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## CITY PLANS PANEL

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Meeting to be held in Civic Hall, Leeds on  
Thursday, 12th December, 2013  
at 1.30 pm

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### MEMBERSHIP

#### Councillors

P Gruen	M Hamilton	R Procter	T Leadley	D Blackburn
N Taggart (Chair)		G Latty		
S Hamilton				
E Nash				
N Walshaw				
M Ingham				
J Cummins				
J Lewis				

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**Agenda compiled by:  
Angela Bloor  
Governance Services  
Civic Hall  
Tel: 0113 24 74754**

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p><b>SITE VISIT LETTER</b></p> <p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF PRESS AND PUBLIC</b></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><b>RESOLVED</b> – 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>	
3			<p><b>LATE ITEMS</b></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>	
4			<p><b>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</b></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>	

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5			<b>APOLOGIES FOR ABSENCE</b>	
6			<p><b>MINUTES</b></p> <p>To approve the minutes of the City Plans Panel meeting held on 21<sup>st</sup> November 2013</p> <p>(minutes attached)</p>	3 - 18
7	Beeston and Holbeck; Morley North; Morley South		<p><b>APPLICATIONS 13/01640/OT AND 13/02684/FU - WHITE ROSE SHOPPING CENTRE AND LAND SOUTH OF WHITE ROSE SHOPPING CENTRE - DEWSBURY ROAD LS11</b></p> <p>Further to minute 37 of the City Plans Panel meeting held on 1<sup>st</sup> August 2013, where Panel considered position statements in respect of proposals for further development at the White Rose Shopping Centre and development of an area of land south of the shopping centre for car parking, to consider a report of the Chief Planning Officer setting out the formal applications for:</p> <p>Application 13/01640/OT - part demolition and alteration of existing buildings and erect extensions to form new and enlarged retail units, Class A1, A3, A5 D2 (cinema); alterations to existing and creation of new public realm and landscaping; alterations to existing vehicular access and creation of new vehicular, pedestrian, service access; alterations to car park configuration together with infrastructure and associated works and:</p> <p>Application 13/02684/FU – demolition of existing buildings and re-development of site for use as car parking with improvements to access, landscaping works and enhancements, new culvert to Cotton Mill Beck and upgrading of existing pedestrian crossing and associated works</p> <p>(report attached)</p>	19 - 78

Item No	Ward	Item Not Open		Page No
8	Wetherby		<p><b>APPLICATION 13/03061/OT - THORP ARCH ESTATE WETHERBY LS23</b></p> <p>Further to minute 108 of the City Plans Panel meeting held on 21<sup>st</sup> November 2013 where Panel considered a further position statement on outline proposals for residential development with associated parking, landscaping, primary school, village centre, retail development, sports pavilion, play area, amenity space and associated off site highway works, to consider a report of the Chief Planning Officer setting out the formal application</p> <p>(report attached)</p>	79 - 176
9	City and Hunslet		<p><b>APPLICATION 13/01198/OT - MAXIS RESTAURANT - 6 BINGLEY STREET LS3</b></p> <p>To consider a report of the Chief Planning Officer on an application for demolition of the existing building and construction of mixed use development consisting of office, hotel and retail uses class (A1,A2 &amp; A3) floorspace and basement car parking</p> <p>(report attached)</p>	177 - 200
10	Farnley and Wortley; Morley North		<p><b>APPLICATION 13/03998/FU - LAND OFF THE WEST SIDE OF COTTINGLEY SPRINGS, GILDERSOME MORLEY LS27</b></p> <p>Further to minute 97 of the City Plans Panel meeting held on 24<sup>th</sup> October 2013, where Panel considered a position statement on proposals for laying out of traveller site, comprising 12 pitches, ancillary buildings, parking and landscaping, to consider a further report of the Chief Planning Officer setting out the formal application</p> <p>(report attached)</p>	201 - 226

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11	Harewood		<p><b>PREAPP/13/01175 - SCHOLES PAS SITE - WOOD LANE, SCHOLES AND LAND EAST OF SCHOLES - PRE-APPLICATION PRESENTATION</b></p> <p>To consider a report of the Chief Planning Officer on pre-application proposals for residential development of up to 745 dwellings plus new school and commercial uses and to receive a presentation on the proposals,</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>	227 - 234
12	City and Hunslet		<p><b>PREAPP/11/00700 - MERRION HOUSE MERRION WAY LS2 - PRE-APPLICATION PRESENTATION</b></p> <p>To consider a report of the Chief Planning Officer on pre-application proposals for new and replacement offices with 3 retail units and to receive a presentation on the proposals</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>	235 - 242

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13			<b>DATE AND TIME OF NEXT MEETING</b> Thursday 16 <sup>th</sup> January 2014 at 1.30pm	

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**Chief Executive's Department**  
Governance Services  
4<sup>th</sup> 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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angela.bloor@leeds.gov.uk  
Your reference:  
Our reference: site visits  
Date 3<sup>rd</sup> December 2013

Dear Councillor

**SITE VISITS – CITY PLANS PANEL – THURSDAY 12<sup>TH</sup> DECEMBER 2013**

Prior to the meeting of City Plans Panel on Thursday 12<sup>th</sup> December 2013, the following site visits will take place:

9.30am		Depart Civic Hall
9.50am	Harewood	Wood Lane Scholes and land east of Scholes – pre-application proposals for residential development of up to 745 dwellings plus new school and commercial uses – depart 10.30am
10.50am	City and Hunslet	Maxis Restaurant 6 Bingley Street LS3 – outline application for demolition of the existing building and construction of mixed use development consisting of office, hotel and retail (class A1,A2 and A3), floorspace and basement car parking – 13/01198/OT – depart 11.20am
11.30am	City and Hunslet	Merrion House Merrion Way LS2 – pre-application proposals for new and replacement offices with 3 new retail units
12.00 noon approximately		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **9.30am**. Please notify Daljit Singh (Tel: 247 8010) if you wish to take advantage of this and meet in the Ante Chamber at **9.25am**.

Yours sincerely

Angela M Bloor  
Governance Officer



## CITY PLANS PANEL

THURSDAY, 21ST NOVEMBER, 2013

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

Councillors P Gruen, D Blackburn,  
M Hamilton, S Hamilton, G Latty,  
T Leadley, N Walshaw, J Cummins,  
M Lyons, A McKenna, J McKenna and  
J Procter

### 99 Chair's Opening Remarks

The Chair welcomed everyone to the City Plans Panel meeting

### 100 Late Items

Although there were no formal late items, the Panel was in receipt of the following additional information in respect of the proposals at Thorp Arch (minute 108 refers) which had been circulated prior to the meeting:

- written representations and images from the resident of Walton Gates
- a planning and infrastructure report and letter from Linden Homes
- written representations on behalf of Samuel Smith Old Brewery (Tadcaster)
- a copy of a presentation by TAG – Thorp Arch Trading Estate Action Group

Panel was also in receipt of a copy of an e-mail from Morley Town Council Planning Committee outlining their concerns about the proposed access arrangements in respect of proposals for a residential development at land at Owlars Farm Wide Lane, Morley (minute 105 refers)

Concerns were raised about the extent of the additional information, particularly the lengthy written objections which had been circulated on the Thorp Arch proposals and that Members were not in a position to consider these. The Chief Planning Officer advised that the issues contained in the objections had been summarised in the report before Panel but that full copies of the objections had been provided for information

### 101 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests, however Councillors J Procter, Lyons and Walshaw brought to the Panel's attention their membership of the West Yorkshire Integrated Transport Authority as Metro had commented on several of the applications being considered

Draft minutes to be approved at the  
Meeting to be held on 12<sup>th</sup> December 2013

Councillor J Procter also brought to the Panel's attention his attendance at meetings of the Consultative Forum in respect of the proposals for development at Thorp Arch (minute 108 refers)

Councillor Leadley brought to the Panel's attention that he was the Chair of Morley Town Council Planning Committee which had made representations on the proposals for land at Owlars Farm, Morley (minute 105 refers)

Councillor M Hamilton brought to the Panel's attention his employment at Leeds University who were referred to in the Heads of Terms relating to the proposals for new student accommodation at City Campus, Calverley Street (minute 107 refers) Councillor M Hamilton advised that he would leave the room when the matter was being discussed

## 102 Apologies

Apologies for absence were received from Councillor Ingham, Councillor Lewis, Councillor Nash and Councillor R Procter who were substituted for by Councillor A McKenna, Councillor Lyons, Councillor J McKenna and Councillor J Procter

## 103 Minutes

**RESOLVED** – i) That the minutes of the City Plans Panel meeting held on 17<sup>th</sup> October 2013 be approved

ii) That the minutes of the City Plans Panel meeting held on 24<sup>th</sup> October 2013 be approved subject to the following amendments:

- Minute 85 – Declarations of Disclosable Pecuniary Interests 'Councillor Leadley also advised that he was the Chair of the Lee Fair Committee which ran the largest and oldest gypsy traveller horse fair in the country' to be amended to read ' Councillor Leadley also advised that he was the Chair of the Lee Fair Committee which ran the largest and oldest gypsy traveller horse fair in Yorkshire'
- Minute 96 –Applications 13/03196/FU and 13/03202/OT – Land off Grove Road Boston Spa – Position Statement ' the land was a Protected Area of Search (PAS) site; was located in the Green Belt and was adjacent to a Conservation Area' – to be amended to read ' the land was a Protected Area of Search (PAS) site and was adjacent to a Conservation Area'
- Minute 96 – as above ' that Members had concerns over the impact on adjacent residents, including the children's hospice, as well as the quality of environment for future residents' – to be amended to read ' that Members had concerns over the quality of amenity for future residents'

## 104 NGT Update

Draft minutes to be approved at the Meeting to be held on 12<sup>th</sup> December 2013

The Head of Planning Services informed Members that discussions had taken place between the NGT Team and the Principal of the Leeds College of Art and that the NGT Team were examining the possibility of altering the design of the proposals at this location

The NGT Team had also met with representatives of the businesses at Pym Street and that three options to address the concerns raised at this location were being worked up, with the involvement of the local businesses

Meetings had also taken place with several of the speakers who raised concerns at the NGT meeting on 17<sup>th</sup> October 2013 and that issues were being progressed

#### **105 Application 13/00902/OT - Outline application for circa 125 dwellings - Land at Owlars Farm, Wide Lane Morley LS27**

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

The Head of Planning Services presented the report which sought approval in outline for a residential development of around 125 dwellings on a Protected Area of Search (PAS) site at Owlars Farm, Wide Lane Morley LS27

Members were informed that the recommendation in the report was in accordance with the decisions taken on two other smaller PAS sites; that the criteria set for the early release of some of the PAS sites was contained within the report; that the site was considered to be in a sustainable location and that the arguments about the Council's land supply were currently being tested in a Public Inquiry

In terms of representations, 207 had been received and receipt of a further representation from Morley Town Council was reported, which stated that the Town Council felt their comments had not been fully represented in the report before Panel

The S106 contributions were policy compliant. The public transport infrastructure sum per dwelling was now £31,161 per dwelling

Members were advised that there would be an impact on the living conditions of existing residents at Bedale Court, but on balance, Officers were of the view that it was appropriate for the site to come forward for development

The Panel heard representations from an objector, Councillor Varley, and from the applicant's agent who provided information which included:

- the impact of the proposals on infrastructure in Morley
- the impact of further development on the health and wellbeing of residents
- highways issues
- that the application complied with the interim PAS release policy
- that the site was sustainable
- the comments made on the site visit about the access; that a graded access would be provided and that conditions on the access would be accepted

Members discussed the application and commented on the following matters:

- that a key component of the outline application – the access arrangements – had not been demonstrated
- the density of the scheme and that a lesser scheme might be more acceptable
- the need for the adjacent buffer zone to be included within the red line boundary
- the need for quality thresholds to be met in terms of design and materials
- the release of PAS sites; the reasons for doing this but the need for such applications to have fully addressed the issues associated with the proposals before coming forward
- that the concerns raised about the access arrangements had been raised by Morley Town Council seven months earlier but had not been addressed
- that Councillor Dawson's objection to the proposals had not been referred to in the report
- the affordable housing contribution, that the offer of a sum towards extra care provision did not require a developer to provide anything extra and that the affordable housing should be on-site, with Ward Members being involved in the discussions on this. The Chief Planning Officer advised that the approach to the affordable housing contribution in this case was consistent with that agreed on two other PAS sites and that there was a need for extra care housing in the area

The Panel considered how to proceed. It was noted that there was some support for deferring determination of the application to enable the access arrangements to be demonstrated. The Panel also noted the comments of the Head of Planning Services who stated he believed that a satisfactory access could be achieved but that further details would be required to be submitted and this might impact on the number of dwellings achievable

**RESOLVED** - To defer and delegate approval of the application to the Chief Planning Officer, subject to achieving satisfactory access arrangements; the inclusion of the adjacent buffer strip within the red line boundary; subject to the conditions set out in the submitted report and any other conditions which may be required; consultation with Ward Members on the affordable housing provision and following completion of a Section 106 Agreement to cover the following matters:

- 15% provision of affordable housing on site or a financial contribution towards provision of affordable extra care provision off site
- public transport infrastructure £1,161 per dwelling
- travel plan management fee £2,700
- residential metrocard scheme £572.55 per dwelling
- Metro, bus stop improvements £40,000
- management fee £4,000
- education contribution £4,763 per dwelling
- local training and employment initiatives during the construction of development

- greenspace contribution - provision of N2.1 greenspace on site and payment of £1,511 per dwelling towards off site greenspace enhancements for N2.2 and N2.3
- off site highway works – parking restrictions in the general vicinity of the junction and works for a bus clearway

In the circumstances where a 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. In the event the access arrangements cannot be satisfactorily resolved, then the application would be reported back to Panel for determination

**106 Application 13/03647/OT - Outline application to erect mixed use development with hotel, residential, A2/A3/A4/A5/B1/D1 uses and car parking - Land at Globe Road and Water Lane Holbeck LS11**

Plans, photographs and graphics were displayed at the meeting. Officers presented a report seeking approval of an outline application for a mixed use development at Globe Road and Water Lane which was situated in the Holbeck Urban Village. Members were informed that a previous application for a mixed use development had been granted in 2006; an extension of time granted in 2010 and that the scheme before Panel was based upon the same scheme which had been granted approval in 2006

Members were advised that the independent review of the submitted wind study had now been received and had concluded that the development was unlikely to cause a nuisance and that the wind conditions were expected to be suitable for the intended use of the site. Detailed matters relating to landscaping treatment, including the location of seating areas and the entrance locations would be controlled by condition

Members commented on the following matters:

- the education contribution and whether this should apply to dwellings of two bed and over rather than three bed and over. Members were informed that the proposed accommodation type where education contributions would be required had been specified by Children's Services. Members asked that for future schemes, this be given further consideration
- the need for clarity on the jobs and skills and local employment the scheme would provide; the need for Ward Members to be involved in discussions on this together with developers and officers, with concerns that the current system might not be prioritising local people for jobs being created
- that the possibility of a hotel on the site afforded further opportunities of employment and there was a need to include this component as well as the construction jobs the scheme would create
- that the Officer presentation lacked details about the wider Holbeck Urban Village area and the relationships with the proposed development. Members were informed that every cleared site in Holbeck Urban Village had a planning permission;

that the graphics shown helped to indicate the scale of the proposals and how this related to other approved schemes and that routes and connections were carefully considered

- drainage, in view of the proximity of areas prone to flooding. Members were informed that a flood risk assessment had been submitted and agreed and that conditions relating to drainage were proposed
- the Council's approach to affordable housing in view of a recent ruling by the Planning Inspector. The Panel's legal adviser stated that the Inspector had been unhappy with the Council's approach to setting affordable housing targets in an SPD, so this would need to be revisited. However the affordable housing provision accorded with the current interim targets in SPD and would be set for two years and in the event the permission had not been implemented, it would be at whatever level which applied after that time
- design and the need for the new buildings to complement the existing landscape

**RESOLVED** - To defer and delegate to the Chief Planning Officer for approval subject to the specified conditions in the submitted report, additional conditions relating to ensuring a satisfactory wind environment (and any others which he might consider appropriate) and the completion of a Section 106 agreement to cover the following:

- 5% affordable housing to be provided split as 60% submarket and 40% social housing or provided in line with relevant policy at the time of construction if not commenced within two years
- developer contribution to be spent on associated public realm works in conjunction with the Holbeck Urban Village Framework – anticipated to be between £1,686,700 to £2,106,700 (dependent on mix/type of uses); this includes deduction of funds to provide surfacing/landscaping improvements to the tow path adjacent to the site at the northern boundary
- travel plan measures and monitoring fee of £4,940
- public transport contribution of £250,169
- bus stop facility provided along Globe Road or Water Lane at £26,000
- £30,000 contribution to Car Club and provision of two dedicated (Car Club) parking spaces within the development
- local employment and training clause including maximising future employment opportunities related to the proposed hotel use
- public access maintained and improved through the site including the linkage of Water Lane, Globe Road and the southern footpath of Leeds-Liverpool canal
- provision and costs of traffic regulation order
- reasonable endeavours undertaken to link plot 1 to the high level viaduct walkway should this be developed
- education contribution (if 3 bed and over flats incorporated into the design)



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

**107 Application 13/04581/FU - Two new student buildings, retail unit and public space - City Campus Calverley Street LS1**

Prior to consideration of this matter, Councillor M Hamilton withdrew from the meeting

Further to minute 48 of the City Plans Panel meeting held on 29<sup>th</sup> August, where Panel considered a pre-application presentation on proposals for new student accommodation buildings at Calverley Street, Members considered the formal application for a 465 student bedroom development in two blocks together with retail use (A1/A3 or A5) of 144 sqm

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

Officers presented the report; outlined the application and explained the layout of the accommodation which comprised 77 studio flats and 388 clusters, which provided for up to 6 beds per cluster with a shared living space

Members were informed of numbers of students in Leeds; the type of accommodation they lived in and stated that research had indicated students preferred modern, purpose-built accommodation which was close to where they studied

In terms of materials, primarily glass and concrete were proposed. Double height expressed structural grids would be used on the side elevations and pre-cast concrete panels on the gable ends with some additional detailing to the concrete cladding to add a further layer of texture. The landscaping would be a mix of hard and soft and the grassed areas would fully work with the changing levels on the site to provide undulating lawns

Members commented on the following matters:

- the suitability of cluster flats
- the lack of analysis in the report on the study produced by the applicant in response to the policy introduced in September to manage the delivery of student housing, and that the comments of Unipol and Renew would have been welcomed on the application. The Chief Planning Officer accepted that further information should have been provided in the report but stated there had recently been a significant increase in the number of students attending the universities this year
- the outcome of the cross-party working group which had examined student accommodation in the City and that no reference had been made to this in the report
- the total number of students living within this area if these proposals went ahead. Members were informed that taking into account the first phase of the scheme, the accommodation currently being constructed, the bedspaces in the former BBC

development and the application being considered, there would be approximately 1500 – 1600 students residing in this area

- the number of bedspaces in schemes which had not yet been implemented, with Officers advising that not counting accommodation proposals at Trinity and All Saints, there were 2384 student bedspaces with extant planning permission
- the space between the two blocks; that this created an unattractive and bleak area and concerns about the wind levels on the site, particularly in this area. Members were informed that Officers were awaiting a response from the Council's wind expert regarding the acceptability of the submitted wind report
- disappointment that the character and prominence of the Civic Hall were being eroded through the new developments which were surrounding it
- tree loss and the need for Councillor Nash to be consulted on the species of the 33 replacement trees being provided
- the suitability of the location for student accommodation and the highly sustainable nature of the site
- the landscaping and whether what was being proposed was appropriate for how it would be used
- the design of the proposals, in particular whether the gable ends, was the best which could be achieved in such an important location

The Panel considered how to proceed, with a proposal made to defer determination for one cycle to enable further information to be provided on the issues raised by Members

Following an equality of votes to agree the recommendation or to defer the application for further information, the Chair, whilst originally minded to support the Officer's recommendation agreed to defer final determination of the application to the 12<sup>th</sup> December meeting

**RESOLVED-** That determination of the application be deferred for one cycle and that the Chief Planning Officer be asked to submit a further report which included information on the issues raised by Members

Following consideration of this matter, Councillor M Hamilton resumed his seat in the meeting

**108 Application 13/03061/OT - Outline planning application for residential development with associated parking, landscaping, primary school, village centre, retail development, sports pavilion, play area, amenity space and associated off site highway works at Thorp Arch Estate Wetherby LS23 - Position Statement**

Further to minute 75 of the City Plans Panel meeting held on 26<sup>th</sup> September 2013, where Panel considered a report on proposals for a major residential development together with parking, landscaping, primary school, village centre, retail development and sport and leisure facilities at Thorp Arch Estate Wetherby, Members considered a further position statement

Plans, photographs, graphics and a model showing how the relief road would work in relation to the Sustrans route were displayed at the meeting

The North East Area Planning Manager presented the report and advised that the additional written representations which had been circulated were to provide Members with some context in view of the prospect being raised in this information of a legal challenge if the Council was to grant planning permission for the scheme

Members were also informed that the Environment Agency had indicated they had no objection to the proposals, subject to conditions and that Yorkshire Water had withdrawn their objection to the scheme, also subject to conditions being imposed. Other objections had been received since the report had been published but that these did not raise any new issues which had not already been dealt with and summarised in the report before Panel

In terms of the status of the land, Members were advised that it was the view of Officers that the site was brownfield, with this being based on the NPPF guidance and the Inspector's report in 2006. In the event this was incorrect and that the site was a mixture of brownfield and greenfield land, this did not necessarily count against the principle of development

It was noted that the site was in a relatively isolated location in the context of Leeds; that there was emerging policy which prioritised housing development and that the Council needed to ensure it had a 5 year housing land supply. When considering the application, Members would need to be satisfied that what was being proposed was a sustainable form of development and that adequate mitigation against the impacts of the development would be provided

The proposals were for a residential development of up to 2000 dwellings located in three areas across the site, provision of a local centre; a primary school to be housed in an existing building and areas of open space

In response to issues raised at the meeting on 26<sup>th</sup> September 2013, Members were informed that:

- that the applicant had calculated and verified that it would take 14.8 years to develop the 2000 dwellings
- that measures including double glazing would be offered to the resident of Walton Gates to mitigate against the impact of the proximity of the relief road to his property
- on whether the application was premature, that the legal advice was that this was not the case
- that affordable housing at 35% would be provided, with this being 221 dwellings on site, comprising 161 dwellings and a 60 place extra care facility and a commuted sum of £25.5m in lieu of the remaining 479 affordable units. Members were advised that Officers were continuing to consider the level of the commuted sum to see if this was sufficient
- ecology issues and the exact level of new grassland being provided, with some disagreement between the applicant and Officers on this
- the reinvestment into the retained industrial land and that as part of the S106 Agreement, a list of projects would come forward for funding on an annual basis

In terms of the phasing of the proposals, the first phase would see the delivery of the relief road, some housing and the first stage of the primary school

On the issue of the relief road, there had been much discussion on the creation of an appropriate access to the new settlement and the employment land which would not impact on Thorp Arch

The Transport Development Services Manager outlined the proposals and stated that one of the main issues was a restricted movement junction proposed at Church Causeway and that the Highways Authority had concerns about this in terms of safety and that amendments to this junction would be required. Officers had requested a safety audit to be carried out, whilst still considering other options potentially including grade separation, traffic signals with restricted movements or bus gate

In relation to the junction of the relief road with Wood Lane, there were issues as Wood Lane was rural and had no footways or lighting and that there was a proposal for a one way plug at the end of Wood Lane, to provide a significant reduction in the amount of traffic through Thorp Arch

The bridge widening over the motorway had now received support from the Highways Agency and this would allow two lane access into the roundabout. There were also issues outstanding relating to pedestrian accessibility and the need to ensure the site was sustainable and had appropriate links, which would include the need for footway widening works; dropped crossings; tactile surfacing and street lighting

Members were referred to paragraph 11.1 of the submitted report which listed the outstanding matters and were asked if any other issues should be included for consideration

The Chair advised that although only a position statement, on this occasion public speaking would be allowed, with three objectors being given up to 10 minutes in total to address the Panel, with the applicant's representative being afforded the same amount of time

The Panel heard representations from a local resident, the Chair of Thorp Arch Parish Council and the Chair of the Thorp Arch Trading Estate Action Group and from the Project Manager on behalf of the applicant who addressed Members and provided information which included:

- the impact of the proposals on the residential amenity of residents at Walton Gates
- issues of noise disturbance and visual intrusion from the relief road
- the need for low noise surfacing treatment to be used in the construction of the relief road
- that the Consultative Forum had not consulted Thorp Arch Parish Council and that Thorp Arch Parish Council's views on the proposals had been misrepresented
- highways issues and the impact of the relief road on Thorp Arch
- that the site was not suitable for development until it could be proved that a relief road would work
- that in 2006 the Inspector had deemed the site to be unsustainable and that nothing had changed since then
- that to realign a relief road over Ministry of Justice land would split Thorp Arch in two

- the level of work undertaken to mount an objection to the development of the site
- that there would be a 700% increase in traffic at Thorp Arch
- the lack of access by foot or public transport and the inadequacy of the bus offer
- the ecological issues associated with the site and concern about the mitigation measures proposed
- the fact that the site was contaminated
- that based upon the Inspector's conclusions in 2006, that no housing development was appropriate on the site
- that originally a smaller development was proposed but that the Council had encouraged a more extensive development to be considered, resulting in the current proposals
- that the proposals directed traffic away from Thorp Arch and Walton, improved bus services; would safely remediate a brownfield site; provide much needed new homes and employment opportunities
- that low impact tarmac would be used
- that the developer would continue to work with all of the Parish Councils

Members discussed the proposals and commented on the following matters:

- the diverse and unique nature of the existing grassland and the length of time taken before the new grassland would have similar ecological value
- remediation measures
- the impact of the proposals on Walton Gates and the mitigation measures proposed
- the willingness of the three Parish Councils to engage on a regular basis in meetings of the Consultative Forum and the extent of the work by all concerned
- the housing targets in Leeds; the difficulties all Councillors had faced when considering the Site Allocation process and the proactive work which had been undertaken in Wetherby
- the different views in the area about the extent of development which would be needed in the Outer North East; that proposals for Spofforth Hill could yield 243 dwellings but that 4000 were needed in this area
- the view of the Chief Planning Officer that the original application for 940 houses on the site could be lost at appeal in the event it was refused and the importance of the Consultative Forum in seeking to have some control and input into the developments which would be coming forward, together with an acceptance that there was a view in the community that no engagement with developers should take place
- the extent of the highways issues to be resolved and the difficult local road network, particularly narrow country roads
- that the applicant had consulted with the community

- that all Wards had to accommodate further housing development; that the site was not Green Belt but there were many other sites in this area which were in the Green Belt which would be attractive to developers and where development might be difficult to resist if the need for further housing could be demonstrated
- the need for further traffic modelling of the proposed relief road to be undertaken and that information relating to traffic flow, figures and options should be provided

In summing up, the Chair requested that additional information be provided on the major issues and that the figures being provided should be those accepted by the applicant and the objectors

**RESOLVED** - To note the report, the presentation, the comments now made and to note the additional information requested by Members prior to considering the application for determination

During consideration of this matter, Councillor Leadley left the meeting

**109 Preapp/13/00924 - Outline planning application for the erection of residential development (approximately 270 dwellings), open space and associated infrastructure - Land off Great North Road Micklefield LS25 - Pre-application presentation**

The Chair informed Members that the pre-application presentation on proposals for a residential development on land at Great North Road Micklefield was withdrawn from the agenda as the developer felt the proposals were not ready to be presented to Panel

**110 Application 13/02771/OT - Outline planning application for the erection of residential development, landscaping, open space and incorporating new access (layout, appearance, landscaping and scale reserved) - Land off Great North Road Micklefield LS25 - Position Statement**

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

Officers presented a report setting out the current position on outline proposals for a residential development, landscaping, open space and access on land off Great North Road Micklefield. An illustrative layout plan was also provided which showed the houses fronting to the street and back gardens being provided to all properties

Members noted the large mature trees which were on site and were informed that one tree was in a very poor state of health and could potentially be removed, with replacement planting being provided

The Chief Planning Officer informed Members that the land to the north and south of the site were in the ownership of two other land owning interests and that there could be some benefit to meeting with all the three parties to

discuss issues which would be common to all three sites, particularly highways issues

In terms of the public transport 'ask, the proximity of Micklefield Station was noted and it was felt that a more frequent service to Leeds should be considered

In response to the other matters raised in the report, the Chair in summing up stated there were no concerns about the layout of the proposals on the illustrative masterplan; the approach to landscape design and provision of greenspace or residential amenity and the relationships between properties

**RESOLVED** - To note the report and the comments now made and to welcome the suggestion of further discussions with neighbouring landowners about issues common to all three sites

During consideration of this matter, Councillor Cummins and Councillor Lyons left the meeting

**111 Preapp/13/00594 - Proposal for 113 residential units on land at former Yorkshire Chemicals site between River Aire and Leeds Liverpool Canal - Pre-application presentation**

Plans, photographs, graphics including a fly through of the street scene and the interior of one of the properties were displayed at the meeting. A Members site visit had taken place earlier in the day.

Members considered a report of the Chief Planning Officer introducing pre-application proposals for 113 residential units on land at the former Yorkshire Chemicals site. Panel noted that the site had formed part of a wider redevelopment site which was granted approval in 2011 but had not been implemented

Members received a presentation on the proposals from representatives of ID Planning, the agents and Strata Homes, the applicant  
Members were informed that:

- the site was a brownfield site and was in a sustainable location
- that the previous consent for the site was not now viable and that a smaller scheme, comprising 113 maisonette-type dwellings was proposed
- that affordable dwellings were proposed and would be aimed particularly at those entering the property market
- a significant amount of public open space was being provided and an ecology meadow, with no public access would be provided to enhance the biodiversity of the site
- the proposed maisonette blocks would create a positive active frontage with dwellings benefitting from the views of the canal and river
- living accommodation would be provided on the first floor with french doors leading to balconies, so good levels of surveillance would be achieved
- a high quality landscaping scheme would be provided, with the use of native species

- the main materials would be brick and artificial stone with some metal arch features to add interest. The varying roof lines would also add interest
- that some remediation measures would be needed and that capping was being considered
- that the scheme was a new product for Leeds; had been successfully developed in several other areas, including Barnsley, Wakefield, Hull and Derby with the properties proving very popular, with many of these being sold 'off plan'

Members commented on the following matters:

- that the principle of the use of the site for residential use remained acceptable
- in respect of the unusual form of housing in this location, there were mixed views about the type and restricted size of private amenity space for the majority of the units. It was recognised that conventional housing would probably not be viable but that some concerns existed about the size of the dwellings and the blandness of the design of the blocks, with the importance of attention to detail and use of materials being stressed
- the Ward the site was located in, with the view that it was situated in the Armley Ward and not City and Hunslet as stated in the report
- the access arrangements to the towpath
- the parking provision and that good surveillance of this would be achieved
- the need for stone finishing materials to be provided along the towpath
- the access arrangements to the site and whether the highway proposals would work
- the need for the scheme to be different on this site compared to the other schemes delivered elsewhere; that similar developments could look artificial and transplanted and that a more contemporary design might be more appropriate
- the Council's 5 year land supply and where the site sat in terms of this. The applicant's agent stated that as there was an extant permission on the site, it would have been included within that 5 year land supply
- the Public Inquiry into Kirklees Knowl, and where the site sat in terms of the agent's submission to the Inspector. The applicant's agent advised that the original scheme would have been discounted out of the 5 year land supply and in response to a question from the Panel, the applicant stated that if planning permission for the 113 units was obtained, it would be possible for the units to be built out within 24 – 30 months
- that further discussions should take place with Children's Services about the need for education contributions as the 2 bed form of dwelling was considered unlikely to be attractive



to families with children and that a study undertaken by Strata Homes showed that of the 133 units of this type already constructed, only 3 had families

- views of the warehouse at the eastern boundary of the site need to be screened

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

Towards the end of discussions on this matter, Councillor Gruen, Councillor M Hamilton and Councillor Latty left the meeting

**112 Preapp/13/00990 - Office scheme up to 11 storeys with ancillary ground floor active uses - Former Lumiere Development site , land bounded by Wellington Street and Whitehall Road LS1 - Pre-application presentation**

Plans, photographs and graphics were displayed at the meeting

Members considered a report of the Chief Planning Officer on pre-application proposals for an office development, with ancillary ground floor active uses including a winter garden on land bounded by Wellington Street and Whitehall Road, at the site of the former Lumiere scheme

It was noted that the site had been considered by Panel in March 2013 for a hybrid office and hotel development but that the land had been sold and a revised scheme was now sought

Members received a presentation on the proposals from the applicant's architects and were provided with the following information:

- that the freehold of the site had been purchased by their client who was seeking to attract high quality international office tenants
- that large, flexible floorplates were required which would also provide break out facilities
- that the site provided good connections and the proposals would strengthen these
- that a new landscaped publicly accessible winter garden would be provided and covered by a large sloping glass wall. The building would also provide semi-public and private space for visitors and employees, with the private spaces being included at all levels, including the roof
- two basement levels of car parking would be provided, with 128 car parking spaces and cycle storage facilities with showers/ lockers etc
- there would be a 3m set back to the active frontages
- a simple hard landscaping scheme would be provided using granite setts rolled out across the whole site. An innovative use of planting would provide a vertical landscaped treatment of seven storeys in height within the winter garden
- a BREEAM 'excellent' rating was being sought
- it was anticipated that between 1600 – 2000 jobs would be created through the development

The Chair welcomed the quality of the presentation, with Members commenting on the excellent design of the proposals

Concerns were raised about the removal of bus stops on Wellington Street which had been deemed necessary to facilitate the Lumiere development and Officers were asked to investigate the possibility of these stops being returned

In summing up, the Chair stated that there were positive comments on all of the issues referred to in the report where Members' views were sought and that the scheme was welcomed

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

### **113 Date and Time of Next Meetings**

Tuesday 10<sup>th</sup> December 2013 at 1.00pm in the Civic Hall Leeds  
Thursday 12<sup>th</sup> December 2013 at 1.30pm in the Civic Hall Leeds



Originator: Jillian Rann

Tel: 0113 222 4409

## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 21<sup>st</sup> November 2013

#### Subject:

1. Application 13/01640/OT – Outline application for part demolition and alteration of existing buildings and erect extensions to form new and enlarged retail units, Class A1, A3, A5, D2 (Cinema); alterations to existing and creation of new public realm and landscaping; alterations to existing vehicular access and creation of new vehicular, pedestrian and service accesses; alterations to car park configuration; infrastructure and associated works – White Rose Shopping Centre, Dewsbury Road, Morley, Leeds, LS11 8LU.
2. Application 13/02684/FU – Demolition of existing buildings and redevelopment of site for use as car parking, with improvements to access, landscaping works and enhancements, new culvert to Cotton Mill beck and upgrading of existing pedestrian crossing and associated works – Land south of White Rose Shopping Centre, Dewsbury Road, Morley, Leeds, LS11 8LL.

#### APPLICANT

Ravenseft Properties Ltd

#### DATE VALID

10<sup>th</sup> April 2013 &  
20<sup>th</sup> June 2013

#### TARGET DATE

20<sup>th</sup> December 2013

#### Electoral Wards Affected:

Morley North  
Morley South  
Beeston and Holbeck

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

##### 13/01640/OT

**APPROVE** the application in principle and **REFER** the application to the Secretary of State as the application needs to be considered jointly with 13/02684/FU which, if approved, would represent a departure from the adopted Development Plan. In the event of the Secretary of State not wishing to intervene, Members are further recommended to **DELEGATE** final approval to the CPO subject to the conditions

**specified (and any others which he might consider appropriate) and the completion of a legal agreement covering the following obligations:**

- Public transport infrastructure contribution (PTIC) of £672,510 – Please note that it is proposed for this contribution to be paid over three instalments and the cost of the Bus Station Enhancements and the Step Free Access Scheme identified below are included within the contribution.
- Travel Plan Monitoring Fee - £5,000;
- Bus Station Enhancement Scheme - the cost of which shall not exceed £40,000 (cost included within PTIC);
- Landscaping contribution – £25,000;
- Step Free Access Scheme between WRSC and WROP - the cost of which shall not exceed £130,000 (cost included within PTIC);
- Cycle Path Contribution - the sum of £47,500 for the purpose of providing a cycle path along Dewsbury Road;
- Travel Plan Contingency Fund - the sum of £400,000; and
- Employment and Training Scheme – As identified in the Updated Employment Strategy submitted in support of the outline planning permission.

*In the circumstances where the Sec.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.*

#### **13/02684/FU**

**APPROVE** the application in principle and **REFER** the application to the Secretary of State as the development represents inappropriate development in the Green Belt, and as such approval is a departure from the approved Development Plan. In the event of the Secretary of State not wishing to intervene, Members are further recommended to **DELEGATE** final approval to the CPO subject to the conditions specified (and any others which he might consider appropriate) and the completion of a legal agreement to include:

- Undertaking from the developer that no further applications are to be submitted for the development of the land to which this application relates for a period of 5 years from the date of the decision.

*In the circumstances where the Sec.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.*

**It is intended that the obligations listed above would be covered by a single legal agreement covering the two sites, rather than in separate agreements for each application.**

#### **CONDITIONS: 13/01640/OT**

1. Reserved matters covering scale, access, appearance, layout and landscaping to be submitted.

2. Reserved matters to be submitted within specified timescale, implementation within timescale.
3. Development to accord with approved plans.
4. Development to be carried out in accordance with parameter plans.
5. The uses hereby permitted shall be limited to the following Gross Internal Areas:
  - a. Retail (Class A1) – 11,048m<sup>2</sup>
  - b. Cinema (Class D2) – 4136m<sup>2</sup>
  - c. Restaurants/catering units (Class A3/A5) – 2322m<sup>2</sup>
6. Of the 11,048m<sup>2</sup> A1 floorspace hereby permitted, 5864m<sup>2</sup> gross internal area shall be provided as an extension to the existing unit identified as 'Primark' on drawing (20) AP300, forming a unit of not more than 9291m<sup>2</sup> gross internal area.
7. Of the 5864m<sup>2</sup> additional gross internal area referred to in condition 2, not more than 3994m<sup>2</sup> shall be used as net sales area [definition of 'net sales area' to be included as an informative note].
8. Of the 11,048m<sup>2</sup> A1 floorspace hereby permitted, 3326m<sup>2</sup> gross internal area shall be provided as an extension to the existing unit identified as 'Debenhams' on drawing (20) AP300, forming a unit of not more than 15,148m<sup>2</sup> gross internal area.
9. Neither of the larger units formed as a result of the extensions to the units identified as 'Primark' and 'Debenhams' on drawing (20) AP300 and referred to in conditions 2 and 4 shall be subdivided either vertically or horizontally at any point.
10. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or re-enacting that Order with or without modification) the approved retail floorspace referred to in conditions 2 and 4 shall not be used for the sale of convenience goods, except where such sales are ancillary to the use of the units for the sale of comparison goods.
11. Of the 11,048m<sup>2</sup> A1 floorspace hereby permitted, the 1858m<sup>2</sup> which does not fall within the extensions to the units identified as 'Primark' and 'Debenhams' on drawing (20) AP300 (as defined in conditions 2 and 4) shall be provided as an extension to the existing north eastern mall entrance as shown on this drawing. This extended mall entrance shall be formed of no more than five units, of which none shall exceed 700m<sup>2</sup> gross.
12. The 2322m<sup>2</sup> gross A3/A5 floorspace hereby permitted, as referred to in condition 5, shall be formed of units of which all shall be a minimum of 520m<sup>2</sup> gross internal area.
13. Phasing of development in relation to the provision of the off-site car park, and linking the off-site car park to the WRSC, preventing its severance from the Centre or its separate sale, lease or occupation [timescales/phasing to be agreed].
14. Surface water drainage details
15. Details of any measures to divert sewers affected by the development.
16. Development to be carried out in accordance with submitted flood risk assessment
17. Surface water to be passed through oil interceptor.
18. Former coal mining site investigation and any necessary mitigation.
19. The reserved matters application for the development shall include the provision of no fewer than 4,697 parking spaces across the site, including the parking spaces within the off-site car parking area approved under application 13/02684/FU.
20. Off-site highway works pre-occupation

21. Provision for contractors during construction
22. Four electric vehicle charging points to be provided.
23. Improvements to Cotton Mill Beck to be submitted to and approved by LPA and then implemented in accordance with agreed timescale.
24. Contaminated land studies and remediation statements if found to be necessary.
25. Amended remediation statement if necessary/unexpected contamination
26. Remediation verification report.
27. Sustainability measures
28. Retention of existing trees
29. Protection of retained trees during works

#### CONDITIONS 13/02684/FU

1. Time limit for implementation
2. Approved plans
3. Phasing of the provision of the car parking relating to the loss of spaces at the White Rose Centre and the first occupation of the new developments permitted under application 13/01640/OT, and preventing the severance of the car park from the Centre in the future.
4. Scheme for security measures to car park and to pedestrian route linking it to the centre, including a plan of the route, details of lighting, CCTV and other measures.
5. Coal – site investigation and any necessary remediation
6. No development, demolition or site clearance until bat licence submitted and approved.
7. Biodiversity protection and enhancement plan, including details of culvert design.
8. Samples of materials for culvert.
9. Oil interceptors
10. Surface water drainage scheme
11. Development to be carried out in accordance with FRA.
12. Access onto Dewsbury Road only to be used in the event of an emergency, as an evacuation route in the event of flooding, and shall not be used as an entrance or exit route for staff using the car park.
13. Closing redundant accesses onto Dewsbury Road.
14. Use of off-site car park shall not commence until two controlled pedestrian crossings have been provided on the route between the car park and the shopping centre: one on the perimeter road between the car park and the Sainsbury's petrol station, and one on the internal circulation road (as shown on plans). Details of both to be submitted and approved prior to their implementation.
15. Contaminated land studies and remediation statements as necessary.
16. Amended remediation statement if necessary/unexpected contamination
17. Remediation verification report.
18. Retention of existing trees
19. Protection of retained trees during development

20. Retention of tree screens along western and southern boundaries for the lifetime of the development
21. Landscaping scheme and implementation, including surfacing materials, boundary treatments and tree pit details.
22. Landscape management and maintenance plan
23. Replacement of any tree that dies etc. within 5 years.

## 1.0 INTRODUCTION:

- 1.1 These applications are brought to Plans Panel as they propose a significant major development and a departure from the Development Plan in relation to the provision of additional out-of-centre floorspace at the White Rose Shopping Centre (WRSC) and the provision of car parking on an adjacent site which is in the Green Belt. The proposals consist of two applications: an outline application for the additional floorspace, and a full application for the change of use and redevelopment of the former office building and scrap yard site to the south to provide staff car parking for the extended centre.
- 1.2 A pre-application presentation was made to City Plans Panel on 25<sup>th</sup> October 2012, and a position statement was subsequently presented to Members on 1<sup>st</sup> August 2013, following the submission of the two applications. The minutes of these two Plans Panel meetings are attached below at Appendices 3 and 4 respectively.

## 2.0 PROPOSAL:

- 2.1 The proposals for the centre itself and for the off-site car parking have been submitted as separate applications, however the car park scheme forms an integral component of the proposals for the extended shopping centre, and the two applications are therefore being considered together. The key aspects of each are summarised below.

### A) Application 13/01640/OT – Extensions to WRSC and associated works

- 2.2 The proposals for the WRSC can be divided into the following four main elements:
  - a) Debenhams extension and additional retail units
  - b) Primark extension
  - c) Cinema
  - d) Additional catering units

All floor areas quoted below relate to the gross internal floor area rather than net retail floor areas.

- 2.3 Debenhams extension and additional retail units (all figures gross floorspace)  
The first of the four key development zones relates to the area to the east of the existing Debenhams store at the northernmost end of the centre, where it is proposed to provide an additional 3,326m<sup>2</sup> of floorspace for the Debenhams store over two levels.
- 2.4 It is proposed to provide 3 new, smaller, single storey A1 retail units (with a combined floor area of 1,858m<sup>2</sup>) to the south of the proposed extension to Debenhams, extending the existing mall entrance at this point further to the east.

### Primark extension

- 2.5 This element of the proposals consists of a three storey extension to the east of the existing Primark store in the middle portion of the centre. The two lower floors of the proposed extension would provide an additional 3,994m<sup>2</sup> of A1 floorspace for the Primark store, whilst the top floor would provide additional storage and 'back of house' provision for the unit, amounting to around 1,870m<sup>2</sup>.

### Cinema

- 2.6 An extension of 4,136m<sup>2</sup> is proposed to the west of the centre, to the north of the existing entrance to the food court area, this will introduce a new cinema (D2 use) with up to 12 screens and around 1,920 seats.

### Additional catering units

- 2.7 To the south of the proposed cinema, on either side of the existing food court entrance, it is proposed to provide a further 2,322m<sup>2</sup> of additional catering units (A3/A5 use). These would connect to existing catering units which have already been granted permission in this area as discussed below, and which are currently under construction.
- 2.8 The application is in outline, with all matters reserved, but is accompanied by a series of parameter plans identifying the main components of the scheme. These are intended to provide sufficient certainty over what is proposed to allow the implications of the development to be fully assessed and the key design principles to be established whilst retaining the flexibility to allow more detailed design and layout matters to be finalised once the final operational requirements of each tenant are known. The plans include:

- Identification of development 'zones' for each extension. These show the maximum extent of the area within each zone which would be constructed, based on plans indicating the minimum and maximum extent of elevations and the degree of variation in each of these.
- Plans showing the minimum and maximum height of each of the proposed extensions/buildings in relation to the existing building.
- Areas where demolition and remodelling are proposed and areas where parking spaces and trees would be lost and access routes would need to be reconfigured.
- Key vehicle, pedestrian and cycle routes, positions of cycle parking and taxi drop-off locations.
- Customer entrances, canopies and areas of public realm around these, defining minimum and maximum dimensions for each of these areas, and new tree planting.
- Indicative elevations have also been provided, showing areas of fenestration and main frontages.

- 2.9 The proposed extensions would be constructed on areas of existing parking, leading to the loss of around 670 of the centre's existing 4,697 spaces. Prior to the submission of the application, discussions were held with the developer regarding the re-provision of some parking on site in the form of decked car parking, however, the submitted details advise that for viability reasons, this proposal this has not been brought forward as part of the application. It is now proposed instead to re-provide the lost spaces through a combination of reconfiguring some areas of existing parking on site, and the provision of 574 staff car parking spaces on the area of land to the south as part of the accompanying application, the details of which are below.



- 2.10 As the application is in outline only at this stage, the reconfigured parking layouts have not been finalised, as these will depend on the final position of each of the extensions (within the development 'zones' identified on the parameter plans). However, the applicants have confirmed that while it is not proposed to provide additional parking in association with the additional floorspace proposed, they will, as a minimum, re-provide all of the existing spaces lost. There would therefore be no net reduction in the number of parking spaces across the wider site (including the off-site staff car park) as a result of the development.
- 2.11 A travel plan has been submitted, which includes measures to promote the use of public transport and other means of travel by staff and customers. This aims to achieve a significant shift from car-based travel to alternative modes of transport and to thereby minimise the impact of the development in terms of traffic generation, parking demand and environmental impacts. The scheme also includes a number of supplementary measures in conjunction with the travel plan, including improvements to the on-site bus station and to pedestrian links between the bus station and the adjacent White Rose Office Park, and the provision of a contribution towards a new stretch of cycle route along the site frontage, together with a car park management plan for the site.
- 2.12 A public transport contribution has also been requested as part of the scheme. At this stage, it is likely that this would be used to provide improvements to bus services between the centre and surrounding areas, including Beeston, Hunslet, Middleton, Belle Isle and Morley.
- 2.13 The applications are accompanied by a range of other supporting documents, including:
- Transport Assessment
  - Draft Employment Strategy
  - Flood Risk Assessment
  - Retail/Economic Impact Assessment (supplemented by additional information in response to representations received during the application)
  - Sustainability Statement
  - Contamination and Coal Mining Risk Assessment Studies
  - Statement of Community Involvement.
- 2.14 A screening opinion was carried out prior to the submission of the application, and concluded that an Environmental Statement was not necessary for the development.
- 2.15 The application also specifies Heads of Terms for a Section 106 Agreement to cover the following issues:
- Public Transport contribution
  - Travel plan and monitoring fee
  - Improvements to on-site bus station
  - Local employment and training scheme
  - Contribution of £25,000 towards landscaping enhancement to the area outside the houses on the opposite side of Dewsbury Road to the east of the site.
  - Improvements to the pedestrian link between the bus station and the adjacent White Rose Office Park site.
  - Contribution of £47,500 towards the provision of a new cycle route along part of the Dewsbury Road frontage to the east of the site.

- 'Contingency fund' of £150,000 for the carrying out of improvement works to the Arlington Roundabout in the event that Travel Plan targets are not met and the traffic impact of the development is therefore greater than anticipated.

## **B) Application 13/02684/FU – Off-site staff car park**

- 2.16 In connection with the main application, it is proposed to provide 574 staff car parking spaces on the site of the former breaker's yard and office building to the south, including the demolition of all buildings on these sites. Access is proposed from the WRSC's southern perimeter road via an existing entrance, which would be widened and extended by providing a culvert across Cotton Mill Beck. The existing vehicular entrance from Dewsbury Road into the north eastern part of the site is to be closed off. The access from Dewsbury Road in the south eastern part of the site is proposed to be retained, although the submitted details confirm that this would only be used for emergency access/egress, for example in the event of flooding, and would be barrier-controlled to prevent its use by staff.
- 2.17 Pedestrian access from the car park to the Centre would lead across the perimeter road, where a new pedestrian crossing is to be created, through the car park to the east of the Sainsbury's petrol station, across the car park access road, where the existing zebra crossing is proposed to be upgraded to a pelican crossing, and towards the mall entrance in the south eastern part of the Centre. The submitted details advise that the pedestrian route through the car park would be covered by CCTV and other security measures.
- 2.18 Some trees and areas of vegetation are proposed to be removed to facilitate the provision of the culvert across the beck, and a pedestrian access through the centre of the site, however the majority of the existing trees and vegetation are proposed to be retained and supplemented with additional planting within the car parking areas. It is proposed to remove areas of hardstanding in the eastern part of the site, adjacent to Dewsbury Road, and to carry out earthworks to provide a grassed embankment along this frontage, which would include tree planting to provide screening of the car park from Dewsbury Road.
- 2.19 Details submitted with the application confirm that the off-site car park is intended for use by staff only, as part of the car park management strategy for the Centre which seeks to direct staff parking to more remote car parks, retaining the more convenient car parks for customer use, and to reduce car-based travel among staff in conjunction with the aims of the Travel Plan.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The WRSC is a substantial retail centre in south Leeds with over 100 retail and restaurant units, including a Sainsbury's supermarket and large anchor stores at Debenhams and Primark, and around 4700 car parking spaces. The centre was built in the 1990's after being refused planning permission by Leeds City Council but subsequently allowed on appeal in 1989.
- 3.2 The centre is located in south Leeds, to the north east of Morley, north west of Middleton and south west of Beeston. The site is bordered to the east by Dewsbury Road, which runs north-south from Junction 1 of the M621 to Junction 28 of the M62, and to the west by the Leeds-Huddersfield-Manchester railway line. The surrounding area is mixed in character, with offices at the White Rose Office Park to the north, residential properties on the opposite side of Dewsbury Road to the east, and open land to the west and south.

- 3.3 Permission has recently been granted for extensions to various units in the centre, and to the food court area. These were considered initially as part of an outline application, approved in March 2011, and a number of reserved matters applications for various aspects of the development have subsequently been granted and implemented.
- 3.4 The staff car park proposals relate to an area of land to the south of the Centre, all of which is within the Green Belt. The northern part of the site contains a three storey brick building, formerly an office but now vacant, with a single storey warehouse to the rear, and hard standing to the front and rear. The area immediately to the south is also hard-surfaced, and was a petrol filling station in the past, although this was demolished over 10 years ago. The south western part of the site, was formerly used as a car breaker's yard, a use which benefits from a lawful use certificate granted in 1994. Whilst vacant at present, the site contains areas of hardstanding and a small office building associated with this former use.
- 3.5 The site slopes uphill from Dewsbury Road towards open land to the west, with steeper gradients in the eastern part of the site. An existing access from the WRSC southern perimeter road into the northern part of the site, which at present serves a substation and gas control station, is proposed to be widened and extended to provide access to the car park. There are relatively wide belts of trees and vegetation around the site's southern and western boundaries, and along Cotton Mill Beck in the northern part of the site, as well as a belt of trees running through the middle of the site. At present, the site is also enclosed by metal palisade fencing.

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

##### White Rose Centre

- 4.1 Outline permission was granted in March 2011, following a resolution by Plans Panel, for extensions to provide up to 2,048m<sup>2</sup> retail floorspace (A1 use) and up to 1,850m<sup>2</sup> restaurants and cafe floorspace (A3 use) (application 10/04190/OT). The permission was granted subject to a legal agreement including the following obligations:
- Revocation of permitted development rights for the implementation of mezzanine floors of up to 200m<sup>2</sup> within the remaining A1 retail units in the centre
  - Local employment and training initiatives
  - £40,000 contribution to pay for the provision of real-time bus information within the centre
  - The dedication of an area of land to the east of the centre for use as a cycle route
  - Travel Plan and monitoring fee.
- 4.2 A number of related reserved matters applications have subsequently been approved and implemented. This leaves a total of 2,285m<sup>2</sup> approved floorspace still to be brought forward for development (1,443m<sup>2</sup> of A1 and 842m<sup>2</sup> of A3).
- 11/01070/RM – Extension to mezzanine floor to retail unit (44m<sup>2</sup>). Approved May 2011.

- 11/01092/RM – Extension and alterations to units 52 and 53 to provide ground floor extension and mezzanine extension providing 177 square metres additional A1 floor space. Approved May 2011.
- 11/03953/RM – Extension to upper level food court providing 998m<sup>2</sup> additional A3 floor space. Approved November 2011. Two minor material amendment applications relating to this proposal have subsequently been approved as follows:
  - 12/00833/FU – Changes to approved layout, as a result of which a further 10m<sup>2</sup> of floorspace would be created, resulting in 1,008m<sup>2</sup> rather than 998m<sup>2</sup> as originally approved. Approved May 2012.
  - 13/00435/FU – Changes to main elevation. Approved March 2013.
- 11/04243/RM – Amalgamation of 2 retail units and extension to mezzanine floor (101m<sup>2</sup> floorspace). Approved November 2011.
- 12/01360/RM – Reserved matters application for extensions, for the provision of 283m<sup>2</sup> retail floorspace. Approved May 2012.

4.3 All other history relates to previous extensions, minor alterations and changes of use of existing units within the centre, signage and the original permission for the centre, the original outline permission for which was granted on appeal in 1989 (application H23/59/87/) and renewed in 1991 (H23/59/87/1).

4.4 Permission has recently been granted in May 2013 for the demolition of the Woodman service station and public house to the south east of the WRSC, and the redevelopment of the site with a replacement petrol station and coffee shop (application 13/01022/FU).

#### Proposed staff car park site

4.5 There have been a number of applications relating to extensions and redevelopments on the office building and former petrol station in the northern and eastern parts of the site. A number of these were refused in the late 1970s on Green Belt grounds (although one was then allowed on appeal). Two more recent applications were subsequently approved: one for an extension in 1982 and one for a prefabricated office building in 1992 (applications H23/228/82/ and H23/9/92/).

4.6 A certificate of lawful use for vehicle dismantlers and retail sales was granted in relation to the southern part of site in December 1994 (23/82/93/CLU). An application for a detached industrial unit and offices on this part of the site was refused in February 1995 on Green Belt grounds (application 23/174/94/FU).

#### White Rose Office Park

4.7 Permission was granted for a new office building (5,500m<sup>2</sup> office floorspace), at the neighbouring White Rose Office Park site in September 2013 (application 13/02207/FU). This decision is subject to a unilateral undertaking covering several planning obligations, including a travel plan monitoring fee, employment and training scheme, and a public transport contribution of £106,975. It also includes improvements to the pedestrian route in the southern part of the site, which links to the footpath through the WRSC site to the bus station which is proposed to be improved as part of the implementation of the current application.

#### Victoria Gate, City Centre

4.8 Outline permission for the redevelopment of the Eastgate/Harewood quarter in the city centre (now called Victoria Gate) was granted in September 2011 (application

11/01000/OT). The permitted uses included retail, offices, a crèche, medical centre and a D2 leisure use (restricted to use as a gym in the original decision). An application to vary the approved uses to allow for an unrestricted D2 leisure use and a casino (*sui generis*) use was approved in October 2012 (application 12/03002/OT).

- 4.9 Applications for the first phase of this development were submitted in June 2013, and include the new John Lewis store together with other retail, restaurants and bars, a multi storey car park and a casino (applications 13/02967/FU, 13/02968/FU and 13/02969/RM), but not the D2 use which was permitted under the outline application. These applications were reported to City Plans Panel on 26<sup>th</sup> September 2013, where Members resolved to grant permission for the developments, subject to the completion of Section 106 agreements.

#### Thorpe Park

- 4.10 An application for an out-of-centre mixed use development at Thorpe Park in the east of the city (application 12/03886/OT) was submitted in September 2012. This seeks outline permission for a range of uses including offices, retail and bars/restaurants, a hotel, leisure facilities and car parking. The applications were considered by City Plans Panel at meetings in September 2013, and Members resolved to approve the applications, subject to the completion of a section 106 agreement and referral to the National Planning Casework Unit as a departure. The National Planning Casework Unit have subsequently confirmed that they do not wish to call in the application for determination.

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

- 5.1 Prior to the submission of the application extensive pre-application discussions took place with the developer, involving planning, highways and design officers, which culminated in a pre-application presentation by the developers to City Plans Panel in October 2012. The following matters were discussed by Members at that stage:

- Traffic impacts, particularly on Dewsbury Road and at peak times around Elland Road.
- Cinema likely to generate trips at evenings and weekends when public transport was usually less frequent
- Staff car parking
- Whether Centre had ever competed with the city centre and other centres, and whether Primark and Debenhams would close in city centre.
- Further details of scale and design, particularly cinema.
- Strong commitment to creation of jobs and job guarantees for local people. To be monitored by Employment Leeds, and agreements rigorously enforced.
- Some support for proposal for more retail floorspace and new cinema use, but concerns about levels of car parking and design of decked parking.
- Proposals being against planning policy.
- Views of neighbouring centres and adjoining local authorities.
- Assurances on behalf of Debenhams and Primark regarding commitment to retaining presence in Leeds and centres in neighbouring authorities.
- Improvements to an area of greenspace on the Ring Road should be considered.
- Improvements to the bus stops at the centre were welcomed.
- Linkages with Middleton, Beeston and Morley to be specifically addressed.
- Further consultation to take place and to a wider area

A copy of the full minutes for this presentation is included at Appendix 1 below.

- 5.2 The developers also carried out a programme of pre-application engagement and consultation. This included letters to MPs, south Leeds Ward Members, Morley Town Council, Leeds Civic Trust, and local community groups and organisations, meetings with officers at Wakefield, Kirklees and Bradford, public exhibitions at the Centre and at Morley Town Hall, and presentations to Morley Town Council and Beeston Village Community Forum.
- 5.3 A further public display at the WRSC was held by the developers in May 2013, to inform people about the applications as submitted. The developers have advised that positive feedback was received regarding the employment benefits of the proposals, the cinema and improved retail and leisure choices.
- 5.4 A position statement was presented to City Plans Panel on 1<sup>st</sup> August 2013, when the following points were discussed:
- Case for additional retail space and a cinema not yet proved. Some Members felt this might be acceptable but it would be subject to further retail assessments to understand the impacts and benefits.
  - Assurances should be sought that the main retail components will be delivered as extensions to existing large anchor stores and not subdivided in the future.
  - Further evidence sought that no significant additional impact on the local highway network. Particular concerns regarding cinema and likelihood of longer stays, and that no additional car parking was proposed.
  - Support for integrated approach to the development of the bus station to serve the WRSC and the neighbouring office park, and improvements to footpath links.
  - Support for improved bus services to local areas of high unemployment, as identified in the South Leeds Investment Strategy, such as Middleton Park, Beeston and Holbeck and Morley and Churwell.
  - Need for a high quality design.
  - The suggested planning obligations were noted, and it was suggested that a car sharing plan could be considered as part of the S106 Agreement.
  - Developers should provide a financial viability statement in support of their case for providing car parking in the green belt instead of on site.
  - Phasing of delivery of new car park to ensure sufficient staff parking during construction, balancing this against the need to ensure that the new car park was not brought forward too early without the accompanying development.
  - The use of the land to the south for car parking should be restricted to prevent its further development in the future.
  - Need for a management plan for the car park and measures to encourage its use by staff and ensure their safety and security in using these areas.
  - Consideration should be given to allowing staff to walk through the WRSC after it is closed to the public, rather than requiring them to walk outside late at night
  - Members welcomed the retention of hedgerows and trees in the off-site car park.
  - Members welcomed the employment and training impacts of the development in terms of the number of jobs to be created, but stressed the importance of ensuring local employment.

A copy of the full minutes relating to this presentation is provided at Appendix 2 and the issues raised by Members are considered in the Appraisal section below.

5.5 Since the position statement report in August, further discussions have been ongoing with the developer and their representatives in the light of the comments made by Members, and covering issues including highways, public transport, employment and economic impacts.

## 6.0 PUBLIC/LOCAL RESPONSE:

### Ward Members

6.1 A Member briefing meeting was held on 18<sup>th</sup> June, attended by representatives from Morley North, Beeston and Holbeck and Middleton Park Wards. Members were briefed on the proposals, and the following matters were discussed:

- WRSC's current work in terms of local employment and training and community involvement noted, but new proposals need to be specific in terms of the initiatives, and target Wards, and appropriately monitored.
- Objections received from neighbouring authorities.
- Public transport proposals need to focus on existing deficiencies in links between different parts of South Leeds.
- Traffic concerns relating to Dewsbury Road and Elland Road at peak times.
- Off-site car park – Need to consider Green Belt implications.

6.2 A further Member briefing was held on 3<sup>rd</sup> September 2013 with Members from Morley North, Beeston and Holbeck and Middleton Park Wards, where the following matters were discussed:

- Consideration of highways impact needs to take account of takes account of recently approved/commenced/submitted developments around Elland Road (ice rink, police HQ, Park and Ride scheme).
- Public transport deficiencies on Sundays.
- Longevity/sustainability of funding for new/extended bus services.
- Scheme relies heavily on public transport and travel plan with no additional parking. Concern that parking is insufficient and won't be mitigated by public transport contribution.
- Employment – need to ensure training scheme identifies agencies where engagement work will be carried out in Wards where there are no job centres such as Beeston and Holbeck.

6.3 Councillor Gettings, Morley North Ward, has written in support of the applications on the basis that the proposals would enhance quality of life for local residents, and that additional off-site staff parking would allow customers to park nearer the Centre.

6.4 Councillor Varley and Councillor Elliott, Morley South Ward, have written in support of the proposals on the grounds that they would bring a much needed leisure facility and greater retail capacity, and provide employment opportunities for local people.

6.5 Councillor Gabriel and Councillor Ogilvie, Beeston and Holbeck Ward, have written in support of the applications on the basis that additional retail provision and new cinema would be positive for the area. They also welcome the creation of up to 1,000 jobs and are keen to ensure that as many of these as possible benefit local residents.

### Morley Town Council

6.6 The Town Council Planning Committee have objected to the application for extensions to the centre on the following grounds:

- Out of centre development contrary to policy – potential impact on Leeds, Wakefield and Bradford city centres.
- Parking and highway safety:
  - Increased floorspace and reduced parking on site.
  - Decked car parking not brought forward.
  - Cinema will increase visitor numbers and cause longer-stay parking.
  - Although electronic car park signage now implemented, previous experience of tail-backs as customers drive round looking for spaces.
  - Increased traffic – northern roundabout appears to be at capacity. Problems for buses leaving the Centre.
- Safety concerns if mall is closed on an evening and customers have to walk around the Centre to bus station in the dark.
- Note that application is outline; some of buildings appear ‘boxy’. However, inclusion of large full height windows in Primark extension is more positive than blank curtain walling which makes up much of this elevation at present.
- Replacement of coach parking with car parking is welcomed, as is better segregation of delivery vehicles and pedestrians around Primark area.

6.7 The Town Council Planning Committee have advised that they support the provision of additional staff parking in isolation, to alleviate existing problems at peak times, but that the number of spaces proposed would not be sufficient to provide for or justify the increased floorspace now proposed. The following comments are made:

- Additional retail floorspace and new cinema would bring more visitors and long-stay parking, therefore need to increase, not just re-provide, spaces.
- Possibility of former mine shafts on site.
- Although in Green Belt, site is previously developed with a long industrial/commercial history. Removal of former industrial site and buildings, and increase in planting would be beneficial to Green Belt overall.
- Public footpaths around car park site should be safeguarded.
- Proposed pelican crossing is welcomed, but a second pelican should be provided across the main perimeter road.

6.8 In addition to the comments received from the Town Council Planning Committee, 3 individual Town Councillors have written in support of the proposals making the following comments:

- Cinema is a much-needed facility and this and additional restaurants are welcomed, as others in Leeds are difficult to access from this area.
- Additional retail capacity will allow Centre to remain competitive and vibrant – allowing Morley town centre to ‘piggyback’ on this success.
- Proposals will generate additional local employment opportunities.
- Staff car parking will improve an area which is an eyesore and detracts from landscaped setting of the Centre at present.
- Do not believe that the proposals will have a detrimental impact on Morley Town Centre – may attract shoppers to Morley.

#### Other public response

6.9 The application for the extensions to the centre and associated works has been advertised as a major application and as a departure by site notice, posted 26<sup>th</sup> April 2013, and by press notice, published 17<sup>th</sup> April 2013.



- 6.10 The application for the off-site car park has been advertised as a major development, a departure and as affecting a public right of way, by site notice posted 5<sup>th</sup> July 2013, and by press notice published 10<sup>th</sup> July 2013.
- 6.11 A letter of objection has been received from Hammerson (UK) Properties Plc, the Victoria Gate developer, raising the following concerns:
- Justification is misleading. It refers to the scheme being 'operator-led', providing extensions to existing Debenhams and Primark stores, but makes no reference to these operators in plans/supporting documents, and acknowledges no operators have been secured for remaining A1, restaurant and cinema floorspace. Without certainty on these matters, floorspace could be provided as standalone retail units and attract new retailers.
  - Application fails sequential test and does not consider the sequentially preferable Victoria Gate site.
  - Assessment does not consider impact on Phase 1 of the Victoria Gate scheme, which has now been approved, and the intended delivery of a cinema as part of Phase 2. Further development at White Rose will prejudice ability to attract new retailers/operators to Victoria Gate site.
  - Not in accordance with NPPF, UDP or emerging Core Strategy, this directs development to city centre.
- 6.12 A letter of objection has been received on behalf of John Lewis, raising the following concerns:
- Assumptions in sequential test rely on majority of A1 floorspace being provided as extensions to Primark and Debenhams, rather than as stand-alone floorspace.
  - At present, submitted documents make no reference to any commitment to restrict this floorspace or its occupiers. In the absence of any such agreement, additional space should be considered as separate floorspace and therefore fails the sequential test and would have a significant adverse impact on the city centre.
  - If the developer's assumptions are accepted by the Council, any permission must be subject to conditions restricting the size, occupiers and range of goods sold within these extensions, to ensure they're provided as extensions to existing stores and not as new retail units which would compete directly with the city centre.
- 6.13 A letter of objection has been received on behalf of several developers and investors in Bradford City Centre, including Westfield Bradford Ltd (Bradford Council's development partner for the Broadway scheme), The Leisure Fund Limited Partnership (the owner of the Leisure Exchange), Augur Investments Ltd and LaSalle Investment Management. The following concerns are raised:
- Development is out-of-centre, contrary to local and national planning policy.
  - The scheme fails the sequential test and will have a significant adverse impact on existing centres and on planned investment, including the Broadway scheme.
  - WRSC already draws trade from surrounding areas. Extensions and new cinema will increase its attraction and further impact on established centres.
  - No justification or identified need for further growth of WRSC
  - Concerns regarding aspects of methodology in applicants sequential and impact assessments.

- 6.14 Following the receipt of additional supplementary information from the applicant in response to the concerns raised, a further letter of objection has been received on behalf of these developers/investors, raising the following concerns:
- Development should be subject to correctly-applied sequential test and policy, including draft policy in Leeds' Core Strategy, which recognises that White Rose is not a centre and that developments there need to be subject to sequential test.
  - Sequentially preferable sites exist that could accommodate further retail floorspace and have a positive impact on existing centres. The effect of an extended WRSC would be negative.
  - Delivery of Broadway scheme is at a critical stage and there is serious risk to its timely implementation. Developer and Leeds' retail consultant both assume that Broadway scheme is fully committed and will go ahead, but this is incorrect.
  - No identified need for expanded WRSC.
  - Flaws in methodology of reports.
- 6.15 In the light of the concerns raised by neighbouring authorities and other developers, assurances have been sought from the applicants regarding the intentions of Primark and Debenhams to retain a presence in existing centres, and a response is currently awaited. They have also been consulted on the draft retail conditions but have yet to respond. Any further submission will be provided for Panel Members at the meeting.
- 6.16 Leeds Civic Trust have raised concerns regarding the potential impact of further out-of-centre retail and leisure development on existing centres, including nearby cities and smaller centres such as Morley. They raise the following points:
- Although proposed occupiers of large retail extensions intend to maintain city centre presences at the moment, this may not always be the case.
  - Large retail extensions could be subdivided without permission in future – need conditions to prevent this.
  - Only support expansion if retail and leisure sequential and impact assessments demonstrate no other sites and no detriment to existing centres.
  - Staff car park to be linked to extensions scheme as they rely on each other.
  - Clearing of scrap yard welcomed but car park is still Green Belt development and should be carefully assessed; taking into account need for measures to ensure it is used by staff.
  - High quality design and landscaping needed.
  - Improvements to public transport needed in the evening to serve cinema, and to pedestrian and cycle links to neighbouring employment sites and residential areas.
  - Need for safe route between cinema and bus station on an evening.
  - Further support to be given to businesses in Morley.
- 6.17 The MP for the area, Ed Balls MP, has written in support of the application, subject to adequate transport provision, and provided that a substantial portion of the new jobs created would go to young people and adults in the area, and that any expansion of the Centre is accompanied by an expansion of the support that the Centre gives to Morley town centre and the local economy.
- 6.18 Letters of support have been received from the following local organisations:

- 'Leeds2Success'
- The Hunslet Club
- Middleton St Mary's Primary School
- Beeston Action for Families
- Middleton Elderly Aid
- Cardinal Youth Club, Beeston
- Whiterose Residents Association
- Hamara Centre, Beeston
- Morley Chamber of Trade and Commerce
- Ahead Partnership
- Leeds, York and North Yorkshire Chamber of Commerce

6.19 These groups have made the following comments in support of the applications:

- Will strengthen links with Morley town centre, and complement existing businesses in Morley which are not available at WRSC.
- Valuable contribution to regeneration of the locality.
- South Leeds lacks a cinema. Proposals will provide a more accessible and affordable option than travelling into city centre or other cinemas, and safe environment for families, young people and elderly residents.
- Employment opportunities for local residents in an area of high unemployment and skills levels below the national average.
- Will not impact on city centre, and will enhance Leeds city as a whole.

6.20 One letter of objection has been received from a local resident, which raises concerns that the proposals to increase car parking on adjacent land, in addition to the new buildings, would be contrary to UDP policies which "encourage development in locations that will reduce the need for travel".

## 7.0 CONSULTATIONS RESPONSES:

### A) Application 13/01640/OT – Extensions to WRSC building and associated works

#### **Statutory**

#### Environment Agency

7.1 No objections, subject to conditions.

#### Yorkshire Water

7.2 No objections, subject to conditions.

#### Highways Agency

7.3 No objections, subject to the agreement of an acceptable Travel Plan and the securing of this by s106 agreement.

#### Highways

7.4 The applicants are not proposing any net change in car parking provision on the site, i.e. 4,697 parking spaces will be maintained. The applicants propose that through the implementation of a revised and strengthened travel plan that mode shift of 9% for staff travel (from 51% to 42% car driver) and 4% for customer travel (40% – 36% car driver) can be made over 5 years which would maintain parking demand slightly below/around above current levels and which the applicant believes can be accommodated within the existing parking numbers on the site.

- 7.5 In reviewing the figures, Highways Officers have considered the likelihood of increased average dwell times (because of the additional facilities on site) of customers from 99 to 111 minutes (12%) and assumed that the operational capacity of a car park to be between 90 and 95% of the total number of car parking spaces available. Taking these aspects into account, highways' analysis suggests that there is a risk that the operational capacity will be exceeded, especially at the weekends and on the run up to Christmas. With the Travel Plan successfully implemented the corresponding % capacity figures would appear to be in the range 92-97%.
- 7.6 Highways officers are supportive of the travel plan proposals to implement a car parking management plan which will include:
- Limiting the number of parking spaces available to staff to 950
  - Providing incentives to staff who car share
  - Providing public transport ticketing incentives
  - Introducing monitoring of car parks with enforcement provisions

In addition other travel plan measures include the provision of sustainable travel information packs

- 7.7 It is proposed that the Public Transport Developer contribution will be spent improving bus services to the site with the existing number 12 service which operates between Middleton, Belle Isle, Hunslet, Leeds and Harehills, terminating at Roundhay Park on a 10 minute headway being extended to the White Rose Centre. In addition some on site RTI and bus station improvements are proposed to improve facilities for users.
- 7.8 An improved footpath link between the Centre and the White Rose Office Park is also proposed which has the potential to reduce unnecessary car trips between the 2 sites.
- 7.9 Although these measures are welcomed and will assist in bringing the car parking demand (and consequential traffic movements) down as far as possible it is still considered that the applicants assessment is very optimistic and further interventions should be provided if the travel plan targets are not met and car traffic / car parking is greater than predicted. The applicant has now offered a pot of £400k towards further public transport interventions should the travel plan targets not be met.

Coal Authority

- 7.10 No objections, subject to conditions.

**Non-statutory:**

Public Transport

- 7.11 A contribution of £672,510 is sought, in accordance with the *Public Transport and Developer Contributions* SPD. Envisage that the contribution agreed would be spent on works to improve on-site facilities at the White Rose for public transport, improvements to bus services serving the centre, with particular emphases on improving connectivity to local labour markets and improving services on an evening in the light of the aspirations in the South Leeds Investment Strategy, and to off-site infrastructure which would be of benefit to those services and passengers going to the WRSC.

Travelwise

7.12 Comments have been made on the measures within the travel plan and the mode split targets, which have fed into the discussions relating to the highway impacts of the development which have taken place with highways.

Metro

7.13 No objections in principle. Proposed improvements to the bus station and pedestrian link to Office Park are welcomed. The installation of Real Time information displays within the centre has been secured through the previous permission in 2011, and is currently undergoing testing, after which it is proposed to install this in the Centre.

7.14 Discussions have been held between the developer, Metro and the bus operators in relation to potential improvements to services.

LCC Retail Consultant

7.15 The applicant has confirmed that the two main retail extensions are for the existing Debenhams and Primark stores, and their agreement to conditions restricting this floorspace to these two existing units and preventing its future subdivision. In the light of this, it is agreed that the Primark and Debenhams extensions cannot be assessed in isolation of their existing stores, and that for sequential test purposes any alternative sites should be capable of accommodating all of the floorspace in these stores (existing and proposed). A thorough sequential assessment has been carried out, and no sequentially preferable alternative sites are available, suitable and viable to meet the needs of the proposed development. The sequential test is therefore considered to be satisfied.

7.16 The impact assessment has been reviewed and it is agreed that there would be no significant impacts on the vitality and viability of existing centres from the retail or leisure components of the scheme. It is also agreed to be very unlikely that the proposed extensions would have any adverse effect on the Victoria Gate development or harm planned investments in any other centres. The impact test is considered to be satisfied.

7.17 In addition to their assessment of the details submitted by the applicant, the Council's retail consultant has also reviewed the representations received from neighbouring authorities and other investors/developers in Leeds and Bradford city centres, and has had regard to the findings of the recent Bradford and Wakefield retail studies. The specific details and conclusions in relation to the sequential and impact assessments and the implications for these existing centres are discussed in more detail below.

7.18 An assessment has also been carried out of the cumulative impact of the current proposals and the scheme at Thorpe Park which City Plans Panel Members recently resolved to approve. This concludes that the highest predicted cumulative impacts are in town centres in east Leeds, all of which arise from the Thorpe Park proposals rather than the WRSC scheme. The cumulative impact on Leeds city centre would be around 3% of its total turnover, 35% of which would arise from the WRSC scheme, however the study concludes that the level of trade diversion expected would have only a minimal effect on the vitality and viability of the city centre, and would largely relate to Primark, Debenhams and other clothes retailers, a sector which is considered sufficiently strong to compete. The study also concludes that any impact on Wakefield or Bradford city centres arises solely from the WRSC scheme, rather than the Thorpe Park development, the implications of which are discussed below, with the conclusion that the development would not have an adverse impact on the vitality or viability of either centre.

### Employment Leeds

- 7.19 Discussions have been ongoing regarding the local employment and training proposals for the development, which would form part of the section 106.

### Flood Risk Management

- 7.20 No objections, subject to conditions.

### Environmental Health

- 7.21 No objection.

### Contaminated Land

- 7.22 No objections, subject to conditions.

### Licensing

- 7.23 No objections.

### Public Rights of Way

- 7.24 A number of rights of way close to the site should remain open and available for use at all times. Opportunities for improvements to nearby rights of way, through S106 contributions/obligations, are identified.

### West Yorkshire Police Architectural Liaison Officer

- 7.25 It is noted that the application is in outline rather than detailed form. Guidance is provided on various aspects of design and security which are intended to inform the detailed design of the scheme.

### Air Quality Management

- 7.26 No objections. Electric vehicle charging points should be provided.

### Environment Policy

- 7.27 No comments received.

## **Responses received from adjoining authorities**

### Kirklees Council

- 7.28 Together with Wakefield and Bradford Councils, Kirklees jointly commissioned an appraisal of the applicant's Economic Development Assessment (EDA), which raised a number of queries regarding the methodology and findings of the EDA. Kirklees raised concerns regarding the potential for the proposals to harm the vitality of their existing centres, and advised that they were unable to fully comment on the implications until the concerns raised in their appraisal had been addressed, and that therefore could not support the proposals as originally submitted.

- 7.29 Additional supplementary information has been received from the applicant in response to the concerns raised by Kirklees and other neighbouring authorities. A further appraisal has been commissioned by the authorities in the light of this, and on the basis of this, Kirklees have provided a further letter of representation, reiterating concerns that the information submitted is insufficient to determine the potential impact on centres within Kirklees. The following specific concerns are raised:

- If the impact figures are as low as suggested by the applicants and Leeds' retail consultant, it is not expected that there would be a notable impact on Huddersfield, Batley or Dewsbury. However, as the true impact cannot be ascertained from the information provided by the applicant to date, it is not

possible to conclude with certainty that there would be no significant adverse impact on these centres.

- Concerns regarding methodology of applicant's studies, including that it is not based on most up-to-date Kirklees retail study (but with acknowledgement that this study is not currently a publicly-available document)
- Particular concerns relating to Batley and Dewsbury, which are currently underperforming, and regarding potential impacts on planned investment in Huddersfield town centre.

7.30 Kirklees' most recent representation requests that, if the decision is taken to grant permission for the development, a condition is included restricting the amounts of additional retail floorspace in the Primark and Debenhams units.

#### Wakefield Council

7.31 Wakefield originally responded along the same lines as Kirklees and requested additional/revised details in the light of the queries raised in their jointly-commissioned appraisal of the EDA.

7.32 In response to additional supplementary information provided by the applicant in relation to the concerns raised by Wakefield and other neighbouring authorities, a further report has been commissioned by Wakefield and a further letter of representation has been received from them, reiterating concerns that the information provided is insufficient to determine the potential impact on the vitality of the centres within Wakefield. The following specific concerns are raised in their letter and report:

- Further clarification is sought regarding the use of existing storage areas to ensure these are not used for sales in the future as a result of the proposed changes.
- Potential impact on the attractiveness of refurbished and extended Ridings development in Wakefield city centre, and that this may end up trading below its optimum level.
- Concerns regarding aspects of the methodology of the applicant's studies.

7.33 As with the most recent representation from Kirklees, Wakefield have requested that, if the decision is taken to grant permission for the development, a condition is included restricting the amounts of additional retail floorspace in the Primark and Debenhams units.

#### Bradford Council

7.34 Objected to the application on the basis of the originally-submitted EDA on the grounds of the proposals' impact on Bradford city centre, other town centres in the Bradford District, and planned in-centre investments, including the Broadway scheme in Bradford city centre and a forthcoming shopping centre in Keighley. Various concerns raised regarding assumptions and conclusions in the applicant's EDA regarding the impacts of the proposals. In particular, they consider that the applicants underestimated the level of trade likely to be diverted from Bradford, Kirklees and Wakefield, and had not adequately addressed the implications of the proposals on planned investments and regeneration projects in existing centres.

7.35 Additional supplementary information was subsequently received from the agent in response to the objections raised by Bradford and other neighbouring authorities. In response to this additional information, Bradford has reiterated their strong objection to the application. Their specific concerns relate to the methodology of the

applicant's assessments, that these do not provide a sound base for the assessment of the potential impact on Bradford city centre and that there would be a significantly larger amount of trade diversion to the WRSC than stated, with potential impacts on the viability of the Broadway scheme in Bradford city centre as a result. These additional comments have been forwarded to the Council's retail consultant, and are addressed in the appraisal section below.

**B) Application 13/02684/FU – Off-site staff car park**

**Statutory**

Highways

7.36 The application should not be considered or determined in isolation from the outline application for extensions to the centre, and should be linked by condition or legal agreement in the event that both are to be approved. Concerns raised regarding retention of an emergency exit directly onto Dewsbury Road. Staff access from/onto Dewsbury Road is not acceptable and this should preferably be deleted from the proposals.

Environment Agency

7.37 No objections, subject to conditions.

Yorkshire Water

7.38 No objections, subject to conditions.

Highways Agency

7.39 No objection, subject to the provision of the off-site parking spaces being linked by condition or legal agreement to the development of the Centre.

Coal Authority

7.40 No objection, subject to conditions.

**Non-Statutory**

Travelwise

7.41 The development of the car park must be linked to the application for the shopping centre, and the travel plan should refer to this.

Public Rights of Way

7.42 Public footpaths adjacent to the site should be open and available for use at all times. Resurfacing of a footpath adjacent to the beck is requested as this is likely to have increased use.

Flood Risk Management

7.43 No objection, subject to conditions.

Contaminated Land

7.44 No objection, subject to conditions.

Air Quality Management

7.45 No objections. Electric vehicle charging points are suggested.

West Yorkshire Police Architectural Liaison Officer

7.46 Concerns raised that the site is remote and has little natural surveillance. Additional information requested regarding how access to the car park would be controlled, boundary treatments, CCTV coverage and lighting during hours of darkness, to



ensure that the security of the site is fully considered to ensure that staff using the car park feel safe doing so.

## 8.0 PLANNING POLICIES:

### Development Plan

- 8.1 The development plan for Leeds consist of the Leeds Unitary Development Plan Review 2006 (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted in January 2013.
- 8.2 The WRSC site is unallocated in the UDP Review. The following UDP policies are relevant to the consideration of the proposals for extensions to the centre (application 13/01640/OT):
- S5 – Criteria for major out-of-centre retailing proposals
  - GP5 – General planning considerations
  - GP7 – Planning obligations
  - GP11 – Development must meet sustainable design principles
  - N12 – Urban design principles
  - N13 – Design of new buildings
  - N23 – Open space around built development
  - T2 – New development and highway safety
  - T2B – Submission of Transport Assessments
  - T2C – Requirement for Travel Plan
  - T2D – Public transport contributions
  - T5 – Access for pedestrians and cyclists
  - T6 – Provision for disabled people
  - T9 – Public transport
  - T24 – Parking
  - BD5 – New buildings, design and amenity
  - BD6 – Extensions and alterations to existing buildings
  - SP7 – Priority to be given to enhancement of the City Centre and town centres
- 8.3 With regard to proposals for major retail development outside defined centres, UDP policy S5 states that such development will not normally be permitted unless:
- i) *The type of development cannot satisfactorily be accommodated within an existing S1 or S2 centre (or in the absence of an in-centre site, on a site adjacent and well related to an S2 centre);*
  - ii) *It can be demonstrated that by reason of the scale and type of retailing that the proposal does not undermine the vitality and viability of the city centre or any S2 centre or prejudice the local provision of essential needs daily shopping. It will normally be necessary for the applicant to carry out a formal study of impact on nearby centres and an assessment of the changes in travel patterns. Normally conditions will be imposed or a legal agreement will be required to ensure that the scale and type of retail development does not change its composition without the prior consent of the City Council;*
  - iii) *It addresses qualitative and/or quantitative deficiencies in shopping facilities;*
  - iv) *It is readily accessible to those without private transport, as well as those with cars, and results in a net reduction in the number and length of car journeys;*

v) *It does not entail the use of land designated for housing or key employment sites, or land located in the Green Belt or generally in the open countryside.*

8.4 The area of land to the south of the centre, where the off-site staff car park is proposed, is designated as Green Belt in the UDP. The northern part of the site, around Cotton Mill Beck, is within Flood Zone 3. The following UDP policies therefore relate to this aspect of the proposals (application 13/02684/FU):

GP5 – General planning considerations

N33 – Green Belt

N24 – Provision of landscaped buffer between development and open land

N49 – Nature conservation

T2 – Highways

LD1 – Landscaping

8.5 The Natural Resources and Waste Development Plan Document (DPD) was adopted in January 2013, and now forms part of the Development Plan. This document includes a number of policies relevant to the consideration of the applications, as follows:

MINERALS3 – Surface Coal resources

AIR1 – Management of Air Quality and inclusion of low emission measures

WATER1 – Water efficiency, including incorporation of sustainable drainage

WATER6 – Flood Risk Assessments

WATER7 – Surface water run-off

LAND1 – Contaminated land

LAND2 – Replacement tree planting

#### Draft Core Strategy

8.6 The draft 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 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and the examination has now taken place. 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 made as part of the examination.

8.7 There are a number of key principles identified in the draft Core Strategy that are of relevance to the White Rose Centre's current proposals, including:

- The adoption of the centre-first approach to all uses considered to be main town centre uses and the requirement for sequential assessments and consideration to be given to the impact of any out-of centre retailing on the City Centre, other district centres and centres beyond Leeds' boundaries;
- The requirement for developers to enter into local labour and training agreements through planning obligations; and
- The requirement for new development to be accessible and adequately served by the existing highway network, by public transport, and with safe and secure access for pedestrians, cyclists and people with impaired mobility.

8.8 With regard to the development of out-of-centre retail schemes, the draft Core Strategy states that:

*“Out of centre shopping retail parks do not perform the role of a city, town or local centre, as they lack the broad range of facilities and services which should be*

*available within such centres. Nevertheless major out-of-centre retailing is a feature of most regional economies, usually associated with the regional city. Such retail parks provide a valuable part of the wider retail offer and make a significant contribution to the local economy and as a source of employment. It is not in the interest of the local economy that such centres should be allowed to decline. In recognition of the important role of such retail parks it is considered that some element of the retail capacity identified in the Core Strategy could be acceptable in established retail park locations where this is clearly demonstrated not to compromise the centre-first approach, including consideration of the impact on centres beyond the Leeds boundary. Such proposals should be considered within the context of the delivery of major retail proposals in the City Centre (Trinity and East Gate (now Victoria Gate)).”*

- 8.9 The draft Core Strategy, at paragraphs 4.2.4 and 4.2.5, also makes reference to the development of a number of new city centre retail schemes within the city and the wider region/sub-region, including Trinity and Eastgate in Leeds, Trinity Walk in Wakefield and Westfield in Bradford, and to the need to have regard to the completion of these developments and their implications for retail trends within the region.

#### Supplementary Planning Documents

- 8.10 The following SPDs are relevant to the consideration of the application:

- Street Design Guide
- Public Transport and Developer Contributions
- Travel Plans
- Building for Tomorrow Today: Sustainable Design and Construction

#### Investment Strategy for South Leeds

- 8.11 Drawn up by Leeds City Council in partnership with key business interests in the south Leeds area and in consultation with local community groups, Ward Members, service providers and other stakeholders, the Investment Strategy for South Leeds aims to summarise the issues, opportunities and challenges facing South Leeds and the aspirations of these groups for the future. It is intended as a document identifying opportunities for actions to benefit the area and local residents, and to inform and influence future planning strategy and investment decisions and support the preparation of the Core Strategy and the subsequent site allocations document.
- 8.12 The Investment Strategy identifies high unemployment and poor access to services, facilities and job opportunities as being some of the main issues facing local people, who placed a high priority on the provision of better connections, particularly by public transport to areas such as Middleton, Belle Isle and Morley to provide better access to amenities and employment opportunities for these communities. This was supported by the private sector, which included enhanced and efficient public transport and skilled local labour amongst their key priorities.
- 8.13 Opportunities for improvements and actions in the south Leeds area identified within the strategy include:
- Exploiting the potential of White Rose/Millshaw as a public transport hub (including the possibility of a new rail halt) and shopping and leisure attraction with better facilities for young people and those working in the area.

- Concentrating services and facilities in accessible places (i.e. existing centres) and making them transport nodes.
- Improved public transport, including improvements to bus service frequency and routing to better connect residential areas, local centres and employment areas across south Leeds.
- Better connections east to west across the Dewsbury Road valley, especially for buses, walkers and cyclists, including an improved network of cycle/pedestrian routes.
- Major investments in skills, training and education, including local employment initiatives and programmes.

8.14 The strategy identifies a number of medium and long term investment opportunities for the area, which include the potential intensification of uses around the White Rose Centre and Office Park, including additional retail, office, leisure and evening economy uses. Whilst generally supported by the Council's Executive Board, it was noted by Executive Board Members in a report on the Strategy in July 2011 that this would be contrary to national planning policy, and any additional development at White Rose would therefore need to be considered in the context of securing further investment in the City Centre and in adjoining district centres such as Morley, Middleton and Beeston, and the impact on these centres, as well as others in the Leeds City Region, would need to be carefully assessed.

#### National Planning Policy Framework

8.15 The National Planning Policy Framework (NPPF) was published on 27<sup>th</sup> March 2012 and replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

8.16 The NPPF supports the centres first approach, and states that local planning authorities should 'recognise town centres as the heart of their communities and pursue policies to support their viability and vitality' (paragraph 23) and apply a sequential approach to the consideration of applications for town centre uses that are not in existing centres. It also advises that 'plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised (paragraph 34) and that developments should be designed to 'give priority to pedestrian and cycle movements, and have access to high quality public transport facilities' (paragraph 35). The Framework places great emphasis on the importance of good design as a key aspect of sustainable development.

## 9.0 MAIN ISSUES

### **A) Application 13/01640/OT – Extensions to WRSC and associated works**

1. Principle of development
2. Transport
3. Local Employment and Training
4. Design and landscaping
5. Section 106
6. Residential amenity
7. Flood risk
8. Letters of representation

### **B) Application 13/02684/FU – Off-site car parking**

1. Principle of development – Green Belt and viability

2. Transport
3. Visual amenity and landscaping
4. Crime and security
5. Nature conservation
6. Flood risk
7. Letters of representation

## 10.0 APPRAISAL

### A) Application 13/01640/OT – Extensions to WRSC and associated works

#### 10.1 Principle of development

10.1.1 The application seeks permission for the following (gross floor areas), all of which are defined as 'town centre uses' in the NPPF:

- 11,048m<sup>2</sup> A1 retail, distributed as follows:
  - Debenhams extension – 3,326m<sup>2</sup> retail floorspace
  - Primark – 3,994m<sup>2</sup> retail floorspace and 1,870m<sup>2</sup> 'back of house'
  - 1,858m<sup>2</sup> small retail units adjacent to Debenhams
- 4,136m<sup>2</sup> D2 cinema use
- 2,322m<sup>2</sup> A3/A5 restaurant floorspace

10.1.2 UDP policy S5 sets the criteria for the consideration of applications for major retail development outside designated centres, including a requirement for applicants to demonstrate that the development cannot be accommodated within existing centres (sequential test) that it would not undermine the vitality or viability of these centres and that it would address deficiencies in facilities in the area. This is supported by policies in the NPPF, which requires applications for 'town centre uses' (including leisure developments as well as retail) in out-of-centre locations to be assessed against their impact on existing, committed and planned public and private investment in the centres within a defined catchment area and their impact on vitality and viability of centres for a number of years after the application is submitted.

10.1.3 The core strategy, which has recently undergone examination in public, also recognises the role of out-of-centre retailing within regional economies and regional cities, and that such developments can provide a valuable part of the wider retail offer and make a significant contribution to the local economy and as a source of employment. In the light of this, the core strategy states that 'some element of the retail capacity identified in the Core Strategy could be acceptable in established retail park locations', however it is clearly stated such additional out-of-centre development should only be supported where this is clearly demonstrated not to compromise the centres first approach. This includes consideration of the impact on centres beyond the Leeds boundary, as well as on the delivery of major retail proposals in Leeds City Centre.

10.1.4 Retail consultants have been employed by the applicant and Council to assess the potential impact of the proposed retail and leisure development on other centres in a defined catchment area as well as the City Centre. A catchment area was agreed that covers the central, southern and western parts of Leeds district, plus Bradford and Wakefield city centres and some parts of north east Kirklees, including Dewsbury and Batley. Sequential and impact tests have been carried out. The Council's retail consultant has also taken into account and commented on the representations received from neighbouring authorities and Hammerson, and on behalf of John Lewis and investors in Bradford.

10.1.5 The submitted sequential and impact assessments were carried out on the basis that the majority of the A1 retail floorspace is proposed to be provided as extensions to existing large stores, namely Debenhams and Primark. Although not specifically named on the plans, the developers have confirmed that the floorspace is intended for these existing operators, and their agreement to a condition, in the event that permission is granted, restricting the provision of this floorspace to these two existing units and preventing its subdivision in the future. The application has therefore been assessed on this basis, and in the event that permission is granted for the scheme, it is recommended that this is subject to such a condition.

#### 10.1.6 Retail

##### Sequential Assessment

10.1.7 The centres included in the sequential assessment are: Leeds, Wakefield and Bradford city centres and Crossgates, Halton, Morley, Dewsbury and Batley town centres.

10.1.8 As the majority of the retail floorspace is intended as extensions to existing large stores, it was agreed that the Primark and Debenhams extensions could not be assessed in isolation of their existing stores, and therefore for the purposes of the sequential test, any alternative sites should be capable of accommodating the floorspace of the entire unit as extended (including the existing floorspace as well as the proposed extension).

10.1.9 As the 3 smaller A1 units adjacent to the Debenhams extension are proposed in order to align this northern mall entrance with the extension and thus maintain its prominence, it was agreed that for the purposes of the sequential assessment, the floorspace of these units should be considered cumulatively rather than as individual units, as it is only in this way that they would achieve the critical mass necessary to maintain an attractive entrance to the centre.

10.1.10 Having assessed the proposals on this basis, the sequential test concludes that no sequentially preferable sites are available, suitable and viable to meet the needs of the proposed development: a conclusion agreed by the Council's retail consultant, and it is considered that the proposals are in accordance with part i) of UDP policy S5 and with NPPF guidance in this respect.

##### Impact Assessment

10.1.11 The impact assessment is based on comparison goods retailing across all of the retail floorspace within the scheme, and considers the cumulative impact of the development with recent and committed retail developments in city and town centres within the agreed catchment area, taking into account turnover, trade draw and trade diversion. This has been independently reviewed by the Council's retail consultant, who has applied slightly different assumptions to the applicants in terms of trade draw and clawback, in order to test the sensitivity of the assessment's conclusions. The impact on existing centres is summarised in the table below, which predicts the percentage of trade at existing centres/sites that would be lost to the proposed White Rose Centre retail provision.

10.1.12 Table 1: Trade diversion from existing centres/sites

	<b>Trade diversion</b>
<b>Designated centres</b>	
Leeds city centre	1.1%
Wakefield city centre	1.1%
Bradford city centre	0.6%
Morley town centre	0.9%
Crossgates town centre	0.3%
Halton town centre	0.0%
Batley town centre	0.3%
Dewsbury town centre	0.2%
<b>Other non-designated centres</b>	
Leeds retail warehouses	1.9%
Other retail parks (including Birstall retail park and Woodhall Centre, Bradford)	3.2%

Source: LCC Retail Consultant (England and Lyle), October 2013

10.1.13 In both the applicant's and the retail consultant's assessments the largest predicted trade diversions in percentage terms (excluding those from other out-of-centre developments) are from Leeds city centre and Wakefield city centre, with lower impacts on Morley town centre and Bradford city centre.

10.1.14 Leeds city centre is the largest centre in the catchment area with a strong regional role and attraction, and high levels of vitality and viability. The main competition would be with the Debenhams and Primark stores in the city centre and other clothes retailers, which are considered sufficiently strong to compete with the new floorspace at the WRSC. It is therefore considered that the amount of trade diversion likely to take place (1.1%) would have a minimal effect on the overall vitality and viability of the city centre.

10.1.15 The recently-opened Trinity scheme in Leeds city centre is operated by the same developers as the WRSC, and Primark have confirmed that they will continue to trade in both Trinity and the WRSC. It is considered very unlikely that the proposed extensions at the WRSC would have an adverse effect on the Trinity development or other recent investments in the city centre.

10.1.16 The Eastgate/Victoria Gate scheme is the major planned investment in Leeds city centre. Representations have been received from Hammerson, the developers of the scheme, and on behalf of John Lewis, the main anchor store, raising concerns that the proposed WRSC extensions would prejudice their scheme and their ability to secure occupiers, particularly without any certainty that the two large retail extensions would be restricted to the existing Debenhams and Primark stores. The applicants have confirmed that the majority of the floorspace would be constructed as extensions to these units, and their agreement to conditions to this effect, and having considered the application on this basis, the Council's retail consultant has advised that they do not consider that retailers would be deterred from going into the Victoria Gate scheme by extensions to these existing large stores at the WRSC, or that the planned investment at Victoria Gate would be prejudiced by the current proposals as a result. Subject to the recommended condition restricting the two main retail extensions to the existing large store units and preventing its future severance or subdivision, it is not therefore considered that the proposals would

have material implications for the delivery or attractiveness of the Victoria Gate development. CBRE (on behalf of John Lewis) have accepted the proposed retail conditions, and subject to their imposition, have withdrawn their objections.

Impact on centres in neighbouring authorities

- 10.1.17 Wakefield is a sub-regional city centre with a large catchment, which has been improved by recent major developments, including the Trinity Walk scheme and an extension to The Ridings. The city centre has existing Debenhams and Primark stores, and it is considered that these would be able to compete successfully with the extended units at the WRSC, and it is not considered that the anticipated level of trade diversion of around 1% would have an adverse impact on the vitality and viability of Wakefield city centre or these recent developments within it. Specific concerns have been raised regarding the potential impact of the development on the ability to secure operators for The Ridings refurbishment and extension in Wakefield. These further representations have been considered by the Council's retail consultant, who has confirmed that he is satisfied that the proposals would not have a significant adverse impact on existing or planned investment in Wakefield city centre, subject to the recommended conditions regarding floorspace.
- 10.1.18 Objections have been received on behalf of Bradford City Council and investors in the city regarding the impact of the proposed extensions on the city centre and on planned investments, including the planned Broadway scheme. Specific concerns have been raised regarding some aspects of the methodology in the applicant's assessments. In reviewing the submitted assessment, the Council's retail consultant has applied higher levels of trade draw from Bradford than those assumed by the applicants, in order to test the sensitivity of the assessment, and concludes that the trading impact of the proposals on Bradford city centre would still only be 0.6%. They have also agreed that the methodology used provides a robust analysis of the likely impacts of the development.
- 10.1.19 At present, Bradford has a Primark store but lacks some of the other more prominent national retailers, although it is considered that it will be strengthened by the forthcoming Broadway Centre development. Concerns that this scheme is not yet fully committed are noted, however, Debenhams are understood to have confirmed their intention to locate within the development. Although there is overlap between the catchment areas of Bradford city centre and the WRSC, the Council's retail consultant has advised that they consider there to be sufficient retail demand across the area as a whole to support the extensions to Debenhams and Primark at the WRSC as well as the existing Primark store and proposed new Debenhams store in Bradford. Furthermore, it is not considered that Debenhams would be prepared to open a new store in the Broadway scheme if the trade in that store would be harmed by an extension to the WRSC. In the light of this, and the very small trading impact of 0.6% on the city centre, it is considered that the proposed extensions at the WRSC would not have a harmful effect on the vitality or viability of Bradford city centre, and would not prejudice the planned investment in the Broadway scheme.
- 10.1.20 The impacts on all other centres, including designated centres within the Leeds district as well as Dewsbury and Batley in the north eastern part of Kirklees, would be very low, and it is not considered that the vitality and viability of these smaller centres would be adversely affected. The representations received from Kirklees have been considered by the Council's retail consultant, who has confirmed that he is satisfied that there would not be a significant adverse impact on these centres, or on future investment in Huddersfield town centre.



10.1.21 The areas at the bottom of the table, including retail warehouses within Leeds district and other retail parks within the catchment area, are not designated town centres and therefore do not benefit from protection under planning policy relating to town centre designations. The impact of the development on these retail parks is not a material planning consideration.

10.1.22 As well as a condition restricting the majority of the A1 floorspace to extensions to the existing Debenhams and Primark units as suggested above, it is also recommended that any permission is subject to a condition restricting the total floorspace areas for each use to those applied for, as the assessment of the proposals and their impact, and their acceptability, is based on these proposed floor areas. The provision of appropriate safeguards in relation to existing centres through the imposition of these conditions has been discussed with the three neighbouring authorities. Any further comments received will be reported verbally to Members at Plans Panel.

#### Cumulative Impact with Thorpe Park

10.1.23 In addition to his advice on the two individual schemes, the Council have commissioned their retail consultant to carry out an assessment of the cumulative impact of the WRSC development and the recently-approved Thorpe Park scheme. The highest predicted cumulative impacts are in town centres in east Leeds, all of which are confirmed as arising from the Thorpe Park proposals rather than the WRSC scheme. The cumulative impact on Leeds city centre would be around 3% of its total turnover, 35% of which would arise from the WRSC scheme, however it is still considered that the level of trade diversion expected would have only a minimal effect on the vitality and viability of the city centre. As discussed above, the main competition from the WRSC would be with Primark, Debenhams and other clothes retailers, a sector which is considered sufficiently strong to compete, and on this basis it is not considered that the proposals would have an adverse impact on the city centre or that retailers would be deterred from going into the Victoria Gate scheme by the extensions to these stores at the WRSC.

10.1.24 The Thorpe Park scheme is not predicted to have any significant impact on Wakefield or Bradford city centres, or on centres in Kirklees, therefore all of the predicted trade diversion from these centres would arise from the WRSC scheme. This impact has been assessed as part of the appraisal for the WRSC development as discussed above, with the conclusion that the development would not have an adverse impact on the vitality or viability of either centre.

10.1.25 Leisure

#### Sequential assessment

10.1.26 Sequential assessments relating to the proposed cinema floorspace and to the A3/A5 restaurant units (considered as ancillary to the main retail/leisure function rather than as a draw in themselves) have been carried out. These conclude that no sequentially preferable alternative sites are available, suitable and viable to meet the needs of the proposed development, which is agreed by the Council's retail consultant.

#### Impact assessment

10.1.27 The main cinema in Leeds city centre is the Vue complex in The Light. A second city centre cinema, the Everyman, has recently opened in the Trinity development, however this is of a smaller 'luxury' format with only 3 screens, rather than being directly comparable to the large multiplex development proposed at the WRSC. Out-of-centre within Leeds district there is a second Vue cinema on Kirkstall Road and

an Odeon close to the boundary with Bradford, and the smaller independent Cottage Road Cinema in Headingley and the Hyde Park Picture House. Outside Leeds are the Showcase at Junction 27 in Birstall, Cineworld at Xscape in Castleford, and an Odeon cinema at Gallacher Leisure Park in Bradford.

- 10.1.28 The impact assessment concludes that an out-of-centre cinema at the WRSC would compete mainly with other out-of-centre multiplexes, and serve latent demand for a cinema within the catchment area. As the Trinity development and the WRSC are both developments by Land Securities, it is considered very unlikely that a new multi-screen cinema would be proposed at the WRSC if it would prejudice investment in the Everyman in the city centre, and it is not considered that the scheme would impact on this recent development.
- 10.1.29 Hammerson, the developers of the Victoria Gate scheme, have raised concerns that the provision of a cinema at the WRSC would impact on Phase 2 of their scheme, which has permission for up to 11,000m<sup>2</sup> of D2 floorspace that Hammerson have advised is likely to include a cinema. However, at this stage no detailed planning application has been submitted for Phase 2 of the scheme or for specific uses within it (the outline approval permits D2 use but this is not restricted to any particular use within this class), and as Phase 1 is anticipated to commence trading from 2016, it is unlikely that Phase 2 would be operational until sometime after this, and after the WRSC scheme would be built, if approved. On the basis of the current situation and these timescales therefore, the Council's retail consultant considers that a possible cinema or other leisure scheme in the city centre would not be affected by the cinema and restaurant proposals at the WRSC.
- 10.1.30 In the light of the impact assessment's findings, it is accepted that the leisure component of the proposed development would not harm the vitality and viability of any centres or any planned investment in these centres.
- 10.1.31 Conditions
- 10.1.32 The consideration of the proposals and their impact on existing centres, including planned investment in these centres, has been based on the particular characteristics of the submitted scheme, specifically:
- The amount of floorspace proposed. This is in terms of both gross floorspace in relation to the size of the extensions, and net floorspace (for example a significant part of the Primark extension is proposed as storage/back-of-house facilities rather than retail floorspace).
  - The fact that the majority of this is proposed as extensions to existing large stores, Debenhams and Primark
  - That the floorspace proposed is for the sale of comparison, not convenience, goods.
  - The three smaller A1 units being proposed as a means of extending the north eastern mall entrance in line with the proposed Debenhams extension, maintaining the prominence of this entrance.
- 10.1.33 For the reasons discussed above, it is not considered that the proposed development would not harm the vitality and viability of existing centres in Leeds or neighbouring authorities, or have a detrimental impact on planned investment in these centres. However, these conclusions rest on the particular circumstances of the proposals, and the impact could be greater if, for example, the large retail extensions were to be provided separately to the existing stores which they are to extend, or if these areas were to be separated or subdivided into smaller units in the

future. In the light of this, it is recommended that conditions are attached to restrict the development to that which has been applied for. Any proposals for future changes would therefore require planning permission, allowing their impact on existing centres to be fully assessed. It is considered that such conditions are reasonable and necessary, and would achieve the protection of existing designated centres and planned investments in Leeds as well as in neighbouring districts. The suggested conditions are listed in Appendix 1 below, but it is proposed that these cover:

- Restricting the two large retail extensions to the Debenhams and Primark units
- Restricting the net retail floorspace in these units
- Preventing the subdivision of these units in future
- Restricting this floorspace to the sale of comparison goods only, with only ancillary sales of convenience items.
- Restricting size and number of units for the remaining retail floorspace and the range of goods sold from these units
- Restricting the size and number of units for the restaurant floorspace.

## 10.2 **Transport**

### 10.2.1 **Travel Plan**

10.2.2 The travel plan (TP) submitted with the application updates the WRSC's existing travel plan to reflect the development proposals. It aims to increase the number of staff and customers travelling to and from the site by public transport and, to a lesser extent walking and cycling, with a resultant reduction in the number of staff and customers travelling by car, thereby reducing the impact of the development in terms of parking demand and traffic generation. The updated travel plan sets ambitious targets for achieving this 'modal shift' from car-based travel to other means of transport, as summarised in the table below (2012 figures are taken from 2012 staff and consumer surveys):

### 10.2.3 Table 2: Travel Plan targets

		<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Staff	Car	58%	56%	54%	52%	50%	48%	46%
	Bus	32%	33%	35%	36%	37%	39%	40%
	Walk/cycle	5%	6%	6%	7%	8%	8%	9%
	Other	5%	5%	5%	5%	5%	5%	5%
Customers	Car	80%	79%	77%	76%	75%	73%	72%
	Bus	16%	16%	17%	18%	19%	20%	21%
	Walk/cycle	3%	4%	5%	5%	6%	7%	7%
	Other	1%	1%	1%	0%	0%	0%	0%

Source: SKM Buchanan (developer's transport consultant) – Travel Plan April 2013

10.2.4 The TP identifies a series of measures and initiatives aimed at promoting alternative transport options and achieving the modal shift targets. These include:

- Improving information and awareness among staff and customers, including the development of a WRSC public transport timetable and route map, promoting the various alternative modes of travel on the website, providing

staff with travel information packs and the development of a 'travel office' within the Centre.

- Installation of real-time bus information (a contribution of £40,000 towards this was secured as part of the previous outline application in 2011, and this is likely to be implemented in the near future).
- Promotion of and involvement in national and local sustainable travel campaigns such as National Cycle Week.
- Developing a WRSC walking and cycle guide and ensuring routes are well signed and promoted.
- Encouraging retailers to set up 'cycle to work' schemes and promoting these where they are already in place.
- Investigating the feasibility and delivery of discounted 'WR Travel Cards' for employees, valid with all bus operators serving the Centre, and discount season ticket purchases such as the First Bus and MetroCard schemes.
- Further promotion of car sharing.
- Provision of four electric vehicle charging points as part of the development.

- 10.2.5 It is also proposed to provide a £400,000 'contingency fund' as part of the s106 which would be held by the Council and spent to fund mitigation measures in the event that the TP targets are not met.
- 10.2.6 To accompany the TP measures, a Car Park Management Plan (CPMP) for the Centre has recently been implemented, and is proposed to be extended and developed further in association with the proposed development, with a final version, once agreed, to be included in the Section 106. The aim of the Plan is to direct staff parking away from the most popular car parks (including to the proposed off-site car park), as well as gradually reducing the amount of staff car parking in conjunction with measures in the TP to reduce staff car use.
- 10.2.7 Since May 2013 staff have been asked to park in the three least popular car parks to ensure that the more popular areas remain available for customer use. The applicants have advised that 40% of staff have already complied with this request. From November 2013 a dedicated car park management team will be introduced, who will be responsible for implementing a system of recording of vehicle registration numbers, distributing of traceable leaflet-based warnings to staff who are repeatedly found to be parking in customer car parks, and the issuing of a parking charge notice after the 3<sup>rd</sup> warning, the proceeds of which are to be donated to charity.
- 10.2.8 The longer term plan for the Centre is to gradually reduce the number of staff parking spaces, with all dedicated staff parking eventually to be provided in the proposed car park, and 100 car sharing bays in the south western car park. In the meantime, car parks 7 and 8 (adjacent to the Sainsbury's petrol station in the south and the Office Park boundary in the north) would remain available for both staff and customers. These would be managed by the car park management team in the same way as discussed above.
- 10.2.9 The CPMP and TP are proposed to be supplemented by a series of other measures, including:
- Enhancements to the pedestrian route between the bus station and the White Rose Office Park, including improvements to surfacing and signage, and the installation of a lift to provide level access. This is proposed to link in with the existing pedestrian route within the Office Park, which is also to be

upgraded as part of a recently-approved development for a new office building at the site.

- Public transport contribution – The details of how this is currently intended to be used are discussed further below.
- The provision of junction capacity improvements at the Arlington Roundabout adjacent to the Centre, discussed below.
- Contribution towards the provision of a cycle route along part of the Dewsbury Road site frontage and the dedication of an area of land to allow for its provision.

10.2.10 The measures proposed in the TP and the CPMP have been reviewed by highways and Travelwise officers, and in general the approaches proposed are supported. However, concerns have been raised that the targets in the TP, particularly for customers, are very ambitious, and that if these were not achieved, the development could have significant implications in terms of traffic generation on surrounding roads and junctions, and on parking capacity within the site. Although mitigation measures have been suggested by the applicant if the targets are not met, concerns still remain regarding the feasibility and practicality of these and whether these would satisfactorily address any issues which may arise. These are discussed further below.

#### 10.2.11 Public transport

10.2.12 In accordance with the *Public Transport and Developer Contributions* SPD, a contribution of £672,510 towards public transport improvements has been requested as part of the application. However, in the light of the improvements to the bus station and the pedestrian link to the office park which are proposed as part of the development, and the contribution of £47,500 which has been agreed towards the provision of a cycle route along the site frontage, a deduction to this sum may be agreed. Details are awaited in relation to the costings of the physical works on site before finalising this sum.

10.2.13 The developer has been in discussion with bus operators First and Arriva regarding how this might be spent on public transport improvement, with the possibility of combining this sum with the £106,975 contribution from the new office building at the Office Park. These discussions have focused on two main aims:

- Improving connectivity between the WRSC and areas of high unemployment in south Leeds, many of which have identified deficiencies in public transport provision, to allow residents to access the amenities and employment opportunities at the Centre.
- Improving public transport to the Centre in the evening, in connection with the proposed cinema.

10.2.14 The following improvements have been suggested by Metro, following discussions with the bus operators:

- To extend the 12 service which currently operates between Middleton, Belle Isle, Hunslet, Leeds, Harehills, terminating at Roundhay Park at a 10 minute headway. The extension would see the service continue from Middleton to the WRC. First estimate that this would need 2 additional buses to maintain the 10 minute headway or 1 bus to achieve a 20 minute headway. Their recommended cost for a bus is £150k per annum (gross).

- 223 service, originating in Heckmondwike and serving north Kirklees and Morley – it has been suggested that the hours of this service be extended into the evening to serve the proposed cinema.

These services would open up areas to the White Rose area for residents living in the Beeston/Belle Isle and Middleton areas.

10.2.15 The developer has also suggested that the SPD contribution could be spent on the proposed capacity improvements to the eastern arm of the Arlington roundabout, as discussed above. However as such works would primarily provide a traffic impact benefit rather than specifically relating to public transport infrastructure, it is not considered appropriate for these to be funded from the SPD contribution, and a separate Section 278 agreement would be required to cover these works.

10.2.16 Discussions regarding the practicalities and funding implications of these proposals are ongoing with Metro, however it is noted that if a 5 year funding period is assumed, it is unlikely to be possible to fund all of the proposed service improvements from this contribution. The final decision on how the monies are spend will lie with local planning authority, but it is likely that this would relate in full or in part to these proposals.

#### 10.2.17 Traffic impact and parking

10.2.18 A traffic assessment (TA) has been submitted as part of the application which assesses the implications of the development in terms of parking requirements and traffic impact. The likely impacts in these respects have been considered against two scenarios:

- With travel plan – assumes that the staff and customer mode share targets in the table above are achieved.
- Without travel plan – assumes that the proposed mode share targets are not achieved and is based on existing modal splits.

#### Traffic Impact

10.2.19 The traffic generation for each of the proposed uses has been calculated separately, based on anticipated increases in visitor numbers and data from the TRICS database and taking into account the likelihood of linked trips and customer dwell times. The approaches and assumptions used in each case have been agreed with highways.

10.2.20 The traffic impact assessment for the development considers the traffic impact on the three major junctions closest to the Centre:

1. A653 Dewsbury Road/WRSC Access roundabout
2. A6110 Ring Road Beeston/WRSC Access/Millshaw Road/White Rose Office Park roundabout
3. A6110 Ring Road Beeston/Elland Road/Manor Mill Lane roundabout.

10.2.21 The submitted details confirm that, if the mode share targets for staff and customers in the travel plan are achieved, with the resultant reduction in car-based travel to and from the centre, there would be no material impact on any of these three junctions as a result of the development.

10.2.22 In the event that the travel plan targets are not achieved, the submitted details confirm that there still would be no material impact on junctions 1 and 3, which has

been accepted and confirmed by highways. However, the impact of the development on junction 2 – the Arlington roundabout – could be significant if these targets are not achieved or only partially achieved. The assessment shows that in the ‘without Travel Plan’ scenario, this roundabout would approach and, in some respect, exceed capacity at certain times, and would experience significant delay and queuing as a result of the development proposals during both the weekday afternoon peak and the Saturday peak.

- 10.2.23 Works to the Arlington roundabout are proposed as part of the scheme, comprising the widening of the A6110 (eastern arm) to a two lane approach, rather than a single lane as it is presently. Although this would considerably improve capacity and reduce congestion on approach to the roundabout from the east, it would not provide any mitigation for the potentially significant increases in congestion which could arise in the event that the anticipated reductions in car-based travel set out in the TP were not achieved. In the light of this and the concerns that the targets in the travel plan are very ambitious, there are concerns that the mitigation measures proposed are sufficient at present to adequately mitigate against any adverse impacts which may arise in terms of traffic generation in the event that these targets are not met. The applicant has now offered a pot of £400k towards further public transport interventions should the travel plan targets not be met.
- 10.2.24 On the basis of the information submitted, the Highways Agency have advised that they are satisfied that the development would not have significant implications for the two motorway junctions closest to the Centre (M62 Junction 28 and M621 Junction 1), and that they have no objections, subject to the agreement of an acceptable travel plan by Council.

#### Parking

- 10.2.25 The applicants are not proposing any net change in car parking provision on the site, ie 4697 parking spaces will be maintained. The applicants propose that through the implementation of a revised and strengthened travel plan that mode shift of 9% for staff travel (from 51 to 42% car driver) and 4% for customer travel (40 – 36% car driver) can be made over 5 years which would maintain parking demand slightly below / around current levels and which the applicant believes can be accommodated within the existing parking numbers on the site. Based on data provided by the applicant, the car park is currently operating at 91% capacity (average of July and November data). Their figures suggest 86% capacity will be reached in July periods and 90% in November periods with a robust Travel Plan.
- 10.2.26 In reviewing the figures, Highways Officers have considered the likelihood of increased average dwell times (because of the additional facilities on site) of customers from 99 to 111 minutes (12%) and assumed that the operational capacity of a car park to be between 90 and 95% of the total number of car parking spaces available.
- 10.2.27 Taking these aspects into account, the highways officer’s analysis suggests that there is a risk that the operational capacity will be exceeded, especially at the weekends and on the run up to Christmas. With the Travel Plan successfully implemented the corresponding percentage capacity figures would appear to be in the range 92-97%.
- 10.2.28 Highways officers are therefore supportive of robust travel plan proposals to implement a car parking management plan which will include:
- Limiting the number of parking spaces available to staff to 950
  - Providing incentives to staff who car share

- Providing public transport ticketing incentives
- Introducing monitoring of car parks with enforcement provisions

In addition other travel plan measures include the provision of sustainable travel information packs.

- 10.2.29 It is proposed that the Public Transport Developer contribution will be spent improving bus services to the site with the existing 12 service which operates between Middleton, Belle Isle, Hunslet, Leeds and Harehills, terminating at Roundhay Park on a 10 minute headway being extended to the White Rose Centre. In addition some on site RTI and bus station improvements are proposed to improve facilities for users.
- 10.2.30 An improved footpath link between the Centre and the White Rose Office Park is also proposed which has the potential to reduce unnecessary car trips between the 2 sites.
- 10.2.31 Although these measures are welcomed and will assist in bringing the car parking demand (and consequential traffic movements) down as far as possible it is still considered that the applicants assessment is very optimistic and further interventions should be provided if the travel plan targets are not met and car traffic / car parking is greater than predicted. The applicant has now offered a pot of £400k towards further public transport interventions should the travel plan targets not be met.

#### Parking

- 10.2.31 As with the traffic generation impacts, it is accepted that, if the targets in the TP are achieved and the CPMP is successfully implemented, the level of parking proposed – i.e. the re-provision of any lost spaces but no additional parking provision – would be sufficient to accommodate the proposed development. However, in the ‘without travel plan’ scenario, the submitted details demonstrate that the car park would exceed both actual and operational capacity at certain times as a result of the additional development proposed.
- 10.2.32 In the light of the highway safety implications in the event that car parks were to regularly exceed capacity at peak times, it is important that a robust package of measures are secured as part of the TP which would provide appropriate mitigation in the event that the targets therein are not achieved. At present, highways have advised that the measures put forward are not sufficient to adequately address these concerns. Discussions with the developer’s highways consultant are ongoing in this respect.

#### Cycle and pedestrian infrastructure

- 10.2.33 In conjunction with the TP and other measures to improve accessibility and promote alternatives to car-based travel as part of the development, additional cycle parking is proposed at the Centre, and a contribution to a cycle route alongside Dewsbury Road to the front of the site is to be provided as part of the scheme, as has been requested by the Council’s cycling officers.
- 10.2.34 Public rights of way officers have drawn attention to a number of initiatives which are currently in progress in relation to the public footpaths around the railway line and on land to the south and west of the centre, some of which the applicants are already understood to be involved in. Officers have requested a contribution towards the improvement and resurfacing of parts of these routes as part of the development. Whilst this aspiration is noted, it is also noted that the developers



propose significant enhancements to the pedestrian footpath link between the Centre's bus station and the Office Park, including the installation of a lift to provide level access. In the light of this considerable investment, and as this links into other initiatives relating to improving public transport accessibility to and from the Centre and surrounding employment areas, including improvements to the bus station itself and a contribution to improving bus services, a further contribution to public footpaths elsewhere has not been sought in this instance, although the comments received have been referred to the developer for information.

### **10.3 Employment and Training**

- 10.3.1 The South Leeds Investment Strategy identifies high unemployment and poor access to services, facilities and job opportunities as key issues facing South Leeds residents. The submitted details advise that the development would create around 1000 jobs (600 full time equivalent (FTE)), plus around 195 FTE construction jobs.
- 10.3.2 The WRSC has an existing record of working with local communities and involvement in initiatives aimed at developing skills and employment prospects in the south Leeds area. These include:
- Work with local schools including mentoring and awareness raising in relation to employment in the retail industry, and guidance on interview skills.
  - Developing relationships with organisations such as Employment Leeds, Leeds City College and Jobcentre Plus, and other employment, training and advice providers in south Leeds such as The Hunslet Club, South Leeds Youth Hub and the Hamara Centre in Beeston.
  - The centre's on-site learning and development centre, The Point, which provides employment and training support to local jobseekers, including training on skills to prepare candidates for the move into employment or career progression, such as application writing and interview coaching.
- 10.3.3 According to a recent survey of the centre, 68% of their employees live in the five nearest postcode areas. A detailed Employment Strategy has been submitted, providing details of how they propose to build on their existing work and partnerships to continue to promote and provide local employment and training in the south Leeds area.
- 10.3.4 The main target area for the initiatives in the Employment Strategy covers the following Wards: Ardsley and Robin Hood, Beeston and Holbeck, City and Hunslet, Middleton Park, Morley North and Morley South.
- 10.3.5 The development is expected to create in the region of 195 construction jobs, and the stated aim in the Employment Strategy is for at least 60% of the total construction workforce to be from within Leeds, with a particular focus on the 6 Wards identified above. Measures proposed include meet the buyer events, work experience opportunities, school/college site visits and apprenticeships. A series of targets for local employment and apprenticeships, formulated in discussion with Construction and Housing Yorkshire, are incorporated into the strategy.
- 10.3.6 Once completed and operational, the development will provide up to 1000 new jobs. The Employment Strategy sets a target for the Centre and its tenants (new and existing) to employ at least 40% of new employees from the 6 Wards identified above, and 70% from within Leeds.
- 10.3.7 Specific activities to promote local employment and training opportunities include:

- Providing information on new tenants to Employment Leeds to allow opportunities for local engagement and employment to be identified and promoted in partnership with other agencies.
- Voluntary charter for new and existing tenants including commitments to deliver local employment targets, monitor local employment data, develop apprenticeship schemes and support work experience, participate in recruitment open days and advertise new jobs to local people (including through Employment Leeds and their network of local organisations) before advertising elsewhere.
- Facilitating community outreach and recruitment events for each of the occupiers of the proposed extensions, including existing tenants.
- Continued use of The Point as a link between local people and training and employment opportunities at the Centre.
- Advertising new opportunities within the WRSC, on the Centre's website and through JobCentre Plus and The Point.
- Continued work with local schools including visits, work experience and mentoring.
- Ongoing work with community organisations including South Leeds Youth Hub, Hamara, Beeston Community Forum, Health for All and The Hunslet Club, including job events and promotions.
- Monitoring and evaluation of local employment statistics and initiatives.

10.3.8 The developer has committed to continuing work with Employment Leeds to identify and promote opportunities for pre-recruitment engagement with local communities, drawing on Employment Leeds' existing networks of local agencies in areas of employment need. The aim of such engagement is to identify training needs associated with forthcoming employment and to tailor local training delivery accordingly, providing local people with the confidence and skills to improve their chances of taking advantage of these opportunities.

10.3.9 Employment Leeds have reviewed the Employment Strategy and confirmed that this is acceptable. The final version of this document will therefore form part of the section 106 for the development.

10.3.10 In identifying priorities for improvements to public transport as part of the section 106 for the development, the main aspiration was to improve connectivity between the centre and those parts of south Leeds where unemployment levels are high and links with the Centre are identified to be poor at present. As discussed above, the intention at this stage is to provide improvements to the routing and frequency of the number 74 bus service, serving Middleton, Belle Isle, Beeston, Holbeck and Hunslet, including the diversion of the service into the WRSC's on-site bus station improving its efficiency in serving these areas and their connectivity to the WRSC.

## **10.4 Design and landscaping**

10.4.1 The application has been submitted in outline and the detailed design of the scheme has not yet been finalised, however a series of parameter plans have been submitted, identifying the key principles which will inform the detailed design of the scheme. The submitted details confirm the actual floorspace for each extension, which would be restricted by condition, and the 'zone' within which each would be sited, but allow flexibility in how this floorspace is laid out within each of these areas, within minimum and maximum extents. The plans also identify building frontages and entrances, pedestrian routes around the site, and areas of public realm and

landscaping, including the creation of an enlarged pedestrianised public space to the west of the proposed cinema/restaurant extensions.

- 10.4.2 Detailed pre-application discussions took place with the applicant's architects and the Council's design team to identify the main design themes for the development which, in turn informed the submitted parameter plans.
- 10.4.3 The indicative scale and siting of the extensions are considered to be acceptable, and it is considered that proposals to incorporate of glazed shop fronts and clearly articulated entrances to the Debenhams and Primark extensions would be of significant benefit in enhancing active frontages to this side of the building. The general design approach is considered acceptable, and specific details regarding fenestration, materials etc can be considered in detail at reserved matters stage.
- 10.4.4 The development would involve the removal of a number of trees from the site. As well as creating a larger public space to the west of the centre and providing new landscaping associated with this, the indicative design drawings also include new planting and landscaping around the other extensions. The principles of this approach are considered to be acceptable, and a detailed landscaping scheme, including additional tree planting within the site to compensate for the removal of trees to facilitate the development, would form part of a subsequent reserved matters application.
- 10.4.5 Many trees in other parts of the Centre's car parks are in poor condition as a result of waterlogging, salting of the car parks in the winter, and trees outgrowing tree pits, and have been removed or identified for removal. The submitted details advise that trees which have had to be removed are to be replaced either with native planting in verges around the parking areas, or *in situ* with more suitable species as part of a long-term replanting strategy of pit replacement for all trees within the parking areas.
- 10.4.6 As suggested by Panel Members at pre-application stage, the applicants have agreed to provide a contribution of £25,000 towards landscaping enhancements on Dewsbury Road to the east of the site, outside the houses opposite the Centre. As well as providing a visual enhancement along this approach to the Centre, this would also provide some new planting in partial compensation for the removal of trees on site to facilitate the development, although additional planting would still be required on site as part of a detailed reserved matters application. The agreement to provide a contribution in this respect is considered to be reasonably related to the development and an appropriate means of addressing some of its impact and providing enhancements within its immediate vicinity, and to comply with the tests set out in the Community Infrastructure Levy (CIL) Regulations.

## **10.5 Section 106**

- 10.5.1 Heads of terms for a Section 106 agreement have been submitted. This is proposed to cover the following obligations:
- Public transport contribution – As discussed above, in the light of the developer's agreement to provide physical improvements to public transport and related infrastructure on-site (through improvements to the on-site bus station and the pedestrian route from there to the Office Park), together with a separate contribution to the provision of cycle route along Dewsbury Road adjacent to the site, a reduced public transport contribution of how much has been agreed (together with the extension of the Nos 12 and 223 services described in paragraph 10.2.13 above).

- Contribution to provision of a cycle route along Dewsbury Road
- Travel plan and monitoring fee (£3000)
- Local employment and training scheme
- Contribution to landscape enhancements on Dewsbury Road opposite the site - £25,000
- Travel plan contingency fund - £400,000 to be paid to and held by Leeds City Council, and spent on improvements to Beeston Ring Road and the Arlington Roundabout adjacent to the site in the event that Travel Plan targets are not met. Details of how this would be spent
- Car park/staff parking management strategy
- Undertaking from the developer not to submit any further applications for development on the Green Belt land (off-site car park) to the south of the site for a minimum 5 year period.

10.5.2 The Community Infrastructure Levy Regulations 2010 require that all matters to be resolved by a Section 106 planning obligation have to pass 3 statutory tests. The relevant tests are set out in regulation 122 of the Regulations, which state that a planning obligation may only constitute a reason for granting planning permission if it is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

10.5.3 The matters listed above have been considered against these tests and, for the reasons set out in more detail above and below, are considered to be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

## **10.6 Residential amenity**

10.6.1 Due to the nature of the uses proposed and the distance to existing residential properties there are no direct amenity concerns relating to the proposed development. Environmental health have raised no objections and the development is therefore considered acceptable in this respect.

## **10.7 Flood risk**

10.7.1 Although eastern and southern parts of the wider site are within flood zones 2 and 3, these do not cover the areas where the extensions are proposed. A flood risk assessment (FRA) has been submitted as part of the application, and the Environment Agency and the Council's flood risk management section have raised no objections to the proposals, subject to conditions covering drainage and the implementation of measures in the FRA.

## **10.8 Letters of representation**

10.8.1 All matters raised in the letters of representation which have been received in response to the outline application have been addressed in the foregoing appraisal.

### **B) Application 13/02684/FU – Off-site car parking**

## **10.9 Principle of development – Green Belt and viability**

10.9.1 Although the former car breaker's yard area benefits from a Lawful Use Certificate and other parts of the site have previously been developed, the site is in the Green Belt, and the policy tests in the UDP and the NPPF in relation to development in the Green Belt apply to the consideration of the scheme.

10.9.2 Car parking is not one of the categories of development which UDP policy N33 identifies as acceptable in the Green Belt, and it therefore constitutes 'inappropriate development'. The NPPF states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.' It goes on to advise that

*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*

10.9.3 The developer's supporting statement advises that, as the proposals relate to a previously developed site and no buildings are proposed – in fact buildings are proposed to be removed – the proposals would have no significant impact on the openness or purposes of the Green Belt and therefore are not inappropriate. Whilst this is noted, the application seeks to redevelop the land into a car park, a use which is not within the categories set out in policy N33, and which is therefore inappropriate, and has been held to be so in other cases.

10.9.4 In anticipation of this, the applicant advises that even if the proposals are deemed to be 'inappropriate', the following very special circumstances exist which would outweigh the harm to the Green Belt arising from the development:

- The proposals would be less intensive than the current lawful use, and would remove or derelict buildings, thus reducing the impact on openness.
- The proposals would improve the appearance of the site by removing temporary fencing, advert hoardings and areas of scrubland and damaged hardstanding, and providing additional landscaping and improved surfacing.
- The proposals will remove existing access points onto Dewsbury Road and limit all public access to the northern entrance, improving highway safety.
- The car parking will support the expansion of the WRSC, providing a large number of entry-level and part-time jobs that are accessible to local people most at risk of unemployment.
- The creation of on-site car parking decks as discussed pre-application would not be financially viable. If the proposals are to be delivered and the local employment benefits realised, this therefore relies on the provision of additional car parking on this site.

10.9.5 As inappropriate development, the creation of car parking can have an impact on openness arising from hardstanding, vehicles parked on the land and ancillary features such as lighting columns, signage etc. This is in addition to the visual implications of providing large car parks within areas of open land. In considering the implications of the development, it is necessary to have regard to the lawful and former uses of the site.

10.9.6 The fact that a development would 'tidy up' a site is not in itself considered to constitute very special circumstances. There are many sites in the Green Belt which have fallen into dereliction or disrepair, and where this argument, if accepted here,

could be repeated. However, in considering the particular circumstances of the application site, there are a number of matters to be weighed in the balance in considering the implications of the development for the Green Belt. The southern area benefits from a certificate of lawful use as a breakers yard, and there are existing areas of hardstanding and a building on site related to this use. If intensively used for this purpose, this could result in large numbers of scrap vehicles being stored/stacked on the site, with associated implications for both the visual character and the openness of the Green Belt. In this respect, the creation of car parking on this part of the site is unlikely to have a significantly greater impact in terms of openness and amenity than the existing lawful use.

- 10.9.7 The development would result in the removal of the building from the scrap yard site, as well as the larger office/warehouse building from the northern part of the site, providing some benefit in terms of openness in this respect. It is noted that much of the northern part of the site, around the former office building, is surfaced with hardstanding, and that whilst the eastern part of the site – formerly a petrol filling station – has been disused for a considerable period and has become overgrown, concealing the impacts of this former use to some extent, there is still some evidence of its use.
- 10.9.8 Whilst removing existing buildings from the site and providing some additional planting and landscaping, the proposed development would result in an increase in hardstanding overall across the site, removing trees from around the beck area to create the access, and would still have an impact on openness, which needs to be taken into consideration.
- 10.9.9 The developer has also put forward as ‘very special circumstances’ the fact that the proposed car park is required as an integral part of the proposed extensions to the WRSC itself, without which the proposed development, with its associated investment and employment, would not be brought forward, as it would be unviable for the developer to provide decked car parking on site as proposed pre-application. A viability statement has been provided by the applicant in support of this assertion, and has been independently assessed by consultants Sanderson Weatherall. Further details on the viability assessment are provided in an exempt appendix to this report, which will be provided to Members in advance of the Plans Panel meeting on 12<sup>th</sup> December. The information contained in this exempt appendix 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).
- 10.9.10 The viability statement concludes that a requirement to provide decked car parking within the existing WRSC site would render the scheme unviable, and that the ability to re-provide adequate parking whilst achieving a viable scheme relies on the creation of a surface car park for staff on this adjacent Green Belt site.
- 10.9.11 The proposed extensions to the WRSC would provide a significant investment in the south Leeds area, providing local employment opportunities, improved leisure facilities for the area and improvements to public transport infrastructure and connectivity. Furthermore, as discussed above, it is not considered that the development would have a harmful impact on the vitality and viability of existing centres, or on highway safety. The visual benefits which would arise from the removal of vacant and derelict buildings and enhancements to surfacing and landscaping on the proposed car park site are also noted. It is accepted that the

viability and delivery of the scheme relies on the provision of this proposed surface car parking, and in the light of the significant benefits that would arise from the proposals, and taking into account the lawful use and appearance of the site at present, and the visual enhancements proposed, it is considered on balance that these benefits are sufficient to outweigh any harm to the Green Belt which may arise from the inappropriate development and to constitute very special circumstances to justify its approval in this instance.

- 10.9.12 Concerns were raised pre-application that, even if it were to be accepted that very special circumstances did exist to justify the proposed development, the establishment of a WRSC car park on this land could lead to pressures for the further extension/encroachment of the shopping centre further to the south in the future, which would be contrary to GB policy and objectives, the applicants have advised that they would include a clause in s106 agreeing no further applications for development on this land for 5 years.

## **10.10 Transport**

- 10.10.1 Highways have confirmed that the proposed layout and access arrangements for the off-site car park are acceptable. Concerns had been raised regarding the retention of an exit from the site onto Dewsbury Road, and highways had advised that all access to and from the site should be from proposed new entrance in the northern part of the site. However, it is understood that, whilst other accesses onto Dewsbury Road are proposed to be closed as part of the scheme, it is necessary to retain the exit in the south eastern corner of the site as an emergency exit in the event of flooding in the northern part of the site. In the light of this, the retention of this exit is considered acceptable, subject to conditions restricting its use to emergencies only and preventing its use as a general entrance/exit by staff, and requiring all other redundant accesses onto Dewsbury Road to be closed and reinstated. A condition is also recommended tying the implementation of the car park to that of the associated extensions to the shopping centre, and preventing its severance or separate use in the future. Subject to these conditions, highways and the Highways Agency have confirmed that this aspect of the proposals is acceptable.

## **10.11 Visual amenity and landscaping**

- 10.11.1 The site is in the Green Belt and is surrounded by open land to the south and west. Whilst it is noted that parts of the site are previously developed and/or benefit from a lawful use certificate, the creation of car parking on this land would increase the amount of hardstanding in parts of the site, particularly where the access is proposed which, together with the associated structures such as lighting columns etc, and the parking of vehicles on this site, would have an impact on its character and appearance. However, this has to be weighed against the site's existing layout and character, which includes disused buildings, metal palisade fencing, overgrown vegetation and damaged hardstanding. A number of measures have been proposed which seek to mitigate and minimise the impact of the proposed development, and a detailed landscape impact assessment has been submitted in support of the application.
- 10.11.2 The measures proposed include the removal of hardstanding and vehicular access points along the Dewsbury Road site frontage and the creation of a landscaped embankment around 1.5m high, and the planting of trees along this raised area, which aims to screen views into the car park from vehicles travelling Dewsbury Road. The retention of a belt of trees immediately behind this initial section of

parking along the site frontage would serve to screen views of the remaining car parking areas in the rear part of the site, as the land rises away from Dewsbury Road. The removal of hardstanding and its replacement with soft landscaping along this frontage would be of benefit to its visual amenity, as would the demolition of the prominent disused office building and other buildings from the site.

- 10.11.3 A number of trees are proposed to be removed from the site to facilitate the creation of the access, the culvert across the beck, and the provision of a pedestrian route through the site. However, additional tree planting is proposed within the car parking areas. The details of this, together with the landscape impact assessment, have been considered by the landscape officer, who, following a number of minor revisions and clarifications on certain aspects of the scheme, has confirmed that the proposals are acceptable, subject to conditions relating to the provision of a detailed landscaping scheme, tree protection and retention which are recommended as part of any permission.
- 10.11.4 In accordance with UDP policy N24, it is proposed to retain the belts of planting which currently run along the western and southern boundaries of the scrap yard site, in order to retain a landscaped 'buffer' between the development and the adjacent open land and minimise its appearance within the landscape. A condition requiring this to be retained for the lifetime of the development is recommended.

## **10.12 Crime and security**

- 10.12.1 As discussed above, a staff car park management strategy has recently commenced at the site, incorporating measures aimed at reducing staff car use and relocating staff parking to those car parks furthest from the Centre, leaving the more popular and accessible car parks available for customer use. As part of the current applications, this strategy has been updated and extended into a car park management strategy covering the whole of the extended site, including the proposed off-site staff car park. It is intended that, once finalised, the car park management strategy will form part of the Section 106 for the development.
- 10.12.2 Concerns were raised during pre-application discussions that staff might be discouraged from using the off-site car park because of its remoteness from the Centre and potential security and safety concerns for staff walking back to the car park late at night. In response to these concerns, further details of the management and security features to be employed in respect of this off-site car park, as an extension of those already in place in the Centre's existing car parks, and to encourage staff use of the off-site car park and therefore the effective operation of the car parks across the site.
- 10.12.3 Measures which are currently operational at the site, which are to be extended to the off-site car park, include:
- 24 hour on-site security provision
  - External CTV – monitored 24 hours
  - An on-site and dedicated police team
- 10.12.4 In addition, the following security features are proposed in relation to the off-site car park:
- Malls will remain open to allow staff working on an evening to walk through the Centre rather than having to walk around it from the cinema for example.



- Car park lighting across the wider site to be timed to remain on to cover all staff working times.
- Enhancements to the pedestrian route between the centre and the off-site car park, and the provision of lighting along this route, including low level lighting.
- The issuing of free panic attack alarms to staff.
- The installation of panic call points.
- Intercoms linked to the Centre's 24 hour manned Security Control Room.
- Increased security and police patrols of the area.
- CCTV

10.12.5 The measures in the updated car park management strategy for the wider site, including enforcement measures to manage staff parking, have been reviewed by highways and are considered to be acceptable. In the light of this, it is considered that the additional and extended security measures proposed in relation to the staff car park and the extended opening hours are reasonable. A condition is recommended requiring details of security measures, including lighting and CCTV locations within the car park and along the route to the centre, to be approved and implemented before it is brought into use.

### **10.13 Nature conservation**

10.13.1 The off-site car park proposals involve the removal of an area of trees and vegetation within the site and works to culvert a section of Cotton Mill Beck in the northern part of the site to facilitate the provision of the vehicular access. Because of the implications of these works for protected species and biodiversity along this stretch of the beck, a habitat survey and a number of species-specific surveys have been provided as part of the application, covering bats, water voles and reptiles. These have been considered by the Environment Agency and the Council's nature conservation officer who, on the basis of the findings and recommendations therein, have advised that they have no objections, and that the proposals would not have significant implications for protected species.

10.13.2 Conditions are recommended restricting the times at which vegetation clearance can be carried out, and requiring the submission, approval and implementation of a biodiversity protection and enhancement plan, including enhancements to Cotton Mill Beck and improve bat foraging habitats across the site. Subject to these conditions, the application is considered acceptable in this respect.

### **10.14 Flood risk**

10.14.1 The northern part of the site, alongside Cotton Mill Beck, is within Flood Zones 2 and 3. As part of the development it is proposed to culvert a section of the beck. A flood risk assessment (FRA) has been submitted as part of the application, which assesses the implications of the development and recommends appropriate mitigation measures. This has been reviewed by the Environment Agency and the Council's flood risk management section, who have confirmed that they have no objections to the proposals, subject to conditions requiring the measures within the FRA to be implemented and details of the drainage of the site to be approved before development commences. Subject to these conditions, the proposals are considered acceptable in this respect.

### **10.15 Letters of representation**

10.15.1 All matters raised in the letters of representation which have been received in response to the application have been addressed in the foregoing appraisal.

## **11.0 CONCLUSION**

- 11.1 The proposed expansion of the White Rose shopping centre to include extensions to the existing Primark and Debenhams stores, together with a new 12 screen cinema, has largely been welcomed by local Councillors and community groups. An extension of this type is supported by the Draft Core Strategy and the South Leeds Investment Study, subject to there being no adverse impacts on planned investment in either Leeds City Centre and Bradford City Centre. The retail assessments submitted with the applications, together with the City Council's own independent scrutiny of likely retail impacts, indicate that the proposed development will not have an adverse effect on either of these proposals, nor have significant adverse effects on centres in adjoining districts such as Wakefield, Calderdale and Kirklees.
- 11.2 A number of significant benefits will also result. These include the creation of approximately 1,000 new jobs (600 full time equivalent), together with 195 construction jobs. Past experience has indicated that the majority of these jobs will be taken by local residents. However, this application is accompanied by a comprehensive training and employment plan which focusses on recruiting staff from nearby areas of high unemployment such as Middleton, Belle Isle, Beeston and Holbeck. This employment offer is reinforced by proposals to extend bus services to these areas providing, for the first time, a direct link to the White Rose area (including the office park) through the week with early morning and late evening services. These bus services relate to the labour market catchment area and will also improve the likelihood of local people in these areas of high unemployment gaining much needed jobs.
- 11.3 The impact of the new development, together with the additional parking deemed and loss of spaces give rise to a need for replacement parking. Initial proposals for deck parking had been superseded by proposals to develop in the Green Belt. This has led to an exceptional circumstances case based on financial viability. A private and confidential report will be circulated separately containing an independent assessment of the case. Should Members be mindful to support this application, conditions are recommended to link the provision of the new car park to increase in development and the loss of existing spaces, as well as to prevent any other form of development on the land for 5 years following completion.
- 11.4 These significant benefits are to some extent offset by the transportation implications of the proposed development. These include improved bus services, provision of on-site footpath routes and off-site cycle ways which will also help to reduce the dependency to travel to the centre by car by employees and visitors. However, the car park is already operating close to its maximum capacity and it will only be if the Travel Plan is fully effective or any subsequent problems that may arise are ameliorated by the £400,000 contingency sum that any adverse effects on the highway networks will be averted. It is important therefore that Members consider this application in the round and balance levels of support, retail impact and the creation of jobs, together with increased employment opportunities for residents in areas of high unemployment against the potential adverse transportation impacts. It is in this context that the application is, on balance, recommended for approval.

## **12.0 BACKGROUND PAPERS**

12.1 Application files: 13/01640/OT and 13/02684/FU.  
Investment Strategy for South Leeds and Executive Board report 27<sup>th</sup> July 2011.

12.2 For application 13/1640/OT notice has been served on:

- White Rose (Leeds) Ltd
- Evans Property Group
- Debenhams Retail Plc
- Greggs Plc
- The Entertainer (Amersham) Ltd
- Primark Stores Ltd
- Marks and Spencer
- HMV(UK) Ltd (in administration)
- Bank Fashion Ltd
- TFS Stores Ltd
- Northern Powergrid (Yorkshire) Plc
- Millies Cookies Ltd
- Thorntons Plc
- Yorkshire Electricity Group Plc
- Costa Ltd
- Northern Gas Networks Ltd

12.3 For application 13/02684/FU notice has been served on:

- White Rose (Leeds) Ltd
- Land Securities Plc
- Evans Property Group

## Appendix 1 – Minutes of Pre-application Plans Panel presentation – 25<sup>th</sup> October 2012

Plans, graphics 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 on pre-application proposals for extensions to the White Rose Centre (WRC) and received a presentation on behalf of the applicants.

Members were informed this would be a significant scheme and because of the location of the site, there could also be implications for neighbouring authorities.

There would be 3 main elements to the scheme, these being an extension to the Primark unit, an extension to the Debenhams unit and the creation of a multiplex cinema, with up to 12 screens, with additional retail and catering outlets, with all of the development taking place on existing car parking on site.

To mitigate against the loss of 670 car parking spaces, raised areas of decked car parking would be provided, with a total loss of car parking spaces being 170. Members were informed that discussions were ongoing in respect of the design of the decked car parking. Members were informed that there was an extant permission for 2,000 sqm of additional retail space at the centre.

In terms of the main issues the following were highlighted:

- that the site was not within a designated centre and that the developer was in the process of drawing up a sequential test and assessment which would be considered as part of the formal application
- the proposed three additional A1 units could have an impact on smaller centres, including Morley
- that the two main extensions were to retail units which also had a presence in the city centre and that assurances that the proposals would not have an adverse effect on vitality and viability of existing centres
- the introduction of the cinema use and whether this would generate new trips to the centre in its own right
- public transport issues, with a public transport hub being proposed
- the possibility of the creation of a pedestrian link from the adjacent White Rose Office Park to the bus station
- design issues, particularly in respect of the Primark extension and the decked parking
- S106 issues relating to public transport contributions; greenspace and local employment

The Panel then received a presentation on behalf of the developers and received the following information:

- that the application would give the opportunity to invest further in an existing asset; that the WRC was seen as a community asset with much support being given to local events and community projects, as well as providing a source for local employment, with over 40% of those employed at the WRC living locally
- the proposals would help address some of the problems of deprivation which existed around the site and that the leisure and retail jobs which would be created through the scheme would be of benefit to local residents. Aligned to this, the WRC had established good links with a range of organisations involved in providing education and employment and that the proposals could create up to 1,000 new jobs

- enhanced public space; additional planting and the inclusion of a public square to create a new, active space at the WRC
- improved public transport facilities would also be provided
- in terms of the proposed extension to the Debenhams store, the aim was to extend the architectural language of the existing unit and create active frontages and double height glazing
- public consultation had commenced, with currently 100 hours of this having taken place to date, which also included meeting with Morley Town Council's planning committee. Of the 643 responses received so far, 90% of these were favourable towards the proposals. If permission was granted, the aim was to start on site in Spring 2014, with completion being in Autumn 2015

The Panel raised the following matters:

- the extent of the consultation exercise in view of one Panel Member residing in the area but being previously unaware of the proposals
- the impact of the proposals on traffic, particularly on Dewsbury Road and whether a residents' parking scheme could be considered by the developer to alleviate the problems on streets close to the site and that the cinema use would lead to trips at different times, especially evenings and weekends when public transport was usually less frequent and this would need to be addressed
- staff car parking and that additional spaces were likely to be required
- the information to be provided as part of the formal planning application and whether historical analysis would be included to show how the WRC in its 15 years of trading had competed with the city centre;
- whether by extending in the WRC, Primark and Debenhams would close in Leeds city centre; whether existing centres were trading to capacity;
- the need for Members to be informed about the sustainability of the proposals and some context for the scale of the proposed extensions
- the creation of jobs and for this commitment to be a strong one and for local people in the area to have a job guarantee.

In response to the points raised, a representative of the developer provided the following details:

- that further letter drops about the proposals were to be undertaken
- that it was not felt that on-street parking from visitors to the WRC occurred but that management would work with residents to ensure no such problems occurred
- that discussions were ongoing with Metro about the public transport proposals
- that a car sharing scheme for staff had been tried with limited success but that an agreement had been reached with the White Rose Office Park to join their scheme to encourage more car sharing. In terms of visitors to the centre, the new vehicle messaging system was proving successful and that it was felt that the proposals would result in people coming to the centre and staying longer
- that Land Securities as well as being a joint developer of the WRC were also developing the Trinity Scheme in the city centre and this would not be the case if it was felt that both schemes were not viable. In addition, two major retailers had signed up for Trinity and the WRC and that Primark and Debenhams had indicated that the proposed extensions would not impact on their stores in Leeds, Wakefield and Bradford
- that a detailed base of evidence on shopping habits would support the planning application
- that the comments made about the provision of a job guarantee would be considered

In line with the agreed protocol for speaking at pre-application presentations, the Panel then heard from Councillor Finnigan who stated that he had also discussed the scheme with

Councillor Congreve, whose ward bordered that of the site and would be providing comments on behalf of the Beeston and Holbeck Ward Members also.

Members were informed that there were concerns about the proposals in respect of highways, with Dewsbury Road already experiencing significant congestion from traffic going to the WRC and that reassurances were needed that there would be no worsening of the current situation if the scheme was granted planning permission. There was also concern about parking provision and that sufficient parking would be needed to satisfy the development for visitors and staff. Public transport also had to be improved with a better drop off/pick up point being provided and a link established to the office park.

In terms of the S106 agreement, there should be a continuation of the work which had been done by the WRC with local primary and high schools and that the monitoring of the S106 should be undertaken by Learning and Skills. In respect of greenspace, there was the opportunity to improve an area on the Ring Road, opposite the WRC which would help enhance the immediate setting of the centre.

Regarding possible competition, Members were informed that the WRC had not competed but in fact had complemented Morley Town Centre and that it was not felt that the proposals would have a detrimental impact on other surrounding centres. Furthermore there would be the creation of much needed employment and in terms of working closely with the local community, the WRC had a track record of doing this.

It was noted that several Members had left the meeting and in relation to the issues raised in the report for specific comment by Panel, the following brief comments were provided:

- that in respect of the proposal to increase the level of retail floorspace and introduce a new cinema use at the WRC, there was some support, although there were issues about the levels of car parking to be provided and the design of the decked parking. It was noted however that no reference in the presentation had been made to the fundamental point that the proposals were against planning policy. Furthermore, it was likely that neighbouring centres and adjoining local authorities were likely to have views on the proposals.
- to note the assurances given by the developer on behalf of Debenhams and Primark about their commitment to retaining a presence in Leeds and the centres of neighbouring authorities
- that the provision of an additional cinema would provide more choice
- that there was some support for the three smaller A1 units which were proposed
- regarding highways issues, to note the concerns which had been raised and that there was a need for detailed information on this, particularly the impact of traffic to the cinema and that an analysis of this should include when Leeds United had an evening home game
- to note Members comments about the information which should be provided when the application was to be determined
- to note the concerns about the design of the decked parking; that insufficient detail had been provided about the design of the cinema to enable a provisional view to be formed; that the issue of improvements to an area of greenspace on the Ring Road should be considered.

Members noted the comment given by the developer's representative that this could be done as part of the proposed quality landscaping scheme

- the proposals for improvements to the bus stops at the centre were welcomed
- regarding the content of the S106 agreement, this should also address linkages and that there should be specific work done around Middleton, Beeston and Morley; to note that Jobs and Skills would monitor the local employment matters but the need for the agreement to be

enforced rigorously, if that became necessary

- to note that further consultation would be taking place and to a wider area

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

## Appendix 2 – Minutes of Position Statement to Plans Panel – 1<sup>st</sup> August 2013

Further to minute 24 of the City Plans Panel meeting held on 25th October 2012, where Panel received a pre-application presentation on proposals for the expansion of the White Rose Shopping Centre, Members considered a further report of the Chief Planning Officer on the proposals together with details of the current position on a related application for the demolition of existing buildings and re-development of an area of land sited in the Green Belt, for use as a staff car park for the White Rose Centre (WRC)

Plans, photographs and graphics were displayed at the meeting. Members had visited the site prior to the meeting.

Officers outlined the proposals for the WRC which were to extend two existing stores, create three new retail units, a multi-screen cinema – up to 12 screens, restaurant units and remove an existing coach park and provide an area of public open space.

Whilst the proposals would result in the loss of 670 car parking spaces, the related application was to provide a staff car park and would involve the demolition of the existing buildings and improvements to the appearance of the site, whilst providing improvements to highway safety through the access arrangements proposed.

Members were informed of the main issues which were still being considered in respect of the proposals, these being:

- retail and out of centre issues; that a Sequential Test and Impact Analysis had been submitted and were being considered by the Council's independent retail consult
- that objections from the three neighbouring Local Authorities had been received regarding the impact of the proposals on their centres
- that the cumulative impact of the proposals had to be considered in relation to the proposals for introducing retail uses at Thorpe Park and the impact both of these could have – if approved – on planned development in the City Centre, particularly the Victoria Gate development and the proposals for the second phase of that scheme. The Chief Planning Officer stated that the retail impact assessment would be at the core when it came to assess these proposals in view of the other retail schemes coming forward
- whether extensions to existing stores had a different impact as opposed to the creation of new, separate stores and the introduction of a new offer into the WRC
- highways issues; the proposals for some improvements to the bus station but the need to consider public transport links to the WRC from further afield and for longer hours; the loss of a high level of parking, with no re-provision for shoppers, with the approach being to create an off-site staff car park; the need to make this attractive for staff to use and to understand what further measures would be proposed in the event that the parking proposals were not as successful as envisaged. There would also be a need to link the two proposals by condition to ensure neither element could be brought forward in isolation
- pedestrian access and the need for improved links, particularly from the adjacent office park
- job creation, with around 1,000 new jobs being created through the construction and post-construction phases; that discussions were ongoing with Employment Leeds and the need to ensure local employment was achieved
- that as a Green Belt site the proposal for the staff car park was inappropriate development and therefore the applicant had to demonstrate that 'very special circumstances' existed to outweigh the intrinsic harm to the Green Belt caused by the proposals
- the design of the car park and the need to ensure safety of staff using it, especially late at night



A small number of representations had been received at this stage and whilst there was support for the local jobs and investment the expansion would create, concerns at its impact and the need for the proper tests and analysis to be carried out had been raised.

Members discussed the proposals and commented on the following matters:

- the anticipated increase in customers if the scheme was approved and where the expected additional shoppers would be coming from
- the use of public transport and whether people would be likely to use this to travel to the centre, particularly to undertake major shopping
- how it could be ensured that staff were not using the more remote parts of the WRC car park, rather than a dedicated staff car park further away
- whether the proposals would lead to car park charges being implemented at the WRC. Members were informed that there were no proposals to introduce a charge for parking at the WRC
- the need to ensure that, if approved, there was sufficient and safe staff parking during the construction of the WRC extensions, with the possibility of the car park being ready in place before this. On this matter, the Chief Planning Officer stated that whilst it was right for this to be considered, there was currently surplus car parking spaces at the WRC; that the staff car park was proposed on a Green Belt site, which required careful consideration and that it was important to ensure there was no overspill, whilst at the same time ensuring that not too much car parking was being provided too early
- the need for adequate lighting of the staff car park, with Officers advising that there would be a condition requiring the submission of a car park management plan to enable these concerns to be addressed
- that the proposals were for a massive expansion of the floorspace and that the onus was on the developers to show that this would not have an impact, with the view being that this had not been done
- that the concerns of Morley Town Council Planning Committee had not been addressed and that the developer's approach had been to mount a publicity exercise and garner support for the scheme
- the likelihood that the application could be called in by the Secretary of State
- that the proposed leisure uses would bring in more people who would then stay for longer, thereby having a greater impact on the car parks in the WRC
- that at certain times, i.e. weekends, Bank Holidays and close to Christmas, the existing car parks at the centre were full, with queuing traffic then building up on to Dewsbury Road and that even taking into account the creation of a staff car park, the overall level of customer parking at the centre would be less
- the number of buses which ran past the site per hour and that a system could be introduced to enable staff to travel by bus from the more remote car park and access the WRC via the bus station
- that improved evening bus services to the WRC were needed as there were gaps in provision from areas of the city in relative close proximity to the site
- that the siting of a staff car park on a Green Belt site was not too great a concern in this case as the area was particularly degraded, although there were mixed views on the loss of an area of Green Belt
- that the creation of a car park in isolation might help increase trade at the WRC as during peak times, many shoppers drove away from the centre when it was clear that the car parks were full
- that the development of the WRC had led to the creation of traffic problems in the local area, particularly on the Ring Road to the site and on the A653 and at what point Highways Officers would feel that capacity had been reached
- that the previous proposals for decked car parking should be reintroduced

- that there was a need for the developers to do more to encourage public transport use to the WRC
- the importance of ensuring local employment and to welcome the training initiatives the proposals would bring.

The Chief Planning Officer stated that the traffic impact of the proposals would be very carefully assessed and that the jobs; investment; expansion of bus services and training would go hand in hand and was the kernel of the whole judgement of the application.

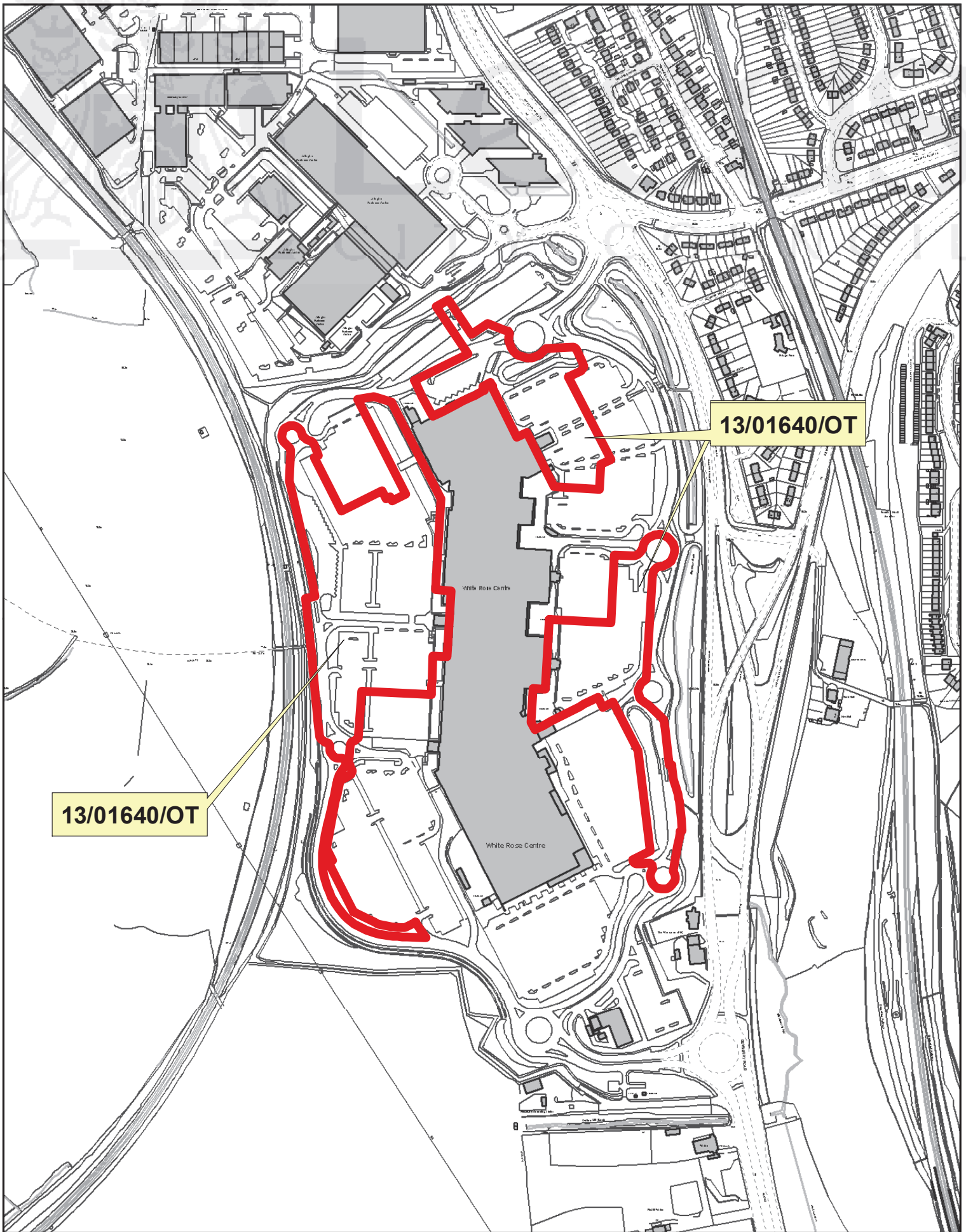
In response to the specific points raised in the report, the Panel provided the following comments:

- regarding the proposal to increase the level of floorspace and introduce a new cinema use at the WRC, the view was expressed that currently the case for this had not been proved, whereas some Members felt this might be acceptable but it would be subject to further retail assessments to understand the impacts and the benefits
- regarding assurances to be sought from the developers in terms of ensuring that the principal elements of the retail proposals were delivered as extensions to the existing large anchor stores and preventing their subdivision in the future in order to protect planned investment in Leeds City Centre and adjoining local authorities, Members required a legal agreement for this
- that more research was needed to satisfy Members there would be no further significant impact on the local highway network as a result of the development, particularly at peak periods, e.g. Christmas and on match days
- that an integrated approach to the development of the bus station to serve the WRC and the neighbouring office park, together with associated improvements to infrastructure and footpath links was supported, however the difficulties this posed when dealing with a de-regulated bus industry had to be realised and there was a need to fully understand the interventions proposed to drive modal changes. Members also supported the provision of improved bus services to local labour market areas with high levels of unemployment, as identified in the South Leeds Investment Strategy, such as Middleton Park, Beeston and Holbeck and Morley and that Churwell also needed to be included
- that the request for further detailed and specific information as set out above was supported and the need for an overall review of all bus services which ran past and through the WRC was called for
- the information and proposals for cyclists should be incorporated
- that it was too early to comment on the parameter plans
- that high quality design was required
- to note the planning obligations set out in the report and that a car sharing plan could be considered as part of the S106 Agreement
- that the developers should provide a financial viability statement in support of their case as to why a decked car park solution was not possible and why Green Belt land needed to be used
- that in terms of restricting the use of the land for car parking to prevent its further development in the future, that this must be tied down tightly to ensure there were no loopholes
- that the provision of a management plan for the car park and pedestrian routes to the centre, setting out measures to encourage its use by staff and ensure their safety and security in using these areas must be provided
- regarding the impact of the proposed car park on the character of the area, Members welcomed the retention of the hedgerows and trees
- in terms of security of the car park and for staff using this area late at night, that more assurances were needed of the measures to be put in place and that consideration should

be given to allowing staff to walk through the WRC after it closed to the public, rather than requiring them to walk outside late at night

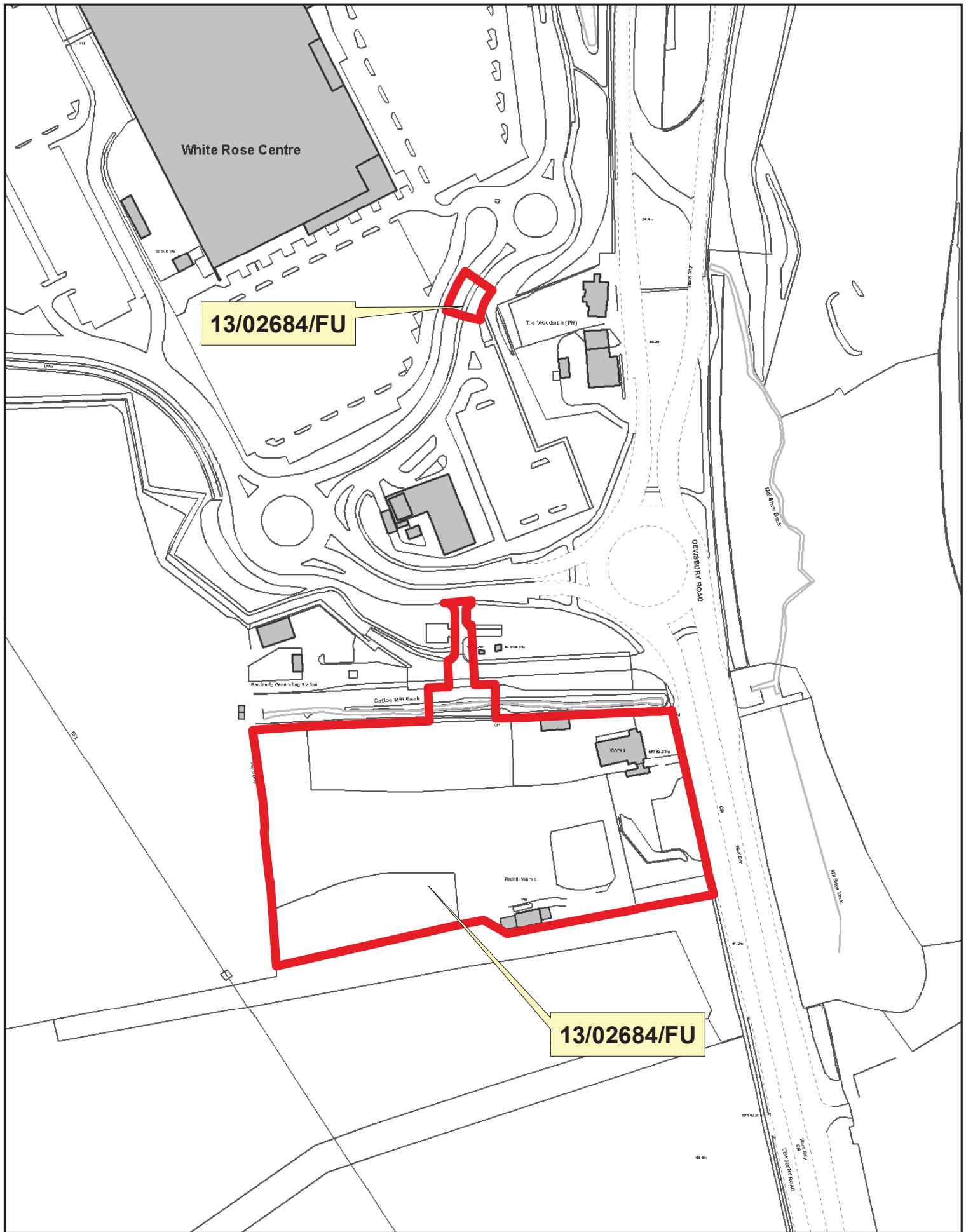
- to bear in mind that it would be the cinema and restaurants which would be the most important in terms of generating additional traffic and leading to extra pressure on car parking

**RESOLVED** - To note the report and the comments now made



# CITY PLANS PANEL





# CITY PLANS PANEL



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# Leeds

CITY COUNCIL

Originator: David Newbury/Aaron  
Casey  
Tel: 0113 247 8056

Report of the Chief Planning Officer

## CITY PLANS PANEL

Date: 12<sup>th</sup> December 2013

**Subject: 13/03061/OT - Outline Planning Application for residential development with associated parking, landscaping, primary school, village centre, retail development, sports pavilion, play area, amenity space and associated off site highway works at Thorp Arch Estate, Wetherby, LS23 7FZ.**

### Electoral Wards Affected:

**Wetherby**

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 Highways Agency lifting their Holding Direction,
- to the assessment of a viability appraisal in respect of the affordable housing off site commuted sum,
- the assessment of the design of the restrictive moves junction,
- the expiry of the publicity period and no significant new planning issues being raised,
- the specified conditions (and any others which he might consider appropriate) and

**following the completion of a Section 106 Agreement to cover the following matters:**

- **Affordable Housing:** To provide affordable housing to include 221 units on site, incorporating a 60 unit extra care home and 66 x 1 bed, 26 x 2 bed, 64 x 3 bed and 5 x 4 bed units and a commuted sum of circa £25.5M to provide

affordable housing off site.

- **Relief Road:** The delivery of a relief road. The triggers for its delivery are as follows:
  - The construction of the houses shall not commence until a contract has been let for the construction of the relief road.
- **Public Transport Provision:** Prior to the commencement of development to submit to the Council for approval details of a scheme of public transport for a 10 year period that provides a 15 minute frequency of service to Wetherby/Harrogate and retain and divert a 30 minute service to Leeds.
- **Bus Stops:** Not to occupy the development until a contribution of £120,000 for the provision of 4 bus stops including real time information display boards has been paid to the Council.
- **Pedestrian Crossing to Walton:** Not to occupy the development until a contribution of a sum to be determined for the provision the provision of a pedestrian crossing to Walton Village has been paid to the Council.
- **Pedestrian and Cycle Links:** Not to occupy the development until a contribution of £100,000 for the making of improved pedestrian links and connections from the development to the cycleway network within the local area has been paid to the Council.
- **Traffic Calming in Walton Village:** Not to occupy the development until a contribution of £50K for the provision of traffic calming measures in Walton Village has been paid to the Council.
- **Travel Plans:** For the school and residential development and to pay a travel plan monitoring fee to the Council for the monitoring of the provisions of the approved travel plan, targets for modal splits, the inclusion of scheme of measures and penalties in the event of targets not being met (Travel Plan Mitigation fund of £50K).
- **Metrocard:** Prior to the occupation of the development to enter into an agreement with the West Yorkshire Passenger Transport Executive incorporating for the provision of one “Bus Only” Metro card.
- **Education:** Prior to the commencement of development to submit to the Council for approval details of a primary school to be provided as part of the development designed to accommodate up to 2.5 classes per year group in multiples of 30 pupils and attendant infrastructure. That a financial contribution be towards the enhancement of secondary education provision off site (equating to a payment of £1,846.90 for every house of two or more bedrooms being built).
- **Greenpace:** Not to commence development until a plan showing the extent of the area(s) of greenpace to be provided as part of the development together with the details of soft and hard landscaping, play equipment and seating and proposals for the future maintenance of the greenpace in perpetuity has been submitted to and approved by the Council. Not to occupy or permit the occupation of any phase of the development until the greenpace for that phase has been laid out and completed in accordance with the approved plan. To maintain the greenpace in perpetuity in accordance with the approved plan.
- **Sports Facilities:** Not to commence development until a scheme for the location, specification for and construction of sports facilities comprising two sports pitches [type to be agreed], two tennis courts, a bowling green and a



sports pavilion of up to 5,000 sq.ft. together with a timetable for their provision and proposals for their future maintenance in perpetuity has been submitted to and approved by the Council. To construct the sports facilities and make them available for use by the public in accordance with the approved plan and to agree proposals for the long term maintenance.

- **SEGI**: Not to occupy more than a number of dwellings to be specified until all the land shown as “Nature Areas” has been transferred to the Council or to an agreed nominee, together with a commuted sum of up to £500K for its future management and monitoring.
- **Employment**: From the start of the tendering process for the construction of the Development and throughout the period when the Development is under construction to seek to cooperate and work closely with Leeds City Council Jobs and Skills Service with respect to the provision of employment and training opportunities arising from the construction of the Development.
- **Enhancement of retained employment land**: Scheme for the enhancement of the retained employment land/premises.
- **Relocation of concrete batching plant**: The housing and associated development shall not take place until a scheme that uses reasonable endeavours to secure the replacement of the plant in an alternative location.
- **Highway mitigation fund**: A fund of £300K required for future traffic management schemes at Thorp Arch, Boston Spa and Wetherby in the event of unacceptable traffic impacts occurring.
- **Improvements to pedestrian accessibility**: A fund of up to £37K to be set aside to improve pedestrian accessibility (measures to be determined but that could include widening of footpaths, provision of tactile and lighting) between the site and Thorp Arch/Boston Spa

**In the circumstances where the Section 106 Agreement 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 for commencement
2. Submission of reserved matters
3. No houses to be occupied until the relief road is complete and available for use
4. Reserved matters submissions to reflect Design and Access Statements
5. A scheme to be submitted for the relocation of existing businesses
6. Details of phasing to be submitted and agreed (primary school, local centre and community facilities)
7. Details of the extent of works to be carried out in each phase to be submitted and agreed including landscaping, access, bin storage/collection facilities, street lighting, drainage infrastructure, pedestrian and cycle access
8. Allotment provision as part of greenspace
9. Details of a scheme to protect the amenities of local residents (Walton Gates and Station House) from the impact of the relief road
10. Details of earth works and landscaping to relief road
11. Details of a scheme to transplant and create new areas of calcareous grassland

12. Details of a scheme of management of open space and implementation
13. Details of scheme of nature conservation/bio diversity management and implementation
14. Contaminated land: investigation, remedial works and verification
15. Management plan for the decontamination of the site and remedial works
16. Details of carrying out of 'confidence scrape' and protection of trees
17. Construction management plan including: hours and days of operation, parking of contractors vehicles and routing of construction traffic
18. Details of a scheme of community consultation during construction works
19. Details of precise alignment (including levels and any earthworks) of relief road to be submitted and approved
20. Details of diversion of Sustrans route to be submitted and approved
21. Design of Relief Road bridge across Sustrans route to be submitted and approved
22. Tree retention
23. Tree protection works
24. Provision for replacement trees
25. Scheme of sustainable construction and design for buildings
26. Details of scheme of treatment of the form of the retained grass bunkers
27. Scheme for widening the M1 overbridge and roundabout works prior to first occupation.
28. Details of a scheme to upgrade A168/Boston Road roundabout
29. Details of a scheme of pedestrian accessibility improvements
30. Off-site highway works to be completed prior to first occupation:
  - Mitigation works to Boston Road Roundabout
  - Speed limit review
  - Signing review
  - Junction re-alignments to accommodate relief road and any necessary TRO's.
  - Amendments / provision of bus stops on and off site
  - Bus gate south of British Library on Street 5
31. Details of adoption of highway route through site and out on Wighill Lane required (internal roads are currently unadopted)
32. Details of existing and proposed ground levels and finished floor levels of buildings
33. Development to be carried out in accordance with Flood Risk assessment
34. Details of surface water drainage works
35. Details of foul water drainage works
36. Submission of external materials
37. Submission of surface materials
38. Submission of boundary enclosure details
39. No commercial units to be occupied until associated parking available for use
40. Details of uses of retail units and opening hours to be submitted
41. Laying out of parking areas in accordance with approved details and retention of spaces for such use
42. Programme of archaeological recording
43. Details of scheme to open the culvert and reservoir to be submitted
44. Details of bus gate to be submitted (Street 5)

Full wording of the conditions to be delegated to the Chief Planning Officer, including any revisions and additional conditions as may be required.

## **1.0 INTRODUCTION:**

- 1.1 This report relates to an outline planning application for a development that includes up to 2000 houses, associated community facilities, sports pitches, village centre, primary school, open space, enhanced bus service and relief road. Approval is sought for the principle of development and means of access at this stage. All other matters including layout, appearance, scale and landscaping are reserved for future consideration and approval. Due to the scale of this development and the complexity of the planning issues it is accompanied by an Environmental Statement (ES). The submitted ES helps inform the consideration of the significant planning issues. The application has been advertised as a departure from the development plan. Members should also note that at present the Highways Agency have issued a Holding Direction and the effect of that is that planning permission cannot be granted until that is lifted by the Agency.
- 1.2 This application was last presented to the Plans Panel of 21<sup>st</sup> November at which point the Panel report identified the following matters as still to be resolved:
1. Agreement on the off-site affordable housing contribution sum.
  2. The design and implementation of the highway mitigation measures to protect Thorp Arch and Boston Spa.
  3. The agreement of a sum of money for mitigation works should the measures agreed under (2) above fail.
  4. The submission of information and its assessment in respect of traffic impact on Wetherby.
  5. The Highways Agency holding direction.
  6. The extent of the works required to the bridge to the A1 (M).
  7. The financial implications that arise from the delivery of the relief road and works to the bridge and whether these impact upon the viability of the scheme and the delivery of the Section 106 package.
  8. Bus access to the secondary schools in Boston Spa and Wetherby.
  9. Off-site highway impacts in Harrogate and Selby Districts have not been fully assessed.
  10. Confirmation and agreement of the public transport provision and pedestrian accessibility improvements between the site and Boston Spa.
  11. A suitable adopted highway access through the site to serve the industrial area and linking back out to Wighill Lane.
- 1.3 Members heard from those objecting to the planning application, including a local resident and representatives from Thorp Arch Parish Council and TAG. Representations were also made on behalf of the applicant. Members noted the content of the report and discussed a number of issues including ecology, public consultation and engagement, the site allocation process, housing supply and the pressures for the release of greenfield sites and the character

of the local highway network. Members requested further information in respect of the following issues:

- the impact of the proposals on Walton Gates and the need for further mitigation measures and the scope to realign the Relief Road.
- the need for further traffic modeling of the proposed relief road to be undertaken and that information relating to traffic flow, figures and options should be provided

1.4 Dealing with the issues set out at 1.3 above the applicant has provided a plan that shows the following:

- The Relief Road realigned to increase the degree of separation from the rear of the cottages at Walton Gates from 26m from the main house to the relief road edge to 33m.
- The addition of an acoustic/visual landscaped mound between Walton Gates and the Relief Road.
- The indication of an area that could be provided as additional private garden.
- The removal of a redundant section (under these proposals) of Wetherby Road.

1.5 Further traffic modeling has been produced. This shows the changes to traffic flows as it exists today and what is predicted at the completion of the development. The figures produced relate to AM and PM peaks. These show that traffic flows will decrease significantly at Thorp Arch Bridge (AM peak by -88 and PM peak -135), Church Causeway (AM peak by -105 and PM peak by -178), Walton Road (AM peak by -102 and PM peak by -177), Wighill Lane at its junction with Smiddy Hill (AM peak by -164 and PM peak by -256) and at Wetherby Road (AM peak by -55 and PM peak by -73). It is predicted that there will be a small increase at the AM peak of 8 vehicles on Wighill Lane east of Walton but a decrease during the PM peak (-65). It is predicted that traffic movements along Wood Lane will show modest increases during the AM (18) and PM (41) peaks. In light of these figures, and the design and delivery of the Relief Road, it is considered that the Relief Road offers significant benefits in enabling the development to proceed whilst protecting the existing communities of Walton, Thorp Arch and Boston Spa from the traffic impacts.

1.6 Progress in respect of the issues set out at 1.2 above is set out as follows:

1. The off-site affordable housing contribution sum. The applicant has offered £25.5M in lieu of the provision of 479 affordable units on site. It is understood that this reflects the cost of constructing that number of units. The advice from colleagues in Property Services is that the true cost that would have been borne by the developer in delivering the balance of affordable housing would be around £60M. This takes into account the cost that the applicant/developer would incur in passing the units to the relevant housing association (i.e. the loss of revenue). The applicant has produced a viability statement and this is currently under review. This

document concludes that the scheme would not be viable should the larger sum be required. The viability statement has regard to the cost of the delivery of the relief road at £20M and other significant costs including a budget to secure the decontamination of the site.

2. The design and implementation of the highway mitigation measures to protect Thorp Arch and Boston Spa from significant addition traffic flows. The Relief Road has junctions with Church Causeway and Wood Lane. Both of these roads provide direct access to and from Thorp Arch village. These junctions have been designed to prevent traffic using the Relief Road from accessing these roads. At the junction of the Relief Road with Church Causeway a restricted moves junction that is controlled by traffic lights is proposed. The design of the junction allows existing patterns of travel between Walton and Thorp Arch villages to be largely maintained. . At Wood Lane vehicular access from the Relief Road is to be blocked by a no entry 'plug'. However, traffic would still be able to access the Relief Road from Wood Lane.
3. The agreement of a sum of money for mitigation works should the measures agreed under (2) above fail or traffic not behave as predicted. The sum of £300K has been agreed and this is based on the cost of mitigation measures that could potentially be implemented. This figure also has regard to the need for mitigation works in Wetherby.
4. It is considered that the development is likely to impact upon the capacity of roads in and around Wetherby. Having reviewed the evidence it is considered that there are a range of measures that could be implemented to mitigate that impact. Accordingly the mitigation fund described at 3 above makes provision for this.
5. The Highways Agency holding direction. The applicant and Highways colleagues have been in regular contact with the Agency. It is understood that many of the Agency's issues have been addressed but we are awaiting written confirmation.
6. The extent of the works required to the bridge to the A1 (M). Again we are awaiting written confirmation from the Highways Agency that they are happy with this aspect of the scheme.
7. The financial implications that arise from the delivery of the Relief Road and whether these impact upon the viability of the scheme and the delivery of the Section 106 package. As set out above the applicant has recently submitted a viability statement and this is currently under review.
8. Bus access to the secondary schools in Boston Spa and Wetherby. The applicant does not propose to provide a contribution to help fund such a service and as the site would be served by the re-routed bus service that is delivered as part of this development.
9. The applicant has submitted further information in respect of highway impacts upon Selby district and North Yorkshire. Both authorities have not withdrawn their objections to the scheme. However, the advice from highway colleagues is that the predicted impacts are not so significant to justify the refusal of planning permission.
10. The proposed Sec.106 Agreement includes a clause that delivers a new 30 minute bus service from the site to Harrogate via Wetherby. An existing service from Leeds to Wetherby will also be diverted into the site. These combine to provide a 15 minute bus service. The new bus service is

proposed to commence upon the occupation of the 100<sup>th</sup> dwelling and will be funded for a period of 10 years thereafter. It is anticipated that the service would become self-financing after 8 years. The diverted service should be in place on first occupation with a bus stop within 400m of the houses it serves. It is understood that METRO support this proposal.

11. The proposed layout has been amended to include a suitable adopted highway access through the site to serve the industrial area and linking back out to Wighill Lane.

- 1.7 This application has come forward at a time when planning policy is placing a priority on the delivery of housing and economic growth. The site in question is a trading estate that comprises a mixture of industrial/business units, a relatively modest retail park and large tracks of open land. Whilst over the years there has been investment into the trading estate a significant number of the former munitions buildings remain and the site is under utilised. The estate is a source of significant employment with around 1,700 people employed. Also nearby is the British Library and HMP Wealstun which combined employ a further 1700 people. The trading estate with employees, visitors to businesses and the retail park generates its own trips by private car and commercial vehicles. If the site is not developed then it is likely to remain broadly in its current form in the short to medium term and will remain as an importer of travel. An opportunity exists to bring forward a brownfield site that could make a significant contribution to housing numbers in north east Leeds whilst also facilitating the consolidation, enhancement and investment into a retained employment area. The bringing forward of this site for housing should help reduce the pressure for the residential development of greenfield sites across the outer north east area. A relief road forms part of the proposal and a large section of this cuts across open countryside. However, the relief road helps facilitate the redevelopment and adds to the attractiveness of the location for employment and subject to careful design should help mitigate traffic impacts on local communities. However, such development does not come without a cost and there are a number of matters that need careful consideration, including those relating to highways and ecology. The proposal has generated significant local comment with opinion in the wider community divided with particular strong opposition coming from residents of Thorp Arch including to the proposed relief road.
- 1.8 Members will recall that two pre-application presentations have been made to the City Plans Panels on 27<sup>th</sup> September 2012 and 14<sup>th</sup> March 2013 and a Position Statement was put before the Plans Panel of 21<sup>st</sup> September. Summaries of those meetings are attached at **Appendix 1**.
- 1.9 The main outcomes from those Panels are summarized as follows:
- Members wanted to see a comprehensive and sustainable masterplan for the whole of Thorp Arch Trading Estate
  - That a Community Forum should be set up to discuss the proposals.
  - That a relief road should be provided and that this should be delivered at an early stage.
  - That the proposed indicative layout was for the development was of high quality.

- That the landscaping strategy was appropriate.
- That further information was required about the traffic impacts.
- That good public transport links should be provided.
- That regard should be had and further information should be provided in respect of the ecological impact of the development.
- That the principle of offsetting the cost of the provision of some of the affordable housing provision was acceptable so long as the development was not shown to be viable.
- That a proportion of affordable housing should be provided on site and a commuted sum should be secured in respect of off site provision.
- That further information was required in respect of the mix of housing.
- That the Section 106 Agreement should include clause/s that facilitates the enhancement and investment into the retained employment area.
- That consideration is given to amending the alignment of the relief road to protect the residents of Walton Gates.
- Whether the planning application is premature in advance of the adoption of the Core Strategy, Site Allocation DPD and Neighbourhood Plans.
- That each part of the development should be completed so as to provide the appropriate infrastructure and facilities to serve the needs of the residents.
- Clarification over the build out program for the development.

1.10 In light of this and the complexity of the proposal and the issues that it raises a summary of the main planning issues and how these proposals addresses them is set out below for ease of reference. Thereafter the report will progress to deal with the detail of the scheme.

## **2.0 SUMMARY OF PROPOSED DEVELOPMENT AND MAIN ISSUES**

### Principle

- 2.1 The UDP Inspector considering a proposal for the residential allocation of the site in 2006 reached a number of conclusions including that the site was inherently unsustainable and that it was a brownfield site.
- 2.2 The site is not allocated for residential development in the UDP but part of the site is allocated under Policy Minerals 12 'Safeguarding Minerals Processing Sites' (retention of an existing concrete batching plant) and as employment land.
- 2.3 In more recent times the NPPF has been published and this, amongst other matters, requires local planning authorities to be able to demonstrate a 5 year supply of housing land and sets out a presumption in favour of sustainable development.
- 2.4 The emerging Core Strategy that has been subject to independent examination by an Inspector and whose report has yet to be published identifies a target of 70,000 dwellings to be delivered over the plan period.

- 2.5 The national and local imperative to deliver housing is a significant policy reason in support of the principle of the development of this brownfield site for housing purposes as part of a comprehensive and sustainable strategy for the whole of the Thorp Arch Estate. Having said this, the Panel will need to be satisfied that this is a sustainable form of development and all other material considerations have been addressed, including the issues concerning a replacement concrete batching plant, employment land supply and securing the future investment into the retained employment land.

#### Comprehensive and Sustainable Masterplan

- 2.6 The planning application proposals address the whole of the site and comprise the following:
- Up to 2000 dwellings (with 221 affordable housing units delivered on site including extra care provision and a commuted sum for off site provision)
  - A new primary school and financial contribution for secondary provision
  - A local centre
  - Community facilities, changing rooms and playing pitches
  - A 30 minute bus service to Leeds diverted into the site and a new 30 minute service to Wetherby/Harrogate (combined frequency of 15 minutes)
  - Open space for informal recreation
  - Improved pedestrian (with potential for enhancement to footways and lighting) and cycle links to neighbouring settlements
  - A Relief Road
  - A commitment to undertake investment to bring about the refurbishment and enhancement of the retained employment area
- 2.7 The Trading Estate is a significantly employer that is located approximately 3 miles from the market town of Wetherby. When considering the development of this site a key principle has been to seek to improve and enhance the sustainability of the site. It is considered that the proposed masterplan will facilitate the delivery of a settlement that caters for the day to day needs of its occupants. The masterplan in combination with the proposed Section 106 Agreement will combine to regenerate the Trading Estate, with the ultimate aim of bringing the whole of the Estate back into beneficial use. Associated with this the proposed development will bring about construction jobs and investment into the retained employment area. As such significant economic benefits flow from this development. The development would also bring about social benefits through the provision of housing and associated community and commercial facilities. The delivery of the primary school and the local centre are key components that help enhance the developments sustainability credentials. The concept behind this application is to deliver a scheme that facilitates social cohesion and interaction. This includes through the provision of improved links to neighbouring settlements including through improvements to pedestrian routes. One of the benefits associated with the Relief Road is that it has been designed to mitigate traffic impacts on neighbouring communities whilst retaining a reasonable degree of connectivity between existing communities (these matters are explored in more detail below). The



development does result in some environmental impact. Even with the enhanced public transport provision many trips to and from the site will be made by private car. The development will also result in the loss in areas of nature conservation value and despite compensatory provision it not considered that these impacts will be wholly mitigated.

- 2.8 Since the UDP Inspector's report of 2006 there have been some modest improvements to the local road network and the A1(M) has been constructed. The impact of the latter has been to reduce the volume of traffic on local roads. When these factors are considered in combination with the priority placed by current government policy on the delivery of housing and economic growth, that what is being advanced now is a more comprehensive approach to the development of the site and those factors described at 2.7 above, it is clear that there has been a significant change in circumstance since 2006. It is also pertinent to have regard to the consequences of not facilitating development at this site which in all likelihood would be to increase pressure for the release of greenfield sites on the edge of existing towns and villages.
- 2.9 It is for the decision maker to balance these considerations in the round. The recommendation to grant planning permission reflects the officer view that the benefits of the proposed development outweigh the harm identified and that the proposal constitutes a comprehensive and relatively sustainable form of development.

#### Highways

- 2.10 A key consideration is the impact that traffic generated by the development will have on highway safety and whether local roads are of sufficient standard and have the capacity to cater for such traffic. The local road network is rural in nature and Thorp Arch Bridge is only of single carriageway width. Access to Boston Spa is via a 'T' junction that suffers from poor visibility splays and localised congestion. A further matter relates to the sustainability of the site and whether the measures to improve public transport provision and pedestrian and cycle linkages are sufficient to enhance the accessibility of the site to an appropriate and acceptable degree.
- 2.11 The applicant's proposals include:
- A Relief Road including diversion of the Sustrans Cycle Route to tie in with enhanced public transport provision as described above.
  - Provision of additional bus stops
  - Pedestrian Crossing to Walton
  - Enhancement of pedestrian links to Thorp Arch/Boston Spa and provision of cycle paths within site linking to the existing network
  - Traffic Calming in Walton Village
  - Travel Plans
  - Metrocards for the use by each household.
  - The widening of the A1/M bridge
  - Speed limit reduction to 50mph on Walton Road

- The provision of a fund for mitigation works to Thorp Arch, Boston Spa and Wetherby should the traffic impacts be greater than that predicted.
- 2.12 In addition to these the Relief Road has been designed in such a way to prevent vehicles from the new development turning left off the Relief Road onto Church Causeway. At the same time access is maintained for existing residents of Thorp Arch and Boston Spa towards the development and for residents of the Walton area to still be able to drive to Thorp Arch and Boston Spa. This is achieved by the incorporation of a restrictive moves junction. The Relief Road has also been designed to stop traffic from accessing Thorp Arch via Wood Lane. A no entry 'plug' will be provided at the proposed junction of the Relief Road and Wood Lane. This will prevent vehicles turning into Wood Lane. However, vehicles will still be able to turn onto the Relief Road from Wood Lane maintaining a degree of access for Thorp Arch and Boston Spa residents (see 2.14 below)..
- 2.13 A pot of money has been set aside for works to improve and enhance local pedestrian links to Walton, Thorp Arch and Boston Spa. This could be through the provision of a pedestrian crossing to Walton and with the widening, provision of dropped kerbs and tactile paving and street lighting to footpaths to Thorp Arch.
- 2.14 The restricted moves junction is a key junction that enables the development to proceed and maintain the link between existing communities of Walton, Thorp Arch and Boston Spa whilst limiting detrimental impact from development traffic. Two junction proposals have been submitted by the applicant to try and maintain the benefits that the restricted moves junction will bring whilst responding to significant concerns raised by Highways Officers about a) highway safety and b) enforceability / workability of the restrictions. Officers are still assessing these layouts at the time of writing this report and a verbal update will be given to the Plans Panel on this key issue.

#### Layout, design and landscaping

- 2.15 This is an outline planning application and the layout of the scheme and appearance of the buildings are reserved for later consideration and approval. Accordingly at this stage only an indicative layout has been submitted and the Design and Access Statement sets out the design principles (in terms of the appearance of the houses) to be followed. These two documents do however, set the parameters for future submissions.
- 2.16 The indicative layout shows:
- A road pattern that follows that set by the historic use of the site
  - A village centre with the primary school and village shops
  - Extensive areas of open space that penetrate into the built up area
  - The retention of a run of the grass bunkers that are a feature of the site
  - Retention of the significant existing trees and new areas of woodland and buffer planting including to boundaries
  - Design principles for the new houses that draw on the character of the neighbouring settlements including the scale of new houses, the design

and proportions of windows, roof treatments, the range of materials, architectural features and how the dwellings address the street

- New woodland planting and bunding is proposed to screen sections of the Relief Road. Some tree removal will result from the relief road due to its alignment and where it crosses the Sustrans route. Mitigation planting is proposed.

2.17 Members have not previously raised concerns in respect of these matters.

### Ecology

- 2.18 A key issue is whether the application proposals result in significant harm to interests of nature conservation. In considering this matter regard should be had to the following factors:
- In this case it is clear that the some affected land has ecological value through the UDP designations as SEGI and LNA (although there are also additional areas of land to be affected that are of sufficient value to also be designated as SEGI). These are local designations and the ecological value is of local and regional importance. Clearly it is a matter of concern that some land of ecological value will be lost however these nature conservation designations are not statutory and are not of national value. It has been calculated that there is approximately 12Ha of designated SEGI of which 3.5Ha would be lost. Approximately 4.5Ha of new compensatory provision is proposed.
  - Regard also has to be had to the scale of the loss and the mitigation measures.
  - As part of any planning permission granted it is also proposed to secure through planning condition an appropriate management regime for perpetuity of all the ecological areas to be retained and created – to be carried out by a specialist nature conservation contractor or organization.
- 2.19 In general terms the development affects areas of ecological value the most important of which are calcareous grassland and other UK BAP habitats. There is broad agreement between the applicant and officers that there is approximately 20ha of calcareous grassland on the site of which approximately 10ha will be lost. With regard to UK BAP habitats there is approximately 9.6ha on site of which 7ha will be lost. The area of significant disagreement exists around the degree of compensatory provision that is proposed. It is the applicant's case that around 17ha of new calcareous grassland will be created. The officer viewpoint is of that 17ha some 9ha already exists as a valuable ecological habitat. In other words the applicant proposes to convert one area of ecological value, e.g. dense scrubland, to an area of higher ecological value (calcareous grassland). Therefore, the area of new habitat amounts to something in the region of 8ha.
- 2.20 The adverse impact on interests of nature conservation needs to be balanced against other factors. It is for the decision maker to reach a view whether the benefits of the development outweigh ecological impacts. In light of the policy imperative for the delivery of housing, the other benefits that are derived from this development and the mitigation proposed it is considered that these are

of sufficient weight to set aside remaining concerns over impacts on matters of nature conservation.

### Affordable Housing

2.21 The applicant originally proposed to provide 35% affordable housing on site and this equated to 700 dwellings. At the September 2013 Plans Panel Members set out a preference that a proportion of affordable housing be provided on site and that a commuted sum be paid to secure the provision of affordable housing off site. In light of that the applicant has proposed the following:

- On site provision comprising a 60 unit extra care facility and 161 affordable dwellings (giving a total of 221 dwellings on site).
- An off-site contribution of circa £25.5M (this equating to the cost of constructing 479 dwellings).

2.22 A viability appraisal has been submitted that concludes that the scheme would not be viable should a larger commuted sum be required. This has regard to the cost of the delivery of a Relief Road at £20M and other significant costs including the decontamination of the site.

### Residential Amenity

2.23 Following concerns raised at Panel about the impact that the use of the Relief Road will have on the residents of Walton Gates the applicant has proposed the following measures:

1. The Relief Road realigned to increase the degree of separation from the rear of the cottages at Walton Gates from 26m from the main house to the relief road edge to 33m.
2. The addition of an acoustic/visual landscaped mound between Walton Gates and the Relief Road.
3. The indication of an area that could be provided as additional private garden.
4. The removal of a redundant section (under these proposals) of Wetherby Road.

### Project build out time

2.24 Following the September 2013 Plans Panel the applicant has set out the following comments:

- The applicant's estimate construction of 135 dwellings pa (14.8 years) and the Vision Statement confirms that Phase 1 (10 years) will deliver 1100 homes.
- "It is important to consider that with the encouragement of Central Government towards the house building industry via various incentives and the possible improvements to the release of bank funding (and thus stimulate house buyers), added to what appears to be an upturn in the

economy, there is every possibility that the housing market will see improved buoyancy which will improve upon past build rates. Our ES assumptions about delivery of 135 units pa is, in our opinion, robust.”

- “We have taken some further advice from Savills about the housing market in the region and they too believe this is a reasonable assumption to make. They have provided us with evidence of another large housing development within the region at Waverley (Sheffield) which whilst not the same housing market area specifically, is a large site with 3 house builders working concurrently. There the average is 150 units pa. In addition the affordable housing provision is only 10% whilst the requirement here is 35%. Hence, there is a greater certainty that 35% of the 2000 units will be built given the requirement for them and their delivery via the RSL’s. Further, this is a market ‘hot spot’ where we do anticipate a significant interest from the house builders in the provision of new homes.”
- In summary, therefore the applicant remains confident in their assumptions as set out above.

### Concrete Batching Plant

- 2.25 The proposal will result in the loss of an existing concrete batching plant and this is a safeguarded site under the terms of the Natural Resources and Waste DPD. The loss of this facility in the absence of securing a replacement is considered to be contrary to policy. The applicant is currently in negotiations with the operators to secure alternative provision but cannot guarantee that this can be achieved. If Members were minded to grant planning permission it would be recommended that a clause be attached to the Sec.106 Agreement, or that a condition be imposed that requires the applicant to use reasonable endeavours to secure the delivery of an appropriate alternative facility. The decision for Members is whether in the balance of issues this potential failure to comply with policy is outweighed by other planning considerations.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The Thorp Arch Estate (TAE), Wetherby covers approximately 159 hectares (391 acres) with 103 hectares (254 acres) of developed land providing a range of employment uses, a retail park, and ancillary leisure and other supporting services. The Estate with its 140 businesses has approximately 1700 employees with a further 1800 people employed on the adjoining British Library, HMP Wealstun and Rudgate sites.
- 3.2 The land surrounding the Estate is rural agricultural land. Immediately to the north of the Estate the large buildings of the British Lending Library dominate the landscape. The northwest boundary is formed by the solid fencing surrounding HMP Wealstun; although partially screened by trees the perimeter fence would benefit from further screen planting.
- 3.3 To the west of the Trading Estate is a section of a Sustrans route that links the Estate to Wetherby. This Sustrans route utilises a former railway line and is in part set within a former railway cutting. Two stone listed field bridges

(grade II) cross the Sustrans route. The southern end of the route falls within Thorp Arch Conservation Area and the central section forms part of a Leeds Nature Area. The fields to the south west of the Sustrans route fall within a Special Landscape Area. At the southern end of the Sustrans route is a residential property known as Station House (grade II listed) and to northwest at its junction with Wetherby Road is a pair of semi-detached houses often referred to as Walton Gates.

- 3.4 To the north of the Estate is the village of Walton and to the southwest are the settlements of Thorp Arch and Boston Spa. Access from Thorp Arch to Boston Spa is gained via Thorp Arch Bridge. This is a grade II listed structure and is of single carriageway width. Wetherby is the nearest large town and is some 3 miles to the west and Tadcaster lies 4 miles to the north east. There are other residential neighbourhoods and individual dwellings in the immediate vicinity of the site.
- 3.5 The local road network has a rural character.

#### **4.0 THE THORP ARCH ESTATE CONSULTATIVE FORUM**

- 4.1 As Members are aware following the September 2012 Panel a forum was established to discuss development proposals for the site. The Forum comprises representatives of Rockspring (the prospective applicant), Walton, Thorp Arch and Boston Spa Parish Councils, the British Library, Wealstun Prison, Councillors John Procter and Gerald Wilkinson who chairs the Forum. The Forum has also been attended by a planning officer and various other officers as appropriate and necessary.
- 4.2 The Forum has now met on 11 occasions, the most recent being on 21<sup>st</sup> October 2013, and has discussed a wide range of issues that have centered on the following matters:
- The principle of and scale of residential development,
  - The masterplanning of the site and the future of industrial estate,
  - The form of development and how to create a sense of place,
  - The range and scale of facilities to be provided on site,
  - The form and nature of community facilities to be provided on site,
  - The impact of the development and traffic on local communities,
  - Highway issues including the need and provision of a relief road and how this can be delivered. In addition there is a clear desire from the local community representatives to deter/prevent 'new' traffic away from using Thorp Arch Bridge (this bridge is listed, single carriageway and links Thorp Arch to Boston Spa),
  - The Plans Panel process,
  - How the relief road crosses the Sustrans route,
  - The need for measures to mitigate the impact of development on the amenities of residential properties adjacent to the relief road,
  - The Sec.106 package including the provision of affordable housing,

- The management of the construction process including the routes for construction traffic.
- 4.3 Clearly the various members of the Forum have different interests and this largely influences their respective perspectives and approach to the development proposals. Rockspring have set out that they want to follow a strategy that minimises the risk of challenge to the grant of planning permission and to pursue a scheme that they see as being compliant with planning policy. Originally their preferred strategy was to develop a scheme for a large scale residential development (in the order of 800 to 1000 dwellings) that is concentrated on land that was previously developed but now largely unused. In addition, this proposal would largely retain and facilitate the enhancement of the business/industrial park and retail offer and associated jobs. Their assessment was that this could be achieved through the utilisation of the existing local highway network although localised highway works would be required at key junctions. Rockspring's intention was that this development would meet planning policy requirements such as affordable housing, educational needs, public transport provision and greenspace. In their view the element of risk was further reduced by a development that is wholly contained within their own land. Rockspring had calculated that this approach would result in a residential scheme of around 800 to 1000 dwellings and that would allow for the expansion and enhancement of industrial/business development on the site. Nevertheless Rockspring have listened and entered into discussion with other Forum members to consider whether their preferred development can be revised to take account of the views of the representatives of the local communities.
- 4.4 The local community view expressed through the Forum has been largely influenced by the desire to achieve a development that sits comfortably with the established character of the area (in the form of the housing, the use of materials and a layout which reflects that of a typical Yorkshire village), that provides appropriate community facilities on site and whose impact on neighbouring communities is minimised. At the outset there was some concern about any large-scale development on the site. However, over the passage of time and in light of the discussions that have taken place that view has altered. Although not all members of the Forum now share the same view, Boston Spa and Walton Parish Councils have been largely supportive of a larger scale of residential development on the site (assuming it addresses the points already identified) if an appropriate relief road and that this is delivered prior to the carrying out of the residential development. In doing so the impact of traffic from the development on existing local residents can be minimised, greater certainty can be provided to local communities in that such a proposal represents a reasonably comprehensive plan for the whole of TAE as opposed to a piecemeal development and that it will help reduce the pressure for the development of greenfield sites in the locality. It should also be noted that the Forum whilst supportive of the community retail element also wanted to see "the big ticket retail" retained as no other similar provision exists in north east Leeds. This was ultimately removed from the scheme by Rockspring due to concerns raised by planning officers that part of the proposal would be contrary to local and national planning policy. The Forum

have also been supportive of the principle of a proportion of affordable housing being provided on site, that extra care provision be included within that and that a commuted sum be used to secure some provision off site.

- 4.5 However, over the passage of time Thorp Arch Parish Council have crystallised its views on the proposals and now object to any residential development on the site. Their particular concerns relate to the increased growth of traffic, the impact of the relief road on the landscape and setting of the village, the disruption to the Sustrans route, the impact upon the character of the area through the creation of a new settlement and that the site is not in a sustainable location (it is considered by the Parish Council that the UDP Inspector's comments that the site is not sustainable remain relevant). Nevertheless, the Forum have discussed ways in which the impact of the development could be mitigated in respect of the visual impact of the relief road, the impact on the amenities of the nearest residents and how to restrict vehicular access from the development to Thorp Arch whilst unduly restricting access to the local area for the residents of existing villages.
- 4.6 It is important to note that the Forum has considered a number of potential routes for the relief road and a very strong preference has been expressed by the community representatives (now excluding Thorp Arch PC) for a new road that runs largely parallel and to the south west of the existing Sustrans route.

## **5.0 THE APPLICATION PROPOSALS**

- 5.1 Since the start of pre-application discussions the development proposals have evolved significantly. The revised proposals take the form of a masterplan for the whole of TAE and include the Keyland site and comprise in summary:
- Up to 2000 dwellings;
  - A 2.5 form entry primary school;
  - A village centre comprising a convenience store and other small retail outlets.
  - Community facilities including sports pitches
  - Proposals for the readjustment of land uses including the consolidation of commercial/industrial development to the south;
  - A hub containing retail and community facilities; and
  - Off site infrastructure including a relief road.

### Application Documents

- 5.2 The application has been submitted in outline with all matters (layout, design, scale, landscaping) save for access reserved for later approval. Due to the scale of the proposed development and its potential effects the applicant has carried out an environmental impact assessment. The application has also been accompanied by the following documents:
- Planning Statement



- Estate Vision Document
- Design and Access Statement
- Transport Assessment
- Travel Planning Framework
- Housing Market Report
- Overarching Sustainability Statement
- S106 Heads of Terms/ Draft s106
- Employment Land Report
- Utilities Statement

### Section 106 Agreement

5.3 The draft heads of terms for the Section 106 Agreement comprises the following matters:

- Affordable Housing: To provide the equivalent of 35% affordable housing. Following and in response to the September 2013 Panel the applicant has revised their proposal to provide 221 units on site (the mix and type for each phase to be submitted for approval), including a 60 unit extra care home, and a commuted sum of circa £25.5M to provide affordable housing off site.
- Relief Road: The delivery of a relief road. The triggers for its delivery are as follows:
  - The construction of the houses shall not commence until a contract has been let for the construction of the relief road.
  - That no houses shall be occupied until the relief road is completed and available for use (to be addressed by a condition).
- Public Transport Provision: Prior to the commencement of development to submit to the council for approval details of a scheme of public transport that provides a 15 minute frequency of service to Leeds and Wetherby/Harrogate.
- Bus Stops: Not to occupy the development until a contribution of £120,000 for the provision of 4 bus stops including real time information display boards has been paid to the Council.
- Pedestrian Crossing to Walton: Not to occupy the development until a contribution of a sum to be determined for the provision the provision of a pedestrian crossing to Walton Village has been paid to the Council.
- Pedestrian and Cycle Links: Not to occupy the development until a contribution of £100,000 for the making of improved pedestrian links and connections from the development to the cycleway network within the local area has been paid to the Council.
- Traffic Calming in Walton Village: Not to occupy the development until a contribution of moneys to be determined for the provision of traffic calming measures in Walton Village has been paid to the Council.
- Travel Plans: For the school and residential development and to pay a travel plan monitoring fee to the Council for the monitoring of the provisions of the approved travel plan, targets for modal splits, the inclusion of scheme of measures and penalties in the event of targets not being met (Travel Plan Mitigation fund of £50K).

- Metrocard: Prior to the occupation of the development to enter into an agreement with the West Yorkshire Passenger Transport Executive incorporating for the provision of one “Bus Only” Metrocard for the use by each household.
- Education: Prior to the commencement of development to submit to the Council for approval details of a primary school to be provided as part of the development designed to accommodate up to 2.5 classes per year group in multiples of 30 pupils and attendant infrastructure. That a financial contribution be towards the enhancement of secondary education provision off site (equating to a payment of £1,846.90 for every house of two or more dwellings being built).
- Greenspace: Not to commence development until a plan showing the extent of the area(s) of greenspace to be provided as part of the development together with the details of soft and hard landscaping, play equipment and seating and proposals for the future maintenance of the greenspace in perpetuity has been submitted to and approved by the Council. Not to occupy or permit the occupation of any phase of the development until the greenspace for that phase has been laid out and completed in accordance with the approved plan. To maintain the greenspace in perpetuity in accordance with the approved plan.
- Sports Facilities: Not to commence development until a scheme for the location, specification for and construction of sports facilities comprising two sports pitches [type to be agreed], two tennis courts, a bowling green and a 5000 sq. ft. sports pavilion together with a timetable for their provision and proposals for their future maintenance in perpetuity has been submitted to and approved by the Council. To construct the sports facilities and make them available for use by the public in accordance with the approved plan. To maintain the sports facilities in perpetuity in accordance with the approved plan.
- SEGI: Not to occupy more than a number of dwellings to be specified until the SEGI has been transferred to the Council or to the Council’s nominee together with a commuted sum for its future management.
- Employment: From the start of the tendering process for the construction of the Development and throughout the period when the Development is under construction to seek to cooperate and work closely with Leeds City Council Jobs and Skills Service with respect to the provision of employment and training opportunities arising from the construction of the Development.
- Enhancement of retained employment Land: Scheme for the enhancement of the retained employment land/premises.
- Highway mitigation fund: A fund of £300K required for future traffic management schemes at Thorp Arch / Wood Lane, Thorp Arch Bridge, High Street, Boston Spa and Wetherby.
- Improvements to pedestrian accessibility: A fund of £37K to be set aside to improve pedestrian accessibility between the site and Thorp Arch/Boston Spa

## Planning Performance Agreement

- 5.4 The application is subject to a Planning Performance Agreement (PPA) that sets out, amongst other matters, the key dates in the processing and determination of the planning application. The PPA targets this Panel for the presentation of a position statement and the City Plans Panel of 21<sup>st</sup> November for the determination of the planning application. The dates set out in the PPA can be subject to review depending on the circumstances that prevail at any point in time.

## Indicative Layout and Primary School

- 5.5 The indicative layout that has been submitted has evolved following negotiations and discussion with the Consultative Forum, officers and consultees such as English Heritage. At the heart of the scheme is a village centre that includes provision for a small convenience store (circa 500m<sup>2</sup>) and a primary school. The primary school will be delivered by the conversion and extension of an existing building known as Queen Mary House. It is so known due to the presence of 3 funnel like structures that give the building the appearance of ocean liner. This is arguably the one building of any architectural interest/merit that exists on the site. Emanating out from the centre is a number of residential neighbourhoods. The layout of the residential part of the scheme reflects and is heavily influenced by the historic street pattern set by the original munitions factory and process that operated at the site. Beyond and interspersed within the residential elements are areas of open space. The open space includes areas for informal recreation, nature conservation and formal sports provision. As part of the open space it is proposed to retain, in some form, a series of the original grass bunkers that enclosed some of the original munitions buildings. In this way a further reference to the historical use of the site is retained. The proposal seeks to retain the most significant and protected trees and undertake new woodland planting (9Ha.) within the site and substantial planting to the boundaries and between the residential part of the site and the retained employment area.

## Scale and Appearance of the dwellings

- 5.6 These matters are reserved for later consideration. However, the Design and Access Statement set out principles that are intended to guide future submissions. The statement states “the local character of the built form within the neighbouring villages is an important element in forming the character of the new village, and the merging of local characteristics with the sites historical and green characteristics should combine to form a new community with an individual identity that fits into its locality” (page 81). In essence the aim of the Design and Access statement is that the appearance, scale, proportions and materials of the houses in the new village should reflect that set by neighbouring settlements. The scale of the dwellings is stated to be 2 and 3 storey. The community centre is also proposed to be a two storey building.

## The Relief Road

- 5.7 Members will recall that a number of options for routes of a Relief Road have been considered and the one that forms part of this application reflects the preference expressed through the Consultative Forum (but it should be noted that Thorp Arch Parish Council has since withdrawn their support for the scheme). The proposed road is shown largely to run adjacent to an existing Sustrans route, although it will cut across the line of the Sustrans route at a point between Station House and the Leeds United indoor training facility. The road also runs across land that is in third party ownerships and overall the road has a length of around 1.4 miles.
- 5.8 The Relief Road runs from the western edge of the Trading Estate at a point immediately to the south of HMP Wealstun. The Relief Road crosses the route of the existing Walton Road/Church Causeway. This part of Walton Road and Church Causeway would be reconfigured so that it forms a staggered junction with the Relief Road. This staggered junction has been designed so as to try to prevent traffic using the Relief Road turning left towards Thorp Arch but it does continue to allow traffic, and residents, from Walton to use Church Causeway to access Thorp Arch. Once the Relief Road has crossed the existing route of Walton Road and Church Causeway it is shown to progress through open farmland some 60m to the north of the nearest residential property Station House (this property is listed). The Relief Road then cuts across the existing Sustrans route at a point approximately 330m to the north west of Station House and 100m to the south east of the Leeds United indoor training facility. The precise design of how the road crosses the Sustrans route has not been resolved but it is likely to take the form of a bridge. The applicant has proved a model to show how this can be achieved and this has been made available for the Panel to view. The precise design of the bridge would be subject to a condition. The route then continues to the south west of the Sustrans route through open farmland. It is shown to run to the rear of a pair of residential properties known as Walton Gates to form a new junction with and to link into Wetherby Road. When scaled from the submitted application plan the route is shown to run approximately 33m to rear of these houses.
- 5.9 In addition to the junctions described above new junctions would be created with the Relief Road and Wood Lane (a road that has the character of a country lane and that currently links Wetherby Road with Thorp Arch village) and that section of Wetherby Road between Walton Gates and Walton village.
- 5.10 It is proposed to create a landscaped mound to the south western edge of the Relief Road to help screen views of it across open farmland from Thorp Arch and surrounding countryside. Material submitted in support of the application indicates that the existing topography will largely screen views of the Relief Road from the village. However, the mound will have the added benefit of forming an acoustic screen. It is proposed to undertake woodland planting to both sides of the Relief Road and to create an area of nature conservation between a section of the Relief Road and the Sustrans route. The provision of the relief road has been led by the Consultative Forum and no

highway assessment of the relative merits of the relief road has been undertaken by the applicant

#### Other off-site highway works

- 5.11 In addition to the works already mentioned it is also proposed to undertake the following:
- Provide a bus gate at the northern end of Street 5. This will stop traffic from the Estate accessing or exiting the site from Wighill Lane access adjacent to the British Library. But it will continue to allow traffic associated with the Library to use this access.
  - Provide a pedestrian crossing on Wighill Lane. This will provide a pedestrian link to and from the development to Walton.
  - Traffic calming measures within Walton Village to discourage vehicles from 'rat running' through the village.
  - Bridge widening over the A1(M).
  - Off-site pedestrian accessibility improvements to enhance accessibility to Thorp Arch/Boston Spa.
  - As set out above a sum of money (£300K) is to be secured via the Sec.106 Agreement for further highway mitigation measures should they be required following the implementation of the development.
- 5.12 Where it is proposed to reconfigure and close sections of existing roads that land will be landscaped. This includes the section of Wetherby Road to the north of Walton Gates. This section of road will become redundant through the introduction of the Relief Road with revised access arrangements being made to these residents and a farm to the north.

## **6.0 PLANNING HISTORY**

- 6.1 There are no planning applications that relate to this site that have direct bearing and relevance to the consideration of this proposal. However, in 2005 the UDP Inspector considered a proposal to allocate part of the Trading Estate for 1,500 houses in 2005, 50% of which would be affordable. It was proposed that employment uses would be consolidated in the southern and eastern parts of the Estate and a new neighbourhood centre would be provided adjacent to the "Buywell Centre". The Inspector noted that the existing road network was poor in that it was rural in nature and poorly maintained. The Inspector concluded that the site was inherently unsustainable "...in terms of location, accessibility, and the ability to sustain sufficient local services and facilities has not been shown to be certain of improvement to the necessary extent".

## **7.0 PUBLIC/LOCAL RESPONSE**

- 7.1 Members are advised that this is a summary of the numerous and detailed representations received to date.

- 7.2 The issues raised have been set out in this section under various subject headings in the interests of clarity. To date a total figure of 144 letters of objection and 8 of support have been received and petition containing 316 signatures objection against the relief road, in response to the neighbour notifications issued on the 17 July 2013, the newspaper advert printed in the Boston Spa and Wetherby News on the 8 August 2013 and the site notices dated 26 July 2013. On the 1 November 2013 a notice of amendments to the scheme was posted as further and amended information was presented by the applicant. A revised Transport Assessment has been received and this is subject to publicity (at the time of drafting the report the period for additional publicity had not been set). The application has been advertised as a major development, as being accompanied by an Environmental Statement, as constituting a departure, affecting a right of way and affecting the setting of listed buildings and a conservation area.
- 7.3 Objections have been received from local residents, a detailed and lengthy objection from a local action group (TAG), Thorp Arch Parish Council (objection prepared on behalf of Thorp Arch PC by a planning consultant along with representation from a highways consultant in respect of highways matters) and Alec Shelbrooke MP. Walton Parish Council has written in support of the scheme subject to certain conditions being met. These are described later in this section of the report.

Set out below are details of objections to the scheme by Thorpe Arch Parish Council ("TAPC"):

- 7.4 TAPC highlights six reasons that Leeds City Council ("LCC") should refuse planning permission:
- Serious risk.
  - Process.
  - Prematurity.
  - No authority exists in the existing statutory planning process for a grant of planning permission.
  - A range of other material considerations, which, *inter alia*, show that other sites having less disadvantages to the Public must be explored before any decisions are made about this application
  - Sustainability linked to viability/deliverability/availability issues.
- 7.5 TAPC have produced a detailed objection to the application and this has been summarised below.
- 7.6 Leeds City Council have used various sources of information in a selective and misleading way to try and promote the prospects of this location for early development whilst ignoring the concerns expressed by the UDP Inspector about the location of the site in that:
- (i) The site is inherently unsustainable in terms of location, accessibility and the ability to sustain services.

(ii) Is in the wrong location for a large amount of affordable housing, which should be situated closer to the main urban area.

(iii) The developer's ability to subsidize the facility in (ii) above, and financially contribute to the provision of a wide range of services the location lacked, called the viability of the project into question.

(iv) The likely impact of the proposals on Boston Spa and Thorp Arch, and the absence of proposals to deal with that situation.

- 7.7 It is "unreasonable and irresponsible" for LCC to even consider this application until LCC have properly examined the Inspector's findings and to demonstrate that the Inspectors findings are wrong if that is the case.
- 7.8 TAPC believe exploring alternative, and arguably more sustainable locations in order to increase its housing supply numbers should be undertaken.
- 7.9 TAPC understood that there are planning permissions for over 1000 units already available in Outer North East Leeds and that a planning application for 400 units are currently being considered by LCC at Spofforth Hill, Wetherby.
- 7.10 There are other locations closer to Wetherby where development could be achieved with more ease, in shorter periods of time, and without seriously affecting existing communities.
- 7.11 The location carries with it a number of very serious sustainability risks and these risks should have been more thoroughly examined and admitted to in the Site Allocation process. These risks include:
- 7.12 That the build-up of new households will be slow. This would be a major dis-incentive to the provision of services and public transport for the new residential location until later stages.
- 7.13 It is understood that the applicant does not intend to produce limited health services for the site.
- 7.14 No evidence to support the claim that new residents will Work at retained employment land.
- 7.15 People are unlikely to walk to services in Boston Spa. These walking claims ignore the realities of the gradients, inclement weather, pushing prams and push chairs, partly disabled people, and distances.
- 7.16 The serious risk that the applicant/developer could not sustain the major financial subsidies needed over a lengthy period of time to overcome the sites inherent unsustainability.
- 7.17 It is unlikely that the developer will deliver what has been applied for as it will not be viable.

- 7.18 The risk to the future of the Thorp Arch Trading Estate as an important employment location. It would be difficult to prevent further changes from employment to residential.
- 7.19 The pursuit of this site by LCC, and the land owners, would be contrary to the Government planning advice in para.173 of the NPPF which states that 'pursuing sustainable development requires careful attention to viability and costs in plan making and decision taking.
- 7.20 The spatial vision of the Core Strategy is that growth will be mainly centred upon existing settlements. This is a major development out in the open countryside, which is contrary to existing national and local policies

#### The Process

- 7.21 LCC statement that the site is 'a major brownfield site suitable for large scale development in principle is flawed and is contrary to the conclusions of the UDP Inspector. The clear inference that LCC has closed its mind to other, and possibly more sustainable locations.
- 7.22 The views set out in the Site Allocations Document are pre-determination of support for the application.
- 7.23 TAPC also raises the question of what encouragement might have been given to the applicant for it to incur the scale of professional fees involved in preparing an application for such a difficult site
- 7.24 TAPC consider that under the circumstances detailed above, the only safe course would be for LCC to refuse the planning application.

#### Prematurity

- 7.25 The development is premature in advance of the Local Development Framework.
- 7.26 TAPC believe that the context in which this application is being considered fits the above in that a DPD is being prepared but has not been adopted. If planning permission were granted for this development it would severely prejudice the proper consideration of that plan (i.e. arguably ignoring more sustainable locations to serve the Outer North East area of Leeds, and at the same making the main location for meeting future household need in the Plan Period a major exception to the spatial principles of the DPD).
- 7.27 The TAPC considers that this development would be premature due to a range of issues regarding affordability, viability and deliverability as well as the availability of third party land for highway works has not been adequately studied, and insufficient time has been provided to the objectors in which to do so.

#### Contradictions

- 7.28 The TAPC questions why the application has been made and/or encouraged



at this time as comments made by representatives of LCC show that the authority thought a different timing was more suitable.

- 7.29 The TAPC concludes that, in the terms of the NPPF, LCC does not have an acceptable statutory basis for approving this planning application.

#### Other Material Considerations

- 7.30 The material planning considerations relevant to this application are considered by the TAPC to be as follows:
- 7.31 Nature of the land - There is a dispute about how much of the site is brownfield because some parts of the Estate have merged into their natural surroundings and large areas have not received any development at all. It would also be bad planning to select a brownfield site with unsatisfactory/unacceptable development characteristics, simply because it was a brownfield site.
- 7.32 The findings of the UDP Inspector for the TATE location should be a material consideration in this planning application and an analysis of the Inspector's findings should have been carried out by LCC before deciding whether or not to encourage development at TATE.
- 7.33 LCC should not determine the application before alternative locations have been properly examined, and to do so under these circumstances, and within the context of an on-going DPD process, would appear to be acting unreasonably. TAPC have indicated the below sites as alternative locations:
- (i) The villages in Outer North East Leeds. LCC has chosen to largely ignore this source, and protect the villages from development, although are willing to sacrifice Thorp Arch in order to promote the TATE application.
  - (ii) Some extension(s) to the eastern side of the Leeds urban area.
  - (iii) Areas around Wetherby (north and east sector) and the racecourse along Racecourse Approach and Sandbeck Approach to Deighton Road and below the Racecourse to Walton Road.
- 7.34 The fears of residents - This has been recognised by the Courts as a material consideration. It has a relationship to why alternative sites should be examined as explained above. In the case of Thorp Arch the residents fear the potential damaging effects on their village.

#### Sustainability

- 7.35 TAPC consider that the proposed development fail the economic role. They believe that it is likely that it would fail an essential element referred to in the NPPF social role because it is seriously doubtful that it can support/provide accessible local services that support community's needs, and support its health and social wellbeing.
- 7.36 The proposals fail an important part of the NPPF environmental role because it

would not be protecting and enhancing the built and historic environments of Thorp Arch, Walton and Boston Spa.

- 7.37 The TAPC considers that this proposed major development would create a major imbalance between urban and rural locations in this part of Leeds. It could be refused on this ground alone because it is seriously detrimental to the rural character of the area, and also because it is contrary to Section 55 of the NPPF, which states that 'to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'
- 7.38 The proposals in the planning application run contrary to the Government's aim for promoting sustainable transport.
- 7.39 Considering the contents of the Core Strategy, it is very doubtful whether this location would ever have sufficient sustainability merits to justify it being one of the exceptions to the Core Strategy sought by LCC.
- 7.40 If LCC is minded to approve this application, then it should refer the application to the Secretary of State as a departure application.
- 7.41 TAPC have instructed a Highways Consultant to assess the Transport Assessment. A revised Transport Assessment has been submitted by the applicant that contains additional information, however the TAPC are advised by their agent that there are still a number of fundamental aspects of the assessment which need to be addressed in order to provide a comprehensive review of the transport impact. The below point are the conclusions reached by the agent for TAPC:
- The existing trip generation does not include all of the proposed land uses, which are likely to have a significant impact on the surrounding highway network.
  - A comparison of the journey times between the existing routes and the proposed relief road show similar results. This questions the fundamental need for the relief road and also suggested that a much greater proportion of traffic will travel through Boston Spa and Thorp Arch to reach the development.
  - It has not been explained within the TA why the western relief road is proposed. There does not appear to be any analysis to demonstrate why the existing highway network cannot be upgraded to accommodate the development traffic in the absence of the western relief road, and no capacity analysis of the proposed new junctions on the western relief road.
  - The traffic growth that has been applied is based on a greatly increased build out period from that presented in the initial Transport Assessment. However, no consideration has been given to the time required to design and construct the proposed link road prior to any properties being occupied as stated in the TA.
  - The existing facilities in surrounding residential areas are outside the recommended comfortable walking distance.

- The existing bus services are limited and are not accessible to all parts of the development. As a result the developer has proposed to divert an existing bus route and provide an additional service over a 10 year period.

**Summary of all other objections:**

- 7.42 Substantial objections have been received from Linden Homes, Miller Homes, Samuel Smiths Brewery, a local action group (TAG) and from individual residents. The objections from Linden Homes and Samuel Smiths were copied to Members at the previous City Plans Panel; these and all other objections have been summarised in the points below:

**Sustainability and policy**

- 7.43 The site is not sustainable. The site has previously been rejected as an unsustainable location for residential development at the Leeds UDP Review public inquiry during 2005/6. The proposal at this time for TATE was for 1500 houses where the Inspector considered the submitted evidence which included over 300 letters of opposition. Unless the applicant can provide evidence that either the underlying principles have changed or that the physical environment is significantly different from that prevailing in 2005/6 then the Inspector's findings that the site is unsustainable remain.
- 7.44 The NPPF is absent on how to apply an approach to sustainability; however the Core Strategy interprets this as settlement location, transport connections and accessibility. The principles contained within PPG3 at the time of the 2005/6 Inquiry carry through to the new guidance.
- 7.45 Since the UDP Inquiry the physical environment has had some improvements to the highway system, with a new round-about providing access to TATE on the north-east side and re-surfacing of the C78. However on the negative side the original access directly onto the A1(M) from the C78 at Wetherby have been lost and such access now requires travelling for about 2.7km south and 3.5km north around the LAR with three round-about in either direction prior to reaching the access round-about to the A1(M). Overall the highway links to the site are arguably worse than at the time of the inquiry.
- 7.46 The Council need to consider whether this is the most sustainable form of development to meet housing needs. The current and emerging planning policy framework point towards a settlement hierarchy to meet housing needs and the Thorp Arch proposal sits outside this framework. The development is in conflict with the emerging Core Strategy in respect of permitting a new settlement in a rural area. The proposal fails to reflect the emerging objectives and policies of the draft Core Strategy and the approval of the scheme would prejudice the underlying objectives and policies being development as part of the Core Strategy. Therefore the development is contrary to pattern of development as set out in Spatial Policy 7 of the Core Strategy.
- 7.47 Has no direct linkage to Leeds centre other than by private vehicle or by a limited bus service that would have journey time of approximately 1hr.

- 7.48 There are no existing facilities within 2km of the proposed housing.
- 7.49 The proposed development would not be linked to any existing settlements and can therefore be classed as a new settlement and therefore has to be self-sufficient to meet sustainability criteria and there is no likelihood of this being achievable.
- 7.50 There is no phasing information to indicate how and when facilities and subsidised transport will be introduced or removed.
- 7.51 Medical provision will be distant at best and local NHS capacity to absorb future residents have not been demonstrated.
- 7.52 The provision of secondary schooling has not been clarified. Likely to be inadequate education provision.
- 7.53 The residents occupying the first houses will have no facilities with no demand for ancillary retail until there is a significant increase in resident numbers once more housing is completed. Therefore future residents will travel to Boston Spa.
- 7.54 Trips to Boston Spa on foot or bike is long and difficult (changes in levels and terrain with sections of the route being in close proximity to passing traffic). This journey by these methods are not practical on a day to day basis and the Inspector at the 2005/6 Public Inquiry was unconvinced that any bus service would survive a subsidised period.
- 7.55 TATE will become a dormitory settlement for workers in York, Harrogate and Leeds rather than a settlement of self-containment. The Council need to consider whether the entire social and physical infrastructure identified by the applicant will lead to the development becoming sustainable and if so, they should specify triggers for delivery of this infrastructure to ensure that the sustainability criteria can be met.
- 7.56 TATE is not accessible by walking (poor footpaths, narrow dangerous bridge, steep terrain).
- 7.57 The Sustran route is not a practical route to travel by cycle in the dark (i.e. dangerous) nor is it functional for a commuting option.
- 7.58 There is no mention of secondary school locations or capacity.
- 7.59 The scale of the proposal renders the emerging Neighbourhood Plan meaningless and that the current proposal would not be considered acceptable for development within the criteria determined by the Thorp Arch Steering Group for the Neighbourhood Plan.
- 7.60 The site is politically driven to avoid development around the local villages. Local neighbourhood planning groups have been informed by Councillors that no further housing sites will be brought forward in the outer North-East

quadrant as the proposed scheme for up to 2k dwellings will meet the local housing need.

- 7.61 The housing supply figures quoted by the applicant referring to Thorp Arch and Walton has little in relation to Leeds. The Leeds numbers taken as averages are also meaningless since Leeds has a wide distribution of housing neighbourhoods. The Applicant needs to use local housing data.
- 7.62 The site is not wholly Brownfield. Much of the site has never been developed or where demolished has returned to a natural state and the site is considered to be both Brownfield and Greenfield. The Council need to undertake a far more rigorous assessment of the whole of the application site area to ascertain how much is previously developed and how much is Greenfield land
- 7.63 The land proposed to be used for the relief road is Greenfield of high agricultural value and in a Conservation Area.
- 7.64 If LCC are considering granting outline planning permission then the application should be referred to the Secretary of State in order that he can review the application given the potential that the application may have effects beyond the local area.
- 7.65 The quantum of the scheme has the potential to effect delivery of housing and regeneration in the Selby district (e.g. Tadcaster).
- 7.66 If the LCC is pursuing this approach because it is desperate to boost its housing supply numbers, this is misplaced because of the likely time lag in getting such a difficult site underway, and more likely than not placing delivery of a large number of homes towards the medium term rather than the short. In contrast, it is understood there are planning permissions for over 1000 units already available in Outer North East Leeds. In addition, a planning application for 400 units is being considered by LCC at Spofforth Hill, Wetherby. In addition, there are other locations closer to Wetherby where development could be achieved with more ease, in shorter periods of time, and without seriously affecting existing communities.
- 7.67 The risk is that the build-up of new households will be slow. This would be a major disincentive to the provision of services and public transport for the new residential location until later stages. LCC are acting irresponsibly by not recognising this risk and admitting how unsatisfactory this could be for new residents, who could be isolated from proper service provision, and particularly for occupiers of affordable housing who might be dependent upon what could be a limited public transport service.
- 7.68 The scheme fails to propose even intend to produce limited health services for the site. This application for residential is one of a number of potential developments within the Boston Spa/Wetherby area which could potentially see large numbers of new residents arriving in the area. This clearly has significant implications for the adequate provision of health services. *(A doctor practising from a surgery located in Boston Spa advises that his current*

*building is currently being used to capacity and his discussions with other GPs in the area suggest that they have similar concerns).*

- 7.69 Concern that this and a number of other developments will impose a burden on local resources that simply cannot be met without significant additional investment in local infrastructure.
- 7.70 The serious risk that the applicant/developer could not sustain the major financial subsidies needed over a lengthy period of time to overcome the sites inherent unsustainability.
- 7.71 The site is “premature” prior to the adoption of the DPD. Until the quantum of housing development in the Core Strategy have been examined the local housing need has yet to be established.
- 7.72 The development would be too small to be considered as ‘self-contained’. The Inspector of the Public Inquiry (2005/6) stated that the minimum threshold capacity to encourage local self-containment was a figure of 5 – 6000 dwellings or a 15000 population.

#### Economic

- 7.73 The reality will be that volume house builders will build on the site using their own workforce thus removing the opportunity for local building companies.
- 7.74 The development is being promoted on the hypothesis that there will be significant numbers of people living and working at TATE which is the same hypothesis put to the inspector at the 2005/6 public inquiry. There is no evidence that existing workers want to live on site. The average cost of housing in the surrounding area would be out of reach for most employees on TATE.
- 7.75 There is no foreseeable significant growth of the TATE employment levels; therefore no demand.
- 7.76 The level of employment suggested by the Applicant as part of the constructions period is questioned as the figures quoted are unsubstantiated.
- 7.77 Loss of employment land.
- 7.78 The Housing Market Assessment submitted by the applicant provides no clear definition or methodology of how the market areas have been identified. The assessment seeks to identify housing requirements by referring to percentages of needs rather than the number of houses that are required in the Wetherby area either in total or by reference to house types. Therefore, no indication is provided whether the proposal will contribute, meet or exceed identified needs in the area. The weight to be attached to affordable housing provision is therefore unclear until it is established that the scheme will draw residents away from existing sustainable settlements and centres.

#### Environmental and ecological

- 7.79 The 3.0m 'scrape' over the site to clear the potential array of contaminants (asbestos, explosive residues, cyanide) will create a large amount of material to remove from the site which is to be transported an unknown distance to unknown locations and its disposal will be environmentally damaging.
- 7.80 The best current practice for sites like this, provided that no contamination is affected surrounding areas or water resources are to leave the contaminated area undisturbed (with the exception of removing exposed asbestos).
- 7.81 The development will create a car based community (per the Inspectors conclusions in the UDP Review inquiry).
- 7.82 No facilities are practically accessible by foot or bike.
- 7.83 The provision on site for any facilities is uncertain. If the number of properties equate to a viable convenience store residents of the houses will do their shopping in Wetherby or Boston Spa and will travel by car.
- 7.84 Applicant aiming to avoid any environmental obligations (CSH standards) by offsetting green standards against the provision of other facilities i.e. a new school. Miller Homes are of the view that the Environmental Statement should be thorough and complete and take into account all the submitted environmental information in order to consider the full environmental effects of the Application. They do not consider that the Environmental Impact Assessment accords with the Town and County Planning (Environmental Impact Assessment) (England) Regulations 2011. The Environmental Statement should be thorough and complete and take into account all the submitted environmental information in order to consider the full environmental effects of the Application. The Application was submitted without complete baseline assessments and evidence with regard to Transport and Ecology. Supplementary information has recently been submitted in the form of an updated Transport Assessment and Ecological Report. Case law has shown that Environmental Statements must be capable of being considered without having to refer to independent documents and that such effects need to be considered both individually and in combination with other potential effects. Miller Homes understand that the Ecological ES Chapter and appended reports were submitted as an Addendum after the submission of the original ES; however the Conclusions in Chapter 16 of the ES have not been updated or submitted as an Addendum. This Chapter includes a summary of the mitigation measures but importantly an assessment of the "in-combination effects", which in terms of the EIA Regulations is an assessment of the interaction of effects which in isolation may only represent a minor effect but in combination with other effects, may represent a significant effect. The submitted Chapter 16 ignores Ecology and has not considered Ecology in the "in-combination effects". The submitted ecological information shows potential for effects through construction, ground works and hydrology particularly during the construction phase with protected species in the area. These interactions of effects need rigorous assessment. The current "in-combination effects" assessment is therefore not complete and it has not been updated to include the new information on Ecological effects.

The Applicant needs to address ecological objections to the specific ecological matters but then also to consider them as part of the “in-combination effects”. This needs to form part of an updated Chapter as part of a further Addendum to take into account the submitted ecological information and be subject to appropriate publicity.

- 7.85 The waste assessment refers to 900-1150 dwellings and not on the submitted scheme for up to 2k houses.
- 7.86 The roads on the estate are to be lit. This will affect the bat population.
- 7.87 Flood risk.
- 7.88 Loss of wildlife habitat (woodland, scrub and grasslands)
- 7.89 Loss of botanical areas.
- 7.90 Out of character with the surrounding rural villages.
- 7.91 Loss of 40 acres of Conservation landscape.
- 7.92 The relief road will cut across the sustrans route with possible harm to the Listed bridge, the adjacent open land and harm the Conservation Area.
- 7.93 The remains of the ROFF including the Listed buildings/structures in and around the site are of national significance and the large scale residential development would have a damaging effect on the heritage of the remains of the ROFF.
- 7.94 Yorkshire Wildlife Trust (*not a consultee*) object to the current application due to the lack of information regarding the biodiversity value of the site. They are concerned by the Landscape & Ecology Mitigation Plan which shows the loss of a significant area of the SEGI/LWS sites with no buffer around the areas to be retained and only a limited amount of mitigation. They believe that the current application is therefore contrary to policies SA1, N49, N50, N51 and N52 of the Leeds UDP as well as paragraph 118 of the NPPF.
- 7.95 The development would be in conflict with guidance contained within the NPPF ecology policies. The applicant’s calculations of biodiversity offsetting, Showing a ‘net environmental gain’ seems flawed. Invertebrate studies recommended have not been completed.
- 7.96 Evidence provided by the applicant’s ecology survey shows that very extensive areas of the site are of high environmental value. This has been confirmed by West Yorkshire Ecology. This application will involve destruction of large areas of habitat which have been assessed by the applicant’s own ecologist as being of County Value, both on the greenfield and brownfield areas on the site, and large areas which would qualify as SEGI land.
- 7.97 Within the site there is land that could potentially support rare and notable



Invertebrates and ground nesting birds.

- 7.98 The EA states that an overall net gain for biodiversity. TAG believe that this is an ambitious claim in view of the stated value of the lost habitats.
- 7.99 TAG note that West Yorkshire Ecology have commented that they 'consider that the development will have an unacceptable impact on regionally important species rich grassland communities and that the calcareous grassland component of this site is the largest example of this habitat type within West Yorkshire and is of regional importance and therefore of high environmental value.
- 7.100 The site is far greater value in ecological terms than many wholly 'greenfield' sites, and this deserves serious consideration. To claim that the ecological loss in developing this site can so easily be mitigated seems unrealistic.
- 7.101 TAG accepts that some of the land proposed for development can be Considered as previously developed land. It does not accept that this is not of high ecological value.
- 7.102 The development will have impacts upon the character of the landscapes (i.e. green belts and locally important landscaped areas) outside the boundaries of LCC within the Selby District and Harrogate Borough Council areas. The supporting documents fail to assess harm on the openness of nearby green belts (Selby) (i.e. visual receptors).

Highways matters

- 7.103 Extra traffic generated by the development going to/through Boston Spa will exacerbate the congestion issues (The Packhorse bridge/bridge road/ T-junction) cutting off Boston Spa for periods of the day.
- 7.104 Limited public transport provision proposed with a 30 minute service between Leeds and Harrogate (No.770/771) and a shuttle bus with unspecified hours travelling to Wetherby. This will be inadequate to serve up to 2k homes.
- 7.105 It is likely that the traffic increase in Thorp Arch village main street will exceed 25%. If so, according to the design manual for roads and bridges the noise increase will exceed 3%.
- 7.106 Disagreement with the public transport provision for TATE being assessed in-line with developments elsewhere in the area (i.e. Former Clariant Works for 400 dwellings and Church Fields for 153 dwellings).
- 7.107 The existing trip generation does not include all of the proposed land uses which are likely to have an influence on the highway network.
- 7.108 A comparison of journey times between existing routes and the proposed relief road show similar results, questioning the requirement for the relief

road.

- 7.109 A greater proportion of traffic will travel through Boston Spa and Thorp Arch to reach the proposed development.
- 7.110 No analysis in the submitted Travel Assessment why the existing highway network cannot be upgraded to accommodate an increase in the absence of a relief road.
- 7.111 The proposed traffic growth covers only the first phase of the proposed scheme up to 2023 (55% of the development).
- 7.112 Existing facilities are outside comfortable walking distances from TATE.(i.e. those in Wetherby). The proposed improvements (Puffin crossing on Wighill Lane to link Walton, footways adjacent to the relief road along Church Causeway and a cycleway along the relief road to connect with the Sustran Route) are not sufficient to promote a sustainable location from a walking perspective and the pedestrian infrastructure will deter residents from walking.
- 7.113 The additional bus service for 10 years is not in line with the construction period of the site and the TA fails to advise when the bus service improvements would be introduced.
- 7.114 Access to rail services is poor by bus resulting in residents travelling between 50 minutes and 1hr to reach Harrogate and Leeds train stations respectively.
- 7.115 Access to rail services are poor via car (Garforth, Harrogate, Wetherby and York)
- 7.116 Accident analysis fails to include the route through Boston Spa.
- 7.117 The proposed mitigation would force additional traffic to use Wood Lane which has substandard width and a poor alignment and would increase traffic through the centre of Thorp Arch.
- 7.118 There has been a lack of scenario testing submitted on implications through Boston Spa and Thorp Arch addressing highway capacity concerns in this area.
- 7.119 The relief road will not work and consideration should be given to the southern exit from the estate following the Rudgate Route to the A64 and A1 which would negate traffic problems from Thorp Arch and Boston Spa.
- 7.120 The revised transport assessment (“TA”) contains flaws. The Councils Highways requested that the walking isochrones be measured from the centre of the site. The applicant has not done this, and the TA still claim that a number of facilities are available within a 2km walk of the proposed development. This is not the case if the isochrones is measured

from the centre of the site. The sustainability argument is based on these facilities being inside the isochrones and that argument will fail if the isochrones is changed.

- 7.121 The applicant concedes that there will be a problem at the junction of High Street and Bridge Road in Boston Spa and that their expectation is that once this junction reaches its theoretical capacity traffic will divert to the relief road. TAG's understanding is that it is incumbent on the applicant to ensure that a development does not cause a junction to become more than 85% utilised and if models show that this will happen then they have to propose (and fund) alternative traffic routes that will allow existing traffic to continue to operate as it does now. The proposal seems to be saying that the applicant is expecting the junction to become grid locked and that the new road provides an alternative route if this happens. This is unacceptable as by the time you find out that the junction is grid locked you will be stuck in it. This situation would mean that a 0.5 mile journey to Boston Spa from Thorp Arch would become nearly 5.5 miles via the "relief road".
- 7.122 The maximum queues identified in the TA (observed at the Thorp Arch Bridge on Friday 23rd November 2012) are laughable. It is not uncommon to see queue lengths at peak hours that are into double figures. The results of this are not representative of the queues experienced by local residents and further independent surveys on many different days should be undertaken. The Highways Department have asked that 85th percentile trip rates are used. The Highways Department have stated that "the difference between average and 85th percentile trip rates is vast, and as the development proposals will have a significant impact on the highway network, it is vital that a robust assessment of the impact of the proposals is undertaken. Therefore, the average person trip rates used are not considered to be acceptable." (Highways report 10th Oct 13 page 3). This has not been done, obviously because it would show the development as having a massive negative impact on the existing villages and being totally unsustainable from a traffic perspective.
- 7.123 No trip rates have been calculated for trips to the proposed village centre, community and leisure uses. The traffic growth figures in the Transport Assessment do not match the timescales in the Environmental Statement. Paragraph 8.1 indicates that the build period will be over 5 years and therefore it has been assessed over a ten year period from 2013 to 2023. The ES indicates a build period from 2014 to 2029, which is considered by Miller Homes to be overly optimistic. The ES and TA should be consistent otherwise the assessment of environmental effects is not robust. Miller Homes consider that the TA and ES should be updated to assess our more realistic timescale conclusions, i.e. that the development would not be completed for 24 - 30 years i.e. by 2043. An ES Addendum Chapter 6 Traffic and Transport should be submitted.
- 7.124 Effect on Thorp Arch bridge –
  - The bridge is too narrow to accommodate a two-way vehicle flow.

- Road signs indicate that there is no priority in either direction, therefore priority is given to oncoming traffic on an informal basis.
- The TA contains no evidence to support the claim that the bridge operates with only low level queuing i.e. up to six vehicles as stated in the TA.
- No details of the bridges capacity are noted in the TA.
- The proposed highway restrictions (no right turns for northbound traffic from Church Causeway to the proposed relief road and no left turns for westbound traffic on the relief road to Church Causeway) will only prohibit vehicles from the development travelling to Boston Spa assuming that they travel via the western relief road access roundabout. Those residents located to the northern part of the development or those seeking to avoid the diversion created by the western relief road could travel via the Avenue C / Wighill Lane access and therefore could avoid the proposed restrictions. As a result the development could add traffic flows to the bridge exacerbating the existing congestion and delays.

#### Consultation process

- 7.125 The Statement of Community Involvement (“SCI”) submitted by the Applicant is largely fiction rather than fact. The only consultation with the community was an event to present a scheme for 1150 on the 6 June 2012. This scheme had no relief road and minimal community facilities and bears almost no relation to the submitted scheme. An event on the 18 May 2013 presented a scheme for 1700 houses with a relief road and increased community facilities and including some public transport proposals. TAG believe that this was not a consultation as the scheme was virtually finished with increased housing number (x 2000) and the removal of retail provision (replaced by housing).
- 7.126 The consultation process was poor and badly handled. Differing views have not been taken into account and outcomes incorrectly reported with consultation taking place late in the process.
- 7.127 The Consultative Forum meetings were effectively secret and the minutes were withheld.
- 7.128 The timing of the application is questioned with submission being at a time during the holiday period when many residents were absent and the period to provide comments to the Council was the 29 August presented little time to respond.
- 7.129 TAG consider that the process of consultation for the SCI is flawed and in contravention of The Community Involvement in Planning – The Government Objectives (Feb 2004) as no real connection with communities offering a tangible stake in decision making has occurred.
- 7.130 The Applicant has only sought to engage with leaders of the Parish Councils, have prevented open and transparent discussions on issues when that has been sought and in conjunction with Ward Members and Planning

Officers created the Consultative Forum which met without the involvement of the local community electorate to devise the current scheme which only became known to the wider community on the 18 May 2013 and that the proposal has been put forward without reference to Thorp Arch Neighbourhood Plan.

- 7.131 The method of community involvement and the closed nature of the consultative forum meetings goes against the grain of the Localism Act and the Councils code of conduct (i.e. failure to provide minutes outside the Freedom of Information route).
- 7.132 Failure to disclose copies of minutes between the applicant, its advisors, Council Planning Officers, Ward Members, Panel Members, and leaders of the local Parish Councils.
- 7.133 No minutes are available on a meeting that took place between stakeholders in London on the 5 March 2013.
- 7.134 TAG are of the view that the closed meetings is an indication of an approach by the Applicant to achieve a pre-determined decision.
- 7.135 There is not total community support from residents of Thorp Arch as suggested and undue weight has been put on comments made by Walton PC.

#### Viability/Deliverability

- 7.136 The proposed relief road, off-site highways works and land acquisition issues from local landowners to allow development pose an issue of delivering the works.
- 7.137 Landowners do not support the scheme and Compulsory Purchase Orders can lead to a costly process.
- 7.138 It is unlikely that phase 1 (1100 houses) of the development as proposed will be completed in the 10 years period as proposed. Miller Homes raise concerns that the base position adopted through the Application and Environmental Impact Assessment is inaccurate and flawed. The timescales for delivery are not justified by evidence and the starting date of the development is overly optimistic. The Environmental Statement highlights that a detailed remediation strategy is still required and a comprehensive contaminated land risk assessment has to be carried out, which needs to include a detailed Site Investigation. Ecological mitigation and archaeological evaluation is also required. A new Relief Road is proposed to be opened prior to construction of the first dwelling and not all of the land is currently under the control of the Applicant to deliver it. Compulsory Purchase Orders ("CPO") may be necessary to deliver this Relief Road. Miller Homes therefore take the view that a significant number of issues to resolve prior to construction, especially as this is an outline application with no developer interest at this point in time. The above could take 3 - 4 years from resolution to grant by Planning Committee before the first house could be occupied, or if a CPO

were required this could take in the region of 5 - 6 years. It is highly unlikely that the development will progress at an average of 135 dwellings per year. The Project Description should also be amended to rectify the inconsistent delivery timescales and should form part of an update ES Addendum.

- 7.139 Costs associated with infrastructure, contamination mitigation, affordable housing and all other costs (e.g. public transport) may render the scheme unviable.
- 7.140 It is accepted that Walton and Thorp Arch should take a reasonable share of housing (a figure of 20-30 houses are suggested for Thorp Arch if an appropriate site can be located).
- 7.141 Risks in the nature of the planning application itself. It is for outline planning permission. The scheme proposed is illustrative only with all matters reserved. The applicant is not the developer. Some of the measures required to boost the sustainability qualities of the site might not be included at the detailed stage because it would be a developer facing the cost realities not a land owner wanting a planning permission.
- 7.142 In order to evaluate the viability of this application, the requirements for remediation under the 'Special Sites' policies of the Environment Agency (EA) must be taken into account. While accepting that it is the local authority which has to decide which sites to refer to the EA, the criteria are clear. If the site has contaminants, receptors and a pathway, and there is a 'significant possibility of significant harm', then it would need to be classified for action under 'contaminated land' policies. The site has known contaminants, including the probability of explosive materials on site. The site will have known receptors - soil testing technicians, construction workers, and future residents including children and vulnerable adults (elderly, pregnant etc.). There will be contamination pathways from the construction activities, and later residential uses, amongst others. WYG's own geo-environmental desk study, tables 7.6, 7.7, 7.8, and 7.9 all indicated some high-risk pathways. It is TAG's opinion that the site will have to be considered as 'contaminated'. In addition, because it has been used in the ROFF period for explosive manufacture and processing, this would mean it has to be referred to the EA as a 'special site'. This could result in very considerable remediation costs and difficulties. In order to assess the viability of this application, it is therefore essential that the requirements of decontamination under the EA 'Special Sites' policies must be addressed.
- 7.143 In addition to the above Alec Shellbrooke MP has also written to the Council to voice his objection to the proposals. Mr Shellbrooke's objection is summarised below:
- 7.144 Leeds City Council's Strategic Housing Land Availability Assessment highlights the Thorp Arch Trading Estate site as 'green' for future development. The Outer North East quadrant has been allocated a figure of 5,000 units. It is Mr Shellbrooke's opinion that Leeds City Council's housing

figures equate to a copy of the Regional Spatial Strategy (RSS) and that this target for house building was abolished shortly after the last election.

7.145 One of the biggest problems with the figures derived, including those in the RSS, is that they were based on a predicted population rise in the city, calculated on figures past. Since that time, two fundamental changes have occurred.

(i) GDP shrank by over 6%, leading to one of the deepest recessions in history and leaving the current Government with a mountain of debt and unprecedented deficit. This consequently led to a fall in demand for new homes with fewer people able to secure mortgages.

(ii) Much more significant aspect is the current Government's strategic policies of gaining control of unfettered immigration, something previously promoted by the last Labour Government's open door policy. The 2011 census confirmed the immigration policies of the last Labour Government allowed over 2.1million immigrants access to Great Britain on a permanent basis. Clearly, this resulted in growing pressure for homes, especially in our city, which has had a disproportionate flow of immigration compared to other cities in the country. In the first half of this current Parliament, net immigration has been cut by a third. This is a deliberate policy of this Government; to return levels of immigration to the tens of thousands, not the hundreds of thousands per year.

7.146 Therefore, these fundamental changes in immigration policy now resulting in lower immigration figures in Leeds surely means the housing target figures set by the Council are out of date.

7.147 Before any building takes place in Leeds as a result of the SHLAA, a revaluation of the figures proposed needs to be undertaken which will, Mr Shellbrooke believes, relieve villages in constituencies such as his, from totally unnecessary expansion on this scale.

7.148 Thorp Arch village will struggle to accommodate the proposed expansion in respect of increased traffic and pressure on local services.

#### S106

7.149 The obligations sought by Walton Parish Council are not necessary to make the development acceptable in planning terms nor is they are directly related to the development, they represent a "wish list". They fail the legal test governing the use of planning obligation and should be removed from the S106 Agreement. If they are to remain in the S106 Agreement then the Chief Planning Officer should clearly explain the basis of how these obligations meet the legal tests.

#### **Summary of Letters of Support**

7.150 Set out below are the reasons for support set out in letters of representation:

- The relief road and provision of a school is essential.

- There has been good communication with the local community.
- Re-use of Brownfield makes sense.
- The scheme will provide much needed housing.
- Will provide a new lease of life to the estate.
- Improved bus services to Harrogate and Leeds i.e. the shuttle bus service to Wetherby creating more options for employees travelling to the site.
- Provision of housing within the area has the potential for employees to reduce travel to work distances.
- The proposed road between Wetherby and the Estate would improve access to the national road network.
- Re-development of redundant buildings, improved landscaping and additional recreational facilities will improve the attractiveness of the Estate to potential new employees and provide enhanced facilities for existing staff.

7.151 In addition to the above points Walton Parish Council and Boston Spa Parish Council have expressed support for the scheme subject to various matters. Set out below is a summary of the Parish Council's comments.

7.152 Walton Parish Council supports the development of the site, on the express condition that a relief road was provided to mitigate the traffic impacts on not just Walton but also Boston Spa and Thorp Arch. The development proposal has been debated by the Walton Parish Neighbourhood Plan Steering Group and the consensus of that Group is that the PC should support the development of this brownfield site before building on Green belt/rural/farm land within the designated area. The Steering Group has also supported the promotion of this site in the LCC Site Allocation Process. This support is subject to the below heads of terms:

#### Affordable Housing

7.153 The Council has received local comments about the nature of the Affordable Housing to be provided on site. In particular, there is a local shortage of property to rent for agricultural workers, many who travel miles currently to get to work. There should be provision of smaller affordable homes and residential care facilities for local elderly residents. There should be the provision of discounted purchase scheme homes to assist future generations of local young people get themselves established on the housing ladder.

#### Relief Road

7.154 For avoidance of doubt, Walton Parish Council's support of this Planning Application is absolutely conditional on the completion of the relief road prior to commencement of any residential development on the site.

#### Bus Infrastructure

7.155 The Council would wish to ensure that the phasing of the changes to the services, including the introduction of new shuttle services, is carefully managed, in full consultation so as not to result in any diminution of service to users along the Walton Road, in particular residents of Walton Chase, Woodlands, Rudgate Park and employees and visitors to HMP Wealstun.



#### Crossing Contribution

- 7.156 The puffin crossing should be provided at the same time as the other traffic calming measures.

#### Cycleway Contribution

- 7.157 These funds should be directed to delivering a dedicated cycle track and pedestrian route from the south side of Wighill Lane where the Puffin Crossing joins to provide a continuous route travelling through the centre of the new community and on to link up with Route 66 of the National Cycle Network on the south west of the new development. When linked up to the proposed Walton Cycle track on the western side of Walton, to Route 66 at Walton Gates, it will provide the residents of the new community, Walton and other nearby communities with a valuable safe circular route for cycling, running and walking, improving the inter community connectivity, reducing the reliance on cars and promoting healthy lifestyle habits amongst residents.

#### Traffic Calming - provision

- 7.158 The definitive list of traffic management/calming measures should be as follows:
- (i) The provision of the Bus Gate on Street 5, south of the entrance to the British Library before the existing Roundabout.
  - (ii) The provision of gateway build outs on Smiddy Hill, School Lane and Springs Lane, Walton.
  - (iii) The introduction of a 20 mph speed limit on School Lane, Main Street, Smiddy Hill (along which the proposed Walton Cycle track will divert walkers and cyclists) and along Springs Lane to a new speed limit boundary beyond the vehicular entrance to the Walton Cricket Club Grounds.
  - (iv) The introduction of a HGV Point Closure on Springs Lane, Walton between Springs Lane Farm and the entrance to the Village Cricket Club.
  - (v) The provision of a kerbed footpath, along the eastern side of Springs Lane, from Main Street, Walton to the pedestrian entrance to Walton Cricket Club.

#### Traffic Calming Measures – Timing

- 7.159 All of the above measures must be completed prior to the opening of the new relief road.

#### Education

- 7.160 Mindful of the chronic lack of pupil capacity in the local primary school, the

Council wishes to ensure that the provision of the nursery and primary school on the development is phased so that it can accommodate the new residents' children from their point of occupation of homes in the new development.

#### Waste Strategy - Removal of Contaminated materials from site

- 7.161 There remains a local concern about the toxic/dangerous nature of some waste which may be uncovered and subsequently need to be removed from site during the completion of this large development. The Parish Council is satisfied that routing the transport of such materials off site for correct disposal via the new relief road will minimise the potential contact with residential properties. The Planning Authority should apply a planning condition to the permission which ensures that all contaminated material be routed off the site via the Rudgate Roundabout, Wighill Lane, Rudgate and the B1224 to the Motorway network or the new relief route only, and that it is expressly prohibited to carry contaminated waste arising from the site at any time after the granting of Permission on any other local road. These are the two most effective routes to minimise the potential contact with residential properties and therefore minimise local anxieties.

#### Site Access - Construction Related Traffic

- 7.162 Mindful of the concerns of residents about the significant volume of construction traffic the Parish Council would wish, to see a condition attached to the permission, to ensure that other than along the new Relief Road there should only be one permitted access route to the Site for all Construction Related Traffic; via the B1224, Rudgate, Wighill Lane and the Rudgate Roundabout entrance to the Estate. Such a condition is critical, not just for the peace of mind of residents of Walton but also residents of Grange Avenue, Rudgate Park, Woodlands and Walton Chase.
- 7.163 Boston Spa Parish Council have unanimously expressed its full support for the concept of the development. However, that support is conditional upon the early provision of the proposed relief road and upon the imposition of adequate traffic mitigation measures to ensure that any adverse impacts from traffic on Thorp Arch bridge and on Bridge Road in Boston Spa are kept to an absolute minimum. In addition the support is conditional upon there being no further restrictions in on-street parking on Bridge Road as the residents do not have any available off street parking.

## **8.0 CONSULTATION RESPONSES**

### Waste management

- 8.1 The refuse collection arrangements for the above look to be acceptable but it would be better to comment at a later more detailed stage.

### Cycling Officer

- 8.2 The cycle route looks acceptable, although detail will need to be agreed with LCC and with Sustrans, who provided part of the funding for the existing National Cycle Network Route, and who maintain it under agreement.

Information on the restrictions for traffic to Thorp Arch would be helpful. These should exempt cyclists.

- 8.3 Due to previous uses the site has a history of contamination. Care needs to be taken to ensure that the appropriate investigations and remedial measures are put in place so that the site is suitable for use. The general approach to these matters has been set out and the details of the methodology need to be agreed. It is recommended that conditions be attached to any grant of planning permission.

#### Landscaping

- 8.4 The Landscape Officer has raised significant concerns regarding the impact that the relief road would have on the Sustran route and the surrounding landscaping. The objective must be to maintain the connectivity of the Sustran route in terms of the Sustran route itself; keeping the historic connections (the setting of the listed structures and that of the listed buildings) As well as retaining the visual and the ecological continuity.
- 8.5 The proposed road should cross as near to a right angle as possible.
- 8.6 Stone parapets (and these would also screen noise).
- 8.7 Construct the bridge as high as possible.
- 8.8 Careful design and construction to minimise tree loss.
- 8.9 The ecological feature of movement along the cutting rather than being confined to the bottom is an important characteristic to retain. There will also be opportunities also to create quality permanent bat roosting features within the design of the bridging feature.
- 8.10 Light penetration into the underside of the road to ensure that it is still an attractive and safe route for pedestrians/ cyclists and allow vegetation to grow. This would additionally lift the road out of the main line of sight for pedestrians travelling south from the first bridge. This would allow the dramatic vista down the rail track to be retained. Open sides and an open structural support system are other considerations for light penetration. A central verge light-well could be considered.
- 8.11 The use of sympathetic materials to retain the railway character by using for instance stone cladding similar to the listed bridge.
- 8.12 This is known locally as the Railway Path. Keep the sustran route as it stands including the part that runs alongside the property containing the listed railway sheds building. Although there is no public access, visual observation is possible and it is important that this quality is retained. The current road alignment sits over the path after it crosses the sustran cutting resulting in this connection being lost and users of the path again suffering a significant impact.

- 8.13 The proposal needs to be combined with some enhancement to the general historic area (including repair and maintenance to the listed bridge structure and the retaining walls including the removal of vegetation that is overgrowing the central railway line to the southern end) This would help mitigate the loss in this area of trees/ railway path character and the general environment impact of a large road over the sustrans route.
- 8.14 In addition to the above the Landscape Officer has raised serious concern regarding the “Confidence Scrape” of the TATE site in relation to the aspects of establishing levels of on-site contamination. Landscaping are of the view that as it stands it would mean that every tree on the site would be removed which is unacceptable and have requested that an appropriate detailed methodology that works around existing vegetation intended for retention is developed. A condition is suggested that requires a methodology statement for the carrying out of the confidence scrape to be submitted for approval and as part of significant trees would be retained.
- North Yorkshire County Council (“NYCC”) and Selby District Council (“SDC”)
- 8.15 NYCC have raised an objection on the impact the scheme would have on the highway network outside LCC’s control. This objection will remain until the necessary mitigation has been discussed and agreed with NYCC.
- 8.16 SDC do not offer detailed responses on issues other than strategic issues that could affect Selby District.
- 8.17 There is concern over the lack of cross-boundary consideration given in the submitted application in regard to highway impact. It is highly unlikely that there would be no traffic movement between Thorp Arch and Tadcaster. Tadcaster is defined as a Local Service Centre in the Selby District Core Strategy Local Plan (to be adopted later this year, having been found sound by the Inspector in June). Tadcaster plays an important role as the hub for a large number of villages in the area, and Thorp Arch is the home of employment for a number of people in those villages, and Tadcaster itself.
- 8.18 The application appears to consider that all traffic shall move between the site and Wetherby/A1(M), however such a notion is contested. The attraction of the local services and facilities in Tadcaster itself (shopping, schools, leisure centre, swimming pool, theatre, community centres, evening economy etc.) cannot be ignored. Indeed, Tadcaster is similar to Wetherby in such terms, and broadly the same distance from the site. The impacts of traffic on Tadcaster cannot be properly considered without any information, and thus the application cannot be supported.
- 8.19 It is also noted that the proposed development would invariably impact upon the A64 at Tadcaster, with a corresponding impact upon the limited junctions there. The A64 is already subject to detailed cross-boundary scrutiny due to its existing capacity issues. Tadcaster is anticipated to grow with its own development quantum and thus the application fails to recognise the impacts upon the strategic highway network at this location.

- 8.20 It is considered essential that the highway impact is investigated on; Wighill Lane where it leads to Tadcaster, the main junctions within Tadcaster, the junctions with the A64, and the A659 between Boston Spa and Tadcaster.

Public Rights of Way

- 8.21 No objections.

Ainsty Drainage Board

- 8.22 No objection subject to a condition for a scheme for the provision of surface water drainage works.

Natural England

- 8.23 From the information provided with this application, it does not appear to fall within the scope of the consultations that Natural England would routinely comment on. The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development.

West Yorkshire Police

- 8.24 No objections. The principles of Crime Prevention through Environmental Design (CPTED) should be fully taken on board by the developers.

Environment Agency

- 8.25 Foul Drainage

The E.A are aware that there are concerns with the ability of the existing mains sewers/treatment works to receive the additional flows that would be generated by the proposed development and it has been requested that planning permission is only granted once Yorkshire Waters concerns with capacity issues have been addressed. Should the above concerns be addressed after consultation with Yorkshire Water, the E.A believe the proposed outline application is acceptable subject to conditions

- 8.26 The proposals to open the culverted watercourse is supported by the Environment Agency. The easement requirement from the ordinary watercourses on the site should be agreed with the LCC Flood Risk Management and/or Ainsty IDB (if it lies within their boundary). In addition, it is recommended that the ground levels, particularly in the vicinity of the watercourses, slope away from the properties. Groundwater & Land Contamination The application site is located on a Principal Aquifer and the previous uses may have contributed to contamination on site. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being

put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

- 8.27 The E.A consider it appropriate to recommend that conditions are applied to any planning permission, rather than objecting. In their experience explosives manufacture sites tend not to cause such serious pollution to groundwater and that confirmatory investigations would be required before a planning permission is granted.
- 8.28 There are outstanding pollution risks that need to be investigated, assessed and potentially remediated. This is because chlorinated hydrocarbons were detected in groundwater in the north of the site; there is much uncertainty about the site history and operation; and the E.A has no investigation data at all in the south of the area. The E.A consider that the pollution might prove to be serious enough to require remedial works.
- 8.29 Only very limited monitoring of groundwater quality is presented, with no monitoring in the limestone that is the key receptor for pollution; or in the south of the site. Contaminants washed off the surface historically are likely to have been flushed into the drains. These contaminants may have built up over time. Provision is required to investigate and if necessary remediate these structures. The surface scrape may identify 'suspect' structures or ground that may be causing pollution and require further investigation. The assumption of the investigation seems to be that the surface of the made ground can be scraped away, then anything below this can remain. This cannot be counted on this when the E.A have a limited understanding of ground conditions in the north site and none in the south. Provision for investigation and if necessary the remediation of such structures is required.
- 8.30 Little is known about the detail of pollution sources on site. For example, it is likely that hydrocarbons and solvents will have been stored on site. Underground storage tanks may well be present. It is not known whether these tanks have been emptied, remediated and removed. Therefore, such works may be needed as part of the remediation strategy.
- 8.31 The E.A summarise that the Thorpe Arch Royal Ordnance Factory is a major brownfield site that lies on the Magnesium Limestone principal aquifer. There is a risk of polluting impacts on groundwater. These must be investigated and remediated to account for groundwater pollution impacts.

#### Highways Agency

- 8.32 The Highways Agency is unable to respond positively until issues relating to the Transport Assessment have been resolved. The Agency has issued a Holding Direction. It is understood that the HA had two issues which needed to be addressed, as follows:
1. The viability of the bridge widening over the A1(M); and
  2. Queuing on the northbound off-slip at Junction 45 of the A1(M).

Following a meeting with the applicant it is understood that the first issue is now resolved. With regard to the second issue needs some clarification and the Agency are considering further information submitted by the applicant.

#### West Yorkshire Ecology ("WYE")

- 8.33 Objection on the grounds that the application does not include sufficient, up to date information on the biodiversity of the site and, from an assessment based on information held by West Yorkshire Ecology (the local ecological records centre), WYE consider that the development will have an unacceptable impact on regionally important species rich grassland communities. This includes two areas designated as Sites of Ecological and Geological Importance in the Leeds UDP and additional areas which also meet new Local Wildlife Site selection criteria. Thorp Arch Trading Estate SEGI and Thorp Arch Disused Railway SEGI, are recognised as being of regional importance for their Lowland Calcareous Grassland community a UK Biodiversity Action Plan Priority Habitat.
- 8.34 The site has for many years supported the largest number of pyramidal orchids in West Yorkshire with counts of over 1000 spikes. There is also an impressive range of other quality indicator species for the proposal site. The calcareous grassland component of this site is the largest example of this habitat type within West Yorkshire and is of regional importance and therefore of high environmental value. WYE consider that this proposal is unacceptable for a site with known high biodiversity interest. It is clear from the information WYE hold that the current proposal will result in substantial loss of biodiversity interest of regional importance.
- 8.35 The mitigation for biodiversity loss to the development is currently totally inadequate, particularly in respect of the calcareous grassland. Much of the retained SEGI area appears to have been selected for its trees and landscape value, rather than the principal interest, the species rich grassland. The scrub and secondary woodland does have a value particularly for breeding birds but the effectiveness of any mitigation strategy for biodiversity must be judged primarily against the species rich grassland interest. This application does not meet the requirements of Policies SA1, N49, N50, N51 or N52 of the Leeds UDP, nor does it conform to Policies G7 and G8 in the emerging LDF.

#### Air Quality

- 8.36 No objections. Given the location of the proposal it is unlikely that any air quality standards will be breached at that site. However, it is likely that such a development will lead to a notable increase in vehicle ownership given the remote location which could have a knock-on effect on the wider road network and levels of road transport emissions. In recognition of this we welcome the measures outlined in the submitted Travel Plan, but feel that measure CU7 is inadequate and needs strengthening. As it stands it is proposed that 'electric car use will be monitored and encouraged. If there is a continued substantial use of the electric car as a mode of transport to and from the site then the installation of an electric car point(s) will be considered'. In support of Leeds City Council's policies to encourage uptake of low emission vehicles throughout the District and in anticipation of Government measures to

incentivise purchase of electric vehicles we would like to see all properties with their own integral parking space having a power point installed to enable 'slow' recharging of EVs to take place in addition to any others that the Applicant has in mind.

#### Policy

- 8.37 The site is brownfield and is part unallocated and part allocated in the UDP for employment use. The draft Core Strategy Submission identifies the site at Thorp Arch Trading Estate as an 'opportunity for regeneration and brownfield land/residential development'. This reflects that the site is unique in Leeds being a large brownfield site with associated employment which is not in the green belt. Although it is not part of the settlement hierarchy as set out in the draft Core Strategy, and therefore is not inherently a sustainable location for new growth, it nevertheless therefore has the opportunity to meet some of the housing requirement if sustainability criteria can be met. Its development would alleviate some of the pressure to release green belt sites in this area of Leeds. A factor to be weighed up in judging relative sustainability principles is whether it would be more sustainable to locate 2,000 dwellings on this brownfield non-green belt site compared to 2,000 dwellings primarily on greenfield/green belt sites elsewhere in the area. However, as a brownfield site and given the policy support in the draft Core Strategy referred to above, Officers are of the view that prematurity is not a sustainable reason to resist the planning application for residential development of Thorp Arch Trading Estate at this stage. It must also be assessed under UDP policies. UDP Policy H4 requires that development on unallocated sites which lie in the main and smaller urban areas, or in a demonstrably sustainable location, will be permitted provided it is clearly within the capacity of existing and proposed infrastructure. The key issues are therefore whether it is in a sustainable location with an acceptable level of infrastructure.
- 8.38 The site was promoted by the Council in the UDP Review as a strategic housing site for 1,500 dwellings and a neighbourhood centre, but this was rejected by the Inspector in the Inquiry in June 2005. The Inspector's rejection was based primarily on the lack of evidence provided to support that the proposals to improve the site's accessibility and sustainability would be feasible and viable, including that the costs could be met by the development.
- 8.39 A great deal of evidence has now been produced in relation to all the sustainability issues including detailed transport modelling and identified upgrades to roads and the bus and cycle network, provision of community facilities, and assurance that the developers will meet all the costs. The proposals for contributions and mitigation are set out in the draft S106 agreement.
- 8.40 The key sustainability criteria to be demonstrated are accessibility, local facilities including education, and sustainable construction. With this in mind there is a need to improve public transport and to generally make the site accessible, improve and promote cycling and walking, improve connectivity, and embrace best practice in sustainable construction, energy efficiency, environmental protection and enhancement and sustainable drainage. Other



key relevant UDP policies relate to employment and greenspace. Subject to these being adequately addressed the principle of the scheme is supported.

- 8.41 The Natural Resources and Waste Local Plan (NRWLP) identifies Thorp Arch Estate as an industrial estate which is a preferred location for new waste management facilities and therefore such facilities will be supported (site 213, Policy Waste 5). However, this does not preclude its development for other uses, plus this potential function could still be employed in the remaining part of the estate once the housing is built.
- 8.42 The Hope concrete batching plant (formerly Lafarge until January 2013) within the very east of the application site is also identified as a safeguarded asphalt and concrete batching plant (Site 28) where Policy Minerals 12 'Safeguarding Minerals Processing Sites' applies. At present, it is not considered that the application conforms with this element of the NRWLP as the future of The Hope is unclear.
- 8.43 Employment Sites - UDP Policy E7 restricts use of employment sites (including those allocated for employment) for alternative uses unless a number of criteria can be met. It is considered that on the evidence available there is an adequate long term supply of employment land in the Leeds district and that the loss of this site to alternative uses would not pose any harm to the Council's interests in providing opportunities for local employment and therefore the application meets the criteria in E7. The development is also assumed to support the ongoing employment use in the wider Estate by providing local housing, and by rationalising the Estate through further refurbishment and redevelopment.
- 8.44 Transport - The key element of improving the sustainability of the site is in improving public transport links.
- 8.45 Greenspace - UDP Policy N2.1 requires 0.2 ha of local amenity space per 50 dwellings which equates to 8ha for 2,000 dwellings. Policy N2.2 requires a local recreational area of 2.8 ha within 400m, and N2.3 requires 12 ha of neighbourhood parks within 800m. The application proposes 9.90 ha of new public open space which includes 2.65 ha of community playing pitches. The provision of greenspace is considered to meet the requirements on site for Policy N2.1 and N2.2. There is also a playing pitch provided within the new primary school.
- 8.46 Access to the existing woodland would also be created through a new footpath network, which needs to be taken into consideration as additional open space. The site as a whole will provide 15.55 hectares of new woodland, 2.65 of community sports, and 11.78 of new open space, coming to a total of 29.99 ha. In reflecting its location and proximity to the open countryside (which while not a formal designation does provide a crucial element of greenspace and recreation) it is therefore considered that there is no need to also require a greenspace contribution under Policy N2.3 in this instance.
- 8.47 Retail and community facilities - The Core Strategy Submission Policy P7

relates to the creation of new centres, and it is considered the scheme meets the criteria in P7. UDP Policy S9 contains a number of criteria for new retail floorspace, including the requirement for a sequential test and potentially an impact test. There is a fall-back position that there is an open A1 consent for the existing 2,230 sqm retail park within the site. The Estate also contains other main town centre uses such as restaurant and gym which may move into the new centre and the total increase in floorspace may therefore not be as much as 5,000 sqm. As it is also a requirement for residential development to provide a village centre and top up convenience shopping in order to improve sustainability, then taken together it is considered that it would not be necessary or appropriate to require a sequential test in this instance and the policy meets the criteria in Policy S9.

- 8.48 Education - Provision of a primary school within the site is necessary due to the projected number of new pupils it will give rise to and the lack of capacity or potential capacity at the existing primary school at Thorp Arch. It is considered that provision of the primary school will overcome one of the key arguments that the site is an unsustainable location.
- 8.49 Draft Section 106 Agreement - The provision of 35% affordable housing is confirmed in the S106 Heads of terms in line with the policy requirement. The other policy requirements as discussed in this response are also confirmed, with 'triggers' to be agreed.
- 8.50 Conclusion - The application is supported as a package of sustainable measures which override its inherently unsustainable location. This is, however, subject to detailed comments from other colleagues.
- 8.51 However, the scheme is not supported in terms of Policy Minerals 12 'Safeguarding Minerals Processing Sites' of the Natural resources and Waste Local Plan as it provides no certainty that the concrete batching facility will definitely be retained within the Estate. Further information has been sought from the applicant and the operator in this regard.

#### TravelWise

- 8.52 In accordance with the SPD on Travel Plans the agreed residential and school Travel Plans should be included in the Section 106 Agreement along with the following:
- a) Leeds City Council Travel Plan Review fee of £17040 (£12,000 for residential, £2540 for food store and £2500 for the school)
  - b) Bus only MetroCard scheme
  - c) Securing the £50,000 travel plan mitigation fund, set out in para 8.17 of the travel plan

Conditions should cover the following:

- cycle and motorcycle parking for development
- shower for staff at retail and school
- electric vehicle charging points in garages for dwellings, and at food retail

Details of the Travel Plan still need to be agreed including the following areas:

- Transport Impact - Trip generation figures need to be agreed.
- Travel to School - The travel plan needs to influence travel to school
- Targets and Time Frames - The targets should cover all trips. The travel plan should set out a timescale for when the mode split targets will be met.
- Monitoring & Review - Monitoring will need to continue until a minimum of 5 years after completion of the development.

#### School Travel Plan

- 8.53 Section 106 - In accordance with the SPD on Travel Plans a Travel Plan Monitoring and Evaluation fee of £2500 should be secured. Highway infrastructure should be provided to ensure that pupils can safely walk, cycle and catch the bus to school. Facilities within the school grounds should also be provided to promote, walking and cycling.

#### West Yorkshire Archaeology

- 8.54 There is potential for regionally significant archaeological remains to be affected by development of hitherto undeveloped areas. The Thorp Arch ROFF is of national significance. While the proposed development scheme will preserve some of the character and physical remains of the site additional targeted archaeological evaluation and recording is considered necessary to offset any loss of to these heritage assets prior to and during development. A new roadway from Thorp Arch and new construction in previously undeveloped areas has the potential to uncover and destroy archaeological remains from the late prehistoric, and Roman and medieval periods. WYAAS are generally supportive of the application for conversion and adaptive reuse of the site. However, in order to secure this the WYAAS recommend:

1. Pre-determination archaeological evaluation of the Western Relief Road and areas which were not developed as part of the ROFF. Further archaeological excavation or the preservation of nationally significant remains in situ may be necessary in these areas after evaluation.
2. Post determination:
  - a. Post determination but prior to demolition or redevelopment archaeological and architectural record of the Queen Mary Buildings and a pump house. In addition the WYAAS would recommend:
  - b. A photographic record of the ROFF by means of low level aerial photography prior to demolition or development (E.G. photography from a pole, kite, balloon or remote controlled vehicle) and
  - c. An interpretative earthwork survey of a selected area to illustrate the sequence of construction of roadways, clearways and earthworks.

This record may be secured by placing a suitably worded condition.

#### Environmental Protection Team

- 8.55 No objections subject to a number of conditions.

#### Yorkshire Water

- 8.56 YW made initial comments that the proposed development will generate create significant volumes of both foul and surface water. Thorp Arch and

some surrounding villages currently drain to Thorp Arch Waste Water Treatment Work, a small rural treatment facility with limited capacity. Thorp Arch WwTW has only very limited capacity and the volume of additional flows loads arising from a development of this size would cause the works to fail agreed standards. Yorkshire Water Services therefore have serious concerns regarding this application because of the risks associated with the foul drainage strategy and consequent effects on the environment and objected to the proposals until further information was provided. After further negotiation between the Applicant and YW a revised response has been received. The Thorp Arch Wastewater Treatment Works (“WwTW”) serves a catchment that includes the villages of Boston Spa, Wighill, Walton, Clifford and Bramham in addition to Thorp Arch village and the existing trading estate. The WwTW has a limited amount of capacity for new development based on its size and the strict consents put in place by the Environment Agency. YW are aware of other developments in the catchment that either have planning permission, are the subject of a current planning application or are planned for future housing need. The former Papyrus Works in Selby District for 128 dwellings and an application for 104 dwellings at land off Grove Road, Boston Spa are two examples of sites that would take up some of that spare capacity. YW have had constructive discussions with the developer for this site and have identified a number of options for the safe disposal of waste water from the application site. These discussions are on-going but YW advise that they are confident that there is a feasible and timely long term drainage solution. However, it is vital that if this planning application is approved, the development is phased to coincide with the delivery of drainage infrastructure.

YW are aware that phasing will also be important to ensure the delivery of other necessary infrastructure so drainage can be considered as part of the overall delivery strategy. YW assume that the phasing of the development would be conditioned in any planning permission. To ensure that the wording provides necessary detail regarding the provision of suitable drainage infrastructure YW have requested to be consulted when drafting the relevant phasing and drainage related conditions. Therefore, subject to the inclusion of phasing and drainage conditions, YW have withdrawn their initial objection.

#### Public Transport Contributions (NGT)

- 8.57 The proposed development will generate a large number of trips, a proportion of which will have to be accommodated on the public transport network. The scheme has, therefore, been assessed in accordance with the City Councils adopted Supplementary Planning Document (SPD) “Public Transport Improvements and Developer Contributions”.
- 8.58 As a result of this assessment, it is clear that the proposed use will have a significant travel impact. The SPD sets out that where a site does not meet accessibility criteria the formulaic approach should not be used and instead the developer is required to bring the site up to the appropriate standard. The developer is proposing to subsidise new bus services which would result in a 15 minute frequency service to Wetherby and 30 minute frequency service to

Leeds. Assessing the site against the Core Strategy accessibility standards it is clear that some, but not all standards are met.

- 8.59 Notwithstanding the above; a contribution equivalent to £2,452,425 based on 2000 residential houses is required. This sum needs to be considered against the proposed subsidy of bus services and any benefits deriving from the proposed relief road. Some form of improvements should be available from first occupation.

#### Mains Drainage

- 8.60 No objections and Drainage are generally satisfied with the scope and content of the Flood Risk Assessment and have suggested conditions.

#### Leeds Civic Trust

- 8.61 The Trust is very keen to see development on brownfield rather than greenfield sites. While Thorp Arch is a long way out from Leeds City Centre, which is likely to be an employment destination for many residents, we acknowledge that there is local demand for lower-cost dwellings to serve nearby employers.
- 8.62 The key at Thorp Arch will be to make the community as sustainable as possible and the Civic Trust note that the number of dwellings proposed is such as to make the site large enough to attract appropriate community support services, a school and local-level retailing. A major factor will be whether the bus companies will introduce bus services from the outset, so ensuring that residents do not get into the 'car mode' when they first move in. We are pleased to note that the developer has included proposals for bus services to run through the estate but it is important that financial support is provided for this initially so there is no delay. Bus services must run into the evenings and at weekends to meet the leisure needs of the settlement. The Civic Trust note that cycle and footpath routes will provide access to nearby communities and these too should be provided at an early stage.
- 8.63 The Civic Trust are also pleased that their suggestion that the school and local centre should be linked has been adopted and that some of the blast mounds, though not the buildings they protected, will be retained within the open space. There should be information boards associated with these. The layout of houses on the site of the current retail park does retain the pattern of these original buildings but we would prefer to see at least the north-east building and blast mounding, closest to the local centre, retained and used for community purposes, to give some meaning to the pattern and a complete physical connection with the heritage of the site.
- 8.64 The proposed scale with both daytime and evening demand for heat and power would be an appropriate site for exploring the potential for district heating from a local generating plant and suggest that this be explored.
- 8.65 The development of a site of this scale at Thorp Arch could be an appropriate

way in which to meet the housing needs of north east Leeds but only if high quality public and sustainable transport options are provided at an early stage to support the also essential highway infrastructure.

#### Highways

- 8.66 Over the passage of the consideration of this planning application a number of highway issues have been discussed and these relate to matters including: the UDP Inspector's consideration of the site, trip assignments and traffic flows, the need for design and alignment of the Relief Road, the design of the restrictive moves junction and Wood Lane junction, traffic impact on Wetherby, Boston Spa, Thorp Arch and Walton and how to mitigate any impacts, travel planning, parking provision, sustainability, public transport provision, pedestrian accessibility, the maintenance of connectivity between existing settlements, vehicular accessibility within the site and the adoption of roads and impacts on surrounding areas. As such a series of highway comments have been summarised in previous reports. Here only the most recent comments are summarised.
- 8.67 Junction assessment results - For the most it is considered that existing will continue to operate within capacity.
- 8.68 High Street/Bridge Road – Further information has been submitted in light of the proposed restrictive moves junction and restricting access from the Relief Road onto Wood Lane. As a result the predicted impact on High Street/Bridge Road is much less and is not considered to be a concern under this scenario.
- 8.69 Boston Road/Privas Way/Wetherby Road – Analysis has shown that the junction would be approaching capacity and mitigation works may be required.
- 8.70 Traffic Impact Wetherby Town Centre - The proposal will result in significant extra traffic flows into Wetherby. The assignment of traffic and traffic flows will be influenced by such factors of the location of employment within the town and access to shops and businesses. A mitigation fund is requested in order to address any adverse traffic impacts in the town centre.
- 8.71 Pedestrian Accessibility – Potential pedestrian improvements have been submitted and these focus on upgrades to pedestrian routes to Thorp Arch and include improvements to surfacing. Limited street lighting is also required and these improvements should be delivered up front.
- 8.72 It is proposed to divert the 770/771 service into the site and increase the frequency to 15 minutes between the site and Harrogate. This would not strictly meet the draft Core Strategy accessibility standards but is an improvement and on balance is considered acceptable. It is estimated that this would cost £2.47M.
- 8.73 At the time of drafting the report further analysis of generated trips was being undertaken.

- 8.74 Restricted Moves junction – The principle of such a junction is acceptable it is a matter of its detailed design so that it is safe. Two further designs have been submitted and these are both currently being considered.
- 8.75 Traffic Impact – Impacts on local settlements has been a key concern throughout this process. Whilst recent information and changes to the scheme have the potential to mitigate such impacts it is still considered that a mitigation fund is required so further measures can be implemented if it proves necessary.

#### Ecology

- 8.76 From the submitted botanical survey data that the Thorp Arch Estate is still a very important site for unimproved and semi-improved calcareous grassland. Some of the site has been recognised as being important in the past and has been designated as a Site of Ecological and Geological Importance (“SEGI”) – such sites reflect a value at a countywide/regional context. However, the updated botanical surveys reveal that there are significant additional areas outside of the existing designated SEGI boundaries that are also of sufficient value to be designated as a SEGI (such new sites are now referred to as Local Wildlife Sites). Designated nature conservation sites are afforded protection through saved UDP Policy N50 (and N51 affords an additional buffer to such sites). The permanent removal of areas of designated SEGI (as well as additional areas that meet the Local Wildlife Sites Criteria) is contrary to Policy N50 and the NPPF para.118. Local Authorities (including planning authorities) also have a duty to conserve biodiversity under the Natural Environment and Rural Communities Act 2006.
- 8.77 Section 41 of the NERC Act requires the Secretary of State to produce a list of Habitats of Principal Importance (often referred to as UK Biodiversity Action Plan Priority Habitats). Magnesian Limestone Grassland is listed as a UK BAP Priority Habitat (“Lowland Calcareous Grassland”) and there will be a significant loss across a number of parts of this site (within and outside currently designated SEGI areas) which is contrary to our duty to conserve biodiversity under the NERC Act. There are also a number of other grassland areas that fall within the “Lowland Meadow” definition of another UK BAP Priority Habitat.
- 8.78 Emerging Core Strategy Policy G8 affords protection not just for designated nature conservation sites but also UK BAP Priority Habitats, and this application is therefore contrary to this new LDF policy. The Leeds Biodiversity Action Plan (produced in 2000) has a Habitat Action Plan devoted to Magnesian Limestone Grasslands because it has been recognised that Leeds has a significant proportion of the national resource of this valuable habitat. A Table in the Magnesian Limestone Grassland section lists various places across Leeds that have this habitat type and Thorp Arch Estate has the single largest amount (12 hectares) out of a total of 33 hectares across Leeds and half of this will be permanently lost on-site. A Proposed Action under the Site Safeguard section of this Habitat Action Plan states:

“Ensure the protection of all unimproved and semi-improved magnesian limestone grassland sites through the planning system, including through the close scrutiny of development which might have indirect impacts” with LCC and Natural England listed as Lead Partners. The scale and value of habitats that will be lost by this development will have a serious/significant adverse impact on biodiversity (both under NPPF para. 118, and Saved Policy N50, and emerging Core Strategy Policy G8). The wording of NPPF para.118 is relevant because where there will be “significant harm” the policy text requires that:

- Firstly an alternative site/s should be considered (which should also include avoiding the most ecologically sensitive parts of the existing site – which has not been achieved)
- Secondly mitigation should be applied (protecting and enhancing sensitive features that are to be retained)
- Finally (where avoidance and mitigation has been carried out to the satisfaction of the local planning authority but is not sufficient) agreeing whether compensation is acceptable to be delivered to offset adverse impacts.

8.79 Therefore it is important to ensure every effort has been made to recognise the value of the calcareous grassland and other valuable habitats to ensure they have been integrated into the Masterplan and layout of this application. In this case it seems that compensation has been assumed to be acceptable (through habitat creation) as a starting point rather than a last resort.

8.80 The NPPF para. 56 and 57 refer to “good design” and this is taken to mean recognising that ecology is one of the constraints that need to be considered when agreeing a suitable layout of residential development. The proposed layout has not been changed since the results of the NVC survey have been completed, yet the NVC report highlights the importance of Meadow 7. The latest layout does not appear to have been informed by the recent botanical survey results and this would not therefore constitute “good design”.

8.81 Brownfield sites are seen as a priority for development but this should only be the case where they do not have high environmental value – NPPF para. 111 states:

*“Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.”*

8.82 Not all of the Thorp Arch Trading Estate is of high environmental value but a significant area of it is. Out of the 111 hectares included in this application 79 hectares is made up of valuable ecological habitats - and 55 hectares of this will be permanently lost. It is recommended that the layout is revised to retain an increase level of calcareous grassland. It is likely that a reduced number of



houses would need to be agreed if these valuable ecological areas are to be retained.

- 8.83 In light of the anticipated significant losses of ecological features that will result from this development it is important to ensure that there is no overall net loss in biodiversity (as per NPPF para.109). A new methodology of assessing biodiversity impacts has been developed by DEFRA and Natural England. Together with West Yorkshire Ecology the ecology Officer has calculated that there will be an overall Biodiversity Unit Loss of 478.79 Biodiversity Units. The applicant has made an independent calculation of 253.02 Biodiversity Units – which demonstrates a wide difference in opinion on the potential impacts of this scheme. The applicant seeks to demonstrate that if compensation can be delivered in excess of 253 Biodiversity Units then there will be no net loss of biodiversity. However, the Biodiversity Offsetting ideology is not designed to be used in this way. The “mitigation hierarchy” still applies whereby compensation for residual harm is the last step. Under the NPPF para. 118 there still needs to be priority given to avoidance of habitat loss in the first instance. If the applicant wishes to continue to use the DEFRA Biodiversity Offsetting metrics to assess the levels of impacts and to guide the compensation being put forward then this should only proceed once we have agreed that sufficient areas of ecological value have been retained – which at this time is not acceptable.
- 8.84 Invertebrates surveys carried out were conducted in May and July 2012 – which was a poor year for invertebrates due to the wet weather, and invertebrate surveys should also be carried out over a longer period (such as April, August and September). Therefore it is likely that the invertebrate value of the site has been undervalued. There is insufficient survey information for the value of the site to be accurately valued for invertebrates.
- 8.85 The NVC botanical survey did not include some areas of unimproved calcareous grassland which are considered to be of county-wide value and likely to meet the Local Wildlife Sites Criteria. There has not been an attempt by the applicant to show on a map which parts of the site are likely to meet the Local Wildlife Sites Criteria. There are references in the supporting text of the ES but it would have been useful to agree with ourselves and There is no mention of the consideration of the LWS Criteria for Mosaics of Habitats (MH1 and MH2) yet this criterion is likely to apply to parts of the site where qualifying size areas are relatively small.

#### Conservation

- 8.86 The general outline and the proposed retention of historic “process” features appears to be acceptable. The proposals appear to be for an embankment crossing the sustrans route. The Conservation Officer is generally happy with this approach as the angle required for the road means that anything of solid construction may have too great an impact on the setting of the listed bridge. One thing that is not on plan though which was with the applicants heritage expert, was the need for a continuous link from the listed station house and the former rail-line/listed railway bridges. The current embankment severs this relationship, so access under the embankment through tunnels etc. would

help maintain the legibility and mitigate somewhat the setting of the listed structures.

#### Metro

- 8.87 The site does not fully meet the Draft Core Strategy Accessibility Standards which requires sites to be located within 400m of a bus service offering a 15 minute frequency to a main centre defined as Leeds, Bradford or Wakefield. Whilst Metro support this policy in principle, consideration needs to be given to the semi-rural location and the proximity of the site to other centres that could be considered such as Wetherby and Harrogate. Metro also consider Wetherby to be a hub location where direct services to Leeds can be accessed.
- 8.88 Consideration also needs to be given to the scale of this development. The proposals will have a significant impact on the demand for public transport services that currently operate in the vicinity of the site. Metro considers that new development should be located no more than 400 metres from bus services. Given the size of this development we consider that bus penetration into the site is essential. Facilitating bus penetration into the site is largely reliant on the final road layout. In order to maximise the potential of bus services going through the site, an egress point needs to be provided onto Church Causeway.
- 8.89 The road layout must allow a bus services to penetrate using trough route opposed to an arrangement where a bus would have to access and leave the site from the same point. Current provision in the site includes a number of bus stop poles and a single shelter used by the existing peak services (in one direction only). These stops are generally located 200 to 300 metres apart. An indicative bus route should be submitted as part of this application. Metro expect the site would make use of some of the existing infrastructure at the site but anticipate up to 8 replacement stops will need to be provided within the site. Of these up to 5 shelters with real time passenger information displays would be required along with bus boarder kerbs.
- 8.90 The proposals include a Bus Gate at Street 5. Metro welcome this inclusion as it will improve the reliability of bus services through the site. Metro's preferred option (scenario 4) would result see funding provided for 10 years for the diversion of the 770 service through the site with at a 30 minute frequency combined with a shuttle service from the site to Wetherby with a combined 15 minute frequency. Whilst Metro see the benefits of this option, it should be noted that this level of service does not meet the councils Draft Core Strategy Accessibility Standards. The costs included in Scenario 4 assume the best case scenario. The cost of making the division will ultimately dependent on length of the diversion and the ability to make the diversion without needing extra resource in terms of buses and drivers. Based on the plans provided and the length of the diversion route, Metro anticipate that an extra bus would be required to divert the 770 service which will increase the cost of the diversion to £150,000 per annum.
- 8.91 Feedback from Transdev with respect to the proposed local links service

between the site and Wetherby expresses some concerns that this service would compete with the 770 service which is commercially operated. Tender regulations mean that Metro are not able to fund services that would abstract patronage from commercial operations. Transdev have however suggested that they would be able to look at costs for operating the 770 at 15 minutes between Harrogate or Wetherby only (with a 30 minute service to Leeds). As a package this may be a more competitive price for the developer than the bespoke local links service. The proposed diversion will potentially have an adverse impact on the prison site and properties on Church Causeway. The TA indicates that a local links services may be able to ensure that these areas remain served by a bus to Wetherby and Boston Spa. Metro would need to work with the developer in preparing more detailed plans for the bus service to ensure that these residents and employment areas are not adversely affected by the proposals. The timings of the introduction of bus services through the site are important with respect to ensuring sustainable travel patterns can be established. Metro would prefer to see the services entering the site as early as possible. This to some extent will be governed by the completion of the internal road layouts. Metro encourage the developer to commit to completing the internal through route between Church Causeway and Wighill Lane as early as possible to allow the bus service diversions through the site. This may be earlier than the 100 homes trigger suggested by the TA. As part of the measures to encourage the use of public transport the developer has indicated that the Residential Metro Cards Scheme B would be provided. This scheme is no longer available for new development. Scheme A would therefore be applicable for the site based on a Bus Only Metro Card.

- 8.92 Some clarity is required to determine what the SPD contribution would be for this site.
- 8.93 Metro summarise that the site does not meet the Draft Core Strategy Accessibility Standards and consideration should be given to the location of the site particularly the access to other local centres such as Wetherby and Harrogate. If these destinations are considered then the accessibility of the site is less of a concern. Should consent be granted, Metro would welcome the proposed improvements to bus services based on Scenario 4 in the TA. Further discussion with the operators, developer and the council are required to agree what the level of provision should be, appropriate trigger points and length of funding. The cost of the diversion is likely to be significantly more than was anticipated in the TA.
- 8.94 Metro anticipate that up to 8 bus stops will be required, 5 of these bus shelters with real-time. The cost of this would be £101,500. The Metro Card contribution for the site based on Scheme A, Bus Only (2013 prices) would be £462 per dwelling. The developer would be expected pay any increases in cost of the tickets should any price increases occur before the development commences and payment are triggered.

#### Education

- 8.95 There are a number of options to create primary school provision on the site,

and ward members have been contacted by Education to find out their views. The establishment of any provision on that site would be subject to a statutory process, and so the precise nature of the provision and the process needed to establish it could not be committed to at this stage. In addition, the legislation governing changes to school provision is currently subject to consultation, and may change in the very immediate future (i.e. a matter of weeks rather than months). For the purposes of the planning application the contributions sought and land identified for school use can be described.

- 8.96 Given the size and self-contained nature of the settlement the main options were establishing a new Academy school through a competition, or a Free School. The competition route would almost certainly first require a consultation on the preferred option for the new provision. It would then require the local authority to advertise the opportunity to run the proposed new school, and finally for the local authority select a preferred sponsor from the bids received to run the school. The Free School risk carries more risk as it is a process outside of the local authority's control, and the DfE would need to approve the site and approve a bid from someone to run the school. Other options could include relocating or altering existing provision (including creating a 'through' or 4-18 school), but again would be subject to a statutory process.
- 8.97 The Applicant/developer would have no role in any of these processes to select the school provider.

## **9.0 PLANNING POLICIES:**

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan is the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste DPD. These development plan policies are supplemented by supplementary planning guidance and documents.

### Leeds Unitary Development Plan (UDP) Review:

- 9.2 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.  
N14: Preservation of listed buildings.  
N19: Development in conservation areas.  
N23/N25: Landscape design and boundary treatment.  
N24: Development proposals abutting the Green Belt or other open land.  
N29: Archaeology.  
N37/37A: Protection of Special Landscape Areas.  
N38 (a and b): Prevention of flooding and Flood Risk Assessments.  
N39a: Sustainable drainage.

N49, N50, N51: Nature conservation protection and enhancement.  
 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.  
 T18: Strategic highway network.  
 T24: Parking guidelines.  
 H1: Housing supply requirements.  
 H2: Monitoring of annual completions for dwellings.  
 H4: Housing development on unallocated sites.  
 H11/H12/H13: Affordable housing.  
 E7: Loss of employment land to other uses.  
 LD1: Landscape schemes.  
 RL1: Rural Land.

9.3 Current affordable housing policy comprises both the Interim Housing Policy and Supplementary Planning Guidance (SPG) (the SPG, Feb 2003 and SPG Annex July 2005, revision April 2010). The interim affordable housing policy was approved by Executive Board on 18 May 2011 and came into effect on 1 June 2011. The Interim policy sets a target of 35% affordable housing provision for developments above 15 or more dwellings for the outer area/rural north.

9.4 Natural Resources and Waste Local Plan (NRWLP). Thorp Arch Estate is identified in the NRWLP as an industrial estate which is a preferred location for new waste management facilities Policy Minerals 12 'Safeguarding Minerals Processing Sites' applies: "The mineral processing sites shown on the Policies Map are safeguarded to protect them against alternative uses unless it can be demonstrated that the site is no longer required to produce a supply of processed minerals." The explanatory text at 3.32 states that mineral-related activities such as facilities for concrete batching, asphalt plants and aggregate recycling facilities encourage recycling, and if they are lost to other uses then it may be very difficult to replace them in other locations.

#### Draft Local Development Framework

9.5 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. The draft 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 has been the subject of independent examination (October 2013) and its policies attract some weight, albeit limited by the fact that the policies have been objected to and the Inspector's Report has yet to be received (currently anticipated in Spring 2014).

9.6 The draft Core Strategy has been published and significant progress has been made on the site allocation issues and options document. Spatial Policy 6 sets out a housing delivery target of 70,000 new dwellings net to be

delivered between 2012 and 2028. Guided by the settlement hierarchy the Council will identify land for 66,000 dwellings gross (62,000 net) to achieve the distribution across identified areas of the city using considerations including: sustainable locations, supported by existing or access to new local facilities, preference for the use of brownfield sites, use of design to enhance local distinctiveness, the least negative and most positive impacts on green infrastructure, corridors and nature conservation.

- 9.7 Spatial Policy sets out that the distribution of housing land will be based the inclusion of 5,000 new dwellings in the outer north east Housing Market Characteristic Area.
- 9.8 The draft Core Strategy at 4.6.17 states "...Notwithstanding the distribution set out in Table 2, the Council will consider opportunities outside the settlement hierarchy, where the delivery of sites is consistent with the overall principles of the Core Strategy, including the regeneration of previously developed land, and are in locations which are or can be made sustainable. Land at Thorp Arch has been identified as one such example." A development of this scale could make a significant contribution towards meeting the housing provision target for the outer north-east sector of Leeds. The following Core Strategy policies are considered to be relevant to this application:

Spatial Policy 1 – Location of Development  
Spatial Policy 6 – Housing Requirements and Allocation of Housing Land  
Spatial Policy 7 - Distribution of Housing Land and Allocations  
Policy H2 – Housing on Unallocated Sites  
Policy H4 – Housing Mix  
Policy H6 – HMOs, Student Housing and Flat Conversions  
Policy P10 – Design  
Policy P11 – Conservation  
Policy P12 – Landscape  
Policy T2 – Accessibility and New Development  
Policy G4 – New Greenspace  
Policy G7 – Protection of important species and habitats  
Policy G8 – Protection of Natural Habitats  
Policy G9 – Biodiversity Improvements  
Policy EN1 – Climate Change  
Policy EN2 – Sustainable Design and Construction  
Policy ID2 – Planning Obligations

Supplementary Planning Guidance / Documents:

- 9.9 (i) Neighbourhoods for Living – A Guide for Residential Design in Leeds

(ii) Street Design Guide

(iii) Thorp Arch Conservation Area Appraisal and Management Plan – Part of the proposed Relief Road falls within Character Area 1, "Historic Village and Field Pattern", and that part nearest Station House within Character Area 3, "Railway Station". The Appraisal notes that there is evidence of the historic

strip field pattern. Station House and the associated engine shed are noted as being positive buildings, which opportunities should be taken to retain the inter-relationships of railway structures, that the setting of the railway station and railway bed should be protected and that opportunities to enhance the historic character and public realm within the vicinity of these buildings should be taken. The Appraisal also identifies key views, including one from the edge of the village towards the north-west end of the proposed Relief Road.

(iv) Affordable Housing Policy Guidance Note No.3 February 2003 – The following guidance is pertinent to this planning application:

“On-site Provision

5.1. Where a development is required to provide affordable housing, there is a presumption that the affordable housing should be provided on-site. This reflects Government objectives to create mixed and inclusive communities (PPG3 paras 10, 11 and 17).

5.2. Exceptionally, where the Council and the developer agree that it would be preferable, i) affordable housing may be provided off-site, or ii) a commuted sum may be provided in lieu of affordable housing provision on-site. Any agreement should be contingent upon the off-site provision or the commuted sum making at least an equal contribution to the mix and inclusivity of the communities of Leeds compared with on-site provision.

5.3. Commuted sums should be equivalent to the cost which would have been borne by the developer/owner in providing the negotiated number and mix of types and sizes of affordable dwellings on-site, plus cover the reasonable administration costs of the Council in using the money to secure the provision of affordable housing elsewhere.”

Neighbourhood Plans

9.10 The Trading Estate falls within Thorp Arch Parish Council and Walton Parish Council’s boundaries. The majority of the proposed development falls within Thorp Arch Parish Council’s area. Both Parish Councils are preparing neighbourhood plans with Walton’s plan being at a more advanced stage. Walton PC has produced a pre-submission draft of their plan. This plan includes the following aspirations:

- To protect distant vistas and village skylines,
- To improve and provide safe cycle and pedestrian links, including to Thorp Arch,
- To minimise HGV movements through residential areas.
- To increase the frequency of bus services through the parish.

9.11 The Walton Plan has been commented upon by the council and by the owners of the Trading Estate. Both parties have commented that the neighbourhood plan should address planning issues concerning the Trading Estate. As the Parish Council’s share a common boundary, and this runs through the Trading Estate, there is a clear benefit in the Parish Council’s working together to ensure that their respective approach to planning issues at the Trading Estate are consistent and complimentary.

### National Planning Guidance:

#### 9.12 National Planning Policy Framework:

- Promotion of sustainable (economic, social and environmental) development (paragraphs 6 and 7)
- Encourage the effective use of previously developed land (paragraph 17)
- Secure high quality design (section 7)
- Promote the delivery of housing to meet local needs (5 year supply and affordable housing) (section 6)
- Paragraph 50 states:  
“ To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:...
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”
- Promote sustainable transport (section 4)
- Promote healthy communities (section 8)
- When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity (section 11)
- Under the section entitled “Plan Making” paragraph 173 sets out the following advice:  
*“Ensuring viability and deliverability*  
173. Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

### Planning for Growth

- 9.13 In March 2011 a ministerial statement was issued that set out that the planning system has a key role to play in the delivery of economic growth, by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The statement progressed to state:

“In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that



applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

To further ensure that development can go ahead, all local authorities should reconsider, at developers' request, existing section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed; provided this continues to ensure that the development remains acceptable in planning terms.”

## **10.0 MAIN ISSUES**

10.1 The following are the main issues that fall to be considered in respect of this planning application:

- Context
- Prematurity
- Principle
- Comprehensive and Sustainable Masterplan
- Transportation
- Layout, design and landscaping
- Ecology
- Heritage
- Affordable Housing
- Housing Mix
- Residential Amenity
- Retention of Businesses and Employment issues
- Other Matters

### **Context**

10.1 This application has come forward in advance of the final form and adoption of the Core Strategy, the site allocations DPD and relevant neighbourhood plans. However, this proposal is advanced in the context of national planning policy which encourages the delivery of new housing ((paragraph 17 and section 6 of the NPPF). At a local level emerging policies in the Core Strategy seek to set a housing target of the delivery of circa 70,000 new dwellings (gross) by 2028 across the city and with an indicative target of 5,000 within the outer north east area. Officers are satisfied that this is a brownfield site (previously developed land) which was also the conclusion reached by the UDP Inspector in 2005. This is largely based on the fact that the development is taking place within the historic curtilage of the munitions factory and the curtilage of the Trading Estate. Accordingly it is felt that the application site falls within the definition of previously developed land as set out in the NPPF. Even if it is assumed that the site is a mixture of brownfield and greenfield the view of officers is that the site would still provide an opportunity to deliver a significant contribution to the housing requirement for the outer north east area and in doing so it should reduce development pressure on greenfield sites including those located on the edge of existing settlements in the local

area. It should be noted that there are relatively few significant opportunities identified for the delivery of appropriate sites for housing in this area.

- 10.2 Previously Members have requested that a scheme be developed that is comprehensive and sustainable and these proposals respond to that aspiration.
- 10.3 The scale of the proposed development has increased over time but not since September 2013 when Members last considered this proposal, when the proposed number of houses was up to 2000.
- 10.4 Members will have also noted that following the publicity associated with receipt of the planning application a significant number of local representations have been received. The majority of these raise objections to the scheme, including from Thorp Arch Parish Council and the TATE Action Group (TAG), but there are also a smaller number of letters of support including from Walton and Boston Spa Parish Councils.
- 10.5 Balanced against this the applicant has reached agreement with officers and the Consultative Forum (excluding Thorp Arch Parish Council) over a number of matters including the scale and mix of uses, the design and general layout of the development, the design approach to appearance of the houses and the timing of the delivery of the Relief Road.
- 10.6 The report now progresses to address key issues associated with this proposal and seeks Members guidance and comment on some of these matters.

### **Prematurity**

- 10.7 At September 2013 Plans Panel Members asked if this application was premature in light of the size of the proposal and that it has come in advance of the adoption of the Core Strategy, Site Allocations DPD and Neighbourhood Plans.
- 10.8 Government guidance on this issue is set out in “The Planning System: General Principles”. In this document it is set out that a local planning authority can justifiably refuse planning permission on the grounds of prematurity where a Development Plan Document (DPD) is being prepared and it has not yet been adopted. It goes on to describe the circumstances where that might apply and it is set out that where a development is so substantial or where the cumulative effect would be so significant that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development. The document also confirms that where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question.

Emerging guidance on this comes in the form of the draft National Planning Practice guidance and this indicates that such a refusal will only be justified in exceptional circumstances and where both:

(a) the development is individually or cumulatively so substantial that it would undermine the plan making process by making decisions about the scale, location and phasing of new development that are “*central*” to an emerging Local Plan, and,

(b) the emerging plan is at an advanced stage but has not yet been adopted.

- 10.9 As Members are aware the statutory plan for Leeds is the Unitary Development Plan and Natural Waste and Resources DPD. The UDP contains policies in respect of housing development. This is being replaced by the Leeds DPDs and key documents are the Core Strategy and the Site Allocations Plan.
- 10.10 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 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy (PDCS) to the Secretary of State for examination and an Inspector has been appointed. The examination took place in October 2013. To get to this stage the Core Strategy has undergone significant consultation. The PDCS identifies Leeds as having a housing requirement for the plan period of around 70,000 dwellings. The housing target for the outer north east area of Leeds is 5000 dwellings and this is likely to reduce to around 3,900 units when existing UDP allocations and planning permissions are taken into account. As the Council has submitted the Publication Draft Core Strategy to the Secretary of State for 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. It is anticipated that the Core Strategy will be adopted in 2014.
- 10.11 The Site Allocations Plan is at Issues and Options stage with consultation having closed at the end of July. It is anticipated that this Plan will be adopted late 2015. As part of that document the council has identified this site as one of those that has the greatest potential to be allocated for housing.
- 10.12 The National Planning Policy Framework (NPPF) sets out central government planning policy and it is made clear that housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework also sets out that local planning authorities are required to identify 5 years’ worth of housing against their housing requirements with an additional buffer of 5%.
- 10.13 In this case the proposed development is in the order of 2000 dwellings. The site is considered to be previously developed. Whilst a development of this size could potentially make a valuable contribution towards meeting the housing requirement for Leeds, officer do not think that the grant of planning

permission at this stage for what is a previously developed site will prejudice decisions about the scale, location or phasing of land for new development in the Core Strategy and / or the Sites DPD. As indicated above, the site is one which is seen as having the greatest potential to be allocated for housing and it can reasonable concluded at this stage that any suite of sites that are ultimately identified as housing sites will include this one. Accordingly, decisions on the scale, location or phasing of land for new development will not be adversely impacted should planning permission be granted for this development.

- 10.14 The UDP, emerging DPD's and the NPPF provide a policy framework against which the merits of the current proposal can be judged. For these reasons it would be difficult to justify an argument to support the refusal of the planning application on the grounds of prematurity.

### **Principle**

- 10.15 The UDP Inspector considering a proposal for the residential allocation of the site in 2006 reached a number of conclusions including that the site was inherently unsustainable and that it was a brownfield site.
- 10.16 The site is not allocated for residential development in the UDP but part of the site is allocated for employment use. In addition the Hope Concrete Batching Plant is allocated under Policy Minerals 12 'Safeguarding Minerals Processing Sites'. The fact that the site is not allocated for housing development does not count against the principle of the proposal.
- 10.17 With regard to the employment allocation this affects two parcels of land towards the south eastern corner of the application site and a parcel of land towards the north western edge of the site. All 3 parcels of land are currently vacant. UDP Policy E7 restricts use of employment sites (including those allocated for employment) for alternative uses unless a number of criteria can be met. The applicant has submitted an employment report to demonstrate their compliance with Policy E7, based on an agreed methodology and information provided by the council. Based on the assumption of past take up rates, which have been extremely low, the results show that a minimum of 26 years of supply can be shown in this area, which rises significantly with the inclusion of windfall well beyond the current period of the emerging Core Strategy. The results suggest that the loss of this site to alternative uses would not harm to the council's policy aims of providing opportunities for local employment and therefore meets the application meets the criteria in E7. The development is also assumed to support the ongoing employment use in the wider Estate by providing local housing, and by rationalising the Estate through further refurbishment and redevelopment
- 10.18 The proposal will result in the loss of an existing concrete batching plant and this is a safeguarding site under the terms of the Natural Resources and Waste DPD. The loss of this facility in the absence of securing a replacement would be contrary to policy. The applicant is currently in negotiations with the operators, Hope, to secure alternative provision but cannot guarantee that this

can be achieved. The discussions centre on the potential for the company's relocation from Unit W40 to land to the south west corner of the Estate between Unit 333 and Unit 372. Hope's current premises at Unit W40 comprise 2,985 sq m plus additional car parking and the proposed new site between Units 333 and 372 comprises 12,306 sq m. As such the proposed new site is more than capable of accommodating the plant and its location would provide easy access to both the new relief road via Avenue E and to Rudgate. The applicant's planning agent has commented that they can see no in principle reasons why this would not be an acceptable site in planning terms.

- 10.19 However, whilst we are informed that Hope believe the proposed new site will be suitable for the business to take matters forward, there are a number of commercial issues that need to be resolved prior to making any decisions. For their part, Hope would not wish to spend time considering the need to relocate the business until such time as planning permission has been granted and the clear timescale for a potential move off site has been established. This could result in the company deciding that there are better locations for the concrete batching plant or that they no longer require a plant in the vicinity with advances in technology increasing the time between mixing and laying. The applicant has confirmed that they are willing to continue to work with Hope to seek to secure alternative provision and this matter would be subject to a clause in the Sec.106 Agreement requiring the applicant to use all reasonable endeavours to achieve the relocation.
- 10.20 In consideration of this issue Members have to have regard to the consequences of the possible loss of this concrete batching plant in the north east Leeds area without a replacement provision in the vicinity. This would mean that concrete being trucked from other locations such as Harrogate, York or Cross Green and this is arguably contrary to principles of sustainability and the reason why the DPD sought to safeguard these facilities in the first place, as per the NPPF. The decision for Members is whether in the balance of issues this failure to comply policy is outweighed by other planning considerations.
- 10.21 The NPPF, amongst other matters, requires local planning authorities to be able to demonstrate a 5 year supply of housing land and sets out a presumption in favour of sustainable development. The emerging Core Strategy that has been subject to independent examination by an Inspector and whose report has yet to be published identifies a target of circa 70,000 dwellings to be delivered over the plan period. Although it is not part of the settlement hierarchy as set out in the draft Core Strategy, and therefore is not within the Core Strategy's preferred locations for new growth, it nevertheless provides the opportunity to meet a significant element of the housing requirement if sustainability criteria can be met. Its development would alleviate some of the pressure to develop what are currently open greenfield (including green belt) sites in this area of Leeds. Accordingly, a factor to be weighed up in judging relative sustainability principles is whether it would be preferable to locate 2,000 dwellings on this brownfield non-green belt site

compared to 2,000 dwellings primarily on greenfield/green belt sites elsewhere in the area.

- 10.22 The proposals must also be assessed under UDP policies. UDP Policy H4 requires that development on unallocated sites which lie in the main and smaller urban areas, or in a demonstrably sustainable location, will be permitted provided it is clearly within the capacity of existing and proposed infrastructure. The key issues are therefore whether it is in a sustainable location with an acceptable level of infrastructure.
- 10.23 The site was promoted by the Council in the UDP Review as a strategic housing site for 1,500 dwellings and a neighbourhood centre, but this was rejected by the Inspector following the Inquiry in June 2005. The Inspector's rejection was based primarily on the lack of evidence provided to support the case that the proposals to improve the site's accessibility and sustainability would be feasible and viable, including that the costs could be met by the development.
- 10.24 It is therefore clear that in determining the current application the concerns expressed by the Inspector need to be addressed. The key sustainability criteria to be demonstrated are accessibility, local facilities including education, and sustainable construction.
- 10.25 In light of the imperative that central government is placing on the delivery of housing (as evidenced by a number of Secretary of State decisions). It is considered that the principle of development will be acceptable if it can be demonstrated that this is a sustainable form of development.

### **Comprehensive and sustainable masterplan**

- 10.26 The UDP Inspector came to the conclusion that the proposed allocation of the site was inherently unsustainable "*...in terms of location, accessibility, and the ability to sustain sufficient local services and facilities has not been shown to be certain of improvement to the necessary extent*". Having said this, since the UDP Inspector's report of 2006 there have been some modest improvements to the local road network and the A1(M) has been constructed. The impact of the latter has been to reduce the volume of traffic on local roads. The national planning policy context has now changed with an imperative placed on the speedy delivery of housing growth with an accompanying emphasis on the delivery of sustainable development. The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The NPPF suggests that these factors are mutually dependent and should be sought jointly and simultaneously. The NPPF further notes that decisions need to take account of local circumstances. As the approach in the draft Core Strategy recognises, the issue for development at Thorp Arch is whether it can be made sustainable.
- 10.27 At the present time the site is accessed via roads that are rural in character, is poorly served by public transport and there are a limited range of facilities in the immediate locality to meet the day to day needs of existing residents.

Balanced against this the businesses on the Trading Estate and neighbouring uses including the prison and library provide a significant employment base.

10.28 The application proposal seeks to address this by:

- The development of a masterplan that addresses the whole of the site including both the residential development and the remaining employment land.
- Providing a range of facilities on site that have regard to and are proportionate to village life. These include a village centre to meet day to day needs, community and sporting facilities, a primary school, areas for informal recreation and improved cycle and pedestrian routes and links to neighbouring settlements.
- Enhanced local bus service/provision.
- The regeneration of a brownfield and, in part contaminated, site.
- Measures to mitigate the ecological impact of the development.
- The development of a strategy to fund the revitalisation and enhancement of the remaining employment area.

10.29 The development would also bring about social benefits through the provision of housing and associated community and commercial facilities. The composition and form of the development has been largely influenced by discussions that have taken place at the Consultative Forum. The purpose behind much of the discussion has been to try and create, as far as possible for a settlement of this size and in this location, a self-sustaining community. Through the range of shopping, leisure (both formal and informal), improved cycle and pedestrian links and public transport the proposed development seeks to meet the day to day needs of its residents and links to enable social interaction. One of the benefits associated with the Relief Road, and the associated junction designs, is to mitigate traffic impacts on neighbouring communities whilst retaining a reasonable degree of connectivity between existing communities. The re-investment into the retained employment area and the proximity to significant employment opportunities also serve to enhance the sustainability credentials of this development. Associated with this the proposed development will bring about construction jobs. The development also brings forward the development of a brownfield site. There will be an ecological impact and that in combination with the mitigation measures proposed is addressed later in this report. It is for the decision maker to balance these considerations in the round. The recommendation to grant planning permission reflects the officer view that the benefits of the proposed development outweigh the harm identified and that the proposal constitutes a comprehensive and relatively sustainable form of development. Accordingly it is considered that this proposal addresses the principles of sustainable development as set out in the NPPF.

### **Transportation**

10.30 A key consideration is the impact that traffic generated by the development will have on highway safety and whether local roads have the capacity to cater for such traffic. The local road network is rural in nature. Areas of

particular concern are the impact of traffic on the use of Thorp Arch Bridge (which is only of single carriageway width), the junction of Bridge Road with the High Street in Boston Spa and the use of Wood Lane. A further matter relates to the sustainability of the site and whether the measures to improve public transport provision are sufficient to enhance the sustainability of the site to an appropriate and proportionate degree.

10.31 The applicant proposals include:

- Relief Road: The delivery of a relief road prior to the construction of the first house on the site.
- Public Transport Provision: Prior to the commencement of development to submit to the Council for approval details of a bus service which in conjunction with the diversion of the existing bus service number 770 (or any replacement service) and any other existing public services will provide a 15 minute service between Wetherby/Harrogate and the development between the hours of 07.00 and 22.00 seven days a week. No later than the occupation of the 100th dwelling to commence the bus shuttle service and to continue it thereafter in accordance with the approved details for a period of no less than 10 (ten) years
- Bus Stops: Not to occupy the development until a contribution of £120,000 for the provision of 4 bus stops including real time information display boards has been paid to the Council.
- Pedestrian Crossing to Walton: Not to occupy the development until a contribution of a sum to be determined for the provision the provision of a pedestrian crossing to Walton Village has been paid to the Council.
- Pedestrian and Cycle Links: Not to occupy the development until a contribution of £100,000 for the making of improved pedestrian links and connections from the development to the cycleway network within the Walton area has been paid to the Council.
- Traffic Calming in Walton Village: Not to occupy the development until a contribution of moneys to be determined for the provision of traffic calming measures in Walton Village has been paid to the Council.
- Travel Plans: For the school and residential development and to pay a travel plan monitoring fee to the Council for the monitoring of the provisions of the approved travel plan.
- Metrocard: Prior to the occupation of the development to enter into an agreement with the West Yorkshire Passenger Transport Executive incorporating for the provision of one “Bus Only” Metrocard for the use by each dwelling.
- Improvements to pedestrian accessibility: A fund of £37K to be set aside to improve pedestrian accessibility between the site and Thorp Arch/Boston Spa. A pedestrian crossing is also to be provided to Walton village.

### Relief Road

10.32 One of the key considerations has been to try and understand and mitigate the impact of additional traffic on the local villages. The applicant in response to this and issues raised at the Consultative Forum is proposing a relief road.



The applicant has set out their case for the relief road and this is summarised as follows:

- The Relief Road will enable both commercial and domestic traffic to access the A1(M), Leeds, Harrogate and beyond without the need to drive through Walton Village.
- In commercial terms, ease of access to the TAE employment site via this route will, the applicant believes, act as a catalyst to encourage businesses to remain at TAE and for new companies to relocate here.
- In terms of the potential to attract commercial bus operators, the introduction of a Relief Road, will be preferential to them. Hence, the confidence that a bus service will be sustained in the longer term is relevant to the consideration of the value of such a relief road.

The applicant has also submitted information in respect of existing traffic flows and those predicted to result from this development. This has been assessed by the council's highway engineers and it is considered that the information demonstrates that the Relief Road, restricted movements junction and the one-way plug on Wood Lane will result in a significant benefit to the local road network with a reduction (measured against the existing flows) on all links apart from Wood Lane and Wighill Lane. The flows on Wood Lane show a slight increase, but this would be offset by the removal of most southbound traffic, which would have a beneficial impact on road safety. Overall the information submitted by the applicant demonstrates that there will be a net reduction in traffic flows in the village. In light of these specific factors it has been concluded that there are significant highway benefits that accrue from the delivery of the Relief Road.

10.33 The key issues with the Relief Road relate to whether what is proposed is the appropriate route for it and how the relief road will be funded and the timing of its delivery.

(a) The route

10.34 Members should note that the alignment of the road is set by highway design standards and there is limited scope to modify that alignment (for example the angle at which the road crosses the Sustrans route is set by highway design requirements). The proposed route is that favoured by the Consultative Forum (save for Thorp Arch Parish Council who now objects to the principle of development). The proposed route runs parallel to it and crosses it at one point. The crossing means that it does impact upon the functioning and character of the existing Sustrans route and it does have a negative impact on ecology. An alternative route that ran to the south of but following the line of the Sustrans route was considered. However, this route took it closer to existing residential properties. Therefore whilst the ecological impact of the alternative would be less its impact on the amenity of existing residents (albeit of 3 houses) would be significantly greater.

10.35 Proposals are currently under discussion about the design of the junctions of the relief road with Church Causeway and Wood Lane with the intention of preventing vehicles using the relief road, and therefore from the new development, turning left off of it down to Thorp Arch village and through to

Boston Spa. At the same time the intention is that access is maintained for existing residents of Thorp Arch and Boston Spa towards the development and for residents of the Walton area to still be able to drive to Thorp Arch and Boston Spa.

10.36 Matters relating to the impact of the relief road on residential amenity, landscape, ecology and heritage are addressed later in this report.

(b) Funding & Delivery

10.37 The applicant is seeking to enter a funding arrangement with the council. The applicant is currently exploring whether they can borrow money from the council to fund the construction of the road and agree a mechanism for the paying back of any loan. This raises issues that go beyond the consideration of the planning application and the decision whether the council is agreeable to enter into a loan agreement, and the terms of any such agreement, are matters for a future meeting of Executive Board. At the present time the final cost of constructing the road is not known and the applicant has not agreed a purchase price for the 3<sup>rd</sup> party land. If these matters are resolved it is likely that a repayment mechanism will either be on the basis of a roof tax or staged repayments.

10.38 With regard to the delivery of the Relief Road the terms of the draft Sec.106 Agreement and suggested conditions are set out above and include the triggers for its delivery as follows:

- The construction of the houses shall not commence until a contract has been let for the construction of the relief road.
- That no houses shall be occupied until the relief road is completed and available for use.

10.39 This arrangement meets the requirements of the Consultative Forum.

Travel Plan

10.40 A revised travel plan framework has been submitted (received 2/12/13) and a verbal update will be given to Panel.

**Layout, design and landscaping**

10.41 This is an outline planning application and the layout of the scheme and appearance of the buildings are reserved for later consideration and approval. Accordingly at this stage only an indicative layout has been submitted and the Design and Access Statement sets out the design principles (in terms of the appearance of the houses) to be followed. These two documents do however, set the parameters for future reserved matter submissions.

10.42 The proposals aim to create a new village that in terms of the general form of buildings draws on the character and identity of neighbouring settlements, the open and green characteristics of the existing Estate and its historic road pattern. The proposal also aims to provide all the facilities that would normally be associated with a settlement of this size including a village centre

comprising of shops and a primary school. This added to the proposed community facilities, associated sports pitches and large areas of open space for informal recreation and nature conservation will combine to form a village with a distinct sense of place that sits comfortably with its surrounds. The retention, in some form, of a run of the grass bunkers that are a feature of the site again adds to the sense of place.

- 10.43 The Design and Access Statement sets out design principles for the new houses that draw on the character of the neighbouring settlements. This includes the scale of new houses, the design and proportions of windows, roof treatments, the range of materials for the external finishes, architectural features and how the dwellings address the street.
- 10.44 The submitted masterplan indicates that the most significant and important trees within the Estate are to be retained as part of the proposal. It is also proposed to strengthen and enhance planting to the perimeter of the site to screen views of the prison and the British Library. New woodland planting will help create wildlife corridors. Buffer planting in association with earth bunds are proposed to separate the new residential development from the retained employment park. New woodland planting is also proposed to screen sections of the Relief Road and along its south western edge where it cuts across open fields this will also be supplemented by further earth bunding. This will help screen views of the Relief Road from views across open farmland. The Relief Road as it is currently shown will result in the loss of some trees along its route and where it crosses the Sustrans route. With regard to the latter tree loss is unavoidable but significant woodland planting is proposed that will more than compensate for its loss. However, the design development of the proposed alignment of the relief road is at outline stage only. No detail design or formal impact assessment on trees and hedgerow has been carried out as part of the outline application. Therefore it is reasonable to assume that the horizontal and vertical alignment of the carriageway could change to accommodate necessary micro-siting and with the adoption of good arboricultural practice considered as the scheme progresses through to detail design. As such it may be possible to minimize this and regard will have to be had to the quality of the trees and compensatory planting.
- 10.45 With regard to the sustainability of the houses themselves no specific proposals have been submitted in this regard. However, it is an outline planning application and this is a matter that could be the subject of a condition that would require a scheme of sustainable design to be submitted and agreed prior to the commencement of each phase of the residential development.

### **Ecology**

- 10.46 The development affects land designated as Sites of Ecological or Geological Importance (SEGI) and Leeds Nature Area (LNA). These are not statutory designations (i.e. not of national importance) but are designations that exist in the Unitary Development Plan and should be afforded appropriate weight. SEGI's are designated as being of county wide importance for their flora,

fauna, geology or landforms. In this instance the site ecological value comes primarily from its calcareous grassland (this is an ecosystem associated with thin basic soil, such as that on chalk and limestone downland. Plants on calcareous grassland are typically short and hardy, and include grasses and herbs such as clover. Calcareous grassland is an important habitat for insects, particularly butterflies). LNA's are sites of local or district wide importance for the enjoyment, study or conservation of wildlife, geological features and landforms. There are also areas outside of these designations that have ecological value but these are not subject to UDP or other forms of designations.

- 10.47 The main area of SEGI affected is to the east of Street 5. The SEGI comprises areas of grass, scrub and tree planting and there are 3 significant commercial buildings set within this landscape. They are largely hidden from public view. An area at the northern extent of this SEGI is retained and the building within this land is demolished and is replaced with new grassland. This parcel of land forms, approximately, the equivalent of  $\frac{1}{4}$  of the wider SEGI. That part of the SEGI that fronts Street 5 and Avenue C (which bounds the southern extremity of the SEGI) is also shown to be retained. Although a section of this land, fronting Avenue C, has been identified for tree planting.
- 10.48 On the western side of Street 5 a large area of SEGI is shown to be retained and managed. This parcel of land will form part of the main wider area to be set aside as open space for informal recreation. Joined to this land and to the south is a narrow strip of SEGI that fronts Street 5. The existing retail park is located behind this area of grassland. This strip of land is either lost to development or set aside for new tree planting. Small areas of this strip are shown to be retained as grassland or scrub.
- 10.49 A further narrow strip of SEGI runs along the south western boundary of the site adjacent to a section of the proposed Relief Road. This is largely shown to be set aside for ecological purposes.
- 10.50 The LNA runs along part of the Sustrans route. Whilst the Sustrans route is retained the proposed Relief Road does cut through the LNA.
- 10.51 It is estimated that there is approximately 12Ha of designated SEGI on site of which 3.5Ha will be lost. Approximately 4Ha of new ecological habitat is to be provided (between the Relief Road and the Sustrans route) with a further 0.5Ha with the removal of hardstanding and the cover to the reservoir.
- 10.52 It is also estimated that there is a further 10.5Ha of land that will be lost and this land does not carry any formal nature conservation designation but is of a similar ecological value to identified SEGI land.
- 10.53 There is divergence between the applicant and officers whether all of the ecological impacts can be mitigated. The greatest impacts are likely to be through the loss of calcareous grassland and natural habitat for wildlife. This will in the main result from the carrying out of built development on areas of SEGI and other sensitive ecological areas and through the relief road crossing

the Sustrans route. These impacts need to be balanced against any benefits the development will deliver and the mitigation measures proposed.

#### The applicant's ecology case

- 10.54 It is the applicant's case that the design and proposed mitigation of the development has provided an overall net gain in valuable grassland habitat by proposing:
- Retention and future maintenance of as much existing grassland as possible within the scheme
  - The inclusion of new areas of grasslands to be created, both within the Thorp Arch Estate and in surrounding arable farmland
  - Management improvements in existing poor scrub and grassland habitats which are currently not being managed effectively.
- 10.55 The applicant has set out that when mitigation of the site is complete, the amount of land suitable for designation as a Local Wildlife Site will have increased significantly. The bridge over the LNA has been designed to leave a corridor open for wildlife to pass through and will remain unlit. The scheme design also provides a net gain in other valuable ecological features that will increase biodiversity at the site in the form of proposed new hedgerows, trees and a pond.
- 10.56 Ecological surveys were undertaken and as a result the following measures form part of the application:
- Rare or notable plants that were recorded (e.g. the site contains four species of orchid) will be translocated to a suitable receptor area if they are to be lost to the scheme.
  - A diverse invertebrate assemblage was recorded within the site. The proposed grassland habitat mitigation will increase the amount of habitat suitable to support the invertebrate population.
  - The surveys found that no great crested newts or reptiles were found present within the site but the increase in hedgerows, ponds and grasslands proposed within the design provide additional suitable habitats for these species.
  - Eighteen species of birds were either confirmed or probably breeding within the site. The habitat design and mitigation proposals will increase suitable breeding habitat for these species as the current dense stands of hawthorn scrub are only of limited value at present.
  - Bat activity surveys recorded six species of bat using the site for foraging and commuting. The Thorp Arch Disused Railway LNA and Wood Lane were found to be major commuting routes and foraging areas. The intention that the bridge over the LNA will be designed to allow bats to fly underneath, remains unlit and keeps their current commuting route intact. Most of the streets and avenues within the Thorp Arch Industrial Estate in which bat activity was recorded are to be retained.

- Surveys of Thorp Arch Industrial Estate during 2013 found 35 buildings had potential to support roosting bats. The mature trees within the site were also assessed for bat roost potential. Roost surveys of buildings and trees with potential for bat roosts are proposed to be undertaken in phases throughout the development. If any roosts are found and an impact is anticipated, these - along with the one already recorded - will be managed under an appropriate Natural England license and would be mitigated or replaced as required, by the scheme. The development will be also be enhanced by the provision of bat boxes and roosting sites within the retained habitats.
- Partially used badger setts were recorded within the site and a currently used sett was observed close to it. Further badger surveys are to be undertaken regularly to monitor their locations during the proposed development works. Appropriate badger licensing and badger tunnels and fencing along the proposed relief road will be carried out if necessary.

10.57 The applicant has concluded that once completed, the scheme design and mitigation will provide an increase in biodiversity, ecological resources and land that is suitable for local designation. The proposed housing development will be located in a green setting with opportunities for the residents to enjoy the flora and fauna in the local environment.

Comment

10.58 Based on its size and the recent botanical survey information, Thorp Arch Estate is probably the most important site for unimproved and semi-improved calcareous grassland in Leeds. Some of the site has been designated as SEGI and such sites reflect a value at a countywide/regional context. However, the updated botanical surveys reveal that there are additional areas outside of the existing designated SEGI boundaries that are also of sufficient value to be designated as a SEGI (such new sites are now referred to as Local Wildlife Sites). Designated nature conservation sites are afforded protection through saved UDP Policy N50 (and N51 affords an additional buffer to such sites), and emerging Core Strategy G8.

10.59 Local Authorities have a duty to conserve biodiversity under the Natural Environment and Rural Communities Act 2006. Section 41 of the NERC Act requires the Secretary of State to produce a list of Habitats of Principal Importance (referred to as UK Biodiversity Action Plan Priority Habitats). These UK BAP Priority Habitats have a degree of national importance and local planning authorities are encouraged to conserve such Priority Habitats under the “Biodiversity Duty” of the NERC Act 2006. Magnesian Limestone Grassland is listed as a UK BAP Priority Habitat (“Lowland Calcareous Grassland”) and there are also a number of other grassland areas that fall within the “Lowland Meadow” definition of another UK BAP Priority Habitat type. In general terms the development affects areas of ecological value the most important of which are calcareous grassland and other UK BAP habitats.

Emerging Core Strategy Policy G8 affords protection not just for designated nature conservation sites but also UK BAP Priority Habitats.

10.60 The Leeds Biodiversity Action Plan (produced in 2000) has a Habitat Action Plan devoted to Magnesian Limestone Grasslands because it has been recognised that Leeds has a significant proportion of the national resource of this valuable habitat. A Table in the Magnesian Limestone Grassland section lists various places across Leeds that have this habitat type and Thorp Arch Estate has the single largest amount (12 hectares) out of a total of 33 hectares across Leeds and half of this will be lost as a result of this development. A Proposed Action under the Site Safeguard section of this Habitat Action Plan states: “Ensure the protection of all unimproved and semi-improved magnesian limestone grassland sites through the planning system, including through the close scrutiny of development which might have indirect impacts” with LCC and Natural England listed as Lead Partners.

10.61 There is broad agreement between the applicant and officers that there is approximately 20ha of calcareous grassland on the site of which approximately 10ha will be lost. With regard to UK BAP habitats there is approximately 9.6ha on site of which 7ha will be lost. The area of significant disagreement exists around the degree of compensatory provision that is proposed. It is the applicant’s case that around 17ha of new calcareous grassland will be created. The officer viewpoint is of that 17ha some 9ha’s already exists as a valuable ecological habitat. In other words the applicant proposes to convert one area of ecological value, e.g. dense scrubland, to an area of higher ecological value (calcareous grassland). Therefore, the area of new habitat amounts to something in the region of 8ha.

10.62 The NPPF at paragraph 111 states:

“Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.”

The nature conservation officer considers that parts of the site are of high environmental value – and that parts of this “brownfield land” are far more ecologically valuable than most “greenfield land” that is being considered in the recent SHLAA assessments. As well as the loss of valuable grassland habitats, the invertebrate surveys carried out (in the wet summer of 2012) have shown a high number of species (bees and wasps) associated with this post-industrial site that leads to the conclusion that the site is at least of countywide importance for invertebrates – the invertebrate surveys did not include surveys early in the Spring or late in the Summer (or in good, dry, conditions such as those available in 2013) which may have revealed an even higher level of importance.

10.63 At paragraph 118 of the NPPF sets out:

“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts),

adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;...

- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;...
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;..”

10.64 Therefore, it is important to ensure every effort has been made to recognise the value of the calcareous grassland and other valuable habitats which have local and regional importance. In light of these factors strong objections have been raised to the development by the council's nature conservation officer and West Yorkshire Ecology who both consider the ecological impact to be significant. However, it is also clear from the guidance given that the ecological impacts have to be balanced against the wider benefits that flow from a development. The guidance makes it clear that this test is to be applied when considering development of sites that are afforded statutory protection and are of national importance such as SSSI's.

#### Conclusion on ecology

10.65 A key issue is whether the application proposals result in significant harm and if so whether there are other factors that serve to outweigh any harm caused. It should be noted that the NPPF does not define what constitutes significant and to an extent such judgements may be subjective (this is reflected in the differing views over impact between the various parties). In considering this matter regard should be had to the following factors:

- In this case it is clear that the some affected land has ecological value through the UDP designations as SEGI and LNA. Of the 12Ha of designated SEGI land 3.5Ha is calculated to be lost with compensatory provision of 4.5Ha. These are local designations and the ecological value is of local and regional importance. Clearly it is a matter of concern that some land of ecological value will be lost however these nature conservation designations are not statutory and are not of national value.
- There are also additional areas of land to be affected that are of sufficient value to also be designated as SEGI.
- Regard also has to be had to the scale of the loss and the mitigation measures. Generally speaking there is broad agreement between the applicant and officers over the scale of the loss. The most significant area of dispute relates to the scale of compensatory provision. The application



proposes the creation of 17 Ha of calcareous grassland whilst officers argue that only 8ha's of that is new habitat. Members should be aware whilst the council has accepted the translocation of calcareous grassland in the past the creation of unique habitats (half of which is proposed on arable land with undesirable high nutrient levels) is not a straightforward process and will take many years if successful. In relation to UK BAP Priority Habitats there are 39 Ha of such nationally significant habitats present and 29 Ha of this will be lost.

- If planning permission were to be granted it would be proposed to secure through planning condition/Sec.106 Agreement an appropriate management regime for perpetuity of all the ecological areas to be retained and created – to be carried out by a specialist nature conservation contractor or organisation. This is a matter that has been afforded some weight as it constitutes a significant improvement over the current position.

10.66 The adverse impact on interests of nature conservation needs to be balanced against other factors. It is for the decision maker to reach a view whether the benefits of the development outweigh ecological impacts. This approach is reflected in the NPPF and Policy G7 of the draft Core Strategy. In light of the policy imperative for the delivery of housing, the other benefits that are derived from this development and the mitigation proposed it is considered that, in this instance, these are of significant weight that could set aside the remaining concerns over impacts on matters of nature conservation. If Members retain a concern over this issue then the issue of compensatory ecological provision could be revisited with the applicant.

### **Heritage**

10.67 There are three main impacts on matters of heritage. The first relates to the Estate itself and its historical importance as a former munitions processing site and the second relate to the relief road and the impact on the Thorp Arch Conservation Area and the setting of the listed buildings.

10.68 The Estate itself does not fall within a conservation area and does benefit from any other heritage designation. There is a listed former anti-aircraft gun mounting on the Estate but this falls outside of the land affected by the residential redevelopment and its setting will be unaffected. The proposal has nevertheless been designed to have regard to the site's heritage. The road pattern as shown on the illustrative layout is reflective of the historic road pattern as set by its former use as a munitions factory. The proposed development also seeks to retain the form of a run of grass bunkers that enclosed munitions factory buildings and which characterise the site. The run of bunkers is reflective of the pattern of the processing of munitions that used to take place. The proposal also seeks to reuse Queen Mary House that is one of the few buildings of architectural interest (although this is limited) that remain on the site.

10.69 Beyond this regard also needs to be had on the impact of the route on the setting of the listed Station House and associated engine shed and the listed

bridges that cross the Sustrans route. A reasonable degree of separation exists between the proposed road and Station House and to a large extent its visual impact will, over the passage of time, be mitigated by new woodland planting. Potentially the greatest impact will result from the crossing of the Sustrans route. The detail of the crossing still has to be finalised and agreed. At the present time it is thought that it will take the form of a bridge. The bridge would take its height from the embankments that run either side of the Sustrans route. In this form it will be of sufficient height to allow people to continue to walk under the bridge and to have a clear line of sight either side of the bridge. The new bridge will be visible in the context of one of the listed bridges but is unlikely to be contained within the view of (to or from) the listed station house and the northern most bridge. As such it will create a barrier that severs the historical link between the Station House and the railway bridges. Although it will impact on the setting of the bridge if an appropriate form and treatment of the crossing is achieved it is not considered that this should be so harmful to warrant the refusal of planning permission when regard is had to all other relevant planning matters.

10.70 Part of the relief road will fall within the Thorp Arch conservation area. As a result there will be some alteration to existing field patterns. Views from within parts of the conservation area will be affected, although views from the village should be screened by the existing undulation of the surrounding fields. The earth bund and associated landscaping that is proposed along the length of the relief road will serve to screen the road itself and the traffic using it. This will have an impact on the existing character of the landscaping but the benefits secured through the screening of the road are thought to be considerable.

10.71 In light of the factors set out above it is not considered that any harm that will result to matters of heritage are so significant to warrant the withholding of planning permission.

### **Affordable Housing**

10.72 It is the applicant's proposal to provide 35% affordable housing so that the development meets the local planning policy requirement. Policy sets out that the mix of affordable housing should reflect, on a pro-rata basis, the mix of the development.

10.73 The applicant originally proposed to provide 35% affordable housing on site and this equated to 700 dwellings. At the September 2013 Plans Panel Members set out a preference that a proportion of affordable housing is provided on site and that a commuted sum is paid to secure the provision of affordable housing off site. Members at that Panel placed significant weight on the importance of providing new affordable housing units in inner city areas where there is a significant need and the considerable associated benefits of urban regeneration. In light of that the applicant has proposed the following:

- On site provision comprising a 60 unit extra care facility and 160 affordable dwellings (giving a total of 221 dwellings on site)

- An off-site contribution of circa £25.5M (this equating to the cost of constructing 479 dwellings)

10.74 The on-site affordable housing provision would consist of the following:

Extra care accommodation provided in a single complex:

- i) 1 bed units – 45
- ii) 2 bed units – 15
- Total No. of units – 60

It is proposed that these units be provided in a single location, in a single or series of blocks, close to the proposed retail services and a bus stop.

10.75 The applicant has proposed that the mix of affordable units should reflect identified local need rather than the mix of open market housing proposed:

- i) 1 bed units – 66
- ii) 2 bed units – 26
- iii) 3 bed units - 64
- iv) 4 bed units – 5
- Total – 161

10.76 The council’s information sources on housing demand in Wetherby includes:

- Social housing demand taken from the Leeds Homes Register (LHR)
- Demand analysis as part of the Older People’s Housing and Care Project

Information on social housing need and demand has been taken from the Leeds Homes Performance Management Summary, which analyses information from the LHR providing a ‘snapshot’ on a quarterly and yearly basis. In considering the information available from the LHR, a mix of 1, 2 and 3 bed accommodation would reflect housing need and housing demand in Wetherby (for social rented units) as well as meet predicted demand across the city as a result of Welfare Reform. A degree of housing for older people (in particular extra care) as part of the affordable housing requirement would assist in meeting a known demand for this type of housing in the Wetherby area.

10.77 The applicant has set out that the build out time for the development is likely to be in the region of 15 years. The applicant’s proposal for on-site provision accords with current identified needs. However, this “need” is likely to change over the passage of the build. Accordingly it is considered that it would be sensible that the location, type and mix of the affordable units to be provided and agreed prior to the commencement of each phase of development. This would be subject to a clause within the Sec.106 Agreement.

10.78 Turning to the issue of the commuted sum the applicant has made an offer based on the terms of the council’s adopted Supplementary Guidance No.3 “Affordable Housing Policy Guidance Note”, February 2003 of £25.5m this falls short of the council’s estimation as to what that sum should be at circa

£60M. As a consequence of this the applicant has submitted a viability statement.

### Viability

- 10.79 Viability is clearly capable of being a planning consideration. However, it is certainly not the case that a viability appraisal is required for every development proposal where there are doubts over scheme viability. The proper question to ask is not whether a particular development would be financially viable, which is a matter for the developer, but what would be the planning consequences of its non-viability, if such was the case. The Royal Institute of Chartered Surveyors (RICS) has issued guidance on financial viability in planning. The document (which was produced in consultation with leading planning lawyers) includes the following helpful summary of the relevance of viability in plan making and development management.
- “...viability... is relevant to planning in both the formulation of planning policy, as well as in the determination of planning applications. In the former, the emphasis is upon deliverability of an authority’s vision/infrastructure or community requirements during the plan period; the latter relates to an authority’s willingness to allow a scheme to proceed after relaxation of policy and/or planning obligations in the context of viability.”*
- 10.80 Certain objections refer to concerns expressed by the UDPR Inspector concerning the viability of developing the site. However, as the Inspector was engaged in plan preparation (or the “formulation of planning policy” to adopt the RICS formulation), viability was a relevant issue.
- 10.81 In this case the applicant has recently submitted a viability statement. The applicant originally maintained that the development, as proposed, was viable. However, this was based on their assessment of how the off-site affordable sum should be calculated. It was the applicant’s view, and they maintain their position, that the calculation should be based primarily on construction costs and that a sum of £25.5M is appropriate. The council adopts a different methodology and this is one that is also used by the District Valuer in their work in assessing these issues. That is to say that the commuted sum for replacing otherwise on site affordable housing off site is assessed as the aggregate of the difference between the market value of the affordable housing units which would otherwise be available as market housing and their discounted affordable transfer rates. The council’s methodology results in an off-site commuted sum in the region of £60M.
- 10.82 The viability statement shows that the scheme would not viable if the affordable housing commuted sum requested by officers was imposed. The viability appraisal sets out that the costs associated with the delivery of the Relief Road (£20M) and other matters such as the decontamination of the site, based on reasonable knowledge of decontamination, would render the scheme unviable. At the time of drafting this report the viability assessment was being scrutinized and the outcome of that work will be presented to Panel.

## **Housing Mix**

10.83 The applicant has submitted a Housing Market Assessment in support of their proposals. The data indicates that a mix of housing is required to be aimed at higher income groups and those households with moderate incomes seeking to trade up. It also shows a requirement from older people who may well be interested in downsizing to 2 or 3 bedroom properties. It is concluded that a mix of 2, 3, 4 and 5 bed housing will be required to cater for demand within Leeds and from incoming households, families seeking to trade up, and young 'family builders', as highlighted in the Leeds SHMA and draft Core Strategy. As a result the applicant is currently proposing a housing mix for the development as follows:

<b>Proposed Housing Mix Type</b>	<b>Size</b>	<b>Mix</b>
2 bed terrace	650	20%
3 bed semi	900	25%
3 bed detached	950	25%
4 bed detached	1,250	20%
4/5 bed detached	1,600	10%

## **Residential Amenity**

10.84 It is likely that the main impacts on residential amenity will flow from the relief road. This will be on the residents of the houses nearest to relief road and Thorp Arch village.

10.85 The residents of the properties of Station House and Walton Gates are the most likely to be affected. With the degree of separation, mounding and landscaping it should be possible to mitigate the visual and noise impacts on the residents of Station House.

10.86 Following concerns raised at September 2013 and November 2013 Panels about the impact that the use of the relief road will have on the residents of Walton Gates the applicant has proposed the following measures:

- The Relief Road realigned to increase the degree of separation from the rear of the cottages at Walton Gates from 26m from the main house to the relief road edge to 33m.
- The addition of an acoustic/visual landscaped mound between Walton Gates and the Relief Road.
- The indication of an area that could be provided as additional private garden.
- The removal of a redundant section (under these proposals) of Wetherby Road.

10.87 The proposed relief road is proposed to be sited approximately 60m to the north of the facing elevation of Station House. It is proposed to provide

screening and noise mitigation measures between that property and the Relief Road. The precise details of these have yet to be agreed and are subject to a suggested condition. It is considered that in light of the degree of separation and the scope for the delivery of mitigation measures that a satisfactory scheme can be achieved.

10.88 Members will have noted from earlier in the report that it is proposed to screen the road from views from the south through the use of landscaped mounds which should also serve to mitigate the noise impact. Extensive planting is also proposed where the road runs to the north of the Sustrans route and with the passage of time this will largely serve to screen it from views to the north from the environs of Thorp Arch Village.

10.89 The relief road has also been designed to mitigate potential traffic impacts from the development on existing local communities. Part of the rationale behind its provision was to take traffic away from Walton Village. The junctions of the relief road have also been designed to facilitate existing access patterns for existing residents but to stop traffic associated with the new development travelling through Thorp Arch village and across into Boston Spa. This has been done to try and protect the amenities of Thorp Arch residents and protect the character of the village.

### **Retention of Businesses and Employment Issues**

10.90 The applicant also proposes to relocate existing businesses affected by the redevelopment proposals, upgrade and refurbish retained buildings and provide new buildings to meet tenant's needs, carry out landscaping works to improve the setting of the retained employment area and develop a Health and Innovation Park. Conditions attached to the planning permission and clauses within the Sec.106 Agreement are proposed to facilitate the re-location of affected businesses and to secure and review investment into the retained employment area. This latter point would include a regular review of infrastructure projects to be undertaken with the applicant. The Sec.106 also includes clauses relating to local employment and training.

### **Other Issues**

#### **Section 106 Agreement**

10.91 The terms of the Sec.106 Agreement are described at Section 5 of this report. As part of Central Government's move to streamlining the planning obligation process it has introduced the Community Infrastructure Levy Regulations 2010. This requires that all matters to be resolved by a Section 106 planning obligation have to pass 3 statutory tests. The relevant tests are set out in regulation 122 of the Regulations and are as follows:

'122(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

- necessary to make the development acceptable in planning terms;

- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.'

10.92 As listed there are a number of matters to be covered by a Section 106 agreement. These matters have been considered against the current tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

#### Contaminated Land

10.93 In light of the history of the use of the site there is a strong likelihood of contamination existing across areas of the site. A historic site investigation undertaken for part of the site identified elevated levels of heavy metals such as mercury and nickel and revealed the existence of some asbestos. As this is primarily a residential development that includes uses such as a primary school clearly the site has to be made safe and suitable for the proposed uses. The applicant has committed to undertaking site investigation works that will in turn lead to a program of remedial works to render the site suitable for use. The precise methodology for the site investigation is a matter that is subject to ongoing discussions. Part of this discussion also relates to how the development of one part of the site can be undertaken without adversely affecting the occupants of parts of the site that have been developed and are occupied (e.g. how can the investigation and remediation activities be undertaken in a controlled way that avoid contaminating adjacent areas of the Estate that have already been developed and occupied as housing or the school).

#### Agricultural Land

10.94 The proposed relief road cuts across grade 2 agricultural land which Agricultural Land Classification of England and Wales categorises as very good quality agricultural land. Policy N35 of the UDP is relevant and that seeks to protect such land from development. However, the vast majority of agricultural land in north east Leeds is of this classification. Accordingly any development, including large scale residential development, which takes place on such land would result in some loss. The land take that results from the road, when considered in the context of the wider area of agricultural land, is relatively small. No evidence has been put forward that the loss of this land will prejudice the operation of the agricultural units affected. The loss of this land also has to be balanced against the benefits that arise from this development and this is most notably includes the delivery of a large scale residential development.

#### Drainage and Flooding

10.95 Yorkshire Water have noted that this development will generate create significant volumes of both foul and surface water and that Thorp Arch Waste Water Treatment Works is a small rural treatment facility with limited capacity. The volume of additional flows loads arising from a development of this size

would cause the works to fail to meet agreed standards. Yorkshire Water Services therefore had serious concerns regarding this application because of the risks associated with the foul drainage strategy and consequent effects on the environment. The applicant has had detailed discussions with YW about the scale of development which can be accommodated within the Thorp Arch WWTW and about the possibility of a requisition of a sewer for the remaining houses which would take the foul drainage through to Wetherby. This matter could be resolved through the submission of details further to the imposition of an appropriate condition.

- 10.96 The site is not identified as being at risk of flooding. There are a number of channels, drains and watercourses that run through the site. Ultimately these general drain into the River Wharfe. During the construction phase the amount of surface water will need to be controlled. The details of the implementation of measures to control this would be subject of a condition attached to a planning permission. A sustainable drainage system based upon Leeds City Council's Minimum Development Control Standards for Flood Risk including oil interceptors where necessary is proposed within the plans for the development. This will provide attenuation and treatment of operational site run-off to reduce the effects to the greenfield run off rate before it reaches the sensitive watercourses. Again this is a matter that would be controlled via a planning condition.

#### Employment and Training

- 10.97 The applicant has set out that the totality of the development will generate a significant opportunity for new jobs locally. It has been set out that the food store could create 140 full and part time jobs, with other high street uses providing up to 160 full time jobs and the primary school is likely to be staffed by up to 100 teachers and support staff. The equivalent of 8,000 jobs is likely to be created during the 15 year construction period. Employment and training clauses are proposed to be included in the Sec.106 Agreement which will encourage the use of local labour and involvement in apprenticeships.

#### Environmental Impact Assessment

- 10.98 As set in the introduction this planning application is accompanied by an Environmental Impact Assessment. The scope of that document covers matters relating to: traffic and transport; noise; air quality; landscape and cultural heritage; archaeology; ecology and nature conservation, hydrology and flooding, geology, soils and hydrogeology and socio-economics. The majority of these issues have been examined within this report. Members will note from the report that the proposal incorporates noise mitigation measures to protect existing residents from the impact of the new development and prospective residents of the development from noise associated with the continued operation of the employment land. No technical objections have been raised on noise or air quality grounds. The terms of the Sec.106 Agreement and the conditions suggested to be attached to this planning permission are designed to cater for the needs that arise from this proposal and to mitigate any potentially significant harmful effects that might result.



## Health Care Provision

- 10.99 A number of representations have raised the issue of the need for health care provision. It is understood that the health authorities do not see a requirement to provide such facilities as part of this development at this time. However, the proposed local centre could provide suitable accommodation if it was deemed necessary at a later date. The local centre could also serve to provide accommodation for the emergency services (police) if required.

## **11.0 CONCLUSION**

- 11.1 This development proposal raises significant and complex planning issues. As with any development of this scale it will result in notable changes to the character of the locality. To some extent the impacts will not be readily apparent to those outside of the boundaries of the Trading Estate as the site is relatively self-contained. Clearly the traffic associated with this development will have a wider impact and this will be readily apparent to existing local residents and those who visit or pass through the area. It is considered that a form of development can be achieved that has regard to the site's heritage and the quality of the environment set by neighbouring settlements. There will be an ecological impact and this has to be balanced against the mitigation measures proposed and the wider planning benefits that flow from the scheme. Sustainability is a key issue and this has sought to be addressed through the inclusion of retail and community facilities to serve the day to day needs of residents. Improvements are also proposed to public transport provision and pedestrian links to Thorp Arch/Boston Spa and Walton which serve to enhance the sustainability credentials of the development. Significant efforts have been made to try and contain those impacts. The Relief Road has been designed in such a way that traffic impacts should not be felt in the villages of Thorp Arch and Walton and consequentially in Boston Spa. Efforts have also been made to protect the quality of the landscape, and reduce noise intrusion, through the provision of landscaped earth bunds.
- 11.2 Any impacts need to be balanced and weighed against the positive benefits that arise from the scheme. The proposed development delivers a significant number of houses that contributes towards the city's housing supply and that should serve to reduce the need to release green belt or open greenfield sites in this area of the city. This is a matter that should carry significant weight. Similarly the proposal provides a mechanism to facilitate investment into the retained employment area and this should help consolidate and enhance its role as a significant employment location in association with the prison and the Library. It is hoped and anticipated that this will help secure the long term future of this important employment source. Again this is a matter of some importance.
- 11.3 Recognition should be afforded to the work of the Consultative Forum that has played a key and pivotal role in shaping the composition and form of development. Whilst some criticism has been levelled that the Forum lacked

inclusivity it has facilitated community involvement and helped produce a development that has regard and addresses both local and strategic planning issues.

- 11.4 It is considered that this development delivers significant planning benefits that are of such weight and importance that they serve to outweigh the harm that results. As such it is recommended that planning permission be granted subject to the terms of the recommendation set out above.

**Background Papers:**

Application file 13/03061/OT

Notice served on:

Susanna Albenia Ewart

Chaytor c/o Ringleys Solicitors LLP 19 Cookridge Street Leeds

Wrigley c/o Ringleys Solicitors LLP 19 Cookridge Street Leeds

Ashwin c/o Ringleys Solicitors LLP 19 Cookridge Street Leeds

John Thomas Kilby & Christine Denise Kilby

Mary Genevieve Kilby

Thomas Matthew Kilby

David Wilson & Martin Wilson

Marie Nanette Simpson

Edward James Simpson

Sustrans Ltd

Leeds City Council

Keyland Developments Ltd

DFS Furniture Company Ltd

The British Library Board

Northern Power Grid National Grid National Grid

Highways Agency

## APPENDIX 1

### 1.0 CITY PLANS PANEL 27<sup>TH</sup> SEPTEMBER 2012

1.1 At the September City Plans Panel Members received a presentation from the prospective applicant concerning an outline for the development proposals described at 1.3 above. Members also heard from a representative of Thorp Arch and Walton Parish Councils.

1.2 The main outcomes from this Panel may be summarised as follows:

- No objections were raised to the principle of a sustainable residential development so long as it was supported with the appropriate infrastructure to serve the needs of its residents and offset the impact of the development on the local communities.
- The nature of the development appeared disjointed and concerns were raised in respect of residential development on the 'Wighill Lane' site, as this was not well related to the rest of the proposed development or Walton village.
- A sustainable and comprehensive masterplan for the whole of the site that sets out the vision for the development of the Trading Estate as a whole is required.
- Further details required around a number of matters including proposed public transport, possible Primary School and Community Centre and investment in the industrial estate.
- It would be premature to comment in any detail at this stage. However, the mix and type of housing was too vague and required local housing needs assessment. Affordable housing should be 35%.
- Concerns were raised that the site was not sustainable and that significant measures should be proposed to make the development so. These included appropriate highway and public transport provision, environmental measures and appropriate facilities for the residents of the proposed development and details of what measures that would be put in place to help integrate this development with existing communities.
- That proper and meaningful public consultation should take place, including a Consultation Committee to be established.

### 2.0 CITY PLANS PANEL 14<sup>TH</sup> MARCH 2013

2.1 At the March 2013 Panel Members received a presentation for a scheme described at above. Members also heard from a representative from Walton Parish Council who was speaking on behalf of Walton, Thorp Arch and Boston Spa Parish Councils. The main points discussed may be summarised as follows:

- The western route, with mixed views about the suitability of using the railway cutting to site the relief road. Members were generally concerned about impact on listed structures and ecology and questioned the suitability of this route

- That no detailed transport assessment had taken place and that this should be commenced as soon as possible and should include an assessment for the relief road to the Wetherby Bypass.
- That the provision of a relief road was a crucial factor in the proposals
- The benefit of consultative forums
- That the proposals could make a significant contribution to the Council's Core Strategy and that community benefits could flow from the scheme and that, whilst accepting there were some major issues to be resolved, this could be a scheme which could be supported, particularly in view of the public support it had, dependent upon the delivery of the
- Affordable housing, that in this location the requirement was 35% and that an open-minded approach might be adopted in view of progressing the proposals in terms of the costs associated with the scheme and the wider benefits it would bring to the city
- That subject to the provision of a relief road, the revised scheme represented the comprehensive and sustainable form of development which Members were looking for
- That a relief road was essential and that more work was needed on this, including costing's, with there being mixed views on the suitability of the site of the old railway line; to note the views of the Parish Councils that only route B could be supported locally and the need for the assessment to include from the relief road to the Wetherby Bypass
- That Members were satisfied with the quantum of development but a set of proposals and options were needed and consideration had to be given to the timing of the delivery of the relief road
- That it could be appropriate in this case to apply a 'roof tax' to contribute to the funding of the relief road
- Mixed views on the principle of the use of a proportion of monies that would have otherwise been used to deliver affordable housing to be used to finance a relief road and the need for further information and options to be provided
- That a co-operative approach was supported and that this should include the Yorkshire Water site, with it to be designated for housing development
- Members were of the view that an explanation of how the co-operative scheme for the whole of the estate will be delivered should form part of the planning application
- Members encouraged Officers to address the issues of design, house types, cycle ways etc. at an early stage and the need to link this with the sense of place discussions at the consultative forum, together with issues relating to Keyland Development's extant permission for industrial use on a nearby site

### **3.0 CITY PLANS PANEL 26<sup>th</sup> SEPTEMBER 2013**

3.1 At this Panel Members received a position statement that updated Members on the progress of the application and sought Members guidance on key aspects of the scheme. Members made the following comments:

- Concerns were raised about the build out rates which could mean a 25 year

- Members sought confidence as to what would be delivered at each phase and thus that residents would not be left with roads unadopted, no adequate bus service, landscaping incomplete etc.
- More detail required about local bus services (routes) and how the proposals can assist the improvement to these
- Need to consider the alignment of the road around Walton Gates and the impact on the amenities of the residents closest to the relief road
- Further work on the options re the bus gate or the modified junction
- Some Members queried the scale and phasing of the infrastructure to be provided
- Some Members questioned if the application is premature in advance of the LDF.
- Members were advised that when Members make their decision, they should be confident about the funding and mechanism to deliver the road.

3.2 In relation to the specific questions posed Members made the following comments:

**(1) Does the masterplan represent the comprehensive and sustainable form of development that Members desired?**

More work is needed on the master plan

**(2) Do Members consider that a high quality indicative layout has been achieved and that the appearance of the housing should reflect the guidelines set out in the Design and Access Statement?**

Yes. It was agreed that a high quality indicative layout had been achieved and that the appearance of the housing did reflect the guidelines as set out in the Design and Access Statement

**(3) Do Members consider that the applicant's landscaping strategy is appropriate?**

Yes

**(4) Do Members consider that the proposed route of the Relief Road is acceptable (subject to the amenities of local residents being protected)?**

Yes. The proposed route of the Relief Road was acceptable (subject to the amenities of local residents being protected)

**(5) Do Members consider that the Relief Road should be delivered prior to the commencement of the construction of the housing development?**

Yes. The Relief Road should be delivered prior to the commencement of the construction of the housing development

**(6) Do Members have a preference for the use of a bus gate or a suitably designed staggered junction to limit the use of Church Causeway by traffic generated by the development?**

On the proposed use of a bus gate or a suitably designed staggered junction to limit the use of Church Causeway by traffic generated by the development. It was agreed that further investigations were required and that a mechanism to review the effectiveness of the highway measures was required to be built

into any Section 106 Agreement so that further traffic mitigation measures could be implemented if a need arose Members sought clarification over the benefits of or staggered junction solution

**(7) Do Members consider the approach taken by the applicant to address the ecological impact of the development to be appropriate and proportionate in the context of trying to deliver a sustainable form of housing development on the site?**

It was agreed that more information was required.

**(8)(a) In the circumstances where the applicant demonstrates that the development is not viable do Members have any concerns about the principle of offsetting the cost of the Relief Road against a proportion of the affordable housing requirement?**

**(b) Do Members consider it appropriate to accept a commuted sum in lieu of some affordable housing what proportion should be delivered on site?**

(a) In circumstances where the applicant had demonstrated that the development was not viable, Members had no concerns about the principle of offsetting the cost of the Relief Road against a proportion of the affordable housing requirement

(b) It was the opinion of Members that this should be addressed at a later date

**(9) Do Members have any comment to make in respect of the mix and size of the units to be delivered as part of the development?**

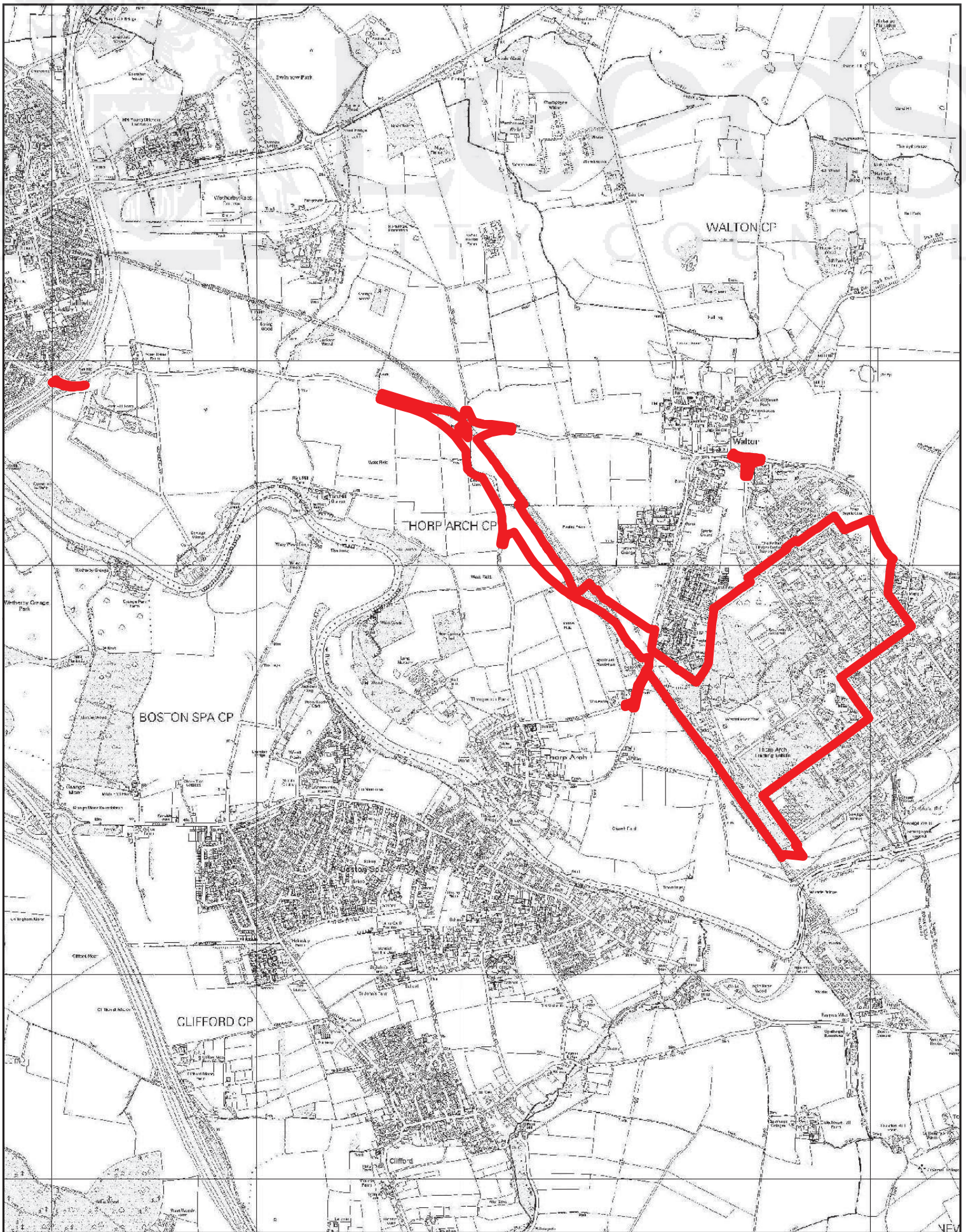
It was the view of Members that further information was required.

**(10) Do Members consider it appropriate that clauses should be included in the Section 106 Agreement that facilitate the enhancement and upgrading of the infrastructure on the retained employment area as a result of this development?**

It was the view of Members to develop a strategy, through negotiation, to look after existing businesses; British Library and the prison to protect existing employment and future employment opportunities

**(11) Do Members consider that the approach adopted by the applicant is moving towards the delivery of a comprehensive and sustainable form of development and are there any other matters that Members consider the applicant should undertake to help deliver such a development?**

Members expressed concern about the proposed timescale for the delivery of the development and requested if it would be possible to secure a reduction in the length of time to complete the scheme.



# CITY PLANS PANEL



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Originator: C. Briggs

Tel: 0113 2224409

## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 12 DECEMBER 2013

**Subject: PLANNING APPLICATION 13/01198/OT OUTLINE APPLICATION FOR DEMOLITION OF THE EXISTING BUILDING AND CONSTRUCTION OF MIXED USE DEVELOPMENT CONSISTING OF OFFICE, HOTEL AND USE CLASSES A1, A2 & A3 FLOORSPACE AND BASEMENT CAR PARKING AT MAXIS RESTAURANT, 6 BINGLEY STREET, LEEDS LS3 1LX**

#### APPLICANT

Maxis (Yorkshire) Ltd

#### DATE VALID

14 May 2013

#### TARGET DATE

17 December 2013

#### 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:** Defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions (and any others which he might consider appropriate), and following the completion of a Section 106 Agreement to cover the following matters:

- Public transport contribution prior to occupation £80, 073
- Off-site highways works contribution prior to commencement of development £50, 000
- Car club trial provision prior to occupation of any office development £4000
- Public access around the site
- Travel plan implementation and monitoring fee prior to occupation £3735
- Employment and training opportunities for local people in City and Hunslet or any adjoining Ward.
- Management fee payable within one month of commencement of development £2250

In the circumstances where the Section 106 Agreement 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 for 13/01198/OT**

The full wording of conditions is set out in full in Appendix 1 at the end of this report.

### **1.0 INTRODUCTION:**

1.1 This application is brought to Panel as it is a major full planning application for a new office, hotel, retail, and restaurant development on the western side of Leeds City Centre. Plans Panel (City Centre) Members considered a pre-application presentation about the scheme on 12 May 2011 and were generally supportive of the principle of the proposal at that stage.

### **2.0 PROPOSAL:**

3.1 The proposal is for outline approval with indicative layout, scale and means of access. It shows how the floorspace may stack up in three-dimensional form. It does not include details of appearance or landscaping, but the application is supported by a Design Code that would inform future reserved matters applications.

3.2 The application proposal consists of the following maximum gross internal floorspaces:

- 7330 square metres B1 office or C1 hotel and;
- 875 square metres A3 restaurant and;
- 200 square metres A1 retail or A2 financial and professional services.

3.3 A maximum of 61 car parking spaces is proposed, and in the indicative scheme this is accessed from the service road off Bingley Street.

3.4 The indicative proposal consists of a part 5, part 8 storey block, with ground floor retail unit, restaurant, two floors of parking, and offices and or hotel above. The layout of the building volume remains 'L-shaped'. The wing parallel to Cavendish Street would be 5 storeys in front of The Highland pub, up to 8 storeys in front of the BT building (approximately 18m and 29m high respectively when measured on Cavendish Street). The taller 29m high element would be overlap with the eastern end of the pub by approximately 2.5m at a distance of 12m The 18m high element would be approximately 19.5m from the Highland Pub. The indicative scheme would give an active frontage to the corner of Cavendish Street, along Bingley Street, and along the south face of the building, with the provision of the A1 retail and A3 restaurant. A route through the building from Cavendish Street is proposed to a new area of public open space at the south eastern corner of the site. This space could be added to if neighbouring sites were to come forward for redevelopment at any time in the future.

3.6 The proposal is in outline only. The application reserves layout, scale, elevational treatment and exact details of landscaping for future approval. Conditions are recommended to control the maximum building heights, footprints and floorspace, and level of car parking up to that shown on the indicative scheme proposals.

3.7 A number of documents have been submitted in support of this proposal:

- Scaled Plans
- Design and Access Statement
- Design Code
- Daylight and sunlight assessment
- Statement of Community Involvement

- Wind report
- Transport Assessment
- Flood Risk Assessment
- Flood Risk Sequential Test
- Noise Statement
- Land Contamination Desk Top Study
- Travel Plan
- Sustainability Statement
- Coal Recovery Assessment

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

- 3.1 The application site currently consists of the three storey pitched roof brick and render Maxi's restaurant, with surface car parking to the south and east. The southern and western edges of the site feature mature planting and a tree to the corner of the access road. The restaurant is some 3-4 metres lower than Bingley Street at its junction with Cavendish Street at the north western corner of the site. At the rear of the restaurant is a single storey lean-to up against the retaining wall, this appears to be in use as additional storage and kitchens. To the north is a two storey red-brick public house The Highland, which has residential use at its upper floor, and features 5 south facing windows, approximately 15 metres from the northern boundary of the application site.
- 3.2 The section of Cavendish Street at this point is part tarmac and part cobble, and is blocked by the gates of the BT depot which closes off this part of the street. The BT building is a part 5/part 6 storey brick building which sits above and behind a retaining wall some 3 metres above the car park of the Maxi's restaurant. A fence runs along the site boundary behind an overgrown area above the retaining wall.
- 3.3 To the west lies the former RSPCA site, now a cleared site. This site has full planning permission for a part 6/7/8/9 storey student housing block, which Plans Panel agreed in September 2008 (ref. 08/02061/FU). This site was previously the subject of an appeal against a larger proposal for student housing, which was dismissed by a Planning Inspector on the grounds of its overdominant bulk and height (appeal ref. APP/N4720/A/07/2040528/NWF dismissed August 2007). To the south of this lies a flooring warehouse at 84 Kirkstall Road, which has outline planning permission for a part 8/9/10/11 storey mixed use office/hotel/residential/bar/ restaurant scheme (ref. 06/02359/OT agreed at Plans Panel April 2007, and subsequently extended in 2011 under ref. 11/01850/EXT)
- 3.4 To the south of the site lies the part one/part two storey Napoleons Casino building in beige brick with mansard roof.
- 3.5 To the east lies the Graham's bathroom warehouse and associated car park. This consists of a two storey brick and metal clad warehouse and showroom. It is served from the same access road as Maxis, and is separated by a metal fence along the boundary with the restaurant car park.
- 3.6 The surrounding area is characterised by student housing, offices, and leisure uses. The area was mainly commercial and industrial in character; however recent developments have increased the mix of uses and facilities in the area, which lies unallocated within the designated City Centre and for car parking standards purposes the Fringe Commuter Parking Control Area. The site also lies within the area covered by informal supplementary planning guidance, the Kirkstall Road Renaissance Area Planning Framework 2007. The site lies in flood risk zone 3(a)(i).

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

4.1 Planning application 09/02339/OT was refused under delegated powers on design and highways grounds. The refused scheme in 2009 was a part 8, part 9 storey office building with a proposed height of approximately 28 metres above Cavendish Street facing the pub at a distance of 15m. It included ground floor retail and restaurant, with two levels of car parking above the restaurant use, accessed from the corner of Cavendish Street. The layout of the building was 'L-shaped', with the higher part of the block parallel to Cavendish Street at 9 storeys, and a sloping projecting wing along Bingley Street, which would reach a height of 8 storeys. The submission of an acceptable indicative parking and vehicle circulation within the site, transport assessment, travel plan and section 106 agreement in line with adopted policy would resolve the highways concerns. The reason for refusal on urban design grounds was as follows:

*“The application proposal, by reason of its proposed level of floorspace and its indicative layout and siting, scale and massing, and resultant density and bulk, is considered to be an overdevelopment of the site detrimental to the character and visual amenity of the streetscene and the surrounding area. The overdominant height and massing would result in inadequate levels of daylight and sunlight, privacy, outlook, and spatial standards, detrimental to the amenities of nearby residents and the pedestrian environment. The proposal is therefore contrary to advice in Planning Policy Statement 1: Delivering Sustainable Development, Policies GP5, BD2, BD5, CC3, N12 and N13 of the Unitary Development Plan Review 2006, and adopted Supplementary Planning Guidance in the form of the Leeds City Centre Urban Design Strategy (September 2000).”*

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

5.1 Loroc Architects presented an amended scheme design to overcome the above reason for refusal to Plans Panel (City Centre) on 12 May 2011 at pre-application stage. Members were generally supportive of the principle of the scheme, and made the following detailed comments:

- The principle of the scheme was generally welcomed
- Concern regarding the impact of the proposal on the “human scale” of the Highland Pub and the pedestrian environment around it
- Concern regarding the vehicular access from the north from Cavendish Street and its impact on the pub – public space should be created here instead
- Overall building height should be reduced by around 2 storeys inclusive of any rooftop plant

The scheme has been revised since the presentation, and it is considered that the above Member comments have been broadly addressed by the current proposal.

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

6.1 No comments received. Application publicity consisted of:

- Site Notice of Proposed Major Development posted 21.06.2013, expired 12.07.2013
- Press Notice of Proposed Major Development published 24.06.2013, expired 18.07.2013
- City and Hunslet Ward Members consulted 12.06.2013 and 03.07.2013
- Leeds Civic Trust consulted 17.05.2013
- Occupiers of the Highland Pub consulted 17.05.2013

## **7.0 CONSULTATIONS RESPONSES:**

### **7.1 Statutory:**

#### **7.1.1 Leeds City Council Transport Development Services:**

The proposal is considered acceptable in terms of traffic impact, transportation provision (including walking and cycling provision) and road safety. A Travel Plan has been agreed and this would be subject to on-going monitoring and review. The following conditions are recommended:

- a) Details of car park access control and management, electric vehicle charging points, showers and lockers for staff, details of Bingley Street retaining structure, and cycle and motorcycle parking shall be provided by condition
- b) Local off-site highways works are necessary to serve the development. These would be provided by Section 278 agreement and consist of:
  - Provision of dropped kerbs and tactile paving on local junctions.
  - Provision of 2m wide footway to Bingley Street and Cavendish Street.
  - Provision of Traffic Regulation Order measures around the site and local vicinity streets.
  - Carriageway improvements including resurfacing of part of Cavendish Street.
  - Taxi drop-off/pick-up bay including signage and markings as appropriate
- c) A Section 106 agreement is required to secure the strategic off-site highways works contribution, public transport contribution, car club trial provision for office development staff, and travel plan monitoring and fee.

#### **7.1.2 Highways Agency:**

No objection

#### **7.1.3 Environment Agency:**

No objection subject to a condition requiring the recommendations of the submitted Flood Risk Assessment to be implemented.

#### **7.1.4 Yorkshire Water:**

No objection

#### **7.1.5 Coal Authority:**

No objection

### **7.2 Non-statutory:**

#### **7.2.1 Leeds City Council Environmental Protection:**

No objection subject to conditions regarding details of construction management, bin storage, sound insulation scheme to the building, sound insulation to plant and machinery, any air conditioning and extract ventilation including odour and fumes filters.

#### **7.2.2 Leeds City Council Flood Risk Management:**

No objection subject to conditions regarding surface water drainage and the implementation of the scheme in accordance with the submitted FRA.

#### **7.2.3 Leeds City Council Licensing:**

No objection

#### 7.2.4 West Yorkshire Metro:

No objection in principle, subject to the provision of the public transport contribution in accordance with SPD5, and the provision of an acceptable Travel Plan in accordance with the Travel Plans SPD.

### 8.0 PLANNING POLICIES:

#### 8.1 Development Plan

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

The UDPR includes policies require that matters such as good urban design principles, sustainability, flood risk, highways and transportation issues, public realm, landscaping, biodiversity and access for all are addressed through the planning application process. The site lies unallocated within the designated City Centre in the Development Plan.

Other relevant policies include:

GP3 existing land uses

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

S1 Shopping

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

CC30 proposals outside defined areas

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

## **8.2 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  
SPG City Centre Urban Design Strategy  
SPG Kirkstall Road Renaissance Area Planning Framework 2007

The informal Kirkstall Road Renaissance Area Planning Framework 2007 identifies this site for potential redevelopment for non-residential employment uses. It also identifies an indicative building height of 10-12 storeys (subject to normal design and amenity considerations).

## **8.3 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. Policies regarding trees, land contamination, coal recovery, flood risk, drainage, and air quality are relevant to this proposal.

## **8.4 Leeds Core Strategy Publication Draft 2012**

8.4.1 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. The Inspector examined the Strategy during October 2013. The weight to be attached is limited where representations have been made.

8.4.2 Spatial Policy 3 Role of Leeds City Centre is particularly relevant to this scheme proposal. 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, 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.

## **8.5 National Planning Policy Framework (NPPF)**

The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. 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 meets this requirement to locate such uses in sustainable locations. The NPPF also promotes economic growth in order to create

jobs and prosperity. This new office/hotel/retail/restaurant building 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.

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.

## **8.6 Relevant National Planning Policy Practice Guides**

NPPF Practice Guide Flood Risk

## **9.0 MAIN ISSUES**

1. Principle of use
2. Urban design and landscaping
3. Transportation
4. Flood risk
5. Sustainability
6. Wind
7. Amenity
8. Planning obligations

## **10.0 APPRAISAL**

### **10.1 Principle of uses**

10.1.1 The National Planning Policy Framework, Leeds Unitary Development Plan Review, Kirkstall Road Renaissance Area Planning Framework, and the Draft Leeds Core Strategy would support offices, hotel, restaurant and small scale retail uses in this City Centre location.

10.1.2 The principle of accommodating an A3 restaurant use on the site has already been established through the existing land use. Policy GP3 states that "existing land uses will remain the dominant land uses of an area, except where specific proposals are shown on the proposals map". Restaurant use is also an acceptable town centre use within the designated City Centre.

10.1.3 The location of new office development is governed by policy E14 in the UDPR, and this states that the City Centre will remain the principal location for new prime office development. Sites are identified in the City Centre to ensure that demand is not constrained, by providing a choice and range of available sites. Office development would normally be directed towards the Prime Office Quarter, as set out in policy CC19, however the Kirkstall Road Renaissance Area Planning Framework does identify the potential for sites in the City Centre boundary to deliver office and employment use.



10.1.4 A1 retail use is also an acceptable use for a City Centre site, however adopted and emerging policy would direct retail to the Prime Shopping Quarter or other designated centre, other than small scale to serve local needs (less than 200 square metres). It is considered that a retail sequential test would not be required due to the small level of floorspace proposed. It is considered that in the case of the proposed A1, A2, and A3 uses that this mix of uses is important to serve the local residents, workers, and hotel visitors in the area. It is considered that such uses would add activity, variety and vitality, and support the attractiveness of the area without prejudicing the function of other centres.

10.1.5 In acknowledging that visitor accommodation represents a vital component of the tourism industry, the hotel element of this proposal is supported in principle as it conforms with the NPPF and UDPR as a town centre use. There is also a cluster of hotel accommodation nearby with the Premier Inn, Holiday Inn and Ibis hotels all located in the Kirkstall Road/West Street area. This is encouraged by Objective 1 of the Core Strategy which sets out the intended spatial vision for the city to 2028, and directs new hotel and leisure development towards the City Centre.

## 10.2 **Urban design and landscaping**

10.2.1 The scale of existing and adjacent proposed buildings in the area varies between generally lower scale units such as Napoleon's casino and 6-8 storeys or more across the nearby 84 Kirkstall Road, former RSPCA site, BT building, Holiday Inn, Sentinel Towers, Tannery, and Opal One and Two sites. The proposed building would step down to take account of the more sensitive residential use closest to the pub, and steps up where the spaces between the existing buildings widen in front of the BT building. It is therefore considered that the layout, height and massing of the revised indicative proposal would be appropriate in the context of the character of the surrounding area.

10.2.2 It is considered that the proposed indicative layout, including the location of the servicing and vehicular accesses would result in an acceptable proximity and scale to the neighbouring existing and permitted buildings. The relocation of servicing and car park access from Cavendish Street in the refused scheme, to the existing service road allows the proposal to present a new active frontage towards the space to the south of the pub, with an enlarged area of public space, which would create an opportunity to enhance the setting of Cavendish Street.

10.2.3 The proposal would support the policy aspirations within the Kirkstall Road Renaissance Area Planning Framework 2007 for an enhanced north-south pedestrian route between Burley Street, Kirkstall Road and the Riverside beyond. This may help to realise the potential of this area to be a node in north-south connection by linking the riverside to Little Woodhouse, via Bingley Street and the steps leading to Burley Street. Both the approved proposal for the former RSPCA site, and the proposal for this site, would provide widened footways in order to provide a better pedestrian environment.

10.2.4 Subsequent to any reserved matters applications for the appearance of the building, the quality of the external materials would be controlled through the provision of working drawing details and large on-site material samples panels by condition attached to this application. 1:50 and 1:20 typical bays and sections have been submitted to establish the detailing of the elevations, and this would be reinforced at working drawing stage by conditions. Full details of mechanical plant would be required by condition in order to control its potential amenity and visual impact.

10.2.5 This scheme is in outline only, and any future reserved matters application for landscaping would need to demonstrate appropriate mitigation for the loss of the mature landscaping and trees. The Council's Landscape/Tree officers do not consider the existing planting to be worthy of retention, but a high quality landscape scheme around the site would be required to mitigate their loss in terms of biodiversity and landscape amenity value. Exact details of hard and soft landscaping, including details of tree pits and soil depths, planting plans, boundary treatments, bollards, raised planters, lighting, CCTV, landscape management and maintenance plans, and samples of surfacing materials, would be controlled by condition prior to commencement of development to ensure continuity of high quality materials and planting across the site.

### 10.3 **Transportation**

10.3.1 The site lies within the City Centre fringe parking area. Indicative car parking provision of 61 spaces would be below the potential maximum permitted by UDPR parking standards for a development of this type and size. However, there is spare capacity at the nearby Burley Road and West Street public car parks. There are also widespread on-street parking restrictions, which would be improved by measures that would be implemented as part of this proposal on Cavendish Street and Bingley Street. The site is readily accessible by bus from Kirkstall Road and Burley Road, and in a sustainable City Centre location, walking distance to the core and its facilities. It is therefore considered that the proposal would not cause highways safety or amenity problems, subject to the recommended conditions and Section 106 provisions specified at paragraph 7.1.1 above.

10.3.2 To further reduce reliance on the private car the submitted Travel Plan includes the following measures:

- provision of shower and locker facilities to encourage cycle use for staff.
- provision of car club free trial provision for office occupiers
- appropriate secure storage for cyclists and motorcyclists.
- provision of public transport information.
- Arrangements for the monitoring and take-up of the Travel Plan measures, and revising the Travel Plan as necessary.
- Provision of a budget for the promotion of sustainable travel incentives in the event that travel plan targets are not met.

### 10.4 **Flood Risk**

10.4.1 The application site lies in Flood Risk Zone 3a (i). The proposed uses are classed as 'less vulnerable' in the case of office, retail and restaurant uses, and as 'more vulnerable' for the hotel use according to the flood risk vulnerability classification table set out in the NPPF technical guidance on flood risk. Therefore in accordance with the requirements set out in the NPPF (para 100) a flood risk sequential and exception tests have been submitted on behalf of the applicant and are considered acceptable. This demonstrates that no sequentially preferable sites within a lower flood risk are available to deliver this project on a site that is both within the Kirkstall Road Renaissance Area and the designated City Centre as defined by the UDPR (and therefore able to deliver a mix of non-residential town centre and employment uses). The exceptions test has been applied for the hotel element, and the site is considered sustainable given its location within an identified regeneration area, accessible to pedestrians and cyclists and close to public transport links, the site is previously developed land, and through the submission of an acceptable flood risk assessment, the proposal would adequately safeguard against potential flooding impact. The proposal is an appropriate use for the City Centre as identified in the

NPPF, and the site is within the specific Kirkstall Road Renaissance Area which identifies the potential to deliver the regeneration of the area through new development.

## 10.5 **Sustainability**

- 10.5.1 The scheme would achieve the standards set out in the adopted sustainable design and construction SPD Building for Tomorrow Today. The proposal would meet at least a BREEAM Excellent standard, and a planning condition to provide details of the verification of this will be applied. A minimum of 10% energy generation would be developed through on site low carbon energy sources. The scheme would also deliver at least a 20% reduction in carbon emissions over building regulations standards. As this scheme is in outline only, further details will follow regarding how this might be achieved.

## 10.6 **Wind**

- 10.6.1 The applicant has submitted a qualitative wind assessment in support of the proposal which states that the wind environment would be acceptable for all users in the vicinity of the building and that the building is unlikely to generate wind conditions that would cause distress to pedestrians, or result in a danger to high-sided or other road vehicles. The Council instructed an independent wind expert to review the report, and they have confirmed that the findings of the report are reasonable.

## 10.7 **Amenity**

- 10.7.1 The submitted drawings indicate that the Highland Pub is approximately 10m high to its ridge. At the eastern end of the application site the indicative application proposal would be sited 12m south from the Highland Pub, at a height of 29m. Approximately 2.5m from the eastern flank of the pub, the proposal would step back to 19.5m from the pub, and reduce in height to 18m so that the impact of the proposal on south facing windows of the pub is minimised. It is considered that this would be a significant improvement from the previous refused scheme, and that informally presented to Members in 2011. It is noted that there may be some loss of sunlight and outlook to the pub and its upper floor residential accommodation. However, on balance, this is considered acceptable when taking account of the regeneration and economic benefits of the proposal, and in the context of this particular City Centre location, where the spaces between buildings are generally more limited due to the historic former back-to-back housing street pattern and a number of large multi-storey buildings
- 10.7.2 The application building would be sited approximately 15m from the nearest part of the approved student housing scheme at the former RSPCA site, and in a City Centre environment this relationship is considered acceptable. The approved building at this adjoining site is L shaped, with longer building frontages to Abbey Street and Cavendish Street. The approved eastern building frontage to Bingley Street is approximately 14m long from its corner with Cavendish Street, at a height of 26.5m, with an increased total footpath width of 3m. The remainder of the Bingley Street frontage consists of a 1.2m retaining wall and ramp with a terrace garden above. In the context of the dense City Centre character that exists in this immediate area, this is considered on balance acceptable.
- 10.7.3 The proposal would include the continuation of a restaurant use at the site. The Council's Environmental Projection and Licensing teams have not highlighted any adverse amenity concerns from the current restaurant use. The following opening times are on balance considered appropriate in the context of the local City Centre character, and would be controlled by condition: 0700 hours to 0000 hours Monday

to Thursday, 0700 to 0100 Friday and Saturday, and 0800 to 2330 Sundays and Bank Holidays. Delivery times would be restricted to 0800-2200 Monday to Saturday with no deliveries on Sundays and Bank Holidays.

- 10.7.4 A condition would control the exact details of all external plant including kitchen odour and fume control and any necessary noise attenuation, in order to prevent noise and odour/fume nuisance during the day and at night from the use to nearby residential occupiers at the Highland Pub, The Tannery student flats, or at future as yet unbuilt residential uses at the cleared former RSPCA site and 84 Kirkstall Road. It is therefore considered that the proposal would not result significant adverse amenity issues, and the proposed use would be acceptable in the context of the mixed commercial and residential character of this part of the City Centre.

## 10.8 **Planning obligations**

- 10.8.1 A Section 106 Agreement would be signed in connection with the planning application, with the following obligations:

- Public transport contribution £80, 073
- Off-site highways works contribution £50, 000
- Car club trial provision £4000
- Travel plan monitoring fee in accordance with the Travel Plans SPD £3735
- Public access around the site
- Cooperation with local jobs and skills training initiatives. This would involve making reasonable endeavours to cooperate and work closely with Employment Leeds to develop an employment and training scheme to promote employment opportunities for local people in City and Hunslet and any adjoining Ward during the construction works, from the start of the tendering process and reasonable endeavours would also be made to agree a method statement with the future occupiers to identify employment and training opportunities, to provide every six months details of recruitment and retention of local people as employees and training of apprentices, and identify any vacancies on a monthly basis to Employment Leeds.
- Section 106 management fee £2250

- 10.8.2 As part of Central Government's move to streamlining the planning obligation process it has introduced the Community Infrastructure Levy Regulations 2010. This requires that all matters to be resolved by a Section 106 planning obligation have to pass 3 statutory tests. The relevant tests are set out in regulation 122 of the Regulations and are as follows:

'122(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.'

As listed above (and also in the 'recommendation' box at the beginning of this report), there are matters to be covered by a Section 106 agreement. These matters have been considered against the current tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

## 11.0 **CONCLUSION**

11.1 It is considered that the proposal would help enable the City to meet the emerging Leeds Core Strategy (Draft 2012) spatial vision, that by 2028, Leeds will have maintained and strengthened its position at the heart of the City Region and grown a strong diverse and successful urban economy, with skilled people and competitive businesses, which are sustainable, innovative, creative and entrepreneurial. The proposal would also promote new visitor facilities in a sustainable location in the City Centre, and make more efficient use of City Centre land. It is considered that the proposal would meet the urban design, sustainability, and highways and transportation aspirations of the UDPR, supplementary guidance within the Kirkstall Road Renaissance Area Planning Framework, and the National Planning Policy Framework. The application proposal is therefore recommended for approval in principle subject to the conditions and an appropriate and proportionate Section 106 package.

**Background Papers:**

Application file 13/01198/OT

**Appendix 1 Draft Conditions**

## Appendix 1 Draft Conditions

- 1) Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the development is commenced.
  - a. Layout
  - b. Scale
  - c. Access
  - d. Appearance
  - e. Landscaping

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

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

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

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

- 3) The development hereby permitted shall be carried out in accordance with the principles contained in the illustrative drawings and documents listed in the Plans Schedule. Any reserved matters applications shall not exceed the height and footprint extents, number of car parking spaces, and the level of hotel and/or office, retail and restaurant floorspace indicated on Loroc Architects Drawing nos. 1176/101 Revision D dated 25 October 2013, 1176/102 Revision F dated 25 October 2013, 1176/103 Revision D dated 25 October 2013, 1176/104 dated 14 May 2013, and Design Code Revision B dated 11 November 2013. For the avoidance of doubt and subject to the extent of building height and footprint indicated on the above plans, the accommodation floorspace hereby approved shall not exceed:

- a. 7330 square metres gross B1 office or C1 hotel and;
- b. 875 square metres gross A3 restaurant and;
- c. 200 square metres gross A1 or A2 retail.

For the avoidance of doubt and in the interests of proper planning and sustainable development, in accordance with the NPPF and the Development Plan.

- 4) Prior to the commencement of development, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of sustainable development and to enable the Local Planning Authority to acceptably discharge the conditions in a phased manner appropriate to the development and deliver the off-site highways works, in accordance with Leeds UDPR Policies GP5 and T2, and the NPPF.

- 5) No construction of external walling or roofing shall take place within a phase until details and samples of all external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority for that phase. 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 order to accord with Leeds UDP Review Policies GP5, BD2 and N13, and the NPPF.

- 6) Construction of external cladding and glazing shall not be commenced within a phase until a sample panel of all external facing materials and glazing types to be used has been approved in writing by the Local Planning Authority for that phase. The external cladding and glazing materials shall be constructed in strict accordance with the sample panel(s) which shall not be demolished prior to the completion of the phase of the development.

In the interests of visual amenity in order to accord with Leeds UDP Review Policies GP5, BD2 and N13, and the NPPF.

- 7) No building works shall be commenced within each phase until full 1 to 20 scale working drawing details of the following have been submitted to and approved in writing by the Local Planning Authority for that phase:
- a. soffit, roof line and eaves treatments
  - b. junctions between materials
  - c. each type of window bay proposed.
  - d. ground floor shopfronts and entrance points

The works shall be carried out in accordance with the details thereby approved.

In the interests of visual amenity and the character of the surrounding area, in order to accord with Leeds UDPR Policies GP5, BD2 and N13, and the NPPF.

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

In the interests of visual amenity in accordance with Leeds UDP Review Policies GP5, CC3 and LD1, and the NPPF.

- 9) No landscaping works shall take place within a phase until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority for that phase. Hard landscape works shall include:
- (a) proposed finished levels
  - (b) boundary details and means of enclosure,
  - (c) vehicle and pedestrian access and circulation areas,

- (d) hard surfacing areas,
- (e) minor artefacts, structures and lighting

Soft landscape works shall include

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

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, and the NPPF.

- 10) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for each phase shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of each phase of the 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, and the NPPF.

- 11) 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.

- 12) Prior to the occupation of each phase, a plan to identify bird nesting opportunities within that phase shall be submitted to and approved in writing by the Local Planning Authority. The agreed plan shall show the number and specification of the bird nesting features, where they will be located, and a timescale for implementation. The approved details shall be implemented within the timescales agreed and retained as such thereafter.

To enhance biodiversity in the area, in accordance with the NPPF.

- 13) Within each phase, the cafe/restaurant use hereby approved shall not commence until details of a sound insulation scheme designed to protect the amenity of nearby occupants from noise emitted from the premises has been submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall



not commence until the works have been completed, and the noise insulation scheme as may be approved shall be retained thereafter.

In the interests of residential amenity, in accordance with Leeds UDPR Policy GP5 and the NPPF.

- 14) Prior to the installation of any extract ventilation system or air conditioning plant, details of such systems shall be submitted to and approved in writing by the Local Planning Authority. Any external extract ventilation system/air conditioning plant shall be installed and maintained in accordance with the approved details. The system shall limit noise to a level at least 5dBA below the existing background noise level (L90) when measured at the nearest noise sensitive premises with the measurements and assessment made in accordance with BS4142:1997.

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

- 15) No A3 cafe/restaurant or C1 hotel use approved shall commence until details of measures to treat odour and fumes resulting from the use within that unit have been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be installed prior to the first occupation of the unit, and shall be retained in accordance with the approved details.

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

- 16) Prior to the occupation of each phase a scheme detailing the method of storage and disposal of litter and waste materials, including recycling facilities, shall be submitted to and approved in writing by the Local Planning Authority for that phase. The details shall include a description of the facilities to be provided including, where appropriate, lockable containers and details of how the recyclable materials will be collected from the site with timescales for collection. The approved scheme shall be implemented before the phase of 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 the NPPF and Leeds UDPR Policies GP5 and T2.

- 17) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development ) Order 1995 (or any order revoking or re-enacting that order with or without modification) planning permission shall be obtained before any change of use of any of A3 restaurant/café hereby approved, to any use within use class A1 retail as defined in the Town & Country Planning (Use Classes Amendment) Order 2005 (or any order revoking or re-enacting that order with or without modification).

In order that the Local Planning Authority can retain control over uses which it considers could be harmful to the character and the viability of the City Centre Prime Shopping Quarter, in accordance with the NPPF, and Leeds UDPR Policies S1, S2 and CC21.

- 18) The hours of opening of the A3 cafe/restaurant premises shall be restricted to 0700 hours to 0000 hours Monday to Thursday, 0700 to 0100 Friday and Saturday, and 0800 to 2330 Sundays and Bank Holidays.

In the interests of residential amenity, in accordance with Leeds UDP Review 2006 Policy GP5 and the NPPF.

- 19) The hours of delivery to and from the premises shall be restricted to 0800 hours to 2000 hours Monday to Saturday and with no deliveries on Sundays and Bank Holidays.

In the interests of residential amenity, in accordance with Leeds UDP Review 2006 Policy GP5 and the NPPF.

- 20) Development shall not commence within a phase until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority for that phase and:

(a) Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development within a phase shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority for that phase,

(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 within that phase until a Remediation Statement demonstrating how the phase 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.

- 21) 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.

- 22) 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.

- 23) Development within a phase shall not commence until a scheme detailing foul and surface water drainage works for that phase has been submitted to and approved in writing by the Local Planning Authority. The phase shall be developed with separate

systems of foul and surface water drainage. The works shall be implemented in accordance with the approved scheme before the phase is brought into use.

To ensure sustainable drainage and flood prevention in accordance with Policies GP5 and N39A of the adopted Leeds UDPR, and the NPPF.

- 24) No piped discharge of surface water from any phase shall take place until works to provide a satisfactory outfall for surface water for that phase have been completed in accordance with details to be submitted to and approved by the local planning authority before development of that phase commences.

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading, in accordance with the NPPF and Leeds UDPR Policy GP5.

- 25) The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 07/06/13 and the following mitigation measures detailed within the FRA:

1. Surface water run off must be managed in accordance with the LCC '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 in the form of an evacuation plan.
3. Finished ground floor levels are set no lower than 31.09m above Ordnance Datum (AOD).
4. The basement and lower ground floor level must have access & egress points no lower than 31.09mAOD.

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 ensure safe access and egress from and to the site, to ensure the satisfactory storage of/disposal of surface water from the site, and to reduce the risk of flooding to the proposed development and future occupants in accordance with the NPPF and Leeds UDPR Policy N38B.

- 26) No works shall commence on site until a scheme for protecting the existing water main from the impact of the proposed tree planting scheme has been submitted to and approved by the Local Planning Authority. Furthermore, prior to the planting of any trees the approved scheme for protection of the water main shall have been implemented.

In order to protect the public water supply, in accordance with Leeds UDPR Policy GP5.

- 27) Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor.

In the interest of satisfactory drainage, in accordance with Leeds UDPR Policy GP5 and the NPPF.

- 28) Prior to the commencement of development, details of electric vehicle charging

points in the car park shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be provided in accordance with the approved details prior to first use of the car park, and retained as such thereafter.

In the interests of encouraging more sustainable forms of travel and to reduce the impact of development on air quality, in accordance with the NPPF, Leeds Natural Resources and Waste DPD 2013, and Leeds UDPR Policy GP5.

- 29) Prior to the occupation of any retail, office, cafe/restaurant or hotel within a phase hereby approved, details of shower facilities and lockers for staff for that phase shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details prior to occupation of that phase and retained as such thereafter.

In the interests of promoting walking, running and cycling as more sustainable means of travel to work, in accordance with the NPPF and Leeds UDPR Policies GP5, T2, and T2C.

- 30) Prior to the commencement of development of the first phase, full details of the highways works identified on approved Loroc Architects drawing no. 1176/111 dated 4 November 2013 shall be submitted to and approved in writing by the Local Planning Authority, including:

- a) Provision of dropped kerbs and tactile paving on local junctions.
- b) Provision of 2m wide footway to Bingley Street and Cavendish Street.
- c) Provision of Traffic Regulation Order measures around the site and local vicinity streets.
- d) Carriageway improvements including resurfacing of part of Cavendish Street.
- e) Taxi drop-off/pick-up bay including signage and markings as appropriate.

The above works should be implemented prior to first occupation of any part of the development.

In the interests of pedestrian and vehicular safety, in order to accord with the NPPF and Leeds UDPR Policy T2.

- 31) A car parking and servicing management scheme shall be submitted to and approved in writing by the Local Planning Authority before the occupation of each phase of the development hereby approved. Such scheme shall include for the layout, access control and management of the designated parking and servicing areas together with measures for controlling the parking of vehicles on any other parts of the site (other than the publicly adopted highway), which are not shown for vehicular parking in the approved plans. The development shall thereafter be operated in accordance with the approved scheme. Any variations from the agreed scheme which may occur from time to time shall be agreed in writing with the Local Planning Authority, and operated as such thereafter.

In the interests of sustainable development, and vehicular and pedestrian safety, in accordance with Leeds UDPR Policies GP5, T2, T24, T28 and Appendix 9A, and the NPPF.

- 32) Development shall not commence within a phase until details of car, cycle and

motorcycle parking, and associated facilities, have been submitted to and approved in writing by the Local Planning Authority for that phase. Details shall include the method of securing the cycles and their location, provision of showers and storage lockers. The approved car/cycle/motorcycle parking and facilities shall be provided prior to occupation of the relevant phase of development and 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 and T7B.

- 33) No phase of the development shall be occupied until all areas shown on the approved plans to be used by vehicles in 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 the NPPF, adopted Leeds UDP Review (2006) policy T2 and the Street Design Guide SPD (2009).

- 34) Prior to commencement of development of the first phase, details of the retaining structure for the proposed adopted footway on Bingley Street and Cavendish Street shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details and retained as such thereafter.

In the interests of safety, in accordance with Leeds UDPR Policies GP5 and T2, and the NPPF.

- 35) Prior to the commencement of development of each phase an updated Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority for that phase, which shall include a detailed scheme comprising (i) a pre-assessment using the BREEAM assessment method to BRE 'Excellent' Standard or equivalent for the proposed buildings and to the correct category in line with their use(s) (ii) an energy plan showing the final percentage of on-site energy that will be produced by Low and Zero Carbon (LZC) technologies, that it will meet the at least a 10% minimum target. This shall specify a carbon reduction target and energy plan for the development to reduce carbon emissions by at least 20% below Building Regulations, (iii) details of any green roofs and (iv) final proposed standards, lighting and materials to be used for the car park. The development of each phase shall be carried out in accordance with the details as approved above; and

(a) Within 3 months of 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 final assessment and energy plan and associated paper work 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.

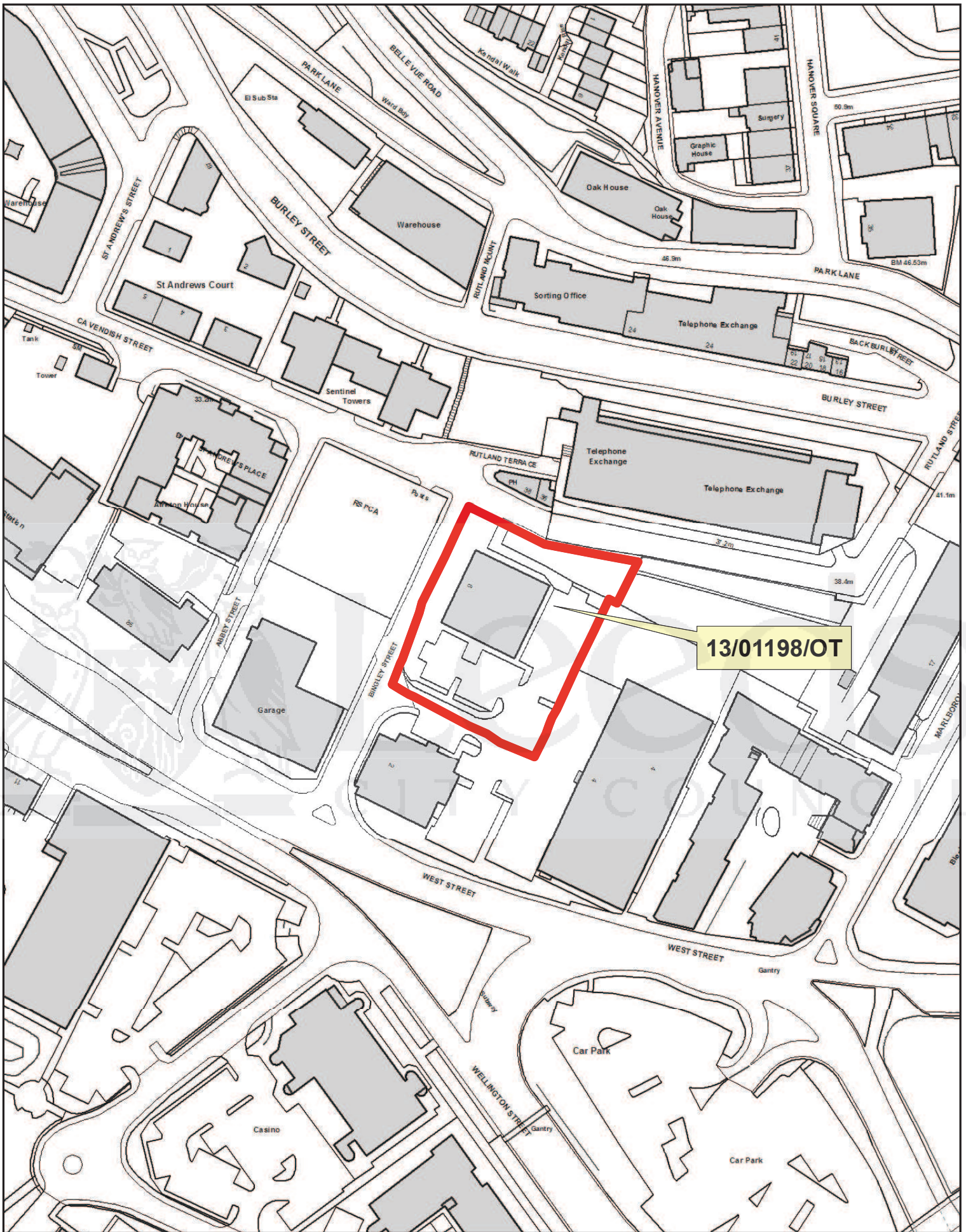
To ensure the adoption of appropriate sustainable design principles in accordance with Policies GP5, GP11 and GP12 of the Unitary Development Plan, the Leeds SPD Building for Tomorrow Today Sustainable Design and Construction, the draft Leeds Core Strategy, and the NPPF.

36) Prior to the commencement of works for a phase of development, a Statement of Construction Practice for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Statement of Construction Practice shall include full details of:

- a) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
- b) measures to control the emissions of dust and dirt during construction;
- c) location of site compound and plant equipment/storage;
- d) location of contractor and sub-contractor parking;
- e) how this Statement of Construction Practice will be made publicly available by the developer.

The approved details shall be implemented at the commencement of work on site, and shall thereafter be retained and employed until completion of works on site for that phase. The Statement of Construction Practice shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.

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



13/01198/OT

# CITY PLANS PANEL



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Originator: Martin Sellens  
Tel: 247 8172

## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 12<sup>TH</sup> DECEMBER 2013

**Subject: PLANNING APPLICATION 13/03998/FU – Laying out of traveller site, comprising 12 pitches, ancillary buildings, parking and landscaping, land to the west of Cottingley Springs, Gildersome**

APPLICANT	DATE VALID	TARGET DATE
Yorkshire Housing	6 <sup>th</sup> September 2013	6 <sup>th</sup> December 2013

**Electoral Wards Affected:**

**Farnley & Wortley  
Morley North**

Yes Ward Members consulted (referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: DEFER and REFER the application to the Secretary of State as a departure from the Development Plan with a recommendation that the application be approved subject to the following conditions and an agreement to pay £30,000 towards off site beck improvements given that it is considered that very special circumstances exist in this case which outweigh the harm caused by inappropriate development in the green belt and the other limited harm identified in the report. Should the Secretary of State not call in the application for determination Members are asked to delegate approval to the Chief Planning Officer.**

1. Time limit on implementation – 3 years
2. Development in accordance with approved plans
3. Approval of external materials
4. Laying out of access and parking areas to agreed levels and details
5. Implementation of agreed landscaping scheme
6. Long term management plan for landscaping to be agreed including replacement planting
7. Site investigation works to be carried out and agreed remediation works to deal with identifies contaminants and gas be done prior to occupation
8. Intrusive site investigation works recommended within Section 5.3 of the Phase 1 desk top study be undertaken prior to commencement of development. Should site investigations confirm the need for remedial works to treat any areas of shallow mine

workings and/or any other mitigation measures to ensure the safety and stability of the proposed development then these should also be undertaken prior to commencement of development

9. Works identified in approved Flood Risk Assessment to be fully carried out prior to occupation.
10. Details of flood evacuation plan to be approved and implemented
11. Surface water drainage works, including any measures to deal with springs and storage on site and to include run off rate to the beck to be submitted and approved and then implemented in accordance with approved details.
12. No building or other obstruction within 3 meters either side of the centre line of the sewer which crosses the site.
13. Full details of play area and bin storage for the site to be submitted, approved and implemented prior to occupation.

## **1.0 INTRODUCTION:**

- 1.1 Members received a position statement about the application at the Panel meeting on 24<sup>th</sup> October and also visited the site. The position statement set out the background and details of the application and the issues it raises. Members noted the report and commented at the meeting on the issues recognizing the difficult position the Council faces in relation to providing adequate pitches for travellers in the City.
- 1.2 The application is being brought now for determination by members and then referral to the Secretary of State. It is brought to City Plans Panel as it relates to a sensitive development proposal of a strategic nature for the city, contrary to development plan policy, and is subject to a considerable number of representations from residents and ward members.

## **2.0 PROPOSAL:**

- 2.1 The proposal consists of the provision of the 12 no. pitches together with 6 no. semi-detached amenity buildings, that provide on-site facilities for all twelve of the pitches. The pitches will be located either side of the six single storey amenity buildings, which are semi-detached to provide facilities for two pitches. The proposal will be an extension to the existing gypsy and traveller sites which adjoin the site to the east.
- 2.2 The amenity buildings are constructed in red brick under a pitched concrete tiled roof. Decorative banding is proposed at the eaves level to add subtle interest to the facades. Each building would provide semi-detached accommodation incorporating a kitchen/day room and bathroom/WC.
- 2.3 Access into the site is to be achieved via the current entrance to Site B at Cottingley Springs, off Gelderd Road. It is proposed to extend the existing cul-de-sac, through part of the disused play area, through open land to the south of the existing pitches, and to the north of the beck, and then into the open land to the west. A large turning head is to be provided at the western end of the proposed site. Visitor parking is to be provided in the form of lay-bys to the front of the pitches.
- 2.4 The southern part of the site is in Flood Zone 3 and originally parts of Plots 10, 11 and 12, the play area and part of the access road were all within the 1:100 year flood area. Since the October meeting and the receipt of the formal comments of

the Environment Agency the scheme has been formally revised to resite these plots. The 12 plots are now all north of the access road and outside Flood Zone 3 as is the proposed play area. A short section of the access road outside pitches 1 and 2 is partly covered by the 1:100 year flood level and the road is slightly lower also at this point. The revised plans have been accompanied by an indicative landscape scheme and visual appraisal and detailed cross sections. The layout does now include some space for planting to the northern and western boundaries adjoining existing fields as well as indicated planting in the area to the south of the access road between the road and the beck. There is a 5m wide planting strip to the western boundary and 3-4 m shown to the northern boundary which also includes a 1.8m fence and indicates a possible land drain in this area. The plans have been subject to re-consultation and people given further opportunity to comment. The cross sections indicate that the amenity blocks will be cut into existing levels by at least a meter across the site and the land to the north will be retained by a gabion retaining wall with a 1.8m high fence above it and planting to the 1.1m post and rail boundary fence to the field to the north.

- 2.5 Areas of private amenity space will be provided with each of the 12 pitches. This will comprise grassed areas and hard landscaping. It is also proposed to provide two play areas, one of which is a refurbishment of the existing play area, adjacent to the proposed access, and the second is a new play area to the south of the access road to serve the new pitches.

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

- 3.1 The proposed development is to be located to the west of the existing Cottingley Springs travellers sites, ( there are two existing traveller sites known as Sites A & B). Site A, which is located further to the east, has its own separate access off Gelderd Road, and has 20 pitches, and Site B, abutting the site has 21 pitches.
- 3.2 The application site is currently used as agricultural land and has an approximate 3 metre change in level in a north/south direction. The northern and western boundaries are delineated by post and rail fencing, whilst existing mature vegetation delineates the boundary to Site B to the east.
- 3.3 There is no demarcation to the southern site boundary, whilst to south lies Farnley Wood Beck. Between the beck and Gelderd Road lies existing mature trees ( either side of the beck), open land, and immediately abutting to the south is an existing farmstead, including house and agricultural buildings (104 Gelderd Road). A private right of way for this property passes through the site, in a north-south direction, and dissects the site at it's easterly end. The land to the south is at a higher level than the application site.
- 3.4 Approximately 140m west of the application site is a public right of way (Footpath 169/171), which runs in a north – south direction, and connects the A62 Gelderd Road in the south with A58 Whitehall Road in the north.
- 3.5 The site is in the Green Belt. Apart from the existing Cottingley Springs travellers and gypsy site, and an industrial area to the north east of Site A, the area is mainly open and rural in character.

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

- 4.1 13/03292/FU - Alterations and single storey extension to utilities block to provide bedroom for disabled person, 29 Cottingley Springs Caravan Site B – Approved September 2013.
- 4.2 Cottingley Springs Site A was constructed in 1987. Site B was constructed as 36 pitches in 1990, mainly for residents of a site which had recently closed down, and 20 families from roadside camps. Due to management problems in 1996/97, the site was reduced in 1998 from 36 pitches to its current size of 21 pitches.
- 4.3 10/00188/FU – Retrospective application for change of use to vacant land to caravan site at The Stables Block, Nepshaw Lane South, Gildersome granted permission on 31.03.10 subject to a condition restricting the number of caravans to a maximum of 3. The site was not in the Green Belt and close to the motorway and local services and supported by Morley Town Council due to the shortage of pitches in Leeds District.
- 4.4 Enforcement Notice quashed and appeal allowed on 24<sup>th</sup> May 2012 for stationing of caravans for human habitation on land north of The Bungalow, Ninevah Lane, Allerton Bywater subject to personal permission for temporary period of 3 years. The site is in the Green Belt.
- 4.5 Enforcement Notices quashed and appeals allowed on 13<sup>th</sup> August 2012 for stationing of twin unit residential caravan for the purpose of human habitation and detached building for toilet, bathing and cooking on land to the rear of Springfield Villas, Gildersome subject to personal permission for temporary period of 3 years. The site is in the Green Belt
- 4.6 In considering the two enforcement appeals mentioned above the Inspectors concluded there is manifest, substantial and pressing need for the provision of new gypsy and traveller pitches in Leeds. The mismatch between need and supply is high and there has been little prospect of this being addressed for some time. The lack of any realistic lawful alternative pitch which appellants can occupy either now or in the near future is seen by Inspectors as a significant factor and is particularly relevant when considering whether to grant a temporary planning permission.
- 4.7 12/04737/FU – user of vacant land for the stationing of caravans for occupation by gypsy-traveller site on land to the rear of Sandon Mount, Sandon Grove, Hunslet – the application involves one permanent mobile home and space for up to 3 temporary caravans on the site close to existing housing and a school. The application remains undetermined but has attracted substantial local objection from residents and ward members.
- 4.8 Appeal against refusal of 10 pitch gypsy travellers site at Castle Gate, Stanley in Wakefield adjacent to M62 and the boundary with Leeds considered at a Hearing on 25<sup>th</sup> September 2013. The application has been called in for a decision by the Secretary of State as it involves significant development in the Green Belt. A decision is awaited. At the Hearing it was clear that a number of families wishing to live on the site are currently in the Leeds area and at least two families have been on the waiting list for Cottingley Springs for some time.

- 4.9 In January 2011 a Council Scrutiny report was published with 12 recommendations to better meet the housing needs of gypsies and travellers and recommended that permanent pitch provision be developed for 12 Leeds roadside families who were invariably trespassing on public land in the city.
- 4.10 In September 2012 the Council's Executive Board approved the proposal to explore the possibility of expanding Cottingley Springs after an extensive site search on Council owned land across the city had not identified any alternative sites which could be developed in the short term.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Officers in the Council have given advice regarding sites involved in the site search and been involved at pre application stage prior to the submission of the application. Since the submission the red line has been extended to the west, the site layout and cross sections revised to deal with flooding issues and additional information submitted regarding contamination, and a visual appraisal has been undertaken and submitted with indicative landscaping around the site.

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

- 6.1 The application was advertised as Proposed Major Development which does not accord with the provisions of the Development Plan (i.e. it is a departure from Green Belt policy) by Site Notice dated 6<sup>th</sup> September 2013. In addition, the application was advertised in the Morley Advertiser on 18th September 2013. The revised details submitted in mid November have been subject to reconsultation.
- 6.2 As at 29<sup>th</sup> November a total of 744 standard letter of objection and 67 individual letters / comments objecting to the application had been received including representations from Morley North Councillors Finnigan and Gettings, Farnley & Wortley Councillor Ann Blackburn, Morley Town Council ( 3 comments), Gildersome Parish Council ( 2 comments), GATE, David Storrie Associates on behalf of local residents, Justice for Travellers, a petition signed by 7 residents of Site A and a petition signed by 11 residents of Site B at Cottingley Springs.
- 6.3 The standard letters object on the grounds that the site is in the green belt and there are not very special circumstances to justify approving it; it breaches Government and Council guidelines stating that developments should be on smaller brownfield sites close to local facilities and there is little support from travellers living at Cottingley Springs or their representative organisation. These grounds are reflective of many of the representations received.
- 6.4 Morley North Councillors. Councillor Finnigan and Councillor Gettings, object to the proposal on similar grounds and that the site generates significant levels of anti-social behaviour and criminality. Four residents have been sentenced to prison sentences over the last year for between 9 months and 9 years for offences including metal theft, fraud, burglary and robbery with violence. Other anti-social behaviour from site residents includes trespass, hare coursing and hunting with dogs. Various reports have been made of the theft of farming equipment. Expansion of this site will increase such problems and have a significant impact on local residents.

The alternative sites considered have had no independent analysis of their capacity to support a Travellers sites. Most of the alternative sites satisfy the NPPF, Central Government and Leeds City Council guidance on Travellers sites but have been rejected with incomplete and inaccurate analysis.

No visual impact study has been undertaken.

The proposed site is subject to flooding.

Most of the Travellers on Cottingley Springs oppose its expansion. Gildersome Parish Council, Morley Town Council and local Ward Members oppose the expansion for the reasons above.

Leeds City Council previously reduced the size of Cottingley Springs as the site was unmanageable. This will make the site larger than it was previously with similar problems with management.

The application should be forwarded to the Secretary of States for a final decision as it is a variation to the UDP.

- 6.5 Councillor Ann Blackburn considers the application flies in the face of Planning Policy for Traveller Sites (PPTS) and the emerging policy H7 of the Core Strategy as the site does not have reasonable access to public transport, health care, schools, shops and local services; the desk top study states the site has moderate ground contamination: part of the site is within Flood Zone 3 and is known to flood; green belt policies apply and the site will be seen from the public footpath to the west; and Site B was reduced from 36 pitches to 21 to make it more manageable in 1996/7 so to increase it by another 12 pitches is plainly ludicrous.
- 6.6 Gildersome Parish Council object to the proposal and reiterate their objection to the revised plan. They consider the proposal is contrary to Green Belt policy and consider the statement that there are no other suitable sites as highly questionable. It appears that this is a cheap and easy option, in an area which already has more than its share of travellers and gypsies. They consider the proposal will also infringe on the Human Rights of adjoining residents and landowners, due to increase in crime and anti-social behaviour and exacerbate existing flooding problems.
- 6.7 Morley Town Council reiterate many of the above grounds. In relation to revised plans and information they draw attention to the concerns of the Environment Agency; the 12 pitches are now smaller than others on Cottingley Springs and appear cramped with poor levels of amenity and the layout appears contrived and fails to face up to the inadequacy and unsuitability of the application site; concerns about the adequacy of the ground investigation report given that the site was previously a sewage works; that the site will be prominent in the green belt and that the Coal authority report confirms the site is within a development high risk area.
- 6.8 Leeds Gate (Leeds Gypsy and Traveller Exchange – A community members organisation whose aim is to improve quality of life for Gypsies and Travellers living in Leeds and West Yorkshire). GATE generally welcome new accommodation given the largely unmet Gypsy and Traveller accommodation needs. However the proposed extension alone would not meet existing or future needs. In detail they raise concerns about scale, access, contaminated land, flood risk and alternative sites;

- Given serious concerns about flood risk and land contamination it is vital that all guidance from the Environment Agency and any from the land contamination officer is taken on board and responded to with alterations to design, including the number of pitches proposed and route of the road access into the site, where necessary.
- The road access, particularly where that utilises the existing access into Cottingley Springs B site, is not adequate despite comparisons made to road access in the Leeds Street Design Guidance. This guidance is aimed at the bricks and mortar residential environment, and at no point makes reference to the specific highways requirements of Gypsy and Traveller sites. For instance, large vehicles transporting or towing mobile homes / caravans. The DCLG site design guidance should be referred to in this instance.
- Residents of B site already have significant concerns regarding traffic, difficulties of access for emergency vehicles, lack of secure pavements for pedestrians and lack of adequate parking areas, without the proposed extension.
- We recommend in the strongest possible terms that that road access to the site extension is significantly altered and use of the existing road into B site is restricted only to the immediate access off Gelderd Road.
- Given that the application is not compliant with the Core Strategy, particularly in respect of sustainability and access to local services, it is vital that those services mentioned, such as the school transport, are secured for the lifetime of the site.
- In work that the Council have done in bringing forward a policy it is clear from consultations that the extension of Cottingley Springs was not favoured and in terms of the type of site is the last option after consideration of brownfield and greenfield. The previous sites considered by the Council should be reassessed. GATE do welcome dialogue with planning officers and hope to be able to continue that to bring forward suitable alternative sites appropriate to need.

6.9 Justice for Travellers comments that whilst there is no doubt a need for further traveller sites in Leeds they object to the expansion of Cottingley Springs as it is the only site in Leeds owned by the Local authority and so the travelling community have no alternative location in which to live; the site is already larger than Council and Government guidelines and if expanded will make it the second largest site in the England; it is the opinion of many that the expansion will create friction amongst the travelling community and smaller sites are the preferred option; the expansion does not meet the guidelines due to size, green belt, prone to flooding, contaminated land , not well located near schools, shops, medical facilities and local amenities.

6.10 The comments made by objectors can be summarised and grouped under the following headings for clarity;

**Consultation with existing residents**

6.11 The site is obviously two sites as sites A & B are obviously segregated with two separate access points and amenities. Site B was consulted on 1 October and 19 June whilst site A consultation was held on 15 October and 20 June. If the site is one community why was there a requirement to hold four separate consultation meetings across the two sites? There are requests made by residents of site A and B that if planning is approved there should be three separate play areas across all sites. This further confirms that the sites are indeed segregated communities.

At the local resident/ direct neighbours consultation meeting on 24 July, the majority of attendees had not been formerly invited to attend, word of mouth had reached the wider community.

Wish to highlight the small number of play areas in the Gildersome village, around two. It also took a number of years of campaigning to eventually get the skate park next to Gildersome Library.

LCC made it quite clear at the last meeting that they would proceed with the application within 4 weeks of the meeting regardless of residents objections and views. The SCI states quite clearly that the residents of Cottingley Springs sites A & B, immediate neighbours and neighbours in the wider community of Gildersome and surrounding areas DO NOT want the new site.

### **Lack of suitable sites**

- 6.12 It feels as though the area of Gelderd Road in the immediate vicinity of the site has become a political planning dumping ground / no man's land for LCC as there are other issues with the AWM planning applications. We cannot believe that out of 65 LCC owned plots there were NO other suitable sites. Would there have been if Morley and Farnley/Wortley were Labour/Conservative wards?.

Private sites should be included in a robust search for sites.

There should be a full and independent assessment of alternative sites.

Sites have been dismissed due to 'encroachment'. Encroachment would happen at this site.

Consideration should be given to providing sites outside Leeds, as Leeds already has sufficient sites.

### **Green Belt**

- 6.13 The proposal is inappropriate, and harmful to the Green Belt.

Substantial visual impact from the public right of way, and Harthill, Gildersome, which are elevated from the site.

Adverse visual impact from Gelderd Road, as the site can be clearly seen from the A62 Gelderd Road, especially in the months when the nearest trees are not in leaf.

### **Sustainability**

- 6.14 This application breaches Central Government Guidelines that state Travellers Sites should be developed on brownfield sites and close to local facilities such as schools and health centres.

Local children already have problems obtaining places at first choice schools. Concerns have been raised by the LCC Childrens Services Department as local schools are indeed at full capacity. This point was raised at the consultation meetings but residents views were once again dismissed.

The overall site would be massive, well in excess of guidelines.

The site has previously had to be reduced in size due to high crime and management difficulties. This proposal reintroduces serious problems again.

The adjoining watercourse floods several times a year, and the site is not suitable due to flooding problems.

The proposal fails to comply with any of the guidelines in respect to size and location and access to schools, health centres and local amenities.

The proposal does not have the support from the existing Cottingley Springs residents, nor their representative organisation.

Not sustainable to close homes for the elderly, whilst spending over £1m on this proposal.

Not sustainable to provide separate play areas. One larger play area would be more effective expenditure and would encourage integration between different sites.



### **Anti-social behaviour/crime**

- 6.15 There is a high level of crime and anti-social behaviour from the existing sites, which the current proposal will exacerbate.  
Serious concerns that the site will not be able to be adequately policed, and that a large ghetto would be created.  
Very high levels of rubbish dumped in the watercourse by existing residents.

### **Road conditions**

- 6.16 Whitehall Road is already very busy and indeed has had the speed limit reduced recently so to encourage more traffic onto Whitehall Road would harm local road conditions.  
The existing Cottingley Springs residents pay little regard to highway safety.

### **Private matter**

- 6.17 No solution has been reached on how to deal with the private right of way which crosses the application site, and crosses the proposed vehicular access road into the site.

## **7.0 CONSULTATIONS RESPONSES:**

### STATUTORY

- 7.1 The Coal Authority – The application site falls within the defined Coal Mining Development High Risk Area. The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment and Coal Recovery Statement are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development and that the proposed development will not unnecessarily sterilise shallow coal deposits. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a suitable condition to ensure the intrusive investigation works recommended in Section 5.3 of the Phase 1 Desk Top Study Report be undertaken prior to the commencement of development.
- 7.2 Environment Agency – Formal response on 28<sup>th</sup> October following a site meeting on 21<sup>st</sup> October. Main areas of concern identified as pitches 9,10,11 and 12 and advised that development layout needs to be amended to take account of the actual flood risk to the site. Further thought also needs to be given to the springs that are known to surface on the site – this is not likely to be a point of objection by the EA but could impact on the success of the development.

Following receipt of revised plans and cross sections the EA have informally commented that the revised plan represents a significant improvement on the original proposals from a flood risk point of view. Main concern remaining is that part of the eastern section of the access road is shown to be at flood risk but this is a matter for the Local authority and if they are satisfied this can be suitably addressed by an evacuation plan then the EA would accept this. Formal comment awaited.

### NON-STATUTORY

- 7.3 Flood Risk Management – Surface water is to be discharged from site into Farnley wood Beck at the restricted rate of 5litres per second with suitable on site attenuation. Farnley wood Beck is a sensitive catchment area due to persistent flooding downstream of this site. A contribution of £30K is required towards future

improvement works to the beck to mitigate for additional surface water discharge and compensatory flood storage. There is shown on the revised layout a dip in the road for a short section within the 1:100 flood level with a road level of 69.5 and a 1:100 flood level of 69.7m. It is noted that the existing access nearer the entrance does drop to a lower level and is already compromised to an extent. Any impact on floodplain areas from the development can be compensated for on land to the south of the access road. Any springs on site will be dealt with via a land drain which will run to the watercourse. It is noted an evacuation plan will be developed and issued to all residents to ensure that they are fully aware of what steps need to be taken in a flood event. Do not object to the approval of the development subject to conditions and agreement to the payment of a contribution to off-site works of £30K.

7.4 Yorkshire Water - A 375mm diameter public combined sewer crosses the site. No building or other obstruction should be located within 3m either side of the centre line of the sewer. Suggest a planning condition and note that there is no capacity to accept any discharges of surface water from the proposal site which are going to the watercourse.

7.5 Highway Authority –

**ACCESSIBILITY :**

The arrangements for getting children from the existing site to schools is being clarified. It is understood that the L51 school service is the nearest dedicated bus to this site, which could be accessed at Branch End, but is some 1500m south of the site. There are bus stops on both sides of Gelderd Road in close proximity to the site access.

The nearest local services are in Gildersome approximately 30 minutes walk from the site, the nearest GP is also in Gildersome and further than the recommended maximum 20 minutes walk away.

A half hourly bus service between Huddersfield and Leeds operates on Gelderd Road in the peak hours and hourly outside of the peak hours. The services also link to Batley and Birstall, the bus stops are within a 5 minute walk of the site but the service is not as frequent as the 15 minute recommendation of the Core Strategy. A further 3 bus services are available on Beeston Ring Road approximately 23 minutes walk from the site which are all hourly.

Overall it is difficult to say that the site has reasonable access to public transport, healthcare, schools, shops and local services and does not meet the accessibility criteria set out in the emerging Core Strategy for residential development.

The site compares to the Council's emerging Core Strategy as set out in the table following:-

To Local Services	To Employment	To Primary Health	To Primary Education	To Secondary Education	To Town Centres/City Centre
<b>Accessibility Standards</b>					
Within a 10 minute walk	Within 5 min walk to a bus stop offering a 15 min service frequency to a major public transport interchange	Within a 20 min walk	Within a 20 min walk	Within a 30 min direct walk or 5 min walk to a bus stop offering a 15 min service frequency to a major public transport interchange	Within a 5 min walk of a bus stop offering a direct 15 min frequency service
Gildersome	229 and 219 half hourly in peaks	Finkle Lane Gildersome	Gildersome Primary School	Bruntcliffe School Morley	229 and 219 half hourly in peaks
2750m 32.7 mins	415m 4.9 mins	2800m 33.3 mins	2750m 32.7 mins	Walk 3700m 44 mins	Bus - 415m 4.9 mins

**VEHICULAR ACCESS:** The vehicular access onto Gelderd Road meets the required standard.

**INTERNAL LAYOUT / SERVICING / BINS:** The proposed refuse turning head is acceptable. All areas to be used by vehicles would need to be hard surfaced. If the road is to be adopted then changes will need to be made to the turning head, footpath and the levels. Conditions recommended

**ROAD SAFETY:** The proposal raises no specific road safety concerns

- 7.6 Environmental Protection Team - Having checked on our system there are very few complaints relating to public nuisance from the existing site apart from a number of complaints relating to the burning of rubbish within the sites. No objections subject to a condition to prevent burning of rubbish.
- 7.7 Waste Management - The revised road layout is such that if there are vehicles parked in and around the turning head the waste vehicles will not be able to access the site safely. Consider that the best way to collect refuse from this site would be to have bin stores at the entrance to the site. Crews have experienced varying forms of anti social behaviour from time to time on the two existing sites.
- 7.8 Education - Not a big enough proposal to ask for any contribution. There is a lack of space in the local schools in the area, both in terms of primary where nearly all at or near capacity and in South Leeds for secondary there is particular pressure for places with year 7 capacity projected to be exceeded by 2014.
- 7.9 West Yorkshire Police – Cottingley Springs is located in the Pudsey Neighbourhood Police Team and impacts upon the adjoining Morley Neighbourhood Police Team. West Yorkshire Police is comfortable with the proposal to expand Cottingley Springs and is wholly confident in its capacity to effectively police the site and the surrounding area.
- 7.10 Architectural Liaison Officer – has commented and made recommendations regarding the proposal to improve security of the site.

- 7.11 Contaminated Land Officer - Phase 1 Desk Top Study and Phase 2 Ground Investigation report considered with additional data from gas monitoring. Additional site investigation works are proposed for the site and remediation statement will be required to deal with contaminants identified. Conditions are suggested if recommending approval. Gas protection measures will be needed given that filter beds on this site and will need to test for metals. Considered to be a moderate ground contamination risk setting for human health and low to moderate for controlled waters.
- 7.12 Landscape Officer - agreed the extent of the visual assessment with the consultant. Overall conclusion is that there will be harm caused in relation to visual amenity which is likely to be limited given the nature of the landscape, its contained nature and setting and ensuring the proposed landscape treatment is effective. The main impact will be in the first few years -longer-term much will depend upon the quality of the proposed mitigating landscape provision, in design, implementation and longer term management. The photo montages submitted are a good attempt to reflect the benefits of the maturing soft landscape elements but the new build development will be visible and apparent, particularly in winter months

## 8.0 **PLANNING POLICIES:**

- 8.1 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan , unless material considerations indicate otherwise.

### Development Plan

- 8.2 The Development Plan for the area consists of the saved policies of the adopted Unitary Development Plan Review (2006), and the the Natural Resources and Waste DPD (2012). This is supplemented by relevant supplementary planning guidance and documents. he Local Plan ( Core Strategy and Site Allocations Plan) will eventually replace much of the UDP – the Core Strategy has been submitted to the Secretary of State and underwent Examination Hearings in October 2013. The Site Allocations Plan is at Issues and options stage having been through a period of public consultation in the summer of 2013.
- 8.3 Unitary Development Plan Review (adopted July 2006)

The site is within the Green Belt and so Green Belt policies apply. Relevant policies;

- Policy GP5: refers to development proposals should seek to avoid loss of amenity.
- Policy GP11: Sustainable Design Principles.
- Policy BD2: Siting and Design of New Buildings.
- Policy BD5: new buildings design consideration should be given to own amenity and surroundings
- Policy H16: City Council approach to provision of sites for travellers
- Policy N12: all development proposals should respect fundamental priorities for urban design.
- Policy N13: design of new buildings should be of high quality and have regard to character and appearance of surroundings.
- Policy T2: development should be capable of being served by highway network and not adding to or creating problems of safety.
- Policy T24: parking guidelines for new developments
- Policy N2: support given to establishment of a hierarchy of greenspaces
- Policy N4: provision of greenspace to ensure accessibility for residents of proposed development

- Policy N24: development to be assimilated into open areas
- Policy N25: Site boundaries should be designed in a positive manner.
- Policy N33: Overarching Green Belt policy which sets out appropriate development - inappropriate development will require to demonstrate very special circumstances
- Policy LD1: landscape schemes should meet specific criteria of good design.

## CORE STRATEGY

- 8.4 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination. The Examination Hearings took place in October 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.

- 8.5 The policy concerning accommodation for Gypsies, Travellers and Travelling Showpeople (Policy H7) was prepared during 2011 and agreed by Executive Board on 10th February 2011. It sets criteria to determine suitable sites.

Government guidance, published in March 2012 at the same time as the National Planning Policy Framework (NPPF), "Planning Policy for Traveller Sites", set out a requirement for locally set pitch targets rather than criteria. Without pitch targets Policy H7 is not compliant with national guidance and on this basis may not have been found sound at the Core Strategy Examination; potentially placing progression of the whole plan in jeopardy.

The Council therefore has prepared a Draft Gypsy and Traveller Pitch Requirement Study (2013) to support Policy H7.

On 4<sup>th</sup> September 2013, Executive Board approved the Leeds Gypsy and Traveller Pitch Requirement Study for the purposes of supporting the evidence base for Policy H7 of the Submission Core Strategy at Examination and this has now been submitted to the Inspector for consideration through the Examination.

- 8.6 The following 'Extract from Submission Version Core Strategy (April 2013)' - Accommodation for Gypsies, Travellers and Travelling Showpeople is relevant:

*"5.2.28 In planning for all sections of the community to have access to decent housing, there is a need to make appropriate provision for gypsies, travellers and travelling showpeople. According to government guidance Core Strategies should provide criteria for future Site Allocations DPD, to enable sufficient sites to be allocated to provide for identified need.*

*5.2.29 The West Yorkshire Gypsy and Traveller Accommodation Assessment 2008 (GTAA) provided an overall assessment of the long term requirement for Gypsies and Travellers (residential and transit sites) and Travelling Showpeople. The GTAA identified that there was an unmet need for residential pitches (not including pitches for transit sites and travelling showpeople) up to 2015.*

*5.2.30 Following consideration of the GTAA findings, relevant guidance, local circumstances and the analysis of immediate short/medium term priorities, the initial focus of the City Council has been to address the housing needs of the Leeds*

*based 'roadside' families, who have a housing need for 12 pitches in advance of producing future Site Allocations plans.*

*5.2.31 In order to determine an up to date level of local need for the plan period, the City Council will undertake further monitoring, evidence based work and through appropriate mechanisms establish requirements. In order to guide the identification of sites to meet these requirements, Policy H7 sets out site selection criteria to accommodate additional pitches through the Site Allocations DPD.*

*5.2.32 Consultation responses from representatives of the Gypsy and Travellers community have previously indicated a strong preference for sites to be of a small size suited to occupation by close family groups, and reasonably located for local facilities. Extension of the existing site at Cottingley Springs was not favoured. It may not be possible to identify sites without considering exceptional and limited alterations to the Green Belt Boundary. Any alterations to the Green Belt boundary will need to be considered as part of the Site Allocations DPD. Alternatives will be explored before Green Belt locations are considered."*

## **POLICY H7 : ACCOMMODATION FOR GYPSIES, TRAVELLERS AND TRAVELLING SHOW PEOPLE**

The City Council will identify suitable sites (of around no more than 15 pitches per site) to accommodate Gypsies, Travellers and Travelling Showpeople, through a Site Allocations DPD, subject to the following criteria:

- i) Sites must be located near major roads and have reasonable access to public transport, health care, schools, shops and local services (and should not be located on land that is deemed unsuitable for general housing such as land that is contaminated, adjacent to refuse sites, landfill sites, heavy industry or electricity pylons.),
- ii) Sites should avoid zones of high flood risk (zone 3 flood risk areas),
- iii) The following order of preference for categories of land should be followed: brownfield, greenfield and Green Belt,
- iv) Alterations to the Green Belt boundary to accommodate sites will only be considered in exceptional circumstances, to meet a specific identified need. In such circumstances and as part of the Site Allocations DPD, sites will be specifically allocated as a Gypsy, Traveller and Travelling Showpeople site only.
- v) Sites should avoid designated areas, including nature conservation sites and Special Landscape Areas and should not introduce unacceptable off-site impacts such as might occur from recreational pressures on such sites.

- 8.7 The Inspector who carried out the Examination Hearings into the Core Strategy wrote to the Council on 8<sup>th</sup> November on two matters , one of which concerned Gypsies and Travellers. Policy H7 as proposed to be amended included a target of 41 pitches for gypsies and travellers and updated evidence was submitted by the Council at the Examination Hearing. Whilst welcoming this proposal the Inspector considered that on its own the additional evidence did not provide a robust and reliable indicator of the full need for gypsy and traveller accommodation in Leeds. The Inspector considered this could be overcome by the production of a Gypsy and Traveller Accommodation Assessment (GTAA) and , depending on the results, the revision of Policy H7. There has been subsequent correspondence with the Inspector on this matter but for the plan to progress further work is being done on the evidence base in consultation with GATE prior to taking the conclusions and outcome back to Development Plan Panel and Executive Board in the early part of 2014. It is highly unlikely that the further assessment work will result in any reduction in the level of need for gypsy and traveller pitches. The short term need identified in the Core Strategy was not contested at the examination Hearing.

## 8.8 SUPPLEMENTARY PLANNING GUIDANCE:

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

- SPG4: Greenspace Relating to New Housing Development;

## 8.9 As well as the supplementary planning guidance documents that have been retained, the following new supplementary planning documents are relevant;

- Sustainable Design and Construction SPD (2011); and
- Greening The Built Edge
- Street Design Guide.

## NATIONAL PLANNING POLICY:

### 8.10 National Planning Policy Framework (NPPF) (March 2012)

Requiring good design

Promoting healthy communities

Protecting Green Belt land

Conserving and enhancing the natural environment

### 8.11 Planning Policy for Traveller Sites (PPTS) (March 2012)

This policy document should be read in conjunction with the NPPF. The policy areas relevant to this application are as follows;

8.11.1 Policy A: Using evidence to plan positively and manage development - local planning authorities should use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions.

8.11.2 Policy B: Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- a. promote peaceful and integrated co-existence between the site and the local community
- b. promote, in collaboration with commissioners of health services, access to appropriate health services
- c. ensure that children can attend school on a regular basis
- d. provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
- e. provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development
- f. avoid placing undue pressure on local infrastructure and services
- g. do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans
- h. reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.

- 8.11.3 Policy C: Sites in rural areas and the countryside - When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.
- 8.11.4 Policy E: Traveller sites in Green Belt - Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.
- 8.11.5 Policy H: Determining planning applications for traveller sites

Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- the existing level of local provision and need for sites
- the availability (or lack) of alternative accommodation for the applicants
- that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- that they should determine applications for sites from any travellers and not just those with local connections

Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

When considering applications, local planning authorities should attach weight to the following matters;

- effective use of previously developed (brownfield), untidy or derelict land
- sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

If a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.

Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including;

- limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise
- specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events)



- limiting the maximum number of days for which caravans might be permitted to stay on a transit site.

8.12 Also of relevance is a written Ministerial Statement by Local Government Minister Brandon Lewis on 1<sup>st</sup> July 2013 which states:

*“Our policy document, ‘Planning policy for Traveller sites’, was issued in March 2012. It makes clear that both temporary and permanent traveller sites are inappropriate development in the green belt and that planning decisions should protect green belt land from such inappropriate development.*

*As set out in that document and in March 2012’s ‘National Planning Policy Framework’, inappropriate development in the green belt should not be approved except in very special circumstances. Having considered recent planning decisions by councils and the Planning Inspectorate, it has become apparent that, in some cases, the green belt is not always being given the sufficient protection that was the explicit policy intent of ministers.*

*The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the ‘very special circumstances’ justifying inappropriate development in the green belt.*

*The Secretary of State wishes to give particular scrutiny to traveller site appeals in the green belt, so that he can consider the extent to which ‘Planning policy for Traveller sites’ is meeting this government’s clear policy intentions. To this end he is hereby revising the appeals recovery criteria issued on 30 June 2008 and will consider for recovery appeals involving traveller sites in the green belt.*

*For the avoidance of doubt, this does not mean that all such appeals will be recovered, but that the Secretary of State will likely recover a number of appeals in order to test the relevant policies at national level. The Secretary of State will apply this criteria for a period of 6 months, after which it will be reviewed. “*

8.13 As the current proposal is for a travellers site in the Green Belt and is a departure from the Development Plan it will be referred to the Secretary of State and in accordance with this Ministerial Statement there is a strong possibility it could be recovered for determination by the Secretary of State.

## **9.0 MAIN ISSUES AND APPRAISAL**

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Other material considerations include the National Planning Policy Framework ( and its Technical Guidance) and Planning Policy for Traveller Sites (PPTS) together with the Ministerial statement of 1<sup>st</sup> July 2013, the emerging Core Strategy and evidence base, the City Council’s approach to dealing with the immediate need and the demand/ need for sites and detailed development management matters relating to sustainability, highways, amenity, impact, flooding and landscape.

9.2 Policy H16 in the adopted UDP Review is the most pertinent policy in relation to travellers and sets out a commitment to search for suitable permanent, temporary stopping and transit sites for travellers and travelling showpeople and will encourage

suitable private sites to be advanced to provide a balanced distribution throughout the district to supplement existing provision in south west Leeds. Some criteria are advanced in the policy which are;

- Acceptable to the travellers community itself
- Within easy reach of community and other facilities
- In locations where the environment provides acceptable living conditions and where the development will not have unacceptable environmental consequences

Policy H16 states that sites for travellers will not normally be acceptable in the green belt.

9.3 Policy H16 is still relevant but needs to be read now in conjunction with the NPPF and the Planning Policy for Travellers Sites (PPTS) which were issued in March 2012 and emerging policy H7 which is subject to ongoing work and consideration by the Inspector at Examination.

## 9.2 **Green Belt considerations**

The site, whilst an extension to an existing travellers site, is in the designated Green belt in the Revised Draft UDP and the proposal is therefore inappropriate development by definition. Section 9 of the NPPF and the more recent written Ministerial Statement by Brendon Lewis make it clear that the Government attach great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open as the essential characteristic of Green Belts is their permanence and openness ( para 79 of NPPF). Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. ( para 87). Substantial weight should be given in decision making to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness , and any other harm, is clearly outweighed by other considerations (para 88).

The “Mole Valley” High Court decision in 2013 has confirmed the correct approach to be taken to applications for inappropriate development in the Green Belt. LPAs must ask 3 separate sequential questions when applying Green Belt policy;

- Is “*inappropriate development*” proposed?
- Do “*very special circumstances*” exist?
- Do such circumstances “*clearly outweigh*” the potential harm caused by the inappropriateness of the development and any other harm?

The first question is beyond doubt and straight forward. Inappropriate development is proposed. Members must therefore consider the issue of very special circumstances and come to a view in this case as to whether very special circumstances exist. If the answer to that is yes then the very special circumstances need to weighed and balanced against identified harm ( from inappropriateness and any other identified harm) to see whether the very special circumstances “clearly outweigh” the identified potential harm.

In reaching that judgment members should be aware that the written Ministerial statement of July 2013, which is a material consideration, makes it clear that the Secretary of State considers that the single issue of unmet demand is unlikely to outweigh the harm to the green belt and other harm to constitute “*very special circumstances*” justifying inappropriate development in the green belt.

Members should also be aware that in previous appeal cases regarding travellers sites the lack of availability of alternative sites has been confirmed as a factor which can amount to very special circumstances justifying what would otherwise be inappropriate development in the green belt.

### 9.3 The “ Very Special Circumstances” case

The applicants have put forward what they consider to be the ‘very special circumstances’ in this case and consider it can be demonstrated by taking into account the following matters;

- Identified unmet housing need relating to Gypsies and Travellers that can only be met through the provision of pitch based accommodation on sites with planning permission.
- The current absence of alternative sites, following an extensive city-wide assessment of potential sites, to meet this unmet housing need.
- The possible planning effects associated with unauthorised encampments which are likely to increase in the event that planning permission is not granted.
- The fact that government funding is currently available to deliver the proposed development; there is no guarantee that such funding will be available in the future and therefore there is a ‘window of opportunity’ to deliver these proposals.

Each of these are now set out in more detail;

**Unmet Housing Need** – In January 2011, a Council Scrutiny report was published setting out 12 recommendations to better meet the housing needs of Gypsies and Travellers, to promote better relations with the ‘settled’ community and to make best use of Council resources. The inquiry report recommended that permanent pitch based provision was developed for 12 ‘Leeds roadside families’ who invariably were trespassing on public land in the city. The expectation was that new provision would have to be established in the city given that the existing Cottingley Springs provision is fully occupied and turnover is low.

There are currently 19 households, on the Leeds City Council Housing Register, who the Council has accepted are statutorily homeless and the accompanying housing duty can only be met through pitch based provision. The 19 households are either living on the ‘the roadside’, ‘doubling up’ with family or friends at Cottingley Springs or living in ‘conventional housing’ that it is assessed they have a ‘cultural aversion’ to. New pitch provision at Cottingley Springs would be let to households with the highest level of reasonable preference’ (priority) and therefore 12 new pitches would significantly address the existing assessed unmet housing need.

The Council is currently assessing longer term pitch need, up to 2028, to be included in the Core Strategy. The existing statutory homeless applicants will need to be included in this assessment, along with Gypsies and Travellers who have made private planning applications and those that have not engaged through the housing or planning routes. Household growth relating to all these groups would also need to be factored in.

Paragraph 9 of the Planning Policy for Traveller Sites sets out an obligation on the part of planning authorities to ‘identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of sites against their locally set targets’: this is the figure to be included within the Core Strategy. The addition of 12

pitches at Cottingley Springs would significantly contribute to the Council's obligation to demonstrate a five year supply of sites.

**Absence of Alternative Sites** – In September 2012, the Council's Executive Board approved the proposal to explore the possibility of expanding Cottingley Springs after an extensive site assessment programme did not identify any alternative sites that were suitable and available for use as accommodation provision for Gypsies and Travellers.

The report to Executive Board sets out the process that was followed in the site assessment work. 224 Council owned sites were initially considered with 87 being shortlisted because they were available for immediate use or likely to be available within a one year period; the 137 discounted sites were deemed to be required for other Council purposes, tenanted/occupied or subject to disposal.

A desk top assessment was carried out on the 87 sites with 35 being considered as potentially suitable and available for use. Site visits were carried out on each of the 35 sites and a decision was made that none were suitable for use as Gypsy and Traveller accommodation.

The site assessment process assessed the suitability and availability of sites based on relevant and appropriate criteria - including planning criteria. The Council's Executive Board identified Cottingley Springs as its preferred site option for use as Gypsy and Traveller accommodation. If Cottingley Springs is not approved as an expanded site then there would be a need to carry out a further assessment of available sites to meet the housing need that would have been met through the expanded site. This process will inevitably be time consuming (it is likely to take many months to carry out) and the outcome is uncertain as no obvious alternative candidate sites were identified as the result of the 2012 site search exercise. In the meantime, the pressing need for site provision will not have been met and no inroads made into demonstrating a five year supply of sites

The lack of availability of alternative sites has been confirmed as a factor which can amount to very special circumstances. This often arises as an issue when Gypsies or travellers occupy Green Belt sites without having first obtained planning permission. For example, in the South Staffordshire case <sup>1</sup> the High Court confirmed that a planning inspector had been entitled to conclude that there were very special circumstances justifying the grant of planning permission for a caravan occupied by a family on a Green Belt site where there were no existing gypsy and traveller sites available in the region; the local planning authority had failed to carry out any assessment of the need for such sites for many years; and there was no reasonable expectation that the need for sites would be met within a reasonable timescale.

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<sup>1</sup> R (on the application of SOUTH STAFFORDSHIRE DISTRICT COUNCIL) v (1) SECRETARY OF STATE FOR COMMUNITIES & LOCAL GOVERNMENT (2) PATRICK DUNNE [2008] EWHC 3362 (Admin)

**Impact of Unauthorised Encampments:** By way of background the number, and size, of encampments by year is set out below:

Year	Public	Private	Total	Number of Caravans
2012/13	35	11	46	293
2011/12	51	25	76	913
2010/11	53	34	87	1002
2009/10	39	33	72	614
2008/09	69	57	126	1164

It is important to stress that the reduction in number of encampments in 2012/13 is not a result of a reduction of Gypsies and Travellers in unmet housing need. Rather it was a result of the Council accepting two 'tolerated encampments' at Bath Road, Holbeck and Dolly Lane, Lincoln Green during the year. This shows the value of having 'settled' places for Gypsies and Travellers. A failure to provide further permanent/long-term provision would lead to an increase in unauthorised encampments.

The Council incurred costs of approximately £2,455,000 between 2003/04 and 2012/13 in dealing with unauthorised gypsy encampments. These costs are primarily made up of legal costs to recover possession and site clean-up. It does not include costs incurred by West Yorkshire police.

The cycle of unauthorised encampment and eviction does not address unmet housing need, creates frustration for local communities affected by encampments, fosters tension between Gypsies and Travellers and local communities and results in expenditure that could otherwise be used for other Council priorities.

It is believed that the expansion of Cottingley Springs would significantly reduce expenditure on dealing with unauthorised encampments. It is also estimated that an expanded site would generate additional rent income of £77,000 per year.

Whilst the matters set out above relating to the relative cost of dealing with unauthorised encampments are not material planning considerations, there are planning consequences associated with the likely increase in unauthorised encampments that could well result from a failure to grant planning permission. Unauthorised occupation can give rise to amenity problems – particularly as the development will not be regulated by conditions controlling issues such as screening, noise attenuation etc. These amenity problems can affect both residents and occupiers of premises in the area.

**Government Funding:** the Homes and Communities Agency (HCA) has approved grant funding of £1,074,000 to develop 12 pitches at Cottingley Springs. This funding commitment needs to be drawn down by the end of March 2015. If the proposal to expand Cottingley Springs is not approved then it is considered unlikely that the Council can identify an alternative site and submit a planning application before the funding release deadline. It is not known whether the government will make funding available for Gypsy and Traveller site development from April 2015.

#### 9.4 **Openness and Visual appearance**

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open as the essential characteristics of Green Belts is their

openness and permanence. Whilst this proposal will add a further 12 pitches to the existing 41 pitches on Sites A and B it will result in a further incursion into the green belt and result in a permanent loss of openness. The 5 purposes of Green Belt set out at paragraph 80 of the NPPF are:-

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.,

The proposal will result in further encroachment into the countryside. The development will give rise to a westwards incursion into the countryside to accommodate the 12 plots. The latest proposals will enable scope for buffer landscaping and planting to the northern and western boundaries of natural species with additional planting to give structure to the land to the south. The visual appraisal of the site considers the site is set in an area which is typical of the urban fringe landscape having a paddock like appearance, open in character and with no notable features of landscape quality. Officers agree with that assessment. Given the restricted views of the site from Gelderd Road and the contained landscape and its character it is considered there is limited harm to openness and that whilst the site will be seen from the public footpath and glimpses from Gelderd Road this will be filtered by landscaping, which will mature with time, and will be seen against the backdrop of the existing sites and the main urban area. The pitches and ancillary buildings are also proposed to be set into the hillside which will help to minimize impact although they are in a linear form. There will clearly be some impact but it will be limited but permanent. The landscaping will give a softer edge over time. On the loss of openness and impact on views across the site officers have concluded that the harm is limited.

## 9.5 Crime

There is a perception that Cottingley Springs creates and attracts a high level of crime. This is not borne out by crime statistics. In September 2013, there were 127 reported crimes in the mile radius surrounding Cottingley Springs. There is currently an unauthorised Gypsy and Traveller encampment at Dolly Lane, Lincoln Green. In September 2013, there were 1485 reported crimes in the mile radius surrounding Dolly Lane<sup>2</sup>.

In any event, whilst public fear and concerns about the possible effects of development can be material to planning decisions the Court of Appeal decision in the Smith case<sup>3</sup> is relevant to this issue. A planning inspector had refused permission for a gypsy caravan park and upheld enforcement notices. He concluded, amongst other things, that the needs of the residents on the site were outweighed by the serious harm that the use of the site as a gypsy caravan park would cause. The inspector took into account as a material consideration evidence of increased crime since the caravan park was set up and fears that such crime would continue. One of the appellant's arguments in the Court of Appeal was that the inspector had erred in relation to the issues about fear of crime.

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<sup>2</sup> Figures obtained from [www.police.net](http://www.police.net)

<sup>3</sup> N SMITH V (1) FIRST SECRETARY OF STATE (2) MID-BEDFORDSHIRE DISTRICT COUNCIL [2005] EWCA Civ 859

The Court of Appeal unanimously concluded that fear and concern had to have some reasonable basis and the object of that fear and concern had to be the use, in planning terms, of the land. In this case, the number of incidents of crime reported had diminished. Further, it was necessary in order to take those incidents into account to attribute them not merely to the individuals concerned but also to the use of the land. The Court was of the view that a caravan site was not akin to a polluting factory or a bail hostel, likely of its nature to produce difficulties for its neighbours. It could not be right to view the use of the land as a gypsy site as inherently creating the real concern that attached to an institution such as a bail hostel. The Court of Appeal went on to conclude that if the concern for the future rested not wholly on extrapolation from past events, but at least partly on assumptions not supported by evidence as to the characteristics of the future occupiers, then in accordance with the guidance contained in the West Midlands case<sup>4</sup> this could not be taken into account when determining the planning application.

Accordingly when it comes to the proposals to develop Cottingley Springs, to take into account public fear of crime based partly on assumptions about future occupiers is not appropriate – in other words it is not a material consideration to the determination of the planning application and should not feature in the planning balance.

## 9.6 Sustainability

It is recognised that the site is not in the most sustainable location in relation to services and facilities, located at the edge of the main urban area and will result in an enlargement of an already substantial site in the Green Belt. It is also clear both in relation to Central Government guidance and the City Council's own adopted policy and emerging policy that the proposal does not sit comfortably with the general approach that is advocated for approaching the location of travellers sites in terms of smaller sites in sustainable locations with Green Belt being the last resort.

## 9.7 Other Matters

With the revisions to the scheme there are now no technical objections to the development of the site – flood risk, access and contamination can all be adequately addressed and do not form reasons why the proposal should not be supported in principle subject to the detailed approval of matters which have been conditioned. The right of way is a private matter which will need to be resolved between the relevant parties.

## 9.8 The Planning Balance

Members recognized at the 24<sup>th</sup> Panel meeting the difficult position the Council faces in relation to meeting the needs of travellers in the city. The issue of bringing forward additional sites in the city as set out in adopted UDP policy H16 has seen little progress since the UDP was adopted in 2001 and the selective Review in 2006. Apart from small sites such as Nepshaw Lane in Gildersome other sites have not come forward or been approved. The Council did oppose development on two sites in the Green Belt at Springfield Villas at Gildersome and Ninevah Lane, Allerton Bywater for travelers but in both cases the Inspector granted temporary permission

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<sup>4</sup> West Midlands Probation Committee v SSE and Walsall MBC (1997) JPL 323.

on the basis that there was no alternative provision to move to and no progress had been made in providing additional pitches in the city.

Moving forwards the 5 year position and longer term need will need to be addressed through the Core Strategy and Site Allocations Plan. The Inspector through the Core Strategy Examination Hearing has requested that more work be done in relation to the evidence base for emerging policy H7 before the Plan can be found sound and this is likely to result in an increase in the level of identified need over and above the 41 pitches already identified. The short term need identified in the Core Strategy was not contested at the Examination Hearing. Through the Site Allocations work suitable sites will need to be identified to meet the need and the Council have set out criteria in terms of how this should be approached in policy H7 which is consistent with the PPFT and broadly consistent with the contents of policy H16 of the adopted UDP Review. It should be borne in mind that to meet that need it may be necessary, as with the need to meet the general housing needs of the city, to make a change to the green belt boundary to allocate it for housing – this would be consistent with national guidelines in the NPPF and PPFT recognizing that green belt boundaries should only be altered in exceptional circumstances but that specific need can be a reason for doing so through the plan-making process.

It is clear that there is an identified short term need for additional pitches for travellers which should be met urgently and that there are significant implications for the council and existing communities from illegal encampments if that need remains unmet. The proposal to layout an additional 12 pitches at Cottingley Springs follows an extensive site search on Council owned land for land which is suitable and available. The decision to make an application at Cottingley Springs was made by Executive Board in September 2012 as no other options remained at the time. Whilst it does not fit the criteria both nationally and locally for the choice of sites for travellers it will meet identified need in the short term and it can be delivered if permission is granted . There are ongoing consequences if the need is not met. Officers consider that given the process that has been followed, the urgency of the need and the consequences of not making any provision that very special circumstances have been demonstrated.

The proposal is inappropriate development in the green belt and harmful by definition. Substantial weight should be given to the harm from the development being inappropriate. To that should be added the limited harm identified from the impact on openness and visual appearance. Finally there is identified harm because the site has relatively poor sustainability credentials located at the edge of the urban area and not well located in relation to services and facilities and will consolidate an existing travellers site. Moderate weight is given to the harm identified to the sustainability issues.

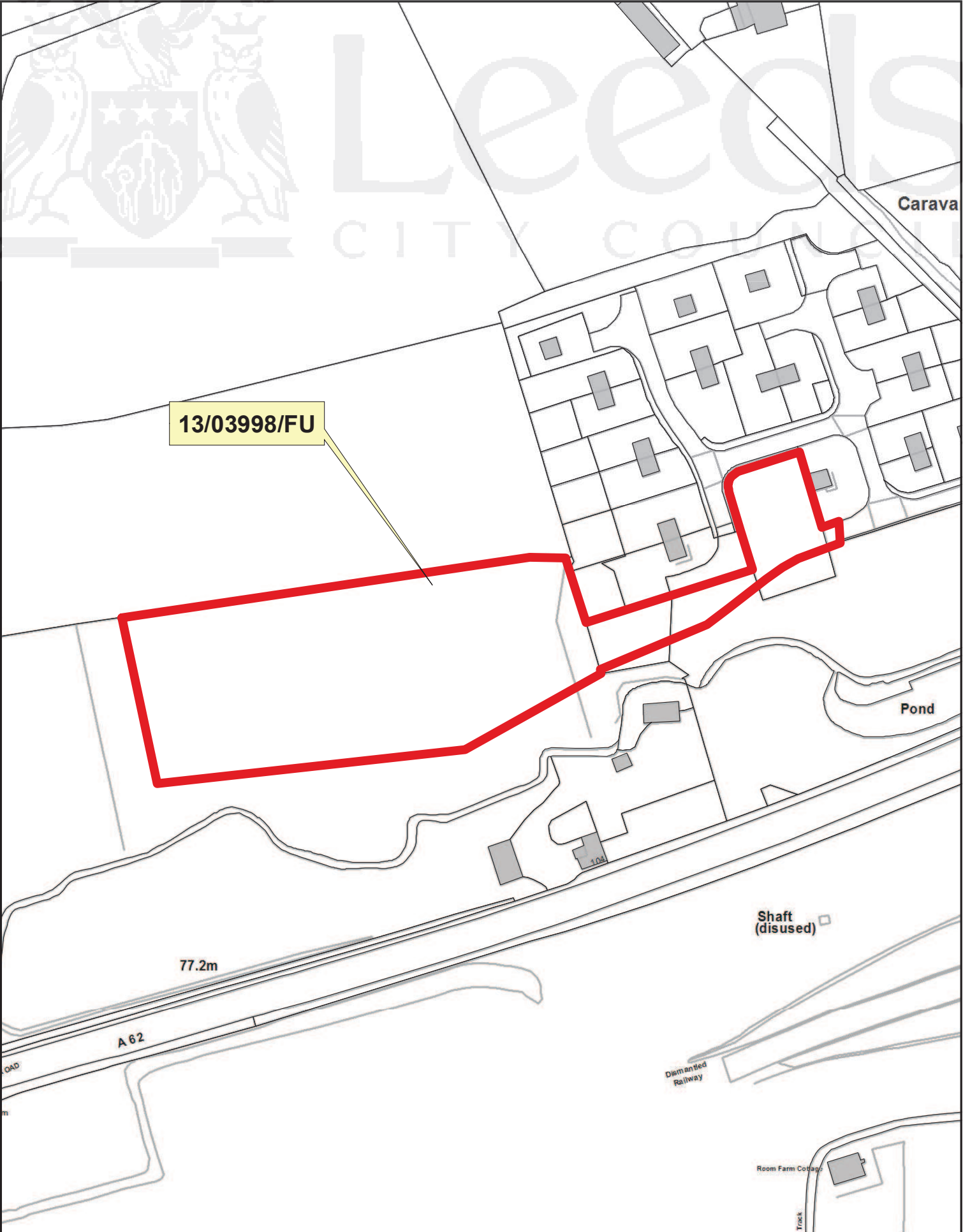
Officers overall however, recognizing the present situation, consider that the very special circumstances case put forward is strong enough to outweigh the harm identified and in the planning balance have given overriding weight to the identified need and the consequences of not making provision for the urgent short term need for both the city and existing communities. The final decision is likely to rest with the Secretary of State should members resolve to accept the officers recommendation as the application will need to be referred to him as a significant departure from the development plan.

## **10.0 Background Papers:**

Application file

Certificate of Ownership: Leeds City Council





# CITY PLANS PANEL



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Originator: Andrew Windress

Tel: 2478000

## Report of the Chief Planning Officer

### *CITY PLANS PANEL*

Date: 12<sup>th</sup> December 2013

**Subject: PRE-APPLICATION PREAPP/13/01175 – TWO RESIDENTIAL DEVELOPMENTS AT EAST AND WEST SCHOLES (UP TO 745 UNITS IN TOTAL)**

#### Electoral Wards Affected:

Harewood

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 Developer 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 two Protected Areas of Search (PAS) sites in Scholes. The developers, GMI and Barratt David Wilson Homes, propose up to 745 homes across the two sites plus some sheltered housing, a new school and 'village hub' containing chemists, GP surgery and a small retail unit. Up to 45 homes are provided on the 'West Scholes' site with all the other development on the 'East Scholes' site.

## 2.0 SITE AND SURROUNDINGS

2.1 West Scholes is a 2 hectare PAS site to the southwest of Scholes bounded by the disused railway line and Leeds Nature Area, Scholes Brickwork Pond, to the west, Wood Lane to the south and the Scholes (Elmet) Primary School (along with its Protected Playing Pitch) and existing residential development to the east.

2.2 East Scholes is a large PAS site of approximately 32 hectares to the immediate east of Scholes. Rakehill Road enters the site toward the north and the site bounds the existing cricket pitch (UDPR designated Greenspace), bowling green (UDPR designated Protected Playing Pitch) and tennis courts. The southern boundary of the site abuts the Scholes Conservation Area.

2.3 Both PAS sites are greenfield sites.

### **3.0 HISTORY OF NEGOTIATIONS**

3.1 Planning officers have had three meetings with the developer including one Ward Member presentation. Officers stressed it would not be appropriate to bring forward these PAS sites at this stage but that they should be promoted through the site allocations process.

3.2 The developer has also carried out public consultation in Scholes in May 2012 and September 2013. Separate meetings with the local MP, Ward Members, Parish Council plus other local groups and service providers have also taken place.

### **4.0 PLANNING POLICIES**

#### **4.1 Development Plan**

4.2 The development plan includes the adopted Leeds Unitary Development Plan Review 2006 (UDPR) which is supplement by relevant supplementary planning guidance and documents. The site is allocated within the UDP as a 'Protected Area of Search' (PAS). Policy N34 is specifically relevant which restricts development 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. Other policies which are relevant are as follows:

SA1: Secure the highest possible quality of environment.

GP5 all relevant planning considerations

GP7 planning obligations

GP11 sustainability

GP12 sustainability

H4: Residential development.

H11-H13: Affordable Housing.

N2: Greenspace

N4: Greenspace

N12: Relates to urban design and layout.

N13: New buildings should be of a high quality design and have regard to the character and appearance of their surroundings.

N23: Relates to incidental open space around new developments.

N24: Seeks the provision of landscape schemes where proposed development abuts the Green Belt or other open land.

N25: Seeks to ensure boundary treatment around sites is designed in a positive manner.

N26: Relates to landscaping around new development.

N35: Development will not be permitted if it conflicts with the interests of protecting the best and most versatile agricultural land.

N37A: Development within the countryside should have regard to the existing landscape character.

N38B: Relates to requirements for Flood Risk Assessments.

N39A: Relates to sustainable drainage systems.

N50: Seeks to protect, amongst other assets, Leeds Nature Areas.

N51: New development should wherever possible enhance existing wildlife habitats.

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

T2C: Requires major schemes to be accompanied by a Travel Plan.

T2D: Relates to developer contributions towards public transport accessibility.

T5: Relates to pedestrian and cycle provision.

T24: Parking guidelines.

BD2: The design of new buildings should enhance views, vistas and skylines.

BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings.

LD1: Relates to detailed guidance on landscape schemes.

4.3 The Development Plan also includes the 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.

#### 4.4 Relevant Supplementary Planning Guidance

4.5 Supplementary Planning Document: Street Design Guide.

Supplementary Planning Document: Public Transport Improvements and Developer Contributions.

Supplementary Planning Document: Travel Plans.

Supplementary Planning Document: Designing for Community Safety: A Residential Guide.

Supplementary Planning Guidance: Neighbourhoods for Living.

Supplementary Planning Guidance: Affordable Housing (Target of 15% affordable housing requirement).

Supplementary Planning Document: Sustainable Design and Construction "Building for Tomorrow, Today."

Supplementary Planning Guidance 4: Greenspace Relating to New Housing Development.

Supplementary Planning Guidance 11: Section 106 Contributions for School Provision.

Supplementary Planning Guidance 25: Greening the Built Edge.

#### 4.6 National Planning Guidance

4.7 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

#### 4.8 Emerging Policy

4.9 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 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and this examination has recently taken place.

4.10 As the Publication Draft Core Strategy has been examined some weight can 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 examination.

4.11 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.

- 4.12 Barwick-in-Elmet and Scholes Neighbourhood Development Plan
- 4.13 Barwick-in-Elmet and Scholes Parish has been designated a neighbourhood area and the Parish Council are currently preparing a neighbourhood plan.
- 4.14 Other Planning Policy – Interim PAS Policy
- 4.15 To support regeneration, economic growth and to help meet housing needs, the Council has been proactive in facilitating a range of actions to help stimulate the housing market. This has included the release of Phase 2 & 3 housing sites; the introduction of an interim affordable housing policy in order to help improve the viability of some sites; initiatives to bring forward City Council brownfield sites; an ambitious Core Strategy target; positive action to support Neighbourhood Planning and on-going dialogue with major housebuilders. An Executive Board report on 13<sup>th</sup> March 2013 set out additional recommendations to add to the range of these initiatives to support growth in suitable and sustainable locations prior to the progression of the Site Allocations DPD. As such, an interim policy has been introduced to assist in strengthening the supply of achievable housing land, pending the adoption of the Site Allocations DPD. As such, the new interim policy is as follows:

*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 in 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 and it should be noted that there may be other material planning considerations which justify a refusal of planning. Permissions should also be conditioned to be commenced within 2 years of the date of permission.*

- 4.16 The interim policy is subject to a challenge in the High Court but pending the outcome of the hearing it can be regarded as a material consideration albeit that it is not part of the development plan or an SPD and has not been subject to consultation.

## 5.0 PROPOSAL

- 5.1 Up to 45 houses are proposed on the West Scholes site with an access taken via Morwick Grove adjacent to the existing school.
- 5.2 Up to 700 houses are proposed on the East Scholes site including 30 units of extra care residential accommodation and elderly bungalow accommodation along with circa 4 hectares of publicly accessible open space. The application also proposes a new 'Village Hub' within the centre of the application site to include a new primary school, GP surgery, dispensing chemist and small scale retail provision. Means of access is proposed via the existing Rakehill Road junction at the centre of the site and via a new dedicated junction on Main Street to the south. Storey heights range from single storey to a maximum three storeys for both residential and commercial elements, with the higher storeys focused near to the village hub within the centre of the site.
- 5.3 Both applications will provide the required 15% affordable housing either on site or via the equivalent financial contribution.

## 6.0 ISSUES

- 6.1 Scholes is defined as a 'Smaller Settlement' therefore the release of these PAS sites would not comply with the Interim PAS policy that only permits the release of PAS sites within the Main Urban Area and Major Settlements. In addition, the 32 hectare East Scholes site is significantly greater than the 10 hectare limit identified in the interim policy. The developer has been made aware of this and has been informed the sites should be progressed through the Site Allocation Development Plan Document. The 2 hectare West Scholes site proposed to be developed for up to 45 houses would clearly have less impact on Scholes and may therefore appear less problematic. However, there are other small PAS sites in Leeds such as Boston Spa, Clifford and Linton therefore any relaxation of the policy for a smaller PAS site in this instance could have significant implications on the application of the interim PAS policy elsewhere in the city.
- 6.2 Do Members agree that the release of these PAS sites is premature and should be progressed through the Site Allocations DPD?**
- 6.3 Whereas the principle of development has not been supported by officers, the developers have maintained their intention to submit two outline applications therefore officers still request Members' feedback on other planning issues outlined below.
- 6.4 Development of this scale will clearly have a significant impact on the roads within Scholes and the wider highway network of East Leeds. Members will also be aware of other major developments in East Leeds and the proposal for the new East Leeds Orbital Road (ELOR). Highways officers have stressed the need for the developer to fully examine the highways implications taking into account these other developments.
- 6.5 The current masterplan for the East Scholes site includes vehicular access points from Rakehill Road and Main Street. This results in up to 700 dwellings being accessed by just two access points. The provision of just access points for such a large number of dwellings raises both highways and urban design concerns and the developers have been asked to incorporate additional access points.

**6.6 Do Members have any views on the highways implications of the proposed developments?**

6.7 The East Scholes application includes the provision of a new one form entry primary school in addition to the existing primary school in Scholes. However, other options are still being considered including an extension to the existing school, provision of a new two form entry school at the East Scholes site with the existing school being redeveloped for housing or public open space, or a financial contribution.

**6.8 Do Members have any views on the education provision currently under consideration by the developers?**

6.9 The East Scholes site includes 4 hectares of public open space provided in a number of different locations.

**6.10 Do Members have any views on the location of the proposed public open space?**

6.11 Station Road and Main Street provide the main amenities within Scholes including a convenience store, library, doctors, dentist and a pub. The East Scholes proposals include a commercial centre adjacent to the proposed school and largest area of public open space. The commercial centre includes a doctor's surgery, dispensing chemist and small retail unit.

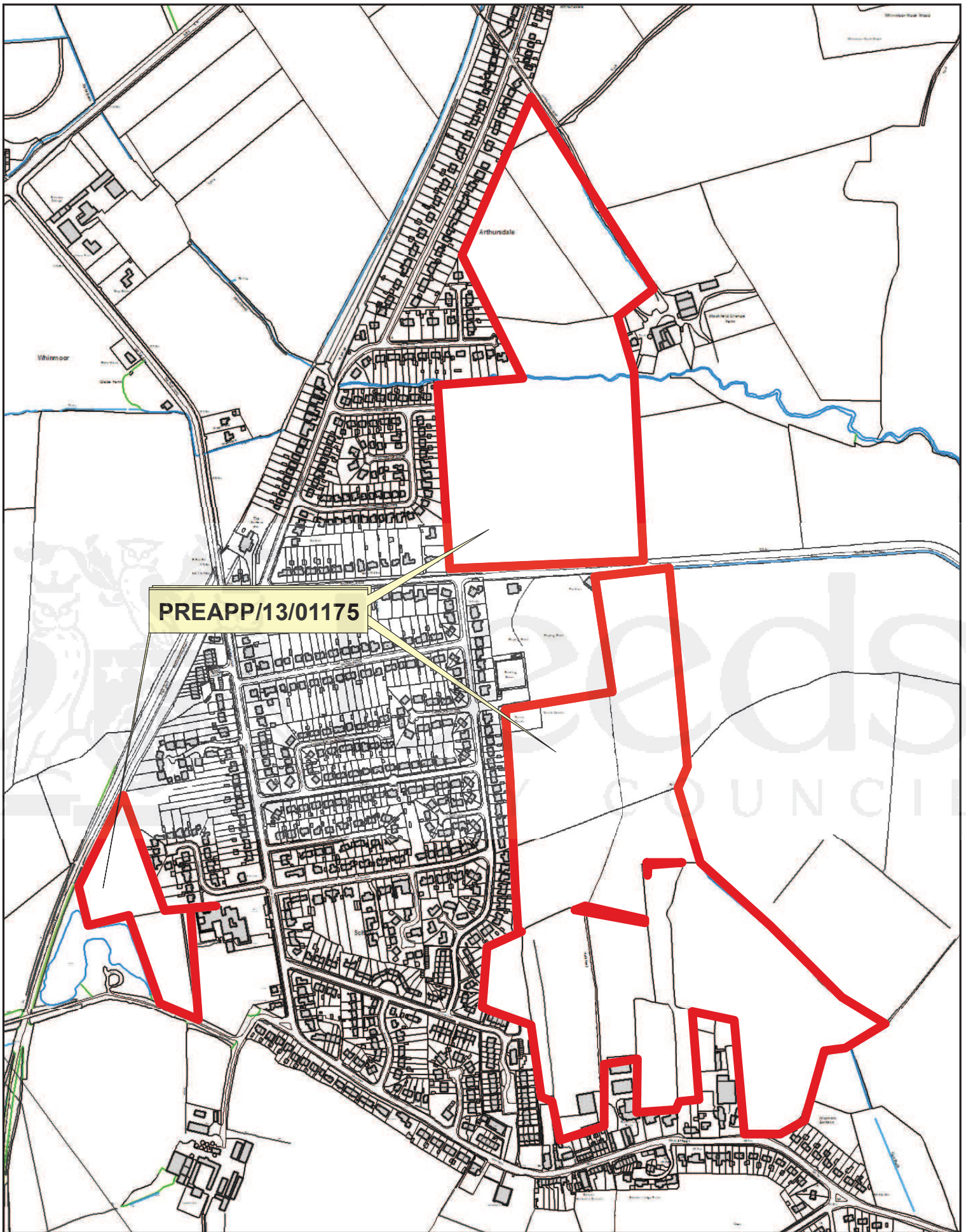
**6.12 Do Members have any views on the location and content of the proposed commercial centre within the East Scholes site?**

**7.0 CONCLUSION**

7.1 Members are requested to consider the content of this report and the presentation provided by the developer and provide comment as appropriate and in response to the following questions:

- i. **Do Members agree that the release of these PAS sites is premature and should be progressed through the Site Allocations DPD?**
- ii. **Do Members have any views on the highways implications of the proposed developments?**
- iii. **Do Members have any views on the education provision under consideration by the developers?**
- iv. **Do Members have any views on the location of the proposed public open space?**
- v. **Do Members have any views on the location and content of the proposed commercial centre within the East Scholes site?**
- vi. **Are there any other comments that Members wish to make?**





# CITY PLANS PANEL



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**Leeds**  
CITY COUNCIL

Originator: Sarah McMahon

Tel: 2478171

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## Report of the Chief Planning Officer

### *CITY PLANS PANEL*

Date: 12 DECEMBER 2013

Subject: PREAPP/11/00700 – New and replacement offices with 3 new retail units at Merrion House, Merrion Way, Leeds, LS2 8ET.

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#### Electoral Wards Affected:

City & Hunslet

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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#### RECOMMENDATION:

For Members to note the content of the report and presentation and to provide any comments on the proposals.

#### 1.0 INTRODUCTION:

1.1 The Developers have requested to present this scheme for the redevelopment of the existing offices at Merrion House to Members for their consideration and comments. The scheme is brought before Members by Town Centre Securities as the Developers and is to create flexible office and frontline accommodation for Leeds City Council, in accordance with the Council's long term strategic aspirations for staff work space.

#### 2.0 PROPOSAL:

2.1 The proposal is for new and replacement offices, with a ground floor and mezzanine 'one stop' reception area, and new retail units. The proposal aims to create some 14,493 sq metres of flexible office accommodation by the stripping back, refurbishment and extension of the existing 10 storey Merrion House. In addition, a new extension of some 6 storeys is proposed to infill the sunken courtyard to the north of the existing Merrion House and at ground floor level 3 double height retail units are proposed to face onto Merrion Way.

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

- 3.1 The application site is part of the Merrion Shopping Centre, which is a 1960s group of structures housing a series of high and medium rise blocks set above a two storey plinth housing retail units. The Merrion Centre is sited within the Prime Shopping Quarter as defined by Leeds Unitary Development Plan. The Centre is close to but outside of the boundary of the City Centre Conservation Area, which runs along the middle of Woodhouse Lane.
- 3.2 The areas of the Centre affected by the proposal are the existing Merrion House office blocks fronting onto Merrion Way and the corner of Woodhouse Lane, as well as the sunken courtyard to the north of the offices and the ground floor "Georgian Mall" inside the shopping centre. The sunken courtyard is defined as existing public space and the Georgian Mall as existing pedestrian corridor in the Leeds Unitary Development Plan Review 2006.

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

- 4.1 The shopping centre has been subjected to a high number of alterations over its history, however the most substantial and relevant regenerative changes have been granted planning permission on the following applications;
- 4.2 11/03424/FU - Alterations and extensions involving change of use to provide retail stores, restaurants, bars, hot food takeaways, financial & professional services (A1, A2, A3, A4, A5 use classes), leisure use (D2 use class), including refurbishment & recladding of car park, new substation, tenant plant area, public realm works and associated facilities and infrastructure to shopping centre on 15 June 2012.
- 4.3 11/01374/FU - Alterations to the frontages, a change of use of the existing restaurant (Class A3) to restaurant and/or take away (Class A3/A5) and betting office (Class A2), including a new entrance to the Wade Lane Mall on 27 May 2011.
- 4.4 06/07519/FU - Refurbishment involving recladding and 6th floor extension to offices; new frontages to front and side elevations of night club and new shop frontage to shopping centre. Amendments to previous application 06/05886/FU granted planning approval on 02 February 2007.

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

- 5.1 The proposal has been subject to detailed preapplication discussions with Officers to consider the proposed uses, the design and materials, scale and massing, the loss of the defined public space in the sunken courtyard, key views, pedestrian routes and connectivity and the sustainability credentials of the proposal.
- 5.2 Ward Members were consulted by the Case Officer on 30 July 2013. Councillor Nash responded on 2 August 2013 stating that she would consider the scheme when it was presented at Plans Panel.

### **6.0 POLICY BACKGROUND:**

- 6.1 **National Planning Policy Framework (NPPF)**  
The National Planning Policy Framework 2012 (NPPF) was adopted in March 2012 and sets out the Government's planning policies and how they expect them to be

applied. This national planning policy document is likely to be of relevance in considering the schemes proposed progression. The NPPF advocates a presumption in favour of sustainable development, and a “centres first” approach to main town centre uses such as retail. The document also promotes economic growth in order to create jobs and prosperity. This new high quality, mixed use, retail led, quarter 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 (please see section 6.6 below).

## 6.2 Development Plan

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

The UDPR includes policies requiring that matters such as good urban design principles, sustainability, flood risk, highways and transportation issues, public realm, landscaping, and access for all are addressed through the planning application process. The application site lies within the designated City Centre and parts of the site are defined as existing public space and existing pedestrian corridor protected by Policy CC11.

Other relevant policies include:

Policy A4 (Access for all)

Policy BD2 (Design and siting of new buildings)

Policy BD3 (Accessibility in new buildings)

Policy BD4 (All mechanical plant)

Policy BD5 (Amenity and new buildings)

Policy BD6 (All alterations and extensions)

Policy CC3 (Maintaining the identity and distinctive character of the city centre)

Policy CC7 (Redevelopment of City Centre tower blocks)

Policy CC8 (New buildings to respect the spatial character of existing buildings and streets outside the Prestige Development Areas)

Policy CC11 (Enhanced pedestrian corridors and upgraded streets)

Policy CC12 (New development and new public spaces relating and connecting to the existing street pattern)

Policy CC27 (Principal use quarters)

Policy GP11 (development must meet sustainable design principles)

Policy N12 (Urban building design)

Policy N13 (Design of all new buildings)

Policy N19 (New buildings and extensions within or adjacent to a conservation area)

Policy T2 (Transport infrastructure and new development)

### 6.4 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. Policies regarding coal recovery, drainage, and air quality will be relevant to this proposal.

**6.5 Relevant Supplementary Planning Guidance includes:**

SPD5 Public Transport Improvements and Developer Contributions

SPD Travel Plans

SPD Building for Tomorrow Today: Sustainable Design and Construction

City Centre Urban Design Strategy

**6.6 Emerging Policy**

6.7 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 the examination took place in October 2013.

6.8 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.

The most relevant policies include:

6.9 Spatial Policy 2: Hierarchy of Centres & Spatial Approach to Retailing, Offices, Intensive Leisure & Culture states that:

The Council will direct retailing, offices, intensive leisure and culture, and community development to the city centre and designated town and local centres in order to promote their vitality and viability as the focus for shopping, employment, leisure, culture, and community services.

6.10 Policy P10: Design states that:

New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.

New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.

Proposals will be supported where they accord with the following key principles;

(i) The size, scale and layout of the development is appropriate to its location and respects the character and quality of the external spaces and the wider locality,

(ii) The development protects the visual and general amenity of the area including useable space, privacy, noise, air quality and satisfactory penetration of daylight and sunlight,

(iii) The development protects and enhance the district's historic assets in particular existing natural site features, historically and locally important buildings, skylines and views,

(iv) Cycle, waste and recycling storage are integral to the development,

(v) The development creates a safe and secure environment that reduce the opportunities for crime without compromising community cohesion,

(vi) The development is accessible to all users.

- 6.11 Policy EN1: Climate Change – Carbon Dioxide Reduction states that; All developments of over 1,000 square metres of floorspace whether new-build or conversion, will be required to:
- (i) Reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate until 2016 when all development should Be zero carbon; and,
  - (ii) Provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.
- Carbon dioxide reductions achieved in meeting criteria (i) will contribute to meeting criteria (ii).

## **7.0 PROPOSALS:**

- 7.1 The proposal involves a number of different elements as follows:
- 7.2 The stripping back, refurbishment and re-elevation of the existing 10 storey Merrion House to provide modern, open plan office accommodation above a one stop centre. The new elevations would maximise the use of glazing in a strong regular stone framed pattern to both the north and south facing elevations, with the south possibly accommodating some photovoltaic panels. The exact rhythm of the frame patterning and the materials of the elevations are subject to further discussion between the Developer and Officers.
- 7.3 To the ground floor facing Merrion Way, 3 new double height retail units are proposed. The design of the overall elevations would be detailed to clearly define a top, middle and base to the building, with the depths of window recesses differing between these three elements, adding architectural interest.
- 7.4 These proposals would require the closer of the existing Georgian Mall, which is defined as existing public corridor in the Leeds Unitary Development Plan Review 2006.
- 7.5 Linked to the regenerated Merrion House, via a glazed atrium containing high level walkways, would be a new 6 storey building positioned in the existing sunken courtyard area. The façade of this new element would visually reference that of the larger refurbished blocks of Merrion House, in respect of its design, materials and appearance. Roof mounted plant enclosures are proposed to both the building and the 6 storey extension.
- 7.6 The sunken court is an area which is defined as existing public space in the Leeds Unitary Development Plan Review 2006. As such there will be a need to agree compensation in the vicinity for the loss of this designated open space. Officers are in discussions with the Developer about exact manner in which the compensation should come forward. One of the opportunities could be the infilling of the subway adjacent to the site and the associated enhancement of the public realm via appropriate surface treatments in this area at the junction of Claypit Lane and Woodhouse Lane.
- 7.7 Both of the linked parts of the overall scheme would allow the creation of a ground and mezzanine floor one stop centre beneath open plan office accommodation. Entrances to the one stop centre would principally be from Woodhouse Lane, with a second entrance off Merrion Way. The change in street levels from one side of the

site to the other mean that one of these entrances will be at lower ground floor level whilst the other will be at upper ground floor level.

- 7.8 Due to the floor space requirements of the one stop centre the extension will fill the entire area of the sunken courtyard up to the line of the existing boundary wall. This means that the existing pedestrian footpath to Claypit Lane to the side of this boundary wall would remain at its current width, which spans from approximately 2.2 metres to some 2.5 metres.
- 7.9 It is proposed to provide 72 staff cycle parking spaces in a back of house area at upper ground floor level, with showers and changing facilities being provided at lower ground floor level.
- 7.10 The aspiration is for the linked blocks to achieve BREEAM Excellent.

## **8.0 ISSUES:**

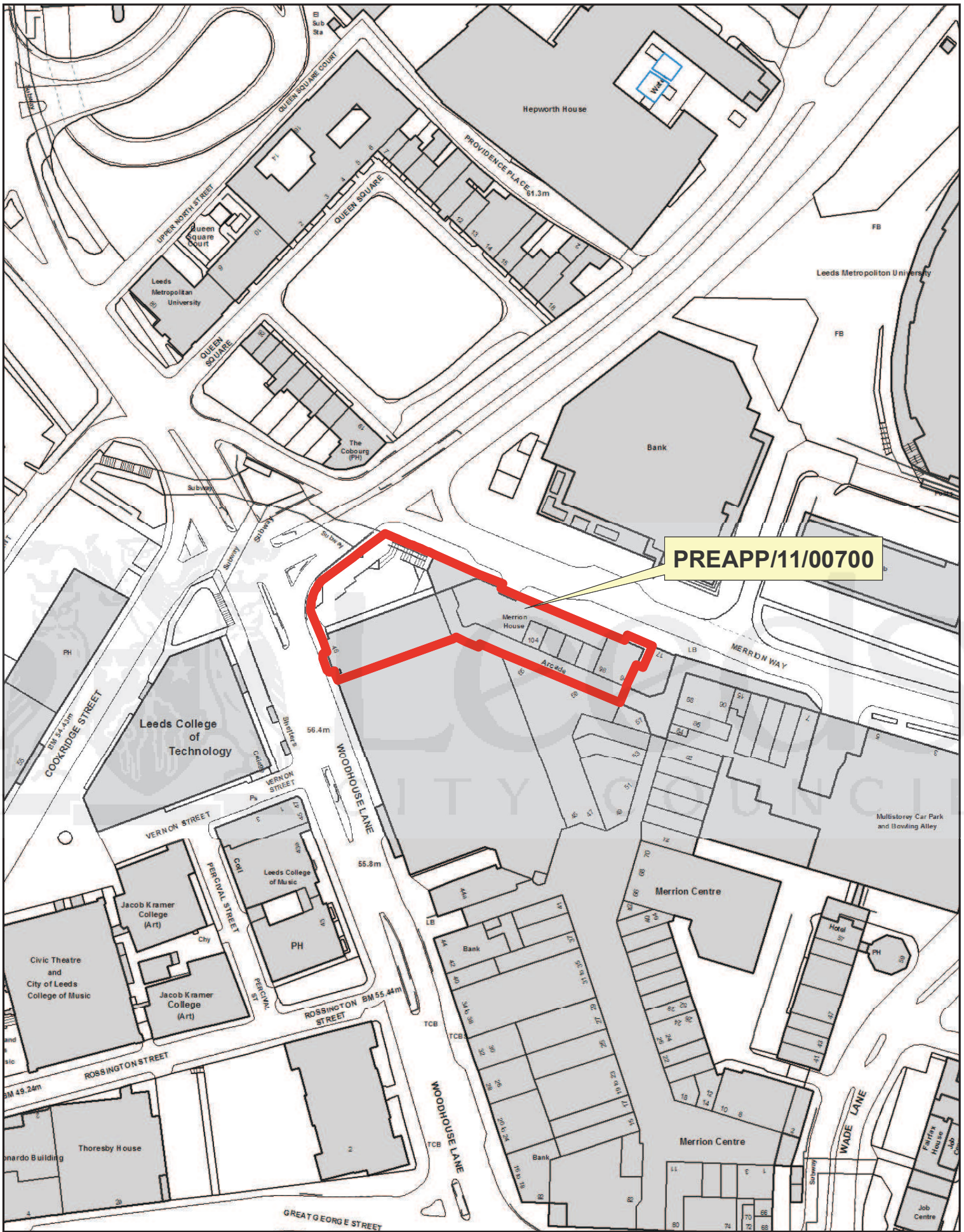
For clarity the above key issues Members are asked to consider and provide feedback are as follows:

- 1. What are Members' thoughts on the principal of the uses including the new retail units to Merrion Way?**
- 2. What are Members' thoughts on the design, massing and elevational treatment of the buildings?**
- 3 What are Members' thoughts on the loss of the defined existing public space in the sunken courtyard and the existing pedestrian corridor through the Georgian Mall and potential opportunities for mitigation?**

## **Background Papers:**

PREAPP/11/00700





# CITY PLANS PANEL

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