerations, these would be:

- Affordable housing
- Public open space
- Local centre, with space available for retail, health and community centre
- Education contributions
- ELOR – timing and delivery
- Off-site highway improvements
- Public transport
- Employment and training

Members were then given the opportunity to ask questions on the information which had been provided and raised the following matters:

- the wish of the developer to construct around 1200 dwellings before the ELOR was provided and whether there would be sufficient profit generated from the remaining development to construct the road. On this matter, concerns were expressed that as late as the previous week, the East Leeds Regeneration Board had not been informed of this, despite repeated requests for the information
- that money was being put aside to deal with unforeseen issues, the reasons for this and the need for Officers to be certain about all issues before the application was presented for determination
- whether Coal Road could be kept open in one direction and concerns that severing Coal Road could lead to fly tipping
- whether Coal Road to the north could be used as a cycle way

- the possibility that the spine road would become a rat run over time and whether linking the spine road to the Grimes Dyke site was a good idea
- the need for information on the build out rate for the dwellings, in view of one of the developer's indication in the Strategic Housing Land Availability Assessment that 50 units per year was the general construction rate, which would take 24 years, to complete 1200 dwellings on this site before the delivery of the ELOR
- the links from the roundabouts to the M1 and the Ring Road and when these would be built
- how cyclists would be provided for in the scheme
- why the Country Park had not been enclosed by the ELOR and whether Bramley Farm could be saved within the proposals
- the relationship between the housing and the ELOR and whether sound mitigation and buffering would be needed
- the likely target date for determination of the application
- the delivery date for the primary school and whilst a commuted sum for secondary education was being proposed, where the land was to accommodate a new secondary school, which would be needed
- the impact on highways of increased school provision and whether this had been taken into account

It was noted that locally there was support in principle for the development and that considerable efforts were being made to resolve the infrastructure issues associated with the development. The recent Government announcement about funds for infrastructure projects would be pursued. However it was important for these issues to be discussed by all parties in a fruitful way but Members were clear that the developer's proposals for the timing and delivery of the ELOR were not acceptable

Officers provided the following responses:

- that the viability of the proposals was not something Officers could take a view on, based on the information which had been provided but that once commenced, the ELOR between the A64 and A58, would be required to be completed within 3 years, so bringing some certainty to this. The Chief Planning Officer stated that the date of delivery of the ELOR was important and that work was ongoing to confirm a position based on the traffic impact on the local highway network
- regarding unforeseen highways mitigation works, the level of funding to be set aside for this had not been decided upon. Whilst it was the intention to address the issues, invariably there would be issues raised locally and by having some funding, it provided flexibility and allowed for work to be done in the community to address issues which arose over time
- that the alignment of the ELOR did not lend itself for Coal Road to remain a through route. The Chief Planning Officer acknowledged the point raised about possible fly tipping and stated that this would be taken up with the developers

- that Officers were keen to retain a pedestrian/cycle/horse link down Coal Road but the developer had not been able to provide this because of the land take required due to the land levels, although there were benefits to providing cycling on this road
- in respect of the build out rate, this would be 50 units per year for each of the likely developers, starting at each end of the development. The phasing plan indicated a maximum of 200 units per year (including affordable housing)
- that the ELOR/MLLR links outside the Northern Quadrant application from the A64 roundabout to the M1 and the A58 roundabout to the Ring Road were not part of the planning application
- that cycle provision had been included in the scheme although whilst it was continuous, not all of the provision was off-road, based on the current proposals
- concerning Bramley Grange Farm, if the roundabout was moved inwards, it would not be possible to accommodate the spine road. Some concerns were expressed about the potential loss of the farm
- in terms of distances from dwellings to the ELOR, these would be set back from ELOR. This road would also be set 1 metre deeper than the land level and noise mitigation measures in the form of a landscaped bund and area of POS, with cycleways and footways would be provided
- regarding the possible timing of the application for determination, it was likely that it would be brought to Panel in the summer, although it was accepted that much work was needed to resolve the critical issues, particularly around highways
- in respect of education provision, Children's Services had agreed in principle to the revised location of the primary school. For secondary provision, whilst the quantum of development proposed for the Northern Quadrant would not require a secondary school in its own right, development of the whole East Leeds Extension would. Children's Services were looking at a range of options, such as extensions to existing schools; through schools and other sites, further south. Further discussions would be had on where and how the sum provided for secondary provision would be spent

Members then discussed the proposals and commented on the following matters:

- the need to keep in mind issues relating to sustainability, house types and design and the need for a paper to be brought back to Members on these issues
- the importance of not having 'standard' house types which could be seen on any new development in any part of the country and the need for some identity to be provided for this new community; that the site was a gateway and that good design was essential
- the need to fully address drainage issues, which were of local concern
- the need to firmly establish a new Green Belt boundary which this development and the ELOR should achieve

- that the developers should have confidence in the partnership approach to this development to enable it to move forward
- concerns about the viability of the small retail centre within the scheme
- that education provision was essential and that Children's Services should be fully satisfied that contributions were at the correct level although there were concerns where a secondary school could be sited in the future
- that it should be possible to retain Bramley Grange Farm through slight adjustments to the route of the ELOR and Green Belt boundary
- that despite the release of Phase 2 and 3 sites, such as this, the volume house builders and planning consultants had not progressed this scheme in an integrated way and proposed constructing 1200 houses before the ELOR was commenced, with concerns being expressed about the commitment for an early start on the site
- that the infrastructure had to be delivered early in the scheme and the possibility of seeking Central Government funding towards providing this
- the need to keep in mind the overall picture for the whole site, including the effects and implications of individual schemes
- the benefits of having pre-application presentations and position statements brought to Panel to enable a steer to be given to developers
- whether the ELOR in the form proposed provided any relief, particularly on city-bound traffic from Wetherby Road
- concerns about the linear park and that the location of this next to a busy road was not appropriate. On this matter, it was stated that what had been requested locally had been a hard boundary between the site and the Green Belt, which had then resulted in the inclusion of a linear park. The Chief Planning Officer advised that this had been included to ensure the scheme met the required greenspace levels. If this was located inside the site, more housing would need to be found, whereas if it was located as suggested, it provided a better integrated area. It was agreed that this would be looked at further by Officers

In response to the specific points raised in the report, Members provided the following comments:

- to note Members comments regarding the approach to urban design, design code and the illustrative layout depicted in the masterplan
- that Members were satisfied with the footpaths and cyclepaths but that an alternative location was required for the Country Park and that despite what was stated in the submitted report, there was an issue outstanding in respect of Redhall playing fields, with the view being these should be retained
- the need for an appropriate drainage strategy to be drawn up

- that if the roads were built as envisaged, the existing roads would benefit from this and the need for the ELOR to be built in its entirety to be fully beneficial
 - that the mitigation measures proposed in advance of the completion of the Northern Quadrant section of the ELOR were not satisfactory; that early delivery of the ELOR was needed and that Bramley Grange Farm should be retained
 - regarding proposed road closures, that most Members were content with the closure of Coal Road but that a cycle way and police access was needed on this road. In terms of the financial sum which could be drawn upon for unforeseen mitigation measures, in principle this was acceptable, subject to further details being provided on the level of funding to be available
 - in terms of affordable housing, that this should comply with the Council's policy. It was noted that some of the site was within the Harewood Ward, with the level of affordable housing provision in this area being 35%. Members stressed that in view of the phased nature of the scheme, that the affordable housing policy which was in place at the time when the housing was to be delivered, should be applied
 - regarding the location of the proposed primary school, that further information was required to enable Members to form a view on this
 - concerning the approach to and the extent of the proposed local centre, that further information was required and the need for a local store was stressed. On the matter of whether extra care housing should be incorporated within and/or adjacent, that in principle, extra care housing could be provided, subject to siting
 - that further details were required on the proposed S106 package
- RESOLVED** – To note the report and the comments now made and that the Chief Planning Officer be asked to submit a further report addressing general issues relating to sustainability, design and house types

94 Thorpe Park and Associated Highway Infrastructure

Members considered a report of the Chief Planning Officer relating to four applications in respect of a mixed use development at Thorpe Park, together with proposals for the Manston Lane Link Road (MLLR), north to south and east to west

Plans, photographs, drawings and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day. The Panel noted that the former Plans Panel East had considered a preapplication presentation on the proposals for Thorpe Park at its meeting on 9th August 2012, with a copy of the minute detailing the discussions being appended to the report, for information

Officers presented the report which outlined the proposals for an increase in the levels of B1 office space and introduce 22,100 sqm of retail, including a large supermarket of circa 12,000 sqm together with 17,800 sqm of leisure uses including hotels and 3,200 sqm of food and drink uses, together with delivery of the MLLR. A large area – 30 acres - of POS would

run through the centre of the site and be known as Central Park which would link to Green Park to the west of the site and Brown Moor to the east

The large supermarket would be sited on the east side off the MLLR and on Brown Moor. The centre of the site would see a mix of additional retail and leisure uses together with restaurants and the multi-storey car park. Paragraph 10.6 of the submitted report outlined that the principle of a large scale office-based business park was considered acceptable but that the current proposal included additional non-office uses that were not considered to be ancillary, therefore further consideration of these uses was required

Members were informed that Thorpe Park was a business park of its day and that the new owners were seeking to create a heart to the development, increased usage of the site and greater job opportunities

The delivery of the MLLR was a key feature of the scheme. On the north/south route, the MLLR would bridge the existing Leeds-York railway line, with the Council having an agreement up to March 2015, to bridge the railway line. This key date was one which the developer was working back from in terms of drawing up their proposals

Retail assessments had been undertaken by consultants both for the Council and the developer. Whilst it was accepted that the proposals would have some impact on nearby centres, the extent of this was in dispute

As well as the impact on local centres of introducing the amount of proposed retail on the site, the impact on the city centre had also to be considered with a late representation having been received from John Lewis which would form one of the anchor stores of the forthcoming Eastgate and Harewood Quarter development

The S106 considerations were outlined, with these being:

- delivery of Green Park
- delivery of the MLLR as far as necessary for this development, with the cost of works over and above being recovered from other developers who would benefit from the MLLR
- retail mitigation impact
- public transport contribution
- public access
- local employment, jobs and skills

Members were informed that a number of issues remained in respect of the current proposals, with these being outlined in the submitted report

Officers had put forward alternative proposals which sought to overcome some of these problems, these included a scheme providing a similar level of office use to that proposed but locating the supermarket into the heart of the development and providing a smaller level of retail use and introducing housing into the site. This proposal would remove the need for an extra roundabout which Officers were concerned about and would also have less of an impact on Brown Moor. A second, similar scheme had been drawn up by Officers which was similar to the first one but had reduced office space with this being replaced by increased housing, including the possibility of introducing some sheltered housing on the site

The Chief Planning Officer provided further clarification of the issues associated with the proposals

- in terms of the retail position, this was currently subject to debate and the applicant's consultant was of the view that the impact of the scheme would be less than that suggested by the Council's consultant. Employment was a key consideration and the amount of jobs created through the scheme and possibly lost through its impact on existing centres and potential development in the City Centre had to be fully considered
- that the high-end retail proposed for the site had drawn representations from Crown Point Retail Park, Hammersons and John Lewis
- that the two proposals drawn up by Officers reduced the level of retail in the scheme, so there would be less of an impact. These proposals also helped address housing land supply
- that currently office development on the site had stalled and there was a need for the MLLR
- that in terms of traffic issues, that an evaluation of the impact of the scheme on Cross Gates and around the motorway junctions had not been completed, but that with the suggested alternative schemes there was better integration
- that in drawing up alternative proposals, Officers were seeking a way to reign back all of the development whilst still providing a scheme which delivered the MLLR but without serious impacts elsewhere

Members were then given the opportunity to ask questions on the information which had been provided and raised the following points:

- the retail impact mitigation, who would be offered compensation and the level of this
- the introduction of sheltered housing on the site and where this would be located in view of the likely noise and disturbance from the retail uses
- whether the Supermarket at Colton was overtrading
- public transport and whether there were proposals for a rail halt in this location
- if some housing was accepted on the site, how the phasing would work to ensure this did not become just a shopping centre with some offices
- whether other facilities would be included to support the sheltered housing which was being proposed
- that in 18 years, only one third of the proposed offices had been constructed on the site, whether if retail was accepted in this location, further requests for more retail would come forward
- where the profits were from the development which had already taken place on the site
- whether the additional office space proposed by the developer would be built in view of the surplus office space which existed citywide, including some on Thorpe Park
- the route of the MLLR and the cost of this

Officers provided the following responses:

- that at this stage it was not known the level of retail impact mitigation and to whom this would be paid, that agreement would need to be

reached on the retail impacts after which detailed discussions could commence on where the money was to be directed

- that the introduction of housing on the site was an Officer proposal and had been presented to see if there was an appetite to pursue these options. In terms of location, the sheltered housing was likely to be in the central area where people could easily access the greenspace and shops
- that the Supermarket at Colton was overtrading as were other operators in the area
- in terms of public transport, discussions were continuing with Metro and that a consistent approach would be adopted. That the possibility of a new railway station at Micklefield was being looked at and when the Thorpe Park proposals were presented to Plans Panel East, that Panel favoured a park and ride scheme
- in relation to phasing, it was expected that the first phase of the scheme would be the delivery of the food store and other retail which would provide the funding for early delivery of the MLLR and Green Park
- that inclusion of sheltered housing was indicative at this stage but that there would be other facilities provided in the heart of the development e.g; cafes and restaurants and that if residential use was accepted on the site, then other facilities e.g. medical and community facilities would be expected to be provided and there would also be facilities in the nearby Northern Quadrant scheme
- that Officers could not account for where site owners put their profits and that it was not possible to say with any certainty what the future demand would be for office use but that currently, on business parks, this was stagnant, although it was important to retain office capacity in attractive locations close to the motorway network. On the original scheme, the trigger for the delivery of the MLLR was when 93,000 sqm of the office development was occupied and this was a long way off being met, therefore an alternative way of securing the MLLR had been put forward that would ensure delivery in the first phase of development. Officers were suggesting there might be a case for an exception to the retail policy, but care had to be taken and that a pragmatic approach which would provide something which would be acceptable, should be explored. The inclusion of residential uses on the options drawn up by Officers also addressed the shortfall of housing in the Garforth area due to the likely impact of HS2
- in terms of costs already incurred by the developer, £6m had been spent on providing the dumbbell roundabouts within Thorpe Park, J46 signals and works to the 'cracked egg' roundabout
- that the cost of the MLLR had been quoted by the developer as being £11m

Members then discussed the proposals and commented on the following matters:

- the need for sheltered housing to be located at the centre of a community and to be in easy reach of local facilities and shops but not next to a 24 hour large supermarket

Draft minutes to be approved at the Meeting to be held on 9th May 2013

- the need for a mix of uses and opportunities on the site was important but that the level of retail on the site must be addressed
- the proposed increase in office accommodation which was also seen as a town and city centre use in the NPPF, as was retail, leisure and food and drink uses
- the possibility of discussing an extension to the March 2015 deadline with Network Rail in respect of the bridge
- that this development could have a detrimental impact on the delivery of the whole of the Eastgate and Harewood Quarter scheme
- that the retail assessments showed the proposals would have a significant impact on existing retail centres with concerns that a domino effect could take place if shops in local centres began to close and that the offer to pay compensation was too vague
- that the site would be an appropriate location for housing and that a smaller retail centre might not be as damaging as the current proposals could be
- concerns that if the scheme was allowed in its current form, it could set a damaging precedent and was likely to result in further applications for retail use coming forward on the site in the future
- that the MLLR had to come forward at an early stage
- that the position of the developers could be understood if they had recently acquired the site and were not fully aware of issues connected with it
- the view that a different offer in terms of supermarket might be acceptable, i.e. on the lines of a French hypermarket, or even a flagship store for a local supermarket, but that what was currently being proposed could not be supported
- that a more modest retail scheme together with residential use, including sheltered housing should be considered and the need to ensure the scheme did not become a second White Rose Centre
- that more detail was needed, particularly on the impact of the scheme on Cross Gates and Garforth
- the possibility of increasing the level of residential use on the site by also decreasing the level of additional offices proposed and that siting residential dwellings overlooking the park would be an excellent location
- an acceptance that some level of retail use was needed
- that 2015 was a critical year for the scheme, in view of the complex discussions which were had with Network Rail to agree this date
- that the suggestions put forward by Officers were interesting but that ultimately it would be the developer's application which Panel would consider and it was hoped that they had listened to Members' comments

In addressing the specific points raised in the report, Panel provided the following responses:

- that Members shared Officers' concerns regarding the retail impact on local centre, Colton and the wider planning objectives for the Centre City and East Leeds, although some Members were willing to see a smaller retail scheme on the site. The Chief Planning Officer stated

that Officers were trying to steer a careful line between the impact of the development on viability and the delivery of the road and that more work was required on these issues

- that Members shared Officers' concerns regarding the impact of the proposals on the highway network including the areas in and around Cross Gates, the A63 'cracked egg' roundabout and junction 46 of the M1. Members also stated that the entire MLLR was required and that there was concern about piecemeal development
- that Members were supportive of the introduction of the MLLR to help alleviate traffic congestion in the area and the delivery of the rail bridge by March 2015
- regarding the new masterplan layout and maximum building heights, that little discussion had been given to this as the location of the proposed supermarket had raised many concerns, particularly it being sited on stilts and the impact of this location on Brown Moor
- concerning the exploration with the application of an alternative location for the foodstore, closer to the commercial uses, that if a smaller store was proposed and relocated, this could be brought back for further discussion
- that Members supported the principles set out in the S106 offer, particularly those relating to jobs and training
- that a viability assessment should be provided by the applicant in relation to the mix and quantum of development proposed (and alternatives) and the likely capital receipts for adjoining development sites and to the costs and timing of the delivery of the MLLR
- that Members support Officers in continuing discussions with the applicant to further consider the alternative proposals with reduced retail and traffic impacts, new housing provision and better integration of land uses

RESOLVED - To note the report and the comments now made

95 Application 12/05150/LA - Position Statement - Formation of public park, playing pitches, park and changing rooms on land to west of Thorpe Park, land at Austhorpe Lane, Austhorpe

Members received a report of the Chief Planning Officer on a position statement in respect of an application for the formation of public park, playing pitches, park and changing rooms on land to west of Thorpe Park at land at Austhorpe Lane LS15

Members were supportive of the proposals as set out in the submitted report

RESOLVED - To note the report

96 Date and Time of Next Meeting

Thursday 11th April 2013 at 1.30pm in the Civic Hall, Leeds

Draft minutes to be approved at the Meeting to be held on 9th May 2013

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CITY PLANS PANEL

THURSDAY, 11TH APRIL, 2013

PRESENT: Councillor N Taggart in the Chair

Councillors P Gruen, D Blackburn,
M Hamilton, S Hamilton, G Latty,
T Leadley, J McKenna, N Walshaw,
J Hardy, T Murray and J Procter

97 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

98 Exempt Information - Possible Exclusion of Press and Public

RESOLVED - That the public be excluded from the meeting during consideration of the following part of the agenda designated exempt on the grounds that it is likely, in view of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as designated as follows:

The report referred to in minute 106 under Schedule 12A Local Government Act 1972 and the terms of Access to Information Procedure Rule 10.4(3) and on the grounds it contains information relating to the financial or business of any particular person (including the authority holding that information). It is considered that if this information was in the public domain it would be likely to prejudice the affairs of the applicant. Whilst there may be a public interest in disclosure, in all the circumstances of the case, maintaining the exemption is considered to outweigh the public interest in disclosing this information at this time

99 Late Items

Although there were no formal late items, the Panel was in receipt of the following additional information which had been made available prior to the meeting:

Preapp/12/01073 – Land off Spofforth Hill Wetherby LS22 – a revised copy of the location plan showing the full extent of the site (minute 109 refers)

100 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

101 Apologies for Absence

Apologies for absence were received from Councillor R Procter who was substituted for by Councillor J Procter

102 Minutes

RESOLVED - That the minutes of the City Plans Panel meeting held on 14th March 2013 be approved

103 Matters arising from the minutes

With reference to minute 81 of the City Plans Panel meeting held on 14th March 2013 – Application 12/03402/FU – Land at Grimes Dyke – clarification was sought on the level of affordable housing provision within the S106 Agreement. The Head of Planning Services stated that this would be provided in line with the levels set out in the policy which was in place at the time

104 Application 12/03400/OT - Land at Royds Lane Rothwell LS26 and Application 12/03401/OT - Land at Fleet Lane Oulton LS26

The Chair referred to the two applications in LS26, which were on the agenda for determination. He stated that it had become clear that the public who had made representations on the applications were not aware of the policy change made by Executive Board on 13th March 2013, which related to housing development on Protected Area of Search(PAS) land. As both sites were PAS land, it was felt appropriate in this case to withdraw both of the reports from the agenda to enable time for reconsideration or resubmission of representations, with the expectation that both applications would be able to be considered at the May meeting

The Head of Planning Services stated that the applicants were agreeable to deferring consideration of the applications for one month

RESOLVED - That the applications be withdrawn from the agenda and be submitted to next possible meeting

105 Application 12/03459/FU - Multi-level development up to 17 storeys with 609 residential apartments, commercial units (class A1 to A5, B1,D1 and D2) car parking, associated access, engineering works, landscape and public amenity space - Land at Whitehall Road and Globe Road LS12

Further to minute 60 of the City Plans Panel held on 17th January 2013 where Members considered two reports relating to a large, mixed-use development on land at Whitehall Road and Globe Road LS12 and deferred

determination of the application to enable further negotiations to take place between Officers and developers, the Panel considered a further report

The Head of Planning Services introduced the application, referred to the discussions and agreement by Members at the previous meeting of the design of the proposed scheme and stated that the presentation to Panel would now concentrate on the S106 offer

Plans and graphics were displayed at the meeting

Members were informed of an additional representation which had been received which related to highways matters. Panel was informed that the scheme had been fully assessed by Highways Officers who were satisfied on this

Details of the phasing of the scheme were provided which would see in the first phase, the construction of the buildings along Whitehall Road and the public open space. The second phase would relate to the development of the eastern half of the site, south of Globe Road and the last phase would see the construction of the tower building north of Globe Road

As Members had expressed concerns about the lack of affordable housing being provided in the previous Section 106 offer, a revised offer had been put forward which would see 30 units being delivered in phase 1 as part of either the Government-sponsored scheme or the applicant's own equity share scheme. However this would not meet the Council's definition of affordable housing because it would not be available in perpetuity; it would represent sub-market value housing for the first occupiers

In terms of the other S106 contributions, the public transport and Holbeck Urban Village contributions would be phased over the 3 stages of development and could also be used for education and affordable housing if required. As the general Panel view had been to prioritise other requirements, the provision of a bridge had been omitted from the proposal but the landing point for it would be reserved. A financial viability assessment had been submitted to justify the current unviability of the scheme and the level of Section 106 contributions on offer. However, if the development was not implemented within 18 months of approval, it would be financially re-appraised and if viable, a further affordable housing contribution would be required in line with the policy in operation at that time

RESOLVED - To note the report and the comments now made

106 Application 12/03459/FU - Multi-level development up to 17 storeys with 609 residential apartments, commercial units (class A1 to A5, B1, D1 and D2), car parking, associated access, engineering works, landscape and public amenity space - Land at Whitehall Road and Globe Road LS12

With reference to the discussions set out above, Panel considered a report of the Chief Planning Officer which provided information concerning the viability of the proposed application. Appended to the report was a copy of the full viability statement which had been submitted to Officers

An Officer from the Council's Asset Management Team was in attendance to respond to queries and comments and the Chair invited the applicant's representatives to remain in the room to respond to questions and comments from the Panel

Detailed financial information was provided, with Members seeking clarification on figures within the viability statement and commenting on the following matters:

- the likelihood of the scheme being built
- the current market for city centre residential units
- the viability assessment and whether this reflected the current position in respect of city centre living
- whether proof of viability was checked post construction
- a contribution towards the provision of the proposed bridge

The proposed S106 offer was discussed with the possibility of some of funds being set aside for an extended period – up to 15 years (the funding to be index linked) – to establish a pot of money which contributions from other nearby developments could add to, in order to provide the bridge

In respect of the affordable housing contribution, the possibility of reassessing the viability for this after each phase of the development was suggested

At this point the applicant's representatives were asked to withdraw from the meeting to enable Panel to discuss the issues in private

Members discussed the information provided and considered how to proceed

RESOLVED - To note the report, the information provided and the comments now made

107 Application 12/03459/FU - Multi-level development up to 17 storeys with 609 residential apartments, commercial units (class A1 to A5, B1, D1 and D2), car parking, associated access, engineering works, landscape and public amenity space - Land at Whitehall Road and Globe Road LS12

With reference to the discussions set out in minutes 106 and 109 above, Panel further considered this application

The Chair invited the applicant's representatives to address the issue raised regarding reviewing the affordable housing contribution after each phase of the development

Members were informed that the applicant was unable to agree to this as the costs were not spread across the whole of the site, but mostly incurred during the construction of the first phase. However, it would be possible to agree a review mechanism for when the scheme was 90% complete to assess the actual profits from the development

Panel considered how to proceed

RESOLVED – That determination of the application be deferred to the next meeting to enable:

- further information to be provided on the possibility of setting aside £100,000 (to be index linked and for a period of up to 15 years) from the S106 funding being provided, to be made available for the provision of a bridge
- further information on a mechanism for reviewing the affordable housing provision in light of possible changed circumstances during the implementation of the development

108 Preapp/10/00300 - Alterations and amendments to the approved Eastgate and Harewood Quarter development scheme at land bounded by New York Road (Inner Ring Road A64) to the north, Bridge Street and Millgarth to the East, George Street and Dyer Street to the South and Vicar Lane and Harewood Street to the West LS2

Councillor J Procter joined the meeting at this point

Further to minute 50 of the City Plans Panel meeting held on 13th December 2012, where Panel considered a preapplication presentation in respect of proposals for the Eastgate and Harewood Quarter, Members considered a report of the Chief Planning Officer and received a presentation from the applicant's representatives

Plans, graphics, precedent images and a sample of the proposed car park cladding were displayed at the meeting

Members were informed of the latest revisions to the first phase of the scheme which related to the Harewood retail and leisure block; John Lewis and the car park

Images of the proposed twin arcades which would help link the scheme to the Victoria Quarter were shown as were the designs for the buildings along Eastgate and George Street

In terms of timescale, public consultation on the revised scheme would take place on 16th – 20th April, with a view to the application being determined by Panel in August 2013

Details of the community engagement and employment opportunities and training arising from the scheme were provided

Members were informed there would be engagement with the Council and other key organisations and with tenants at an early stage, once they had signed up for the scheme

Whilst the whole of the city was a target for employment creation, Wards which should be focussed upon would be identified, with a list of possible wards being displayed at the meeting, with Members being informed that a skills package would be put in place which would include an interview guarantee

A range of methods would be used to inform people about the opportunities the development would create, including road shows, job fairs and working with schools, based on schemes elsewhere in the country

Members were informed that the recruitment programme for Highcross in Leicester had reached over 30,000 people, with in excess of 2,000 jobs being created, 72% of which were taken up by people who had been unemployed and that work was still being undertaken with local colleges to assist in recruitment when new businesses opened. A similar scheme would be put in place for recruitment and training for the Eastgate and Harewood Quarter development

Members commented on the following matters:

- the Wards listed; that Moortown and Chapel Allerton had not been included

- the design of the car park, with mixed views on this; that as a stand-alone building it was good but concerns that it did not sit well alongside the John Lewis building; that it was too dominant and the cladding material did not look sufficiently robust; the need to better understand how the effect on the car park was achieved, i.e. by shadow or colours and whether the car park was the same height as the John Lewis store
- whether it was the intention of the applicant to build and operate the car park
- the jointed appearance of the proposal and that the car park could be split from the John Lewis store and that the buildings did not provide the overall gateway development
- the proposed new arcades, the design of which were well received and the roof treatment which was welcomed and which would provide an element of consistency between other roofs and arcades in the City
- the Vicar Lane frontages, with concern that there was an overuse of terracotta and the need for a better understanding of how this would look and the detailing of it
- that originally a bridge was proposed over Eastgate and whether this would remain in the revised scheme
- the lack of a pedestrian entrance to John Lewis from Eastgate; that this street was well used and was a route for many buses in the city, therefore an entrance at this point was required, to contribute to the continued vitality of Eastgate. The view that the Leicester John Lewis, which had been visited by Panel, had been designed for car owners, with no pedestrian entrance being located at the rear of the building, with concerns being raised about the similar approach being adopted towards pedestrians on this scheme
- that The Core on The Headrow was not as effective as it could be due to inadequate pedestrian access
- the design of the John Lewis building and that this had the potential to be something special

The following responses were provided

- concerning the bridge, that the façade and structure of the John Lewis building would enable a bridge to be provided in the future if that was required
- that the applicant would build and operate the car park
- the elevations of the buildings on Vicar Lane and Eastgate and the concerns which had been raised about the use of terracotta, with the applicant's architect being of the view that how the graphics were appearing to Members on screen did not fully reflect the appearance of the buildings and that the intention on Vicar Lane was to provide a complex brick façade with elements of terracotta
- that the applicant was keen to provide pedestrian access into John Lewis from Eastgate but that John Lewis would consider this at phase 2 of the scheme, with pedestrian access being from the Harewood Arcades in the first phase of the development. On this point the Chief Planning Officer stated that a pedestrian entrance to John Lewis off

Eastgate had been a feature of all the previous applications and that Members views were sought on this issue

In response to the specific issues raised in the report, Panel provided the following responses:

- regarding the acceptability of the introduction of new covered arcades, their entrances and layout and the covered space on the proposed Blomfield Street, Members liked these elements, particularly the curve on the new arcades
- on the design approach to the facades, including the location and extent of active frontage of the Harewood buildings to George Street and Eastgate and wrapping the corners of Harewood Street and Blomfield Street, Members were reasonably satisfied on this as shown but required further details. The Chief Planning Officer informed Panel that further work was being undertaken to relate the market to this development and stated that in terms of the elevations shown at the meeting, this was work in progress
- in respect of the design approach to the facades, including the level of active frontage, of the John Lewis building, the nature and visibility of the John Lewis west facing signage zone and the proposed delayed provision of a customer entrance to the John Lewis store from Eastgate, to note Members requirements for a pedestrian access from Eastgate into the store to be operational from day one. In terms of the signage, the Chief Planning Officer stated that John Lewis desired large rooftop signs, which Officers had concerns about. On the matter of signage, whilst understanding the principle of this, Members required further details to be provided. A request was also made for graphics to be provided which also showed the market in relation to the development
- on the proposals for the car park in respect of its height, layout, access and egress arrangements, façade treatment and proposals for addressing the future need to accommodate part of the City Centre NGT loop, the range of views were noted. The Chief Planning Officer advised that further work would be carried out on the access and egress arrangements and that it should be assumed that NGT would happen
- regarding the approach to employment and training, that for clarity, priority Wards should either be listed alphabetically or by area of severity, rather than the random mix which had been presented to Panel and that Moortown and Chapel Allerton Wards should also be included
- regarding any other comments Members wished to make, that the car park and John Lewis store were adjacent to the arts quarter with West Yorkshire Playhouse and The Northern Ballet being sited close by and that possibly some reference to the arts could be included around that part of the site

RESOLVED - To note the report, the information provided and the comments now made

109 Preapp/12/01073 - Proposed residential development comprising circa 375 houses with associated access, parking, public open space and landscaping - Land off Spofforth Hill, Wetherby LS22

Plans, photographs and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented a report of the Chief Planning Officer on pre-application proposals for a residential development on land at Spofforth Hill Wetherby LS22, which bordered North Yorkshire and which was designated PAS land and met criteria i) and iii) of the Council's recently implemented policy on housing development on PAS land. Members also received a presentation on behalf of the applicant who provided the following information:

- that although the proposals were for around 350-375 dwellings on this site, in total the proposals could realise 700 dwellings in total, with the proposed off-site affordable housing contribution providing an additional 350 properties on Easel sites
- that the application would be in outline
- that the site had relatively good access to Wetherby Town Centre, pedestrian and cycle ways and benefitted from a regular bus service
- that several options had been drawn up for vehicular access into the site. Of these, option 2 had attracted concerns from local residents regarding impact on their amenities; option 3 relied upon a roundabout being constructed which would be on land in the Harrogate district, with the preferred option being option 4 which was presented at the consultation process and provided good traffic calming measures
- that two, three, four and five bed properties were proposed together with some single bed dwellings
- that just 1% of people on the housing waiting list were in the Wetherby area, therefore the proposal was to reduce the affordable housing provision on the Wetherby site, which current policy required at 35% of the total units, to 15% provision on site and then provide a financial contribution in lieu of the rest of the affordable housing requirement to be spent on affordable housing provision on Easel sites
- that to provide the 35% affordable housing on the Spofforth Hill site would result in 126 affordable homes; at 15% this would provide 54 affordable homes but the off-site contribution would provide up to 334 affordable homes in East Leeds
- that the proposals were estimated to create 100 construction jobs and around 200 indirect jobs as well as a £5m New Homes Bonus for the Council

Members commented on the following matters:

- the appropriateness of allowing discussions about Easel sites, particularly as what was suggested in the submitted report was the provision of a commuted sum for the provision of off-site housing
- that little information had been provided in the presentation about the outline application
- the need to ensure that if this proposal was accepted, that it would not tie the Council's hands in any way

- the proposed access options with concerns at the seeming reluctance to consider the third option which would require Harrogate Council to be approached about the siting of the roundabout which appeared to Members to be the better option
- the consultation and level of attendance to events
- land ownership
- a lack of information in the submitted report about the traffic impact of the development on the surrounding network, particularly as the junction at Bridgefoot was at capacity
- that a roundabout would be needed to serve any development
- the need for any S106 financial contributions to be spent locally
- the extent of the tree loss which would be necessary for a development on this site, with concerns that this had not been properly explained and that 33 trees were likely to be affected and that urgent work was needed on the TPO trees
- the Council's policy on housing development on PAS sites; as set out in the submitted report, the criteria for this and the relevance of criteria ii)
- the likely house prices of a property in the Wetherby and East Leeds areas and whether these would be considered to be affordable to the average family
- whether it was important to retain some non-urban land between the Leeds and Harrogate boundaries in this location
- that the site had broad support for housing development from Ward Members and Town Councillors but there were many detailed issues associated with the proposals, particularly highways; that it was not clear why Harrogate Council should not be approached regarding the roundabout; that the presentation to Wetherby Town Council did not fully explain the options presented to Panel and that there were concerns locally about rat running
- that the report referred to a commuted sum and that the Council should be unencumbered by this and should be able to spend the money how it wished in terms of providing affordable housing, with details needing to be provided to Panel if this was pursued as part of a formal application
- that the site coming forward for development at this time was premature
- the need for Plans Panel Members to be made aware of the implications of the new policy relating to PAS sites

The following responses were provided:

- that Highways Officers had not considered option 3 but they were concerned about this in terms of adequate visibility being able to be achieved due to the presence of a lodge opposite the site
- that two consultation events on the proposals had been held, with 400 people attending the second event with highways issues being the main concern together with car parking facilities in Wetherby Town Centre and vehicle speeds on Spofforth Road

- that pedestrian access out of the site could be considered further to see if a lesser footway could be accepted which would lead to greater retention of trees
- that criteria ii) of the policy relating to housing development on PAS sites related to relatively small sites which could not offer anything else but were well allied to other sites and in these circumstances development could be considered acceptable
- that the average selling price for a 3/4 bed property on Easel was around £135,000 whereas for Wetherby this would be around £180,000
- that if 15% affordable housing was accepted on the Wetherby site this would include a range of houses in various tenures
- that there would be some planting required against the district boundary
- that the new PAS land policy could be reported to a future meeting of Joint Plans Panel

In respect of the particular issues raised in the report, the following responses were provided by the Panel:

- concerning the acceptability of the principle of residential development on this particular PAS site in light of the recent interim policy agreed by Executive Board on 13th March 2013, that Development Plan Panel would be considering housing allocation sites and account should be taken of the deliberations on these issues by Development Plan Panel and Executive Board
- in relation to the applicant's approach to affordable housing which sought to provide a mix on site and a proportion off-site aimed at brownfield sites within a regeneration area such as Easel, that further information on this was required in terms of what would be delivered, how this would be done and financial information to evidence what was being proposed
- concerning the vehicular access arrangements and the consequential impact on trees, that as many trees as possible should be saved, that the option for a roundabout on land within Harrogate should be pursued along with an evaluation of other alternative options. On this point the Chief Planning Officer stated that the options would be considered in detail

RESOLVED - To note the report, the information provided and the comments now made

During consideration of this matter, Councillor Gruen and Councillor Latty left the meeting

110 Preapp/12/01233 - Reserved Matters for the erection of a ten storey office building with basement car park and rooftop plant room - Doncaster Monkbridge Former Works Whitehall Road Lower Wortley LS12

Plans photographs and graphics were displayed at the meeting

Officers presented the report of the Chief Planning Officer which related to pre-application proposals for reserved matters for a 10 storey office development at the former Doncaster Works, Whitehall Road which would form the third phase of the development which had already seen the erection of one block, with the second phase to commence shortly

The development would provide flexible office space; a 69 space basement car park, including disabled parking spaces and 109 cycle spaces to a BREEAM 'excellent' standard on a site which was ready for development

The Panel then received a presentation on the proposals on behalf of the applicant

Members welcomed the proposals and were impressed with the scheme as presented

RESOLVED - To note the report, the presentation and the comments now made and to agree that the formal application could be deferred and delegated to the Chief Planning Officer for consideration, unless any significant issues arose whereby a further report should be presented to Panel

111 Preapp/1300067 -Outline proposals for office development - Sweet Street Holbeck LS11

Plans and drawings were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented a report of the Chief Planning Officer relating to pre-application proposals for an office development on a vacant brownfield site at Sweet Street which was classed as a city centre location. Members also received a presentation on behalf of the applicant

Members were informed that the proposals were for a part 6 storey and part seven storey B1 office development with 64 basement car parking spaces. In terms of height, the development would be subservient to the nearby Manor Mills and The Mint developments

The site was in a sustainable location with good access to the motorway network and public transport. A BREEAM 'excellent' rating would be sought for the scheme

A double-height feature entrance would be situated on Sweet Street, with the 6 storey office block above and the 7 storey block set back by 3m

Flexible floor space on a floor by floor basis could be provided or the whole development let to a single occupier, depending on demand

Members' concerns about the width of the footpath could be addressed by providing a wider footpath on the northern boundary

A publicly accessible courtyard would be provided and details of the possible contents of a S106 agreement were outlined. The Central Area Planning Manager explained the funding formula in place for the HUV contribution and indicated that funds would be available to be spent on public realm improvements in the area

Members commented on the following matters:

- the adjacent building which was in a poor state. Members were informed this was in the ownership of the Council and that the Chief Planning Officer would raise this with the Asset Management Team

- landscaping and the need for tree planting along Sweet Street
- the location of plant in the development
- the need for good pedestrian links, especially to Manor Mills
- that photovoltaic cells sited on the roof could be considered

The Chief Planning Officer welcomed the return of office developments and stated this indicated the growing confidence in the office market within Leeds

RESOLVED - To note the report, the presentation and the comments now made

During consideration of this matter, Councillor J Procter left the meeting

112 Preapp/13/00304 - Proposed development of 79 residential apartments, 1115 sqm of commercial floorspace (A3/A4) and new public space - 14-28 The Calls LS2

Plans, photographs and graphics were displayed at the meeting. Members noted that a previous scheme on this site had been agreed by City Centre Panel in 2010, however revised proposals to include an element of residential accommodation were now being presented

Officers presented a report of the Chief Planning Officer outlining pre-application proposals for a mixed use riverside development at The Calls and Members received a presentation on behalf of the applicant

Members were informed that key elements of the previously approved scheme had been retained but that the intention was to improve on the existing scheme with better pedestrian routes and improved views through to the river and provide apartments on the scheme, with nearly all of these residential units benefitting from a riverside view. Deep balconies which would provide a liveable area, rather than just for storage, would be included

A more shallow floor plate would be used which would enable a larger area of public open space (POS) to be provided. Steps had been introduced down to the POS which was considered to be an improvement on the permitted scheme

A quality landscaping scheme would be provided which would include hard and soft landscaping

Main materials would comprise stone at lower levels and red brick above

If the formal application was granted planning permission, it was hoped to commence on site in 2014

Members broadly supported the scheme and welcomed the wider balconies being proposed

In response to the specific points raised in the report, Members provided the following comments:

- that Members agreed that the principle of the development was acceptable

- that the larger public space was beneficial to the scheme but that as part of the justification for the demolition of 14-16 and 18 The Calls, that as many open views towards the river should be achieved
- that Members agreed that the overall architectural approach was acceptable, subject to sensitive design and that the larger, usable balconies were appropriate

Safety issues were raised as a request was made for the entrances to The Calls to be gated. The Chief Planning Officer stated that safety was considered as part of the previous scheme but that the options for waterfront safety would be looked at again as part of a deliverable scheme

RESOLVED – To note the report, the presentation and the comments now made

During consideration of this matter, Councillors Leadley, Walshaw and M Hamilton left the meeting

113 Date and Time of Next Meeting

Thursday 9th May 2013 at 1.30pm in the Civic Hall, Leeds

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Originator: David Jones
Tel: 247 8000

Report of the Chief Planning Officer

PLANS PANEL CITY

Date: 9th May 2013

Subject: APPLICATION 10/04597/OT, OUTLINE APPLICATION TO LAYOUT ACCESS ROAD AND ERECT LIGHT INDUSTRY, GENERAL INDUSTRY AND WAREHOUSE DEVELOPMENT (USE CLASSES CLASS B1C, B2 AND B8), A 90 BED HOTEL AND PUB/RESTAURANT, WITH CAR PARKING, LAND OFF WAKEFIELD ROAD, GILDERSOME

APPLICANT
C Clifford-Jones

DATE VALID
27 October 2010

TARGET DATE
26 January 2011

Electoral Wards Affected: Morley North

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 specified conditions at Appendix 1 (and any others which he might consider appropriate) and the completion of a Section 106 agreement to cover the following:

**The provision of a public transport contribution (£48 979)
Contribution to off-site improvement works at Junction 27 (£44 971)
Improvements to local bus stop (£10 000)
The implementation of the travel plan (to be agreed) and monitoring fee
Local employment opportunities
Delivery of the physical infrastructure**

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

Conditions

1. Submit reserved matters
2. Time limit for submission of details (5 years)

3. Development in accordance with approved plans
4. Details of external walling materials
5. Submit drainage details
6. Flood risk measures in place
7. No buildings close to the sewer
8. Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity
9. Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank
10. Off-site highway works, including access widening to No.69 and provision of signal controlled junction carried out prior to first occupation of any of the development.
11. Introduction of MOVA control at the A650 / Howden Clough Road junction prior to the first occupation of the hotel or pub/restaurant units
12. Notwithstanding submitted details of cycle parking to be provided prior to commencement of development
13. The site access road shall be constructed to a gradient no steeper than 1:40 for the first 15m and 1:20 through the rest of the site
14. Construction management plan
15. Parking to be hard surfaced and sealed and retained
16. Protection of trees to be retained
17. Submit and implement appropriate landscape scheme
18. Replace any dead trees

1.0 INTRODUCTION:

1.1 This application is a substantial application for commercial uses on land allocated for employment use in Gildersome. The application has been subject of extensive negotiations, especially in respect of technical highways issues and the impact on Junction 27 of the M62. Members considered a Position statement in December 2012, following a Panel site visit. A number of key questions were asked of Panel, and the views of Panel are set out in the following section. The Position Statement report is appended to this report.

1.2 In addressing the specific questions set out in the report, Members provided the following responses:

- about whether, in the circumstances, a hotel use was considered to be appropriate to the site, if tied to the delivery of employment use on the site, there were mixed views on this, with the smallest majority in favour of the hotel use . When considering whether the option of the site being developed was the delivery of the bar/hotel use, there was some support for this but that guarantees were needed in respect of the whole site and the extent of the benefit had to be clearly set out. The possibility of a smaller hotel on the site was suggested but it was accepted that the issue of hotel use in the centre of Morley must be considered
- in respect of concerns about the loss of part of the site allocated as employment, to pub/restaurant, Officers were referred to the comments made and set out above
- regarding the access arrangements and whether these were sufficient to deal with the anticipated level of traffic, there were mixed views on this with concerns being raised at the extent of the congestion in the evening peak
- concerning the landscaping proposals and whether these were sufficient to allow the development to proceed, further information was needed to enable full consideration of the landscaping and the positioning of buildings

- about whether the development could be considered to be harmful to residential amenity, Panel felt the development was located sufficiently far away not to be detrimental to this
- in terms of the scope of the Section 106 Agreement, there was a wish for the bus route to be reinstated, with the Chief Planning Officer suggesting that in view of the importance of public access to the larger of the two sites being considered by Panel there was the possibility this could be discussed with Metro to tie the two sites together
- finally, whilst there was the desire for the site to be developed, it was important that the applicant had a clear plan for it

1.3 These issues have been considered by Officers, and the issues addressed in the Appraisal section.

1.4 The planning application is subject of a Holding Direction by the Highways Agency, which is currently in place until 30th May 2013. Discussions are on-going in respect of the scope and costs of works necessary at Junction 27, the effectiveness and suitability of the Travel Plan and public transport measures and commuted sums, and the extent off-site highways works. The Highways Agency have stated that substantial progress has been made on these matters and that they raise no objections to Plans Panel considering the application. The Section 106 Agreement would however need to be completed before the Holding Direction can be lifted.

2.0 PROPOSAL

2.1 The development comprises of an employment led scheme to layout access road and erect light industry, general industry and warehouse development (use classes Class B1c, B2 and B8), a 115 bed hotel and pub/restaurant, with car parking. In addition to the principle of development, approval is sought for the site access, layout and scale of development, with all other matters reserved for future approval.

2.2 The amount of proposed employment floorspace which is being applied within this outline planning application is as follows:

The overall total floorspace of 11, 716 sq.m comprising of:

Class B1 (b)/ B1(c).B2 Industrial/ Class B8 Distribution/Warehousing: 7293 sq.m
Gross Floor Area maximum

Pub/restaurant:738 sq. m. Gross Floor Area maximum

Hotel 2950 sq m Gross Floor Area maximum (90 bedrooms)

Associated infrastructure, informal landscaped green space.

2.3 This is a reduction in floorspace from the scheme considered at Plans Panel in December 2012, which included a hotel at 3500sq m (115 bedrooms) and 7478 sq.m Gross Floor Area maximum industrial/warehousing.

2.4 The following elements will be determined during the Reserved Matters stage;

- Appearance
- Landscaping

Access

2.5 A new signalised access junction is proposed to serve the site, located 200m east of the northern M62 Junction 27 roundabout on Wakefield Road. The access incorporates facilities to maintain access to the residential properties on the north

side of the A650. Within the site, a 4-arm mini-roundabout junction is proposed to serve the various sections of the internal access. A 3.0m wide cycle/footpath is proposed along the whole site frontage with the A650.

- 2.6 Footpaths are to be provided throughout the estate and various crossing points are also proposed within the development.
- 2.7 A total of 267 car parking spaces are proposed, including 26 spaces for persons with disabilities. A total of 32 cycle spaces and 5 motorcycle spaces are also proposed.

Layout/Scale

- 2.8 The access roads divide the site in four areas. Unit 1 (2 storey pub/restaurant) and Unit 2 (Proposed 4 storey hotel) are proposed to be located adjacent to the Wakefield Road frontage, to the western corner of the site, with Unit 1 abutting the approach to the M62 Junction.
- 2.9 Unit 4 (Industrial Unit) fronts onto Wakefield Road, at the eastern end of the frontage. Units 3 and 5 (Industrial Units) abut the embankment to the M621 slip road, at the southern end of the site.
- 2.10 The spaces between the buildings are occupied by access roads, car parking, and service yards, mainly and with some landscaping, comprising existing and proposed vegetation.

Draft Section 106 Agreement

- 2.11 The application has been submitted with Draft Heads of Terms for the Section 106 Agreement.
The Section 106 covers:
The provision of a public transport contribution (£48 979)
Contribution to off-site improvement works at Junction 27 (£44 971)
Improvements to local bus stop (£10 000)
The implementation of the travel plan (to be agreed) and monitoring fee
Local employment opportunities
Delivery of the physical infrastructure

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is an undeveloped site of approximately 3.23 hectares (8 acres). The application site comprises a largely open and undeveloped area of land to the south east of J27 between Wakefield Road and the M621. There are trees on the Wakefield Road frontage which are subject to Tree Preservation Order. The land slopes down gently towards the M621 slip road to the south, where the land then rises to form an embankment to the motorway.
- 3.2 There are residential properties on the north side of Wakefield Road opposite the site, and to the east adjacent to the site is industrial and newly constructed office development. Immediately to the west is a segment of land between the Gildersome roundabout and the site, which is open and undeveloped. The motorway network is to the south and west.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 23/2/95/OT: Outline planning permission for offices. Granted 27 February 1997.

- 4.2 23/308/99/RE: Renewal of outline planning permission 23/2/95/OT. Approval dated 18 July 2000.
- 4.3 23/360/03/RE: Renewal of outline permission to erect office development. Approval dated 10 September 2007.

Relevant application in the locality

- 4.4 12/02470/OT - Planning application of relevance, which is in the vicinity (off A62 and Asquith avenue, Gildersome), and contributes traffic to the local highway network - Outline application to layout 96000 sq m business units (suitable for research and development purposes or light industrial uses), general industrial uses and for warehousing/storage and distribution units (provided for by use classes B1 (b), B1(c), B2 and B8) on land off Asquith avenue, Gelderd Road A62, Gildersome. This application was considered as a Position Statement by City Plans Panel on 12th December 2012, and remains undetermined, with various issues still outstanding.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 There have been ongoing negotiations with the Highways Agency regarding the impact on the highway network and the extent of works required. These considerations are dealt with in the appraisal below.
- 5.2 A bus stop has been retained within the A650 site frontage, with a line of trees being proposed to the site frontage.
- 5.3 A public transport contribution of £48 979 has been negotiated towards public transport enhancements
- 5.4 A contribution of £44 971 towards the improvement works at Junction 27 has been negotiated.
- 5.5 Following consideration by Panel in December, the footprint of the hotel and Unit 4 on the Wakefield Road frontage have been reduced in size, and the amount of landscaping increased.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Site notices for a major development were originally posted on 29th October 2010 and in the press on 17th November 2010. Representations have been received from the following:
 - 6.2 Councillor Tom Leadley objects to the proposal on the following grounds:
 - 6.3 There is no compelling case to justify an out of town location for the pub/restaurant and hotel. Allowing them would undermine the viability and vitality of established centres, including Morley and Leeds.
 - 6.4 The density of the development is considered excessive and there should be greater set-back of buildings on the frontage to allow more planting, opposite which are houses which would be adversely impacted upon because of the closeness of the buildings and disturbance generated by their use.
 - 6.5 Concerns that traffic flows generated by the development would erode any spare capacity on the adjoining highway network, especially in the morning and evening peaks.

- 6.6 Councillor Leadley requests the application to be considered by Plans Panel, for determination after a site visit. The purpose of the site visit would be to allow members to appreciate the relationship between the proposed development and the houses on the opposite side of the A650.
- 6.7 2 letters of objection from Morley households, and one letter of general support (but with an issue regarding access), from a resident opposite the site on the following grounds:
- 6.8 Whilst generally in favour of the development, in the form proposed, with the traffic island and traffic lights sited immediately opposite the house, then the resident would be unable to gain access to or egress from the property with a caravan without causing hold-ups to traffic on the A650. The only way to get round this problem, to improve access onto and off the A650 and to avoid any potential traffic problems would be for the drive access to be widened from its present 3.00m to 5.00m. This will also assist highway safety and traffic management. The resident would like these necessary works to be considered as a condition on the developer and be included within the Section 106 works.
- 6.9 Concern that the proposal will add to congestion on the motorway network
There are already plenty of hotels in the Morley area (The Brickworks, The Village Hotel, The Woodlands, The Vicarage, and The Travelodge.
There are large numbers of vacant commercial units in close proximity of the site.
The site would be accessible by car only, as bus services are poor, and the train station is a considerable distance from the site.
The site would destroy greenfields, and Morley is currently losing large numbers of such sites to development.
Given the size of the development there should be a public meeting.
- 6.10 Drighlington Conservation Group -
Traffic entering and exiting would seriously effect the already very busy A650.
There are many vacant industrial units in the near locality.
Presently there are 4 hotels/public houses/restaurants within approximately 3 miles of this location.
- 6.11 The application was advertised upon the receipt of additional information on 10th May 2011. The following representations were received:
2 letters of objection, reiterating previous objections.
- 6.12 Further revised plans were received on 26th November 2012 and 26th February 2013, and these have been readvertised. Two further letters objection, as follows:
This section of the A650 close to Gildersome roundabout is already extremely busy and already many drivers get into the wrong lane. Millions of pounds have been spent in the past on the roundabouts at Gildersome in an attempt to ease congestion and accidents. This large development is just one of many planned for the area all will bring a massive increase in traffic making it an even bigger problem to those who live close by. The work done in the past will be undone by all these developments. There are four hotels and many pubs on an approximately 2 mile stretch of the A650 near to this site and many empty warehouses etc do we really need any more or will this development mean the end to other business in the area. It seems to residents that any plan that comes before the planning panel in the Morley area will be approved without a thought to how it will affect the local community.
- 6.13 Gildersome Parish Council

There are already a number of hotels in the area, and it is considered that the work carried out by the Highways Agency will be undone by the granting of permission for such schemes in the area.

6.14 Morley Town Council

6.15 Although the site is in Gildersome, Morley Town Council decided to make representations as it is close to the boundary, and would affect Morley in terms of traffic flow and competition for town centre businesses.

6.16 The pub/restaurant and hotel are town centre uses, and could possibly undermine the viability/vitality of Morley town centre.

6.17 Traffic onto the A650 should have careful assessment, and concern is raised at the lack of information on traffic flows.

6.18 It is considered that that the proposal constitutes overdevelopment.

7.0 CONSULTATIONS RESPONSES:

Statutory:

7.1 Highways Agency – The planning application is subject of a Holding Direction by the Highways Agency, which is currently in place until 12th December 2012. Discussions are on-going in respect of the scope and costs of works necessary at Junction 27, the effectiveness and suitability of the Travel Plan.

7.2 Highways Development Control – The internal road layout is acceptable in terms of the amount of car parking and the geometry of the layout. The proposed signal controlled junction is acceptable.

7.3 It is accepted that buses do not currently run on this section of A650 Wakefield Road. With the overall development of this area of Gildersome with the other development sites, then there is the potential for bus services to be reintroduced along this section of the A650. As a result, Highways Officers consider that the bus stop needs to remain as part of the proposals or, at the very least, the land reserved for future conversion to a bus stop.

7.4 Environment Agency: No objections, subject to conditions.

Non-statutory:

7.5 Public Transport Infrastructure Contributions – A contribution has been requested, and is currently under negotiation.

7.6 Public Rights of Way – No objections in principle, although details to be submitted under reserved matters will require proper consideration.

7.7 Neighbourhoods & Housing – This Department has no objection in principle to the proposed development. If planning permission is granted, planning conditions are recommended in respect of maximum noise levels, lighting restrictions, provision of facilities for storage and disposal of litter, and details of extract ventilation system including filters.

7.8 Yorkshire Water – no objections subject to conditions.

7.9 Metro – Do not object to the development, and have made the following detailed comments:

Public Transport

Metro accept that the only services which run directly passed the development are school services. The site is not well served by public transport and is not of a sufficient size as to request funding for the implementation or contribution of routing

a bus service past the development. Therefore, Metro can only re-iterate the request the funding of a Real Time Information unit at bus stop number 10353, which we feel is the nearest bus stop to the development which has regular bus services operating. Future visitors/employees would benefit if one of Metro's new 'live' bus information displays were to be erected at bus stop number 10353 at a cost of approximately £10,000 (including 10 years maintenance) to the developer.

- 7.10 Flood Risk Management (FRM) – no objections subject to conditions. the surface water discharges proposed from the site would be generally consistent with the present Greenfield runoff to the Howden Clough balancing pond and this would be acceptable from the flood risk management prospective.
- 7.11 West Yorkshire Archaeology Service – no objections
- 7.12 City Services – the refuse collection facilities are acceptable.
- 7.13 Kirkless Council – no objections to the proposal.

8.0 PLANNING POLICIES:

Development Plan

- 8.1 The Development Plan for the area consists of the adopted Unitary Development Plan Review, along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage.
 - 8.1.1 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.
 - 8.1.2 As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.
- 8.2 Core Strategy Spatial Policy 8: Economic Development Priorities requires the safeguarding and provision of a sufficient supply of housing land. This policy supports training and job creation initiatives via S106 Agreements and supports employment proposals which have high levels of accessibility and infrastructure.
- 8.3 Core Strategy Spatial Policy 9 : Provision For Employment Land requires the provision of a minimum of 493 hectares of employment land across the whole of the district.
- 8.4 The Leeds Employment Land Review (August 2011) provides the evidence base to the Core Strategy for assessing the overall employment need within Leeds. The Review outlines that the application site should be retained for employment use, as the site is identified in 'Appendix C: Employment sites with recommendation to 'retain' in the employment land portfolio'.

Unitary Development Plan Review

- 8.5 Under the UDP the application site (3.23 hectares) forms part of a larger site (6.25 hectares) allocated (under Policy E3B97) for industry/warehousing and ancillary offices, subject to:
- (A) provision of a satisfactory system of drainage for the whole site'
 - (B) provision of satisfactory means of access capable of serving the whole site' and
 - (C) an appropriate scheme of landscaping and tree planting.
- 8.6 Part of the site, abutting the A650 frontage, formally occupied by a now demolished houses is unallocated for any particular purpose. This part of the site is approximately where the hotel is proposed to be located.
- 8.7 The following policies are relevant for consideration of this application;
- SA2 – Encourage development in locations that reduce the need for travel and promote use of sustainable transport forms.
 - SA4 – Promote and strengthen the economic base of Leeds by identifying a balanced range of sites for development.
 - SA7 – Promote physical and economic regeneration of urban land and buildings within the urban areas.
 - SP3 – New development will be concentrated largely within or adjoining the main urban areas and settlements on sites that are or can be well served by public transport.
 - SP6 – Distribution of employment land is based on principles of providing jobs close to homes and anticipating likely market demand.
 - GP5 – General planning considerations.
 - GP7 – Use of planning obligations.
 - GP11 – Development to meet sustainable design principles.
 - GP12 – Provision of sustainability assessments for major developments.
 - N12 – Urban design principles.
 - N13 – Building design principles.
 - N23 – Design of incidental open space around developments.
 - N24 – Proposal abutting open land should provide for suitable assimilation into the landscape.
 - N38B – Planning applications to be accompanied by a Flood Risk Assessment where needed.
 - N39A – Incorporation of sustainable drainage principles.
 - N49 – Protection of wildlife and habitat resources
 - N50 – Protection of SSSI, LNR, SEGI
 - N51 – Enhancement of wildlife habitats
 - T2 – Highway issues.
 - T2B – Provision of Transport Assessments.
 - T2C – Provision of Travel Plans.
 - T2D – Developer contributions towards public transport.
 - T24 – Parking provision.
 - S2 – Designation of town centres

E7 – consideration of alternative proposals on employment sites.

LD1 – Provision of suitable landscaping scheme.

8.8 Relevant supplementary guidance –

Leeds Street Design Guide - gives advice on design of roads and parking layouts.

Public Transport Improvements and Developer Contributions SPD – sets out circumstances under which a contribution is required for public transport improvements.

Travel Plans SPD – gives advice and guidance on the use of travel plans.

Sustainable Construction SPD.

8.9 Government Planning Policy

National Planning Policy Framework

8.10 The National Planning Policy Framework (NPPF 2012). The NPPF seeks to achieve sustainable development and contains a presumption in favour of development that achieves this. Annex 1 makes it clear that a recently adopted local plan is capable of continuing to be the main development plan for one year from the date of publication of the NPPF even where it does not accord with the NPPF. This means that the UDP continues to be the main policy document for development, however the NPPF is a material consideration.

8.11 The NPPF includes policy guidance on sustainable development, economic growth, transport, design, and climate change.

8.12 Paragraph 24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

8.13 Paragraph 26. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment on such schemes. This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability.

8.14 Paragraph 27. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

8.15 Section 7 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:

- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimising the potential of the site to accommodate development;
- Respond to local character and history;

- Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments; and
- Development to be visually attractive as a result of good architecture and appropriate landscaping.

8.16 Noise Policy Statement for England (March 2010)

8.17 Good Practice Guide for Tourism (2006) – Paragraph 4.9 encourages the provision of elements of tourism to be included in large scale proposals, such as mixed use and regeneration schemes.

8.18 In respect of hotel proposals, the practice guide also states that town centre sites are the most sustainable in planning terms, since they allow greater access by public transport, contribute to urban vitality and regeneration, and allow visitors to easily access other town centre facilities and attractions. Where proposals for major hotel facilities come forward outside the development plan process, their location should be assessed in line with the policies in PPS6 (now NPPF) and the sequential approach to site selection.

9.0 MAIN ISSUES

1. Principle of development
2. Highway and access issues
3. Design & Landscaping
4. Residential amenity
5. Section 106 Agreement and CIL Regulations

10.0 APPRAISAL

Principle of development and sustainability

Development Plan – employment uses

10.1 The application site forms part of a larger area allocated for employment uses and forms a natural extension of the existing Turnberry Park office development immediately to the east, on the remainder of the allocation. Section 38(6) of the Planning and Compensation Act 2004 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. As the site is allocated for employment in the development plan, the starting point would be that the employment uses are acceptable in principle, but that material considerations need to be taken into consideration.

10.2 Furthermore, recent guidance from the Government highlights the need to provide for economic growth. The National Planning Policy Framework makes it clear that the Government expects that development and growth should be approved unless it compromises key sustainable development principles set out in national planning policy. Appropriate weight should be given to the need to support economic recovery and applications that secure sustainable economic growth, such as this application, should be treated favourably.

Development Plan – town centre uses

10.3 The proposal includes 7500 sq m of industrial/warehouse development which is consistent with the allocation for the site and is therefore supported. The proposed

employment is welcomed particularly given the previous permission for a town centre use on the site, with no industrial or warehousing use element.

- 10.4 A lesser but not insignificant further 3314 sq m has been proposed for a hotel and public house/restaurant which are town centre uses. At the December 2012 Plans Panel meeting, members resolved that in the circumstances, a hotel use was considered to be appropriate to the site, if tied to the delivery of employment use on the site. When considering whether the option of the site being developed was the delivery of the bar/hotel use, there was some support for this but that guarantees were needed in respect of the whole site and the extent of the benefit had to be clearly set out. The possibility of a smaller hotel on the site was suggested but it was accepted that the issue of hotel use in the centre of Morley must be considered. The same comments were made in respect of the pub/restaurant proposal. These issues are considered in turn.

Extent of the benefit

- 10.5 The key benefits of this scheme are summarised as follows:
The hotel and pub/restaurant would secure the delivery of a long standing employment allocation

Contribute towards the supply of employment land

Provide a variety of industrial/warehouse buildings to meet differing requirements

Improve visitor accommodation choice and quality along the M62 motorway corridor and south Leeds

Provide circa 200 jobs in the industrial/warehouse units and support a further 112 jobs from the hotel/restaurant operation

Provide circa £1.36m of additional spend into the local economy through visitor spend

Provide a quality environment through a good quality landscape scheme integrating existing trees and hedgerows wherever possible

Provide improvements to cycle/pedestrian access to the site and wider area as well as improvements to public transport facilities and the nearby M62 Junction 27.

- 10.6 The site has been allocated for employment purposes in the development plan for many years. Despite this high profile location there has been very limited interest from potential occupiers who have been concerned about the extent, and related cost of the infrastructure requirements and the limited amount of local amenities on offer in the immediate vicinity.

- 10.7 The applicant has undertaken a review of market requirements and this has identified a general requirement for Use Class B1(c), B2 and B8 premises as well as a hotel and associated restaurant/public house. Given the substantial costs associated with the drainage, land stabilisation/tunnel works, and level changes required to bring this site forward for development, a higher value land use (i.e. hotel and associated facilities) is required on part of the site. However, the majority of the site will be developed for Use Class B1(c), B2 and B8 uses.

- 10.8 The overall proposed mix of uses is considered to be complementary to the commercial focus of the area and its proximity to the motorway network and will secure the development of this longstanding employment site providing in the region of 200 industrial/warehouse jobs (based on English Partnerships employment densities).
- 10.9 The tourism economy in the Leeds area has been steadily growing over recent years and this has brought with it a requirement for additional accommodation. The City Centre has been the focus for new visitor accommodation but cannot meet all the requirements for visitor accommodation in the Leeds area. It is noted that the extant Good Practice Guide to Tourism recognises that visitor accommodation needs to be located so it can serve the identified market and will therefore, require different locations.
- 10.10 The proposal will meet this growing demand for good quality visitor accommodation with immediate access to the motorway network. The site is well placed to provide access to the business facilities and tourist attractions in both Leeds and Bradford which will be a benefit for overseas groups. Furthermore, the site is within close proximity to the residential areas of Gildersome, Morley, Birstall and Drighlington to meet the requirements of the important “visiting friends and family” sector.
- 10.11 The new hotel and associated facilities will also contribute to the local economy through job creation on site and as a result of the links to local suppliers/ businesses and through employee and visitor spend in the area. The applicant states that the additional expenditure would in the region of £1.36million of new spend and support a further 112 jobs, of which 26 would be net additional jobs.
- 10.12 The proposals are supported by two well respected leisure companies who will operate the hotel and restaurant. Starboard Hotels would operate the hotel under the Holiday Inn Express brand whilst Mitchells and Butlers would operate the restaurant/bar under one of their brands. The commitment of these two companies to this site is important in securing the future development of the site as a whole.
- Delivery of the remainder of the site
- 10.13 Plans Panel resolved that they would wish to see a commitment from the applicant to deliver the whole site. The applicant, however, has stated that it would not be possible to commit to the delivery of the employment units at this stage, for the following reasons. The demand for new build units is not being addressed by speculative development as it is virtually impossible to fund speculative schemes, even in the strongest locations and in the strongest markets. Although the site occupies a strong location with convenient access onto the motorway network, the scheme is not established, with no existing infrastructure and no amenity provision. The applicant states that it would therefore be very difficult to attract occupiers when there are more established employment locations.
- 10.14 The initial infrastructure costs required to secure the initial development, which in turn will contribute to the cost of the works to facilitate the delivery of the wider scheme, will be in the region of £1.15million. The required works include the following:
- Highway improvements, off site works including new junction and bus stop and section 278 works.
£350,000

- Section 106 payment (£45k LHA, £45k HA)
£90,000
- Access Road to roundabout
£76,000
- Access road from roundabout to restaurant
£110,000
- Retaining Walls 120m @circa £1,000pm
£100,000
- Services phase 1
£175,000
- Tunnel infill and capping
£190,000
- Cut and fill for Hotel and Restaurant
£60,000

£1,151,000

No account taken for:

1. Grouting.
2. Fees

10.15 It is considered that the higher value uses would act as a pump primer, and would provide the required infrastructure works set out above, and ultimately, development of the employment uses. Without the high value uses, the site is considered unviable by the applicant. As such, the applicant would commit to provide the infrastructure, but would not provide the speculative development unit until the site is established through the pump priming development. In these circumstances, subject to the section 106 requiring the delivery of the necessary infrastructure, Officers would raise no objections to this approach.

Availability of sites in Morley

10.16 Town centre uses should be directed towards town centre locations in the first instance. The applicant has undertaken a sequential test and has considered various sites in Morley. Subsequent to Plans Panel's consideration of this in December 2012, the applicant has been requested to consider various sites in Morley. However, no sites are considered to be of a suitable size, or are unavailable. On this point, it is acknowledged that Plans Panel East accepted that the 113 bedroom Village Hotel at Capitol Park business park could not be accommodated in Morley due to its size. There is limited hotel accommodation in Morley and this hotel would add to the range of accommodation available in the area. It is considered that to allow such a development would not prejudice the development of hotels in Morley, as they would be much smaller in scale. In addition, the applicant has however stated that the employment uses could not be funded without this element being brought forward on the site.

10.17 The site is contained between the proposed employment development and the adjacent road network. The hotel, therefore would be in a prominent location on the

site, and would promote the employment site allocation. Such a building is likely to be of a higher quality building than the standard shed type industrial building, if the site were to be developed all as industrial. The site is easily accessible by car given its location adjacent to a major road junction, which provides access to a number of major roads and the M62. A bus stop is proposed to the site frontage, and a 3.0m wide footpath and cycle way is proposed along the full width of the site frontage. The site, therefore, would be reasonably sustainable, and a Green Travel Plan would improve upon this.

- 10.18 In conclusion, the hotel proposal represents a number of positives including bringing forward an allocated employment site, the majority of which, for employment uses which may have otherwise not been viable. Given the substantial costs associated with the drainage, land stabilisation/tunnel works, and level changes required to bring this site forward for development, the applicant has stated that a higher value land use (i.e. hotel and associated facilities) is required on part of the site. However, the majority of the site will be developed for Use Class B1(c), B2 and B8 uses. In this instance, and carefully balancing all the issues, a hotel is considered acceptable on the site.

Loss of employment land

- 10.19 The area proposed as the public house/restaurant is a non-employment use, and this part of the proposal needs to be considered against Policy E7 of the UDP. In terms of the tests, the site is not allocated as a key employment site, and the Council's overall employment land strategy would not be impacted upon. It is estimated that between 53 and 76 years employment land exists. As it is considered that there would be no adverse environmental / amenity / traffic issues, it is considered that the criteria of Policy E7 would be met.
- 10.20 At the Plans Panel meeting in December 2012, Members referred to the issues being the same as the hotel above, which have been considered above.

Highway and Access Issues

- 10.21 A new signalised access junction is proposed to serve the site, located 200m east of the northern M62 Junction 27 roundabout on Wakefield Road. The access incorporates facilities to maintain access to the residential properties on the north side of the A650. These arrangements are essentially the same as those previously approved for the now expired office park permission.
- 10.22 Highways Officers are satisfied with the details of the access. Revised plans show the provision of a bus stop on the site frontage of the A650. The lay-by will enable buses to pull off the main carriageway, so that traffic flows approaching Junction 27 are not disrupted.
- 10.23 Highways are considering whether it is necessary and feasible to widen the width of the access of the house opposite, to facilitate improved manoeuvring onto the A650. This issue was raised by panel, subsequent to the panel site visit and representations received. The applicant has approached the home owner with view to arranging for the access to be widened, and has forwarded a letter to the Council stating that they have given an undertaking to the owner of No. 69 Wakefield Road, that the drive widening to 5m will be carried out. Any further progress on this issue will be reported to Plans Panel.

- 10.24 The development will be required to contribute towards an improvement scheme at the J27 roundabout (with other contributions coming from the Taylor Wimpey residential development on Bruntcliffe Road and Gelderd Road employment site).

Highways would also like to secure the implementation of MOVA control at the A650 / Howden Clough Road (Angel) signals.

- 10.25 Previously, Plans Panel members had mixed views on the extent of the access arrangements to be sufficient to deal with the anticipated level of traffic. Part of this concern was in respect of the implications for the occupier opposite the access. Highways Officers and the Highways Agency have since confirmed that the proposed access arrangements are acceptable.
- 10.26 The only remaining outstanding issue is the issue of targets and penalties contained within the Travel Plan. There is agreement on the approach, although the final detail still needs to be agreed. Should the final details not be agreed by the date of Panel, Officers would request the application be agreed in principle, but deferred for the issue to be satisfactorily addressed. Panel will be up-dated on this issue.

Design & Landscaping

- 10.27 The final design and external appearance of the buildings would be subject to reserved matters approval. The layout and scale, however, are under consideration. The scale of the buildings would be in keeping with the industrial and office buildings to the east and the Gildersome Spur development to the north of the A650. The buildings will be considerably larger in terms of height and scale compared to the housing opposite, especially the four storey hotel, but, as noted below, the site is set down from the north side of the A650, and existing mature vegetation will be retained where possible.
- 10.28 The hotel would occupy the site frontage, and be at the greatest height, would need to be of a good design, to comply with UDP and NPPF guidance, and especially given the prominent siting and position opposite housing. The three buildings on the site frontage would have a similar building line, set behind a landscaped frontage, with the buildings to the rear accessed off a central landscaped access road. In terms of urban design, this arrangement is satisfactory, subject to landscaping considerations.
- 10.29 UDP Policy requires an 'appropriate scheme of landscaping and planting'. The existing trees are covered by a Tree Preservation Order (TPO). Seven trees are proposed to be removed for arboricultural reasons (trees with disease, cavities, etc) and 7 trees and 8 groups of smaller trees to facilitate the development. Importantly, the significant group of larger trees at the western end of the site, abutting Junction 27 are all to be retained. The trees outside the site, to the western boundary of the site, which provide a screen from Junction 27 are all to be retained. In addition, the significant group of trees within the central part of the site are to be retained, and protected during construction. Similarly, the mature groups of trees running north-south along Langley Lane, are also to be retained, as are the trees on the M621 slip road embankment to the south.
- 10.30 To mitigate against the loss of trees within the site, and to provide the required landscaped setting, space has been allowed on the site frontage to plant trees. The restaurant/pub would be screened by existing trees, whilst the proposed hotel would be screened by a belt of trees on an embankment. Members raised some concerns over the landscaping proposals. The plan has been amended so that the footprint of the hotel has been reduced, and the size of unit 4 has been reduced (and the amount of parking reduced) so that the amount of room available for landscaping to the site frontage and adjacent to the proposed access road has been greatly increased. Unit 4 has been reduced in size and is not set a further 6m into the site, allowing a row of trees to be provided to the A650 frontage. The reduction in the size of Unit 4 allows three parking spaces to be removed, and this has increased

the amount of space for landscaping adjacent to the access road, which will improve the setting of the development.

10.31 Other tree and shrub planting is planted within the site, adjacent to access roads and within car parks

10.32 On balance, it is considered that there is adequate scope within the site to provide an adequate landscaped setting.

Residential amenity

10.33 Residential properties are located to the north side of the A650, and consideration needs to be given of any impacts on these residents.

10.34 In terms of dominance, overlooking and overshadowing, the following comments are made:

(i) The proposed two storey pub/restaurant would be set down 2.65m from the adjoining footpath to the north, and would be screened from the street by existing mature tree planting. The two storey houses opposite are close to the back edge of the highway, but would be 45m from the pub/restaurant. Although the proposal is outline only, the schematic section shows that a two storey development, set down into the site and screened by trees would have no adverse impact on the houses;

(ii) The proposed four storey hotel would be set down 3.5m from the adjoining footpath to the north. The houses opposite are set back further into the site so they would be 50 – 55m from the front face of the hotel. Although the proposal is outline only, the schematic section shows that a four storey development, set down into the site and screened by proposed trees would have no adverse impact on the houses;

(iii) The proposed industrial unit (No.4) would be set down 2.05m from the adjoining footpath to the north. The house opposite is set back into the site so it would be 35m from the front face of the industrial unit. Although the proposal is outline only, the schematic section shows that an industrial unit, set down into the site and screened by proposed trees would have no adverse impact on the house opposite.

10.35 In respect of potential noise, odour and other potential disturbance to residents opposite, Environmental Health Officers raise no objection in principle to the proposed development, but request the following conditions are recommended:

(i) Submission of a Noise Report shall be submitted prior to commencement of development ;

(ii) Lighting restrictions;

(iii) Provision of facilities for storage and disposal of litter;

(iv) Details of extract ventilation system including filter.

10.36 At the December meeting, Panel Members considered the development not to be harmful to residential amenity.

Section 106 Agreement

10.37 The Section 106 covers:

The provision of a public transport contribution (£48 979)

Contribution to off-site improvement works at Junction 27 (£44 971)

Improvements to local bus stop (£10 000)

The implementation of the travel plan (to be agreed) and monitoring fee

Local employment opportunities

Delivery of the infrastructure.

CIL Regulations

10.38 According to the draft guidance issued for consultation in March 2010, unacceptable development should not be permitted because of benefits or inducements offered by

a developer which are not necessary to make development acceptable in planning terms. The planning obligations offered by the developer are set out above.

10.39 From 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation meets all of the following:

(i) necessary to make the development acceptable in planning terms. Planning obligations should be used to make acceptable development which would otherwise be unacceptable in planning terms.

(ii) directly related to the development. Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.

(iii) fairly and reasonably related in scale and kind to the development Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

10.40 The proposal is likely to have a significant travel impact and the travel plan framework will help to ensure that relevant government and local policies relating to the use of public transport are met. UDP Policy T2C requires the submission of a Travel Plan, and Policy T2D requires contributions to be made to make enhancements to public transport.

10.41 Training and employment initiatives are covered under UDP Policy GP7 as a type of community benefit where it is appropriate to seek a legal agreement. The draft S106 Agreement requires details of job opportunities to be made available to the local Jobs and Skills Service. An obligation on the developer in the circumstances is policy compliant and reasonable.

10.42 In addition, the applicant is to commit to the provision of the infrastructure with the intention of pump priming the site to encourage the delivery of the employment units.

10.43 In terms of the scope of the Section 106 Agreement, at the Plans Panel meeting in December 2012, members expressed a wish for the bus route to be reinstated, with the Chief Planning Officer suggesting that in view of the importance of public access to the larger of the two sites being considered by Panel there was the possibility this could be discussed with Metro to tie the two sites together. This site is coming forward for consideration whilst the issues in relation to the larger employment site are still under consideration.

10.44 Metro have been consulted on this issue and they have commented that the site is not of a sufficient size as to request funding for the implementation or contribution of routing a bus service past the development. A public transport contribution is to be made to enhance local public transport, and consideration of bus services and green travel measures are under consideration in respect of the larger 28 hectare site to the north of the A650. Should Plans Panel approve this application, then any contributions made will need to be factored into discussions concerning the larger employment site.

Other matters

10.45 A sustainability statement would be requested via condition to address the design of the buildings and the construction phases. The Sustainable Construction SPD has recently been adopted, and a suitable condition would ensure that the latest approaches are utilised. Similarly a condition requiring that 10% of the energy usage be from renewable or low carbon sources would be recommended to ensure that the proposal helps to minimise the impact on the local environment.

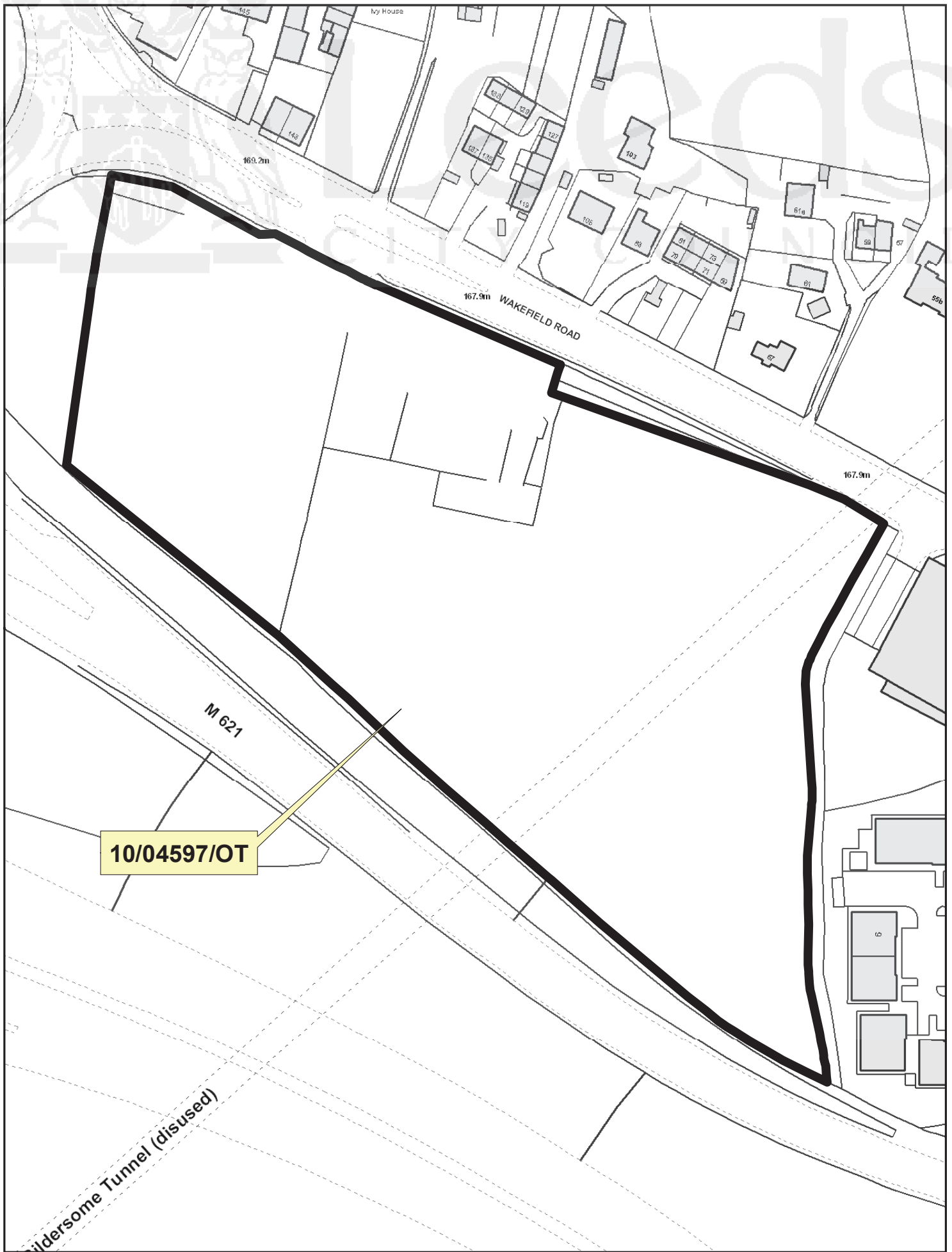
11.0 CONCLUSION

- 11.1 The proposed development fulfils an allocation policy within the adopted UDP and will bring employment and other commercial uses into Morley and Gildersome, allowing the area to sustain economic growth. There are recognised concerns about congestion on the local highway infrastructure, however, planning conditions and obligations, contained within a Section 106 Agreement, have been negotiated to mitigate against these concerns.

Background Papers:

Application and history files

Certificate of Ownership: Site owned by Joseph Rowntree Trust



CITY PLANS PANEL



Originator: Andrew Windress

Tel: 3951247

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 9th May 2013

Subject: APPLICATION 12/03459/FU – MULTI-LEVEL DEVELOPMENT UP TO 17 STOREYS WITH 609 RESIDENTIAL APARTMENTS, COMMERCIAL UNITS (CLASS A1 TO A5, B1, D1 AND D2), CAR PARKING, ASSOCIATED ACCESS, ENGINEERING WORKS, LANDSCAPE AND PUBLIC AMENITY SPACE ON LAND AT WHITEHALL ROAD AND GLOBE ROAD, LEEDS, LS12

APPLICANT

Globe Road Ltd

DATE VALID

17/8/12

TARGET DATE

22/2/13

Electoral Wards Affected:

City & Hunslet

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions at Appendix 1 (and any others which he might consider appropriate) and the completion of a Section 106 agreement to cover the following:

- A contribution of £568,000 to be spent on affordable housing, education, public transport and/or public realm improvements as considered appropriate with £100,000 set aside to assist in the delivery of a bridge over the canal.
- 30 units in phase one provided as assisted purchase units.
- If the development is not implemented within 18 months of approval the scheme is to be financially re-appraised at the time of implementation and if viable, a further affordable housing contribution shall be provided in accordance with the level of viability and affordable housing policy at that time.
- An assessment of profit at 85% occupation. If the developer's profit exceeds 25% an additional affordable housing contribution of 50% of the excess profits will be made up to the level required by the affordable housing policy at that time.

- **Landing area for the canal footbridge.**
- **Travel Plan measures and monitoring fee of £5,125.**
- **Car club contribution of £21,500.**
- **Local employment and training clause.**
- **Public access to public open space.**

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

1.0 INTRODUCTION:

1.1 This application was presented to Plans Panel on 17th January 2013 and 11th April 2013. At the 17th January Panel Members agreed to approve the development subject to an appropriate section 106 package that included an improved offer regarding the provision of affordable housing and an education contribution. At the 11th April Panel Members accepted the viability appraisal and much of the S106 offer. However, Members requested further S106 clauses that required £100,000 of the £568,000 contribution to be put towards delivering a bridge over the canal and that the potential for affordable housing contributions be reassessed later in the development phases. Officers have negotiated an improved offer that is considered appropriate in the circumstances therefore the application is presented again with a recommendation Members defer and delegate approval to the Chief Planning Officer. The previous Panel reports are attached at Appendix 2 and 3 to provide the background. This report only provides an update on the S106 offer following the April meeting. For completeness, the confidential report relating to the viability appraisal discussed at the 11th April Panel is provided at Appendix 4.

2.0 MAIN ISSUE

- Revised S106 offer

3.0 APPRAISAL

3.1 There were two outstanding issues from the April 11th Panel; Members requested that £100,000 of the £568,000 contribution be set aside to help deliver the bridge over the canal and that a mechanism be in place to review profits at various stages to identify whether an increased affordable housing contribution can be made.

3.2 The applicant has agreed that £100,000 can be set aside to assist in the delivery of the bridge over the canal.

3.3 In response to the discussions at the 11th April Panel and as per similar developments elsewhere in the city that incorporate a phased delivery, officers sought to introduce a review mechanism at all phases of the development that would examine the viability of the scheme at that time and if profits permitted, require further affordable housing contributions for those phases in accordance with the adopted policy at that time. However, the applicant was not willing to accept this citing the significant up-front costs involved in the development.

3.4 The applicant states that there are significant site wide infrastructure costs triggered by the first phase therefore the carrying cost of the scheme is high and profit is not realised until towards the end of the development. The applicant states profit will be realised until month 52 of the construction programme therefore a review at each

phase will only continue to highlight a deficit therefore it would be of no benefit to the Council. It should be noted that the first phases (as currently envisaged) includes the main public open space.

- 3.5 After further negotiations officers have agreed that a review of profit can take place upon 85% occupation of the scheme and therefore be at a time when profits will have been realised or at least further understood.
- 3.6 As previously agreed, an appropriate level of profit for a scheme such as this is 25%. The review at 85% occupation would require the developer to provide a further affordable housing contribution if excess profit is to be achieved (ie profit over 25%). The Council would receive 50% of any excess profit up to the level required by the adopted affordable housing policy at that time.
- 3.7 It is considered this offer represents a fair balance, in conjunction with the other S106 contributions, between the current position that identifies the scheme to be unviable whilst still safeguarding the Council's position with regard to any future up turn in the market and the long term phased delivery of this scheme.
- 3.8 For reference Table 1 below provides a summary of the S106 requirements and offers at the key stages of negotiation.

3.9 Table 1: Summary of negotiable S106 requirements and offers.

S106 Clause	Policy Requirement	Offer at 17/1/13 Panel	Offer at 11/4/13 Panel	Offer at 9/5/13 Panel
Affordable Housing	5% (31 units)	None	30 units provided as 'assisted purchase' in phase 1	30 units provided as 'assisted purchase' in phase 1
Education Contribution	£238,190.78	None	None	None
Financial Contributions	£133,631 PTC and £434,400 HUV contribution (total £568,031)	None	£568,000 (to be available to spend on education, AH or other matters)	£568,000 (to be available to spend on education, AH or other matters) with £100,000 set aside to for the delivery of a bridge over the canal.
Provision of bridge over the canal	The HUV RPF aspires to the delivery of a bridge of the canal to be paid for by HUV contributions generated by various developments	The applicant proposed to deliver the bridge in lieu of their HUV and PTC	The applicant will reserve a landing point for the bridge.	The applicant will reserve a landing point for the bridge and make a contribution of £100,000 to the delivery as referenced above. The Council will have 15 years to spend the contribution.
Overage Payment	N/A	If the developer's profits exceed 25% gross development value, the Council will receive 50% of the additional profits up to £4.4m.	If the scheme is not implemented within 18 months from decision, the viability of the scheme is reappraised and if found to be viable, a financial contribution will be provided for affordable housing in accordance with the affordable housing policy at that time.	As per 11/4/13 offer plus after 85% occupation a review of the profits will be made. If the profits exceed 25% the Council will receive an affordable housing contribution of 50% of the excess profit up to the level sought by the adopted affordable housing policy at that time.

4.0 CONCLUSION

- 4.1 Members have previously agreed the scale, form, layout and design of the development. A viability appraisal has also been accepted and in light of the lack of viability it is now considered appropriate S106 heads of terms have been offered that will allow for the significant regeneration benefits from developing this site to be achieved whilst also providing for improvements to be made to affordable housing and education provision in the area plus assisting in the delivery of a bridge over the canal.

APPENDIX 1 – Conditions

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

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

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

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

- 3) Prior to the commencement of development a phasing plan identifying the construction programme of the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be adhered to thereafter unless otherwise agreed in writing by the Local Planning Authority.

To ensure the site is developed in an acceptable manner in accordance with adopted UDPR policy GP5.

- 4) Prior to the commencement of development of each phase, a plan showing the temporary works to be carried out across the site shall be submitted to and agreed in writing by the Local Planning Authority. The temporary works shall include landscaping to the Whitehall Road and Globe Road frontages, hoardings to enclose the non-developed parts of the site and pedestrian and cycle paths.

To ensure the undeveloped parts of the site remain attractive throughout the development in accordance with adopted UDPR policy GP5.

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

To ensure appropriate recording of the site in accordance with adopted UDPR policy GP5.

- 6) Prior to the commencement of development a Biodiversity Protection & Enhancement Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Plan shall include details of the creation of: brown/green roofs for wildlife; other planting to benefit wildlife; details of

protection and provision to be made for hibernating/roosting bats within the built structures; and provision of bird boxes for species such as house sparrow, starling, and swift as part of the development. The Plan shall include a timetable of planned activities and a programme for monitoring.

To provide local biodiversity enhancements in accordance with adopted UDPR policy GP5 and N50.

- 7) Development of a phase shall not commence until a scheme detailing foul and surface water drainage works for that phase, including details of any balancing works and off-site works, has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

To ensure sustainable drainage and flood prevention in accordance with policies GP5, N39A of the adopted Leeds UDP Review (2006) and the National Planning Portal Framework.

- 8) The development shall not be occupied until details of the proposed method of closing off and making good all existing redundant accesses to the development site have been submitted to and approved in writing by the local planning authority. The approved works shall be completed before the development is occupied.

To ensure the free and safe use of the highway in accordance with the adopted Leeds UDP Review (2006) policy T2.

- 9) Notwithstanding the approved details, before the development of a phase is commenced full details of cycle/motorcycle parking and facilities for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved cycle/motorcycle parking and facilities have been provided. The facilities shall thereafter be retained for the lifetime of the development.

In order to meet the aims of adopted Leeds UDP Review (2006) policy T2 and T7A

- 10) Development of a phase shall not be occupied until all areas shown on the approved plans to be used by vehicles for that phase have been fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

To ensure the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policy T2 and Street Design Guide SPD (2009).

- 11) Development shall not commence until details of those works identified on White Young Green plan A074879 SK003 P6 that includes the widening of Whitehall Road to allow for an outbound cycle lane, the introduction of a 10m kerb radius at the junction of Globe Road / Whitehall Road, relocation of bus stop, creation of access points, two zebra crossings on Globe Road and the provision of associated lining and signing have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be fully implemented prior to occupation.

To ensure the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policy T2.

- 12) Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 6 (six) metres either side of the centre line of the 1500mm public combined sewer or the 1448mm public combined sewer, which cross the site.

In order to allow sufficient access for maintenance and repair work at all times in accordance with adopted UDPR policy GP5.

- 13) Landscaping works for a phase shall not commence until full details of both hard and soft landscape works for that phase, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include

- (a) proposed finished levels and/or contours,
- (b) boundary details and means of enclosure,
- (c) car parking layouts,
- (d) other vehicle and pedestrian access and circulation areas,
- (e) hard surfacing areas,
- (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs etc.),
- (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).
- (h) lighting (to ensure there is no adverse impact on the flight path to Leeds Bradford airport and no detriment to otters and bats)

Soft landscape works shall include

- (i) planting plans
- (j) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- (k) schedules of plants noting species, planting sizes and proposed numbers/densities.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape

Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

To ensure the provision and establishment of acceptable landscape in accordance with adopted Leeds UDP Review (2006) policies GP5, N23, N25 and LD1.

- 14) A landscape management plan for each phase, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the relevant phase of development. The landscape management plan shall be carried out as approved.

To ensure successful aftercare of landscaping, in accordance with adopted Leeds UDP Review (2006) policies GP5 and LD1.

- 15) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) 10 February 2012 and the following mitigation measures detailed within the FRA:
 1. Managing the surface water run off in accordance with the Leeds City Council's 'Minimum Development Control Standards for Flood Risk' document.
 2. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
 3. Finished floor levels are set as stated in Section 7.1 of the submitted FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with adopted UDPR policy GP5.

- 16) Development shall not commence until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority and:
 - (a) Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority,
 - (b) Where remediation measures are shown to be necessary in the Phase I/Phase II Reports and/or where soil or soil forming material is being imported to site, development shall not commence until a

Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site suitable for use in accordance with national and Leeds City Council's planning guidance.

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

To ensure that any necessary remediation works are identified to make the site suitable for use in accordance with national and Leeds City Council's planning guidance.

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

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use in accordance with national and Leeds City Council's planning guidance.

- 19) Prior to the commencement of construction of a phase of development an updated Sustainability Statement for that phase shall be submitted which will include a detailed scheme comprising (i) a proposal to use the Waste and Resources Programme's (WRAP) Net Waste Tool kit and a Site Waste Management Plan (SWMP), (ii) a pre-assessment for each phase of development using the BREEAM and Code for Sustainable Homes (CfSH) assessment methods to a minimum of BREEAM 'Excellent' and CfSH 'Level 4' standards (iii) an energy plan showing the percentage of on-site energy produced by Low and Zero Carbon (LZC) technologies to a minimum of 10% of the site's energy demand and a carbon

reduction target and plan for the development to ensure that there is a minimum 20% reduction on carbon emissions against 2012 Building Regulations requirements (iv) the operation of a gas-fired combined heat and power (CHP) unit producing a minimum of 245kW and approved by the Local Planning Authority and the development shall be carried out in accordance with the detailed scheme; and (a) Prior to the occupation of each phase of the development a post-construction review statement for that phase shall be submitted by the applicant including a BRE certified BREEAM and CfSH final assessment and associated paper work to the agreed standards and approved in writing by the Local Planning Authority (b) The development and buildings comprised therein shall be maintained and any repairs shall be carried out all in accordance with the approved detailed scheme and post-completion review statement or statements unless otherwise agreed in writing by the Local Planning Authority.

To ensure the adoption of appropriate sustainable design principles in accordance with Policies GP5, GP11 and GP12 of the Unitary Development Plan, the Regional Spatial Strategy Policy ENV 5, the draft Core Strategy, and in accordance with NPPF.

- 20) Prior to the commencement of development of the 17 storey building, details of the proposed demolition/excavations/earth removal/foundations to be undertaken shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

To ensure the demolition, excavation, earth removal and/or construction of foundations do not adversely impact on the integrity of the waterway infrastructure in accordance with adopted UDPR policy GP5.

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

To ensure maintenance of a healthy landscape scheme, in accordance with adopted Leeds UDP Review (2006) policies GP5 and LD1.

- 22) Prior to the commencement of development of a phase, full details of the sound insulation and management measures to be incorporated into that phase shall be submitted to and agreed in writing by the Local Planning Authority. The details shall highlight how future occupiers of that phase will be protected from noise from other occupiers within the phase, adjacent developments and from external traffic noise. The agreed details shall be implemented prior to first occupation and be retained and maintained thereafter.

In the interests of amenity in accordance with adopted UDPR policy GP5.

- 23) Prior to the occupation of any class A1, A5, D1 or D2 use as detailed in the Town and Country Planning (Use Classes) Order 2010 (or any Order revoking or re-enacting that Order with or without modification), the hours of opening for that use shall be submitted to and agreed in writing by the Local Planning Authority. The use shall operate in accordance with the agreed details thereafter.

In the interests of amenity in accordance with adopted UDPR policy GP5.

- 24) Prior to the occupation of any phase, the hours of delivery to and from the commercial premises within that phase, together with loading and unloading within the premises shall be submitted to and agreed in writing by the Local Planning Authority. The uses within that phase shall operate in accordance with the agreed details thereafter.

In the interests of amenity in accordance with adopted UDPR policy GP5.

- 25) No mechanical ventilation or air conditioning system or any other plant machinery shall be installed or operated until details of the installation and operation of the system have been submitted to and approved in writing by the Local Planning Authority. The system shall thereafter only be installed and operated in accordance with the approved details.

In the interests of amenity in accordance with adopted UDPR policy GP5.

- 26) Prior to the commencement of development of a phase, details of any extract ventilation system for that phase, including details of a filter to remove odour, and the methods of treatment of the emissions, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall not be occupied until the works approved in accordance with this condition have been completed. Such works shall thereafter be retained.

In the interests of amenity and visual amenity in accordance with adopted UDPR policy GP5.

- 27) Prior to the occupation of a phase, a scheme detailing the method of storage and disposal of litter and waste materials, including recycling facilities for that phase, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided including, where appropriate, lockable containers and details for how the recyclable materials will be collected from the site with timescales for collection. The approved scheme shall be implemented before the development hereby permitted is brought into use and no waste or litter shall be stored or disposed of other than in accordance with the approved scheme.

In the interests of amenity and to promote recycling in accordance with adopted UDPR policy GP5.

- 28) The construction of external facing materials for each phase shall not take place until details and samples of all external walling, window, door, balcony and roofing materials for that phase have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity in accordance with adopted UDPR policy N13 and GP5.

- 29) Typical detailed 1:20 scale (or other appropriate scale) working drawings of the following elevational features shall be submitted to and approved in writing by the Local Planning Authority prior to their construction on a phase:

- (a) Sections through external windows and door reveals;
- (b) External entrance areas at ground floor level;
- (c) Junctions of materials;
- (d) Changes in plane to the building elevations; and
- (e) Details of roof parapets, eaves line and soffits to the buildings.

The works shall be implemented as thereby agreed.

In the interests of visual amenity and providing a high quality design in accordance with adopted UDPR policy N13.

- 30) No building works for each phase shall take place until details and samples of all surfacing materials for that phase have been submitted to and approved in writing by the Local Planning Authority. The surfacing works shall be constructed from the materials thereby approved.

In the interests of visual amenity in accordance with adopted UDPR policy GP5.

- 31) No works shall take place on a phase until full details of provision to be made for the storage, parking, loading and unloading of contractors' plant, equipment and materials, and the parking of vehicles of the workforce for that phase, has been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided for the duration of the development works for that phase.

In the interests of the free and safe use of the highway in accordance with adopted UDPR policies T2 and GP5.

- 32) No works shall begin on a phase until full details of the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development of that phase, have been submitted for the approval in writing of the Local Planning Authority. The methods thereby approved shall be implemented at the commencement of work on site, and shall thereafter be retained and employed until completion of works on site.

To ensure that mud is not deposited on the road in accordance with adopted UDPR policy GP5.

- 33) Dust generated by vehicles on roads, haul routes and circulation areas within the site in dry weather conditions shall be suppressed by the use of equipment able to deliver sufficient volumes of water and provided on site for this purpose. Immediate preventative action, including the suspension of operations shall be taken if dust generated by machinery on site becomes airborne and can be seen being carried by the wind beyond the site boundary.

In the interests of general amenity and the amenity of occupants of nearby premises in accordance with adopted UDPR policy GP5.

- 34) The construction of any external finishing materials for a phase shall not commence until full details of the siting, design and external appearance of all external plant, flue pipes, external vents, roller shutters, lighting or other excrescences to be located on the roof or sides of the buildings within that phase have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented and retained thereafter.

In the interest of visual amenity in accordance with adopted UDPR policies GP5 and N13.

- 35) Prior to the commencement of each phase, a report to demonstrate that the opportunity to recover any coal present within each phase boundary has been considered, shall be submitted to and approved in writing by the Local Planning Authority. The report shall set out whether any coal present should be removed prior to or during development unless:
- a. it can be shown that it is not economically viable to do so, or
 - b. it is not environmentally acceptable to do so, or
 - c. the need for the development outweighs the need to extract the coal, or
 - d. The coal will not be sterilised by the development.

If the approved report recommends that coal is present and should be removed, an implementation strategy shall be submitted to and approved in writing by the Local Planning Authority. Subsequent actions or works shall then be carried out in accordance with the approved implementation strategy.

In order to accord with Leeds Natural Resources and Waste DPD Policies Minerals 3 and 9, and the NPPF.

APPENDIX 2 – Report to the 17th January City Plans Panel regarding
12/03459/FU



Originator: Andrew Windress

Tel: 3951247

Report of the Chief Planning Officer -

CITY PLANS PANEL

Date: 17th January 2013

Subject: APPLICATION 12/03459/FU – MULTI-LEVEL DEVELOPMENT UP TO 17 STOREYS WITH 609 RESIDENTIAL APARTMENTS, COMMERCIAL UNITS (CLASS A1 TO A5, B1, D1 AND D2), CAR PARKING, ASSOCIATED ACCESS, ENGINEERING WORKS, LANDSCAPE AND PUBLIC AMENITY SPACE ON LAND AT WHITEHALL ROAD AND GLOBE ROAD, LEEDS, LS12

APPLICANT	DATE VALID	TARGET DATE
Globe Road Ltd	17/8/12	22/2/13

Electoral Wards Affected:

City & Hunslet

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 specified conditions at Appendix 1 (and any others which he might consider appropriate) and the completion of a Section 106 agreement to cover the following:

- **Delivery of the bridge over the canal.**
- **Commitment of the delivery of the first phase of development within two years and review of profits on completion of each phase.**
- **Travel Plan and monitoring fee of £5,125.**
- **Car club contribution of £21,500.**
- **Local employment and training clause.**
- **Public access to public open space.**

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

1.0 INTRODUCTION:

1.1 A position statement relating to this application was presented to Plans Panel on 22nd November 2012 as it is a significant major application for primarily residential development in the City Centre. Members made comments relating to the design and provision of play space and were informed that there were still outstanding matters relating to the wind assessment and viability of the scheme/S106 provisions. The scheme has been revised to accord with Members' comments and those other matters progressed therefore the application is presented again with a recommendation Members defer and delegate approval to the Chief Planning Officer.

2.0 PROPOSAL:

2.1 The proposed scheme is for 609 residential units, ground floor commercial units, associated parking and landscaping across a development of up to 17 storeys. The scheme includes a mix of 179 one bed apartments, 8 one bed duplexes, 353 two bed, 19 two bed duplexes and 49 three bed apartments and 1 three bed duplex. The different apartment sizes are spread across the site. The duplex units are located on the ground floor and help create 'mews streets'. There would be small commercial units on the ground floor of buildings fronting Whitehall Road and the building on the land adjacent to the canal. 439 parking spaces will be provided under or adjacent to individual buildings and in a three storey car park that runs along the boundary of the site adjacent to the railway lines.

2.2 Three buildings of 10 storeys are located on Whitehall Road and three buildings of eight storeys on Globe Road. Behind these

buildings that front the main roads, the scale of the buildings steps down to six and then four storeys. On the separate piece of land to the east of Globe Road and adjacent to the canal is a 17 storey building. The 3 storey car park along the southern/railway boundary adjoins the adjacent residential buildings.

- 2.3 The car park and 4-10 storey residential buildings in the main part of the site bounded by Whitehall Road, Globe Road and the railway are in red brick and have a common design approach of a brickwork frame with defined base, middle and top with punched and recessed window openings. The common design unites the buildings but differing designs to the balconies provide some distinction to individual blocks. The 17 storey building located on the parcel of land between Globe Road and the canal has a similar design approach but is finished in a black brick. The car park elevations will incorporate a growing 'green' wall of climbing plants.
- 2.4 Vehicular access is from both Whitehall Road and Globe Road. The proposed level of parking would provide a space for every 3 bed unit, a space for 65% of the 2 bed units and for 55% of the 1 bed units.
- 2.5 An area of public open space is located within the centre of the site primarily accessed from Globe Road. A smaller area of public open space will also be located adjacent to the canal. The total public open space equates to less than 10% of the site area. Open space for residents is provided in communal courtyards on top of single storey car park decks within the site and on the roof of the three storey car park.
- 2.6 The adopted Holbeck Urban Village Revised Planning Framework identifies a possible bridge link across the canal adjacent to the proposed 17 storey building. This bridge would help link Holbeck Urban Village and other communities to the city centre and train station in particular. The developer sees this bridge link as being integral to the success of their scheme and proposes to fund and procure the bridge that will provide important pedestrian and cycle links.
- 2.7 The application is supported by the following documents:
- Planning Statement.
 - Design and Access Statement.
 - Transport Assessment.
 - Travel Plan.
 - Sustainability Statement.
 - Energy Demand Statement.
 - Wind Assessment.
 - Daylight and sunlight Report.
 - Drainage Assessment.

- Flood Risk assessment including Sequential and Exception Test.
 - Contamination Report.
 - Habitat Survey.
 - Acoustics Report.
 - S106 Heads of Terms.
 - Financial Viability Appraisal.
- 2.8 The sequential test has examined the potential for developing alternative less vulnerable sites but these have been discounted for various reasons, the sequential test has been accepted.
- 2.9 The scheme will be delivered on a phased, building by building basis. The applicant has committed to submitting a phasing and temporary works plan by condition that will identify how the site will be delivered and the temporary works (landscaping, pedestrian/cycle routes, hoardings) that will be carried out on those parts of the site to be delivered in a later phase.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is almost 2.26 hectares and is currently in use as an unauthorised long stay commuter car park, one of those refused at the March 15th 2012 Panel. The part of the site to the north east of Globe Road houses a temporary building that formerly acted as a marketing suite but now provides office accommodation.
- 3.2 The site lies within the south-western edge of the defined Leeds City Centre. It is bounded by Whitehall Road to the west, by the railway line and viaduct to the south and Globe Road and the river and canal to the north. Most of the site is separated from the river/canal by Globe Road but a small portion abuts the canal side.
- 3.3 The site is within the City Centre but otherwise is unallocated within the UDPR, with the exception of the part of the site to the north east of Globe Road which forms part of Holbeck Urban Village.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Application 20/499/04/FU proposed a multi level predominantly residential development up to 31 storeys with 833 flats, commercial units, car parking and landscaping; this was approved 22nd September 2005 after being agreed at Panel 28th April 2005. A subsequent extension of time application, 10/01670/EXT, was approved 17th November 2010.
- 4.2 Application 07/00018/FU amended 20/499/04/FU by increasing the height of the tallest element to 33 storeys; this was approved 25th April 2007. A subsequent extension of time application, 10/01666/EXT was approved 18th November 2010.

5.0 HISTORY OF NEGOTIATIONS:

5.1 As can be seen above, the site benefits from a history of planning approval for large scale residential developments. Officers commenced discussions with the developer on a revised scheme in July 2011. A number of meetings took place with planning, design and highways officers to develop the layout, scale, massing and general aspirations for the site. The scheme was presented as a pre-application proposal to Plans Panel City Centre on 12th April 2012. The minutes of this meeting are attached to this report at Appendix 2. Officers continued to negotiate the scheme and a position statement was presented to the 22nd November 2012 Panel when Members requested changes to the design of the 17 storey building and improvements to the provision of children's play space. The minutes of this meeting are attached at Appendix 3 and discussed in the appraisal section below.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Ward members were notified of the application on 21/8/12, no comments have been received.

6.2 Site notices were posted 31/8/12 and an advert was placed in the Yorkshire Evening Post 13/9/12.

6.3 Leeds Civic Trust state they have had the benefit of a presentation from the developer, elements are supported but many of the issues raised at the presentation have not been addressed. The Trust believe the scheme has many benefits including its overall concept, the public space, green wall to the car park plus the mix of apartment sizes. Comments are made regarding the potential overshadowing of the canal, light and wind to the courtyards and need to ensure the bridge is attractive and responsive to desire lines. The Trust feel the tower is too dark and 'stumpy' and would benefit from a lighter and more slender appearance, the buildings are 'monolithic' and should include more variation, the buildings have a significant impact on some of the key views and some of the CGIs are not accurate. Overall, the Trust would like to support the scheme but feel they must object as they believe the design has significant flaws.

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

7.2 Highways: No objection to the principle of the development, the development impact on the local network is acceptable, subject to off-site highway works and the parking numbers and access locations are appropriate.

- 7.3 Highways Agency: There will be no adverse impact on the Strategic Highway Network and the revised travel plan is acceptable.
- 7.4 Environment Agency: No objection subject to the development being carried out in accordance with the Flood Risk Assessment.
- 7.5 Non-statutory:
- 7.6 Licensing: Premises licences would be required for the A3-A5 uses.
- 7.7 Streetscene Services: The collection arrangements appear acceptable.
- 7.8 West Yorkshire Archaeological Advisory Service: No objection subject to a condition requiring archaeological recording.
- 7.9 Natural England: The proposal does not affect any statutorily protected sites or landscapes. Further bat surveys were requested (and have been carried out) and biodiversity enhancement and mitigation should be provided.
- 7.10 Network Rail: No objection.
- 7.11 Flood risk Management: No objection subject to conditions.
- 7.11 Yorkshire Water: No objection subject to conditions.
- 7.12 Leeds Bradford International Airport: No objection provided any lighting is positioned to avoid causing glare or dazzle to pilots.
- 7.13 Travelwise: The revised travel plan is acceptable, the section 106 should secure the travel plan, monitoring fee, provision of two car club spaces and a free trial membership package for the car club.
- 7.14 Metro: Following confirmation that 'super shelters' on Whitehall Road are delivered via the planning approval on the former Doncaster Monkbridge site on the northern side of Whitehall Road, there is no objection in principle provided a public transport contribution is provided.
- 7.15 Public Transport Contribution Officer: A contribution of £137,142 should be sought.
- 7.16 Children's Services: The three bed apartments are considered to be family units and there is a high demand for school places at the nearest schools therefore the full contribution to both primary and secondary provision. For 50 three bed units this equates to £238,190.78.
- 7.17 Contaminated Land Team: No objection subject to conditions.

- 7.18 Wind Consultant: Further information and final comments are still outstanding and will be reported verbally to the Panel.
- 7.19 Police Architectural Liaison Officer: Secured By Design principles should be adopted and controls should be in place to ensure unauthorised access is prevented into buildings and parking areas.
- 7.20 Affordable Housing Officer: 5% affordable units (31 units) should be delivered and spread across the site.
- 7.21 Canal and River Trust: No objection.

8.0 PLANNING POLICIES:

8.1 Development Plan Policies

8.2 Regional Spatial Strategy (RSS): The RSS for Yorkshire and Humber was adopted in May 2008. The vision of the RSS is to create a world-class region, where the economic, environmental and social well-being of all people is advancing more rapidly and more sustainably than its competitors. Particular emphasis is placed on the Leeds City Region. There are no RSS policies of particular relevance; all issues are covered by the UDPR policies identified below.

8.3 Unitary Development Plan (Review 2006) (UDPR): The whole site is located within the City Centre and the parcel of land adjacent to the canal is within Holbeck Urban Village. The Leeds Liverpool Canal is adjacent to this parcel of land and is a Site of Ecological or Geological Importance (SEGI).

GP5: Proposals should resolve detailed planning considerations.

GP11, GP12: Sustainable Design.

BD2: New buildings should complement and enhance existing skylines, vistas and landmarks.

BD4: Seeks to minimise impact of plant and machinery.

BD5: Seeks to ensure a satisfactory level of amenity for occupants and surroundings.

T2: Development proposals should not create new, or exacerbate existing, highway problems.

T5: Satisfactory provision for pedestrians and cyclists.

T6: Satisfactory disabled access.

T24: Parking to reflect detailed UDP parking guidelines.

A4: Development and refurbishment proposals should be designed to secure a safe and secure environment, including proper consideration of access arrangements.

SA9, SP8: Promote development of City Centre role and status.

CC4: High quality design and appropriate scale at city centre gateway locations.

CC10: Sites over 0.5ha require 20% public open space.

LD1: Landscape proposals should allow sufficient space around buildings to retain existing trees in healthy condition & allow new trees to grow to maturity.

N12: Fundamental priorities for urban form.

N13: requires all new buildings to be of high quality and have regard to character and appearance of surroundings.

N25: Boundaries should be appropriate to the character of the area.

N50: Development will not be permitted that would seriously harm a SEGI.

8.4 Relevant Supplementary Planning Guidance.

8.5 Tall Buildings Design Guide (Adopted April 2010): This Supplementary Planning Document (SPD) provides guidance as to where tall buildings should and should not be built. The document highlights the importance of design and urban design and seeks to protect the best elements already established within the city.

8.6 Public Transport Improvements and Developer Contributions (2008): Developments that have a significant local travel impact will be subject to a requirement for paying a contribution towards public transport improvements.

8.7 Holbeck Urban Village Revised Planning Framework (2006) (HUVRPF): The HUVRPF seeks delivery of a footbridge over the canal landing on the parcel of land where the 17 storey tower is proposed.

8.8 Neighbourhoods for Living – A Guide for Residential Design in Leeds (2003): This SPD provides guidance regarding the themes and principles of residential design; the character and essence of Leeds and the submission requirements and analysis based process.

8.9 Building for Tomorrow Today – Sustainable Design and Construction (2011): Sustainability criteria is set out including a requirement to meet BREEAM standards.

8.10 National Planning Guidance

8.11 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. The NPPF states that unless material considerations indicate otherwise development proposals which accord with the Development Plan should be approved. The framework, which includes guidance regarding building a strong, competitive economy, ensuring the vitality of town centres, promoting sustainable transport, and conserving the historic environment, is a material consideration.

8.12 Emerging Policy

- 8.13 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.
- 8.14 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

9.0 MAIN ISSUES

- Design approach and amendments to the design of the 17 storey tower.
- Improvements to the provision of child-friendly play spaces and increase in green areas/reduction in hard surfacing.
- Wind.
- Section 106 and viability.
- Highways
- Sustainability.

10.0 APPRAISAL

- 10.1 Design approach and amendments to the design of the 17 storey tower.
- 10.2 The design proudly takes its cue from the brickwork industrial heritage of Leeds and the design clearly acknowledges the solid environmental context of Leeds. An enthusiastic design it is clearly a project designed to be for this site, and for Leeds, rather than an anonymous visual offering that could be encountered in any British city.
- 10.3 Notably the design only uses the brick as the underlying primary organisation tool of the visual aesthetic to provide a solid optical cohesion so necessary in larger scale works such as this. The 'tripartite' organisation of the elevations also offers an interesting feature and further enhances the visual unity of the scheme.

- 10.4 The design then cleverly encapsulates its true modernity in the secondary elements of the windows and balconies with modern materials and colour. These secondary visual elements then provide strong visual interest with the deep reveals and the coloured panels which exploit the light and shadow to give visual interest and activity. The larger openings within the overall brickwork frame also clearly mark this scheme in the modern style whilst acknowledging its local cultural and environmental context. The larger balcony and window openings are also a skilful tool to avoid a cacophony of domestic scale openings which would be swamped and distracting in a scheme of this size.
- 10.5 It is interesting, and a clue to the modernity of the scheme, that the brickwork is actually not the dominant material element of the scheme. It is the larger openings containing the activity of the balconies and window elements that are in the majority thereby avoiding a hard visual conclusion.
- 10.6 Although cleverly acknowledging the brickwork context of Leeds it is a contemporary design for the modern age providing a sound offering to the Leeds townscape.
- 10.7 In response to Member's comments the 17 storey tower has been revised and reduced in width at its western end. The number of bays in this elevation has been reduced from 6 to 5 and has therefore reduced the width of this part of the tower by approximately 4m. This design change reduces the visual impact of the tower when viewed from Whitehall Road and 'upstream' and made the tower appear more slender and less 'blocky'.
- 10.8 This change has resulted in a reduction in the number of apartments in this building from 112 to 96 with all 16 three bed apartments being removed, a reduction in the number of one bed apartments and an increase in the number of two bed apartments.
- 10.9 In addition, the windows in the top two floors of the northern elevation facing the canal have been recessed to reflect the recessed windows in this part of the eastern and western elevations. This has the effect of reducing the dominance of this longer elevation and therefore further ensuring the building has a lighter and slender appearance.
- 10.10 The reduction in the width of the tower and recessing of the windows also helps to emphasise the gentle curve of the building that was not evident on the images presented at the previous Panel. The footprint of the tower follows the gentle curve of the canal and therefore provides a subtle but important softening of the tower in this sensitive location.

- 10.11 A number of additional images of the tower will be presented to Members that will highlight the important design detail of the tower including the varying planes of the brickwork, recessed windows and the white mortar. The varying planes and recesses give the building distinction and interest whilst the white mortar will actually make up around 20% of the total façade treatment and therefore lighten and further soften the building.
- 10.12 Improved images will also be presented for the red brick element of the proposal on the land bounded by Whitehall Road, Globe Road and the railway lines. These images will also show the detailing of the buildings in greater clarity to emphasise the quality of the design.
- 10.13 The design changes highlighted above are subtle but considered to significantly improve the appearance of the tower in response to Members' comments. The tower is a bold architectural statement that is considered to complement other bold statements at Granary Wharf such as Candle House and Waterman's Place. Members will be shown a number of additional and enhanced images that will provide greater clarity and highlight the architectural quality of the scheme that is considered to significantly enhance this gateway location.
- 10.14 Improvements to the provision of child-friendly play spaces and increase in green areas/reduction in hard surfacing.
- 10.15 The development has a significant number of three bed apartments and Members were keen to ensure there was an appropriate provision of play space for children that may reside in the development. In response to this the developer has increased the green/play space in the public open space at ground level, introduced a play area at this level and provided a 250m² artificial beach with play sand on the open space on the roof of the car park.
- 10.16 The level of hard surfacing within the public open space has been significantly reduced whilst still maintaining the necessary pedestrian desire lines/footpaths serving entrances. Additional grassed areas have been provided and a play area with play equipment has been introduced. This play area includes a variety of play equipment (rocking equipment, inclusive see-saw and spinners) intended primarily for younger children below school age but also providing for children up to 8 years old. The surface to the play area will be a mix of rubber safety matting with grass and wetpour rubber crump safety surface.
- 10.17 The stone block seats proposed in and around the public open space/play areas now incorporate timber slat tops to provide a softer appearance and therefore provide for a more appealing place to sit and play.

- 10.18 The one-way service road adjacent to the play space is a shared surface providing service access, access to the six on-street disabled spaces and two car club spaces plus access to the 18 space car park under block A. It is expected that this road will be a lightly used route therefore the road has a shared surface. The road is at a slightly higher level than the open/play space and is separated by the bioswale therefore there are no safety concerns regarding the relationship between the road and open space.
- 10.19 A 250m² artificial beach is to be located within the amenity space provided for residents on the roof of the car park. This creates opportunities for residents' to bring their children to this space and play and provide a private retreat in what would be a sunny aspect of the site. To complement this play space and the fruit trees proposed in the amenity space, raised planters have been introduced that will allow residents to grow their own fruit, vegetables and herbs and therefore ensure this communal amenity space is well used by all.
- 10.20 The changes to the provision of green space, play space and communal beach is considered to provide attractive and varied opportunities for residents' children to play within the site. Older children would also benefit from the site being located adjacent to more formal recreational activities associated with the canal and river (walking, cycling and biodiversity opportunities) and the pocket park at the former Doncaster Monkbridge site across Whitehall Road.
- 10.21 Wind
- 10.22 A computer modelling analysis of the local wind environment around the Globe Road development, Leeds has been carried out, this study has been independently examined by a wind consultant appointed by the Council. The wind conditions are predicted to be very comfortable and no areas fall outside the recommended safety criteria, with only one monitoring point falling outside of acceptable and into tolerable. In terms of pedestrian safety, overall, the wind conditions are predicted to be safe for the general public at all monitoring points, as such, mitigation measures are not required.
- 10.23 The highest local wind speeds are experienced at the Globe Road and Whitehall Road junction. A combination of funnelling and corner effects for most wind directions leads to relatively high wind speeds in this area. However, these speeds are still within the comfort and safety criteria and are not sufficient to warrant mitigation measures.
- 10.24 The tallest building to the east of the site is responsible for causing the most notable air flow features for most wind directions. These mainly consist of downwash and the associated corner effects and the complex re-circulating flows in the wake or leeward side. However, the downwash is not predicted to be particularly strong and therefore is not predicted to be problematic. A reason for this is that

the building has a relatively small footprint, which reduces the blockage it creates, particularly in the east-west direction. An additional reason for much of the predicted low wind speed is that much of the interior of the design for the proposal consists of highly sheltered internal courtyard type areas. In general, the passage ways between buildings within the proposal are not predicted to cause significant funnelling.

10.25 The wind study does not fully consider gusting winds and does not fully explore the impact on cyclists and vehicles. These issues have been raised with the applicant and further comment and updates will be provided verbally at Panel.

10.26 Section 106 and viability

10.27 The scheme generates a requirement for the following S106 clauses/contributions:

- Affordable housing at 5% (31 units) for phases implemented within two years or a percentage as per the affordable housing policy at the time of implementation.
- Public transport contribution of £133,631.
- Holbeck Urban Village public realm contribution of £434,400.
- Education contribution of £238,190.78.
- Travel Plan and monitoring fee of £5,125.
- Car club contribution of £21,500.
- Local employment and training clause.
- Public access to public open space.

10.28 The applicant has accepted the clauses relating to the travel plan, monitoring fee, car club, local employment and training initiatives and public access. The applicant has also confirmed they are willing to deliver the bridge across the canal in lieu of the public transport and HUV contributions and the shortfall of public open space on site (approximately 8% public open space is provided on site against the policy requirement of 20%). Officers and Members have previously confirmed support for this approach that ensures the delivery of the bridge earlier than the Council may have been able to achieve delivery. The bridge is estimated to have a cost similar to the total public transport and Holbeck Urban Village contributions (£568,031). Both parties are committed to delivering the bridge in the early phases of development and an update on these negotiations will be provided verbally at Panel.

10.29 A viability assessment has been submitted that shows the scheme to be unviable therefore the applicant has stated they are unable to deliver the affordable housing provision or the education contribution. Further details on the viability assessment are contained within a supplementary report. The information contained in this supplementary report is confidential as it relates to the financial or

business affairs of the applicant. It is considered that it is not in the public interest to disclose this information as it would be likely to prejudice the affairs of the applicant. It is therefore considered that Appendix 1 of the report should be treated as exempt under Access to Information Procedure Rule 10.4 (3).

10.30 Highways

10.31 The scheme provides 439 parking spaces for the 609 apartments, equating to 70% provision. This provision includes 33 disabled, 6 visitor and 2 car club spaces. 45 motorcycle and 632 cycle parking spaces are also provided. The car parking provision is acceptable in policy terms and corresponds to other residential city centre developments. The extant scheme has an 80% provision but it is understood the current take up of parking spaces at Granary Wharf equates to only 38%. At the pre-application presentation Members did have concerns regarding a potential lack of parking but as the proposal is in line with policy requirements, similar to other city centre developments, is within close proximity to the train station and good bus services, provides significant cycle parking and car club spaces (in addition to current market forces/demand), a 70% provision is considered acceptable and was accepted by Members and the November Panel.

10.32 The highways works associated with the scheme include the widening of Whitehall Road to accommodate an outbound cycle lane.

10.33 Sustainability

10.34 The sustainability statement for this application is considered to be a generally thorough, comprehensive and well presented document and represents a significant amount of consideration and work on this matters. However, there is not sufficient information to clearly show how the development will achieve the defined Code for Sustainable Homes Level 3 and BREEAM 'Very Good' rating. It is also not clear how the 10% renewable/low carbon energy generation is to be achieved therefore further information will be conditioned. To accord with the targets set out in the adopted SPD for 2013, the applicant will be requested to endeavour to achieve ratings of BREEAM 'excellent' and Code for Sustainable Homes Level 4.

11.0 CONCLUSION

11.1 This is a key regeneration site in an area of the city that is both prominent to those arriving by train and car. The proposed development is considered to be a well designed scheme that will significantly enhance the arrival into Leeds at this gateway location. The scheme reflects the cities industrial past and the character of other historic and contemporary buildings within the Holbeck Urban Village area. The development delivers on site play space to meet

the needs of the anticipated resident demographic and will deliver a much needed pedestrian connection across the canal toward the railway station. Whereas the scheme has been identified as unviable in the current market, the developer is keen to develop the site and therefore achieve a return on their investment to date. Negotiations are ongoing regarding the viability and deliverability of the scheme and this will be discussed further at Panel.

12.0 BACKGROUND PAPERS

- 12.1 Application file 12/03459/FU and history files 20/499/04/FU, 07/00018/FU, 10/01666/EXT and 10/01670/EXT.
- 12.2 Certificate of Ownership signed by the agent.



Originator: Andrew Windress

Tel: 3951247

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 11th April 2013

Subject: APPLICATION 12/03459/FU – MULTI-LEVEL DEVELOPMENT UP TO 17 STOREYS WITH 609 RESIDENTIAL APARTMENTS, COMMERCIAL UNITS (CLASS A1 TO A5, B1, D1 AND D2), CAR PARKING, ASSOCIATED ACCESS, ENGINEERING WORKS, LANDSCAPE AND PUBLIC AMENITY SPACE ON LAND AT WHITEHALL ROAD AND GLOBE ROAD, LEEDS, LS12

APPLICANT
Globe Road Ltd

DATE VALID
17/8/12

TARGET DATE
22/2/13

Electoral Wards Affected:

City & Hunslet

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions at Appendix 1 (and any others which he might consider appropriate) and the completion of a Section 106 agreement to cover the following:

- A contribution of £568,000 to be spent on affordable housing, education, public transport and/or public realm improvements as considered appropriate.
- 30 units in phase one provided as assisted purchase units.
- If the development is not implemented within 18 months of approval the scheme is to be financially re-appraised at the time of implementation and if viable, a further affordable housing contribution shall be provided in accordance with the level of viability and affordable housing policy at that time.
- Landing area for the canal footbridge.

- **Travel Plan measures and monitoring fee of £5,125.**
- **Car club contribution of £21,500.**
- **Local employment and training clause.**
- **Public access to public open space.**

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

1.0 INTRODUCTION:

1.1 This application was presented to Plans Panel on 17th January 2013 as it is a significant major application for primarily residential development in the City Centre. Members agreed to approve the development subject to an appropriate section 106 package that included an improved offer regarding the provision of affordable housing and an education contribution. The previous Panel report is attached and this report only provides an update on the outstanding issues following the January meeting. Officers have negotiated an improved offer that is considered appropriate in the circumstances therefore the application is presented again with a recommendation Members defer and delegate approval to the Chief Planning Officer. This report also clarifies the wind issue reported verbally at the 17th January 2013 Panel and highlights an objection letter received after the January Panel.

2.0 PROPOSAL:

2.1 The proposed scheme is for 609 residential units, ground floor commercial units, associated parking and landscaping across a development of up to 17 storeys. The scheme includes a mix of 179 one bed apartments, 8 one bed duplexes, 353 two bed, 19 two bed duplexes and 49 three bed apartments and 1 three bed duplex. The different apartment sizes are spread across the site. The duplex units are located on the ground floor and help create 'mews streets'. There would be small commercial units on the ground floor of buildings fronting Whitehall Road and the building on the land adjacent to the canal. 439 parking spaces will be provided under or adjacent to individual buildings and in a three storey car park that runs along the boundary of the site adjacent to the railway lines.

2.2 Three buildings of 10 storeys are located on Whitehall Road and three buildings of eight storeys on Globe Road. Behind these buildings that front the main roads, the scale of the buildings steps down to six and then four storeys. On the separate piece of land to the east of Globe Road and adjacent to the canal is a 17 storey building. The 3 storey car park along the southern/railway boundary adjoins the adjacent residential buildings.

2.3 The car park and 4-10 storey residential buildings in the main part of the site bounded by Whitehall Road, Globe Road and the railway are in red brick and have a common design approach of a brickwork frame with defined base, middle and top with punched and recessed window openings. The common design unites the buildings but differing designs to the balconies provide some distinction to individual blocks. The 17 storey building located on the parcel of land between Globe Road and the canal has a similar design approach but is finished in a black brick. The car park elevations will incorporate a growing 'green' wall of climbing plants.

- 2.4 Vehicular access is from both Whitehall Road and Globe Road. The proposed level of parking would provide a space for every 3 bed unit, a space for 65% of the 2 bed units and for 55% of the 1 bed units.
- 2.5 An area of public open space is located within the centre of the site primarily accessed from Globe Road. A smaller area of public open space will also be located adjacent to the canal. The total public open space equates to less than 10% of the site area. Open space for residents is provided in communal courtyards on top of single storey car park decks within the site and on the roof of the three storey car park.
- 2.6 The adopted Holbeck Urban Village Revised Planning Framework identifies a possible bridge link across the canal adjacent to the proposed 17 storey building. This bridge would help link Holbeck Urban Village and other communities to the city centre and train station in particular. The developer sees this bridge link as being integral to the success of their scheme and proposes to fund and procure the bridge that will provide important pedestrian and cycle links.
- 2.7 The application is supported by the following documents:
- Planning Statement.
 - Design and Access Statement.
 - Transport Assessment.
 - Travel Plan.
 - Sustainability Statement.
 - Energy Demand Statement.
 - Wind Assessment.
 - Daylight and sunlight Report.
 - Drainage Assessment.
 - Flood Risk assessment including Sequential and Exception Test.
 - Contamination Report.
 - Habitat Survey.
 - Acoustics Report.
 - S106 Heads of Terms.
 - Financial Viability Appraisal.
- 2.8 The sequential test has examined the potential for developing alternative less vulnerable sites but these have been discounted for various reasons, the sequential test has been accepted.
- 2.9 The scheme will be delivered on a phased, building by building basis. The applicant has committed to submitting a phasing and temporary works plan by condition that will identify how the site will be delivered and the temporary works (landscaping, pedestrian/cycle routes, hoardings) that will be carried out on those parts of the site to be delivered in a later phase.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is almost 2.26 hectares and is currently in use as an unauthorised long stay commuter car park, one of those refused at the March 15th 2012 Panel. The part of the site to the north east of Globe Road houses a temporary building that formerly acted as a marketing suite but now provides office accommodation.

3.2 The site lies within the south-western edge of the defined Leeds City Centre. It is bounded by Whitehall Road to the west, by the railway line and viaduct to the south and Globe Road and the river and canal to the north. Most of the site is separated from the river/canal by Globe Road but a small portion abuts the canal side.

3.3 The site is within the City Centre but otherwise is unallocated within the UDPR, with the exception of the part of the site to the north east of Globe Road which forms part of Holbeck Urban Village.

4.0 RELEVANT PLANNING HISTORY:

4.1 Application 20/499/04/FU proposed a multi level predominantly residential development up to 31 storeys with 833 flats, commercial units, car parking and landscaping; this was approved 22nd September 2005 after being agreed at Panel 28th April 2005. A subsequent extension of time application, 10/01670/EXT, was approved 17th November 2010.

4.2 Application 07/00018/FU amended 20/499/04/FU by increasing the height of the tallest element to 33 storeys; this was approved 25th April 2007. A subsequent extension of time application, 10/01666/EXT was approved 18th November 2010.

5.0 HISTORY OF NEGOTIATIONS:

5.1 As can be seen above, the site benefits from a history of planning approval for large scale residential developments. Officers commenced discussions with the developer on a revised scheme in July 2011. A number of meetings took place with planning, design and highways officers to develop the layout, scale, massing and general aspirations for the site. The scheme was presented as a pre-application proposal to Plans Panel City Centre on 12th April 2012. The minutes of this meeting are attached to this report at Appendix 2. Officers continued to negotiate the scheme and a position statement was presented to the 22nd November 2012 Panel when Members requested changes to the design of the 17 storey building and improvements to the provision of children's play space. The minutes of this meeting are attached at Appendix 3 and discussed in the appraisal section below.

5.2 The application was presented for determination at the 17th January 2013 City Plans Panel. Members agreed to approve the development subject to an appropriate section 106 package that included an improved offer regarding the provision of affordable housing and an education contribution. The minutes of this meeting are attached at Appendix 4 and the report is attached at Appendix 5.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Ward members were notified of the application on 21/8/12, no comments have been received.

6.2 Site notices were posted 31/8/12 and an advert was placed in the Yorkshire Evening Post 13/9/12.

6.3 Leeds Civic Trust state they have had the benefit of a presentation from the developer, elements are supported but many of the issues raised at the presentation have not been addressed. The Trust believe the scheme has many benefits including its overall concept, the public space, green wall to the car park plus the mix of apartment sizes. Comments are made regarding the potential overshadowing of the canal, light and wind to the courtyards and need to ensure the

bridge is attractive and responsive to desire lines. The Trust feel the tower is too dark and 'stumpy' and would benefit from a lighter and more slender appearance, the buildings are 'monolithic' and should include more variation, the buildings have a significant impact on some of the key views and some of the CGIs are not accurate. Overall, the Trust would like to support the scheme but feel they must object as they believe the design has significant flaws.

- 6.4 Since the 17th January 2013 Panel a letter of objection has been received from a resident of Skipton who worked as the project engineer on the previous scheme proposed on this site. The objector raises concerns regarding the design and believes the previous scheme to be much better.

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

7.2 Highways: No objection to the principle of the development, the development impact on the local network is acceptable, subject to off-site highway works and the parking numbers and access locations are appropriate.

7.3 Highways Agency: There will be no adverse impact on the Strategic Highway Network and the revised travel plan is acceptable.

7.4 Environment Agency: No objection subject to the development being carried out in accordance with the Flood Risk Assessment.

7.5 Non-statutory:

7.6 Licensing: Premises licences would be required for the A3-A5 uses.

7.7 Streetscene Services: The collection arrangements appear acceptable.

7.8 West Yorkshire Archaeological Advisory Service: No objection subject to a condition requiring archaeological recording.

7.9 Natural England: The proposal does not affect any statutorily protected sites or landscapes. Further bat surveys were requested (and have been carried out) and biodiversity enhancement and mitigation should be provided.

7.10 Network Rail: No objection.

7.11 Flood risk Management: No objection subject to conditions.

7.11 Yorkshire Water: No objection subject to conditions.

7.12 Leeds Bradford International Airport: No objection provided any lighting is positioned to avoid causing glare or dazzle to pilots.

7.13 Travelwise: The revised travel plan is acceptable, the section 106 should secure the travel plan, monitoring fee, provision of two car club spaces and a free trial membership package for the car club.

7.14 Metro: Following confirmation that 'super shelters' on Whitehall Road are delivered via the planning approval on the former Doncaster Monkbridge site on the northern

side of Whitehall Road, there is no objection in principle provided a public transport contribution is provided.

- 7.15 Public Transport Contribution Officer: A contribution of £137,142 should be sought.
- 7.16 Children's Services: The three bed apartments are considered to be family units and there is a high demand for school places at the nearest schools therefore the full contribution to both primary and secondary provision. For 50 three bed units this equates to £238,190.78.
- 7.17 Contaminated Land Team: No objection subject to conditions.
- 7.18 Wind Consultant: The applicant's wind assessment is acceptable and there are no concerns with the proposed development.
- 7.19 Police Architectural Liaison Officer: Secured By Design principles should be adopted and controls should be in place to ensure unauthorised access is prevented into buildings and parking areas.
- 7.20 Affordable Housing Officer: 5% affordable units (31 units) should be delivered and spread across the site.
- 7.21 Canal and River Trust: No objection.

8.0 PLANNING POLICIES:

8.1 Development Plan

8.2 Unitary Development Plan (Review 2006) (UDPR): The whole site is located within the City Centre and the parcel of land adjacent to the canal is within Holbeck Urban Village. The Leeds Liverpool Canal is adjacent to this parcel of land and is a Site of Ecological or Geological Importance (SEGI).

GP5: Proposals should resolve detailed planning considerations.

GP11, GP12: Sustainable Design.

BD2: New buildings should complement and enhance existing skylines, vistas and landmarks.

BD4: Seeks to minimise impact of plant and machinery.

BD5: Seeks to ensure a satisfactory level of amenity for occupants and surroundings.

T2: Development proposals should not create new, or exacerbate existing, highway problems.

T5: Satisfactory provision for pedestrians and cyclists.

T6: Satisfactory disabled access.

T24: Parking to reflect detailed UDP parking guidelines.

A4: Development and refurbishment proposals should be designed to secure a safe and secure environment, including proper consideration of access arrangements.

SA9, SP8: Promote development of City Centre role and status.

CC4: High quality design and appropriate scale at city centre gateway locations.

CC10: Sites over 0.5ha require 20% public open space.

LD1: Landscape proposals should allow sufficient space around buildings to retain existing trees in healthy condition & allow new trees to grow to maturity.

N12: Fundamental priorities for urban form.

N13: requires all new buildings to be of high quality and have regard to character and appearance of surroundings.

N25: Boundaries should be appropriate to the character of the area.

N50: Development will not be permitted that would seriously harm a SEGI.

- 8.3 Natural Resources and Waste Development Plan Document (2013): Developments should consider the location of redundant mine shafts and the extract of coal prior to construction.
- 8.4 Relevant Supplementary Planning Guidance.
- 8.5 Tall Buildings Design Guide (Adopted April 2010): This Supplementary Planning Document (SPD) provides guidance as to where tall buildings should and should not be built. The document highlights the importance of design and urban design and seeks to protect the best elements already established within the city.
- 8.6 Public Transport Improvements and Developer Contributions (2008): Developments that have a significant local travel impact will be subject to a requirement for paying a contribution towards public transport improvements.
- 8.7 Holbeck Urban Village Revised Planning Framework (2006) (HUVRPF): The HUVRPF seeks delivery of a footbridge over the canal landing on the parcel of land where the 17 storey tower is proposed.
- 8.8 Neighbourhoods for Living – A Guide for Residential Design in Leeds (2003): This SPD provides guidance regarding the themes and principles of residential design; the character and essence of Leeds and the submission requirements and analysis based process.
- 8.9 Building for Tomorrow Today – Sustainable Design and Construction (2011): Sustainability criteria is set out including a requirement to meet BREEAM standards.
- 8.10 National Planning Guidance
- 8.11 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. The NPPF states that unless material considerations indicate otherwise development proposals which accord with the Development Plan should be approved.
- 8.12 Emerging Policy
- 8.13 The Submission Draft of the Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The Core Strategy is likely to be submitted to the Secretary of State for independent examination in April 2013.
- 8.14 In line with the NPPF the Council may attach some weight to the document and its contents. The Core Strategy sets out a need for 70,000 new homes up to 2028 and identifies the main urban area as the prime focus for these homes alongside sustainable urban extensions and delivery in major and smaller settlements.
- 8.15 From the 27th March 2013 the policies in the development plan must accord with the NPPF. Whilst the Core Strategy is at an advanced stage it is intended to carry forward a number of the UDPR policies which are in conformity with the NPPF.

9.0 MAIN ISSUES

- Design, scale, form and layout.

- Section 106 and viability.
- Wind.
- Letter of representation.

10.0 APPRAISAL

10.1 Design, scale, form and layout

10.2 The design, scale, form and layout was agreed at the 17th January 2013 Panel pursuant to the report attached at Appendix 5 which appraised the key issues in this respect.

10.3 Section 106 and viability

10.4 The scheme generates a requirement for the following S106 clauses/contributions:

- Affordable housing at 5% (31 units) for phases implemented within two years or a percentage as per the affordable housing policy at the time of implementation.
- Public transport contribution (PTC) of £133,631.
- Holbeck Urban Village (HUV) public realm contribution of £434,400.
- Education contribution of £238,190.78.
- Travel Plan measures and monitoring fee of £5,125.
- Car club contribution of £21,500.
- Local employment and training clause.
- Public access to public open space.

10.5 The applicant has agreed to the clauses relating to the travel plan measures, travel plan monitoring fee, car club, local employment and training initiatives and public access. All other clauses have been subject to negotiation and viability testing.

10.6 A viability assessment has been submitted that shows the scheme to be unviable with the full S106 requirements therefore the applicant has stated they are unable to deliver the affordable housing provision and financial contributions in full. Officers have accepted the findings of this viability assessment and therefore have been willing to accept a reduced S106 offer from the applicant. Further details on the viability assessment are contained within a supplementary report. The information contained in this supplementary report is confidential as it relates to the financial or business affairs of the applicant. It is considered that it is not in the public interest to disclose this information as it would be likely to prejudice the affairs of the applicant. It is therefore considered that the supplementary report should be treated as exempt under Access to Information Procedure Rule 10.4 (3).

10.7 The applicant S106 offer considered at the 17th January 2013 Panel was to deliver a bridge over the canal in lieu of their PTC and HUV contribution and therefore deliver one of the important pieces of infrastructure sought by the HUV RPF. The applicant also offered an overage payment of up to £4.4m if the profits of the completed scheme exceeded those identified in the viability appraisal. However, Members stressed that their preference was to ensure the S106 included the delivery of affordable housing and an education contribution instead of the bridge. Members also wanted some assurances that the scheme would be delivered in the next couple of years so the regeneration benefits could be achieved as soon as possible. As such the applicant has reconsidered their S106 offer and provided information on the phasing of the development.

- 10.8 The current offer, and one that officers believe to be acceptable, is to provide 30 units as 'assisted purchase' units, a financial contribution of £568,000, reserve a landing point for the bridge and to re-assess viability if the scheme is not implemented within 18 months from decision, if the re-assessment shows the scheme to be more viable, an affordable housing contribution would be provided. A phasing plan indicates phase 1 being the two blocks facing Whitehall Road, phase 2 being those blocks fronting Globe Road and phase 3 being the tall building on the detached site adjacent to the canal. The current offer is expanded on below and Table 1 at 10.16 summarises the previous and current offer.
- 10.9 The 30 'assisted purchase' units will comprise of 10 units to be made available as shared ownership properties and 20 units provided via the Government First Buy or Help to Buy schemes. All assisted purchase units will be provided in the first phase of development.
- 10.10 The shared ownership properties are acquired from the developer by a registered Provider who then on sells to individual purchasers. The purchaser acquires a percentage of the property, usual between 25%-75% with the option to acquire more in future years. The purchaser pays rent on the remaining equity with the maximum rent set at 2.8% of the value of the retained equity. The landlord has responsibility for maintaining the external fabric of the building with the purchaser responsible for the internal maintenance.
- 10.11 The First Buy and Help to Buy schemes are Government schemes that allows purchasers to provide just a 5% deposit with up to 20% of the cost of the home funded by a shared equity loan, which will be interest-free for the first five years.
- 10.12 The financial contribution of £568,000 relates to the sum of the PTC (£133,631) and HUV contribution (434,400). This contribution can be spent on affordable housing, education, public transport and/or public realm improvements as considered appropriate. The £568,000 will be paid in instalments with £200,000 paid prior to exceeding occupation of 50% of phase 1, £200,000 paid prior to exceeding occupation of 50% of phase 2 and £168,000 paid prior to occupation of 50% of phase 3. All payments would be index linked.
- 10.13 The applicant will reserve a landing area for the bridge sought by the HUVRPF on the land to the north of Globe Road. The Council will then have the opportunity to deliver this important piece of infrastructure.
- 10.14 Officers and Members have been very keen to see the development delivered in the near future and therefore experience the regeneration benefits it brings. A further commitment from the developer states that if the development is not implemented within 18 months from the date of permission, the viability will be re-examined prior to the date of commencement. If the re-appraised scheme is found to be more viable and the 25% profit is to be exceeded, the applicant will provide a further affordable housing contribution that accords with the affordable housing policy adopted at that time. This re-appraisal and contribution would be in addition to all the other clauses highlighted above.
- 10.15 The previous S106 offer considered at the 17th January Panel and current S106 offer relating to affordable housing and the financial contributions are summarised in the table below.
- 10.16 Table 1: Summary of negotiable S106 requirements and offers.

S106 Clause	Policy Requirement	Offer at 17/1/13 Panel	Offer at 11/4/13 Panel
Affordable Housing	5% (31 units)	None	30 units provided as 'assisted purchase' in phase 1
Education Contribution	£238,190.78	None	None
Financial Contributions	£133,631 PTC and £434,400 HUV contribution (total £568,031)	None	£568,000 (to be available to spend on education, AH or other matters)
Provision of bridge over the canal	The HUVRPF aspires to the delivery of a bridge of the canal to be paid for by HUV contributions generated by various developments	The applicant proposed to deliver the bridge in lieu of their HUV and PTC	The applicant will reserve a landing point for the bridge.
Overage Payment	N/A	If the developer's profits exceed 25% gross development value, the Council will receive 50% of the additional profits up to £4.4m.	If the scheme is not implemented within 18 months from decision, the viability of the scheme is reappraised and if found to be viable, a financial contribution will be provided for affordable housing in accordance with the affordable housing policy at that time.

- 10.17 As highlighted above, the viability appraisal for the site shows the development to be unviable and therefore unable to afford any S106 contributions. However, the applicant has offered a package of measures that officers consider appropriate in the circumstances and in respect of Members' comments at the 17th January 2013 Panel.
- 10.18 The 10 shared ownership units are a positive aspect and are supported. However, it is acknowledged that the offer of the First Buy/Help to Buy is less attractive. The applicant, Taylor Wimpey, are committed to delivering a number of First Buy and right to Buy units in Leeds across a number of sites therefore this offer simply ensures a certain number of units are provided on this site. The 'assisted purchase' offer is supplemented by a contribution of £568,000 that can also be used for affordable housing provision and/or be put towards improving education provision in the area. It is considered this offer is reasonable in light of the schemes lack of viability.
- 10.19 As Members were keen to see early delivery of the scheme, the applicant has introduced an incentive for an early start on site. If the development does not commence within 18 months of the date of permission, the applicant will re-appraise the scheme and if the viability has improved, provide a further affordable housing contribution in line with policy at the time.

10.20 Officers consider the overall offer relating to affordable housing and education to be acceptable and appropriate in this instance. In addition to the other measures relating to the reservation of a bridge landing and a commitment to a strong travel plan, local employment initiatives and public open space, the S106 heads of terms are considered acceptable.

10.21 Wind

10.22 As reported at the 17th January 2013 Panel, the Council's wind consultant has accepted the findings of the applicant's wind study that states the development is acceptable with regard to the impact of wind. Members accepted this when verbally updated in January.

10.23 Letter of representation

10.24 Members have already agreed the scale, form and design of the building and it is not intended to revisit this issue. The letter does not raise any issues that have not been considered previously by Members or officers. The objectors preference for the previous scheme is not relevant when considering the current scheme.

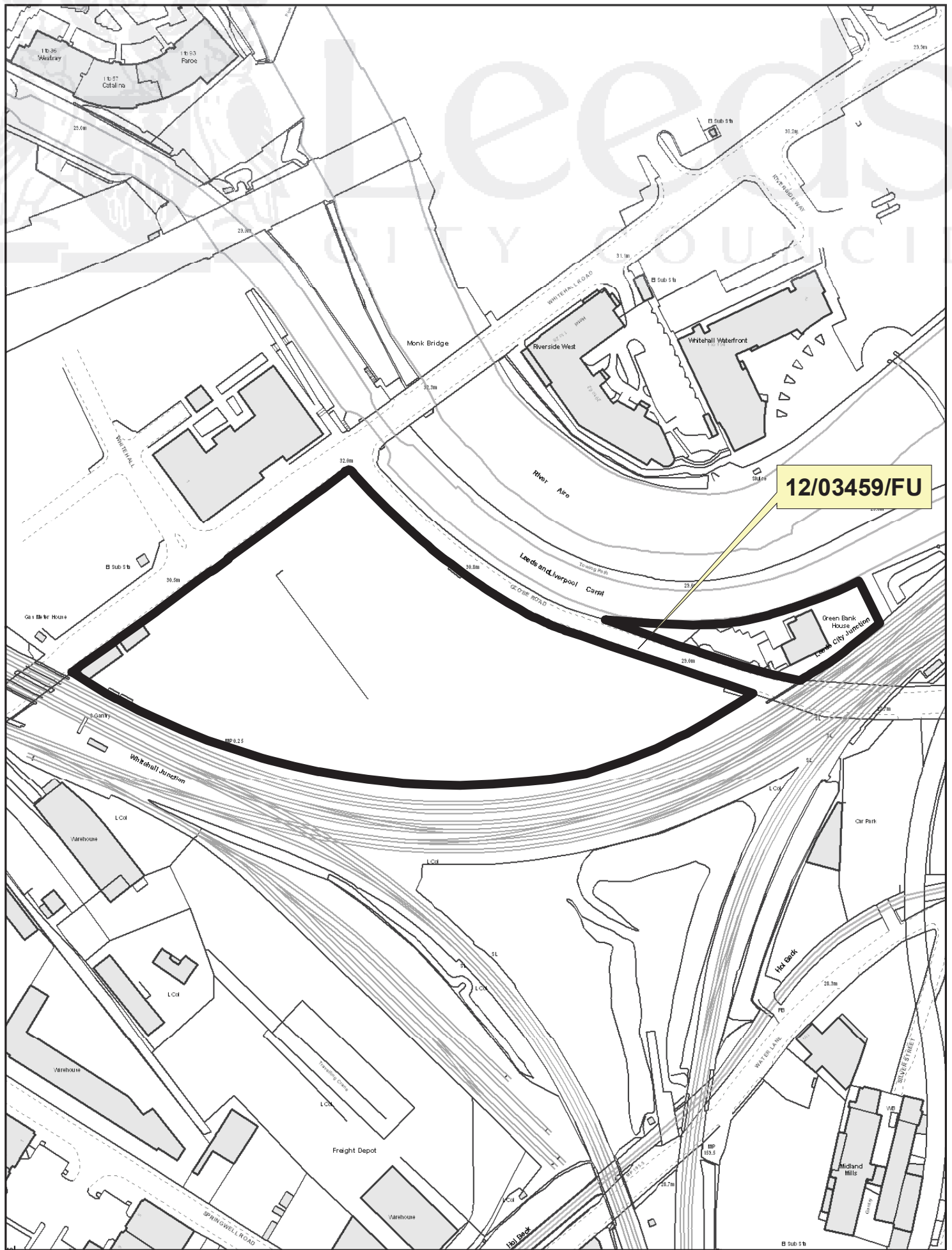
11.0 CONCLUSION

11.1 Members have previously agreed the scale, form, layout and design of the development. A viability appraisal has been accepted by officers and in light of the lack of viability it is now considered appropriate S106 heads of terms have been offered that will allow for the significant regeneration benefits from developing this site can be achieved whilst also providing for improvements to be made to affordable housing and education provision in the area.

12.0 BACKGROUND PAPERS

12.1 Application file 12/03459/FU and history files 20/499/04/FU, 07/00018/FU, 10/01666/EXT and 10/01670/EXT.

12.2 Certificate of Ownership signed by the agent.



CITY PLANS PANEL

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Originator: J Bacon

Tel: 0113 2477992

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 9th May 2013

Subject: APPLICATION Ref: 12/01715/FU Erection of a supermarket and associated infrastructure including car parking provision for 265 vehicles and petrol filling station at land off Sandbeck Lane, Wetherby LS22.

APPLICANT

Asda Stores Ltd and
Wetherby Park Ltd

DATE VALID

1st May 2012

TARGET DATE

PPA target tbc

Electoral Wards Affected:

Wetherby

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

REFUSE for the following reasons:

1. The Local Planning Authority considers that the proposed retail store which would be located in an out-of-centre location, together with the absence of linked trips and lack of integration to the town centre, would likely to have a significant adverse impact on the vitality and viability of Wetherby town centre. The proposal is considered to be contrary to Policy S5 of the Unitary Development Plan Review (2006), the guidance contained within the National Planning Policy Framework and emerging Policies P5 and P8 of the Draft Core Strategy Leeds Local Development Framework.

2. The Local Planning Authority considers that by virtue of the site's location, poor access to public transport services and with limited scope for walking trips, the movements to and from the proposed retail store will be dominated by trips by the private car, contrary to Strategic Aim SA2 and Policy T2 of the Unitary Development Plan Review (2006), the guidance contained within the

National Planning Policy Framework and emerging Policy T2 of the Draft Core Strategy Leeds Local Development Framework.

3. The Local Planning Authority considers that the submitted Travel Plan is unacceptable as regards site assessment and audit, measures/ actions, mode splits and targets, role of Travel Plan Coordinator and the form, timing and length of monitoring. As such, the proposal is considered detrimental to the aims and objectives of sustainable transport, contrary to Strategic Aim SA2 and Policies GP5 and T2c of the Unitary Development Plan Review (2006), the Supplementary Planning Document 'Travel Plans' and the National Planning Policy Framework and emerging Policy T2 of the Draft Core Strategy Leeds Local Development Framework.

1.0 INTRODUCTION:

1.1 This application is a full application for a new supermarket in an out of centre location to the north-eastern edge of Wetherby. This application is brought to City Plans Panel as it is a major proposal with implications for Wetherby town centre.

2.0 PROPOSAL:

2.1 The application seeks permission to erect a supermarket (Asda). The supermarket proposal includes the following components;

3,714sqm gross floor area;
2,327sqm net sales area with 1,629sqm of sale area for convenience goods (70%) and 698sqm for comparison goods (30%);
265 car parking spaces proposed (incl. 19 disabled persons spaces, 4 electric charging spaces); motorcycle and cycle parking facilities;
4 pump petrol filling station;
In-store café;
1 ATM located to the west facing elevation (front);
Recycling facilities;
200 full time jobs;
Opening hours: seeking 24hr opening.

2.2 The proposed supermarket is to be located in the eastern portion of the site and is oriented to face westwards, out to the store's car park which occupies the central and southern part of the site. The store's service yard adjoins the northern side of the store building, set behind a landscape buffer proposed along the northern Sandbeck Lane frontage. A petrol filling station is positioned to the western portion of the site, set at a lower ground level to the store car park and positioned behind existing and proposed landscaping along Hudson Way and Sandbeck Lane.

2.3 The proposed supermarket will utilise existing road links around the site, accessed from an existing roundabout on Hudson Way (A168). The proposal will extend Sandbeck Lane to form a new smaller access roundabout that feeds vehicles into the car park and petrol filling station and provide a segregated access for buses and service vehicles further along Sandbeck Lane.

2.4 The proposed store building is rectangular in footprint (73m x 53m) and will elevate to height of 7.5m. The west facing front elevation includes a glazed entrance feature displaying the corporate branding and a brise-soleil detail. This entrance feature projects up through the roof formed canopy that overhangs the front elevation of the

building. Flanking the entrance feature are tall panels of glazing and timber cladding with sections of grey cladding attached above. The building utilises a shallow inverted pitched roof (rises to its highest at the rear) which is to be constructed of a grey membrane. The servicing yard is enclosed by high fencing and the functional plant equipment of the store is to be positioned to its rear. The proposal is designed to achieve BREEAM rating of very good.

- 2.5 The proposed petrol filling station contains 4 petrol pumps with a canopy over that elevates to a total height of 5.1m and covers 12.4m x 12.6m in area.
- 2.6 The existing bridleway is to be retained and re-directed to run north-south along the eastern edge of the site connecting Sandbeck Lane with Hudson Way. The re-directed route will include a further connection around the southern side of the site to a pathway that extends along the edge of Hudson Way (A168).
- 2.7 A new bus stop is to be provided to the north of the store. The proposal includes a diversion of the X70 into the site and provides a new hourly service, providing a combined frequency of two buses per hour. These buses will provide a connection to the town centre and to local residential areas of Wetherby.
- 2.8 In relation to the proposed planning obligations, the proposal includes employment and training initiatives; a contribution towards public transport infrastructure (£750,000- to subsidise a bus service for 5 years); traffic management scheme (£5,000); and a travel plan monitoring fee (£3,250).

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site lies to the north east of Wetherby, on its very edge, on a parcel of land between Hudson Way, Sandbeck Lane and the A1(M). To the south west of the site lies Sandbeck Industrial Estate with a residential estate located beyond. The industrial estate is set behind an established tree belt screening views of the buildings from this site. To the north of the site are open fields containing a bridleway. To the east of the site runs the A1(M), beyond which are open agricultural fields and outlying villages.
- 3.2 The application site lies to the south side of Sandbeck Lane, is broadly triangular in shape and was a former agricultural field. The site formerly contained a dwelling (demolished) but now comprises rough grassland bounded by hedges, with a significant number of trees to the site's perimeter and smaller tree groups interspersed around the site.
- 3.3 The land levels change across the site with a rise in the land level towards the southern tip of the site. At present views into the site from the north-west (by roundabout junction of Sandbeck Lane/Hudson Way) are relatively open however owing to a dense arrangement of trees and a rise in land levels along the site's eastern boundary and Hudson Way frontage prevents views into the body of the site from the east (A1(M)) and south (from A168).
- 3.4 There are no bus stops in the vicinity of the site, with the nearest stop situated approximately 400m away along Sandbeck Lane.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 10/00279/OT Outline Planning Application to layout access and erect business and industrial park development, with offices, research and development units, light industrial units, warehouses with car parking and attenuation pond- Approved (05/12/11).
- 4.2 Of relevance to this application, it is to be noted that planning applications have recently been considered for a new Sainsbury's retail foodstore to the south of Wetherby town centre (Ref. 12/00113/FU) and a proposed extension/ reconfiguration to the existing Morrison's store located within Wetherby town centre (Ref: 12/03034/FU).
- 4.3 The new Sainsbury's foodstore was located approximately 400m to the south of Wetherby town centre in an out of centre site presently occupied by the Mercure Hotel. The supermarket had a proposed gross floor area of 5,189sqm and a net retail floor area of some 2,347sqm with a convenience / comparison goods split of 92% / 8%. The planning application was presented to Plans Panel East on 12th July 2012 and Plans Panel resolved to **refuse**, decision issued on 12/07/12 citing the following reasons:

'The Local Planning Authority considers that the proposed retail store which would be located in an out-of-centre location, together with the absence of linked trips and lack of integration to the town centre, would likely to have a significant adverse impact on the vitality and viability of Wetherby town centre. The proposal is considered to be contrary to Policy S5 of the Unitary Development Plan (Review 2006), the guidance contained within the National Planning Policy Framework and emerging Policies P5 and P8 of the Draft Core Strategy Leeds Local Development Framework, February 2012.

The Local Planning Authority considers that the proposed development would be harmful to the character of the area, including the character and appearance of the adjacent Wetherby Conservation Area owing to the siting of the building, the prominence and orientation of the service yard, the location and extent of hardsurfacing and car parking and overall absence of mature landscaping along a prominent street frontage. The proposal would have a detrimental impact upon a key gateway into this market town and would fail to take the opportunities to improve the character and quality of the area and the way it functions. The proposal is considered to be contrary to Policies GP5, N12, N13 and N19 of the Unitary Development Plan (Review 2006), the guidance contained within the Wetherby Conservation Area Appraisal and the guidance contained within the National Planning Policy Framework.'

- 4.4 A proposal to extend and reconfigure the existing Morrisons in Wetherby town centre involves replacing 4 existing retail units, reducing the size of an existing unit and removing circulation space in order to extend the floor area of the existing supermarket along the western edge of the store. The additional floor space results in an increase in the gross floor area from 6,224 to 6900sqm (+676sqm). The net sales area will increase from 3,258 to 3,868sqm (+610sqm). Improvements to the Hallfield Lane lorry park, for use as car parking, will result in the provision of the laying out of 144 car parking spaces or thereabouts for town centre users. The planning application was presented to Plans Panel North & East on 1st November 2012 and Plans Panel resolved to **approve** and the decision issued on 08/11/12. The extant planning permission has not yet been implemented.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A pre-application meeting took place to outline the proposals and discuss the location of the development (out of centre), design and massing of the building, tree retention, parking provision and ascertain the validation requirements. In addition, a separate meeting was held with Highway officers although at that point the Transport Assessment and Travel Plan had been finalised in preparation of the application submission.
- 5.2 The application is the subject of a Planning Performance Agreement (PPA) which sets out a timeframe for the consideration and assessment of the planning application, including schedule dates for progress meetings. As such, two meetings took place between the Council Officers, the applicants and their agents, as well as relevant consultees, including the Council's retail advisor at one of the meetings. These meetings took place on 28th August 2012 & 29th November 2012 respectively. The issues which were discussed at these meetings related to the retail planning issues, design, landscaping and highway matters. This culminated in the receipt of revised plans reducing the size of the car park with tree planting introduced, the re-positioning of the store building to afford a wider tree belt and wider landscape/bridleway corridor. In addition, further supplementary retail policy information was received that considered Morrison's recent permission to extend and include a shopper survey.
- 5.3 The submitted Statement of Community Consultation outlines the events and measures the applicant carried out to publicise the proposed supermarket. During 2012, three separate public exhibitions were held, March 15th-17th (prior to application submission), 19th September and 18th October. Overall, the applicant advises that around 600 people attended the events with around 80% registering support for the proposals.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised (major, departure and affecting right of way) by site notice display on 18th May 2012. The application was publicised in the Boston Spa and Wetherby News on 1st June 2012. Further site notices were displayed, publicising amendments on 10th August and 12th October 2012.
- 6.2 In total, the application received 73 letters and a petition containing 1379 signatures expressing support, 35 letters and a petition of 771 signatures registering objection and 4 letters offering a general comment on the application. The letters of representation and the grounds for citing their opinion are summarised below:

Objections received:

- 6.3 A letter of objection received from **Alec Shelbrooke MP**, dated 24th July 2012, stating:
- the application would be damaging to the local economy, particularly the effect on local independent traders who do so much to keep Wetherby as a traditional market town, attracting many visitors.
 - main objection is the out of centre location. Wetherby currently has an in-town Morrisons supermarket which is working reasonably well alongside local traders, drawing people into the town.
 - Wetherby already has 3 supermarkets as well as local independent traders and does not consider that constituents need another retailer on the outskirts of town.
 - In addition, those constituents who choose to shop at Asda stores are already well serviced with stores at York, Harrogate, Killingbeck and Castleford within driving distance.

- 6.4 **Wetherby Town Council** comments dated 8th June 2012. *Objections* raised on the following: no staff parking provision & add to problematic car parking in the town; prominent signage visible from motorway not acceptable; request independent retail impact survey- huge concerns about impact the store will have on businesses in town centre; delivery vehicles to use A168 & need drop in speed limit; address concerns on site wildlife; existing public bridleway and pathways be maintained; question whether drainage strategy is adequate; building materials to be in keeping with town, as gateway to town source york stone/brick (not timber cladding); provision of lorry park and rest area for commercial vehicles; need details of shuttle bus.
- 6.5 *Revised Wetherby Town Council* comments dated 13th February 2013. At a full meeting of the Town Council the previous resolution was overturned. Wetherby Town Council now *support* the above planning application as the objections to this development have been resolved.
- 6.6 **33 letters of objection on grounds of:**
- Current shopping facilities more than adequate- Wetherby does not need another supermarket with existing Morrisons, M&S, Co-Op and Sainsbury's local.
 - Another supermarket will undoubtedly cause closure of independent retailers- there are 'To Let' boards up and pubs vacant- closures of businesses.
 - Detrimental effect on the vitality and viability of the town centre.
 - Result in fewer shoppers going into Morrison supermarket and fewer linked trips to other retailers in centre.
 - Supermarket has 30% of sales area for comparison goods, increase the likelihood of shoppers doing all their shopping in the supermarket and not visiting the town centre.
 - Consider very few shoppers shop in supermarket then walk/ drive into town- centre too far away and limited parking discourage shoppers to visit town- shoppers will bypass town centre, affecting trade.
 - Location of store not convenient for residents- increasing car journeys with accompanying increase in accidents and pollution.
 - Supermarket would drive shoppers away from local shops- lead to people having to travel to Harrogate, Leeds or York for individual shops.
 - In recession and although retailers are keeping heads above water, if fewer shoppers visit town centre, they will close.
 - Supporting independent traders means supporting local producers/farmers and reducing food miles.
 - A similar market town in north-east has no independent retailers left since the introduction of a second major supermarket (edge of town development).
 - Traffic flow has improved since link road, a new store would create havoc with traffic.
 - Residents that live around the Sandbeck estate- what would happen to their peace and tranquillity.
 - Design of supermarket is uninspiring- visible along by-pass; the roads serving the town are important to the wider character and setting of Wetherby.
 - Residential population not large- query feasible or sustainable to have another supermarket.
 - Concerned about an edge of centre supermarket and impact on independent shops/ character of town.
 - The area is a green fringe to town, a break between the town and service station- landscape and wildlife should be retained.
 - Proposal will encourage more development until town extends and completely infills.

- No commitment to bus service or lower priced fuel.
- Large increase in traffic at junction of Deighton Road and Sandbeck Lane- already difficult to get in/out of drive and would get worse. Any upgrades to junction would make it more hazardous for residents, road users and pedestrians.
- Revised traffic assessment now states Sandbeck Lane/ Deighton Rd junction will now operate at capacity- cause of concern/confusion.
- Sandbeck Lane is currently very congested by parked cars/ lorries- road cannot cope with increase in traffic- no further development on estate. Increase traffic impact on A168.
- Adverse impact on adjacent public footpaths.
- No need for another petrol filling station.

6.7 **Petition containing 1094 signatures registering objection to the proposed Asda store**, including a covering letter highlighting concerns:

- one trader stating that retail assessment shows they will take 22% trade out of town centre- result in laying off people if see downturn in trade.
- Traffic increases on roads containing schools.
- Environmental impact of increased traffic/ pollution (Morrisons to add to this on opening of filling station).

6.8 **Objection from Wetherby Civic Society:**

- Unconvinced that the existing range of small & larger traders is unable to meet the current retail needs of the residents of town and surrounding villages.
- Smaller traders currently struggle – an increase of vacant premises and charity shops on temporary lease in recent years.
- Previous research recognises that majority of trade will not be new customers to the town, but simply gained as a result of diverting and drawing customers away from the town centre- no proven need or demand & duplication of services should be rejected.
- no account given to number of residents already work, or have family/ friends in towns to combine their shopping with existing journeys.
- Disputes employment estimates- low paid/ mostly part-time temporary- probably overshadowed by decline in other local traders.
- Proposed development disproportionate, inappropriate and unnecessary in meeting present needs- detrimental and effectively destructive to unique character of this small market town.

6.9 **Wetherby Business Association** dated 9th August 2012:

- genuine concern that an edge of town superstore will harm the commercial viability of Wetherby town centre.
- Large modern superstores a type of one stop shop, where customer can buy groceries, hardware, wine and spirits, electrical goods, fashion, shoes, providing a deli, bakery, fish and meat counters, café and restaurant- organisations source goods at lower price and offer free parking which small trader cannot do- cannot compete.
- When such stores are located in town centre- there are benefits from increased footfall but this store is located out of centre- likelihood of customers using bus service to link with town centre is minimal.
- Result in decline in the number of shoppers using the town centre- reduce spend at local shops and threaten their existence.
- Retail in Wetherby is very fragile- many traders faced with high rent/rates making profits which are below average earnings. Significant fall in turn-over can cause business to fail- sale of non-food items in a new superstore may have such a damaging effect on a number of local trades.

- Do not believe there is a demonstrable need for a large new store on edge of Wetherby- nor that existing town centre supermarket and existing shops are incapable of fulfilling local demand.
- Association sees no reason why the proposal is any different to that put forward by Sainsburys (which was refused). Concerns heightened given scope for further development of adjoining land and possibility of retail park being developed.
- Position might be different is the store operator willing to develop in sympathy with local interests- e.g. restricting the range of non-food goods offered for sale- so shoppers have some reason to visit local shops & restricting future development of adjoining land.

6.10 **Objection on behalf of WM Morrison Supermarket PLC** dated 8th, 13th August and 1st October 2012:

- Level of overtrading by Morrisons in the retail assessment identified by the applicants (of 60-85%) is strongly disputed.
- Applicant used incorrect floorspace figures and benchmark turnover of Morrisons in the retail assessment.
- Morrisons store, whilst performing strongly, is not trading at the exceptional levels identified by applicants- figure do not indicate an overriding need for a large new foodstore.
- Morrisons estimate that the store is trading at around 38% (increasing to 45% by 2018) above company average rather than 60-85% stated by applicant.
- in terms of choice, this is met by a variety of shops in the town centre.
- no over riding qualitative need for another store.
- Proposal will compete strongly with and divert a significant amount of trade from existing facilities in Wetherby town centre and have significant adverse impacts on Wetherby town centre as a whole and Morrisons in particular.
- Highlight disagreement between trade draw proportions and consider that a significantly greater proportion of trade would be drawn from Wetherby- impact of the development on trips on the town centre is likely to be greater.
- applicant has underestimated the proposed turnover of their store
- At 2018, £14.82m (nearly 65% of the proposed Asda store's turnover) will be diverted from the Morrisons store to the proposed Asda store, however using the sales density the trade diversion would be £15.29m.
- impact from proposed store on Morrisons turnover would be 31% and is very significant and harmful.
- Morrisons would be trading at a reduced level around company average. significant impact on Morrisons will have significant effects on the town centre due to fewer linked trips
- applicant requested to provide further details on types of concessions (e.g. pharmacy, dry cleaners, Opticians, travel agents etc) proposed at the store.
- The development will have significant and adverse impacts on Wetherby town centre as a result of 31% trade diversion from Morrisons store and will reduce the number of shoppers and expenditure flowing to and through Wetherby town centre.
- Whilst no sequentially preferable site were identified, such a site now exists- Morrisons intends to extend and refurbish existing store in Wetherby town centre (app submitted in July 2012)- consider Asda site fails the sequential approach.
- Site located around 1.5km walking distance from town centre boundary, has very poor pedestrian linkage which will make store function as a stand alone, out of centre shopping destination
- Pedestrian routes from nearby residential areas to the site are neither particularly safe or attractive and are unlikely to encourage shoppers to undertake shopping trips on foot.
- Site not served by bus, nearest stop 400m away that operates relatively infrequent services, only serving east and north of Wetherby. No bus proposals in place.

- Proposal inconsistent with the policies for ensuring the vitality of town centres set out in NPPF and should therefore be refused in accordance with para. 27.
- Query assumptions made in Transport Assessment made in relation the assignment of trips (Wetherby and the north incl. Knaresborough/Spofforth)- lead to impact of the development trips on Sandbeck Lane/Deighton Rd junction and on the town centre being significantly greater than presented- surprising that the re-assessment of Sandbeck Lane/Deighton Road junction now has future capacity.
- Do not consider that site, which lies about 1.5kms from town centre, lead to reduce the need to travel and promote public transport and other sustainable alternatives.
- Closest properties are commercial/industrial- therefore limited number of residential properties in 1km pedestrian catchment limited.
- No crossing facilities at the site access roundabout other than splitter islands. Pedestrian link from A168 uses existing footway- neither particularly safe or attractive routes. consider pedestrian improvements minor in nature and do not address severance effect of A168 / remoteness of site from residential population.

- Bridleway running along the southern and eastern boundaries to access footpaths to the north, rather than Sandbeck Lane, increases distance.
- Staff cycle parking spaces not in secure location and unattractive route to them (via service yard) unlikely to encourage usage. Customers cycle parking space not well defined.
- Existing bus service (780) serves bus stop on Sandbeck Lane and Audby Lane (within 400m of site)- not a frequent service (runs hourly Mon-Sat) and does not serve large residential areas to western side of Wetherby. No bus service proposals in place- little point providing a bus facility at the store if no services are going to use it.
- Proposed improvements to pedestrian and bus services cannot change reality that the site is not in a location that would reduce the need to travel and promote the use of public transport and other sustainable alternatives
- Proposed 310 parking spaces exceeds maximum parking standard (265 spaces)- providing parking in excess of guidelines hardly likely to encourage use of sustainable modes of transport- an admission that the site is in an unsustainable location. Excess spaces could be for park and ride although no explanation for purpose.
- No improvement scheme identified to mitigate impact on Sandbeck Lane/Deighton Road junction.
- Concern that on-street parking is prevalent on Sandbeck Lane during weekdays- reducing carriageway width and reduces suitability to act as a significant access route to the proposed development.
- no provision of bus service during evening or Sundays- no indication on period of funding- risk that service withdrawn when funding ends.
- No further explanation as to the purpose or mode of operation of car park as an informal park and ride.

6.11 **Objection on behalf of Sainsbury's Supermarkets Ltd** dated 5th July 2012.

- support the principle of a second supermarket in Wetherby, to improve choice and competition but Sainsburys site is best placed to achieve this end in a sustainable manner.
- Sainsburys site approx. 500m from primary shopping frontage; Asda approx. 1,400m from primary shopping frontage.
- Sainsburys site will exercise legal right of way to provide direct pedestrian route to town centre; include a hopper bus- meaning that Sainsbury's site is better connected.

- Proposed diversion of 780 service but only serves areas to north of site; Sainsburys has number of residential properties close by with easy pedestrian access to store.
- Core planning principles give preference to the reuse of brownfield sites (such as Sainsburys).
- Distance of Asda store from town centre equate to walk time of 16mins 40secs (some 11mins 40secs further away than Sainsburys site) offering fewer opportunities for customers to link their town centre trip.
- No proposed off-site pedestrian or cycle facilities to improve town centre connectivity.
- Store entrance is some 580m from nearest bus stop (exceeding 400m recommended maximum walk distance).
- No bus services in evening or on Sundays an issue as store proposes 24hr opening.
- Proposed bus service diversion (780) not a commitment- only provide limited frequency and not result in site being reasonably accessible by bus.
- Sainsburys site is significantly more accessible by bus when compared to the Asda proposal.
- Dispute the applicants retail assessment's that considers Sainsburys will give rise to a significantly greater impact on the town centre than the Asda store.
- Asda has a larger sales area (by 110sqm) than Sainsburys; with 28% of sales area for comparison goods (in contrast to 8% in Sainsburys)- meaning the need to visit other comparison retailers in the town centre will be much less than Sainsburys.
- Asda is further from the town centre than Sainsburys and mean that propensity for linked trips to take place with other business in town centre will be significantly less than Sainsburys.
- Dispute that Asda store is better positioned to clawback expenditure currently directed elsewhere (therefore less impact than Sainsbury's).
- Household survey (commission by Sainsbury's) demonstrates that a significant proportion of expenditure currently being directed to facilities outside catchment area is to Sainsbury's stores in Harrogate and Tadcaster.
- Do not agree that the Asda store will clawback more expenditure from residents currently travelling north- constrained by proximity and strength of competing provision.
- Consider Sainsbury's to be in a much better position to address leakage and encourage more sustainable shopping patterns (particularly when factoring brand preference).
- Asda is in an inferior location in relation to the town centre and offer wider range of comparison goods- reducing the need to visit the town centre for such goods.

Expressions of Support received:

6.12 **77 letters of support for the application on the following grounds:**

- With new houses being built in local villages support another supermarket, Asda provide much needed jobs and shopping.
- Parking in Morrisons car park/ town centre is difficult; all access points are gridlocked; spaces are tight; shoppers use 2hr free parking even if not visiting Morrisons.
- Need another supermarket to cover growing needs of the town and surrounding areas.
- Cut stranglehold of local traders and provide more car parking place which will not congest town centre; local traders are losing customers because of their prices not because of Asda.
- Site ideal for those who live this end of Wetherby- would not stop shopping in town.
- Jobs will invigorate the area; prospect of having a large employer is very advantageous; job creation will be fantastic for Wetherby

- Morrisons trade without any large competition no way of comparing value/ having choice; proposal will bring convenience and choice.
- Prices in the Morrisons store increase month on month; Morrisons are overtrading- no competition, high prices. Morrisons extension would not have happened without Sainsbury's and Asda's applications.
- Another petrol filling station keep other two petrol stations on their toes.
- Air pollution caused by vehicles visiting Morrisons car park- Asda would draw customers away thereby reducing congestion/ pollution in the centre.
- Morrisons cannot cope with volume of shopper- people fight for parking spaces; people shop at Harrogate/Seacroft Asda rather than get in at Morrisons.
- Insufficient shopping choice in Wetherby (shop at Morrisons or shop outside Wetherby)- leads to people travelling elsewhere to shop (money that could be spent locally).
- New bus service will encourage people to shop locally, especially for elderly.
- Asda close to the town will bring people to Wetherby rather than taking trade to other centres.
- Enhance an undeveloped part of the town (currently derelict), easy access for outlying towns and north of Wetherby; minimal disturbance to wildlife.
- Will not have a negative impact on the look of the town centre, be energy efficient and sustainable as a building.
- Will save on food shop as well as petrol- purchase garden accessories, plants- Morrisons taking over shops in town centre- which is losing it's charm.
- Good if Asda opened 24hrs and included a chemist.
- Proposed location serves minimal disturbance to residents, far enough away to avoid conflict with other local businesses and has road infrastructure to accommodate increase in traffic.

6.13 Petition containing 1379 signatures expressing support for the Asda proposal which were attached to the following statement:

- *A new Asda store bringing more choice and competition to Wetherby shoppers.*
- *Low priced fuel at a new petrol filling station.*
- *A wide range of Asda food and non-food lines, including George clothing.*
- *Same prices as all other Asda stores- unlike some other supermarket chains.*
- *Over 200 new jobs for local people.*
- *Winner of UK's Favourite Supermarket for 2nd year in a row.*
- *Winner of UK's Lowest Priced Supermarket for 15 years in a row.*

6.14 Leeds, York and North Yorkshire Chamber of Commerce express support on the following grounds:

- New jobs welcome boost to the economy of the area.
- Asda has good track record of employing local suppliers- also likely to create jobs - during construction phase.
- Believe there is strong support for the scheme (residents and town council).
- Aware of Asda's extensive links with local communities.

6.15 4 comments were also received *neither* objecting to or supporting the planning application:

- comment on behalf of the Wetherby District Footpath Group concerned about proposed diversion of bridleway (behind store and between motorway fence make unpleasant/potentially difficult walk as narrow).
- whilst new store welcomed building design is very basic and has no character, not worthy of area.
- increased traffic impact along Sandbeck Lane and at junction of Deighton Road; on-street parking reducing to single carriageway width, acute angle of junction alignment; require proposals to deal with extra traffic.

7.0 CONSULTATIONS RESPONSES:

Statutory:

- 7.1 Environment Agency comments dated 12th June 2012. Suggested condition covering details of the surface water drainage scheme and advisory not on groundwater protection and site waste management plans.
- 7.2 Highways Agency comments dated 17th July 2012. The transport assessment has been reviewed and the proposal will not have a material impact on the Strategic Road Network, in this case the A1(M). Detailed comments made in respect of the applicant's Travel Plan but given the very limited impact of the proposal on the Highway Agency's network it is unnecessary to lodge a direction of non-approval but recommend the Travel Plan related comments are taken on board.
- 7.3 Highways comments received during the consideration of the planning application dated 6th June, 9th November 2012 and 9th April 2013. Highway conclude that the application cannot be supported for the following reasons:

- the site is poorly served by public transport and is located on the periphery of Wetherby (approx. 1250m from edge of centre) with limited scope for walking trips. Movements to and from the site would therefore be dominated by the car contrary to local, regional and national policy.
- Improvements to public transport services serving the site have been proposed, but these services would not run in the evenings or Sundays. The services would not comply guidance set out in the adopted SPD, draft Core Strategy and RSS and there is concern regarding the long-term sustainability of such services.
- In addition, no commitment has been made for incentives for customers to encourage bus use.

Non-statutory:

- 7.4 West Yorkshire Archaeology Advisory Service comments dated 31st May 2012. The application site is in an area of archaeological potential. This site may represent the medieval settlement of 'Audby'. If the LPA are minded to grant permission, then a condition should be imposed to secure a programme of archaeological recording.
- 7.5 Flood Risk Management comments dated 24th May 2012. No objection, subject to a condition requiring details of the surface water drainage scheme.
- 7.6 Ainsty (2008) Internal Drainage Board comments dated 31st May 2012. Suggested condition requiring details of the surface water drainage scheme.
- 7.7 Yorkshire Water comments dated 1st June 2012. Suggested conditions covering provision of separate systems of drainage (foul & surface water); no piped discharge of surface water until works to provide a satisfactory outfall for surface water; details of means of disposal of foul water; no building brought into use until completion of foul drainage works; surface water from vehicle parking and hardstanding area to be passed through interceptor.
- 7.8 Metro comments dated 4th July 2012. Location of the site is not conducive to encourage sustainable travel. Site lies over 1km from Wetherby town centre and Metro do not share the applicant's view that a 1km walk distance is acceptable for a food store. Applicant's have presented 4 bus service options (diverting of 780 service to the site; increase frequency of 780 service to ½ hourly; divert 780 service &

introduce new hourly service to link residential areas and town centre; new ½ hourly service to link Asda to residential areas and town centre). However, none of the options would result in a service that meets the standard set out in the LCC's Public Transport SPD. Metro require further clarity from LCC if they are prepared to accept lower frequency service to this site with more local connections provided. Further concerns that service options become commercially viable beyond a funding period. Long term accessibility of the site could therefore not be guaranteed unless the developer would consider funding a service until a commercial operator registered and equivalent service.

- 7.9 Contaminated Land comments dated 24th May 2012. As the proposed end use of the site is considered to be of a low sensitivity no objection to permission being granted subject to condition covering the submission of site investigation works, remediation statements and verification statements.
- 7.10 Nature conservation comments received during the consideration of the planning application dated 28th May, 5th July and 4th September 2012 concluding that the additional surveys for bats, Thistle Broomrape and reptiles make clear the development will have adverse impacts on biodiversity unless the recommendations proposed by the various reports (produced by AECOM) are fully carried out. Efforts to be made to retain identified tree and suggested conditions if permission granted: protection measures for hedgerows, trees, grassland; details of any external floodlighting across site; no site clearance during breeding season (1st Mar-31st Aug). Reference back to original comments expressing disappointment about utilizing conventional piped drainage system rather than SUDS.
- 7.11 Landscape comments received during the consideration of the planning application dated 29th May, 19th June and 2nd August 2012. Welcome improvements made to layout- landscape buffer is more meaningful to the north; request more trees added to the mass car park; in regards to the bridleway the southern end needs to be pulled back in an easterly direction away from the car park as it was previously. The hedgerow indicated between the car park and the petrol station is definitely unacceptably narrow; hedgerow being proposed parallel to Hudson way is too narrow; planting details to be treated as indicative; excessive use of tarmac in the car park and pedestrian routes is unacceptable and some differentiation between pedestrian and vehicular surfacing needed; the SE car park is particularly harsh and bland- trees could be combined with shrub beds. Revised layout plans received to address the above.
- 7.12 Environmental Protection Team comments dated 29th May 2012. The submitted noise report details current noise levels and predictions of expected noise levels from the operation of the new superstore. The nearest residential dwellings are some distance away, approximately 340m (Otterwood Bank & Sandbeck Way). Ambient noise survey determined that road traffic on the A1 is principal noise source.

The categories assessed within the report included fixed plant noise, deliveries to the store, noise from customers using the car park, noise from increased traffic, petrol filling station and recycling centre. In light of these considerations the following planning conditions are recommended:

- Details of the rating level of noise emitted from fixed plant when measured and/or calculated at the specified premises in free field conditions shall not exceed 30dB at residential locations on - Sandbeck Lane or Otterwood Bank.

- Details of sound attenuation measures to the waste compactor including angle of view from nearest noise sensitive premises and calculations at first floor level be submitted.
- Submission of a delivery management plan (incl. measures to disable vehicle reverse alarms and refrigeration units).
- Demolition and construction activities restricted to 08.00-1800 (Mon-Fri), 09.00-13.00 (Sat) with no working on Sun or Bank Holidays.
- No lighting fitment shall be installed on the site in such a way that the source of light is directly visible from nearby residential properties or is a hazard to users of adjoining or nearby highways.

- 7.13 Public Rights of Ways comments received during the consideration of the planning application dated 8th May, 27th July, 21st August and 15th October 2012. Public Bridleway No.15 Wetherby (formerly BRIDLEWAY 6) follows the alignment of Sandbeck Land between the roundabout on Hudson Way and the boundary with the A1 motorway. Revised landscape proposals drawing show widened green corridor through which the proposed new route for the Sandbeck Lane Bridleway will pass. We are now satisfied with this new layout and once planning permission for this site has been obtained, the developer will need to apply for a Public Path Diversion Order under s257 of the TCPA 1990. Advise developer contact PROW in regard to the diversion order and s106 agreement.
- 7.14 Access comments received during the consideration of the planning application dated 29th and 30th May 2012. Generally well planned scheme in terms of access for disabled people but further clarification required on ramp/ step/ bollard design and provision of tactile paving at crossing points required.
- 7.15 Architectural Liaison (Police) Officer comments dated 1st June 2012. Site falls in a ward area which suffers crime below the National Average for England and Wales. With this in mind offered the following comments:
- proposal mentions consideration has been given to designing out crime including a capable CCTV system covering inside and outside of the building;
 - concerns over the proposed new bridleway at the rear of the premises along the eastern edge of the site running between the building and the motorway- this route could make the proposed premises and the goods yard vulnerable to attack or present a potential hazard to safety of anyone using this route- a robust boundary treatment should be used (weldmesh). Any planting along this edge should not be allowed to afford a climbing aid to breach the perimeter or be allowed to obstruct natural surveillance;
 - Understood that all ASDA car parks compliant with the police approved Park Mark scheme and follow a previously set out formula to achieve this standard; developer should be encouraged to include security hardware, doors, windows and glazing as required by the UK police flagship Secured by Design scheme.
- 7.16 Travelwise comments received during the consideration of the planning application dated 6th June, 11th September 2012 and 22nd February 2013. The latest revised travel plan still requires further amendment to firm up commitments and targets. A Travel Plan Monitoring Evaluation fee would be required of £3,250. But, as submitted, the Travel Plan is not considered to be acceptable and would have to be amended before it could be accepted and included within a s106 Agreement.
- 7.17 Public Transport Contribution comments dated 8th June 2012. The proposed development will generate a large number of trips and therefore, is assessed in accordance with the City Councils adopted Supplementary Planning Document (SPD) "Public Transport Improvements and Developer Contributions". The proposed

development falls well short of the minimum accessibility criteria for development and the SPD expects developers (in consultation with Metro) to establish and fund measures required to make the site accessible. The application cannot be supported, the site is considered outside the centre of Wetherby and very poorly served by public transport; no details provided regarding improvements to bus services. To progress further developer to discuss with LCC and Metro regarding bus service options.

7.18 Air Quality Management Team and Environmental Study Team (Transport Policy) comments dated 29th May and 10th September 2012. From a noise point of view, despite the presence of a close-boarded fence adjacent to the A1(M), the area is still likely to be dominated by the traffic noise on this road. Nearest residential properties appear to be sufficient distance away from the proposed store to not be adversely affected by noise within the development itself over and above the prevailing traffic noise. Indeed, the store may well provide further protection against traffic noise generated on the A1(M). Consider that no reason to oppose the development on air quality grounds and do not consider traffic noise will be an issue, although junction improvements may attract claims under Land Compensation Act and Traffic Noise Insulation regulations if noise increases.

7.19 England & Lyle (Council's Independent Retail Consultants)
Given the sensitivity of the proposal and the significance in terms of the potential impact upon Wetherby town centre, the Council appointed England & Lyle (E & L) to provide detailed advice on retail matters in order to inform the Council in its decision making.

England & Lyle provided a report based upon the applicant's initial Planning & Retail Impact Statement. This report considers the nature of the proposed retail development; existing shopping provision in the Wetherby catchment area; existing shopping patterns in the catchment area; the applicant's sequential site assessment; the applicant's retail impact assessment taking account of retail need, the estimated turnover of the development, trade draw, clawback assumptions and predicted trade diversions; interpretation of impact in light of the vitality and viability of Wetherby town centre; compliance with the impact test in NPPF (para.26); and comments on the determination of applications in NPPF (para.27).

7.20 England & Lyle comments received during the consideration of the planning application dated June, 13th July, 20th August 2012, 21st February and 26th March 2013 taking account of a range of further supporting information submitted by the applicant reflecting the grant of planning permission to extend the Morrisons town centre store, a recent shopper survey and re-consideration of the study area. The summary of comments and conclusions are outlined below:

Comment:

- Retail assessment adjusted to reflect up-to-date shopper survey data which indicated 20% of anticipated turnover of Asda is likely to be from inflow (previously predicted 10%).
- Existing leakage of convenience expenditure from the Wetherby catchment area has potential to be clawed back to the extended Morrisons store- potential to increase the retention level (from 67% up to 70%). Unlikely to increase beyond, as Asda would have to attract trade going to Harrogate from villages to the north and west of Wetherby (which are more accessible to Harrogate) and claw back leakage from southern portion of catchment to Sainsbury's in Tadcaster and Moor Allerton and Tesco in Seacroft (as involve trips through Wetherby town centre and past Morrisons).

- Consider that as a result of clawback to the Morrisons extension, an Asda store would attract only 10% of its trade from clawback of leakage rather than 20% assumed previously.
- Accept the applicant's more reliable estimate of over-trading in the Morrisons store of 30% and a higher convenience turnover figure through the design years.
- Predict trade diversion for convenience goods of 29% from the extended Morrisons, 27% from Wetherby town centre as a whole and 25% from the catchment area as a whole.
- Predict trade diversion for comparison goods of 30% from the extended Morrisons, 14% from Wetherby town centre as a whole and 13% from the catchment area as a whole.
- Cumulative impact assessment for convenience and comparison goods of 30% from the extended Morrisons, 23% from Wetherby town centre as a whole and 21% from the catchment area as a whole.
- If Morrisons is over-trading by 30%, our predicted 30% trade diversion would bring the store's turnover down to its company average level- not in itself critical to the viability of the store but necessary to consider implications of a loss of trade from Morrisons for the town as a whole.
- 3 key findings identified within the on-street survey. Firstly, the most important reason that people visit the town centre is for shopping, both food and non-food. 46% of respondents said they were visiting Morrisons and other places in the town centre i.e. linked trips. Of those travelling to Wetherby by car, 43% parked at Morrisons, significantly more than anywhere else. This comprises most visitors because 54% of those interviewed travelled by car. Overall, 23% of all visitors to the town centre used Morrisons car park.

Conclusion:

- Asda proposal will have serious consequences for the vitality and viability of the town centre as a whole due to a reduction in linked trips to other shops and services in the centre.
- Do not consider proposal will encourage town centre investment and provide choice and competition for shopping; will make the town centre less attractive for shopping and weaken its vitality and viability;
- Increase in choice and competition will be through the creation of a competing retail destination in an unsuitable out-of-centre location- no benefit for town centre. shopping needs adequately met by the extension to the Morrisons store.
- Consider there is little potential for another large supermarket in Wetherby to claw back the remaining leakage of trade to Harrogate because those residents currently shopping in Harrogate live closer to Harrogate than Wetherby and will continue to find supermarkets in Harrogate more accessible. Notable that out of the 33% of convenience expenditure lost as leakage from the catchment area at present, only 1% goes to Asda in Harrogate.
- Applicants cast doubt on whether the extension to Morrisons will be built but it is very likely that the approval of the Asda store would deter this investment from taking place.
- The Asda proposals will not help the vitality and viability of the town centre.
- Choice and competition would be through the creation of a competing retail destination in an unsuitable out-of-centre location which would have no positive benefits for the town centre.
- The lack of a sequentially preferable location for a new foodstore is not justification for allowing choice and competition to be provided by an out-of-centre store, contrary to planning policy.

8.0 PLANNING POLICIES:

8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 The Development Plan for the area consists of the adopted Unitary Development Plan Review (UDPR), along with relevant supplementary planning guidance and documents.

8.3 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

8.4 As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination. The Core Strategy recognises Wetherby as a Major Settlement and the following policies considered to be of relevance:

P2 Sets out acceptable uses within and on the edge of town centres, and includes supermarkets and is subject to a sequential assessment.

P5 Sets out the approach to accommodating new food stores across Leeds and directs such stores towards town and local centres.

P8 Sets out the approach for sequential and impact assessments for town centre uses. It requires proposals which have a total gross floor area of 1,500m² to be accompanied by sequential and impact assessments.

P10 Relates to good design.

T2 Requires new development to be located in accessible locations.

8.5 The application site is allocated for employment uses under policy E4:37 within the Unitary Development Plan. As such, the following UDP policies are relevant to the consideration of the application:

SA2 seeks to encourage development in locations which reduces the need to travel and promotes use of public transport.

SA5 seeks to provide a wide range of shops in locations that are accessible to all sections of the community.

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

GP7 community benefits and planning agreements.

N10 states that development will not be permitted which adversely affects a public right of way unless an alternative maintains convenience, safety and visual amenity of original route.

N12 states that development proposals should consider and respect spaces between buildings; the best buildings of the past; good design; character and scale; encouragement of walking and cycling; adaptability for future uses; the needs of the elderly and people with disabilities and restricted mobility; visual interest; and crime prevention.

N13 requires all new buildings to be of high quality and have regard to character and appearance of surroundings.

N23 incidental space around built development should provide a visually attractive setting.

N25 states that boundaries of site should be designed in a positive manner appropriate to the character of the area.

N51 Design of new development should enhance existing wildlife habitats.

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.

T2C requires submission of a travel plan to accompany applications which are significant generators of travel demand.

T2D seeks enhancements to public transport.

T5 safe and secure access for pedestrians and cyclists should be provided to new development.

T6 satisfactory access to new development for disabled people and people with mobility problems should be provided.

T7A secure cycle parking is required in new developments, to reflect standards in UDP Appendix 9.

T24 parking provision to reflect the guidelines set out in UDP Appendix 9.

E3A, B & C relate to additional employment land.

E4 identifies allocated land for employment uses.

E7 states that uses outside the B use classes will not be permitted on land identified for employment purposes or land in current/past employment use.

S2 states that the vitality and viability of designated town centres to be maintained and enhanced.

S5 states that major retail development outside defined S2 centres will not normally be permitted.

BD5 requires new buildings designed with consideration given to both their own amenity and that of their surroundings.

LD1 development proposals should protect existing vegetation, allow sufficient space around buildings to retain existing trees in healthy condition and allow new trees to grow to maturity.

- 8.6 Supplementary Planning Documents:
 Public Transport Improvements and Developer Contributions (SPD, 2008)
 Travel Plans (SPD, 2012)
 Building for Tomorrow Today (SPD, 2012)
- 8.7 Government Planning Policy Guidance:
 National Planning Policy Framework (2012)
- 8.8 The NPPF sets out the range of the Government's planning policies and sets out the requirements for the planning system but only to the extent that it is relevant, proportionate and necessary to do so. In particular there is an emphasis on decision making at a local level where communities and their accountable Council's can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of communities through up to date development plans to achieve the economic, environmental and social aspects of sustainable development. These dimensions give rise to the need for planning system to perform a number of roles:
- The economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.
 - The social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations;

and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

- The environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

8.9 Paragraph 14 sets out the presumption in favour of sustainable development, which means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this (NPPF) framework taken as a whole; or

- specific policies in this framework indicate development should be restricted.”

8.10 Section 2 sets out the approach towards ensuring the vitality of town centres. It stipulates that Local planning authorities should apply a sequential test to planning applications for town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

8.11 Paragraph 26 requires that *“when assessing applications for retail development outside of town centres, which are not in accordance with an up-to-date Local Plan, LPA’s should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:*

The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and the impact of the proposal on town centre vitality and viability, including local customer choice and trade in the town centre and wider area....”

8.12 At paragraph 27 the NPPF advises that:

“Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.”

9.0 MAIN ISSUES

1. Principle of development (retail impact assessment and employment land supply)
2. Highways implications
3. Design, appearance and character considerations
4. Impact on residential amenity

5. Community Infrastructure Levy (CIL)

6. Other matters

10.0 APPRAISAL

Principle of development (retail impact assessment and employment land supply)

Retail development

- 10.1 National planning policy (NPPF) contains an underlying theme for the presumption in favour of sustainable development and sets out its approach on retail matters under Section 2 ('Ensuring vitality of town centres'). It requires local planning authorities to apply a sequential test to planning applications for town centre uses that are not in an existing centre and are not in accordance with an up-to-date development plan. Proposals for retail development should specifically include an assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal, and the impact of the proposal on town centre vitality and viability, including local customer choice and trade in the town centre and wider area. The NPPF advises (para. 27) that *where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.*
- 10.2 In terms of local planning policy, the application is assessed against policy S5 which advises that major retail developments (above 2, 500sqm gross) outside defined S1 and S2 centres will not normally be permitted unless;
- the type of development cannot satisfactorily be accommodated within or adjacent to an existing S1 or S2 centre;
 - it can be demonstrated that it will not undermine the vitality and viability of the city centre or any S2 or local centre or prejudice the local provision of essential daily needs shopping. The policy goes on to advise that it will normally be necessary for the applicant to carry out a formal study of impact on nearby centres and an assessment of changes in travel patterns.
 - It addresses qualitative and/ or quantitative deficiencies in shopping facilities
 - It is readily accessible to those without private transport
 - It does not entail the use of land designated for housing, key employment sites or land located in the green belt or open countryside.
- 10.3 Policy S5 is considered to be broadly consistent with national guidance set out within the NPPF, with particular reference to the sequential test and impact assessment.
- 10.4 In terms of the emerging Core Strategy, Wetherby is recognised as a Major Settlement. The thrust behind the relevant retail section of the Core Strategy is a town centre first approach, in order to protect the vitality and viability of identified town centres. Sequential and impact assessments will be required for all major retail developments in out of centre locations such as the proposed development site.
- 10.5 The Council commissioned independent retail advice from England & Lyle Planning Consultants who specialise in retail planning, to review the retail assessment undertaken by Pegasus Planning in support of the application. Pegasus Planning refer to the household survey carried out by Turley Associates, on behalf of Sainsbury's for their recent supermarket planning application in Wetherby. The findings of the household survey have been previously accepted by England & Lyle.

Pegasus Planning also adopted the catchment area used by Turley Associates for the purposes of the retail assessment, which is anticipated to draw trade from a similar catchment area, taking into account competing stores in neighbouring towns.

- 10.6 The identified catchment area included Wetherby itself (Zone 1), as well as the settlements of Boston Spa and Bramham towards the south and south east (not including Tadcaster) (Zone 2), the settlements of Collingham and Bardsey towards the south-west (Zone 3) and the rural area to the north of Wetherby (not including Harrogate) (Zone 4).
- 10.7 In terms of existing convenience retail provision within the catchment area, the main stores which are identified are the Morrisons within Wetherby town centre (3,258m² net); M & S Food also within Wetherby town centre (528m² net); a small Sainsbury's store on the edge of Wetherby town centre (379m² net); and a Co-op store outside Wetherby town centre (146m² net). It is also relevant to highlight that an extant planning permission exists to extend the net sales area of the Morrisons store by a further 610sqm which is considered to meet need for additional retail floorspace in Wetherby.
- 10.8 These planned stores would have a combined net floorspace of approximately 500m². Outside the catchment area, there is existing convenience goods provision which includes the Sainsbury's (5,986m² net), Asda (4,325m² net), Morrisons (3,186m² net) and Waitrose (1,856m² net) stores in Harrogate.
- 10.9 The applicant has carried out a detailed retail statement which address matters such as the sequential assessment, the retail need and retail impact. This information has been updated during the course of the planning application to take account of the grant of planning permission for the Morrisons store extension, a further shopper survey, a re-consideration of the study area and a clarification on proportion of floorspace dedicated to comparison and convenience goods.
- 10.10 From the survey based evidence it is apparent that Morrisons in Wetherby has the largest market share at 61% in terms of main food shopping. Outside the catchment area the stores most used for main food shopping are Sainsbury's and Morrisons in Harrogate. The shops in Wetherby are particularly well used for main food shopping by residents of Wetherby itself and relatively well used by the residents of Boston Spa, Bramham and Collingham areas. Residents of zones 1, 2 and 3 do not make extensive use of the foodstores in Harrogate. The pattern of main food shopping by residents in zone 4 (area between Wetherby and Harrogate) is quite different. Only 25% shop in Wetherby (22% at Morrisons) but 29% shop at Sainsbury's in Harrogate and 29% at Morrisons in Harrogate. Zone 4 includes part of the urban area of Knaresborough and villages which are closer to Harrogate than they are to Wetherby.

Sequential Assessment

- 10.11 As the application site lies in an out-of-centre location it is necessary for the applicant to carry out a sequential assessment of possible alternative sites in accordance with the guidance within the NPPF as well as policy S5 of the UDP. The assessment requires all more centrally located site options to have been assessed in terms of their availability, suitability and viability. Nevertheless, in view of the scale and type of retail development proposed it is considered appropriate for the sequential assessment to be limited to sites within Wetherby.
- 10.12 Paragraph 24 of the NPPF provides that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an

existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. In the light of a Supreme Court decision in 2012 (Tesco Stores v Dundee) 'suitable' in this context means suitable for the development proposed by the applicant. Having said this, applicants and local planning authorities are expected to demonstrate flexibility on issues such as format and scale. In this regard, the applicants have only considered sites capable of accommodating the floorspace of the store only, excluding the parking and highway areas and the petrol filling station. The result of this analysis concludes that there are no sequentially preferable sites that exist within the agreed catchment.

- 10.13 Notwithstanding the assessment of sequential issues, it is still important to consider the relationship of the site and the proposed store to the town centre and the potential for linked trips.
- 10.14 The proposed store is located approximately 1250m from the edge of Wetherby town centre. Whilst the application proposal includes a package of off-site highway works these primarily seek to improve pedestrian accessibility around the site to connect with the surrounding footway network and they do not address the site's locational deficiencies, given the overall walk distance and the desirability of the pedestrian route to the town centre. Allied to these works, the proposal includes funding to subsidise the diversion of an existing bus service and the provision of a new bus service to offer a connection to the town centre. However, given that funding would only be for a period of 5 years it is of concern that the service would not be commercially viable beyond the funding period, meaning the long-term accessibility of the site could not be sustained. In consideration of these factors it is considered that the number of linked trips would not be significant.
- 10.15 It is also relevant to highlight the importance of the existing Morrisons store within Wetherby town centre and its anchor role in supporting linked trips to other stores within the town centre. Whilst it is accepted that the Morrisons store is overtrading, although not to the extent that the applicant indicates, the trade impact upon Morrisons will also have an impact on the number of linked trips to other retail units within the town centre. Advice from England & Lyle concludes that the likely trade diversion from the extended Morrisons would be 30%, which would bring its store turnover down to its company average level. As a result of this significant impact on Morrisons it is also advised that there would also be a significant reduction in linked trips between Morrisons and other shops and services in the town centre, to the detriment of the vitality and viability of Wetherby town centre.

Retail Impact Assessment

- 10.16 In relation to retail impact, England & Lyle have provided advice on the assessment of existing and predicted shopping patterns set out in the applicant's retail assessment as well as predicted turnover and trade draw of the proposed store.
- 10.17 This information has been updated and refined during the course of the planning application to take account of the grant of planning permission for the Morrisons store extension and further revised estimates on trade inflow and clawback. Whilst there are professional disagreements over some of the assumptions within the retail assessment, it is appropriate to rely on the advice of England & Lyle for the purposes of the Council's assessment and decision making.
- 10.18 The main conclusion is that the proposed Asda store in this out of centre location is likely to have a significant adverse impact on the vitality and viability of Wetherby

town centre. The independent advice suggests that the overall impact of the Asda proposal (convenience and comparisons goods) would be a trade diversion of 30% from the extended Morrisons, 23% from Wetherby town centre as a whole and 21% from the catchment area as a whole. Such trade diversions are considered to be significant.

- 10.19 Whilst it is accepted that the Morrisons is over-trading and the predicted trade diversion would bring the store's turnover down to its company average, the loss of trade in Morrisons is likely to have a significant impact on its role as an anchor store in Wetherby town centre. If Morrisons attracts fewer shoppers there would inevitably be a reduction in linked trips between Morrisons and other shops and services in the town centre. A significant reduction in the role of Morrisons for main food shopping is considered to have serious consequences for the vitality and viability of the town centre as a whole.
- 10.20 Although the proposed Asda store would increase consumer choice and competition in Wetherby this would be through the creation of a competing retail destination in an unsuitable out-of-centre location that would not benefit the town centre. It is considered that shopping needs will be adequately met by the extension to the Morrisons store and that there is little potential for another large supermarket in Wetherby to claw back the remaining trade leaking to Harrogate because those residents currently shopping in Harrogate live closer to Harrogate than Wetherby and will continue to find supermarkets in Harrogate more accessible.
- 10.21 Overall, there must be a serious concern that the Asda proposal will make the town centre less attractive for shoppers, thereby weakening its vitality and viability, contrary to the aims of local and national planning policy. In reaching a balanced judgment on the merits of this scheme it is considered that this predicted adverse retail impact upon the town centre should be afforded very significant weight when reaching a decision and forms a reason for refusal.

Employment allocation

- 10.22 The application site is allocated for employment uses by UDP policy E4 under reference E4.37. Local plan policy seeks to safeguard the supply of employment land and therefore non-employment development proposals on employment allocations require the applicant to satisfy a range of criteria based on the planning need of the site to be retained for employment use. The site also benefits from an extant outline planning permission for a larger 4.31ha development to layout business and industrial park development, with offices, research and development units, light industrial units, warehouses and car parking as part of Ref:10/00279/OT.

Impact on employment land supply

- 10.23 The proposed supermarket will result in the reduction of available land allocated for employment use. The applicant has undertaken an assessment of the availability of allocated employment sites, sites with planning permission and property currently on the market that are suitable and available for employment uses. This evidence was provided to address policy E7 of the development plan which seeks to safeguard the availability of employment land. The submitted assessment indicates that there is a more than sufficient supply of employment land to accommodate a range of employment uses to meet the requirements for employers in the locality. Officers own testing of the data concur with the conclusions drawn in the assessment.
- 10.24 Para. 22 of the NPPF advises to '*avoid long term protection of sites allocated for employment where there is no reasonable prospect of the site being used*' however given this site benefits from an extant planning permission it is reasonable to

assume that the application site does have potential to be used for employment purposes. As such, there are reservations about the loss of an employment site in terms of its importance to the land supply. Nevertheless, the results of the employment land assessment identify a robust supply of employment land and it is considered that the release of the employment land subject to this application would not compromise local employment land supply or the City Council's wider objectives in terms of availability of employment land.

Economic development

- 10.25 At a national level, NPPF recognises that a broader range of employment opportunities are created beyond the traditional B (employment) use class as a form of economic development and the proposed supermarket is an employment generator in its own right. To reinforce the applicant's commitment in creating local employment opportunities they have offered measures to provide for training and employment for local people through construction of the development and its future operation which could be integrated within any s106 agreement.
- 10.26 In summary, it is considered that the proposed supermarket development will not prejudice the existing adequate supply of employment land available. The proposed supermarket will provide employment opportunities. Moreover, the proposed development will make provision to offer employment and training opportunities for local people. It is further considered that the supermarket development would not result in environmental, amenity or traffic problems although these matters are considered in more detail later within this report. In short, there is no justifiable reason to withhold planning permission on policy E7 grounds.

Highways implications

- 10.27 The proposed vehicular access, vehicle trip generation distributions and car parking levels have been agreed with the highway officer and it is considered that the existing road network could accommodate the new trips with the parking provision to accord with UDP guidelines. The Highways Agency raise no objection to the proposal.
- 10.28 The remaining key issue is that of accessibility to public transport and Wetherby town centre. The site lies to the periphery of Wetherby, some 1250m from the edge of the defined town centre. In view of the NPPF's definition of Edge of Centre sites as a location that is well connected and up to 300m from the primary shopping area, this location is considered out of centre.
- 10.29 The developer is to provide off-site highway works to improve the pedestrian linkage around the site in order to connect in with existing footpaths. Highways remain of the view that linked pedestrian trips to the existing town centre would be unlikely.
- 10.30 The main walking route to the site is via Sandbeck Lane, through the Sandbeck industrial estate. It is considered that this walking route is far from ideal with lengths of absent footway and dropped kerbs, narrow footways and a sense of isolation with high boundary treatments and little in the way of overlooking by the adjacent industrial buildings. In the evenings and weekends, there is likely to be very little in the way of activity along this route to give pedestrians an adequate sense of security and encourage walking.
- 10.31 The submitted transport assessment uses a distance of 1km for an acceptable walk distance to the store (based on PPG13 guidance and the Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot'). The IHT document provides walk distances on desirable, acceptable and preferred maximums, quoting

guidance for an acceptable walking distance from a supermarket car park to a town centre as 200-300m. The document further indicates an acceptable walking distance of around 400m for shopping (based on a 2 hour stay). Even within the 1km walk radius used within the transport assessment a large proportion of the store catchment is the industrial estate, with the nearest residential properties frontages some 600m from the centre of the site. It is therefore concluded that the attractiveness of the site for customers to walk is very limited (and virtually nil for the return journey when loaded with shopping). Staff trips will have a wider catchment of up to 2km and takes in the majority of the Wetherby built up area.

- 10.32 The LCC Public Transport SPD and draft Core Strategy state that retail uses should be within a 400m (300m preferably) walk or a 15min service frequency to a major public transport interchange. There are no bus stops within 400m of the centre of the site (or location of the store entrance). The bus stops on Sandbeck Way are approximately 560m from the store entrance and these are served by 1 bus per hour with no service in the evenings or Sundays.
- 10.33 There are further stops on Deighton Way, approx 760m from the site centre, which are served by 2 buses per hour (reducing to 1 in the evenings and weekends). The NPPF further states that development should be located where the use of sustainable transport modes can be maximised but that account of the area needs to be given (urban or rural).
- 10.34 The applicant has offered up to £750,000 be provided to divert the X70 bus service into the site and create a new local bus service around Wetherby. These services would combine to give a 30min frequency service to Wetherby centre (Mon- Sat 7am- 7pm). No services would operate on Sundays or during the evenings. Such provision falls short of the standards set out in the adopted Public Transport SPD and draft Core Strategy. Nevertheless, a policy compliant service is unlikely to be sustained beyond any initial developer funding and the annual cost of such a service is likely to be prohibitive for the scale of development proposed. It is doubtful whether the services would generate enough revenue to cover its costs, with the risk that when the funding period ends then the service would be withdrawn. Moreover, the applicant has not committed to any customer incentives for using the bus.
- 10.35 It is to be noted that the revised travel plan still requires further amendment to firm up commitments and targets and as submitted the Travel Plan is not considered to be acceptable and forms a further reason for refusal. Nevertheless, as para. 6.3.12 of the UDP states, *'the presence of a Travel Plan will not be seen as mitigating the effects of a poor location, nor will it override the need to provide essential development related infrastructure...'*
- 10.36 Overall, it is concluded that proposed Asda lies in an out of centre site which is poorly served by public transport with a limited walk catchment and the mitigation measures advanced by the applicant do not sufficiently overcome these concerns. These factors are compounded by the absence of an acceptable Travel Plan. Accordingly, movements to and from the site would be reliant on the car contrary to the aims of national and local policy and this concern is drawn out within the recommended reasons for refusal.

Design, appearance and character considerations

- 10.37 The proposed store building incorporates simple building lines, utilising timber panel cladding (which wrap around to the sides) and glazed curtain walling to its customer entrance side. The customer entrance is emphasized by a green coloured clad glazed block which projects up through the building's perimeter roof canopy. Clad

panels (colour: grey) are also to be attached to the side and rear elevations. The store building is by its very nature a large bulky structure elevating to a height of around 7.5m but this is seen as being reflective of the large industrial and commercial buildings visible to adjacent sites to the west that comprises Sandbeck Lane industrial estate. On this basis no design objection is raised to the building as a point of principle.

- 10.38 As acknowledged above, the proposed building is sizable but it will stand in the widest part of the site. There are numerous trees and groups of established vegetation which align the site's border to the north and south/south-west. When combined with the raised ground levels to the south and east of the application site views of the proposed development will be screened with the supermarket building set behind these features, akin to the situation at the commercial sites adjacent (to the west).
- 10.39 In order to integrate and retain existing trees and ensure appropriate complementary planting can be accommodated to the site edge, amendments have been undertaken to reduce the extent of the car parking, re-position the store building and amend the extent of the service yard to assist the development's assimilation into its surroundings. Allied to the landscaping proposals, the application site benefits from lying adjacent to a wide tree lined grass verge/ earth bund along the northern side of Hudson Way which will act to further filter views and ensure the proposed store building is not unduly prominent within the street view.
- 10.40 The Public Bridleway No.15 Wetherby (formerly BRIDLEWAY 6) lies to the north of the site and follows the alignment of Sandbeck Lane between the roundabout on Hudson Way and the boundary with the A1 motorway. This proposal seeks to divert this route around the east side of the proposal. The revisions carried out during the application process have achieved a wider landscaped corridor in which the bridleway will be laid and Public Rights of Way offered no objection to the latest amendment.
- 10.41 Appropriate planning conditions could be imposed to secure full details of the soft landscaping works, an arboricultural method statement, tree protection plans and landscape management plans. In addition, further planning conditions could be imposed to secure bio-diversity enhancements and mitigation measures.

Impact on residential amenity

- 10.42 The application site is located within an industrial/ commercial area with residential properties situated some distance away from the application site. A noise report accompanies the application and details current noise levels and predictions of expected noise from the operation of the new superstore. The report considers fixed plant noise, deliveries to the store, noise from customers using the car park, noise from increased traffic, petrol filling station and recycling centre.
- 10.43 In relation to fixed plant, it is calculated that the combined output from this equipment would comfortably fall below LCC's noise criteria but a waste compactor unit was separately assessed (located to western side of service yard running from north elevation to sliding gates) and would exceed this criteria by 8dB. A 2.5m high acoustic fence is to be erected to obscure view from affected dwellings and details of this partial enclosure (including the angle of view and noise calculations to be submitted to ensure that it provides sufficient mitigation) could be secured by planning condition.

- 10.44 In regard to deliveries to store, the noise generated by bulk deliveries would not exceed the World Health Organisation (WHO) guidelines during day and night. The proposal is for unrestricted deliveries 24hrs a day every day. As the distance separation leads to favourable noise levels generated by the store, no further noise control measures made. It is suggested however that a delivery management plan be put in place to prevent excessive noise (incl. disabling of vehicle reverse alarms, refrigeration plant etc) and such details can be dealt with by planning condition.
- 10.45 In regard to customer traffic, the impact of cars arriving and leaving the site over a 24hr period will vary and it is expected that during the most noise sensitive hours that there will be fewer noise events. As a worst case, the maximum noise level at the nearest noise sensitive premises will not exceed WHO guidelines at night and will be sufficiently below background noise levels such that 24hr use of the car park will be unlikely to cause disturbance to surrounding dwellings and benefits from being primarily below store level.
- 10.46 In regard to increased road traffic, the report predicts that the increase in traffic would not be significant. It is acknowledged that for traffic noise, doubling the volume equates to increase by 3dB in overall levels. The predicted increase was less than 2dB(A) in 2014 and 2017, so the impact is not deemed significant.
- 10.47 In regard to the petrol filling station, it is to operate for 24hrs and predictions based upon measured levels of a filling station showed that there was no change in LAeq level (average) at the nearest dwellings as the levels were insignificant compared to existing levels from the A1. The filling station may operate 24hrs without mitigation measures.
- 10.48 In regard to the recycling centre, it is considered that the use of bottle banks creates a distinctive, arguable unpleasant sound that is often cause for complaint where banks are sited near to dwellings (especially with no restriction for use at night-times). Predicted noise levels showed no increase in ambient level and WHO guidelines for sleep were not exceeded. Because of the nature of the noise, it may still be audible at night. It is therefore recommended that the bottle banks are not used at night, or banks contain some sort of dampening that reduces the sound of glass impacts are sourced rather than standard banks. The details of the recycling facilities could be dealt with by planning condition.
- 10.50 Overall, it is considered that the operation of the proposed supermarket is not anticipated to adversely impact on the amenity of existing residents.
- 10.51 It is acknowledged that any potential residential amenity impacts are likely to manifest themselves through the proposal's impact on the highway network as a result of increased traffic generation from the site. An Air Quality and Environmental Study was carried out by the applicant with regard to the junction at Sandbeck Lane and Deighton Road and there is no reason to oppose the development on air quality grounds, furthermore, traffic noise is not anticipated to be an issue and this matter is discussed earlier within this report.

Community Infrastructure Levy (CIL) Regulations

- 10.52 The proposal is being advanced with a range of provisions to enable improvements to be made, primarily to improve public transport and to minimise the use of the private car. The submitted Heads of Terms for the Section 106 Agreement are as follows:

- Employment and Training Initiative;

- Public Transport Infrastructure Contribution- a capped sum of £750,000 to subsidise a bus services for a period of 5 years;
- Traffic Management Scheme- offer of £5,000 towards cost of traffic management scheme;
- Travel Plan and Monitoring Fee- £3,250 to cover the cost of monitoring fee.

10.53 A planning obligation may only constitute a reason for granting planning permission for development if the obligation meets all of the following legal tests:

(i) it is necessary to make the development acceptable in planning terms. Planning obligations should be used to make acceptable development which would otherwise be unacceptable in planning terms.

(ii) it is directly related to the development. Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.

(iii) it is fairly and reasonably related in scale and kind to the development Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

10.54 The planning obligations offered by the developer include the following:-

- Employment and training Initiative. However, the details of these measures have yet to be formally agreed.
- £750,000 towards public transport infrastructure investment. The proposal is likely to have a significant travel impact and a financial contribution will help enhance public transport facilities. The contribution would seek to fund a new bespoke bus service and diversion of an existing bus service to transport customers to and from the proposed store to Wetherby town centre and other residential areas.
- Travel Plan designed to reduce vehicle use by staff and customers. This is required to ensure that the agreed provisions within the Travel Plan are implemented. A contribution of £3,250 for monitoring purposes would also be required. However, the details within the Travel Plan are not agreed.
- A £5,000 contribution towards a traffic management scheme.

10.55 Officers are of the view that the proposed obligations meet the requirements of the legal tests for planning obligations set out above. However, as the scheme is recommended for refusal, no further discussions have taken place on the s106 Agreement.

Other matters

10.56 The West Yorkshire Archaeological Advisory Services advise that application site lies within an area of archaeological potential and that this site may represent the medieval settlement of 'Audby'. A survey carried out in 1993 identified three possible archaeological features although these are not discussed in the submitted archaeological report. Aerial photos also show large areas of ridge and furrow surrounding the site and in order to allow a full evaluation of potential of the site a programme of archaeological recording should be provided. Such a programme could be secured by planning condition.

- 10.57 Turning to land contamination, the application site remained undeveloped until the 1980s when a farm was developed on the north-western portion of the site. The submitted report recommends further site investigation works. As the proposed end use is of low sensitivity no objection to the development are raised subject to the submission of a site investigation report, remediation and verification statements.
- 10.58 In regard to drainage matters, the submitted Flood Risk Assessment (FRA) and drainage strategy propose a connection to a watercourse and includes provision for underground storage. The proposed development will involve a significant increase in the amount hardsurfacing across the site but the precise details of the proposed drainage methods and restrictions imposed on discharge flows could be secured through planning condition.
- 10.59 Other factors that should be taken into account relate to economic and investment matters such as job creation. The applicant proposes to create 200 jobs at the proposed store. This is a positive aspect of the development that should be afforded considerable weight. However, given the retail advice provided by England & Lyle, it is likely that there will be a significant retail impact on Wetherby town centre and the overall implications of this could ultimately result in the closure of some town centre businesses/ shops and consequently the loss of some jobs. The employment factors therefore need to be considered in the round.
- 10.60 The government's Ministerial Statement, entitled Planning for Growth, also places an emphasis on promoting sustainable economic growth and jobs. In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations, and should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably, and that they can give clear reasons for their decisions. This Ministerial statement, as well as the guidance within paragraph 26 of the NPPF (although this refers to investment in centres) has been considered and given considerable weight. It has hence led to the conclusion that the proposed jobs that are created in the proposed store are not so significant as to outweigh the retail impact upon the town centre.
- 10.61 The applicant also makes reference to the fact that the proposal will bring about local customer choice which is set out within the NPPF. This will provide residents within the catchment area an alternative to shopping at Morrisons within the town centre. Whilst it is acknowledged that this would indeed bring customer choice, this does not outweigh the overall harm the development would have on the vitality and viability of Wetherby town centre.
- 10.62 Consideration has also been given to the significant number of letters offering both support and objection to the proposed scheme. The views expressed within this representations have been balanced against relevant planning policy and guidance and in particular the need to protect the vitality and viability of Wetherby town centre, as well as the presumption in favour of sustainable development as the NPPF sets out. It is considered that the matters raised in the representations have been addressed within the appraisal section of this report.

11.0 CONCLUSION

- 11.1 The application has been considered against relevant UDP policies as well as the guidance within the NPPF which sets out a presumption in favour of sustainable development. Whilst there are some benefits associated with the proposed development in terms of job creation, financial investment, and the provision of

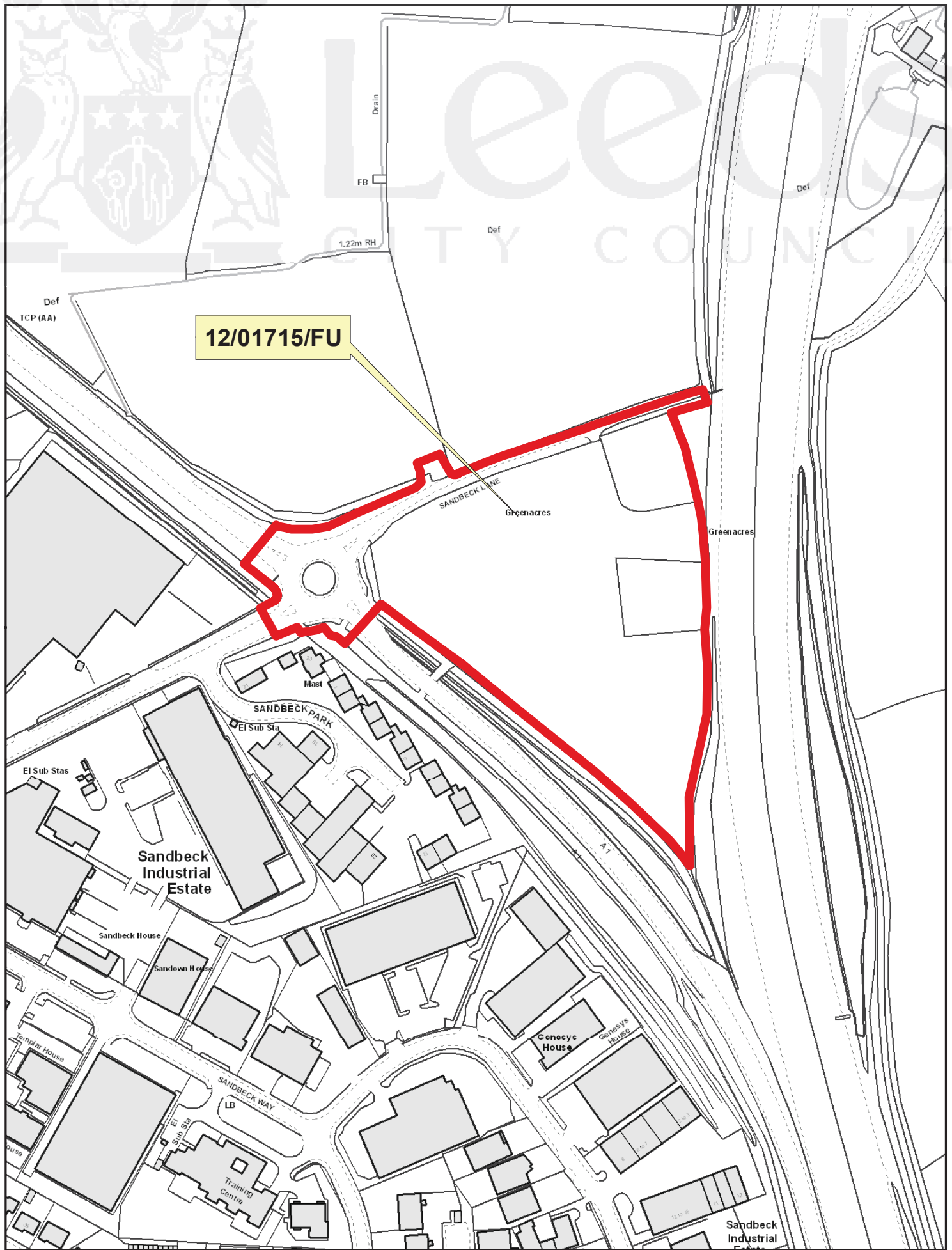
improved customer choice, these have been given limited weight. These material considerations have been balanced against other factors in terms of the impact upon the vitality and viability of Wetherby town centre. These matters should be afforded very significant weight in reaching a balanced judgement.

- 11.2 In this instance, and taking into account all material planning considerations, it is considered that the retail impact upon Wetherby town centre is very considerably harmful in terms of its impact on the vitality and viability of the centre as to outweigh the aforementioned benefits. Furthermore, owing to the site's location to the periphery of Wetherby, movements to and from the site would be reliant on the car contrary to the aims of national and local policy, compounded by the absence of an acceptable Travel Plan.
- 11.3 In conclusion, it is considered that the proposed retail foodstore would be contrary to a number of adopted UDP policies, the emerging policies within the draft Core Strategy and the guidance contained within the NPPF. Given this conclusion, it is recommended that planning permission be refused.

Background Papers:

Application and history files.

Certificate of Ownership: The applicants certifies that they have served notice on 17th April 2012 to Wetherby Park Ltd (Murdoch House, North Shore Road, Ramsey, Isle of Man); Mr P Dalby (Manor Farm, East Keswick, Leeds); and Ms L Nichols (Rose Dene Farm, Walton Road, Wetherby)



CITY PLANS PANEL

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Originator: Shameem
Hussain
Tel: 0113 2478024

Report of the Chief Planning Officer -

CITY PLANS PANEL

Date: 9th May 2013

Subject: Application 12/03400/OT Outline application for Residential Development on land at Royds Lane, Rothwell.

APPLICANT	DATE VALID	TARGET DATE
Hallam Land Management Ltd. DW Wilson and trustees of the Thurstaston Park Trust.	06.08.2012	05.05.2012

Electoral Wards Affected:

Rothwell

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 specified conditions and following completion of a Section 106 Agreement to cover the following matters :

- Greenspace contribution
- 15% provision of affordable housing on site or a financial contribution towards provision of affordable extra care provision off site
- Public Transport Infrastructure £110,339
- Travel Plan Management Fee £2,500
- Residential Metrocard Scheme £38,728.80
- Education Contribution £428,743
- Local training and employment initiatives during the construction of development.
- Off Site Highway Works

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

Conditions

1. Time limit on permission -2 years
2. Plans to be approved
3. Submission of biodiversity habitat surveys
4. Biodiversity Protection and Enhancement Plan to be submitted
5. No site clearance of vegetation , trees or shrubs during wild birds breeding season
6. Badger Survey to be submitted
7. Submission of method statement for control of Himalayan Balsam
8. Submission of floodlighting scheme
9. Submission of Site Investigation Methodology
10. Reporting of unexpected contamination
11. Submission of highways details
12. Submission of visibility splay details
13. Details of layout of vehicle spaces to be submitted .
14. Details of vehicle access to be submitted.
15. Submission of drainage details
16. Submission of Flood Risk
17. Details of surface treatment to designated footpaths to be submitted
18. Submission of archaeological programme
19. Statement of construction practice
20. Details of storage and disposal of litter to be submitted
21. Submission and implementation of landscaping details
22. Flood risk management details to be submitted
23. Landscape Management Plan

Reasons for Approval

The proposal is contrary to Policy N34 of the Unitary Development Plan which expects the suitability of PAS sites for development to be comprehensively reviewed as part of the preparation of the LDF. Policy N34 is consistent with the NPPF. However, in principle the proposal aligns with the Council's strategic intent to stimulate the housing market and meet needs in particular parts of the District by releasing Greenfield sites in advance of the LDF Site Allocations process (as agreed by Executive Board 13th March 2013). In detail, the proposal is also considered to meet the criteria of the Interim Policy which Executive Board approved and which provides for some small sustainably located PAS land to be released in advance of the Site Allocations DPD.

The proposal has been assessed against the Interim Policy and the proposed residential development satisfies the following criteria of the policy:-

- (i) Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft.
- (ii) Sites must not exceed 10ha in size ("sites" in this context meaning the areas of land identified in the Unitary Development Plan) and there should be no sub-division of larger sites to bring them below the 10ha threshold, and
- (iii) The land is not needed, or potentially needed for alternative uses.

In satisfying the above criteria it is considered by location, close to a main urban area the site is sustainable and the principle of the proposal is therefore considered acceptable

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 Consideration of this application was withdrawn from the agenda of the Plans Panel of 11 April 2013 to allow further time for representations to be made following the Council's adoption of an interim policy concerning the release of PAS sites. This is an application for new residential development on a 3.45 ha site designated as a Protected Area of Search in the adopted UDP. Such sites are designated under policy N34 of the adopted UDP and are intended to ensure the long term endurance of the Green Belt and to provide for long term development needs if required. The application is recommended for approval and key considerations in reaching this recommendation are matters of housing land supply and sustainability. Whilst the city council considers it has demonstrated that it has an appropriate housing supply to meet the requirements of planning policy this will ultimately be subject to forensic examination in a public inquiry. Consequently a further buffer of supply is required to provide additional security and this is the reason for introducing the Interim Policy (see para's 1.17 – 1.18 below) that facilitates the release of some PAS sites subject to the terms of the policy being met.
- 1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the need to determine applications in accordance with the development plan unless material considerations indicate otherwise.
- 1.3 The proposal does not accord with the current development plan which comprises the UDP Review (2006) in that the proposal is designated as a Protected Area of Search.
- 1.4 The National Planning Policy Framework is a material consideration and Annex 1 sets out that whilst relevant policies adopted since 2004 may be given full weight depending on their degree of consistency with the NPPF, decision takers may also give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.
- 1.5 The Council is due to submit its Core Strategy to the Secretary of State in April 2013 and this document is considered by the Council to be sound and in line with the policies of the NPPF and the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011.
- 1.6 The Council is currently progressing a Site Allocations Development Plan Document, which at its current stage of Issues and Options will seek views on, among other things, the allocation of UDP Protected Areas of Search for development. The Issues and Options DPD is due to be released for consultation in June 2013. It is normally in the context of the Site Allocations DPD that decisions are taken on the suitability of such sites for development, however a recent decision by the Council's Executive Board in relation to the current 5 year land supply for Leeds and related efforts to boost significantly the supply of housing in the current economic climate is also material to this proposal.

Five Year Supply Position

- 1.7 The NPPF provides that Local Planning Authorities should identify and update annually a supply of specific deliverable sites to provide five years worth of housing supply against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Deliverable sites should be available now, be in a suitable location ;and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence that

it will be delivered . Housing applications should be considered in the context of the presumption in favour of sustainable development, articulated in the NPPF.

- 1.8 In the past, the Council has been unable to identify a 5 year supply of housing land when assessed against post-2008 top down targets in the Yorkshire and Humber Plan (RSS to 2026) which stepped up requirements significantly at a time of recession. During this time the Council lost ten appeals on greenfield allocated housing sites largely because of an inability to provide a sufficient 5 year supply and demonstrate a sufficiently broad portfolio of land. This was against the context of emerging new national planning policy which required a significant boosting of housing supply.
- 1.9 Nationally the 5 year supply remains a key element of housing appeals and where authorities are unable to demonstrate a 5 year supply of deliverable sites, policies in the NPPF are considered to be key material considerations and the weight to be given to Council's development plan, policies can be substantially reduced.
- 1.10 The context has now changed. The RSS was revoked on 22nd February 2013 and it is clear that when assessed against the Council's Unitary Development Plan (2006) there has been no under delivery of housing up to 2012. The Council is also about to submit its Core Strategy to the Secretary of State with a base date of 2012 and a housing requirement that is in line with the NPPF and meets the full needs for objectively assessed housing up to 2028.
- 1.11 Executive Board has approved the Authority Monitoring Report 2012, which states that the Council currently has a 5 year supply. The Council has identified a housing land supply sufficient to provide for 21, 472¹ units against a target of 20,307 units. This is measured against Submission Core Strategy targets and applies a 5% buffer as required by the NPPF in the absence of persistent under delivery.
- 1.12 The Council currently has an identified supply of land for 29,605 units which have planning permission or are on allocated sites but due to deliverability assessments of the SHLAA partnership some of these sites fall outside the current 5 year supply picture. In improving economic conditions these sites could come forward earlier and contribute to the 5 year supply. In addition, some sites in the SHLAA without planning permission or which are unallocated fall into the current 5 year supply picture.
- 1.13 Therefore, in order to demonstrate a deliverable 5 year supply there is a need to include brownfield and greenfield sites that are not allocated and do not have planning permission. The SHLAA lists these as "LDF to determine" simply because they are not allocations or sites with planning permission. This includes some Protected Areas of Search. In reality, many of these sites, including unallocated brownfield and non-green belt or PAS greenfield sites have the potential to come forward for development now judged against the NPPF, the UDP and Draft Submission Core Strategy policies. In the case of PAS sites this is on the basis that they meet the criteria of the Interim Policy or in the later part of the 5 year period because the Site Allocations has advanced sufficiently.
- 1.14 The SHLAA is not a policy document but determines the likely broad phasing of future identified land for housing. Simply because the SHLAA identifies that an

¹ The AMR approved by Executive Board stated a 5 year supply of 21,512 units. This contains a duplicated site in error and the actual position is 21,472 (40 units less). This does not affect the ability to demonstrate a 5 year supply.

element of PAS land has fallen into the current 5 year supply picture does not automatically provide for its suitability when measured against the Development Plan. Executive Board therefore agreed an Interim Policy approach to dealing with the release of PAS sites.

- 1.15 The Housing Delivery Report included an Interim Policy setting the criterion for the release of a selection of Protected Areas of Search (PAS) sites for development. The application site is located adjacent to the built up area of Oulton, in close proximity to a variety of shops and services located within Oulton. As such, the development of the site would form an extension to the existing settlement of Oulton. The application site satisfies the criteria of the Interim Policy for the release of a selection of PAS sites. The Interim Policy is a key consideration in the determination of this application.
- 1.16 This application is presented to City Plans Panel for consideration for the following reasons:
- The application site is a PAS site and its release would constitute a departure from the UDP
 - In the light of the resolution reached by Executive Board which is summarised below, the site is acceptable when assessed against the Interim Policy setting criteria for release of PAS land
 - The application site is in line with specific policies of the NPPF
 - At the request of Local Ward Members Councillors Golton, Bruce and Nagle who also request a plans panel site visit take place.

EXECUTIVE BOARD DECISION OF 13TH MARCH 2013

- 1.17 The Housing delivery report was presented to Executive Board on the 13th March 2013. The report outlines an interim policy which will assist Leeds in strengthening its supply of achievable housing land pending the adoption of Leeds Site Allocations Development Plan Document which will identify a comprehensive range of new housing sites. The proposed Interim Policy is:-

In advance of the Site Allocations DPD , development for housing on Protected Area of Search (PAS) land will only be supported if the following criteria are met:-

- (i) Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft;**
- (ii) Sites must not exceed 10ha in size (“sites” in this context meaning the areas of land identified in the Unitary Development Plan) and there should be no sub- division of larger sites to bring them below the 10ha threshold; and**
- (iii) The land is not needed , or potentially needed for alternative uses**

In cases that meet criteria (i) and (iii) above, development for housing on further PAS land may be supported if:

- (iv) It is an area where housing land development opportunity is Demonstrably lacking; and**
- (v) The development proposed includes or facilitates significant planning benefits such as but not limited to:**

- a) **A clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area;**
- b) **Proposals to address a significant infrastructure deficit in the locality of the site.**

In all cases development proposals should satisfactorily address all other planning policies, including those in the Core Strategy.

- 1.18 Leeds City Council Executive Board resolved (Paragraph 201 of the Minutes 13th March 2013) that the policy criteria for the potential release of PAS sites ,as detailed within paragraph 3.3 of the submitted report be approved subject to the inclusion of criteria which
- (i) Reduces from 5 years to 2 years the period by which any permission granted to develop PAS sites remains valid: and
 - (ii) Enables the Council to refuse permission to develop PAS sites for any other material planning reasons.

2.0 PROPOSAL:

- 2.1 The application is made in outline to consider the principle of the development. Indicative details of the layout, scale, appearance and landscaping have been provided and refer to a development of approximately 90 dwellings with associated road infrastructure, parking provision, amenity space and landscaping. These details will be considered under future applications for approval of Reserved Matters.
- 2.2 The Design and Access Statement indicates access is proposed from Royds Lane for vehicles. Pedestrian access will be provided to Arran Way and Royds Lane. The proposed dwellings will be a mix of small and large detached houses and semi detached. Detached housing makes up the edge of the site and the semi detached will be primarily located along the central spine. The houses vary in scale from single storey to 2.5 storeys in height.
- 2.3 The application is accompanied by a draft S106 agreement (Heads of terms) which will make provision for greenspace, 15% affordable housing, Travel Plan and any other matters that arise through the course of the application.
- 2.4 The application is accompanied by a draft S106 agreement (Heads of Terms) which makes an on site greenspace provision of 0.44 hectares (on net development area of 3.67 hectares) 15% affordable housing and Travel Plan.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site lies approximately 5 miles to the south of the city centre and sits on the Southern edge of Rothwell, outside of the "Main and Smaller Urban Areas" envelope (policy H4). The site is bounded by housing to the Northern boundary and part of the Western boundary with a cricket and football pitches to the North West and the whole of the Eastern and Southern boundaries bordered by Oulton Park golf course. The Eastern and Southern boundaries with the golf course also marks the edge of the Green Belt designation and the Oulton Conservation Area. The site is currently in agricultural use and greenfield and is a relatively level site with a gradual fall across the site from the South to the North with little in the way of features but for

a few trees on the boundaries of the site. The housing to the North of the site is modern two storey detached houses and to the West they are predominantly detached and semi-detached bungalows.

4.0 RELEVANT PLANNING HISTORY:

4.1 Application 08/00953/OT Outline application for residential development with associated Parking.
Refused 19th May 2008. The subsequent appeal was dismissed.

4.2 APP/N4720/A/08/2077481

Application 08/00953/OT was dismissed at appeal on the 16th March 2009. The Inspector concluded with the following key points:-

Housing land supply

- “The appeal sites are not allocated under Phase 2 or Phase 3 in the UDP. They are listed under UDP Policy N34 as Protected Areas of Search (PAS). The policy restricts new development on these sites to that which is necessary for the operation of existing uses together with such temporary uses as would not prejudice the possibility of long term development. The suitability of these sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework (LDF) and in the light of the next RSS. At the Inquiry the Council indicated that its planned timescale for the delivery of the LDF Core Strategy is 2010”.
- “I am concerned that should permission be granted for the appeal scheme it would make it more difficult for the Council to resist other similar schemes on Greenfield sites which would undermine the core approach and sub area policies regarding housing supply contrary to RSS Policy H1”.
- “It would be premature to release PAS sites at this stage in the plan before the release of Phase 2 and 3 sites. The appeal proposal would be contrary to UDP policies H3 and N34 and should I allow the appeals would be likely to lead to other similar applications on Greenfield sites which the Council would find hard to resist. This could well undermine the core approach. The appellant has not demonstrated sufficient benefits to outweigh the resulting harm. Therefore I conclude that the appeal would have an adverse effect on housing land supply in the region”.

Accessibility and Sustainability

- “I am concerned that future residents at the appeal site would have an over reliance on the private car to access jobs schools and necessary facilities for families. Although the Travel Plan and S106 contributions towards public transport could help to reduce this reliance the need for such measures to help make the proposed development acceptable emphasises the fact that the appeal sites are in relatively unsustainable locations. The proposal would result in an unacceptable increase in the need to travel by private car. Also it would fail to accord with UDP policies T2 and SP3 with regard to being adequately served by public transport and having acceptable walking distances to local facilities in that the sites would be unsuitable for housing in terms of their environmental sustainability”.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Council Officers have met with the applicant to discuss the application. The discussions revolved around the principle of development

6.0 PUBLIC/LOCAL RESPONSE:

Community Engagement

6.1 A public event was held by the applicant on 12th June 2012 at the Oulton Institute between the hours of 3pm and 7.30pm. Members of the public were provided with comment sheets. The public consultation process demonstrated that the local community has specific concerns in relation to:-

- PAS land and that the previous appeal dismissal / more suitable sites elsewhere
- Traffic /access/highway safety
- Capacity of local facilities.
- Flooding and drainage.

6.2 The application was advertised as constituting a departure to adopted UDP by site notice posted on site on the 24th August 2012.

Publicity expiry date being 14th September 2012. To date the following representations have been received:-

A total of 83 representations have been received with the following comments in summary :-

- Traffic impact and the problems it brings
- Impact on local infrastructure and traffic volume
- Consistently battling against developers to preserve our greenbelt
- Should be protecting PAS land
- Noise and disturbance effecting residential amenities by way of overlooking ,sunlight and privacy
- Damage to local environment
- Local school close by increase in traffic would make it dangerous for children walking to school
- Local schools already oversubscribed
- No changes since previous application refused
- Destruction of trees and landscapes
- Royds Lane the only country lane, proposal will destroy character
- Poor drainage already, situation will worsen
- Public transport not available near the site, increase reliance on personal transport
- Additional 200 cars could not be accommodated by surrounding minor roads
- More noise and pollution for children who are encouraged to walk to school
- Not up to individual developers to determine where housing should be built
- Affect on local wildlife and destruction of open character
- Robust local housing market offered at 5 local estate agents, providing variety of property choice across the spectrum
- Public right of way should not be disturbed – effects wildlife
- Opening of Arran Way is a nuisance
- Flooding already, because of slope will increase the volume
- The field is used for agricultural purposes and should be retained for local produce

Rothwell Cricket and Football ground

- Support local residents objections
- Development along two sides of cricket ground. House gardens will be right up to boundary which is dangerous to persons or damage to property

Councillor Golton

- Premature development on PAS land which is a departure from the UDP and will hold back development of more desirable brownfield land.
- An attempt to pre-empt the conclusions of the consultation on the Local Development Framework and Neighbourhood planning development.
- The site is not sustainable as it will be car dependent development and will add to an already congested single lane A road, as well as rat running on Eshald Lane.
- Local schools are full to capacity and the scale of development does not offer an educational supplement of significance.

Councillor Nagle

- The Lane is narrow and new homes will result in more traffic which will be dangerous.
- The proposed access and egress will be dangerous.
- The local infrastructure will not be able to cope with the stresses of having many more families in the area.
- The local infrastructure cannot cope with the addition of new houses. There are going to be significant road safety issues if this comes forward. Royds Lane is a very narrow winding lane.

A site visit is requested so that the site can be seen in context. The whole of the Lane needs to be seen to understand this issue.

Councillor Bruce

- Object and ask for the application to be refused on the following grounds
- PAS land which is safeguarded land and should not be considered until the completion of the Leeds UDP which ends in 2016
- Detrimental impact on city's efforts to attract development on brownfield sites in need of regeneration and would set precedence for other PAS sites in councils jurisdiction
- LDF consultation taking place which will establish location of new housing over the next 20 years. PAS sites to be reviewed as part of this process and should be through this process that further consideration should be given to phasing and timing of any future release of PAS land.
- PAS land should not be considered until Council and communities have opportunity to indicate where development should be located through an approved plan led system.
- Site should be retained as agricultural for as long as possible , premature application should be rejected as was the case when a similar application went to appeal in 2009, same reasons for refusal in existence
- Along with added noise and pollution, the increase in traffic from this unsustainable car dependent site would exacerbate the already problematic situation with traffic congestion and speeding traffic in the Royds Lane/A642 area
- This is an unsustainable site which is car dependent

Request that when this application is considered at Plans Panel that a site visit take place.

- 6.3 All of the above representatives have been re-notified individually by letter on the 28th March 2013 explaining the change in policy which should be a consideration in determining this planning application. A copy of the interim policy has been attached to each letter. The letter invites any further representations in the light of this change , to be received by 10th April 2013, and that the application was to be presented to City Plans Panel on 11th April 2013.

6.4 As a result of the above re-notification the following representation has been received from a local resident dated 2nd April 2013:-

- Re-notification period is over Easter when people are away, one person who overlooks the site is away for two weeks and one of the councillors is unavailable until 15th April 2013.
- Local communities were under the impression that the Council were on side and to switch at such short notice without any indication is bad practice.
- Invite to local meeting for Local Planning Department to explain the change. Meeting on the 7th April 2013.
- Comments received were on the principle of the application that would suffice. In conjunction with Neighbourhood Forum will in coming days looking at the application in more detail in particular around sustainability .
- We have concerns and will be raising them .
- No apology for late submissions which will contain detail; close analysis takes time and that is what we are short of.

Since the application was presented to Plans Panel on the 11th April 2013 and as a result of the further renotification . The following representations have been received from Local residents: _

- Reiteration of the comments received previously and noted above along with the following comments:
- Highway reasons – Royds Lane badly maintained , risk to highway and pedestrian safety.
- Additional demand on schools and local services.
- No demand for housing in the Rothwell Area.
- Rothwell seen as attractive due to the green belt area. Will lose this appeal.
- Concern of safety Public Access through the Arran Estate will increase.
- Will attract motorbike and scooters heading to the already noisy skate park.
- Increase of flooding in the area as the field is a natural soakaway.
- Appreciate the need for housing but proposal is fraught with access and safety issues and risks which have not had sufficient consideration.
- Greenfield PAS Site.
- Traffic problems in addition to traffic as a result of the larger Morrisons at Rothwell.
- Site is green area of land which can be seen as such in the area.
- No support for development in the Local Community.
- Increased traffic on Royds Lane /Arran Way.
- Environmental Impact – high risk of flooding. Increase of traffic pollution ,loss of green belt.
- Question sustainability of a development of this size , stretching the local amenities beyond sensible usage.
- Report states LCC has demonstrated that it has an appropriate housing supply to meet the requirements of planning policy. However a further buffer of supply is required. Is PAS land the first and only option for this buffer?
- Development deemed unacceptable in 2009 (and in 2008) has now been recommended for Approval to satisfy the requirements of the NPPF. This shows an apparent disregard for the criteria that could not be met in earlier years. Irrespective of these concerns a development of this size with the irreversible removal of the green belt will have a significant environmental impact on the immediate area.
- Oulton Lane consistently floods opposite the entrance to Arran Way and there have been sewage and drainage issues reported by several residents.

6.5 Joint Letter of representation received from Councillors Golton , Bruce and Nagle.
The following comments, and observations have been received dated 24th April 2013.

- “As Ward Councillors we strongly object to the two applications to build on PAS land in the Rothwell Ward. We wish to make the following comments and observations:-
- PAS land as defined in the UDP is **safeguarded land** and is designated “to ensure the necessary long term endurance of the Green Belt. **The suitability of the protected sites will be comprehensively reviewed as part of the preparation of the Local Development Framework;** meanwhile it is intended that no development should be permitted on this land that would prejudice the possibility of longer term development, and any such proposals for such development will be treated as a departure from the plan.
- NPPF paragraph 85 states “ When defining boundaries ,Local Planning Authorities should make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development”
- Since last August 2012 the Councils stance throughout has been to refuse these applications on the grounds that they are premature and they were undermining the Local Development Framework process. This was in line with National and Local Planning Policy. Furthermore these two protected sites in the Rothwell Ward were decisively refused at a robust four day appeal in 2009 giving the Council a strong position.
- In March 2013 the Executive Board , without any consultation with interested parties, approved new interim policies which in essence changed the Councils position and effectively brought forward the potential release of these safeguarded sites. This was a controversial decision on the most sensitive and important Greenfield sites across the city and one which Councillor Golton as a member of the Executive Board voted against.
- Interim policy fits neatly with the two applications. Our view and that of the community is that Rothwell and Oulton are being sacrificed to salvage the rest of the PAS sites from development, this is discriminatory. We do not believe this policy will prevent further applications coming forward.
- Interim policies carry little or no weight at appeal and approval now will send out a strong signal to developers that Leeds is open for business on safeguarded sites . Furthermore if applications are submitted but subsequently refused on PAS sites outside the Main Urban Area or Major Settlements, developers will almost certainly go to appeal. If approval is now the preferred position on selected sites , applications followed by appeals on “no go sites” will quite naturally ensue and the floodgates will be open.
- We appreciate the Council has lost 10 appeals which has taken significant sums from the budget; but the Council should be looking to refuse development on the most sensitive and protected Greenfield sites in Leeds.
- This is safeguarded land which should only be considered as a last resort and when all other options have been expended. At present the Council can show a 5 year land supply and we question how release now can be justified when all options have not been exhausted.
- Local Development Framework – We are concerned that these two applications are premature ; they are undermining the Councils LDF process which will decide through consultation with all parties and ultimately at Public Examination with a Government Inspector where development should be located across the city. These applications are distorting this process; development should be

agreed through a plan led procedure not as a result of pressure from speculative developers trying to override the system and push the boundaries of development.

- Local Neighbourhood Forums – In the Rothwell Ward we have established three excellent and effective Neighbourhood Forums which are working side by side with the Council to produce Neighbourhood Plans across the whole Ward.
- Oulton and Woodlesford Forum has received high praise from the Council Team. It has a growing membership in excess now of 250 and has been a flagship Forum in the work produced to date. All three forums are genuinely engaged in the process.
- Local Neighbourhood Forum steering committees have informed us they are frustrated and very disillusioned that these applications are still premature and more importantly are undermining and prejudicing their ability to decide where they want development to be located. The Forums have looked at the latest SHLAA and consider these safeguarded sites are not in the most preferable locations. PAS sites would be the last sites to be put forward for discussion. However the Forums want the opportunity to debate the matter with the Council and at the Public Examination.
- The initial Site Allocations Document is imminent and it should be through this process that sites should be considered, not on the back of speculative developers trying to bypass the process. The Community and the Forums like us feel it is the developers who are in control, the balance is all wrong with the Council and the community have little or no voice in the matter.
- NPPF – These applications are undermining the NPPF and its aims. The golden thread running through the NPPF is a presumption in favour of sustainable development but there is also a clear aim in terms of the Council producing a Local Plan in conjunction with Neighbourhood Plans. On both these counts we think the Framework is being disregarded.
- Throughout the NPPF the main theme is a presumption in favour of sustainable development. However in 2009 at a hard fought Public Inquiry the Inspector positively refused similar applications on these protected sites on the grounds of sustainability. He ruled that both sites would lead to an over reliance on the private car to access jobs, schools and necessary facilities and that the sites would result in an unacceptable increase in the need to travel by car. Nothing in this respect has changed, indeed in the case of Oulton the public transport facilities have worsened. It is naïve in the extreme to believe these sites will not be car dependent and that public transport and facilities are convenient.
- Both at Public Meetings and through letters of objections we have been overwhelmed at the real strength of feeling against these applications and that the community view is being disregarded.
- We along with the community believe it is the developers who are controlling and commanding the planning process. The Council, Neighbourhood Forums and the community appear to have little influence in the matter despite the NPPF requiring Councils and Neighbourhood Forums not developers, to take the lead.
- If these applications are approved it will have an effect city wide. It will undermine the LDF process and the ability of Neighbourhood Forums across the city to plan their future.
- We as Local Ward Councillors, believe this application must be refused. This will allow the Council and the local community time to decide together their future as well as that of the whole city through the plan led system.

7.0 CONSULTATION RESPONSES: Nature Conservation

- 7.1 Agree with the recommendations set out in Extended Phase 1 Habitat Survey submitted with conditions recommended for further information and protection measures to be submitted and implemented.

Highways

- 7.2 A Planning Inspector found development to be unacceptable at the site in 2009 on the basis that it would be overly dependent on private car usage. There has been a minor change in bus services . A view has to be taken as to whether the change in national planning policy alters the conclusions on accessibility in this case.
- 7.3 Since the application was first submitted, a great deal of work has gone into assessing over 800 potential housing sites, including all PAS sites, for the Site Allocations DPD Issues and Options appraisal. In terms of Highways this has covered accessibility, site access and local network constraints. The PAS sites at Oulton and Rothwell both scored 12 out of possible 15 in the Highways appraisal. This places the sites towards the top of the list when compared to other PAS sites and other potential sites outside of the city centre and immediate surrounds. The sites have been assessed as 'Green' in the latest work on the Site Allocations DPD – the green scoring means 'sites which have the greatest potential to be allocated for housing'. While not fully complying with the draft Core Strategy Accessibility Standards, the sites do have access to public transport and other local services including shops and schools. They compare favourably, in terms of sustainability, to other PAS sites and therefore taken on balance there are no highway objections to the proposals, subject to the conditions set out.
- 7.4 A detailed highways plan of the site access including appropriate visibility splays is required . With Off Site Highway works , the widening of the footpath to be part of the S106 Agreement.

Public transport Improvements and developer contributions

- 7.5 Site has been the subject of previous refusal and dismissed appeal, partly on accessibility grounds as the site does not meet LCC accessibility requirements as stated in the formal highway consultation. SPD states that if a site does not meet accessibility requirements it should fund such measures to bring the site up to acceptable standards. Using the SPD formula the calculation results in a figure of £110,339 which represents the required contribution if the site was deemed to be in an accessible location.

Contaminated Land team

- 7.6 Applicant should be asked to provide a site investigation methodology in support of application.

Neighbourhoods and housing

- 7.7 Requirement for 15% affordable housing split 50/50 social rent/submarket housing. Therefore requirement of 14 affordable units (based on 90 units) 7 for social and 7 for sub market.

Flood Risk Management

- 7.8 Soil infiltration tests should be undertaken at detail design stage to determine the level of infiltration. Infiltration should be considered even if it is only used to discharge some of the surface water. Discharging the remainder into the watercourse via a balancing pond is acceptable below a rate of 5l/s/ha, however FRM would want to review the detailed drainage plans before commencement of the development.

Waste management

- 7.9 Refuse collection arrangements acceptable although it needs to be clarified as to whether the shared surfaces are to be to highway standards as this will dictate how effectively collections can be made from individual households.

Travelwise

- 7.10 The Travel plan previously submitted to the appeal in 2009 was acceptable. However the new document is not acceptable. Suggestions and recommendation put forward.

Public Rights of Way

- 7.11 No definitive or claimed rights of way cross or abut the search site. However a permissive path runs along the eastern boundary of the site. If the developer wishes to link into this path permission would be required from the golf course.

Yorkshire Water

- 7.12 Recommend conditions be attached to protect local aquatic environment and YW infrastructure.

Environment Agency

- 7.13 Recommend conditions to meet the requirements of NPPF.

Metro

- 7.14 Recommend a Metro Residential card scheme by way of S106. The current Cost to the developer is £38,728.80

Coal Authority

- 7.15 Coal mining information submitted identifies that the application site may have Been subject to unrecorded shallow coal mining activity. Further site investigation Required. Recommended conditions to be attached.

Local Plans and Policy

- 7.16 The site is allocated as Protected Area of Search (PAS) land within the UDP review (policy N34). Following recent Executive Board Approval an interim policy currently exists which provides criteria for the release of less significant PAS land in sustainable locations for housing development that accord with the main focus for development set out in the Core Strategy. This policy will assist Leeds in strengthening its supply of deliverable housing land in advance of the adoption of Leeds `Site Allocations Development Plan Document which will identify a comprehensive range of new housing sites. It will also help to stimulate the housing market to meet specific local needs. The interim policy only supports housing development on PAS sites subject to the specified criteria being met. The proposed site is under 10 hectares in size and relates well to the main urban area of Leeds. Furthermore it is not envisaged that the site is required for any alternative uses. As such it is considered that the site meets the criteria for release as a new housing site. Consequently the principle of housing development on the site is accepted. One of the conditions of the Interim policy is that the 5 year period of validity for the permission is reduced to 2 years.

(i) Greenspace

The Planning Application is for outline only, with only the principle being sought. However there are some concerns regarding the indicative layout of the proposed greenspace. The Councils adopted Supplementary Planning Document (SPD) advises that on- site greenspace provision should be a useable and safe space which is distinct from purely visual landscaping required under other policies within the UDP. Greenspaces should be in one block to ensure its function is performed, centrally located and overlooked by dwellings. The greenspace is situated in a long

thin strip alongside the golf course. At one point it is only a narrow pathway wide, and therefore not useable. Would be seeking 0.36 ha of useable greenspace to be provided on site. The proposal also includes a children's play area within the greenspace provision. The focus for formal play provision should normally be within existing parks and local recreation grounds within the locality. With a developer contributions towards this. Parks and Countryside have highlighted the playground at nearby Springhead Park is in need of improvements. Consequently an off site fixed play contribution has been attached to the greenspace calculation.

Greenspace contribution

Laying out of greenspace =	£34,145.53 (Springhead Park satisfies the N2.3 Requirement within the defined catchment)
Off- site fixed play contribution =	£56,585.84
Professional Fees (16.3%) =	£5,562.72
Total =	£96,297.09

This does not include maintenance costs for the onsite greenspace. If the developer wishes to maintain the greenspace then a bespoke maintenance fee will be required from Parks and Countryside.

7.17 Children Services – Education

Primary

The development is for 90 houses , assuming all are family dwellings , this would generate approximately 22.5 primary aged pupils . Due to a rising birth rate there is Pressure on the existing school estate across the city , and any new housing will add to this pressure . The Rothwell area has seen an increase in demand for school places, and this is expected to continue. The nearest schools to the development , Rothwell St Marys Catholic Primary School received 26 first preferences for 26 places for September 2013 entry, and Rothwell Primary School , received 43 first preferences for 45 places for September 2013 entry.

Secondary

Should all the houses be family dwellings, the development would generate approximately 9 secondary aged pupils. As for Primary there is increasing demand for secondary school places, with particular pressure in the south of the city. Any new housing will exacerbate this. As a whole , the south wedge is predicted to run out of capacity in year 7 in 2014.

In light of the above , we would request a full education contribution :

Primary :90 (dwellings) x £12,257 (cost multipliers) x 0.25 (yield per pupil) x 0.97 (location cost) = £267,509.

Secondary: 90(dwellings) x £18,469 (cost multipliers) x0.10 (yield per pupil) x 0.97(location cost) = £161,234.

Total = £428,743

7.18 NPPF (paragraph 85) says “Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan Review which proposes development . These applications have been submitted before the Leeds Plan review . The Site Allocations Plan ,along with Leeds Core Strategy will serve the same purpose as a “Local Plan” and as such the proposals are contrary to the guidance given within the NPPF.

8.0 PLANNING POLICIES:

Development Plan

8.1 The development plan includes the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and

documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. The site is not designated for any particular purpose in the UDPR. Land abutting to the east is designated Green Belt.

8.2 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time. This is on course for submission in early 2013 and is planning for 70,000 net new dwellings between 2012 and 2028. The strategy is planning for growth in all geographic areas of Leeds with at least 19,000 dwellings in new urban extensions.

8.3 Leeds Unitary Development Plan (UDP) Review:

GP5: General planning considerations.

GP7: Use of planning obligations.

GP11: Sustainable development.

N2/N4: Greenspace provision/contributions.

N10: Protection of existing public rights of way.

N12/N13: Urban design principles.

N23/N25: Landscape design and boundary treatment.

N24: Development proposals abutting the Green Belt.

N29: Archaeology.

N34: Protected Areas of Search

N38 (a and b): Prevention of flooding and Flood Risk Assessments.

N39a: Sustainable drainage.

BD5: Design considerations for new build.

T2 (b, c, d): Accessibility issues.

T5: Consideration of pedestrian and cyclists needs.

T7/T7A: Cycle routes and parking.

T24: Parking guidelines.

H1: Provision for completion of the annual average housing requirement.

H2: Monitoring of annual completions for dwellings.

H3: Delivery of housing on allocated sites.

H11/H12/H13: Affordable housing.

LD1: Landscape schemes.

8.4 Interim Policy – Release of PAS sites – 13th March 2013 (see 1.17 to 1.18 above)

8.5 Supplementary Planning Guidance / Documents:

Neighbourhoods for Living – A Guide for Residential Design in Leeds

Street Design Guide

SPG4 – Greenspace

SPG11- Education contributions

SPD- Street Design Guide

SPG25 – Greenspace and Residential Developments

- 8.6 Paragraph 47 requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%.
- 8.7 Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 8.8 Paragraph 85 sets out those local authorities defining green belt boundaries should:
- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
 - not include land which it is unnecessary to keep permanently open;
 - where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
 - make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
 - satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
 - define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

9.0 MAIN ISSUES

- Principle of Development
- Sustainability
- Appeal History of the Site
- Highways
- Representations received
 - Joint Letter of Representation received from Ward Councillors
- All other Matters
- Provision of Affordable Extra Care off Site
- Section 106 Package

10.0 APPRAISAL

Principle of Development

- 10.1 The application site is designated as a "Protected Area of Search "(PAS) in the adopted UDP. Such sites are designated under Policy N34 which specifies that PAS sites are to be retained for long term development and any intermediate development should be resisted that would prejudice development for long term needs. The supporting text to Policy N34 states that, "The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework..." By not waiting for the comprehensive review (currently underway in preparation of Leeds' Site Allocations Plan), a decision to approve this application must be regarded as a departure from the Development Plan. However, the introduction of the Interim policy authorised by the Executive Board provides a policy basis for the approval ,to recap, whilst the city council considers it has demonstrated that it has an appropriate housing supply to meet the requirements of planning policy this will ultimately be subject to forensic examination (in all probability at public inquiry).Consequently a further buffer of

supply is required to provide additional security and this is the reason for introducing the Interim Policy (see para's 1.17 – 1.18 below) that facilitates the release of some PAS sites subject to the terms of the policy being met. The criteria of the interim policy are intended to ensure that PAS sites of relative significance in terms of size and locational impact will only be, identified as housing sites, through the development plan process, namely the Site Allocations Plan. However the interim policy envisages that other PAS sites, notably smaller sites (below 10ha) that are well related to either the Main Urban Area or the Major Settlements defined in the Core Strategy are capable of being developed for housing can, ahead of the Site Allocations Plan process providing that there are no other material considerations indicating otherwise.

- 10.2 The NPPF requires that local planning authorities should identify and update annually a supply of specific deliverable sites to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Deliverable sites should be available now; be in a suitable location; and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence that it will be delivered. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.3 Paragraph 49 of the NPPF requires that housing applications be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.
- 10.4 It is acknowledged that Leeds has a five year land supply and that an element of that supply is expected to come from land which has been identified as to be determined through the Site Allocations DPD. The application site is located on the edge of the urban area, and the site appears to be both accessible and sustainable.
- 10.5 Paragraph 85 of the NPPF provides that "Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan Review which proposes development.
- 10.6 In advance of the Site Allocations DPD Executive Board have approved an interim policy which releases some Protected Area of Search (PAS) land for housing development. The interim policy only supports housing development on PAS sites subject to the following criteria being met.

Criteria (i) *Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft.* The site is an extension to the settlement of Rothwell and is considered sustainable. As such the development of the site would form an extension to the main urban area. It is considered that the site satisfies criteria (i).

Criteria (ii) *Sites must not exceed 10ha in size and there should be no sub division of larger sites to bring them below the 10ha threshold.* The application site is below this threshold.

Criteria (iii) *Land is not needed , or potentially needed for alternative uses.* The application site is not needed for alternative uses and therefore satisfies this criteria.

As the proposed site is less than 10 hectares, relates well to the main urban area of Leeds. It is not envisaged that the site is required for any alternative use. It is therefore considered that the site meets the criteria of the Interim Policy for release as a new housing site and there are no other material considerations to justify departure from the interim policy conclusions. Consequently the principle of housing development on the site is acceptable.

Sustainability

- 10.7 The proposed residential development is located approximately 8km to the South East of Leeds City Centre and is on the edge of Rothwell . Vehicular and pedestrian access is proposed directly from Rothwell Lane. Pedestrian access is from Royds Lane and Arran Way which abuts the site to the north. Royds Lane and Arran Way provide pedestrian and vehicular links to Leeds Road which has local facilities just off the main Leeds Road . These include a Morrison supermarket, local shops which include a post office, a surgery , opticians, City College. These facilities are approximately a 10 minute walk from the application site. There is also a Primary school that is located 485m away a six minute walk away and another two primary schools approximately 6 mins away. Public Transport is accessible in the form of the Woodlesford train station located under a mile away, which is not considered an attractive walk from the application site , a bus service is available from Marsh Street which is within walking distance that provides 2 buses every hour to the station. It is known that the station is well used and the service is oversubscribed. There are also regular bus services to Castleford, Wetherby, Morley ,Wakefield and Leeds. These provide a regular bus service every 30 to 60 minutes. It is also noted that the applicant has submitted a Travel Plan which includes a series of measures that promote walking, cycling, use of public transport and car sharing. In light of these factors the proposal has the potential to increase trips by private car, however in relative terms it can be argued that the site is in a sustainable location. This also has to be balanced against the wider public benefits of delivering new housing and promoting economic growth. Accordingly when looked at in the round it is considered that the proposal is consistent with policies that promote sustainable patterns of development .

Appeal History of Site

- 10.8 The application has previously been dismissed at appeal on the 16th of March 2009. The Inspector concluded that the suitability of this PAS site will be reviewed as part of the preparation of the Local Development Framework (LDF). The Inspector was concerned that should permission be granted it would make it difficult for the Council to resist other similar schemes on Greenfield sites which would undermine the core approach and sub area policies regarding housing.
- 10.9 Since that point in time there has been a material change in circumstances most notably with the publication of the NPPF. The approved Interim Policy reflects these change in circumstance and assists Leeds in strengthening its supply of achievable housing land pending the adoption of Leeds Site Allocations Development Plan Document which will identify a comprehensive range of new housing sites.

Highways

- 10.10 In 2009 the Planning Inspector found the development to be unacceptable on the basis that it would be overly dependent on private car usage.
- 10.11 As set out above the planning policy context has now changed. In advance of the Site allocations DPD process the application falls to be considered against the recently approved Interim Policy. Relative to some other PAS sites it is considered that the site is well located and meets the criteria for the release as a new housing site. As such no objections are raised now to the principle of development for reasons relating to the sustainability of the site.
- 10.12 It is considered that there is no overriding highway safety or capacity concerns. A vehicular access can be achieved with appropriate visibility and a layout can be achieved that allows for appropriate parking provision and safe manoeuvring of vehicles. The off site highway works to be agreed as part of the S106 Agreement.

Representation Received

- 10.13 The application was withdrawn from City Plans Panel on the 11th April 2013 so that local residents had the opportunity to further comment on the application as a result of the introduction of the Interim Policy .

- 10.14 A number of further representations have been received from individual households, local organisations, neighbourhood forum and letters of representation from Ward Members and Member of Parliament. The majority of the points raised have been addressed in the relevant sections of the report and these include matters relating to:

- Highway safety and concerns
- The principle of the development
- The prematurity of the development

The following additional concerns have been raised and each is commented upon in turn:-

Green area of land that can be seen in the area

It is accepted that a green area of land will be substituted for an extension of the built area and this will have an impact on the character of the locality. However, this land has been reserved for future development in the Unitary Development Plan. It therefore becomes an issue of how the development sits with and has regard to the character of the residential area and relates to surrounding open land. As this application only seeks to address the principle of development these matters will largely be addressed through the consideration of reserved matter applications (providing details of the layout of development, design, scale and landscaping).

Flooding Issues and site is on a Flood Plain which will suffer problems in the future

The Environment Agency and Flood Risk Management have not raised any technical concerns that cannot be addressed by conditions. These include those that require the submission of flood risk management plan and drainage details.

Doctors surgeries , schools and services already overstretched.

There is currently no requirement to make extra provision for health services through the planning system. However, Members will note that this is a developing area of policy and a dialogue is being developed around making these links. An education contribution of £428,743 is to be part of the S106 Agreement.

- 10.15 **Joint Letter of representation received from Ward Councillors.**
Concerns around the Interim Policy and the weight attached to it.
 The City Council took legal advice which recommended the interim policy approach as the most appropriate way forward.

This is safeguarded land which should only be considered as a last resort and when all other options have been expended

The City Councils approach has been to favour previously developed urban land. This is true of the 5 year supply and LDF process where the best is being made of previously developed land, but in the context of a requirement for 74,000 new dwellings, further greenfield land is necessary. In considering further greenfield land, PAS land cannot normally be considered a category of last resort. PAS sites represent land that has already been concluded through the UDP process to be suitable for long term development. In principle therefore it has to be considered preferable to Green Belt land and other protected land designations.

At present the Council can show a 5 year land supply and we question how release now can be justified when all options have not been exhausted.

Leeds 5 year supply does depend on some provision of PAS land. The supply does not provide a comfortable margin to deal with the scrutiny to be expected at Appeal.

Councils approach towards these PAS sites is premature, undermining both the LDF Site Allocation Plan making process and the neighbourhood plan making process. The Councils approach is non inclusive contrary to intent of national planning policy as described in the ministerial statement to the NPPF.

The Council strives to involve the public in the planning process. The situation with PAS sites is a special case. It has been necessary for the City Council to introduce the Interim Policy. Planning Applications and Appeals will not wait for the plan making process, with developers being urged on by a pro-growth government agenda and a Planning Inspectorate which has given little weight to Local Authority concerns about prematurity in a series of recent appeal decisions.

Reference to the Inspectors decision to dismiss the Appeals in 2009.

The Inspectors conclusions suggested that the sites performed badly in terms of sustainability of their locations. The context was different in 2009 and it is quite likely that the Inspector would reach a different conclusion now. We now have National Planning Policy seeking to boost significantly the supply of housing and a local need to plan for 74,000 new dwellings. We have a Site Allocations Plan which is having to identify substantive areas of greenfield and Green Belt land across the District. It is possible that an Inspector would now consider the sustainability merits of the two PAS sites relatively superior to many of the other Greenfield and Green Belt sites being advanced.

All Other Matters

- 10.16 At this stage no overriding concerns exist in respect of other planning issues including nature conservation, contaminated land, drainage and the delivery of extra care accommodation meeting an important local need.
- 10.17 It is also considered that a development can be achieved that respects the character of the area. That is with regard to the spatial setting of the houses, their scale and appearance and the landscaping of the site. These matter ultimately will be subject to future consideration as part of a submission for the approval of reserved matters.
- 10.18 It is also considered that a development can be achieved that does not cause demonstrable harm to the amenities of neighbouring residents. The layout is indicative only, It will be possible to design the layout of a development that meets the guidelines set down in Neighbourhoods for Living.
- 10.19 In light of the history of the use of the site as open fields it is not anticipated that there will be a level of contamination that will count against the principle of the development of the site. Accordingly conditions are suggested that require

investigation to be undertaken, any remedial works to be undertaken and that it be verified that the appropriate works have been undertaken.

Provision of Affordable Extra Care off Site

- 10.20 Extra care is a much needed but often expensive model to deliver. Taking the affordable housing contribution as a commuted sum from this site will enable options to be explored to ensure good quality extra care is delivered in the locality. The Council itself has relatively little land in the area although has a commitment to market Windlesford Green for this purpose. It could be that this sum of money would enable the Council to negotiate additional affordable units or specialist units (such as dementia care) that the market would not otherwise deliver. Although the specific mechanics of using the commuted sum to deliver additional affordable units will need to follow on from marketing the site, the monies provide additional flexibility to achieve the number of units and tenure mix required in the area. Should the monies not be required to be spent on the Windlesford Green site there is none the less a pressing need for accommodation in this part of the city which the commuted sum can contribute towards. The applicant has agreed to the principle of this so long as the final commuted sum can be agreed. If a figure cannot be agreed the applicant wishes to revert to the provision of affordable housing on site. These provisions will form part of the S106 Agreement.

Section 106 Package

- 10.21 The Community Infrastructure Levy Regulations 2010 set out legal tests for the imposition of planning obligations. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development. .

The Section 106 Package consists of the following:-

- 15% affordable housing provision on site or commuted sum for extra care accommodation (based on Affordable Housing requirement)
 - Education Contribution of £428,743
 - Greenspace contribution of :-
Laying out of greenspace = £34,145.53
Off site fixed play contribution = £56,585.84
Professional fees (16.3%) = £5,562.72
- Total = £96,297.09**

If greenspace to be maintained by LCC a maintenance fee will be required in addition to the above.

- Public Transport Infrastructure £110,339
- Travel Plan Management Fee £2,500
- Residential Metrocard scheme £38,728.80 or as otherwise agreed
- Local training and employment initiatives during the construction of the development.
- Off site highway works consisting of the footway along the site frontage to be widened to 2.0m.
- The proposed obligations have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly they

can be taken into account in any decision to grant planning permission for the proposals.

- 10.22 The application originally included provision of 15% affordable housing on site and this equates to 14 units. This is compliant with the councils planning policy. The Councils Housing Investment Team have been consulted on the planning application and have set out there is an acknowledged need for the provision of affordable extra care accommodation for older persons. There is limited potential for specialist housing to be delivered on site although a commuted sum towards the delivery off site could be considered. As set out above discussions are currently ongoing to see if this can be delivered within the scope of affordable housing and through clauses within the Section 106 Agreement.

11.0 CONCLUSION

- 11.1 Considering the advice given in paragraphs 85 and 49 of the NPPF it is important that the Council demonstrates it has a five year supply of deliverable housing sites. The Council has a 5 year supply of land. Some of this comprises land to be determined through the Site Allocations process but which would otherwise be acceptable when measured against the NPPF and the current Development Plan and in the case of PAS sites that this is on the basis that they meet the criteria of the Interim Policy or in the later part of the 5 year period because the Site Allocations work has advanced sufficiently. Whilst the proposal runs contrary to Policy N34 of the UDP, the statutory plan for Leeds, the recently approved Interim Policy provides criteria for releasing small sustainably located pieces of PAS land for housing development to help stimulate the housing market and in recognition of the contribution that PAS land plays to establishing a 5 year supply. This policy will assist Leeds in strengthening its supply of achievable housing land ahead of the adoption of Leeds' Site Allocations Development Document, which will identify a comprehensive range of new housing sites. The proposed site is less than 10 hectares in size, relates well to the main urban area of Leeds. Furthermore it is not envisaged that the site is required for any alternative uses. As such, the site meets the criteria for release for housing development. Consequently the principle of housing development on the site is considered acceptable, and the proposal is recommended for approval.

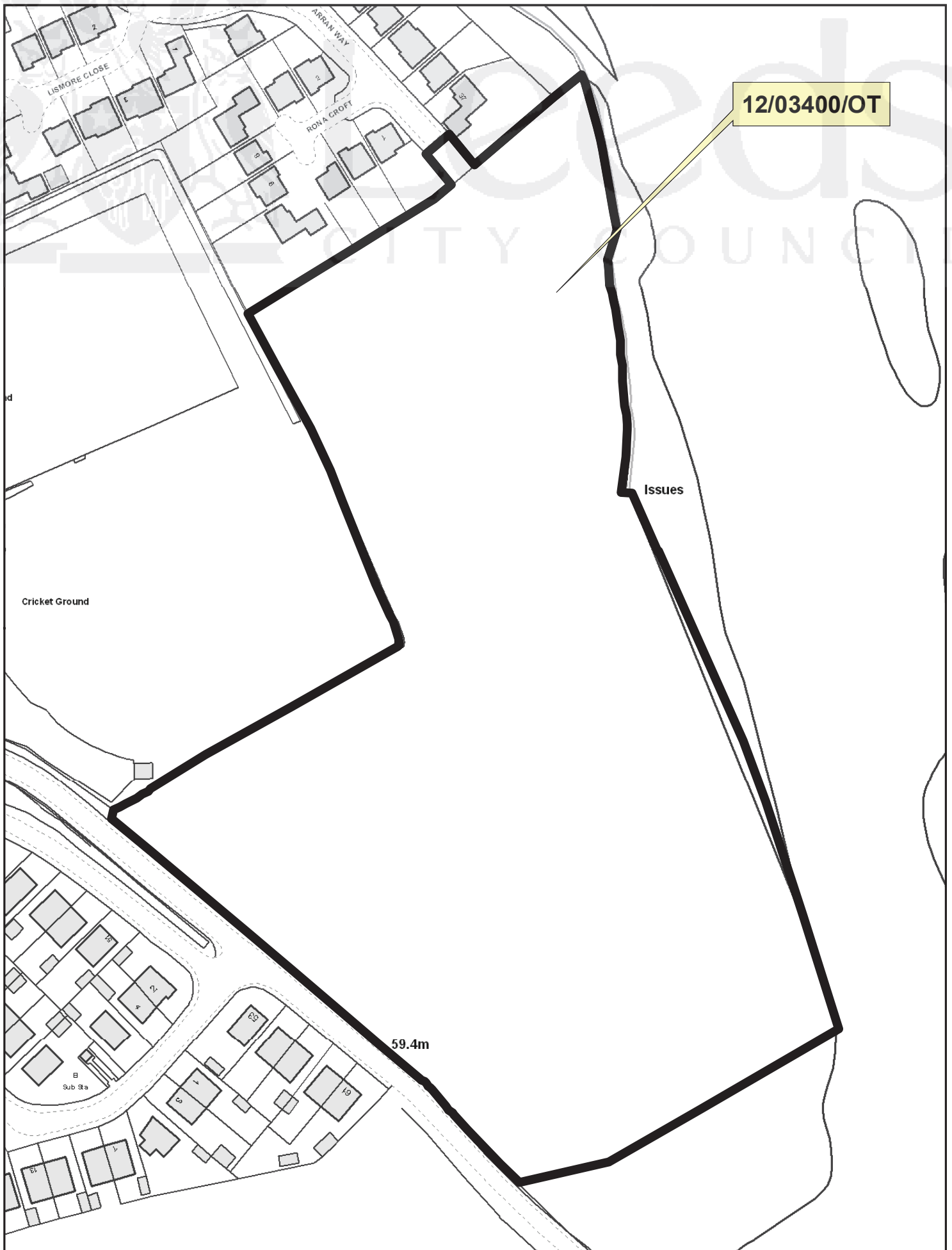
Background Papers:

Certificate of ownership: signed by applicant.

Planning application file.

Annual Monitoring Report (2012)

Executive Board Report



CITY PLANS PANEL



Originator: Shameem Hussain
Tel: 0113 2478024

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 9th May 2013

Subject: Application 12/03401/OT - Outline Application for Residential Development at Fleet Lane, Oulton

APPLICANT	DATE VALID	TARGET DATE
Hallam Land Management Ltd. DW Wilson and trustees of the Thurcaston Park Trust.	06.08.2012	05.05.2012

Electoral Wards Affected:

Rothwell

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER AND DELEGATE to the Chief Planning Officer for approval , subject to the specified conditions and following completion of a Section 106 Agreement to cover the following matters :

- Greenspace contribution £85,597.41
- Provision of 15% affordable provision on site or financial contribution towards provision of affordable extra care provision off site
- Public Transport Infrastructure £98,097
- Travel Plan management Fee £2,500
- Residential Metrocard scheme £44,425.60
- Education contribution £381,104
- Local training and employment initiatives during the construction of development
- Off Site Highway works.

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

Conditions

1. Time limit on permission -2 years
2. Plans to be approved
3. Submission of biodiversity habitat surveys
4. Biodiversity Protection and Enhancement Plan to be submitted
5. No site clearance of vegetation , trees or shrubs during wild birds breeding season
6. Badger Survey to be submitted
7. Submission of method statement for control of Himalayan Balsam
8. Submission of floodlighting scheme
9. Submission of Site Investigation Methodology
10. Reporting of unexpected contamination
11. Submission of highways details
12. Details of visibility splays to be submitted
13. Details of layout of vehicle spaces to be submitted
14. Details of vehicle access to be submitted
15. Submission of drainage details
16. Submission of Flood Risk
17. Details of surface treatment to designated footpaths to be submitted
18. Submission of archaeological programme
19. Statement of construction practice
20. Details of storage and disposal of litter to be submitted
21. Submission and implementation of landscaping details
22. Flood risk management details to be submitted
23. Landscape Management Plan

Reasons for approval:

The proposal is contrary to the supporting text of Policy N34 of the Unitary Development Plan which expects the suitability of PAS sites for development to be comprehensively reviewed as part of the preparation of the LDF. However, in principle the proposal aligns with the Council's strategic intent to stimulate the housing market and meet needs in particular parts of the District by releasing Greenfield sites in advance of the LDF Site Allocations process (as agreed by Executive Board 13th March 2013). In detail, the proposal is also considered to meet the criteria of the Interim Policy which Executive Board approved and which provides for some small sustainably located PAS land to be released in advance of the Site Allocations DPD.

The proposal has been assessed against the Interim Policy and the proposed residential development satisfies the following criteria of the policy:-

- (i) Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft.
- (ii) Sites must not exceed 10ha in size ("sites" in this context meaning the areas of land identified in the Unitary Development Plan) and there should be no sub-division of larger sites to bring them below the 10ha threshold, and
- (iii) The land is not needed, or potentially needed for alternative uses.

In satisfying the above criteria it is considered by location, close to a main urban area the site is sustainable and the principle of the proposal is therefore considered acceptable.

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

1.0 INTRODUCTION

- 1.1 Consideration of this application was withdrawn from the agenda of the Plans Panel of 11 April 2013 to allow further time for representations to be made following the Council's adoption of an interim policy concerning the release of PAS sites. This is an application for new residential development on a 3.45 ha site designated as a Protected Area of Search (PAS) in the adopted Unitary Development Plan (Review) 2006 (UDP). Such sites are designated under policy N34 of the adopted UDP and are intended to ensure the long term endurance of the Green Belt and to provide for long term development needs if required. The application is recommended for approval and key considerations in reaching this recommendation are matters of housing land supply and sustainability. Whilst the city council considers it has demonstrated that it has an appropriate housing supply to meet the requirements of planning policy this will ultimately be subject to forensic examination in a public inquiry. Consequently a further buffer of supply is required to provide additional security and this is the reason for introducing the Interim Policy (see para's 1.17 – 1.18 below) that facilitates the release of some PAS sites subject to the terms of the policy being met.
- 1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the need to determine applications in accordance with the development plan unless material considerations indicate otherwise.
- 1.3 The proposal does not accord with the current development plan which comprises the UDP Review (2006) in that the proposal is designated as a Protected Area of Search.
- 1.4 The National Planning Policy Framework is a material consideration and Annex 1 sets out that whilst relevant policies adopted since 2004 may be given full weight depending on their degree of consistency with the NPPF, decision takers may also give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.
- 1.5 The Council is due to submit its Core Strategy to the Secretary of State in March 2013 and this document is considered by the Council to be sound and in line with the policies of the NPPF and the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011.
- 1.6 The Council is currently progressing a Site Allocations Development Plan Document, which at its current stage of Issues and Options will seek views on, among other things, the allocation of UDP Protected Areas of Search for development. The Issues and Options DPD will be released for consultation in June 2013. It is normally for the Site Allocations DPD to take decisions on the suitability of such sites for development, however a recent decision by the Council's Executive Board in relation to the current 5 year land supply for Leeds and related efforts to boost significantly the supply of housing in the current economic climate is also material to this proposal.
- Five Year Supply Position**
- 1.7 The NPPF provides that Local Planning Authorities should identify and update annually a supply of specific deliverable sites to provide five years worth of housing supply against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Deliverable sites should be available

now, be in a suitable location; and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence that it will be delivered. Housing applications should be considered in the context of the presumption in favour of sustainable development.

- 1.8 In the past, the Council has been unable to identify a 5 year supply of housing land when assessed against post-2008 top down targets in the Yorkshire and Humber Plan (RSS to 2026) which stepped up requirements significantly at a time of recession. During this time the Council lost ten appeals on greenfield allocated housing sites largely because of an inability to provide a sufficient 5 year supply and demonstrate a sufficiently broad portfolio of land. This was against the context of emerging new national planning policy which required a significant boosting of housing supply.
- 1.9 Nationally the 5 year supply remains a key element of housing appeals and where authorities are unable to demonstrate a 5 year supply of deliverable sites, policies in the NPPF are considered to be key material considerations and the weight to be given to Council's development plan, policies can be substantially reduced.
- 1.10 The context has now changed. The RSS was revoked on 22nd February 2013 and it is clear that when assessed against the Council's Unitary Development Plan (2006) there has been no under delivery of housing up to 2012. The Council is also about to submit its Core Strategy to the Secretary of State with a base date of 2012 and a housing requirement that is in line with the NPPF and meets the full needs for objectively assessed housing up to 2028.
- 1.11 Executive Board has approved the Authority Monitoring Report 2012, which states that the Council currently has a 5 year supply. The Council has identified a housing land supply sufficient to provide for 21, 472¹ units against a target of 20,307 units. This is measured against Submission Core Strategy targets and applies a 5% buffer as required by the NPPF in the absence of persistent under delivery.
- 1.12 The Council currently has an identified supply of land for 29,605 units which have planning permission or are on allocated sites but due to deliverability assessments of the SHLAA partnership some of these sites fall outside the current 5 year supply picture. In addition, some sites in the SHLAA without planning permission or which are unallocated fall into the current 5 year supply picture.
- 1.13 Therefore, in order to demonstrate a deliverable 5 year supply there is a need to include brownfield and greenfield sites that are not allocated and do not have planning permission. The SHLAA lists these as "LDF to determine" simply because they are not allocations or sites with planning permission. This includes some Protected Areas of Search. In reality, many of these sites, including unallocated brownfield and non-green belt or PAS greenfield sites have the potential to come forward for development now judged against the NPPF, the UDP and Draft Submission Core Strategy policies.
- 1.14 The SHLAA is not a policy document but determines the likely broad phasing of future identified land for housing. Simply because the SHLAA identifies that an element of PAS land has fallen into the current 5 year supply picture does not

¹ The AMR approved by Executive Board stated a 5 year supply of 21,512 units. This contains a duplicated site in error and the actual position is 21,472 (40 units less). This does not affect the ability to demonstrate a 5 year supply.

automatically provide for its suitability when measured against the Development Plan.

Executive Board therefore agreed an Interim Policy approach to dealing with the release of PAS sites.

- 1.15 The Housing Delivery Report , included an Interim Policy setting the criteria for the release of a selection of Protected Areas of Search (PAS) sites for development. The application site is located adjacent to the built up area of Oulton, in close proximity to a variety of shops and services located within Oulton. As such, the development of the site would form an extension to the existing settlement of Oulton. The application site satisfies the criteria of the Interim Policy for the release of a selection of PAS sites. The Interim Policy is a key consideration in the determination of this application.
- 1.16 This application is presented to City Plans Panel for consideration for the following reasons:
- The application site is a PAS site and its release would constitute a departure from the UDP
 - In the light of the resolution reached by Executive Board which is summarised below, the site is acceptable when assessed against the Interim Policy setting criteria for release of PAS land
 - The application site is in line with specific policies of the NPPF
 - At the request of Local Ward Members Councillors Golton and Bruce who also request a plans panel site visit take place.

Executive Board Decision of 13th March 2013

- 1.17 The Housing delivery report was presented to Executive Board on the 13th March 2013. The report outlines an interim policy which will assist Leeds in strengthening its supply of achievable housing land pending the adoption of Leeds Site Allocations Development Plan Document which will identify a comprehensive range of new housing sites. The proposed Interim Policy is:-

In advance of the Site Allocations DPD , development for housing on Protected Area of Search (PAS) land will only be supported if the following criteria are met:-

- (i) **Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft;**
- (ii) **Sites must not exceed 10ha in size (“sites” in this context meaning the areas of land identified in the Unitary Development Plan) and there should be no sub- division of larger sites to bring them below the 10ha threshold; and**
- (iii) **The land is not needed , or potentially needed for alternative uses**

In cases that meet criteria (i) and (iii) above, development for housing on further PAS land may be supported if:

- (iv) **It is an area where housing land development opportunity is Demonstrably lacking; and**

- (v) **The development proposed includes or facilitates significant planning benefits such as but not limited to:**
 - a) **A clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area;**
 - b) **Proposals to address a significant infrastructure deficit in the locality of the site.**

In all cases development proposals should satisfactorily address all other planning policies, including those in the Core Strategy.

- 1.18 Leeds City Council Executive Board resolved (Paragraph 201 of the Minutes 13th March 2013) that the policy criteria for the potential release of PAS sites, as detailed within paragraph 3.3 of the submitted report be approved subject to the inclusion of criteria which:
- (i) Reduces from 5 years to 2 years the period by which any permission granted to develop PAS sites remains valid: and
 - (ii) Enables the Council to refuse permission to develop PAS sites for any other material planning reasons.

2.0 PROPOSAL

- 2.1 The application is made in outline to consider the principle of the development. Indicative details of the access, layout, scale, appearance and landscaping have been provided and refer to a development of 80 dwellings. These details will be considered under future applications for approval of Reserved Matters.
- 2.2 The Design and Access Statement indicates vehicular access is proposed from Fleet Lane. Pedestrian access will be retained via the existing public footpath that runs alongside Oulton Beck to the South of the site. It is set out that the proposed dwellings will be a mix of 3, 4, and 5 bedroom houses and will be no more than 2 and ½ storeys in height. These 2 and ½ storey dwellings are shown to be sited in a small area of development close to its centre. It is shown that the remainder of the dwellings will be two storeys and will include detached and semi-detached houses with some terraced rows. An area of public open space (see 2.3 below) is also shown to be provided on site.
- 2.3 The application is accompanied by a draft S106 agreement (Heads of Terms) which makes an on site greenspace provision of 0.67 hectares (on net development area of 2.78 hectares) 15% affordable housing and Travel Plan.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site lies approximately 5 miles to the south of the city centre and sits on the eastern edge of Oulton, outside of the "Main Urban and Smaller Urban Areas" envelope. The site is bounded by housing to three sides, Fleet Lane to the North and Oulton Beck to the South. The eastern boundary marks the edge of the Green Belt designation. The site also bounds the Oulton Conservation Area on part of the western boundary.
- 3.2 The site is Greenfield in nature showing no signs of any form of previous development. It is currently in agricultural use with green agricultural produce growing at the time of the officer's site visit. It is a relatively level site sloping gently down towards the south and west. Land to the west is all open and agricultural in appearance.

- 3.3 There is a mix of house types and styles in the local area with brick built bungalows and two-storey houses along Fleet Lane. Houses to the West tend to be stone built and are more traditional in character, particularly within the Conservation Area.
- 3.4 Towards the south of the site is an area of planting which sits alongside a watercourse (Oulton Beck) and public footpath.

4.0 RELEVANT PLANNING HISTORY

- 4.1 Application 08/00943/OT Outline application for residential development with associated parking. Refused 19th May 2008. The subsequent appeal was dismissed.

4.2 APP/N4720/A/08/2077481

Application 08/00943/OT was dismissed at appeal on the 16th March 2009. The Inspector concluded with the following key points in the following paragraphs:-

Paragraph 28

Housing land supply

“The appeal sites are not allocated under Phase 2 or Phase 3 in the UDP. They are listed under UDP Policy N34 as Protected Areas of Search (PAS). The policy restricts new development on these sites to that which is necessary for the operation of existing uses together with such temporary uses as would not prejudice the possibility of long term development. The suitability of these sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework (LDF) and in the light of the next RSS. At the Inquiry the Council indicated that its planned timescale for the delivery of the LDF Core Strategy is 2010”.

Paragraph 29

“I am concerned that should permission be granted for the appeal scheme it would make it more difficult for the Council to resist other similar schemes on Greenfield sites which would undermine the core approach and sub area policies regarding housing supply contrary to RSS Policy H1”.

Paragraph 35

“The appeal proposal would contribute towards the 5 year housing supply and the Council has failed to demonstrate that the release of Phase 2 and 3 sites would fully address the shortfall. However it would be premature to release PAS sites at this stage in the plan before the release of Phase 2 and 3 sites. The appeal proposal would be contrary to UDP policies H3 and N34 and should I allow the appeals would be likely to lead to other similar applications on Greenfield sites which the Council would find hard to resist. This could well undermine the core approach. The appellant has not demonstrated sufficient benefits to outweigh the resulting harm. Therefore I conclude that the appeal would have an adverse effect on housing land supply in the region”.

Paragraph 40

“I conclude that the appeal site would be acceptable for future housing development outside defined settlement boundaries subject to an appraisal regarding their sustainability”

Paragraph 51

Accessibility and Sustainability

“I am concerned that future residents at the appeal site would have an over reliance on the private car to access jobs schools and necessary facilities for families. Although the Travel Plan and S106 contributions towards public transport could help to reduce this reliance the need for such measures to help make the proposed development acceptable emphasises the fact that the appeal sites are in relatively unsustainable locations. The proposal would result in an unacceptable increase in the need to travel by private car. Also it would fail to accord with UDP policies T2 and SP3 with regard to being adequately served by public transport and having acceptable walking distances to local facilities in that the sites would be unsuitable for housing in terms of their environmental sustainability”.

5.0 HISTORY OF NEGOTIATIONS

5.1 Council Officers have met with the applicant on a number of occasions to discuss the application. The discussions revolved around the principle of development.

6.0 PUBLIC/LOCAL RESPONSE

Community Engagement

6.1 A public event was held by the applicant on 12th June 2012 at the Oulton Institute between the hours of 3pm and 7.30pm. Members of the public were provided with comment sheets. The public consultation process demonstrated that the local community has specific concerns in relation to:-

- PAS land and that the previous appeal dismissal.
- Traffic congestion and access.
- Capacity of local facilities.
- Flooding and drainage.

6.2 The application was advertised as constituting a departure to adopted UDP by site notices posted on site on the 24th August 2012. The expiry date for the submission of representations being 14th September 2012.

6.3 A total of 80 representations have been received with the following comments in summary:-

- Increase of traffic
- Greenside and country effected
- Application turned down in 2009 – there has been no change.
- Trees and landscape would be changed
- Increased traffic on Fleet Lane would endanger lives
- Prejudice Councils policy on PAS land
- Harmful to Oulton generally and Fleet Lane in particular
- Building on farmland
- Bungalows on Fleet Lane occupied by elderly ,traffic would increase
- Effect local services like doctors
- Effect on local infrastructure
- Effect on wildlife
- Live next door to the site and the Council should stick to their policies
- Development is premature
- Site is car dependent
- Flooding Issues
- Harmful effect on housing land supply
- Brownfield sites should be developed first.

6.4 The following ward representations received:-

Councillor Golton

- Premature development on PAS land which is a departure from the UDP and will hold back development of more desirable brownfield land.
- An attempt to pre-empt the conclusions of the consultation on the Local Development Framework and Neighbourhood planning development.
- The site is not sustainable as it will be car dependent development.
- Local schools are full to capacity and the scale of development does not offer an educational supplement of significance.
- Site is not sustainable as the sole access to the site is off a narrow residential road and at a point that accidents have already occurred .Further traffic on this road would increase that danger.
- Development is a significant distance away from public transport so will be car dependent
- History of flooding on the south side of the site.

Councillor Bruce

- Object and ask for the application to be refused on the following grounds
- PAS land which is safeguarded land and should not be considered until the completion of the Leeds UDP which ends in 2016
- Detrimental impact on city's efforts to attract development on brownfield sites in need of regeneration and would set precedence for other PAS sites in councils jurisdiction
- LDF consultation taking place which will establish location of new housing over the next 20 years. PAS sites to be reviewed as part of this process and should be through this process that further consideration should be given to phasing and timing of any future release of PAS land.
- PAS land should not be considered until Council and communities have opportunity to indicate where development should be located through an approved plan led system.
- Site should be retained as agricultural for as long as possible , premature application should be rejected as was the case when a similar application went to appeal in 2009, same reasons for refusal in existence
- Added noise and pollution increase in traffic would exacerbate the already problematic situation that I encounter daily when trying to access the A642 from Fleet Lane whatever time of day.
- Unsustainable site which is car dependent
- Recent serious case of flooding on Fleet Lane, the council pumping flood water from Fleet Lane. Concerned that a major development there would exacerbate the problem.

Request that when this application is considered at Plans Panel that a site visit takes place.

Councillor Nagle

- All Brownfield sites should be used before these sites are considered .
- With regards to Access the local infrastructure cannot cope with the addition of new houses. Eshalt lane has been described as a suitable route for access. This is a single track lane in parts and is not suitable.
- There is a risk of flooding on this site

6.5 Alec Shelbrooke MP

- "On behalf of my constituents I would like to formally lodge an objection to the planning application".

- “My constituents feel this is an inappropriate use of land near their homes, especially when there is brownfield land elsewhere in the city that is currently undeveloped”.

6.6 Oulton Society

- Society on behalf of members strongly objects
- Application is premature and as in 2008 is prejudicial to the council’s policy on PAS land. Application was refused in 2009
- PAS land should not be brought forward without an agreed Core Strategy that has provided the Council and the community the chance to have a say over where the development should take place.
- Developers prescribing where development should take place. Undermining Council policy and ability of community to have their say under the Localism Agenda.
- Must be through LDF consultations that the phasing and timing of any future PAS land is considered
- Any approval now will set an early and dangerous precedent and will make it very difficult for the Council to refuse similar applications.
- Early release would also make it difficult to promote and attract development on brownfield sites in regeneration areas. This must be the preferred option.
- Application should be refused.

6.7 All of the above representatives have been re-notified individually by letter on the 28th March 2013 explaining the change in policy which should be a consideration in determining this planning application. A copy of the interim policy has been attached to each letter. The letter invites any further representations in the light of this change, to be received by 10th April 2013, and that the application was to be presented to City Plans Panel on 11th April 2013.

6.8 As a result of the above re-notification the following representation has been received from a local resident dated 2nd April 2013:-

- Re-notification period is over Easter when people are away, one person who overlooks the site is away for two weeks and one of the councillors is unavailable until 15th April 2013.
- Local communities were under the impression that the Council were on side and to switch at such short notice without any indication is bad practice.
- Invite to local meeting for Local Planning Department to explain to explain the change. Meeting on the 7th April 2013.
- Comments received were on the principle of the application that would suffice. In conjunction with Neighbourhood Forum will in coming days looking at the application in more detail in particular around sustainability.
- We have concerns and will be raising them.
- No apology for late submissions which will contain detail; close analysis takes time and that is what we are short of.

As a result of the renotification and since the application was presented to Plans Panel on the 11th April 2013 further representations have been received from both local residents and the Oulton and Woodlesford Neighbourhood Forum with the following comments:-

- Comments and concerns reiterating those received previously along with the following:-

- Easier to release PAS land if associated with major settlement , Rothwell ,Oulton and Woodlesford classed as major settlement . Three separate villages which do not want to be linked together.
- Site is on Flood Plain which will suffer problems in the future.
- High Speed train which will affect the proposed site.
- Area well covered by housing and the building will cause havoc in the neighbourhood due to incoming and outgoing movement of cars in the lane.
- Have enough houses in the vicinity .
- Not enough buses to take people to work.
- Doctors surgeries , schools and services already overstretched.
- Disappointment that Council adopt a new planning policy based on a Draft Core Strategy and without due Public Consultation. Evidence Housing land available without releasing PAS Sites.
- Timing of notice over Easter period suspicious , comments from 2012 still apply.
- S106 and planning conditions not clear to general public and should be explained in more detail.
- Oulton cannot be considered to be a major settlement.
- Proposal not well related to Rothwell.
- Nearest Bus Stop is some 8 minutes away from edge of site. Only 1 bus an hour with journey time of one hour. This bus service is to be discontinued in the near future.
- Egress from the site onto Farrer Lane is by way of two narrow stiles. Cannot be negotiated by elderly or pushchair.
- No provision for elderly, no bungalows.
- Site is car dependent ,access to well stocked market has to be made by car .
- Invasion of privacy by overlooking , noise and disturbance.
- Oulton and Woodlesford are separate settlements.
- Interim policy introduced without public consultation.
- Oulton and Woodlesford are small settlements independent of Rothwell. Site relationship to Rothwell cannot be used until it has been examined and adopted through Public Examination with a Government Inspector.
- Developers bypassing concept of Localism.
- Not sustainable , distances given are for fit young men rather than older women and families with children.

6.9 Joint Letter of representation received from Councillors Golton , Bruce and Nagle.
The following comments, and observations have been received dated 24th April 2013.

- As Ward Councillors we strongly object to the two applications to build on PAS land in the Rothwell Ward. We wish to make the following comments and observations:-
- PAS land as defined in the UDP is **safeguarded land** and is designated “to ensure the necessary long term endurance of the Green Belt. **The suitability of the protected sites will be comprehensively reviewed as part of the preparation of the Local Development Framework;** meanwhile it is intended that no development should be permitted on this land that would prejudice the possibility of longer term development, and any such proposals for such development will be treated as a departure from the plan.

- NPPF paragraph 85 states “ When defining boundaries ,Local Planning Authorities should make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development”
- Since last August 2012 the Councils stance throughout has been to refuse these applications on the grounds that they are premature and they were undermining the Local Development Framework process. This was in line with National and Local Planning Policy. Furthermore these two protected sites in the Rothwell Ward were decisively refused at a robust four day appeal in 2009 giving the Council a strong position.
- In March 2013 the Executive Board , without any consultation with interested parties, approved new interim policies which in essence changed the Councils position and effectively brought forward the potential release of these safeguarded sites. This was a controversial decision on the most sensitive and important Greenfield sites across the city and one which Councillor Golton as a member of the Executive Board voted against.
- Interim policy fits neatly with the two applications. Our view and that of the community is that Rothwell and Oulton are being sacrificed to salvage the rest of the PAS sites from development, this is discriminatory. We do not believe this policy will prevent further applications coming forward.
- Interim policies carry little or no weight at appeal and approval now will send out a strong signal to developers that Leeds is open for business on safeguarded sites . Furthermore if applications are submitted but subsequently refused on PAS sites outside the Main Urban Area or Major Settlements, developers will almost certainly go to appeal. If approval is now the preferred position on selected sites , applications followed by appeals on “no go sites” will quite naturally ensue and the floodgates will be open.
- We appreciate the Council has lost 10 appeals which has taken significant sums from the budget; but the Council should be looking to refuse development on the most sensitive and protected Greenfield sites in Leeds.
- This is safeguarded land which should only be considered as a last resort and when all other options have been expended. At present the Council can show a 5 year land supply and we question how release now can be justified when all options have not been exhausted.
- Local Development Framework – We are concerned that these two applications are premature ; they are undermining the Councils LDF process which will decide through consultation with all parties and ultimately at Public Examination with a Government Inspector where development should be located across the city. These applications are distorting this process; development should be agreed through a plan led procedure not as a result of pressure from speculative developers trying to override the system and push the boundaries of development.
- Local Neighbourhood Forums – In the Rothwell Ward we have established three excellent and effective Neighbourhood Forums which are working side by side with the Council to produce Neighbourhood Plans across the whole Ward.
- Oulton and Woodlesford Forum has received high praise from the Council Team. It has a growing membership in excess now of 250 and has been a flagship Forum in the work produced to date. All three forums are genuinely engaged in the process.
- Local Neighbourhood Forum steering committees have informed us they are frustrated and very disillusioned that these applications are still premature and more importantly are undermining and prejudicing their ability to decide

where they want development to be located. The Forums have looked at the latest SHLAA and consider these safeguarded sites are not in the most preferable locations. PAS sites would be the last sites to be put forward for discussion. However the Forums want the opportunity to debate the matter with the Council and at the Public Examination.

- The initial Site Allocations Document is imminent and it should be through this process that sites should be considered , not on the back of speculative developers trying to by pass the process. The Community and the Forums like us feel it is the developers who are in control, the balance is all wrong with the Council and the community have little or no voice in the matter.
- NPPF – These applications are undermining the NPPF and its aims. The golden thread running through the NPPF is a presumption in favour of sustainable development but there is also a clear aim in terms of the Council producing a Local Plan in conjunction with Neighbourhood Plans. On both these counts we think the Framework is being disregarded.
- Throughout the NPPF the main theme is a presumption in favour of sustainable development. However in 2009 at a hard fought Public Inquiry the Inspector positively refused similar applications on these protected sites on the grounds of sustainability . He ruled that both sites would lead to an over reliance on the private car to access jobs, schools and necessary facilities and that the sites would result in an unacceptable increase in the need to travel by car. Nothing in this respect has changed, indeed in the case of Oulton the public transport facilities have worsened.It is naïve in the extreme to believe these sites will not be car dependent and that public transport and facilities are convenient.
- Both at Public Meetings and through letters of objections we have been overwhelmed at the real strength of feeling against these applications and that the community view is being disregarded.
- We along with the community believe it is the developers who are controlling and commanding the planning process.The Council , Neighbourhood Forums and the community appear to have little influence in the matter despite the NPPF requiring Councils and Neighbourhood Forums not developers, to take the lead.
- If these applications are approved it will have an effect city wide. It will undermine the LDF process and the ability of Neighbourhood Forums across the city to plan their future.
- We as Local Ward Councillors , believe this application must be refused. This will allow the Council and the local community time to decide together their future as well as that of the whole city through the plan led system.

7.0 CONSULTATION RESPONSES

Nature Conservation

- 7.1 Agree with the recommendations set out in Extended Phase 1 Habitat Survey submitted with conditions recommended for further information and protection measures to be submitted and implemented.

Highways

- 7.2 A Planning Inspector found development to be unacceptable at the site in 2009 on the basis that it would be overly dependent on private car usage. A view has to be taken as to whether the change in national planning policy alters the conclusions on accessibility in this case.

7.3 Since the application was first submitted, a great deal of work has gone into assessing over 800 potential housing sites, including all PAS sites, for the Site Allocations DPD Issues and Options appraisal. In terms of Highways this has covered accessibility, site access and local network constraints. The PAS sites at Oulton and Rothwell both scored 12 out of possible 15 in the Highways appraisal. This places the sites towards the top of the list when compared to other PAS sites and other potential sites outside of the city centre and immediate surrounds. The sites have been assessed as 'Green' in the latest work on the Site Allocations DPD – the green scoring means 'sites which have the greatest potential to be allocated for housing'. While not fully complying with the draft Core Strategy Accessibility Standards, the sites do have access to public transport and other local services including shops and schools. They compare favourably, in terms of sustainability, to other PAS sites and therefore taken on balance there are no highway objections to the proposals, subject to the conditions set out.

7.4 A detailed highways plan of the site access including appropriate visibility splays is required. Also confirmation is required on whether the applicant is proposing off site highway works previously offered on Fleet Lane to reduce vehicle speeds and improve pedestrian facilities.

Public transport Improvements and developer contributions

7.5 Site has been the subject of previous refusal and dismissed at appeal, partly on accessibility grounds as the site does not meet LCC accessibility requirements as stated in the formal highway consultation. SPD states that if a site does not meet accessibility requirements it should fund such measures to bring the site up to acceptable standards. Using the SPD formula the calculation results in a figure of £98,097 which represents the required contribution if the site was deemed to be in an accessible location.

Contaminated Land team

7.6 Applicant should be asked to provide a site investigation methodology in support of application.

Neighbourhoods and housing

7.7 Requirement for 15% affordable housing split 50/50 social rent/submarket housing. Therefore requirement of 6 affordable units (based on 80 units) 6 for social and 6 for sub market.

Flood Risk Management

7.8 Soil infiltration tests should be undertaken at detail design stage to determine the level of infiltration. Infiltration should be considered even if it is only used to discharge some of the surface water. Discharging the remainder into the watercourse via a balancing pond is acceptable below a rate of 5l/s/ha, however FRM would want to review the detailed drainage plans before commencement of the development.

Waste management

7.9 Refuse collection arrangements acceptable although it needs to be clarified as to whether the shared surfaces are to be to highway standards as this will dictate how effectively collections can be made from individual households.

Public Rights of Way

7.10 Public footpath no's 35 and 36 Rothwell cross the site .Footpaths have been incorporated into the development on their original lines and therefore are not affected. No objections but would like to see the footpaths resurfaced.

Metro

7.11 Regular bus services nearby future residents would benefit from metros new "live" bus information displays at a cost of approximately £10,000. Good pedestrian access should be provided taking into consideration the needs of the elderly and mobility impaired. Metrocard scheme should be secured by way of S106 Agreement. Cost to developer of £34,425,60.

Yorkshire Water

7.12 If permission is granted recommend conditions in order to protect the local aquatic environment and YW infrastructure.

Environment Agency

7.13 LCC needs to be satisfied that the flood risk sequential test has been satisfied. Recommend condition to be attached if approved.

Archaeology

7.14 Significant undesignated archaeological remains on and immediately adjacent to the proposed development site. The proposal will involve significant ground disturbance and there is potential to disturb significant archaeological remains. Recommend conditions to be attached.

Local Plans and Policy

7.15 The site is allocated as Protected Area of Search (PAS) land within the UDP review (policy N34). Following recent Executive Board Approval an interim policy currently exists which provides criteria for the release of less significant PAS land in sustainable locations for housing development. This policy will assist Leeds in strengthening its supply of deliverable housing land in advance of the adoption of Leeds `Site Allocations Development Plan Document which will identify a comprehensive range of new housing sites. It will also help to stimulate the housing market to meet specific local needs. The interim policy only supports housing development on PAS sites subject to the specified criteria being met. The proposed site is less than 10 hectares in size and relates well to the main urban area of Leeds. Furthermore it is not envisaged that the site is required for any alternative uses. As such it is considered that the site meets the criteria for release as a new housing site. Consequently the principle of housing development on the site is accepted. One of the conditions of the Interim policy is that the 5 year period of validity for the permission is reduced to 2 years.

(i) Greenspace

The Planning Application is for outline only, with only the principle being sought. However there are some concerns regarding the indicative layout of the proposed greenspace. The Councils adopted Supplementary Planning Document (SPD) advises that on- site greenspace provision should be a useable and safe space which is distinct from purely visual landscaping required under other policies within the UDP. Greenspaces should be in one block to ensure its function is performed, centrally located and overlooked by dwellings. The greenspace is not centrally located, flooding issues are present on this part of the site, as such the layout will help to maximise the housing potential of the site. The siting of the greenspace in this area is also likely to have ecological and nature conservation benefits. Satisfied that the required total of 0.48 ha of onsite greenspace as defined by policy N2 of the

UDP is achieved. A large part of the greenspace is not overlooked and well connected to the rest of the site. This aspect should be improved. The proposal also includes a children's play area within the greenspace provision. The focus for formal play provision should normally be within existing parks and local recreation grounds within the locality. With a developer contributions towards this. Woodlesford Park is in need of improvements. Consequently an off site fixed play contribution has been attached to the greenspace calculation.

Greenspace contribution

Laying out of greenspace =	£30,351.58 (N2.1 and N2.2 requirement are satisfied on site)
Off- site fixed play contribution =	£50, 298.53
Professional Fees (16.3%) =	£4,947.31
Total =	£85,597.41

This does not include maintenance costs for the onsite greenspace. If the developer wishes to maintain the greenspace then a bespoke maintenance fee will be required from Parks and Countryside.

7.16 Children Services Education

The development is for 80 houses, assuming all are family dwellings, this would generate approximately 20 primary aged pupils.

Primary

Due to a rising birth rate there is pressure on the existing school estate across the city , and any new housing will add to this pressure. The Rothwell/Oulton area has seen an increase in demand for school places , and this is expected to continue. The nearest Primary schools are Oulton Primary School, which increased its admission number in 2012. There are more children who have this school as their nearest than there are places, and Rothwell C of E Primary School, which will be full in reception in September 2013 and also has more children who have it as their nearest than there are places.

Secondary

Should all the houses be family dwellings , the development would generate approximately 8 secondary aged pupils . As for Primary , there is increasing demand for secondary school places, with particular pressure in the South of the City. Any new housing will exacerbate this. As a whole the south wedge is predicted to run out of capacity in year 7 in 2014.

There is another application for housing development nearby, at Royds Lane , Rothwell. Should this also come to fruition, it will add further pressure for places in the area.

In light of the above , we would request a full education contribution:

Primary: 80 (dwellings) x£12,257(cost multipliers) x 0.25(yield per pupil) x 0.97(location cost) = £237,785.

Secondary: 80 (dwellings) x £18,469 (cost multipliers) x 0.10(yield per pupil) x 0.97(location cost) = £143,319

Total section 106 contributions £237,785 + £143,319 = £381,104.

8.0 PLANNING POLICIES:

Local Policy

8.1 The development plan includes the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at

the draft stage. The site is not designated for any particular purpose in the UDP. Land abutting to the east is designated Green Belt.

8.2 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time. This is on course for submission in early 2013 and is planning for 70,000 net new dwellings between 2012 and 2028. The strategy is planning for growth in all geographic areas of Leeds with at least 19,000 dwellings in new urban extensions.

8.3 Leeds Unitary Development Plan (UDP) Review:

GP5: General planning considerations.

GP7: Use of planning obligations.

GP11: Sustainable development.

N2/N4: Greenspace provision/contributions.

N10: Protection of existing public rights of way.

N12/N13: Urban design principles.

N23/N25: Landscape design and boundary treatment.

N24: Development proposals abutting the Green Belt.

N29: Archaeology.

N34: Protected Areas of Search.

N38 (a and b): Prevention of flooding and Flood Risk Assessments.

N39a: Sustainable drainage.

BD5: Design considerations for new build.

T2 (b, c, d): Accessibility issues.

T5: Consideration of pedestrian and cyclists needs.

T7/T7A: Cycle routes and parking.

T24: Parking guidelines.

H1: Provision for completion of the annual average housing requirement.

H2: Monitoring of annual completions for dwellings.

H3: Delivery of housing on allocated sites.

H11/H12/H13: Affordable housing.

LD1: Landscape schemes.

8.4 Interim Policy – Release of PAS sites – 13th March 2013 (see 1.17 to 1.18 above)

8.5 Supplementary Planning Guidance / Documents:

Neighbourhoods for Living – A Guide for Residential Design in Leeds

Street Design Guide

Draft Oulton and Woodlesford Design Statement (September 2011)

SPG4 – Greenspace

SPG11- Education contributions

SPD- Street Design Guide

SPG25 – Greenspace and Residential Developments

National Guidance

8.6 Paragraph 47 requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%.

- 8.7 Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 8.8 Paragraph 85 sets out those local authorities defining green belt boundaries should:
- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
 - not include land which it is unnecessary to keep permanently open;
 - where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
 - make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
 - satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
 - define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

9.0 MAIN ISSUES

- Principle of development
- Appeal history of the site
- Highways
- Representations received
 - Joint Letter of representation received from Ward Councillors
- All other matters
- Provision of Affordable Extra Care off Site
- Section 106 package

10.0 APPRAISAL

Principle of Development

- 10.1 The application site is designated as a “Protected Area of Search “(PAS) in the adopted UDP. Such sites are designated under Policy N34 which specifies that PAS sites are to be retained for long term development and any intermediate development should be resisted that would prejudice development for long term needs. The supporting text to Policy N34 states that, “The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework...” By not waiting for the comprehensive review (currently underway in preparation of Leeds’ Site Allocations Plan), a decision to approve this application must be regarded as a departure from the Development Plan. However, the introduction of the Interim policy authorised by the Executive Board provides a policy basis for the approval ,to recap, whilst the city council considers it has demonstrated that it has an appropriate housing supply to meet the requirements of planning policy this will ultimately be subject to forensic examination (in all probability at public inquiry).Consequently a further buffer of supply is required to provide additional security and this is the reason for introducing the Interim Policy (see para`s 1.17 – 1.18 below) that facilitates the release of some PAS sites subject to the terms of the policy being met . The criteria of the interim policy are intended to ensure that PAS sites of relative significance in terms of size and locational impact will only be, identified as housing sites., through the development plan process, namely the Site Allocations Plan. However the interim policy envisages that other PAS sites ,notably smaller sites

(below 10ha) that are well related to either the Main Urban Area or the Major Settlements defined in the Core Strategy are capable of being developed for housing can, ahead of the Site Allocations Plan process providing that there are no other material considerations indicating otherwise.

- 10.2 The NPPF requires that local planning authorities should identify and update annually a supply of specific deliverable sites to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Deliverable sites should be available now; be in a suitable location; and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence that it will be delivered. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.3 Paragraph 49 of the NPPF requires that housing applications be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.
- 10.4 It is acknowledged that Leeds has a five year land supply and that an element of that supply is expected to come from land to be determined through the Site Allocations DPD. The application site is located on the edge of the urban area, and the site appears to be, both accessible and sustainable.
- 10.5 Paragraph 85 of the NPPF provides that "Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan Review which proposes development.
- 10.6 In advance of the Site Allocations DPD Executive Board have approved an interim policy which releases some Protected Area of Search (PAS) land for housing development. The interim policy only supports housing development on PAS sites subject to the certain criteria being met.

Criteria (i) - Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft. The site is located adjacent to the built up area of Oulton, in close proximity to a variety of shops and services located within Oulton. As such the development of the site would form an extension to the existing settlement of Oulton. It is considered that the site satisfies criteria (i).

Criteria (ii) - Sites must not exceed 10ha in size and there should be no sub division of larger sites to bring them below the 10ha threshold. The application site is below this threshold.

Criteria (iii) - Land is not needed, or potentially needed for alternative uses. The application site is not needed for alternative uses and therefore satisfies this criteria.

- 10.7 As the proposed site is under 10 hectares, relates well to the main urban area of Leeds and it is not envisaged that the site is required for any alternative use it is therefore considered that the site meets the criteria of the Interim Policy for release as a new housing site and there are no other material considerations to justify departure from the interim policy conclusions. Consequently the principle of housing development on the site is acceptable.

Sustainability

- 10.8 The proposed residential development is located 8km from Leeds City Centre and is on the edge of Oulton. Vehicular and pedestrian access is proposed directly from Fleet Lane. The existing footpath which crosses the site also provides a pedestrian link to Farrer Lane to the west. Fleet Lane and Farrer Lane provide pedestrian and

vehicular links to Aberford Road which has local facilities. These include Lidl and the Co –operative supermarkets, local shops which include a post office, a Medical Centre and Public houses. These facilities are approximately a 10 minute walk from the application site. There is also a Primary school that is located approximately a mile away. Public Transport is accessible in the form of the Woodlesford train station located under a mile away, which is a 5 minute drive or a 15-20 minutes walk. It is known that the station is well used and is oversubscribed. There are also regular bus services to Castleford, Wetherby, Morley, Wakefield and Leeds. these provide a regular bus service every 30 to 60 minutes. It is also noted that the applicant has submitted a Travel Plan which includes a series of measures that promote walking, cycling, use of public transport and car sharing. In light of these factors the proposal has the potential to increase trips by private car, however in relative terms it can be argued that the site is in a sustainable location. This also has to be balanced against the wider public benefits of delivering new housing and promoting economic growth. , accordingly when looked at in the round it is considered that the proposal is consistent with policies that promote sustainable patterns of development.

Appeal history of site

- 10.9 The application has previously been dismissed at appeal on the 16th of March 2009. The Inspector concluded that the suitability of this PAS site will be reviewed as part of the preparation of the Local Development Framework (LDF). The Inspector was concerned that should permission be granted it would make it difficult for the Council to resist other similar schemes on Greenfield sites which would undermine the core approach and sub area policies regarding housing.
- 10.10 Since that point in time there has been a material change in circumstances most notably with the publication of the NPPF. The approved Interim Policy reflects these change in circumstance and assists Leeds in strengthening its supply of achievable housing land pending the adoption of Leeds Site Allocations Development Plan Document which will identify a comprehensive range of new housing sites.

Highways

- 10.11 In 2009 the Planning Inspector found the development to be unacceptable on the basis that it would be overly dependent on private car usage. Since the appeal was dismissed there has been a minor change in bus services which worsens the short comings in public transport provision.
- 10.12 As set out above the planning policy context has now changed. In advance of the Site allocations DPD process the application falls to be considered against the recently approved Interim Policy. Relative to some other PAS sites it is considered that the site is well located and meets the criteria for the release as a new housing site. As such no objections are raised now to the principle of development for reasons relating to the sustainability of the site.
- 10.13 It is considered that there is no overriding highway safety or capacity concerns. A vehicular access can be achieved with appropriate visibility and a layout can be achieved that allows for appropriate parking provision and safe manoeuvring of vehicles. The off site highway works to be agreed as part of the S106 Agreement.

Representation Received

- 10.14 The application was presented to City Plans Panel on the 11th April 2013 with a recommendation to defer and renotify local residents to allow them the opportunity

to further comment on the application as a result of the introduction of the Interim Policy .

10.15 A number of representations have been received from individual households, local organisations, neighbourhood forum and letters of representation from local Ward Members and Member of Parliament. The majority of the points raised have been addressed in the relevant sections of the report and these include matters relating to:

- Highway safety and concerns
- The principle of the Development
- The prematurity of the Development

The following additional concerns have been raised and each is commented upon in turn:-

Trees and landscape would be changed

It is accepted that the landscape will be changed. However, this land has been reserved for future development in the Unitary Development Plan. It therefore becomes an issue of how the development sits with and has regard to the character of the residential area and relates to surrounding open land. As this application only seeks to address the principle of development these matters will largely be addressed through the consideration of reserved matter applications (providing details of the layout of development, design, scale and landscaping).

Building on Farmland

The principle of development as addressed in the report addresses this concern.

Flooding Issues and site is on a Flood Plain which will suffer problems in the future

The Environment Agency and Flood Risk Management have not raised any technical concerns that cannot be addressed by conditions. Conditions to be attached include the submission flood risk management plan and drainage details.

Doctors surgery, schools and services already overstretched.

There is currently no requirement to make extra provision for health services through the planning system. However, Members will note that this is a developing area of policy and a dialogue is being developed around making these links. An education contribution of £428,743 is to be part of the S106 Agreement.

10.16 **Joint Letter of representation received from Ward Councillors.**

Concerns around the Interim Policy and the weight attached to it.

The City Council took legal advice which recommended the interim policy approach as the most appropriate way forward.

This is safeguarded land which should only be considered as a last resort and when all other options have been expended

The City Councils approach has been to favour previously developed urban land. This is true of the 5 year supply and LDF process where the best is being made of previously developed land, but in the context of a requirement for 74,000 new dwellings, further greenfield land is necessary. In considering further greenfield land, PAS land cannot normally be considered a category of last resort. PAS sites represent land that has already been concluded through the UDP process to be suitable for long term development. In principle therefore it has to be considered preferable to Green Belt land and other protected land designations.

At present the Council can show a 5 year land supply and we question how release now can be justified when all options have not been exhausted.

Leeds 5 year supply does depend on some provision of PAS land. The supply does not provide a comfortable margin to deal with the scrutiny to be expected at Appeal.

Councils approach towards these PAS sites is premature, undermining both the LDF Site Allocation Plan making process and the neighbourhood plan making process. The Councils approach is non inclusive contrary to intent of national planning policy as described in the ministerial statement to the NPPF.

The Council strives to involve the public in the planning process. The situation with PAS sites is a special case. It has been necessary for the City Council to introduce the Interim Policy. Planning Applications and Appeals will not wait for the plan making process, with developers being urged on by a pro-growth government agenda and a Planning Inspectorate which has given little weight to Local Authority concerns about prematurity in a series of recent appeal decisions.

Reference to the Inspectors decision to dismiss the Appeals in 2009.

The Inspectors conclusions suggested that the sites performed badly in terms of sustainability of their locations. The context was different in 2009 and it is quite likely that the Inspector would reach a different conclusion now. We now have National Planning Policy seeking to boost significantly the supply of housing and a local need to plan for 74,000 new dwellings. We have a Site Allocations Plan which is having to identify substantive areas of greenfield and Green Belt land across the District. It is possible that an Inspector would now consider the sustainability merits of the two PAS sites relatively superior to many of the other Greenfield and Green Belt sites being advanced.

All Other Matters

- 10.17 At this stage no overriding concerns exist in respect of other planning issues including nature conservation, contaminated land, drainage and the delivery of Sheltered Accommodation meeting an important local need.
- 10.18 It is also considered that a development can be achieved that respect the character of the area. That is with regard to the spatial setting of the houses, their scale and appearance and the landscaping of the site. These matter ultimately will be subject to future consideration as part of a submission for the approval of reserved matters.
- 10.19 It is also considered that a development can be achieved that does not cause demonstrable harm to the amenities of neighbouring residents. The layout is indicative only and it will be possible to design the layout of a development that meets the guidelines set down in Neighbourhoods for Living.
- 10.20 In light of the history of the use of the site as open fields it is not anticipated that there will be a level of contamination that will count against the principle of the development of the site. Accordingly conditions are suggested that require investigation to be undertaken, any remedial works to be undertaken and that it be verified that the appropriate works have been undertaken.

Provision of Affordable Extra Care off Site

- 10.21 Extra care is a much needed but often expensive model to deliver. Taking the affordable housing contribution as a commuted sum from this site will enable options to be explored to ensure good quality extra care is delivered in the locality. The Council itself has relatively little land in the area although has a commitment to market Windlesford Green for this purpose. It could be that this sum of money would enable the Council to negotiate additional affordable units or specialist units (such as dementia care) that the market would not otherwise deliver. Although the specific mechanics of using the commuted sum to deliver additional affordable units will need to follow on from marketing the site, the monies provide additional flexibility to achieve the number of units and tenure mix required in the area. Should the monies not be required to be spent on the Windlesford Green site there is none the less a pressing need for accommodation in this part of the city which the commuted sum can contribute towards. The applicant has agreed to the principle of this so long as the final commuted sum can be agreed. If a figure cannot be agreed the applicant

wishes to revert to the provision of affordable housing on site. These provisions will form part of the S106 Agreement.

Section 106 Package

10.22 The Community Infrastructure Levy Regulations 2010 set out legal tests for the imposition of planning obligations. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development. .

The Section 106 Package consists of the following:-

- o 15% affordable housing provision on site or commuted sum towards provision of extra care accommodation off site (based on Affordable Housing requirement)
- o Greenspace contribution of :-
 - Laying out of greenspace = £30,351.58
 - Off site fixed play contribution = £50,298.53
 - Professional fees (16.3%) = £4,947.31
 - Total = £85,597.41**
- o If greenspace to be maintained by LCC a maintenance fee will be required in addition to the above.
- o Education contribution of £381,104
- o Public Transport Infrastructure £98,097
- o Travel Plan Management Fee £2,500
- o Residential Metrocard scheme £44,425.60 or as otherwise agreed
- o Local training and employment initiatives during the construction of the development.
- o Off Site Highway works including traffic calming measures , works to widen the footway on Fleet Lane and traffic regulation orders (TRO s)
- o The proposed obligations have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly they can be taken into account in any decision to grant planning permission for the proposals.

10.23 The application originally included provision of 15% affordable housing on site and this equates to 12 units. This is compliant with the councils planning policy. The Council's Housing Investment Team have been consulted on the planning application and have set out there is an acknowledged need for the provision of affordable extra care accommodation for older persons. There is limited potential for specialist housing to be delivered on site although a commuted sum towards the delivery off site. As set out above discussions are currently ongoing to see if this can be delivered within the scope of affordable housing and through clauses within the Section 106 Agreement.

11.0 CONCLUSION

11.1 Considering the advice given in paragraphs 85 and 49 of the NPPF it is important that the Council demonstrates it has a five year supply of deliverable housing sites. The Council has a 5 year supply of land. Some of this comprises land to be determined through the Site Allocations process but which would otherwise be acceptable when measured against the NPPF and the current Development Plan.

Whilst the proposal runs contrary to Policy N34 of the UDP, the statutory plan for Leeds, the recently approved Interim Policy provides criteria for releasing small sustainably located pieces of PAS land for housing development to help stimulate the housing market and in recognition of the contribution that PAS land plays to establishing a 5 year supply. This policy will assist Leeds in strengthening its supply of achievable housing land ahead of the adoption of Leeds` Site Allocations Development Document, which will identify a comprehensive range of new housing sites. The proposed site is less than 10 hectares in size, relates well to the main urban area of Leeds. Furthermore it is not envisaged that the site is required for any alternative uses. As such, the site meets the criteria for release for housing development. Consequently the principle of housing development on the site is considered acceptable, and the proposal is recommended for Approval

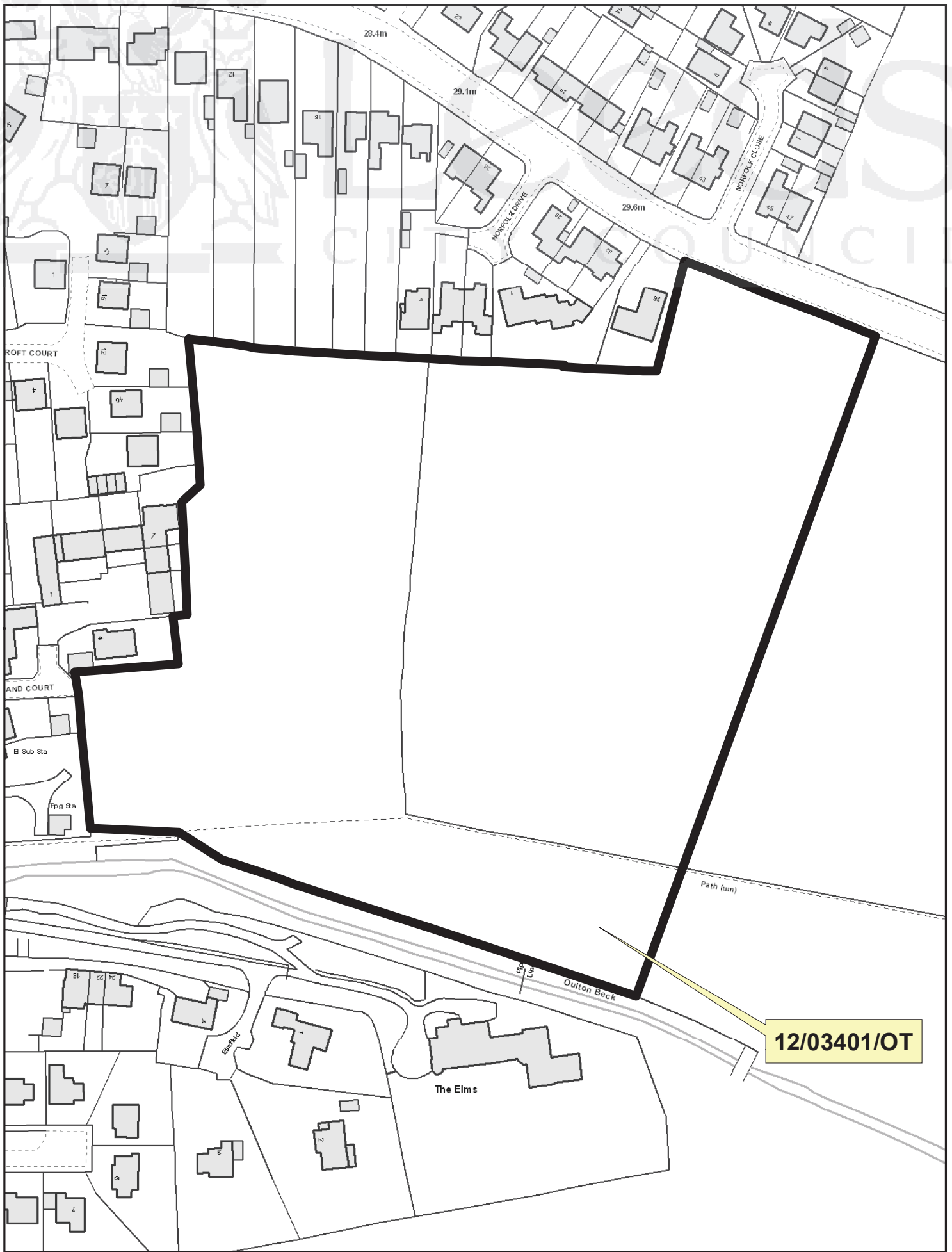
Background Papers:

Certificate of ownership: signed by applicant.

Planning application file.

Annual Monitoring Report 2012

Executive Board Report



12/03401/OT

CITY PLANS PANEL

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Originator: Andrew Windress

Tel: 3951247

REPORT OF THE CHIEF PLANNING OFFICER

CITY PLANS PANEL

Date: 9th May 2013

Subject: PREAPP/10/00302 AND PREAPP/10/00303 - LEEDS (RIVER AIRE) FLOOD ALLEVIATION SCHEME (FAS), LEEDS STATION TO KNOSTROP WEIR.

Electoral Wards Affected:
City & Hunslet.
Burmantofts and Richmond Hill

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: This report is brought to Panel for information. The applicant, Leeds City Council, and the consultant team from Arup will be asked to present the emerging scheme to allow Members to consider and comment on the proposals.

1.0 INTRODUCTION:

1.1 Leeds City Council (LCC) is currently working with other organisations such as the Environment Agency (EA), Yorkshire Water and the Canal and River Trust (CRT) in developing a flood defence scheme for the city. Members agreed the applications that replace the Leeds (Crown Point) Weir and Knostrop Weir with movable weirs at the January 17th 2013 Panel. These works will form part of the flood alleviation scheme and the further elements of the scheme have now been worked up and are to be presented for comment. The presentation will identify the proposed flood defences (walls, embankments, terracing) and the removal of Knostrop Cut to merge the canal and River Aire. A planning application is expected to be submitted in June.

2.0 SITE AND SURROUNDINGS:

2.1 The proposed works will be carried out between Leeds station and Knostrop Cut. Works will be carried out on both sides of the river and at Knostrop Cut. The works will be carried out within the City Centre and Eastern Riverside Conservation Areas and affect a number of listed buildings.

3.0 HISTORY OF NEGOTIATIONS

- 3.1 A flood defence scheme has been under consideration since 2008 with the process previously being led by the EA. Due to funding difficulties it was agreed at Executive Board in February 2012 that LCC would take the lead role in delivering the phased scheme that initially provides a 1 in 75 year standard of protection for the City Centre area.
- 3.2 Council officers in Planning, Flood Risk Management, Conservation and Highways have been involved in the pre-application process as have other bodies including English Heritage. In summer 2012 the former East and Central Plans Panels received presentations relating to the movable weirs, defences and removal of Knostrop Cut and fully supported the principle of the works.
- 3.3 At the January 17th 2013 City Panel Members resolved to defer and delegate approval of full and listed building applications relating to replacement movable weirs at Leeds Weir and Knostrop Weir.
- 3.4 Planning and listed building applications relating to the defences and removal of Knostrop Cut will be submitted in June.

4.0 PROPOSAL

- 4.1 The scheme will include the provision of flood defences (walls, embankments, terracing) plus the removal of Knostrop Cut to merge the canal and River Aire.
- 4.2 Defences will be designed in accordance with the Design Guide and Vision previously presented to Members and adopted for planning purposes. The Design Guide and Vision identifies the appropriate design of various defences to ensure walls are kept to a minimum and the visual impact is acceptable. Walls would be constructed to permit their height to be increased when raising the standard of protection in later phases.
- 4.3 The planning submission will also include the removal of much of Knostrop Cut. Elements of the cut are retained at either end to ensure bridges are retained/provided across the river and canal. The heights of the defences are much lower with Knostrop Cut removed.

5.0 PLANNING POLICIES:

- 5.1 Development Plan
- 5.2 UDPR Designation: Much of the defences are located within the City Centre and Eastern Riverside Conservation Areas. Knostrop Cut is within an area defined as an urban green corridor.
- GP5:** Proposals should resolve detailed planning considerations.
- BC7:** Use of local materials in Conservation Areas.
- BD6:** Extensions and alterations should respect scale, form, detailing.
- N8:** Protection of urban green corridors.
- N17:** Existing features of listed buildings should be retained, repaired or replaced if missing.
- N19:** Development within or adjoining Conservation Areas should preserve/enhance the character and appearance of the Conservation Area.
- N49:** Biodiversity protection.

A4: Development and refurbishment proposals should be designed to secure a safe and secure environment, including proper consideration of access arrangements.

5.3 National Planning Guidance

5.4 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. The NPPF states that unless material considerations indicate otherwise development proposals which accord with the Development Plan should be approved.

5.5 Emerging Policy

5.6 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

5.7 As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

5.0 **ISSUES**

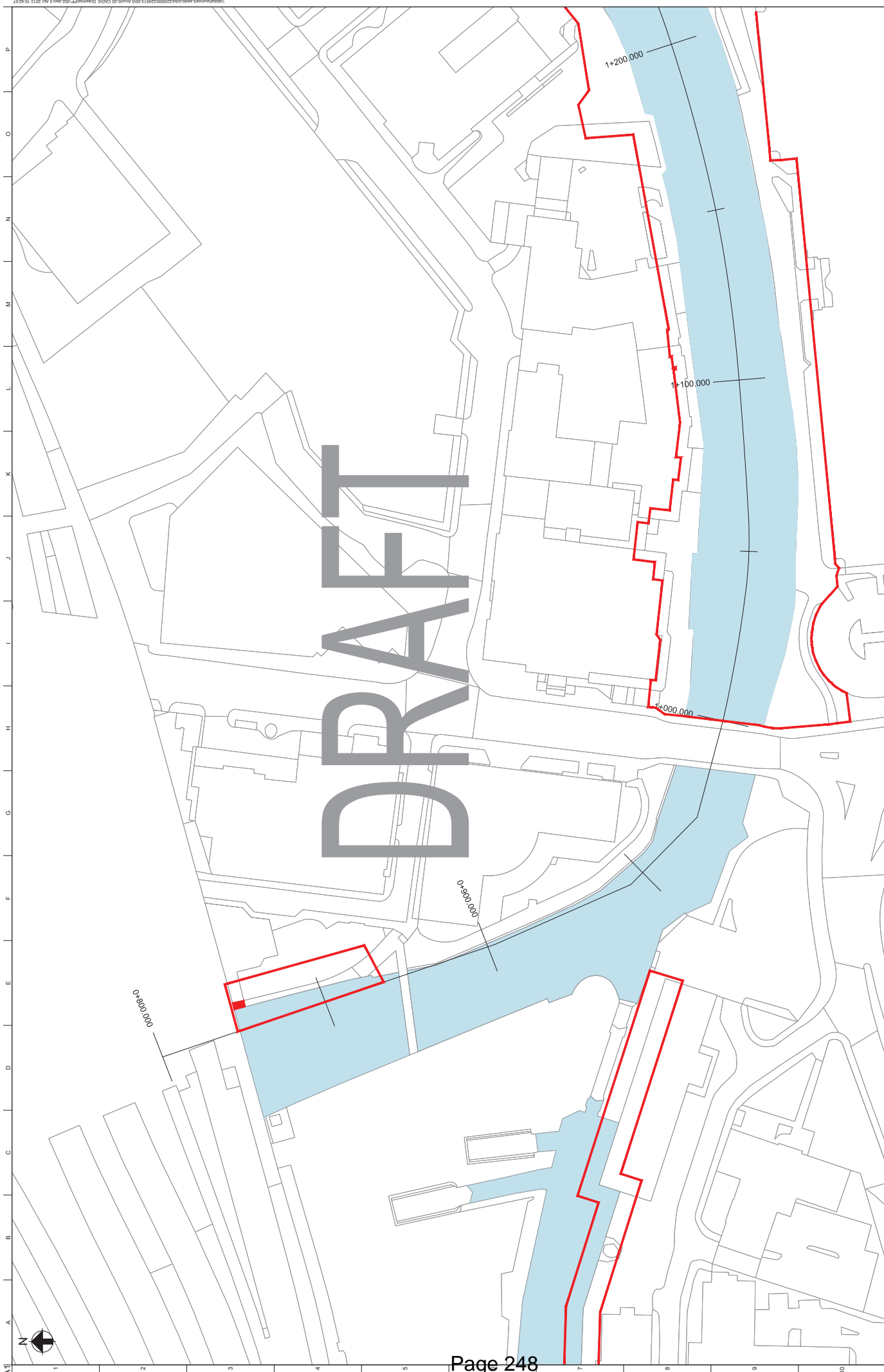
5.1 Members are asked to note the emerging proposals and comment on any issues with the proposals at this stage.

5.2 The Leeds Flood Alleviation Scheme has received wide spread support and is considered essential to the City. The scheme has recently received funding support from Central Government therefore after many years of planning the scheme can now be realised.

5.3 The proposed defences reflect the existing landscape and are incorporated into existing buildings where possible. Where new walls are required these have been kept to a minimum and are to be well designed in accordance with the design guide.

5.4 The heights of the walls are also kept to relatively low levels due to advantages brought about by the removal of Knostrop Cut and the introduction of the movable weirs. Sections at either end of Knostrop Cut would be retained to allow for the existing bridge to remain up stream and a new bridge to be introduced at the location of the existing Knostrop Weir. The central section of Knostrop Cut will be removed and taken away to allow the canal and river to merge and therefore increase capacity. The removal of Knostrop Cut will require the relocation of a short section of the Transpenine Trail to the northern embankment. Whereas Knostrop Cut forms part of a UDPR designation urban green corridor, it is considered the benefits from its removal outweigh its retention. In addition the works to introduce the Transpennine Trail to the northern embankment will allow for the retention, protection and enhancement of the green corridor function in this area.

5.5 Members have previously received presentations highlighting the proposed works and have been very supportive. Officers continue to discuss the detail of the works and subject to continued efforts to ensure the design is well integrated into the existing landscape the proposals are strongly supported.



Drawing Title
Red line boundary plan
 2 of 8

Drawn By
For Planning

Job No
224513-00

Drawn No
PP-002

Sheet No
01

ARUP

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 Leeds LS15 8JL
 Tel: +44(0)1132526888 Fax: +44(0)1132428973
 www.arup.com

Job Title
Leeds Flood Alleviation Scheme

Scale: A1 1:500
 Discipline: **Civil**



Client

Issue	Date	By	CHK	APP
01	05/01/13	JL	MNI	MNI

Issued For: **For Planning**

Notes:

- All dimensions are in millimetres unless noted otherwise. Dimensions should not be scaled from the drawing.
- All levels are in metres AOD.

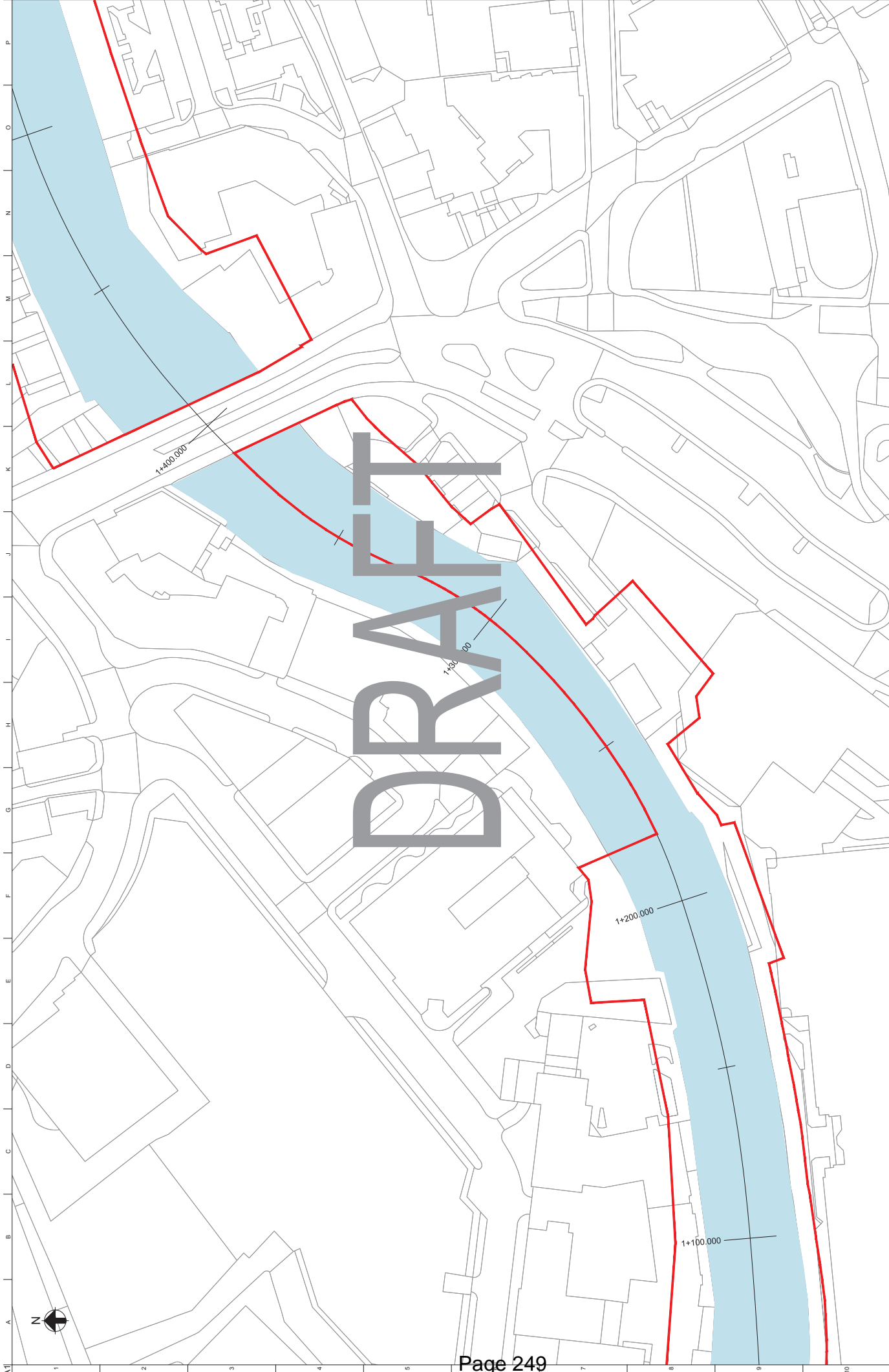
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Job Title
Leeds Flood Alleviation Scheme

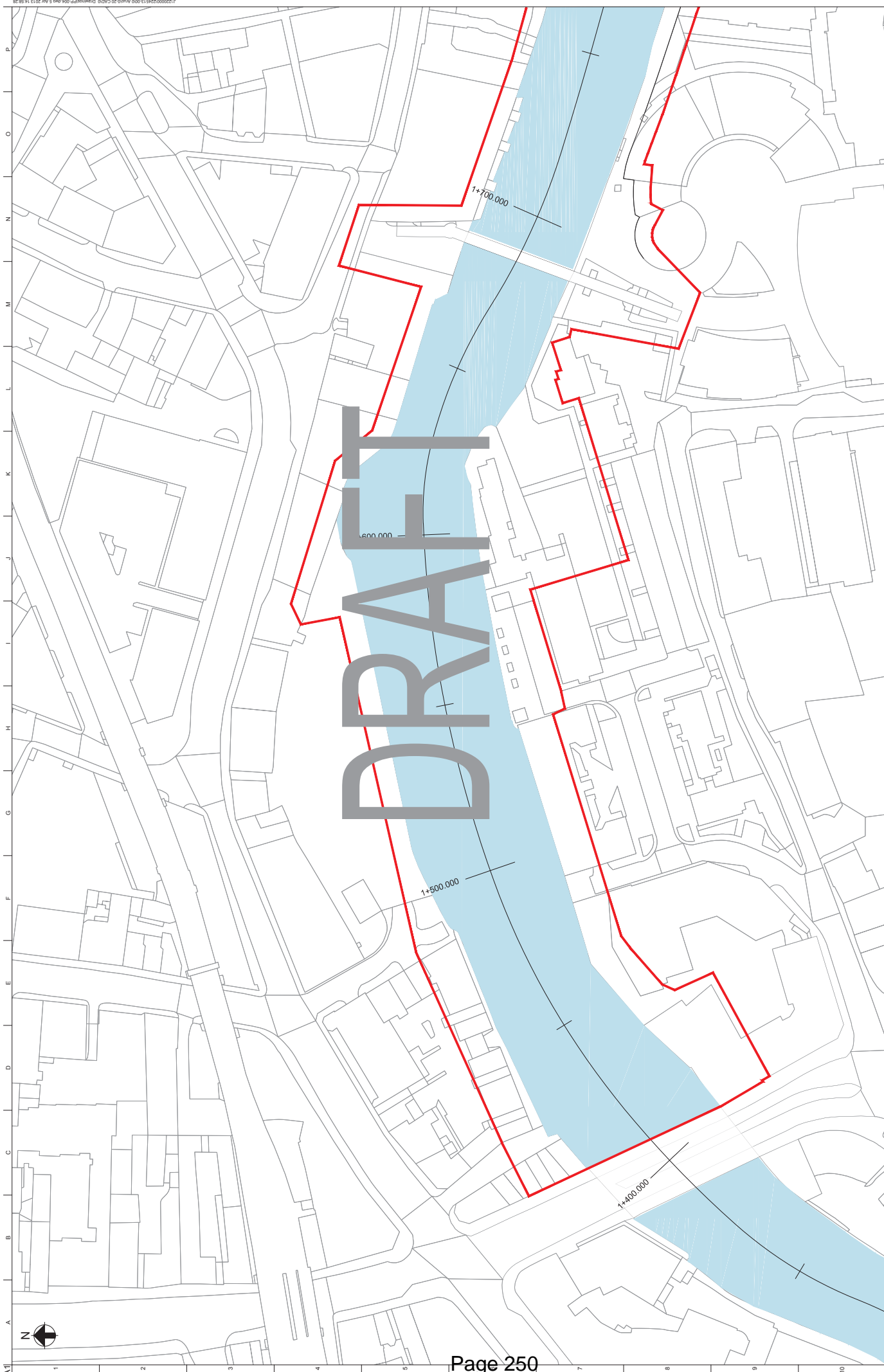
Scale: A1 1:500
Discipline: CIVIL



ARUP
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Drawing Title
Red Line Boundary Plan
3 of 8

Drawing No
224513-00 | PP-003
Job No
For Planning
Issue
01



A P O N M L K J I H G F E D C B A 1 2 3 4 5 6 7 8 9 10



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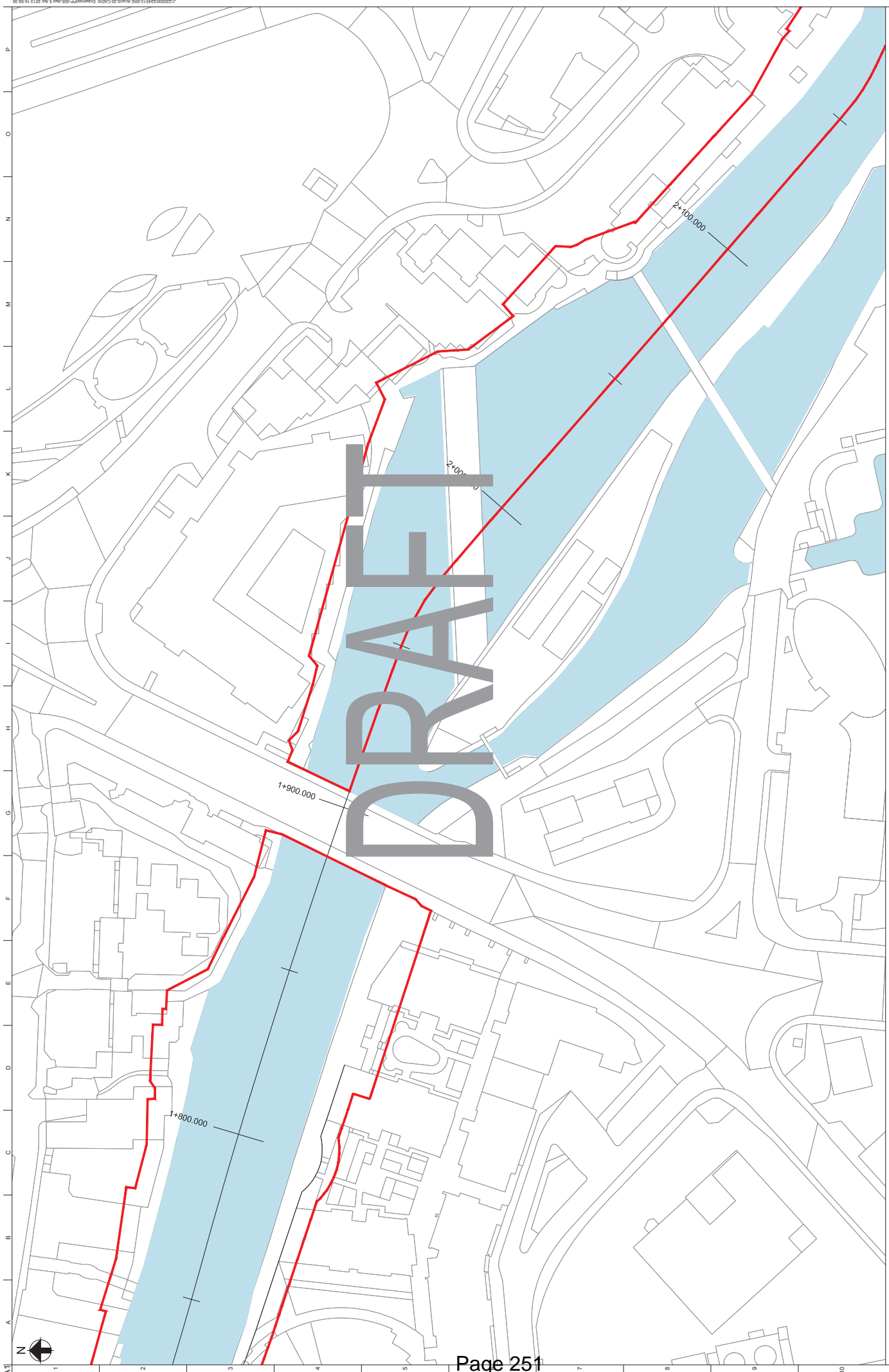
01	06/01/13	JL	MNI	MNI
Board for Planning				
Name	Date	By	CHK	APP

Job Title: Leeds Flood Alleviation Scheme
Scale: 1:500
 Discipline: Civil

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Leeds CITY COUNCIL

Drawing Title: Red Line Boundary Plan
Sheet No.: 4 of 8
For Planning
 Drawing No: 224513-00 | PP-004
 Issue: 01



Drawn To: **Red Line Boundary Plan**
 5 of 8

Drawn By: **For Planning**
 Job No: **224513-00** | **PP-005**



Job Title: **Leeds Flood Alleviation Scheme**

Scale: A1 1:500
 Discipline: **Civil**



Client:

Issue	Date	By	CHK	APP
01	05/01/13	JL	MN	MN

Issued For: **For Planning**

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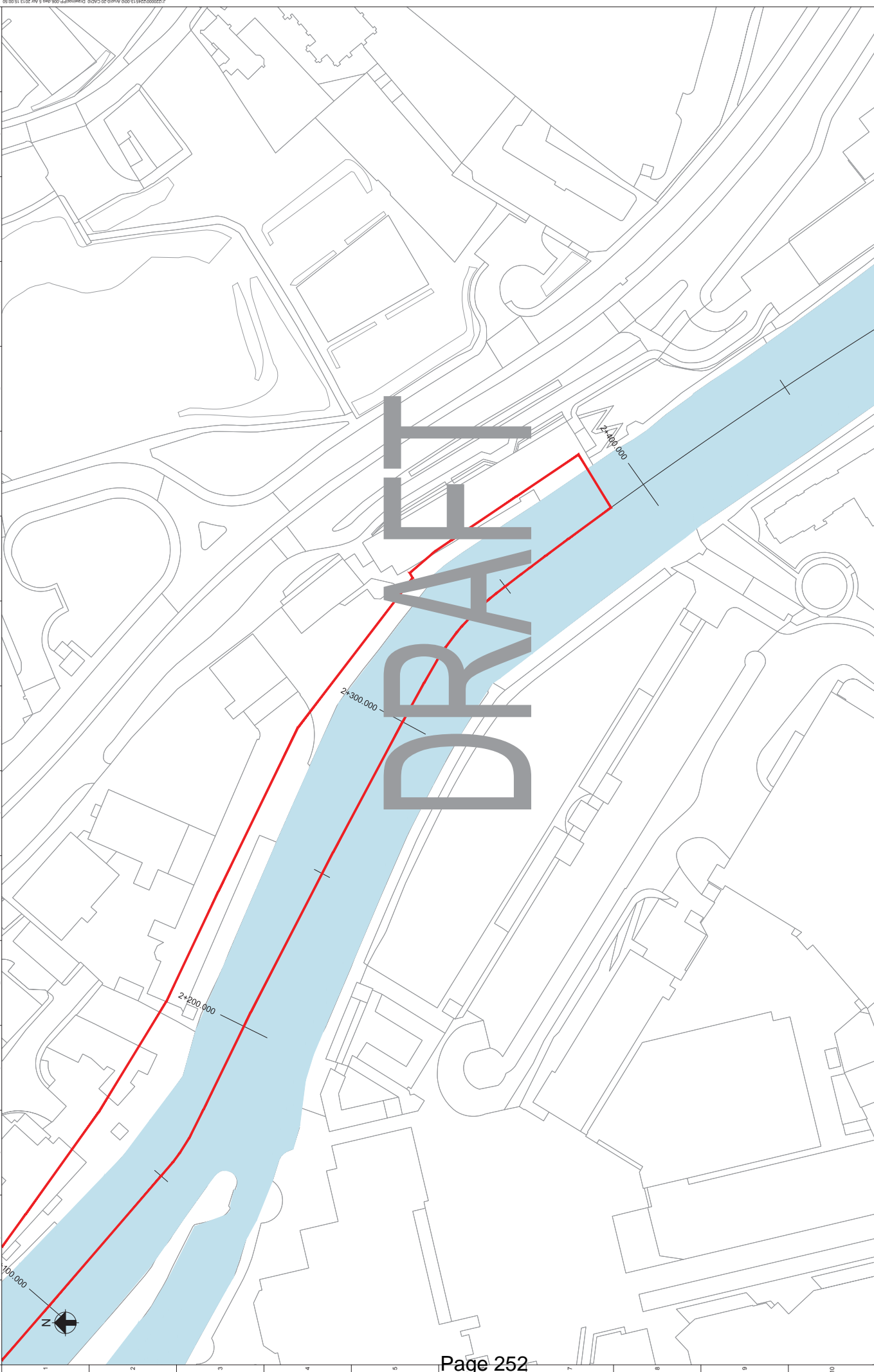
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Drawn To: Red Line Boundary Plan
6 of 8

Drawn By: For Planning
Job No: 224513-00
Drawing No: PP-006
Sheet: 01



ARUP
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Job Title: Leeds Flood Alleviation Scheme

Scale: 1:500
Discipline: CIVIL



Client:

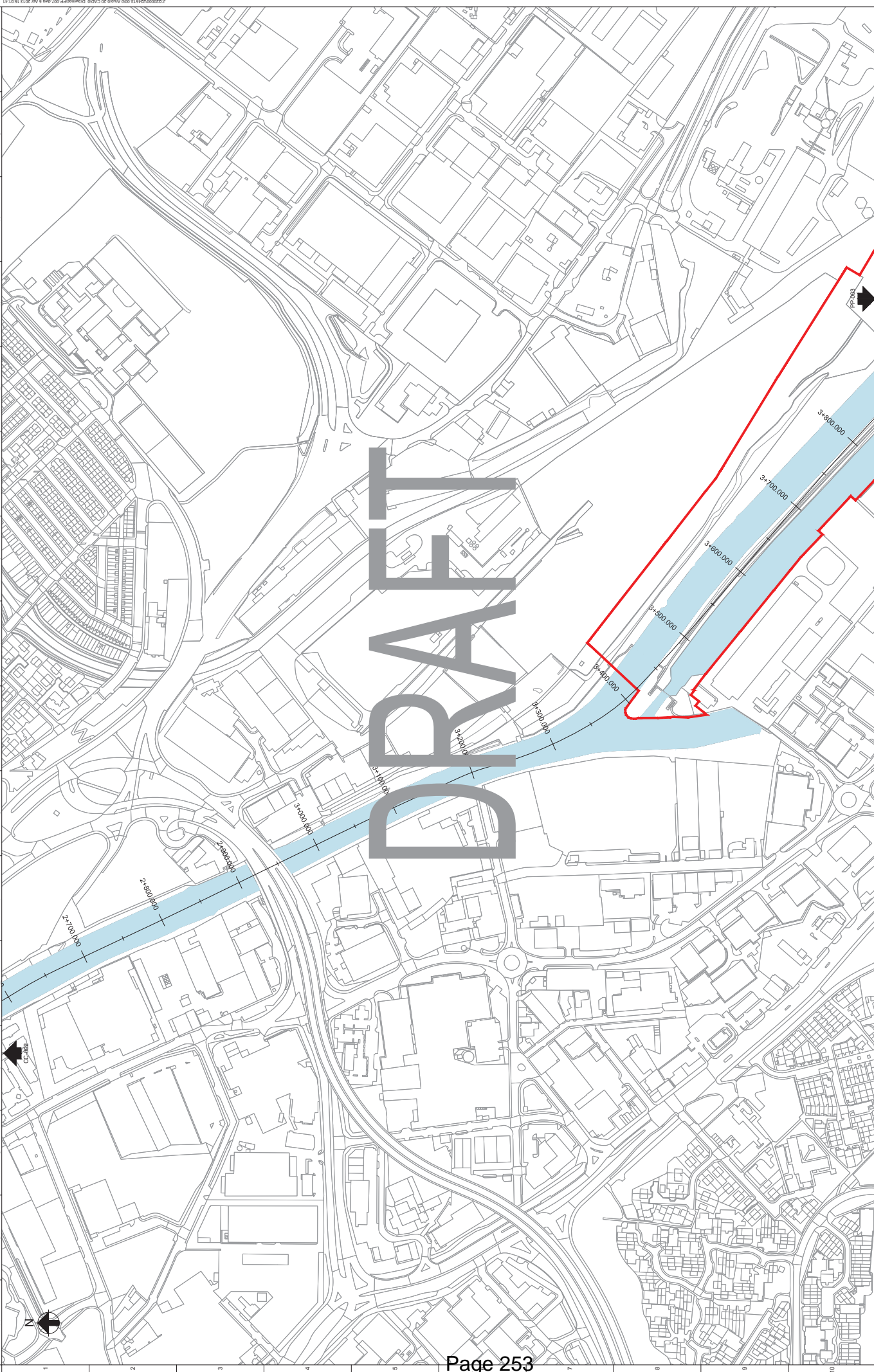
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Drawing Title
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7 of 8
 For Planning

Drawn By
For Planning
 Job No
224613-00 | **PP-007**
 Sheet No
01

Job Title
Leeds Flood Alleviation Scheme
 Scale
AS1:1 1:2000
 Discipline
Civil



CLIENT

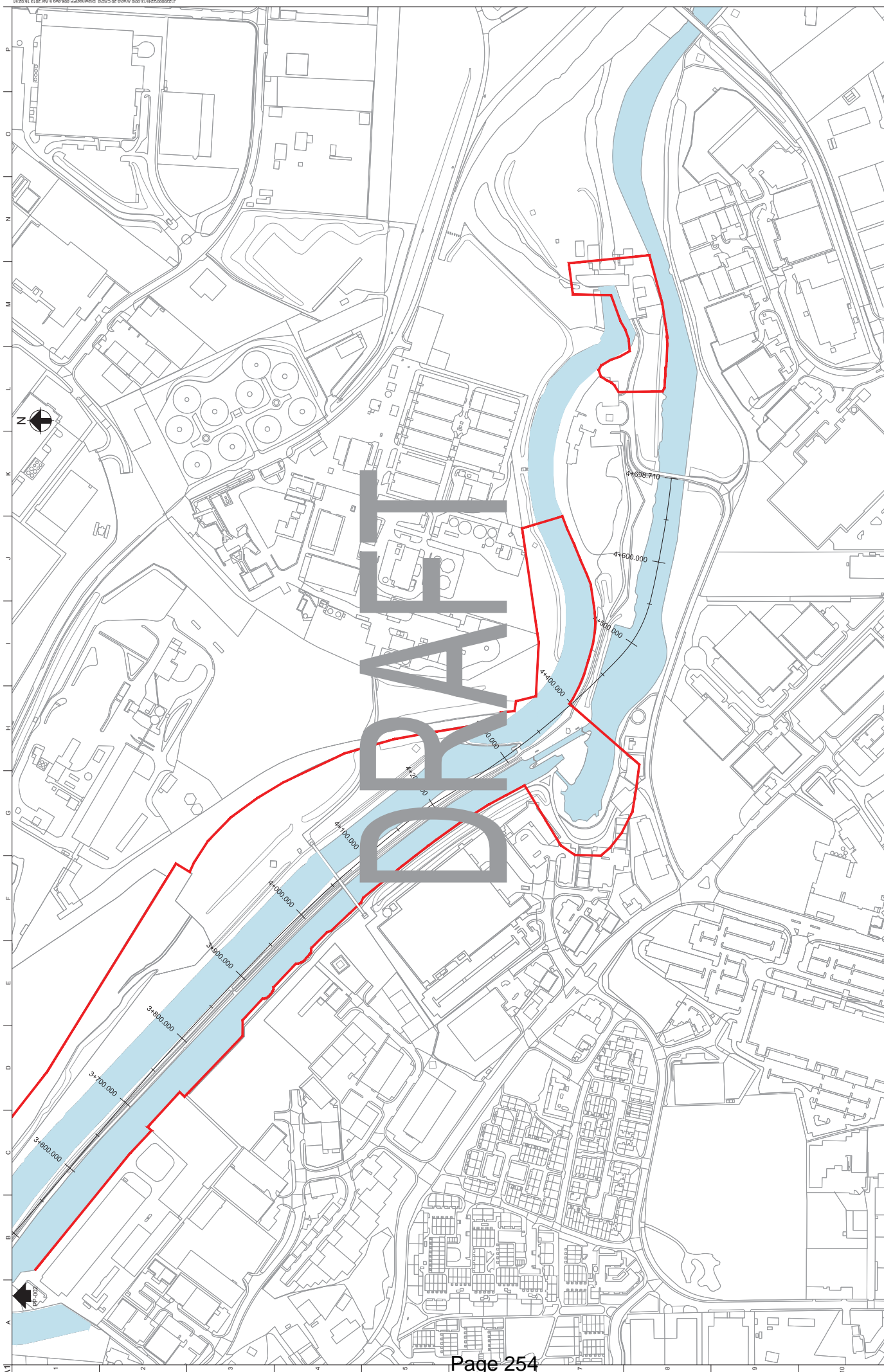
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Issued For Planning

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DRAFT

Drawing Title
Red Line Boundary Plan
 8 of 8

Drawing No.
PP-008

Job No.
224513-00

Drawn By
For Planning

Scale
1:1000

Sheet No.
01

ARUP

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Job Title
Leeds Flood Alleviation Scheme

Scale
1:2000

Discipline
Civil



Client

Issue	Date	By	CHK	APP
01	05/01/13	JL	MNI	MNI

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Notes:

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Originator: C. Briggs

Tel: 0113 2224409

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 9 MAY 2013

Subject: PRE-APPLICATION Reference PREAPP/13/00223 – Outline proposal for 3 office buildings, multi-storey car park, and pavilion unit with ground floor food, drink and gym uses and public realm at Whitehall Riverside, Whitehall Road, Leeds

Electoral Wards Affected:

City and Hunslet

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: This report is brought to Panel for information. The developer's representative will be asked to present the emerging scheme to allow Members to consider and comment on the proposals.

1.0 INTRODUCTION:

1.1 This pre-application presentation relates to the proposed development of a major mixed use development at Whitehall Riverside, Whitehall Road, in the West End of Leeds City Centre (see attached plan). The proposals will be presented to Panel by the landowner Town Centre Securities and their architects Enjoy Design, to allow Members to comment on the evolving scheme and raise any issues, prior to the intended submission of an outline planning application later in the year.

2.0 SITE AND SURROUNDINGS:

2.1 The site takes in most of the south side of Whitehall Road in the City Centre West End. The site is in close proximity to a number of large redevelopment sites, some built in the early 2000s, including the Whitehall Quay scheme (including the Novotel hotel), the West Point residential scheme (former Royal Mail building to the north east), No. 1 Whitehall Riverside (immediately to the south), the 16 storey residential and office block at the western end of the Whitehall Riverside site known as 2

Riverside Way, and the Riverside West residential/office scheme adjacent to the Grade II listed Monk Bridge.

2.2 On the opposite side of Whitehall Road lies the Wellington Place site. This is currently in use as temporary car parking, with a number of other temporary uses. This site benefits from outline planning permission to layout access and construct a mixed use multi level development with offices, residential, hotel, shops, financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways, cultural and community uses, basement car parking, associated landscaping and public space.

2.3 The Whitehall Riverside site lies in flood risk zone 3 and the designated City Centre Prime Office Quarter.

3.0 PROPOSAL

3.1 The application proposal is for 3 new office buildings, a multi-storey car park, and a single storey pavilion unit.

3.2 The ground floor units of the office buildings and the multi-storey car park would also feature active ground floor uses such as food and drink and leisure (gym).

3.3 The single storey café pavilion would be located in a permanently landscaped area to the west of the proposed hotel that was presented to City Plans Panel in March 2013.

3.4 The 8 storey office building identified as No. 2 Whitehall Riverside would face both the riverside and Whitehall Road, occupying the full depth of the site. It would feature a large glazed atrium space, which would give views through the building from the east and west from the public realm. This building would have a basement car park accessed from the western service access road, with a drop-off facility at the eastern access road.

3.5 The 8 storey office building identified as No.3 Whitehall Riverside would face the riverside, with its frontage set back to allow the creation of a greened public space facing the river at the footbridge landing point.

3.6 The 9 storey multi-storey car park would face Whitehall Road, and be accessed from the western service road. It would provide the maximum UDP parking standard allocation for car parking for all the buildings on the site, plus public short stay car parking.

3.7 The 8 storey office building identified as No. 7 Whitehall Road would face Whitehall Road at the western end of the site, adjacent to No. 2 Riverside Way and the Riverside West development.

3.8 In terms of public realm, the proposal would include a greened frontage to Whitehall Road to complement the boulevard concept on the northern side at Wellington Place; three principal north-south pedestrian routes linking Whitehall Road to the riverside; and the two larger soft landscaped areas at the eastern and western ends of the site facing the riverside.

3.9 The proposal is in outline only. The forthcoming application will reserve elevational treatment and exact details of landscaping for future approval.

4.0 HISTORY OF NEGOTIATIONS AND PLANNING HISTORY

- 4.1 The site has previously benefited from an outline planning permission for most of the south side of Whitehall Road between the end of Northern Street and Monk Bridge. Under planning reference 20/299/00/OT, outline planning permission was granted to erect 4 office blocks 2 residential blocks 2 cafe bars, retail units & multi storey car park on 10 October 2001. One Reserved Matters approval was submitted, approved and built at 2 Riverside Way for a part 16 and part 11 storey block of 193 flats, offices, A3 food drink use and basement car parking under planning reference 20/543/01/RM. The outline permission has now expired.
- 4.2 At No. 3 Whitehall Riverside reserved matters approval (reference 20/456/03/RM) was granted for an 8 storey office building pursuant to the above outline permission. This building was not built and the approval has therefore expired.
- 4.3 No. 1 Whitehall Riverside was built and occupied under planning reference 20/295/03/FU. This building included the delivery of the riverside walkway for the full length of the site.
- 4.4 At No. 7 Whitehall Road a 7 storey office building with undercroft car parking (reference 06/02701/FU). This building was not built and the full planning permission expired in 2009.
- 4.5 The pedestrian bridge over the River Aire was approved and built under planning reference 06/04389/FU, as a requirement of the commenced outline approval 20/299/00/OT
- 4.6 At No. 1 Whitehall Road (Plot A), a part 10, part 12 storey office block with undercroft car parking was approved 29 July 2004, expired 2009 under planning reference 20/192/04/FU. This was subsequently amended by permission 06/04682/FU for an 11 storey office block with elevational changes to the previous approval, expiring in 2009. Under reference 11/04023/FU a part 6 and part 10 storey mixed use development comprising office space (Class B1) and 130 bed hotel (Class C1) with basement car parking was approved December 2011. This permission expires in 2014. Under reference PREAPP/13/00159 at 14 March City Plans Panel, Members commented on a pre-application presentation for a hotel building by GMI and Cartwright Pickard Architects. This scheme is likely to be submitted as a full planning application this month for half of the plot. The western half of this plot is now covered by this pre-application outline scheme, identified for landscaping and a single storey café unit.
- 4.7 A 5 year approval was granted for the use of the site as a temporary long stay commuter car park under planning reference 10/04375/FU in 2012. This temporary permission will expire in March 2017.
- 4.8 The landowner made contact with officers again in 2013, and four meetings have taken place to discuss the masterplan principles and uses for the whole site.
- 4.9 City and Hunslet Ward Members were consulted on this proposal by email on 22 April 2013. No comments were received at the time of writing.

5.0 RELEVANT PLANNING POLICIES

4.1 National Planning Policy Framework (NPPF)

The NPPF advocates a presumption in favour of sustainable development, and a 'centres first' approach to main town centre uses such as offices. The location of prime office development within the City Centre, close to the railway station meets this requirement to locate such uses in sustainable locations. The NPPF also promotes economic growth in order to create jobs and prosperity. These new office buildings would help consolidate Leeds City Centre's role as the economic driver of the Yorkshire region, and the focus for investment in highly skilled and competitive businesses, as advocated by the emerging Core Strategy.

4.2 Development Plan

Leeds Unitary Development Plan Review 2006 (UDPR)

The site lies within the designated City Centre, as an identified Proposal Area within the Prime Office Quarter (Proposal Area 1 : Whitehall Road (South Side)). This allocates the area as principally for office use, with other uses bringing activity and variety. The site is also identified as a site where short stay car parking need could be met. The 2 Riverside Way and Riverside West mixed office/residential schemes, and Whitehall Quay mixed residential/hotel/office scheme have all contributed to this aim so far. The proposal area also identifies opportunity for small scale retail and food and drink uses. The statement also requires new development to provide for the riverside walkway, and public realm to connect the area to the sites to the north. The development of the residential block at 2 Riverside Way to the west and offices at No. 1 Whitehall Riverside to the east delivered the riverside walkway for the full length of the site, and the pedestrian bridge over the River Aire, as part of the previous permissions for this site.

Other relevant policies include:

GP5 all relevant planning considerations

GP7 planning obligations

GP11 sustainability

GP12 sustainability

BD2 new buildings

A1 improving access for all

A4 safety and security provision

N12 urban design

N13 design and new buildings

N25 boundary treatments

N29 archaeology

BD4 all mechanical plant

CC3 City Centre character

CC10 public space and level of provision

CC11 streets and pedestrian corridors

CC12 public space and connectivity

CC13 public spaces and design criteria

CC19 office development

Prime Office Quarter Proposal Area Statement 1 Whitehall Road (South Side)

CC27 Principal use quarters

E14 Office development

T2 Transport provision for development

T2C Travel plans

T2D public transport provision for development

T5 pedestrian and cycle provision

T6 provision for the disabled

T7A cycle parking

T7B motorcycle parking
T24 Car parking provision
LD1 landscaping
R5 employment and training for local residents associated with the construction and subsequent use of developments
N38A development and flood risk
N38B planning applications and flood risk assessments
N39A sustainable drainage systems
N51 Nature conservation

4.3 Relevant Supplementary Planning Guidance includes:

SPD Street Design Guide
SPD5 Public Transport Improvements and Developer Contributions
SPD Travel Plans
SPD Building for Tomorrow Today: Sustainable Design and Construction
City Centre Urban Design Strategy
Leeds Waterfront Strategy

4.4 Leeds Natural Resources and Waste DPD 2013

The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way.

4.5 Leeds Core Strategy Publication Draft 2012

4.5.1 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013. As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

4.5.2 Of particular relevance to this scheme proposal is Spatial Policy 3 Role of Leeds City Centre. This policy seeks to maintain and enhance the role of the City Centre as an economic driver for the District and City Region, by

- promoting the City Centre's role as the regional capital of major new office development,
- making the City Centre the main focus for office development in the District (focused upon the West End, South Bank, and Holbeck Urban Village)
- comprehensively planning the redevelopment and re-use of vacant and under-used sites for mixed use development and areas of public space,
- enhancing streets and creating a network of open and green spaces to make the City Centre more attractive
- improving connections between the City Centre and adjoining neighbourhoods

Core Strategy Policy CC1 outlines the planned growth within the City Centre, including office growth.

5.0 ISSUES

Members are asked to consider the following matters in particular:

- 5.1** The National Planning Policy Framework, Leeds Unitary Development Plan Review, and the Draft Leeds Core Strategy would support offices, short-stay multi-storey car parking, with ground floor gym and food and drink uses in this City Centre location.

Do Members agree that the proposed uses for the site are appropriate?

- 5.2** It is considered that the proposal retains the key principles of the previous outline permission, and the permission granted at Wellington Place, by creating a well-connected and landscaped high quality commercial destination in the City's West End, that complements both the riverside and Whitehall Road.

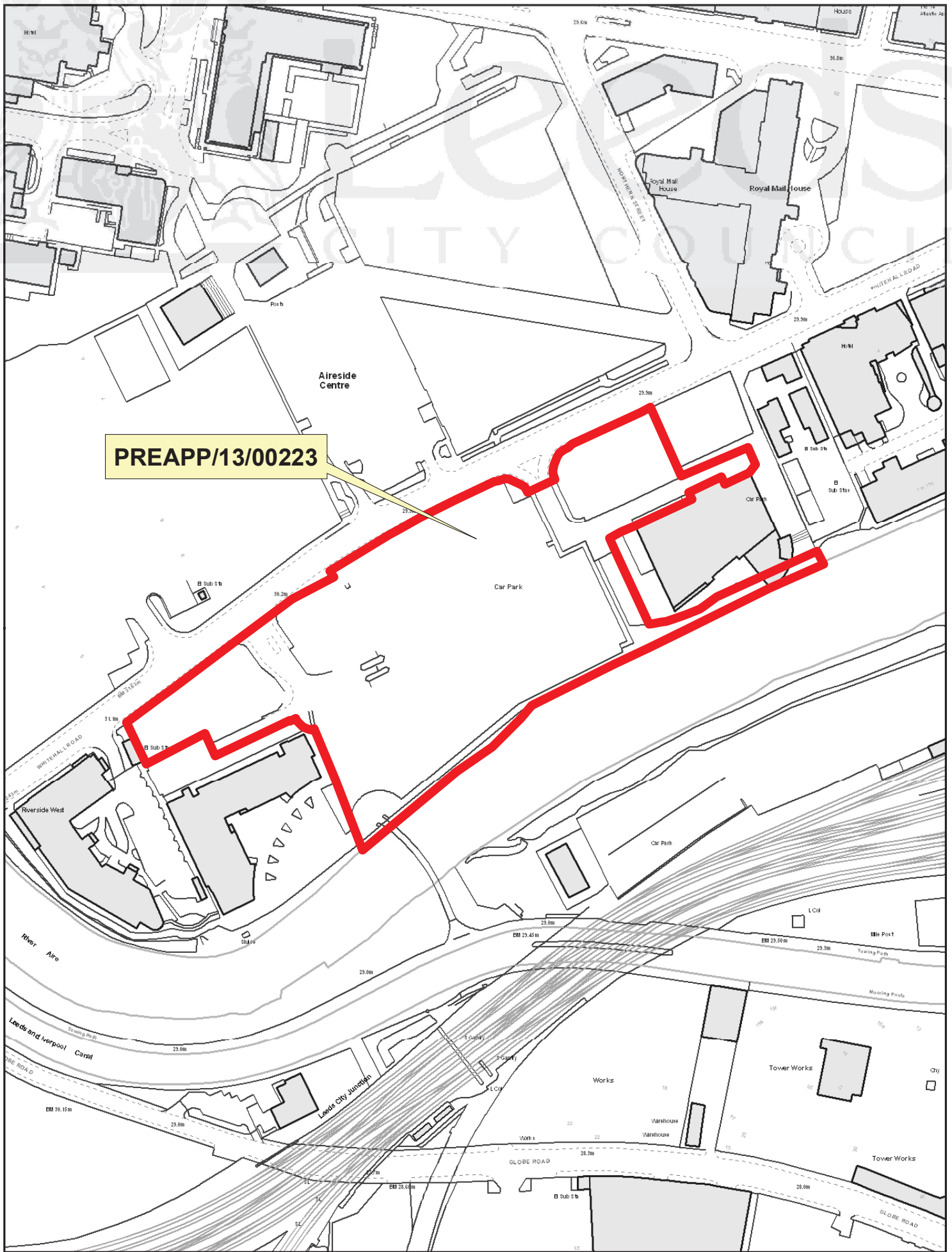
Do Members agree that the general siting of the buildings, provision of public realm, balance of hard and soft landscaping, and location of future pedestrian routes, would be appropriate to create a sense of place to the Waterfront and Whitehall Road, and ensure appropriate pedestrian connections linking across the site from the riverside to the rest of the Prime Office Quarter via Wellington Place to the north ?

- 5.3** It is considered that the proposed building heights would be appropriate to the site, in the context of surrounding buildings, the nature of previous approvals at this site, and the planning permissions granted to the north at Wellington Place.

Do Members agree that in this context the overall heights of the buildings, including any requirements for future rooftop plant, are appropriate?

Background Papers:

Application file 20/299/00/OT



PREAPP/13/00223

CITY PLANS PANEL





Originator: Tim Hart

Tel: 3952083

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 9th MAY 2013

Subject: PRE-APPLICATION PRESENTATION OF PROPOSED STUDENT ACCOMMODATION BUILDINGS AND NEW EXTERNAL SPACE ON LAND BETWEEN BELGRAVE STREET AND ST ALBAN'S PLACE, LEEDS (PREAPP/12/00494).

Electoral Wards Affected:

City and Hunslet

No

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: This report is brought to Plans Panel for information. The Developer will present the details of the scheme to allow Members to consider and comment on the proposals.

1.0 INTRODUCTION

1.1 This presentation is intended to inform Members of the emerging proposals for new student accommodation and reconfigured external space on land between St Alban's Place and Belgrave Street in advance of a planning application later in the year.

2.0 SITE AND SURROUNDINGS

2.1 The site comprises a soft landscaped space extending over 0.25 hectares and public pay and display parking (37 spaces). Pedestrian routes traverse and run along the periphery of the open space which rises from Cross Belgrave Street towards the north and west. The area accommodates 67 primarily semi-mature trees which make a significant contribution to the local treescape and positively contribute to the amenity of the area, including to views from New Briggate and from York Road. At the same time the close proximity of some of the trees, along with the mounded nature of the ground, reduce the usability and quality of the space. There is a footpath on the eastern edge of the site abutting the Inner Ring Road retaining wall which connects New Briggate with Wade Lane and thereafter the new pedestrian

route on the north side of the arena. The site provides panoramic views towards East Leeds and conversely the site is visible on approaches along York Road.

- 2.2 The surrounding area is predominantly in office use. Taller buildings, such as Brunswick Point, are situated at higher levels to the north and north-west. These include existing student accommodation in the 25 storey Opal 3 tower on Wade Lane. Belgrave House is one of four similar office buildings forming a courtyard constructed on the west edge of the public space. Towards the city centre to the south the scale of buildings reduces and Belgrave Hall and The Wrens accommodate food and drink uses. The south eastern fringe of the site is visible from, and forms part of, the New Briggate character area.

3.0 PLANNING HISTORY

- 3.1 Pre-application discussions regarding the current scheme commenced during 2012 although enquiries regarding the development of this area go back to 2008.

4.0 PROPOSALS

- 4.1 The current proposals identify 3 separate buildings ranging in height from 5 storeys at the southern end to the east of Cross Belgrave Street, up to 12 storeys in the north-east corner close to the eastern end of St Alban's Place. The buildings themselves step up in height towards the tallest building. The lowest buildings relate to the height of Belgrave Hall and the tallest building, in the north-east corner, is similar in height to Brunswick Point. Suggested materials comprise multi-red bricks with soldier course details and copper coloured metal cladding. Full-height double-glazed windows would be vertically proportioned and set in deep window reveals. Around 300 student bedrooms would be provided in a mix of cluster sizes. Ground level communal functions include a gym, laundry and bike store. It is also proposed to provide a retail unit and a café fronting the new square; and a bar/retail unit situated at the southern entrance to the development.
- 4.2 The two northern buildings would be arranged at right angles to form two sides of a new square in a similar position to, but including the northern and eastern edges of, the existing open space. The existing greenspace covers around 0.24 hectares whereas the new public space is around 60 per cent of this. To enable the development the majority of existing trees would be removed. A new soft landscaped space is proposed, allowing the opportunity for some new tree planting. The square, itself, would be configured to enable access for all people through it, together with access to the buildings. An area between the buildings and the Inner Ring Road would be landscaped for use by the student accommodation. The existing footpath alongside the Inner Ring Road is to be resurfaced and the route widened incorporating new tree planting and street furniture. The applicant has also confirmed that a contribution would be made towards improving surrounding routes, including those extending from the site towards the arena.
- 4.3 A new short stay lay-by is proposed on Belgrave Street for servicing. No parking is to be provided for occupants of the development. Secure cycle parking is intended beneath the buildings with some visitor cycle stands proposed within the landscaped square. Refuse would be stored in areas beneath the buildings, linked by an underground route, accessed from street level via louvered doors.

5.0 POLICY OVERVIEW

Unitary Development Plan Review (UDPR)

- 5.1 The policies in the development plan must now accord with the NPPF. Whilst the Core Strategy is at an advanced stage it is intended to carry forward a number of the UDPR policies which are in conformity with the NPPF.
- 5.1.1 The site is located within the City Centre boundary. It falls within a Prestige Development Area (PDA) identified as a high profile location next to the Inner Ring Road where a range of city centre related uses are appropriate. The strategy for PDA's is to promote sites for large scale prestige developments; to encourage high quality developments and the creation of public spaces; to achieve environmental and social benefits including mixed and supporting uses; and to ensure satisfactory access with pedestrian linkages into the city centre being particularly important.
- 5.1.2 The UDPR also identifies the majority of the site (that part not used as parking) as protected public space. Development of these areas is not normally supported unless there is appropriate mitigation. Policies CC3, CC9, CC11, CC13 and CC31 seek improvements and enhancements to existing public spaces and improved accessibility to them.
- 5.1.3 Policy H15A promotes student housing in areas beyond the Area of Housing Mix. Paragraph 7.5.35 states that "significant potential exists for further student housing in the City Centre and in locations elsewhere. To be successful, such provision will need to be well served by public transport connections to the Universities, have the potential to appeal to students and be capable of being assimilated into the existing neighbourhood without nuisance. The City Council will encourage and support pioneer developments in such locations to help establish a critical mass of student presence and, ultimately, generate alternative popular locations for students to live, other than the wider Headingley area".
- 5.1.4 Other relevant UDPR policies include GP5 (detailed planning considerations to be resolved); N12 (priorities for urban design); T2 (development should not create or materially add to problems of safety or efficiency on the highway network); and A4 (design of safe and secure environments, including access arrangements, public space, servicing and maintenance, materials and lighting).

Draft Core Strategy (DCS)

- 5.2.1 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The Council submitted the Publication Draft Core Strategy to the Secretary of State for examination on 26th April 2013 and an Inspector has been appointed. It is expected that the examination will commence in September 2013.
- 5.2.2 As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

- 5.2.3 Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and enhancing existing landscapes and spaces. P12 states that landscapes will be conserved and enhanced. Policy G6 states that open space in the city centre will be protected unless (ii) the space is replaced by an area of at least equal size and quality or (iii) redevelopment proposals demonstrate a clear relationship to improvements to existing greenspace quality in the same locality. Policy CC3 states that development in appropriate locations is required to help and improve routes connecting the City Centre with adjoining neighbourhoods, and improve connections within the City Centre. Policies EN1 and EN2 identify sustainable development criteria including achieving a BREEAM standard of Excellent from 2013 onwards.
- 5.2.4 Paragraph 5.1.14 states that “The City Centre remains a good location for purpose built student housing, but excessive concentrations in one area should be avoided in line with Policy H6”. Policy H6B considers proposals for purpose built student accommodation. Developments should extend the supply to take pressure off the use of private housing; avoid excessive concentrations of student accommodation; and avoid locations which are not easily accessible to the Universities by foot or public transport.

Natural Resources and Waste Local Plan 2013 (NRWLP)

- 5.3 The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. The NRWLP is part of the Local Development Framework.
- 5.3.1 Policy Land 1 states that trees should be conserved wherever possible and new planting should be introduced to create high quality environments for development. Where removal of existing trees is agreed in order to facilitate development tree replacement should be provided on a minimum three for one replacement to loss. Such planting will normally be expected to be on site as part of an overall landscape scheme. Where on-site planting cannot be achieved off-site planting will be sought or an agreed financial contribution will be required for tree planting elsewhere.

National Planning Policy Framework

- 5.4.1 Planning should proactively drive and support sustainable economic development; and seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (para. 17). Local Planning Authorities (LPA's) should recognise town centres as the heart of their communities and support their vitality and viability; and recognise that residential development can play an important role in ensuring the vitality of centres (para. 23). Housing applications should be considered in the context of the presumption in favour of sustainable development (para. 49).

5.5 Supplementary guidance

- 5.5.1 Public Transport Improvements and Developer Contributions SPD identifies where development will need to make a contribution towards public transport improvements or enhancements.
- 5.5.2 Building for Tomorrow Today – Sustainable Design and Construction identifies sustainable development requirements.

6.0 ISSUES

Members are asked to comment on the scheme and to consider the following matters:

- 6.1 The site is located in a Prestige Development Area and the Leeds Unitary Development Plan Review supports the principle of student accommodation in this city centre location. Emerging Core Strategy policies also recognise that the city centre is a good location for student housing providing that excessive concentrations are avoided. There is existing student accommodation nearby (Opal 3) but it is not considered that the scheme would result in an excessive concentration of students. Access can be gained to both the city centre and the universities without passing through established residential communities such that the impact on residential amenity would be limited. Recent studies have suggested that the majority of purpose-built student accommodation schemes with planning permission are under construction, or due to be commenced shortly, such that in itself the development is not likely to lead to over-provision.

Do Members agree that the proposed location of the site for student accommodation is acceptable in principle?

- 6.2 Although the existing public space would benefit from improvement it provides a valuable amenity for local office workers and a wider visual amenity particularly on eastern approaches to the city centre. The UDPR identifies the majority of the site as protected public space. Development of these areas is not normally supported unless there is appropriate mitigation (DCS policy G6). The NRWLP states that trees should be conserved wherever possible and new planting should be introduced to create high quality environments for development. Where removal of existing trees is agreed in order to facilitate development tree replacement should be provided on a minimum three for one replacement to loss or where this cannot be achieved on site off-site planting will be sought.

- 6.2.1 The proposals identify the formation of a new soft landscaped public space, bounded by new buildings on its northern and eastern edges. The buildings help to deliver a formal public space protected from Inner Ring Road noise by the intended layout. However, the extent of existing public space (2445 square metres) is significantly reduced to deliver the proposed scheme (1485 square metres). Although new tree planting is proposed within the development, enabling a greater variety but smaller species, there is also likely to be a significant loss of tree coverage.

Do Members agree that any development proposals need to fully mitigate for building on protected open space and for the loss of existing trees?

- 6.3 Existing footpaths across the centre and eastern edge of the site act as a route between eastern and northern areas of the city centre. The route will become more important with the opening of the arena and the future development of the Eastgate and Harewood Quarter. Policies in the UDPR (CC12, CC13, CC31) and the DCS (C3) seek to improve pedestrian linkages, connectivity and to ensure accessibility for all.

- 6.3.1 A range of uses have been introduced facing into the proposed public space that will help to activate the space. The proposed route across the space enables the space to be used by all. However, as the route across it becomes less direct it reinforces the need to improve surrounding routes, including that alongside the Inner Ring Road and along St Albans Place.

Do Members agree that existing pedestrian routes both within and around the site which connect with the city and surrounding areas need to be improved as part of the development and that levels need to enable access for all users?

- 6.4 The site is located within a Prestige Development Area where large scale development is expected, alongside the creation of high quality environments. The scale and massing of the buildings have been designed to relate to their neighbours, essentially, stepping up in height from Victorian buildings at the southern end to towards more contemporary taller buildings at the northern end of the site.

Do Members agree that the scale and massing of buildings respond well to their context and are appropriate?

- 6.5 Local and national policies seek high quality design both with regard to buildings and spaces. Surrounding buildings are predominantly red brick with slate or flat roofs. Belgrave House is the most positive feature at the northern edge of the New Briggate character area and abutting the southern edge of the site. The proposed buildings, utilising multi-red bricks, copper-coloured metal cladding and deep window reveals set in a vertically proportioned façade, seeks to respect Belgrave House and the surrounding context.

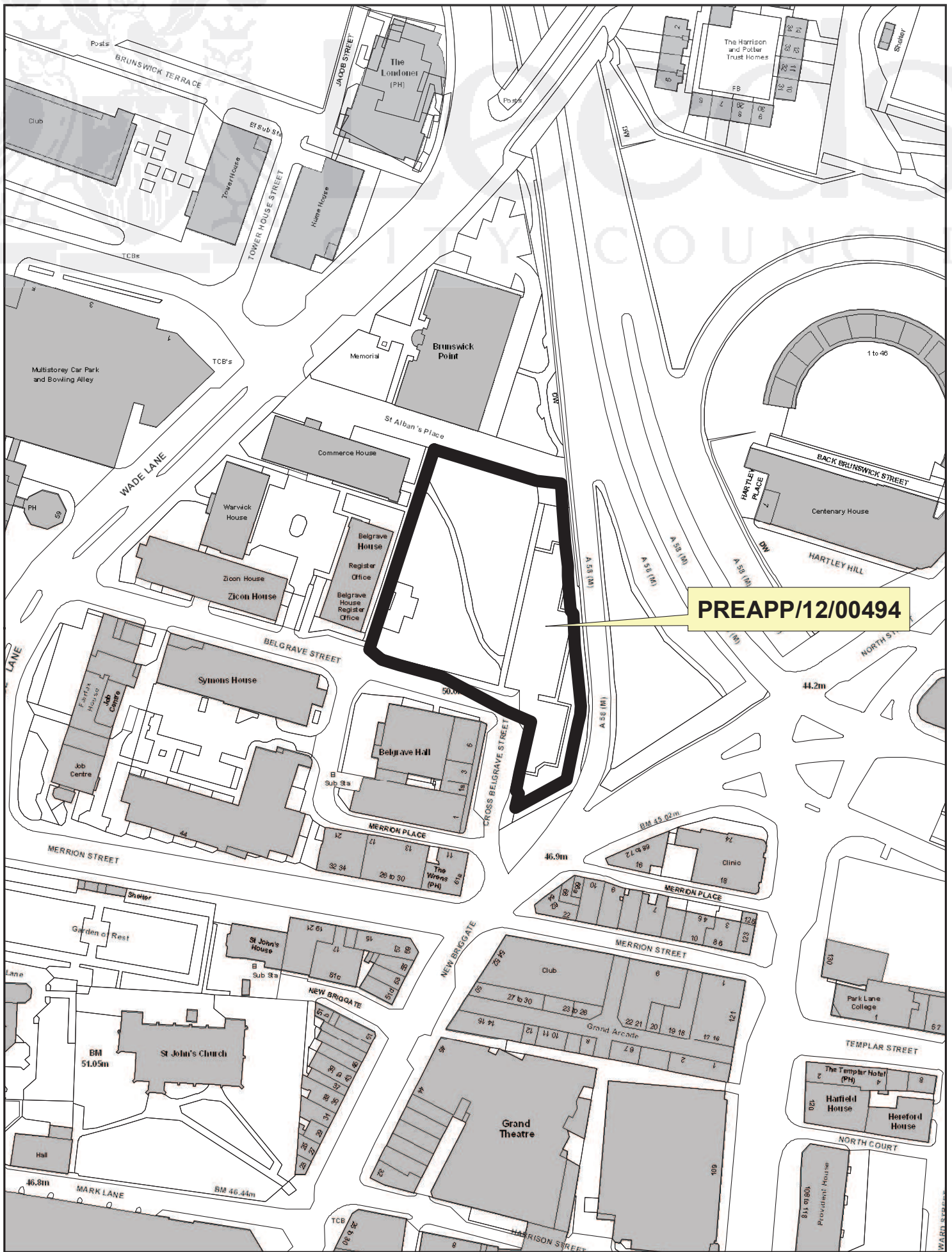
Do Members agree that the design of buildings is of a suitably high quality and that materials need to be of an equally high quality?

- 6.6 The site is located in the city centre in an area where it is hoped and intended that pedestrian flows will increase. Consequently, it is particularly important to avoid creating dead frontages at ground level that would be detrimental to pedestrian use, public safety and to visual amenity. A range of uses have been introduced facing into the proposed public space that will help to activate it. The peripheral route alongside the Inner Ring Road and along St Alban's Place has fewer such uses but includes a number of windows to ensure that it is overlooked.

Do Members agree that the general arrangement of proposed uses is appropriate to the site's location and future use?

- 6.7 The development necessitates the loss of the existing pay and display spaces. There would be no parking provision for the development other than for a small lay-by on Belgrave Street. Suitable measures for the servicing of the proposed buildings, together with management of vehicles expected at the start and end of terms will need to be developed.

Do Members agree to the removal of the pay and display spaces and for the need to provide a strategy for the management of student vehicles at changeover times?



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Not for Publication : Appendix A is exempt under Access to Information Procedure Rule 10.4(3)

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 9th MAY 2013

Subject: PRE-APPLICATION PRESENTATION OF PROPOSED ALTERATIONS AND CHANGE OF USE, RIVERS HOUSE, PARK SQUARE SOUTH, LEEDS (PREAPP/13/00400).

Electoral Wards Affected:

City and Hunslet

No

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

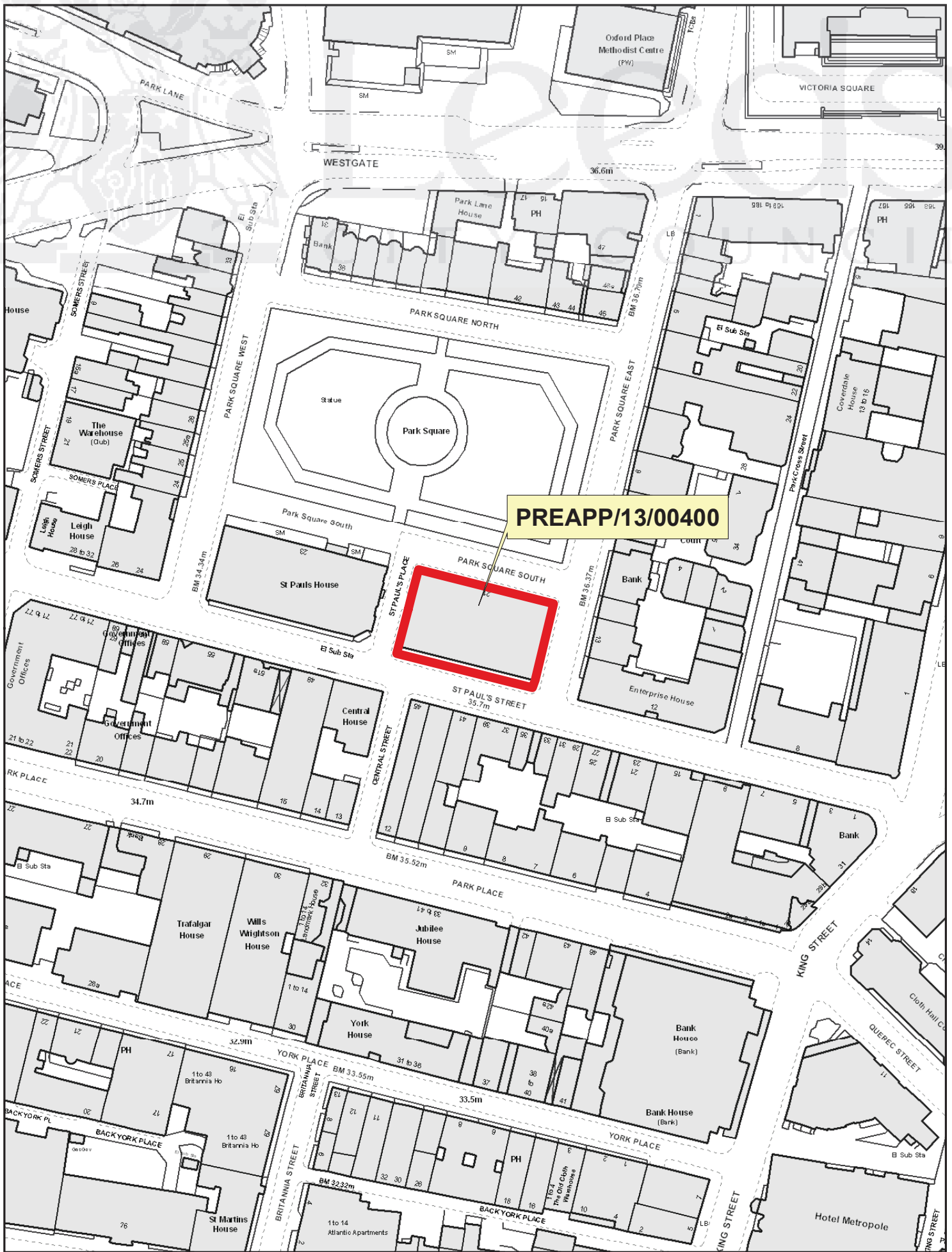
For Members to note the content of the report.

1.0 INTRODUCTION

- 1.1 This presentation is intended to inform Members of the emerging proposals for Rivers House, Park Square. The proposals involve remodeling the interior of the building and significant alterations at roof level. A planning application is expected in the summer.
- 1.2 The information contained within the separate Appendix to this report is confidential as the outline business case for the project has not yet been agreed. It is considered that it would not be in the public interest to disclose details of the proposals at this time. It is therefore considered that the contents of the Appendix should be treated as exempt under Access to Information Procedure Rule 10.4 (3).

2.0 RECOMMENDATION

- 2.1 City Plans Panel is asked to note the contents of the report and the pre-application presentation.



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