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## CITY PLANS PANEL

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Meeting to be held in Civic Hall, Leeds on  
Thursday, 20th March, 2014  
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 meetings held on 13<sup>th</sup> February 2014 and 27<sup>th</sup> February 2014</p> <p>(minutes attached)</p>	3 - 22
7	City and Hunslet		<p><b>APPLICATION 13/05506/FU - 29 WELLINGTON STREET LS1</b></p> <p>Further to minute 112 of the City Plans Panel meeting held on 21<sup>st</sup> November 2013, where Panel considered pre-application proposals for a mixed used development on the former Lumiere development site, to consider a further report of the Chief Planning Officer on the formal application for proposed office (B1) building with ancillary retail (A1), restaurant and café (A3) drinking establishments (A4) and Wellness Centre (D2) uses, with internal and external public open space, access, circulation and landscaping provision, including ancillary structures</p> <p>(report attached)</p>	23 - 46

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8	Burmantofts and Richmond Hill; City and Hunslet		<p><b>APPLICATION 13/02190/FU - BRIDGEWATER ROAD CROSS GREEN LS9</b></p> <p>Further to minute 94 of the City Plans Panel meeting held on 24<sup>th</sup> October 2013, where Members considered a position statement on proposals for the erection and installation of an Energy Recovery Facility (using Autoclave and Pyrolysis) and an Anaerobic Digestion Facility, an integrated education/visitor centre, provision of rail freight handling infrastructure and an new industrial link road access to the site via Knowsthorpe Gate, associated parking and landscaping, to consider a further report of the Chief Planning Officer on the formal application</p> <p>(report attached)</p>	47 - 88
9	Burmantofts and Richmond Hill		<p><b>PREAPP/14/00200 - LAND TO THE SOUTH OF PONTEFRACT LANE RICHMOND HILL - PRE-APPLICATION PRESENTATION</b></p> <p>To consider a report of the Chief Planning Officer on pre-application proposals for Park and Ride facility with other uses and to receive a presentation of the proposals on behalf of the developer</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>	89 - 98
10			<p><b>DATE AND TIME OF NEXT MEETINGS</b></p> <p>Thursday 10<sup>th</sup> April 2014 Thursday 8<sup>th</sup> May 2014</p>	

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Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

Use of Recordings by Third Parties– code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

To all Members of City Plans Panel

**Chief Executive's Department**  
Governance Services  
4<sup>th</sup> Floor West  
Civic Hall  
Leeds LS1 1UR

Contact: Angela M Bloor  
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Your reference:  
Our reference: site visits  
Date 11<sup>th</sup> March 2014

Dear Councillor

**SITE VISITS – CITY PLANS PANEL – THURSDAY 20<sup>TH</sup> MARCH 2014**

Prior to the meeting of City Plans Panel on Thursday 20<sup>th</sup> March 2014, the following site visits will take place:

9.35am		Depart Civic Hall
9.50am	Burmantofts and Richmond Hill Ward	Land to the south of Pontefract Lane Richmond Hill – Pre-application proposals for a Park and Ride facility with other uses – Depart 10.30am

The return journey will be via the Victoria Gate Phase 2 site for approximately 10.45am, to inspect sample material panels for the Victoria Gate Phase 1 works.

For those Members requiring transport, a minibus will leave the Civic Hall at **9.35am**. Please notify Daljit Singh (Tel: 247 8010) if you wish to take advantage of this and meet in the Ante Chamber at **9.30am**.

Yours sincerely

Angela M Bloor  
Governance Officer

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## CITY PLANS PANEL

THURSDAY, 13TH FEBRUARY, 2014

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

Councillors P Gruen, D Blackburn,  
M Hamilton, S Hamilton, G Latty,  
T Leadley, E Nash, N Walshaw, M Ingham,  
J Cummins, J Lewis and A Castle

### 140 Chair's opening remarks

The Chair welcomed everyone to the meeting  
In respect of agenda item 11, Application 13/05423/OT – Land off Bradford Road East Ardsley, the Chair stated that the report was being withdrawn from the agenda, to enable Officers to take full account of the Core Strategy Inspector's recently received letter and proposed modifications which may have a bearing on the proposals

### 141 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests, however in respect of application 13/00902/OT – Land at Owlars Farm Morley – Councillor Leadley brought to the Panel's attention his membership of Morley Town Council which had commented on the proposals (minute 145 refers)

### 142 Apologies for Absence

Apologies for absence were received from Councillor R Procter. The Chair welcomed Councillor Castle who was substituting for Councillor Procter

### 143 Minutes

**RESOLVED** – That the minutes of the City Plans Panel meeting held on 16<sup>th</sup> January 2014 be approved

### 144 Matters arising

With reference to minute 134 of the City Plans Panel meeting held on 16th January 2014, - Application 13/03998/FU – land to the west of Cottingley Springs LS27, reference was made to a recent decision made by the Secretary of State to refuse an application for traveller pitches on a Green Belt site at Castle Gate, Wakefield. The Chief Planning Officer stated that he

Draft minutes to be approved at the meeting  
to be held on Thursday, 27th February, 2014

was aware of the decision which had been made after the Cottingley Springs application had been considered by Panel, and that it was for the Secretary of State to decide what he would take into account when considering the application at Cottingley Springs

**145 Application 13/00902/OT - Outline application for residential development on land at Owlars Farm Wide Lane Morley LS27**

Further to minute 105 of the City Plans Panel meeting held on 21<sup>st</sup> November 2013, where Panel supported the application in principle and resolved to defer and delegate approval of an outline application for residential development subject to conditions, completion of a S106 Agreement and to satisfactorily resolve the access arrangements, Members considered a further report of the Chief Planning Officer

Plans and photographs were displayed at the meeting

The Head of Planning Services presented the report; outlined the proposed access arrangements and confirmed that the red line boundary of the site had been amended to include the adjacent 10m buffer strip

Details about the extent of the landfill which would be necessary and the gradients on the site were provided and proposed additional conditions set out in the report were highlighted to Members

Local Ward Members continued to have concerns about the proposals and an additional representation from Councillor Varley was read out to Members

The Chair advised that the application had been returned to Panel to consider the access arrangements and that the focus of debate should be limited to this matter

The Panel heard representations from Councillor Finnigan and the applicant's agent which included:

- the continued concerns of Ward Members about the access
- that further consultation and negotiation should take place with Ward Members
- the gradients proposed and whether these could be achieved
- the highway implications of the proposals, particularly on Wide Lane
- flooding issues
- the need for clear, strict planning conditions which would be enforced if breached
- that the applicant had attempted to meet the concerns of Ward Members
- that it was felt the proposed gradients could be achieved
- that any planning conditions imposed would be met

Members discussed the report and commented on the following matters:

- the gradients proposed and whether Highways Officers were satisfied these were appropriate. The Transport Development Services Manager stated that the gradients proposed were

within guidelines and that the 1:16 gradient would not cause a problem for vehicles

- the impact of the scheme on the residents at Bedale Court and that the proposed access arrangements were not the best solution
- concern that incorrect plans had initially been sent to Morley Town Council in error

The Panel considered how to proceed

**RESOLVED** - Having considered the additional information in relation to the access to the site to defer and delegate approval to the Chief Planning Officer in accordance with the resolution at City Plans Panel on 21<sup>st</sup> November 2013, subject to the specified conditions; the completion of a Section 106 Agreement and subject to the additional conditions set out in the submitted report

**146 Applications 13/03970/FU and 13/03971/LI - Planning and Listed Building consent for the change of use of offices, involving alterations and new second floor to annex to rear to form 5, two bedroom flats, 5 studios and 4 duplex apartments; one retail unit (A1) and one commercial unit (A1-A3) - 22 - 23 Blenheim Terrace LS2**

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

Officers presented a report which sought a change of use, alterations and extensions to 22-23 Blenheim Terrace, originally two detached houses dating from the 1830s which had been merged together

Several feature details would be reinstated as part of the scheme, these being the replacement of copings on the front boundary wall to match the originals; reinstatement of the doorway; reinstatement of chimney pots and reinstatement of the gate piers. A reduced amount of car parking to the front of the site would also improve the general setting. Internally, some of the sub-dividing walls would be reintroduced to reinstate the original floor plan

Members were informed that initially the proposals had been for 25 dwellings but this had been reduced to 14. In terms of room spaces, whilst some of these would benefit from being larger than proposed, on balance, Officers felt the scheme was acceptable

Members commented on the following matters:

- the outlook from the flats located at the rear of the property and the proximity of the nearby building on Marlborough Grove. Members were advised that some flats benefitted from a better outlook than others; that there was a distance of approximately 8m between the flats and adjacent property; that there were no minimum standards for space around dwellings for City Centre accommodation; that as a general rule, the width of Park Row, i.e. 15m was considered to be appropriate for facing windows, but due to the tighter context of this particular area and the orientation of the proposed windows to existing gable ends, a distance of 8m was felt to be acceptable

- the residential accommodation and who it would be aimed at. At the request of the Chair, the applicant's agent who was in attendance advised that the accommodation would be general, C3 use and would be likely to cater for young professionals; key workers and students
- the lack of symmetry at the front of the building. The possibility of reversing the steps could be considered but there was still a requirement for a platform lift for disabled access to the retail unit
- that the retail and commercial elements could be considered acceptable
- that much of the residential accommodation was cramped with the view being that too many units were being proposed for the site
- concerns about the accommodation being proposed in the roof space and whether there was sufficient height to enable this to be suitable
- the need for further details to be provided on the treatment to the rear of the property; that this was in a Conservation Area and this should be reflected in the proposals
- that there was a need for the Authority to review all of its Conservation Areas and the buildings within them
- the lack of signage to the commercial and retail unit and that any advertisements/signage would need to be carefully considered
- fire safety access of the whole building in view of the different uses proposed. Emergency escape routes were pointed out to Members and it was stressed that Building Regulations would need to be complied with
- the consistency of reports; the need for the work being undertaken with developers on standards to be completed and if a 'Leeds standard' was achieved in terms of size and quality, that this should be taken on board by Officers and developers

Members considered how to proceed

In terms of the restoration of elements of the building, this was welcomed. In respect of the proposed uses, in principle, these were felt to be acceptable. However, Members were of the view that the residential scheme as proposed could not be supported; that acceptable dimensions and space for all of the residential units had to be provided; that there were concerns about the size and standard of the proposed studio accommodation and the size and number of the proposed duplex flats in particular and that the design of the rear extension, whilst acceptable in principle should be considered further in light of Members' comments

**RESOLVED** - To defer determination of the application to enable Officers to negotiate further with the applicant to address the concerns raised by Members and that a further report be brought to Panel in due course

**147 Applications 13/04673/FU and 13/04674/LI - Change of use involving alterations of offices to form 3 self-contained flats (with shared cycle and refuse storage) - 11 Queen Square LS2**

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

Officers presented the report which sought permission for a change of use of a vacant, Listed Building at 11 Queen Square which was situated in a Conservation Area, to form a small residential development

Members were informed that the front elevation facing Queen Square would be mainly untouched apart from repairs to the existing render; the insertion of an additional window and the reinstatement of chimney pots. The rear of the property would benefit from improvements to the windows and gate together with the provision of roof lights to Conservation Area grade

In principle it was felt that the conversion to flats could be supported; the property was also in a highly sustainable location and would return the historic building to its original state, whilst retaining some of the original features

The receipt of two additional representations was reported. Members were informed that the Council's Private Rented Scheme had not objected to the application and that Councillor Nash had stated that whilst an improvement on an earlier scheme, the property would be suitable as a family house and there was minimal sound attenuation in the property

At this point Councillor Nash confirmed that she had commented on the application as a Ward Member and stated that she had an open mind in respect of the proposals

Members commented on the following matters:

- that the quality of the workmanship would be a key factor and the need for Conservation Officers to monitor the scheme
- the roof light to the ground floor bedroom to the rear flat with mixed views on the suitability of this as the main source of natural light
- the need to ensure any issues of overlooking were addressed
- the need for suitable sound attenuation measures throughout the building

The Chief Planning Officer noted that the chimney posts were missing and considered that their replacement should be controlled by condition

Members were informed that the University was in the process of disposing of many properties in Queen Square and that it was important to set a benchmark with this application

Members considered how to proceed

**RESOLVED** - To approve the applications in principle and to defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report and subject to an additional condition requiring reinstatement of the chimney posts (and any others which might be considered appropriate)

**148 Application 13/04862/FU - Proposed student accommodation, key worker and apartment buildings on land at St Michael's College and former Police Depot - Belle Vue Road and St John's Road Little Woodhouse LS3 - Position Statement**

Further to minute 24 of the City Plans Panel meeting held on 4<sup>th</sup> July 2013, where Panel received a presentation on proposals for the demolition of all existing buildings on the site, other than the original St Michael's College (the 1908 building); refurbishment and extensions to the 1908 building and the development of two new buildings to provide key worker housing; student accommodation; private market apartments and two commercial units, to consider a further report of the Chief Planning Officer setting out the current position on the application

Plans, photographs and graphics were displayed at the meeting

Officers presented the report and outlined the proposals which would provide a mix of student housing – in studios and cluster flats in a new development – key worker accommodation in the 1908 building and extensions and finally a new development of open market apartments on the former playground area

Details of the proposed materials and the building heights of the different blocks were provided. Layouts of the different types of units were also shown together with an indication of how these could be converted to larger units, if required in the future

The comments of Re'new which had been received after the report had been published were read out to the Panel, with the organisation being satisfied the proposals met the criteria of Policy H6B

Members were informed that comments from Highways were awaited

Members considered the proposals and commented on the following matters:

- the number of key worker apartments and whether this had changed since the scheme was last presented. Members were informed that the level of key worker accommodation had been reduced from 302 units to 262
- the concerns of local Councillors about the amount of student accommodation in the scheme
- the new emerging strategy on student accommodation; the concerns about empty units and the need to provide, when considering applications for student housing, information which set the application in context with the level of demand and the amount of student accommodation already granted planning permission
- the need for further information on policy H6B and how this application related to that
- that the retention of the 1908 building was welcomed but concerns that the extensions and new build elements dwarfed the historic former College
- that more public open space should be provided on the site

- the possibility of the student accommodation remaining empty and that larger apartments should be provided instead which could be used by young professionals or key workers
- the impact of the proposals on the house nearest the new build element on Belle Vue Road
- concern that Re'new had not addressed the strategic questions about the level of student accommodation in the City
- the size of the key worker accommodation which was considered to be small and that people required flats, not studio apartments. Concerns were also raised about the size of some of the student accommodation
- that the scheme was over-intensive and led to cramped living conditions, particularly in the key worker and some of the student accommodation
- the possibility of the student accommodation being converted at a later date although the infrastructure would have been created for a different scheme
- that the location was highly sustainable for student accommodation and there was a need for key worker accommodation in Leeds, however there were concerns about the design of some of the buildings and the size of the accommodation being created. On the issue of design and materials, the Chief Planning Officer suggested that further work be undertaken on the student accommodation to ensure the quality being required was achieved. It was also important to ensure the future of the 1908 building which was currently suffering from neglect and vandalism and that the development of this should not be left to the end of the scheme

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

- that subject to the figures being acceptable for the level of student accommodation in the City, that further student development could be considered to be appropriate on the site
- that the area required retail facilities but to guard against a letting unit or bar, with the A2 and A4 uses requiring deletion
- that concerns existed about the size of some of the units and that flats for key workers would be more attractive. Members requested further work to be carried out on this
- on whether low cost housing exclusively for key workers was suitable in lieu of provision of affordable housing managed by a registered provider, as long as it was genuine low cost housing and would be so in perpetuity, then this could be considered. Again, Members requested further details on this
- regarding massing and design, that there were mixed views and that further detailing was required on some elements, including detailed treatment of the elevations and the relationship to existing properties on Belle Vue Road

- that having regard to the scheme's effect on residents' living conditions in houses in Kelso Gardens and Consort View, that the scheme was acceptable
- that in the absence of on-site greenspace that a contribution should be paid towards the provision of off-site greenspace having regard to UDPR policies N2 and N4
- that the existing trees should be protected from construction work and that new trees of appropriate species, numbers, locations and ground conditions were required to provide a suitable setting to the development
- concerning provision for disabled people, Members were informed that 5% of rooms in the student accommodation would be expected to meet the needs of people with disabilities. However the developer was proposing 1%. Similarly a lower level of disabled parking provision was being proposed. Members were of the view that this level of provision was not acceptable
- in respect of the costs of achieving higher levels of sustainability performances possibly undermining the overall viability of the scheme, Members requested further information on this
- on the proposed Section 106 Agreement, whilst this had not been discussed in detail, it was acknowledged that some of the comments made could impact on this. Two non-standard obligations were proposed, one relating to a contribution towards a pedestrian crossing over the Inner Ring Road, which was being discussed with the developer. The other condition related to the key worker accommodation which would be offered at a sub-market rent and the need for this to be in perpetuity as it would replace the requirement to provide affordable housing on the site. Regarding community use of the building, it was felt that the wording of the draft S106 should be amended to allow some flexibility as to the name of the community association which could use the building and in respect of the length of their meetings

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

During consideration of this matter, Councillor Lewis left the meeting

**149 Preapp/14/00080 - Coal extraction and residential development of 485 dwellings at the former Vickers Factory - Barnbow - Manston Lane Crossgates LS15 - Pre-application presentation**

Plans, photographs and graphics were displayed at the meeting. Although a site visit had been planned for earlier in the day, technical difficulties had prevented this from taking place. The Chair advised that the site visit would be rearranged in the future

Members considered a report of the Chief Planning Officer setting out proposals for the second phase of a residential development on the former

Draft minutes to be approved at the meeting  
to be held on Thursday, 27th February, 2014



Vickers site at Manston Lane LS15, which would also include a degree of coal extraction, prior to development taking place. The Panel also received a presentation from the applicant's representatives and their agent

Members were provided with the following information:

- that the proposals would form two applications, one for the housing development and the other for the site remediation measures
- the housing application would comprise 485 dwellings together with a local convenience store and public open space
- the aim to deliver the housing in two phases, the first phase being prior to the delivery of the Manston Lane Link Road (MLLR), with 100 houses being proposed and the second phase of 385 houses to be delivered once the MLLR was in place
- the measures to be undertaken to remediate the site
- the proposal to work the site from West to East in order to move the activity away from the residential development known as The Limes
- that a method statement for the remediation works was being prepared, with operating hours of 7am-6pm Monday to Friday and 7.30am – 12.30pm Saturday being considered, with no operation on Sundays or Bank Holidays
- that a total of 8800 HGV trips were likely to be generated from the removal of the coal, which equated to 2-3 trips per hour for 44 weeks
- that noise, dust and vibration assessments were being carried out
- that a community benefit fund would be established to fund local projects, together with the formation of a Community Liaison Group
- that an alternative remediation strategy had been considered, i.e. grouting, but had been discounted as it was not policy compliant; would increase the number of HGV movements over a longer period of time and would result in more surface activity
- details about the public consultation which had been undertaken and the extent and nature of the responses received to the proposals
- that the key concerns for local people were traffic congestion; the impact of the proposals on local facilities and issues of noise, dust and disturbance
- that the next steps were to review the consultation, revise the scheme with the aim of submitting applications in March 2014

Members commented on the proposals and raised the following matters:

- the possibility of using rail to transport the coal. Members were informed that the coal would be transported to Drax Power Station and there were timescale issues involved due to the lengthy and arduous negotiation process with Network Rail. Although acknowledging this point, Members noted that Drax was connected by rail and requested that the applicant discuss

- the possibility of using this method of transportation with Network Rail and provide details on cost and the length of time taken to use rail rather than road for the transporting of the coal
- the process for filling in a mine shaft
  - whether a settling time would be required following the filling in with Members being informed that a settlement period of 6-12 months would be required
  - whether the location of all the mine shafts across the site were known. The applicant's representative advised that a significant amount of information had been obtained and that the contractors to be used were highly experienced and would be able to deal with any unexpected mine shafts or contamination
  - the extent of the consultation with concerns that whilst this may have been to households close to the site, the impact of the proposals, particularly increased traffic movements, would also be further away. Members were informed of the favoured route for the coal being sent to Drax Power Station, which would be through Cross Gates Town Centre to the Ring Road and the applicant's representative stated he considered the right people had been consulted about the proposals
  - the extent of some of the excavation with concerns about the potential for ground water contamination. Members were informed that the applicant's drainage consultant would address this concern when the scheme was next presented to Panel
  - the history of the site
  - the traffic situation in Cross Gates which was described as 'dire'; the limitations put on traffic movements by a Planning Inspector, ahead of the MLLR being delivered and the desire of the applicant to build 100 homes before any traffic improvements had been implemented
  - the difficulty of persuading local people about the early delivery of housing on the site, although an agreed timetable for the bridge and the road could help in this respect
  - that an attempt to take on board some of the new principles around house types, design and space was commendable
  - the need for further details to be provided on the measures to protect residential amenity and minimise environmental pollution during the coal extraction and construction processes
  - whether the proposed start time was acceptable in view of the impact of HGVs on the early morning peak traffic flow. Further details were requested on the period of noise and the period of vehicle nuisance if the work commenced at 7.00am or 8.00am – 8.30am. The Head of Planning Services highlighted the fact that the coal recovery would commence at the most sensitive part of the site, i.e. closest to existing residential properties and stressed the need for the mitigation measures to be appropriate and implemented before this work commenced

- the need for details to be provided on the Community Fund; the level of funding; possible projects to benefit from the fund and the management of this
- that the challenges faced by the developer were understood but that equally the concerns of local residents had to be taken account of

In response to the specific questions raised in the report, Members provided the following responses:

- that Members were supportive of the principle of the remediation of the site and its development for housing
- to note Members' concerns about highway capacity and the knock-on effect of this regarding safety
- that it was too early in the process to comment on the layout of the proposals on the detailed layout and illustrative masterplan
- that regarding the affordable housing provision of 15% on site in a mix of dwelling sizes, to note this level was in line with the current interim policy, but that this could change. In terms of the mix of dwellings the Chief Planning Officer referred to the Housing Needs Analysis in the Draft Core Strategy and that Members often requested a proportion of accommodation for older people, which could generate less traffic, which might be a consideration for the first phase of the scheme. Some concerns were raised at this, with the suggestion being made that bungalows might be more suitable

The Chief Planning Officer also referred to the issue of the Social Club and the playing fields on the site and suggested that these matters could be considered as part of the wider S106 requirements

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

## **150 Date and Time of Next Meeting**

Thursday 27<sup>th</sup> February 2014 at 1.30pm in the Civic Hall, Leeds

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## CITY PLANS PANEL

THURSDAY, 27TH FEBRUARY, 2014

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

Councillors P Gruen, R Procter,  
S Hamilton, G Latty, T Leadley, E Nash,  
N Walshaw, M Ingham, J Cummins,  
J Lewis and C Campbell

### 151 Chair's opening remarks

The Chair welcomed everyone to the meeting

### 152 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

### 153 Apologies for Absence

Apologies for absence were received from Councillor Blackburn who was substituted for by Councillor Campbell. Members were also informed that Councillor M Hamilton had indicated that he might have to miss the meeting due to a work commitment which had unexpectedly arisen

### 154 Application 13/04852/FU - 10 storey hotel building, associated works and public realm works on land at Greek Street/Russell Street and Bond Court LS1

Further to minute 47 of the City Plans Panel meeting held on 29<sup>th</sup> August 2013, where Panel received a pre-application presentation on proposals for a 10 storey hotel building with associated works, Members considered a further report of the Chief Planning Officer setting out the formal application

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

Officers presented the report which related to the redevelopment of a former mechanical stacker car park and a restaurant between Russell Street and Greek Street to provide a 10 storey, 90 bedroom hotel, enhanced public realm and changes to the public highway on Russell Street and Greek Street

Details of the proposed materials were outlined, with stone and black granite forming the main cladding materials

Receipt of a further letter of objection was reported, with the contents of this being read out to the Panel and clarification being given on the issues raised in the representation relating to basement fire exits

Members considered the application and commented on the following matters:

- the basement fire exit route beneath the adjacent Minerva House and whether the wish to accommodate this would be an undertaking. Members were informed that Minerva House was in the same ownership as the subject site and that the fire exit requirements would be accommodated
- the terrace blinds shown facing Greek Street. It was confirmed that these would be retractable blinds
- wind around the site and the need for this issue to be thoroughly examined and for Members to be persuaded by good evidence that the proposals would not make the situation worse. The Deputy Area Planning Manager stated that although the existing wind conditions could lead to discomfort, they were not unsafe, with both the Developer's wind consultant and the Council's independent consultant confirming this. The existing wind conditions in Bond Court were as a result of taller buildings around the site and the application before Panel did not change these conditions. Concerns continued to be raised about this and the need for clarity that in the event of a serious incident around the site which was subsequently attributable to the wind conditions directly associated with the development, that the Council would not suffer financial or reputational loss as a result. The Chief Planning Officer highlighted the differences in approach to the issue of wind since the approval of Bridgewater Place and reiterated that Bond Court was not an area of danger in respect of wind; that the problems which occurred in this area arose from a different building and that this was not a reason for withholding planning permission. The possibility of appropriate conditions to address Members' concerns were discussed with the Panel's Legal Adviser stating that the important point was that the Council's independent wind consultant had reviewed the applicant's wind assessment – this was not a case of the Council simply accepting the applicant's assessment at face value - and suggesting an informative be included on the planning permission to this effect
- the need for Officers within City Development to assist Akhbar's to relocate within Leeds. The Chief Planning Officer advised that it would be for the landlords to deal with the lease but that Council Officers would offer positive assistance in this matter
- the weathering of black granite with concerns about the visual appearance of the building over time. The Chair allowed the applicant's agent who was in attendance, to address the Panel on this point, with Members being informed that the quality of the granite used was key to how the material weathered; that high quality black granite would be used on the building and an appropriate maintenance regime would be implemented to

ensure the finish of the building was appropriate for the 4 star plus hotel

- the lighting proposals, with concerns about the design of the lighting strip at the top of the building. Members were informed that further discussions would take place on this, with a condition covering external lighting being proposed
- works to the pavement in Greek Street. It was confirmed that tarmac would not be used and that under S278 works, Highways would control this and would be looking for a seamless finish
- that no signage was shown on the images before Panel. Members were informed that signage details would be dealt with as a separate application and brought before Panel if concerns existed about what was proposed
- the drop off point for visitors on Greek Street, with concerns being raised that some visitors could seek to use Bond Court instead and the need for clear details of the drop off arrangements to be provided to visitors, particularly on the hotel's web site
- the proposed landscaping; tree species and concerns about trees being planted in pots which would prevent adequate root space

Members considered how to proceed

**RESOLVED** - That the application be granted approval subject to the conditions set out in the submitted report, subject to additional conditions to control the details of the drop off/pick up point, the proposed lighting to the top of the building and tree planting on the site and subject to any other conditions which the Chief Planning Officer considers to be necessary and subject to an informative on the decision relating to the independent review of the applicant's wind assessment

During consideration of this matter, Councillor R Procter joined the meeting

## **155 Site visits**

Prior to consideration of the pre-application presentations, the Chair referred to visits to Bradford to see an anaerobic digestion facility and to Derby to view a student housing development, ahead of the Panel's consideration of such schemes in Leeds. It was confirmed that 14<sup>th</sup> March was the most suitable date for both of these visits, with Officers being asked to make the necessary arrangements

## **156 Preapp/13/00789 - Installation of a digital media screen - Pinnacle Building - Bond Street/Upper Basinghall Street LS1 - Pre-application presentation**

Plans and graphics were displayed at the meeting. A Members site visit had been undertaken earlier in the day

Draft minutes to be approved at the meeting  
to be held on Thursday, 20th March, 2014

Members considered a report of the Chief Planning Officer setting out proposals for a digital media screen on to the western elevation of the Pinnacle building to be located above the supermarket entrance. The Panel also received a presentation on the proposals on behalf of the applicant and was provided with the following information:

- that an application for a digital media screen on the eastern elevation of the building had not been supported by City Centre Plans Panel in September 2012
- that a smaller screen on the western elevation of the building was now being considered
- that the screen would form part of the light box, be framed and flush to the building and be centrally located
- that the orientation of the screen had been considered, with the portrait option being the most suitable
- that the screen would add vitality to a bland façade and would signpost the retail core
- the use of modern technology would mean that no cooling fans would be required for the screen
- full motion images would be displayed on screen but without any sound
- that the screen would be auto-dimmed at night to avoid glare
- that a percentage of air time could be made available for use by the Council
- a contribution towards public realm along Upper Basinghall Street would be made
- that the location was considered to be suitable and that the proposal accorded with national and local planning guidance and with CABI guidelines

It was noted that Members' questions about the proposals had been fully addressed on the site visit

The Deputy Area Planning Manager requested the possibility of determination of the application under delegated powers, if no third party issues arose. Whilst the Chair was supportive of this approach if the formal application mirrored what had been presented, concerns were raised by Councillor Leadley and Councillor Campbell about the principle of the proposals. The difficulty of refusing such an application was acknowledged in view of the screen which had been granted permission at the Trinity development

Members considered how to proceed and provided the following responses to the points raised in the report:

- that the majority of the Panel agreed that the visual impact from the proposal was acceptable and appropriate for this location
- that regarding adverse highway safety implications arising from the proposed screen, Members considered there would not be any

**RESOLVED** - To note the report, the presentation and the comments now made and that the majority view of the Panel was to defer and delegate determination of the application to the Chief Planning Officer so long as the formal application details were the same as had been presented to Panel



**157 Preapp/14/00015 - Pre-application presentation for the demolition of a number of existing buildings to allow for the temporary reconfiguration of and addition to the existing car parking (increase in spaces from 542 to 824) and associated hard landscaping - Victoria Gate - Phase 2 Car Park - Land bounded by Vicar Lane, Lady Lane, Templar Place and the Inner Ring Road LS2**

Plans, photographs and graphics 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 outlining proposals for the temporary reconfiguration of existing off-street car parking and the addition of 281 additional off-street car parking spaces and landscaping on the phase 2 section of the Victoria Gate site. Members also received a presentation on the proposals on behalf of the applicant

The following information was provided:

- the proposals were for a temporary scheme for an estimated period of up to 5 years to maximise the use of existing off-street car parking; provide further parking for shoppers and visitors and to replace public parking from the Union Street car park which would be lost when building works for phase 1 of Victoria Gate commenced in April 2014
- there was a need for high quality car parking in Leeds and this had been identified as an issue which prevented people from visiting the city
- there was the opportunity to improve a part of the city which was in poor repair and although the works were temporary, they would be of high quality and would improve the feeling of safety in this area
- that several buildings would need to be demolished although approval for these demolitions had been granted as part of the outline approval for Victoria Gate
- a pedestrian spine, using resin bound gravel and bounded by trees and lighting columns would be created from the market to Templar Street. A green buffer, 4 metres wide, with nooks for seating would be provided at Vicar Lane. To create this effect semi-mature trees would be used. Gateway spaces (foyers) would also be provided around the site on key pedestrian desire lines to the surrounding area. Pay machines would be located at the foyers
- in terms of car parking surfacing treatments, various options were being considered including a cellular system

Members discussed the proposals and commented on the following matters:

- the timescale for the temporary scheme, with the hope that within 5 years phase 2 of the permanent Victoria Gate development scheme would be progressing
- there were no guarantees that if approved, the applicant would not then sell the site

- the extent of the demolition works to be undertaken
- whether the proposals could lead to flooding of the nearby beck
- whether parent and child parking spaces would be provided
- the price rates for parking
- the maintenance of the landscaping
- the width of the car parking bays and the need to ensure these could accommodate larger vehicles and 4x4s
- security issues, particularly on an evening; that people currently loitered in the car park and the need for this to be addressed so as not to deter its use
- how long stay parking would be discouraged
- Templar House; the need for a vision to be provided for this Grade 2 Listed Building; that the condition of the building had been left to deteriorate and that the building should be repaired
- the need for the North Bar Stone on the site to be practically protected, carefully removed and safely stored
- the future of Lyons Works; that a finely balanced decision had been reached regarding its loss on the original outline approval in view of the greater good which would be achieved from that scheme, with concerns being raised that the demolition of the building to make way for a City Centre car park for possibly up to 5 years was not acceptable
- the loss of the Bus Station, with mixed views on the worthiness of retaining this example of post-war architecture
- that the buildings attached to the Templar Pub should be demolished
- the size of the car park, with concerns that due to its scale and the possible length of time it would be in operation that Vicar Lane would cease to exist as an area of character within the City Centre
- the positive signs for the first phase with work close to commencing and the need for a period of up to 5 years for additional parking when the multi-storey car park for John Lewis would be completed in Autumn 2016
- the need for Members to understand the timescales for phase 2 of Victoria Gate and that from the information provided, there was no sense that phase 2 would move along quicker if these proposals were agreed to

The Chief Planning Officer stressed the importance of achieving a successful regeneration of this part of the City Centre. In terms of context, Members were informed that more retail development was taking place in Leeds than in any other city, yet despite the gradual regeneration of The Grand Arcade, this part of the City Centre was vulnerable. It was important for the theatres to thrive and for phase 1 of Victoria Gate to take off and it was not unreasonable for there to be some uncertainty

In terms of Lyons Works, the building was exempt from listing and could be demolished immediately, however the Chief Planning Officer was of the view that the comments made by Members would be taken back to the

applicant for consideration. The need for assurances on the future of Templar House was stressed

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

- regarding the justification for the demolition of Lyons Works, the former West Yorkshire Bus Station and the other named buildings, there was majority support for the demolition of the Bus Station and complete support for the demolition of the other named buildings on Vicar Lane. Regarding Lyons Works, it was noted that permission to demolish this building had been granted as part of a different scheme and that in the circumstances where the original permission was not proceeding, that consideration be given to requesting the retention and re-use of Lyons Works without the modern extension
- on the issue of the use of the space as a car park, this could be accepted if the period of time for this use did not exceed 5 years, with the provision of a temporary car park to a higher standard being welcomed
- on the reconfigured and additional short stay car parking numbers and the required Stopping Up, these matters were acceptable as were the associated loss of on-street short stay car parking and the proposal for there to be financial compensation
- that the landscaping proposals were progressing positively; that a high quality scheme was expected and for the landscape treatment to the Vicar Lane edges, in particular, to adequately maintain the sense of enclosure of the street, preserve the character of nearby designated and on-designated heritage assets and add positively to views along Vicar Lane on a temporary basis

Members also highlighted the need for the safe removal and retention of the North Bar stone to be tied down and for urgent repair works to be undertaken to Templar House. On this matter, the Chief Planning Officer proposed a site visit with Officers and the applicant to also view the interior of Templar House

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

## 158 Date and Time of Next Meetings

Thursday 20<sup>th</sup> March 2014 at 1.30pm  
Thursday 10<sup>th</sup> April 2014 at 1.30pm

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Originator: Paul Kendall

Tel: 2478196

## Report of the Chief Planning Officer

### **CITY PLANS PANEL**

Date: 20<sup>th</sup> March 2014

**Subject: PROPOSED OFFICE BUILDING (B1) WITH ANCILLARY GROUND FLOOR RETAIL (A1), RESTAURANT AND CAFÉ (A3), DRINKING ESTABLISHMENTS (A4) AND WELNESS CENTRE (D2) WITH INTERNAL AND EXTERNAL PUBLICLY ACCESSIBLE SPACE AND LANDSCAPING ALL ABOVE BASEMENT CAR PARKING (APP. REF. 13/05506/FU). SITE AT WELLINGTON ST/WHITEHALL RD, LEEDS 1.**

#### **APPLICANT**

Roydhouse Properties  
(Central Square) Ltd

#### **DATE VALID**

29th November 2013

#### **TARGET DATE**

28<sup>th</sup> February 2014

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

**Winter garden to be open 0700 until 2300 everyday**

#### **Public Transport Contribution**

- For the Office element: £229,804 payable on first occupation of the office
- For the ground floor commercial uses: £25,644 total – proportions to be paid on occupation of each unit

#### **Travel Plan items:**

- Agreed travel plan
- Travel Plan review fee £11,810
- Car Club spaces
- Funding for free trial membership and usage of car club for office workers

**£11,000**

- **Electric car charging points: 5% of spaces (6 no.) with charging infrastructure, rising to 10% (12 no.) if the first 5% are fully utilized.**

**Highways works:**

**Financial contribution towards laying out of Whitehall Rd/Northern St Junction  
£69,000**

**Provision of off site highways works consisting of:**

- **Relocation of pedestrian crossing on Wellington St**
- **Relocation of 2 bus stops on Whitehall Rd including outbound stop being a shelter with Real Time Information facility.**
- **Pedestrian guard railing to Wellington St frontage**

**(These items may be required by condition if considered appropriate)**

**Jobs and Skills priority for local people**

**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.**

**Conditions**

1. Time limit on permission 3 years
2. Development to be carried out in accordance with approved plans
3. Opening hours of A3,A4 to be 0700 – 2300 Mon-Sat and 0900-2300 on Sun
4. Area to be used for parking to be laid out surfaced and sealed
5. Samples of external materials and surfacing materials to be submitted.
6. Sample panel of all external materials to be approved.
7. Method of storage and disposal of waste
8. Full details of hard/soft landscaping to be submitted.
9. Details of the method of planting and future management of trees and plants within the winter garden
10. Implementation of landscaping.
11. Sustainability statement to be submitted
12. Disabled parking provision.
13. Cycle and motor cycle parking facilities to be provided.
14. Public surface located cycle stands to be provided
15. Details of internal service route to the units from the main service yard including any mechanically operated lifts and/or raised loading platforms
16. Provision of further contaminated land information
17. Amendment of remediation statement
18. Submission of verification reports
19. Details of vents, flue pipes.
20. Details of extract ventilation systems/filters for A3 and A4
21. Hours of delivery and refuse collection 0700-2300
22. No external playing of music or amplified sound by A3/A4 uses in external areas
23. Construction statement to include prevention of mud/grit/dust being pulled onto highway, measures to control noise during construction, attenuation of equipment, location of contractor's cabins and parking, pedestrian routes around the development, location of construction access,
24. Hours of construction working, other than those construction works which are inaudible from nearby noise sensitive premises, to be restricted to 0800-1900 Mon-Fri and 0800-1400 on Saturdays.

25. Separate system of drainage.
26. Details of drainage to be provided
27. No discharge of surface water until completion of approved drainage works
28. Water from vehicle parking areas to be passed through an oil interceptor
29. No building to be located over the centre line of the sewer on the site
30. Development to be constructed in accordance with the submitted Flood Risk Assessment
31. Limit on amount of A1 retail floorspace, maximum size of individual unit.
32. No change of use from A3 or A4 to A1 by permitted development.
33. 1:20 plans of detailed elevations, shop fronts, soffits, fin walls.
34. Details of Lighting and possible historical references to the heritage of the site to be submitted
35. Scheme to be submitted to indicate how bat roosting and bird nesting facilities can be incorporated.

## **1.0 INTRODUCTION:**

- 1.1 This is a major office led scheme with mixed ground and first floor commercial uses on a vacant development site between Wellington St and Whitehall Rd. Members will recall the project architect's presentation at pre-application stage in November last year where the scheme was positively received (see comments para 4.1 below). An application for a mixed use office and hotel with ancillary cafes, restaurants, bars and basement car parking was approved in principle by Members at Panel in March 2013. However, the site was sold before the associated S106 could be signed and the application was subsequently withdrawn (app. ref: 12/03788/FU). Some of the principles of that proposal have been retained but the current proposal is clearly a different scheme and will be assessed on its own merits.
- 1.2 The application is brought to Panel with the above officer recommendation to defer and delegate approval to the Chief Planning Officer subject to the attached conditions and the signing of a S. 106 Agreement in respect of the items set out in the recommendation box above.

## **2.0 PROPOSAL**

- 2.1 This proposal is for a single building which follows the existing building lines on Wellington St and Whitehall Rd, connected by a continuous link which runs along the eastern side of the site, parallel to the neighbouring City Central residential scheme (former Wellesley Hotel). This produces a 'U-shaped' plan form with the central area of space enclosed by a large sloping glass wall which creates a public winter garden. The scheme provides 22,680 sqm of B1 office floor space, a 722 sqm wellness centre at first floor level, and 1,091 sqm of ground floor A3 and A4 space in 4 units, of which one has the potential to be an A1 retail unit of 153 sqm.

### **2.2 Elevational Treatment**

On Wellington St the height and elevational treatment are informed by the dominant characteristics of the City Central building to the east which has a base, middle and top and a strong eaves line and triangular dormer windowed roof form. The double height base of City Central has been used to set the height of the base for the proposal which consists of a series of regularly spaced columns with the ground and first floor set back by 1.5m to create visual depth and greater pedestrian space. There are 5 floors above this with the eaves line set close to the height of the City Central eaves. Above this there would be two further floors of accommodation, the first set back relating to the prominent dormer window line of City Central and the

second, to its roof level. These set-backs would create terraces facing out over Wellington Street.

2.3 This elevation will be subdivided by a masonry grid of a combination of natural stone and man-made materials, including brick, to provide resonance with the other buildings fronting Wellington St which are within the City Centre Conservation Area. An entrance into the winter garden is to be provided and at this point, a full height, frameless, glazed slot, set behind a larger exposed masonry frame, will be located to break up this elevation and act as an entrance marker.

2.4 To Whitehall Rd the building would be 11 storeys in height with a translucent glass panelled plant room set back above this. The elevational treatment for this façade also utilizes an exposed masonry framework. However, on this elevation it would have a triple storey height module (reducing to 2 storeys higher up the building) with a strong vertical emphasis given by vertical metal fins which sit within each module. This adds depth to the elevation and, through the subtle use of colouration, helps the building respond to its neighbours. The architecture acknowledges the approach from the station to the east through the introduction of landscaped terraces, set behind the fin treatment which adds depth and visual interest to the facade. The ground and first floors on Whitehall Rd would be set back 3m beneath a double height colonnade which would increase the sense of space around the base of the building as well as provide a covered area of walkway which could be used in addition to the public footway.

2.5 To the east the elevation facing City Central is a mix of the grid and fin treatment, frameless glazing and brick and is approximately the same height as its neighbour, City Central. The wall to screen the service area and car park access route at ground floor level on this elevation is described in para 2.10 below. To the west the elevation is mainly taken up by the sloping glass wall, although again the fin treatment and brick also are in evidence. Distances to the surrounding residential buildings have been carefully considered in order to protect residential amenity through overlooking and over dominance. The internal floor space of the building is 17m-20m away from both City Central and West Central, with the exception of one 9m wide section of the elevation facing City Central, at its corner with Wellington St, where this is reduced to 13m. This elevation contains only a narrow slot window to reduce the opportunity for overlooking. To the north, across Wellington St, the buildings are 20m away. The building can be cleaned from telescopic devices operated from either the ground, mobile platforms or from the terraces. Other windows are reversible and can be cleaned from the inside and therefore, there will be no requirement for either roof mounted rails or cradles.

## 2.6 Winter Garden and Landscaping

The resultant plan form of the building is a basic U-shape around a central space enclosed by a 9 storey high, angled, glass wall. The plan form of this space is an L shape with dimensions of 34m x 20m in its main central area, although this extends to maximum dimensions of 52m x 27m and accounts for 16% of the entire application site area. This creates a dramatic focal point to the development and has been termed a winter garden by the applicant. It would be fully accessible to the public from 0700 to 2300 every day and is to be landscaped with trees and other smaller scale planting all maintained through an inbuilt irrigation system. The exposed floor slabs which face in to the winter garden at each office level will be landscaped to create a vertical garden. The winter garden will also contain a dramatic angular mezzanine which would be the location of the office reception area. This means that a significant proportion of the ground floor space can be given over to public use which, because of the controlled environment, can be used all



year round. The winter garden also allows light to penetrate the office floors at each level and the submitted sun-path study indicates that, in the summer months, sunlight is able to penetrate the northern half of this area.

2.7 The ground floor would contain bar/restaurant uses and a small amount of retail space which would open on to both the street and the winter garden to provide lively frontages and activate the space through the introduction of seating areas and large glazed frontages. The winter garden provides additional public space to that which already exists on the site in the form of the main north/south route running from Wellington St to Whitehall Rd. This scheme will also resurface that area as the original landscaping scheme was removed when the Lumiere works commenced. The width of the external space is increased from 20m to 28m in the area in front of the winter garden. The north south route is approximately 30% of the total site area. Therefore, when considered in addition to the winter garden, approximately 45% of the total site area is publicly accessible space. If the circulation areas round the building are also added, then the total public area is 63% of the site.

2.8 The opportunity to create a continuous landscape treatment, from the outside space through into the winter garden, has been taken, with the base of the angled glass wall creating the only sub-division. This has a glass canopy across its entire width which will provide shelter as well as a means of deflecting rainwater from the large area of glazing above. The submitted landscaping scheme includes raised planters containing trees and perimeter seating. The surface treatment will be fully laid in Granite, which is a high quality and durable material. Lighting columns and recessed floor lighting are also included. Final details of this will be the subject of a condition and therefore will be fully controlled by the planning process. The opportunity has been taken to provide landscaping on other elevated parts of the building to provide colour, visual interest and a better environment for future occupiers. There are also 2 roof top terrace areas for the occupiers of the buildings. One of these is a private terrace for a single occupier, located above the winter garden, which takes advantage of the top of the large sloping glass wall to create enclosure and protection. The other is in the central part of the roof and is accessed via a pergola structure which is an extension of the vertical fin cladding design. This is for the use of all the office occupiers and is surrounded by a 2m high toughened glass screen, for reasons of both safety and comfort.

#### 2.9 Pedestrian Permeability

In addition to being able to access the winter garden from the north/south route, 2 no. double height access points are taken through the ground and first floor elevations. One would be through the Wellington St building as described above. The other would be from Whitehall Rd and would manifest itself as a frameless double-height glazed wall set on the same alignment as Aire Street. This would be clearly visible when approaching from the station and offer clear views through the building to the winter garden beyond. The elevations and surface treatment in this area are intended to provide a positive pedestrian environment as well as defining a vehicle route through to the service area. The generous proportions and frameless glazing of both of these access points are designed to allow maximum visibility through to the space beyond and provide an inviting pedestrian route.

#### 2.10 Servicing and Vehicle Access

As with previous proposals, this is proposed to be along the eastern boundary of the site with a one-way route heading northwards entering the site from Whitehall Rd and exiting out on to Wellington St. This would provide both a service lay-by and access to the double level of basement car parking for 128 cars. The route is 8.6m wide which allows adequate dimensions for servicing to take place without hindering

the flow of vehicles to the car park. A wall is proposed to run along the eastern boundary to provide visual screening as well as some protection to the amenity of the residents in City Central from noise and direct head-light glare. Its design draws reference from the main Whitehall Rd elevational treatment through the use of closely spaced and angled vertical fins. This service route will also have a roof and above this will be located a strip of planting contained on a horizontal building member. As well as car parking, the basement also contains electric vehicle charging points (5% (6 no.) of spaces – rising to 10% (12 no.) of spaces if demand exists), lockable cycle parking enclosures as well as motorcycle parking areas, shower rooms and plant space.

2.11 The existing site vehicular access point on to Whitehall Rd, at the western end of the proposed building frontage, has been roughly surfaced with tarmac for a number of years and the relationship of the vehicle related areas to the buildings and ground floor commercial units is very poor. The opportunity is being taken as part of this application to improve this relationship by creating an area which can accommodate a servicing and turning space which can accommodate both service vehicles and also 2 car club spaces. This would allow greater pedestrian dedicated circulation space to be created in front of the existing ground floor units, whilst improving the pedestrian environment, the quality of the open space provision and the flow of pedestrians on the north/south route.

#### 2.12 Sustainability

The proposal will achieve in excess of 20% reduction in CO2 emissions over those required by Part L of the Building Regulations. Also in excess of 10% of the predicted energy demand can be met from an on-site low carbon energy source, in the form of a biomass CHP and Air Source Heat Pumps. The BREEAM pre-assessment indicates that a rating of 'Excellent' can be achieved. The proposal incorporates a number of other measures to reduce CO2 emissions, improve its resilience to climate change and minimise detrimental environmental impact. These include:

- Measures to reduce solar gain via external shading and improved glazing solar performance
- Maximizing the air tightness of the building
- Developing an Energy Strategy that improves the thermal performance of the building and incorporates highly efficient systems such as ultra-efficient air conditioning systems and chillers, heat recovery and low power fans.
- The provision of sophisticated building services controls to maximise efficiency of systems and improve building user comfort
- Use of natural daylight through the inclusion of large amounts of glass in the facades.
- The selection of materials to reduce the associated embodied environmental impacts and encourage responsible sourcing
- Specification of low water use fixtures and fittings including low flush WCs, low flow taps and the incorporation of a rainwater harvesting system
- Promoting the ecological enhancement of the site with planting areas.

The existing piles that remain from the earlier Lumiere basement construction work will be reused to form the two basement levels, meaning that the considerable resources and energy expended on their construction is not wasted.

### 2.13 Travel Plan Measures

The site would require measures to be provided as part of a site-wide Travel Plan. These include the following items:

- 2 car club spaces to be provided within the site
- Electric vehicle charging points in the basement (5% of spaces (6 no.) with charging infrastructure, rising to 10% (12 no.) if the first 5% are fully utilized.
- Funding for free trial membership and usage of car club for office workers
- Dedicated lockable cycle facilities in the basement
- A Travel Plan Coordinator (TPC) who will promote a Bike Budi scheme; Bicycle User Group and other cycling initiatives; car sharing
- TPC to monitor travel modes by surveying staff and to assess whether targets are being met and submit details to Leeds City Council (LCC)
- Coordinated working with LCC if targets are not being met with a range of measures to be used to try and achieve targets e.g. charging for single car occupancy, provision of pool bikes
- Publicise real time bus information
- Contribution to public transport infrastructure referred to below

### 2.14 Public Transport Contributions

The contributions for the office building equate to £229,804 for the office space and £25,644 for the ground floor food and drink elements. Payments will be secured in a Section 106 Agreement.

### 2.15 Highways and Bus Improvement Works

There are also requirements for improvements to the local highway infrastructure. These consist of:

- Contribution to the widening of the Northern St/Whitehall Rd junction to increase junction capacity and add a pedestrian crossing facility - £69,000
- The relocation of the pedestrian crossing facility on Wellington St to the west to avoid the proposed service vehicle exit point.
- The repositioning of bus stops and provision of one shelter with real time information, on the out-bound route on Whitehall Rd, to avoid vehicular entrances/exits proposed as part of this scheme.

These will form part of a package of measure to be included in a Section 106/278 agreement.

### 2.16 Wind

A wind tunnel study was undertaken on a scale model to determine the pedestrian microclimate around the proposed development. This was carried out for both the site in the context of its existing surroundings and then including the various developments with planning permission in the area. The report advises that the wind conditions around the base of the building, and within the application site, are acceptable for the intended uses e.g. entrances, sitting, walking. The wind study notes that the criteria used indicate the presence of winds which would create distress conditions to the frail and to cyclists in winter in one position in Wellington Street which is attributable to the existing West Central building and its full exposure to the prevailing winds across the empty Wellington Place site.

2.17 Members will recall that, as part of the scheme which came to Panel in March 2013, it was determined that this feature of the existing wind environment on Wellington St prevented the provision of a new bus stop to the north of the West Central building and required the erection of guard railings on both sides of the carriageway. This scheme proposes to erect guard railings in the same location as that approved as

part of the previous scheme. This extends from the pedestrian crossing, to the west past Britannia St on the northern side of the carriageway and along the kerb of the southern side of the carriageway from the service route exit point to the West Central service access.

- 2.18 The wind study makes it clear that eventually, the construction of buildings on the currently vacant development sites to the south-west would mitigate the wind conditions in the area around the base of West Central.
- 2.19 Wind conditions on the private roof terraces have also been modelled and it has been concluded that there are no safety issues arising as a result of their inclusion in the scheme. In addition to this, the applicant has stated that the terraces will be private spaces and will have barriers around them set at a minimum of 2m high. In terms of the comfort of their use, this will be a private concern for the occupier and they would need to exercise their own judgment, in particularly extreme conditions, over whether it would be appropriate to use the terraces or not.

Wind is referred to below in the response from the L.C.C. employed wind consultant in section 7.2 and the appraisal section para 10.22 – 10.26.

2.20 Submitted Documents

A number of documents have been submitted in support of the proposal:

1. Heritage Statement
2. Flood Risk Statement
3. Phase I Desktop Assessment
4. Noise Impact Assessment
5. Transport Assessment
6. Statement of Community Involvement
7. Day-lighting Assessment
8. Wind Assessment
9. Sustainability Statement
10. Travel Plan
11. Ecology survey and assessment
12. Coal Extraction Report

**3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is located on the southern side of Wellington St and to the north of Whitehall Rd, between the refurbished former Royal Mail building to the west (West Central residential scheme) and the former Wellesley Hotel to the east (City Central residential scheme). The site is the last significant piece of the jigsaw in the area between City Sq and Northern St. The surrounding area is characterised by a mix of new build offices, a hotel and residential buildings to the south and the rigid grid-like street pattern of the office quarter to the north which is part of the City Centre Conservation Area and contains residential uses fronting Wellington St. When seen in the context of the surrounding street pattern, the site lies at the point where the east-west pattern of streets in the Conservation Area becomes adjusted through an approximately 30 degree angle to run off to the south-west along Whitehall Rd.
- 3.2 A constraint in this area is the number of properties surrounding the site which contain residential units whose reasonable requirements for the protection of amenity have to be taken into account. The site is currently surrounded by 2.5m high hoardings and lies within the Prime Office Quarter as allocated in the Leeds UDP Review (2006)

## **4.0 RELEVANT PLANNING HISTORY**

- 4.1 The architect for the proposal presented to Members at pre-application stage in November last year. Members received the proposal positively and specifically commented on the excellent design. Concerns were raised about the previous 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. Metro located a bus stop on Wellington St, to the north of West Central, in late 2013 and this matter is addressed in both the Metro comments below para. 7.2, and the Wind section para.'s 10.22 – 10.26 below.
- 4.2 This site was originally included as part of the redevelopment of the former Post Office building (now West Central). As part of that scheme the application site had the benefit of permission for a 10 storey office block fronting Whitehall Rd attached to a 10 storey hotel fronting Wellington St (app. ref. 20/314/00/FU). This was separated from West Central by the existing north/south oriented area of public open space. This area constituted the entirety of the provision of open space as part of that redevelopment and therefore any space over and above that is welcomed. The space was fully landscaped as part of the West Central refurbishment but was subsequently removed and blacktopped when the Lumiere construction works commenced.
- 4.3 An application for a single office building, pt9/pt10 storeys in height, app. ref. 20/063/03/FU was approved in 2003.
- 4.4 The Lumiere proposal (app. ref. 06/01622/FU) was granted planning permission on 4th April 2007 for the erection of 32 storey and 54 storey development with connecting covered public winter garden, comprising 838 flats, offices, health centre, ground floor retail uses (Class A1, A3, A4 and A5) with 3 levels of basement car parking with 356 spaces. As the basement works were commenced this approval remains extant.
- 4.5 An amending application, which sought to add a further floor to each tower (app. ref. 08/01914/FU), was refused on 8 February 2010 as the applicant failed to sign the amending S106 Agreement.
- 4.6 An application for a mixed use office and hotel with ancillary cafes, restaurants, bars and basement car parking was approved in principle by Members at Panel in March 2013. However, the site was sold before the associated S106 could be signed and the application was withdrawn (app. ref: 12/03788/FU)

## **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 Officers have had meetings with the project architects which commenced in September 2013. These dealt principally with design and highways issues in order to develop the layout, scale, massing and servicing for the site.

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

- 6.1 The application was advertised on site by notice dated 13<sup>th</sup> December 2013 and in the press by notice dated 20<sup>th</sup> December 2013. No letters of representation have been received. Ward Members were consulted on this application and no responses were received.



6.2 A Statement of Community Consultation has been submitted with the application. Consultation with members of the public took place at a public exhibition at the Novotel on Whitehall Road, which is immediately to the south of the application site. Publicity for the event was ensured by written letters posted to 509 addresses and an advertisement in the Yorkshire Evening Post on 13<sup>th</sup> November 2013. Members of the developer team attended to explain the scheme and answer questions. Exhibition boards were used to provide attendees with information on the proposals and feedback forms were provided to collect the views of those attending (see summary below). There were 52 registered attendees and of these 6 no. provided written feedback. The written comments can be summarized as follows:

Positive comments about the building:

- Support the quality of the materials
- Support for the sky garden and public realm
- Good pedestrian access
- Better than the previous scheme
- Support for the size of the building

Suggestions:

- Make the sky garden accessible to the public

Concerns:

- The use of bricks was questioned

General comments:

- Development needs to proceed as quickly as possible
- Unsure whether the building will be built
- Needs to be as green (planting) as possible.
- Supports the bus stop which has been located on Wellington St north of West Central.

The statement goes on to say that, verbally, the feedback received was generally positive and was focused on the quality of the design, the winter garden and the benefits to the wider city-scape. Some negative verbal comments focussed on construction stage disruption and potential competition for local businesses, albeit that many acknowledged the benefits of bringing more people to the area. The owners of one of the A4 units opposite the site were concerned about parking provision outside their premises. Owners of local retail businesses were keen to understand the nature of the ground floor uses. In summary the feedback was generally supportive, particularly with regard to bringing the site back into use, the provision of green/public space and the overall design.

6.4 A letter has been received from the Leeds Civic Trust (LCT) who received a presentation from the developer team. They support the application and welcome:

- The pedestrian linkages through the site
- The provision of the green walls in the main atrium space
- Ground floor active frontages achieved through the first floor location of the office reception
- The attractive feature of the 'high atrium' although note that this will require ventilation in the summer
- The sustainability strategy to reduce solar gain, improve thermal performance, use bio-mass CHP and air source heat pumps, low water

fixtures, intelligent lighting and the proposed achievement of BREEAM 'Excellent'.

LCT raised the issue of using the roof top garden for public use. Guard railings are proposed as part of this scheme but they consider that these should only be erected if the winds were strengthened to a dangerous level by the development.

## **7.0 CONSULTATION RESPONSES:**

### **7.1 Statutory:**

Environment Agency: No objection subject to a condition to control the method of surface water disposal.

### **7.2 Non-Statutory**

Metro: No objection to the principle of development. The site benefits from a range of public transport facilities. Support a contribution being taken for Public Transport Infrastructure Improvements. The provision of the relocated stop on the out-bound carriageway of Whitehall Rd should be a bus shelter with Real Time Information (RTI) with a single post stop required on the in-bound carriageway.

In respect of the issues raised by the wind report, given the view reached by the Council, that it would not be wise to encourage greater pedestrian flows in the area identified in the wind report, Metro accepts that a bus layby and shelter is not appropriate as part of this planning application on Wellington Street.

It is acknowledged that Metro installed a new bus stop pole (Ref: W1) on Wellington St in Late 2013. Again, taking into account the view reached by the Council, Metro will begin the process to remove the stop as soon as possible and will look to identify a suitable alternative location for bus stop W1.

Highways Services: The proposal will increase the traffic flow on the 4 junctions which surround the site and this justifies a contribution to the junction improvement works at Whitehall Rd/ Northern St. The principle of the service route along the eastern side of the site is acceptable. The service routes to the building are acceptable. The proposed amendment to the existing vehicle turning and servicing area containing the 2 new car club spaces to the west of the site is acceptable subject to surface detailing and the provision of bollards to prevent vehicles from being able to access the main north/south pedestrian space. The provision of car, cycle and motor cycle spaces is acceptable and surface cycle stands will be required. The pedestrian crossing facility will require to be moved on Wellington St, guard rails erected on both sides of the carriageway and bus stops relocated on Whitehall Rd.

The following package of off site highway works need to be provided:

- A revised pedestrian crossing facility location on Wellington St
- The revised location of the 2 existing bus stops on Whitehall Rd
- New guard railing to Wellington St
- Contribution to provision of a pedestrian crossing facility at the Whitehall Rd/Northern St junction

Travelwise Team: Officers have worked with the applicant and the submitted Travel Plan, the details of which are set out above in para 2.13, are considered to be acceptable. A Section 106 Agreement will be used to ensure that the items, set out in the recommendation above, are provided.

NGT Project Team: The office use requires a contribution of £229,804 and the ground floor commercial uses £25,644

Flood Risk management: Accept the findings of the Flood Risk Assessment and the proposed surface water drainage solutions proposed. The scheme has agreed to sign up to the Environment Agency early warning system. No objection subject to conditions regarding surface water drainage details

Environmental Protection Team: The nearby residential occupiers are clearly those which need to be protected both during construction and once the buildings are occupied. No objection subject to conditions during construction controlling construction hours and the submission of a code of construction practice document. After occupation, conditions controlling hours of operation of the commercial units, servicing/delivery hours and extract ventilation systems. The specific type of biomass boiler proposed for the site is not expected to produce by-products, such as air borne particulates, which would impact on surrounding occupiers.

Air Quality Management Team: No objection. Support the provision of electric car charging points.

Contaminated Land: No objections subject to standard conditions

L.C.C. Licensing: The site is outside the Cumulative Impact Area. No objections.

Bio-Diversity: No significant adverse impact on nature conservation. Recommend a condition to ensure bat roosting and bird nesting facilities are provided on the proposed building.

Police Architectural Liaison officer: Supports the proposed installation of CCTV and external lighting. The ground floor commercial units will provide active frontages and natural surveillance. Note the developer's intention to make the parking area as safe as possible and draw the applicant's attention to the 'Park Mark' scheme. No objections.

Wind - Analysis of applicants Wind Study (L.C.C. peer review carried out by RWDI)  
The wind tunnel test methodology used by Building Research Establishment Ltd (BRE) to assess wind conditions at ground level around the proposed development is generally appropriate. The proposed development appears to improve wind conditions around the base of the building and create shelter in the surrounding streets. Conditions are shown by BRE to be acceptable for the intended activities and this is agreed with. The windiest conditions in the area are consistent with prevailing westerly winds being channeled along Whitehall Rd and Wellington St by the existing neighbouring building to the west (West Central). These winds would be expected to blow over frail pedestrians and cyclists but reflect an existing condition. In the presence of the Proposed Development the distress criterion is not exceeded on Whitehall Road and in the presence of the cumulative buildings (development to the south-west) the wind speeds do not exceed the distress criterion along either Wellington Street or Whitehall Road.

Regarding the roof terraces, based on the BRE wind tunnel results, the measurements indicate that conditions would be locally suitable for all activities, which means that they would be suitable for sitting (which would be the target condition for amenity spaces). These results seem reasonable because of the



shelter afforded by the neighbouring building to the west and the parapets on the building itself.

## 8.0 PLANNING POLICIES:

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

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) (UDPR) and the Natural Resources and Waste DPD. These development plan policies are supplemented by supplementary planning guidance and documents.

Relevant UDPR policies include:

SA1: Secure the highest possible quality of environment.

SP3: New development concentrated largely within or adjoining the main urban areas.

GP5 all relevant planning considerations

GP7 planning obligations

GP11 sustainability

GP12 sustainability

BD6 all alterations

A1 improving access for all

A4 safety and security provision

N12 urban design

N13 design and new buildings

N25 boundary treatments

BD4 all mechanical plant

CC1 City Centre and planning obligations

CC3 City Centre character

CC10 sites of more than 0.5 Ha to have a minimum of 20% publicly accessible space

CC11 streets and pedestrian corridors

CC12 public space and connectivity

CC13 public spaces and design criteria

CC19 office use supported in Prime Office Quarter

CC27 Primary Uses encourage with secondary supporting uses considered acceptable including retailing and food and drink uses.

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

### 8.2 Leeds Natural Resources and Waste DPD 2013

The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16<sup>th</sup> January 2013 and 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. Flood risk policies, Water 4 and 6, and contaminated land policy, Land 1, are applicable to this proposal. Coal recovery policy requires applicants to demonstrate that they have considered whether there is the opportunity to recover coal from the site.

### 8.3 Relevant Supplementary Planning Guidance other guidance and emerging policy

This includes:

- SPD Designing for Community Safety
- SPG Sustainable Urban Drainage
- SPD Street Design Guide
- SPD Public Transport Improvements and Developer Contributions
- SPD Travel Plans
- SPD Sustainable Design and Construction
- SPD Building for Tomorrow Today
- City Centre Urban Design Strategy

### 8.4 Draft Core Strategy

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. The Inspector examined the Strategy during October 2013. The weight to be attached is limited where representations have been made. Spatial Policies 1 Location of Development and 2 Hierarchy of Centres aim to concentrate the development of visitor facilities in Leeds City Centre, and Spatial Policy 3 Role of Leeds City Centre 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 for major new development. Core Strategy Policy CC1 outlines the planned growth within the City Centre for offices and other commercial uses. Policy SP8 seeks to safeguard enough employment land opportunities to enable the local economy to grow in strength and Policy SP9 sets minimum office floorspace requirements in the district and city centre.

### 8.5 National Planning Policy Framework (NPPF)

The NPPF includes policy guidance on sustainable development, economic growth, transport, design, and climate change. Developments that generate significant movement should be located where the need to travel is minimised and the use of sustainable transport modes can be maximised. Furthermore development should be located and designed, where practical, to:

- Accommodate the efficient delivery of goods and supplies;
- Give priority to pedestrian and cycle movements;
- Have access to high quality public transport facilities;
- Create safe and secure layouts which minimise conflict between traffic and cyclists or pedestrians and avoiding street clutter;
- Incorporating facilities for charging plug-in and other ultra-low emission vehicles;
- Consider the needs of people with disability by all modes of transport.

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.

## **9.0 MAIN ISSUES**

1. Principle of Use
2. Building Design
3. Amenity
4. Landscaping and Pedestrian Permeability
5. Highways and Servicing
6. Environmental Protection
7. Flood Risk
8. Sustainability
9. Nature Conservation
10. Land Contamination and Coal Extraction
11. Wind
12. Planning Obligations

## **10.0 APPRAISAL**

### **10.1 Principal of Uses**

The application site is located within the City Centre, and is part of the designated Prime Office Quarter. UDPR Policy CC19 states that office use will be supported as the principal use within the Quarter. Under Policy CC27, proposals for other uses which service the area, add variety and vitality, support the attractiveness of the area and would not prejudice its functioning, would generally be encouraged. The café, restaurant, bar, retail and leisure uses proposed at ground and first floor levels would take advantage of, and animate, the newly created central square whilst servicing passing pedestrians generated by the increased permeability. The range of uses to be provided by this development is therefore considered to be fully in accordance with policy and acceptable.

### **10.2 Building Design**

The design of this building remains unchanged from that presented at Panel in November 2013. In respect of Wellington St it is considered that the principle of using the neighbouring City Central building to set the height of the composite parts of this elevation remains the best way to order the proposed façade. The use of these reference points is considered to strengthen the southern side of Wellington St which has looked fragmented for many years. This would complete the terrace of buildings, which rise gradually the further away from City Square they are, terminating in the West Central tower, which would act as a 'book-end' to the row of properties. The gridded elevational treatment is considered to be a modern version of the regular fenestration patterns of the existing buildings on Wellington St. It

provides a successful way of modulating the elevation but also provides depth through the use of window reveals and brick panels. The proposed route through to the winter garden is clearly a very positive feature and helps to justify the subdivision of the elevation with the frameless glass slot. Overall this elevation is considered to be a suitable addition to this important street frontage.

- 10.3 In respect of the Whitehall Rd elevation a larger order structural grid has been used and the use of the vertical fins will give the building façade depth and visual interest. This is especially the case on the east facing corner where balconies and landscaping have been introduced. The use of a colonnade on the Whitehall Rd frontage, wrapping around to the western elevation, also means that there is a considerable amount of protected ground level space around the building which will aid pedestrian movement. The return elevations are of greater simplicity but these are viewed obliquely from the primary highways routes, which lessens their impact on long distance views and gives them the potential to provide reflected views of the buildings opposite. The elevations are considered to be appropriate in this context, are of high quality and are therefore considered acceptable
- 10.4 The orientation of the double height pedestrian route through the building on Whitehall Rd aligns with Aire St and the frameless glazed wall set across the opening will make this feel like a continuation of the street. This would be clearly visible when approaching from the station and offer clear views through the building to the winter garden beyond. This would provide an impressive focal point and is considered acceptable.
- 10.5 Amenity  
The site is currently vacant and therefore the existing surrounding occupiers currently benefit from an open aspect. It is clear that the impact on surrounding occupiers, in terms of overshadowing, would be far less than the extant Lumiere scheme. In this city centre location, with its tight urban grain, it is inevitable that there will be some overshadowing at various times of the day. The distance which the proposal is located away from the existing buildings is an important factor. The distances to neighbouring buildings proposed is considered to be comparable with the gaps between main building elevations in this area and therefore sufficient to give an acceptable level of light and space to the existing residential units whilst avoiding unacceptable over-dominance by the proposal.
- 10.6 It is likely that, when the office building is occupied during the day, residents will not be inside their units and that, in the evening, this situation will be reversed. In addition, as the buildings are to be used for offices, it is unlikely that these uses would generate noise levels sufficient to have a detrimental impact on the amenity of surrounding residents. The ground floor commercial units cover a range of A use classes and some of these (A3 restaurant/café and A4 bar) have the potential to generate noise. The use of these units will be controlled by condition restricting hours of operation and external music.
- 10.7 The treatment of the eastern boundary wall has to protect the amenity of the Central Sq residents, provide a safety screen to the service and car park access and to create an appropriate visual frontage to the neighbouring building. The wall has been designed as an extension of the main building elevation with a frame of masonry material holding a series of vertical fins. This screening structure relates to the elevational treatment of the new building which means that both masonry and modern material will sit side by side in a well-designed and considered manner. The residential units in City Central are located at first floor level and above, with the ground floor being in commercial use, which means that the lowest existing windows

are approximately 5m above ground level. Therefore, it is only oblique views down in to this area from units immediately opposite the service area and ramp which have to be screened.

10.8 The louvres are closely spaced which will shield the occupiers of the residential units from the shining of headlights as vehicles move up the exit ramp. The wall is located next to the City Central car parking area and some 13m away from the nearest residential property. The location and height of this structure is appropriate for it to be able to fulfill its intended functions without having a detrimental impact on the amenity of neighbouring occupiers. Indeed, this wall exists to protect the amenity of neighbouring occupiers and is considered to be acceptable.

10.9 Landscaping and Pedestrian Permeability

The existing north/south linear open space clearly fulfils an important role, effectively acting as a pedestrianized street. The proposal widens this route to 28m at the point where it is opposite the winter garden and then adds the new covered area to the existing publicly available space as well. This will provide spaces of different characteristics and together, they will provide a significant level of amenity for the benefit of not only the occupiers of the proposal, but also the occupiers of West Central. The residents in City Central, and the occupiers of all other surrounding buildings, will also benefit through their ease of access to this new space due to the presence of the 2 routes through the building. This ability to access the space also creates a greater level of connectivity between the station area and the office quarter. These additional routes are a very positive enhancement to the area and are welcomed by officers.

10.10 The landscaping scheme includes the use of raised tree planters with perimeter seating, which is considered to be a practical and effective way to introduce greenery and resting points in to the area. The trees proposed in the main north south route are planted in to ground, whereas those within the winter garden are above the basement car park. Tree planting is clearly an important part of the winter garden concept and the details of the method of planting and future management will be secured by condition. The use of granite paving and feature lighting is clearly an important aspect of the scheme especially as the area to be covered is so large. This is considered to be a sufficiently high quality, attractive and robust material to be used in this prominent location and is therefore acceptable.

10.11 In respect of the use of the roof terraces, the applicant has stated that these are for private use, as they will help to attract high quality tenants, and that any public use would conflict with this objective and would mean re-arranging the cores to deliver separate and secure public access. There is also a need to ensure public safety. If the space is private, the occupier can make responsible decisions about whether it is safe or comfortable to use in adverse weather conditions. There is no policy requirement to make the roof terraces available to the public and in this case, the amount of publicly accessible space being created in the winter garden, and being refurbished as part of the site, represents approximately 45% of the total site area. This is a significant improvement to publicly accessible space, is considered to be sufficient in size and is in line with policy requirements for the provision of amenity space, which is to provide 20% of sites over 0.5 Ha as publicly accessible space. The level of publicly accessible space being provided as part of this scheme is therefore considered to be acceptable.

10.12 Highways and Servicing

The site lies within the core commuter parking area and the parking levels proposed are within the UDPR maximum parking guidelines for the site. The proposal is



located within a highly accessible area, it has excellent pedestrian and cycling connectivity and is on two major bus corridors within close proximity of Leeds City Station. A secure and covered area has been made available within the basement car park for the parking of cycles and staff showers, a dry changing area and lockers will be provided to encourage walking, jogging and cycling. This will make pedestrian and cyclist journeys far more attractive and will help to reduce the use of the private car.

10.13 This proposal utilises the same service route along the eastern boundary, and this is the best and only location for the provision of servicing on the site. The package of highways improvements and alterations would be secured through a legal agreement and this will make the local highway network operate more efficiently. Contributions and facilities are also being secured through the Travel Plan and this will assist in achieving a modal shift in commuting away from car-borne trips. For those that still use private motor vehicles a minimum of 5% of the parking spaces will offer electrical charging facilities making the shift to greener forms of motoring more convenient.

10.14 Environmental Protection

Noise Impact – This was raised by verbal contributors at the public exhibition and the applicant has considered the types of measures which could be employed to reduce the impact on surrounding occupiers during the construction work:

- any compressors brought on to site should be silenced or sound reduced models fitted with acoustic enclosures;
- all pneumatic tools should be fitted with silencers or mufflers;
- deliveries should be programmed to arrive during daytime hours only.
- Care should be taken when unloading vehicles to minimise noise.
- delivery vehicles should be routed so as to minimise disturbance to local residents.
- delivery vehicles should be prohibited from waiting within the site with their engines running;
- proper maintenance of plant
- local hoarding, screens or barriers should be erected as necessary to shield particularly noisy activities

The minimization of nuisance caused by noise and other site activities during construction will be controlled through an appropriately worded condition which requires a Construction Management Plan to be submitted and this method of controlling potential nuisance caused by construction activities is considered to be acceptable. Hours of construction working, other than those construction works which are not audible from nearby noise sensitive premises, will be restricted to 0800 - 1900 Mon – Fri and 0800 – 1400 on Saturdays.

10.15 Noise Impact – Post Construction (Operational) Phase: The proposed service yard runs along the eastern side of the site which is the same general arrangement proposed as part of both the previous scheme and the Lumiere proposal. The servicing area will be contained by the boundary wall described above and the City Central development has double glazing which was approved as part of its residential conversion. This was important as there are already high levels of background noise in this city centre location. In addition, the applicant has stated that the following best practice measures will also be applied to ensure that residential amenity is protected:

- ensure drivers switch off their engines when unloading/loading in the service yard;
- incorporate rubber matting where trollies operate and utilise quiet roll cages;
- where vehicles have refrigeration units, these should be switched off prior to arriving on site and switched back on when the vehicle is off site and away from residential areas;
- avoid the installation of an external tannoy system
- inform staff of the necessity to operate quietly and display appropriate signage.
- the service road is one-way and so reversing warning signals will not be employed other than in exceptional circumstances

10.16 Hours of servicing will be restricted by condition to 0700 – 23-00 thereby further protecting the amenity of surrounding residents. External noise will be mitigated within the building by the double glazed curtain walling system and this will also ensure that noise generated within the building is contained within the envelope in order to protect nearby residential properties.

10.17 Flood risk

The majority of the site is located within Flood Zone 1 with the exception of the extreme south-western corner which is within Flood Zone 2. The flood risk assessment sets out recommended finished floor levels above flood levels and therefore the probability of onsite flooding from all sources is low. The south-western corner of the site is also located within the Environment Agency flood warning area and the applicant has advised that, as a precautionary measure, the site signs up to the flood warning service. As the majority of the site and all entrances are within Flood Zone 1 it is considered that access and egress would not be affected by flooding. L.C.C. Flood Risk Management have raised no objection to the submitted package of drainage measures and therefore, subject to the appropriate conditions, this site can be drained to an acceptable level.

10.18 Sustainability

The development is located in a highly accessible location, which will significantly reduce potential travel emissions. Measures have been incorporated to improve the energy efficiency of the building and these have been outlined above. The achievement of in excess of 20% reduction in CO<sub>2</sub> emissions over Part L of the Building Regulations and the production of more than 10% of the predicted energy demand by onsite low carbon energy source is considered acceptable. The BREEAM pre-assessment indicates that a rating of “Excellent” can be achieved. It is clear that the building has very high quality sustainability credentials and that it is employing a wide range of measures to make the building as sustainable as possible.

10.19 Nature Conservation

There are no statutory designated sites of nature conservation interest within 1km of the site. No protected species were discovered on site during the survey undertaken in the production of the submitted report. The site is subject to high levels of disturbance and offers little to no foraging opportunity for animals and is too isolated to be of potential value to breeding birds or bats. The site does not contain any habitat of intrinsic ecological value and does not include any features considered likely to be of value to notable or protected species. Therefore, it is concluded that there will be no detrimental ecological impact. A condition will be used to ensure that bat roosting and bird nesting opportunities are considered as part of the finished scheme.

- 10.20 Land Contamination and Coal Extraction  
Much of the ground was excavated as part of the Lumiere ground works. The ground study undertaken concluded that the overall sensitivity of the site is of a moderate to low order and the conditions on site present a low risk to human health, ground water and the built environment. As this is the case, no remedial action is required. Conditions will be used to control the unlikely situation that unexpected contaminants are discovered or fresh earth is needed to make up ground levels.
- 10.21 It is a requirement of the Natural Resources and Waste DPD that applicants in areas where coal is known to exist in the ground provide a statement which assesses whether it is viable to remove that coal prior to development. In this case the applicant advises that the coal exists in very thin layers, is inter-bedded with hard rock and is located well below surface level. In this location where: the site is surrounded by buildings - many of which are in residential use; excavation would impact on ground stability; noise and vibration associated with removal would clearly impact on surrounding occupiers; and the energy expended to remove the coal would exceed that yielded by the extracted coal, the extraction of that coal is therefore considered to be neither practical nor viable.
- 10.22 Wind  
The advice provided by the applicant and confirmed by RWDI makes it clear that, in the areas around the base of the building, wind conditions are improved by the presence of the building and are acceptable for the intended uses.
- 10.23 The wind report submitted as part of this proposal has identified the same existing distress conditions, to the frail and cyclists on Wellington St, as were identified as part of the previous proposal. The location where the windiest conditions have been identified, to the north of West Central, remains of sufficient concern that to increase pedestrian activity in that area, through the introduction of the Central Sq development, would be unwise and possibly unsafe. The proposed erection of guard railings is clearly designed to prevent pedestrians from crossing that part of the public highway. The relocated pedestrian crossing provides a controlled method of crossing the carriageway in a location which avoids the area where distress conditions have been identified. In the light of the evidence provided, it is considered that the above represents an appropriate set of measures and is a rational response to the situation as it presents itself.
- 10.24 The recent installation of the bus stop to the north of West Central would compromise the function of the proposed guard railings, as the bus stop would require a gap in the otherwise continuous length of railing. This would mean that pedestrians would be able to cross the road in the area of the windiest conditions. In the light of this, officers at Metro have considered their position and have agreed that they will begin the process of removing the stop as soon as possible. Therefore, the function of the guard railing would not be compromised once erected.
- 10.25 It is considered that the current proposal represents a rational response to the situation in the light of the concerns raised on pedestrian safety. The applicant will be responsible for the provision of the guard railings as part of the S106/S278 works package. Members should note the point made in the wind study, and confirmed by RWDI, which is that, as sites are developed to the south-west, this will have a mitigating effect on existing wind conditions in this area. This will enable the Council to reconsider the need for the guard railings in the future.



10.26 In conclusion, the wind problems already exist and are not made worse by the development. The study undertaken has resulted in action being taken to protect pedestrians in the potentially vulnerable location and this is the most reasonable course of action and is considered to be acceptable.

## 10.27 Planning Obligations

### Public Transport Contribution

For B1 offices - £229,804

For the ground floor commercial element – £25,644

### Travel Plan items:

- Agreed travel plan compliance and Travel Plan Coordinator
- Travel Plan review fee £11,810
- Provision of 2 no. Car Club spaces
- Funding for free trial membership and usage of car club for office workers £11,000
- Electric car charging points: 5% of spaces (6 no.) with charging infrastructure, rising to 10% (12 no.) if the first 5% are fully utilized.

### Highways works:

Financial contribution towards laying out of Whitehall Rd/Northern St Junction, to be £69,000

Provision of off site highways works consisting of:

- Relocation of pedestrian crossing on Wellington St
- Relocation of 2 bus stops on Whitehall Rd and provision of one of these with a shelter and Real Time Information.
- Pedestrian guard railing to Wellington St frontage

### 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 Wards during the construction works, from the start of the tendering process.

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.

## 11.0 **CONCLUSION**

11.1 This proposal would result in the redevelopment of an important brownfield site which is the final remaining package of undeveloped land in this area. The scale of the development has been carefully modelled to respect its neighbours and the elevational treatment is of high quality and appropriate to its setting. The inclusion of a large area of covered, publicly accessible – which will be a unique offer within the city, the upgrading of existing space and increased pedestrian permeability are all very much welcomed by officers. This building will successfully tie the more modern development on Whitehall Rd to the Conservation Area to the north, whilst respecting the amenity of surrounding residential and commercial occupiers. For the

above reasons the application is considered to be acceptable and is recommended for approval.

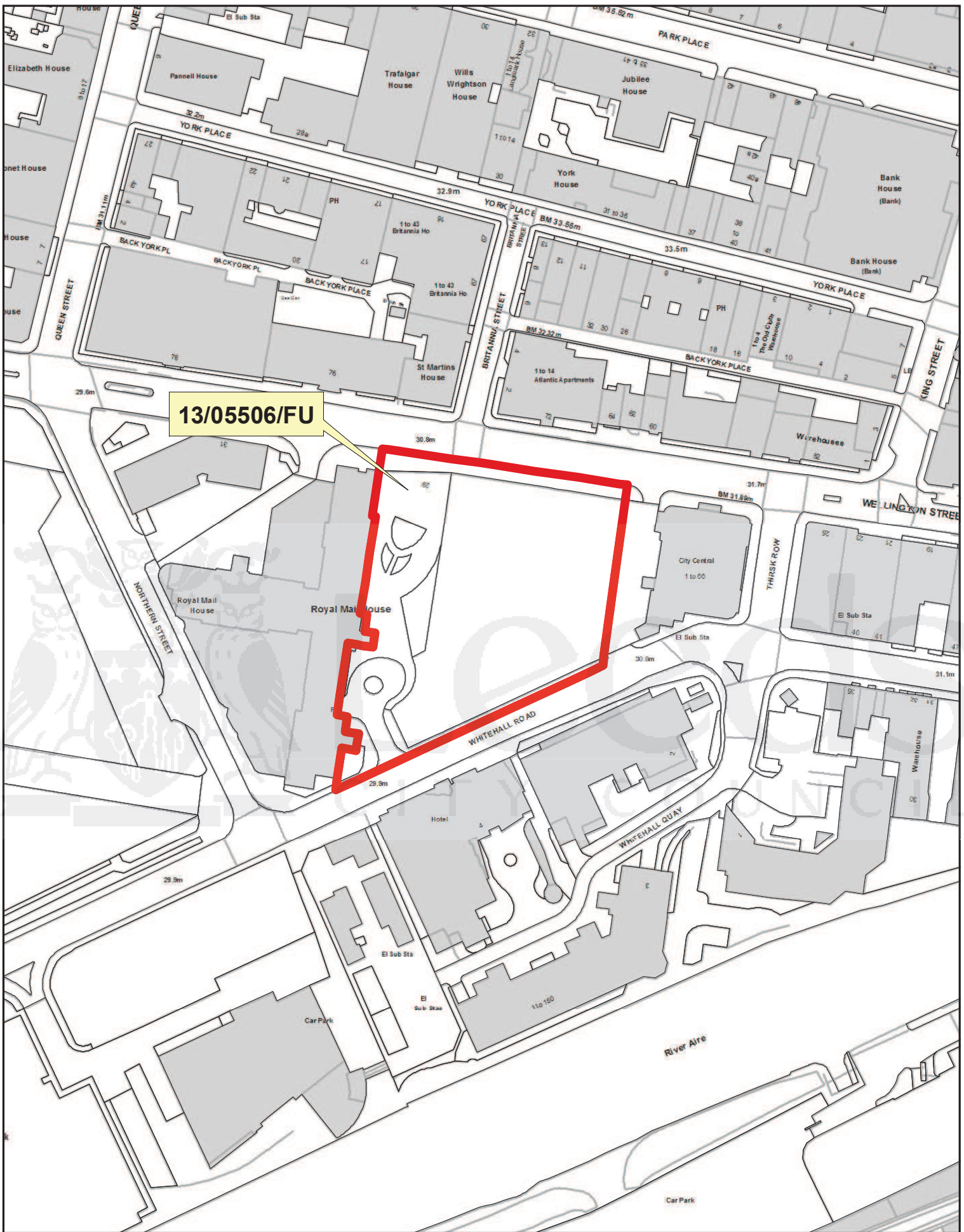
## **BACKGROUND PAPERS**

Original approval as part of Royal mail redevelopment: 20/314/00/FU

Single office building, pt9/pt10 storeys in height: 20/063/03/FU

The Lumiere proposal: approved - 06/01622/FU; refused 08/01914/FU

Mixed use office and hotel with ancillary cafes, restaurants, bars and basement car parking was approved in principle by Members at Panel in March 2013: 12/03788/FU



13/05506/FU

# CITY PLANS PANEL



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Originator:	Louise White
Tel:	0113 2478000

## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 20<sup>th</sup> March 2014

Application ref. 13/02190/FU – Erection and installation of an Energy Recovery Facility (using autoclave and pyrolysis) and an Anaerobic Digestion Facility, an integrated education/visitor centre, provision of rail freight handling infrastructure and a new industrial link road access to the site via Knowsthorpe Gate, associated parking and landscaping on land at Bridgewater Road, Cross Green, Leeds.

#### APPLICANTS

Clean Power  
Properties Ltd &  
Network Rail  
Infrastructure Ltd

#### DATE VALID

5<sup>th</sup> August 2013

#### TARGET DATE

27<sup>th</sup> March 2014

#### Electoral Wards Affected:

**Burmantofts & Richmond Hill**

**City & Hunslet**

Yes Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION: REFUSE for the specified reasons:

1. The proposed development site is not identified in Leeds City Council's Natural Resources and Waste Local Plan 2013 as an allocated, preferred or safeguarded waste management site. In the opinion of the Local Planning Authority the applicants have failed to demonstrate that the safeguarded, preferred and allocated locations for waste management use, as identified by policies Waste 2, 5, 6 and 7 in the Local Plan, are not appropriate or available for the proposed use. This is contrary to policy Waste 8 of the Leeds Natural Resources and Waste Local Plan 2013.

2. In the opinion of the Local Planning Authority the applicants have failed to demonstrate how the proposed development would utilise the adjacent railway line or to any substantial extent for freight movements in connection with the proposed use. As such, there are considered to be no exceptional circumstances to depart from the policy in the adopted development plan, which seeks to ensure that the application site is developed for rail related uses. The proposed development is therefore



contrary to the aims and objectives of policies H3-1A.45, T1(i) and T31 of the Leeds Unitary Development Plan Review 2006.

3. In the opinion of the Local Planning Authority the proposed development would prejudice the delivery of housing on the land allocated for residential development at Bridgewater Road. It would do so by restricting the land available for the location and/or relocation of rail based freight uses whilst simultaneously ensuring that sufficient land is available to function as an effective buffer between the two uses. This buffer is required in order to provide an adequate standard of amenity for the occupants of the future planned housing. The proposed development is therefore contrary to the Hunslet Riverside Strategic Housing and Mixed Use Site policy H3-1A:45 and GP5 of the Leeds Unitary Development Plan Review 2006 and Waste 9 of the Natural Resources and Waste Local Plan (2013) and undermines the emerging policy base contained in Spatial Policy 5 of the Consolidated Core Strategy comprising Publication Draft Feb 2012 and Pre-Submission Changes Dec 2012 (CD01) and the Proposed Modifications Schedule 1 (March 2014) and the aspirations of the emerging Aire Valley Area Action Plan for the regeneration of the wider Hunslet Riverside Area.

## 1.0 INTRODUCTION

- 1.1 In responding to a request from the applicants for pre-application advice in 2012, officers had not supported the proposal as it was not on an allocated waste management site and there were a number of suitable alternative sites identified within the Council's Natural Resources and Waste Local Plan (2013).
- 1.2 A Position Statement on the proposed development was presented to City Plans Panel on 24<sup>th</sup> October 2013 (Agenda Item 12). Members were asked to consider the report to provide feedback on a number of issues. The Panel resolved that it was not minded to approve the proposal and a number of areas requiring more information were identified. The Panel's feedback is contained in minute 94 of the meeting minutes approved on 21<sup>st</sup> November 2013.
- 1.3 Following the 2013 October Plans Panel meeting and subsequent negotiations with the applicants, officers requested the submission of further information pursuant to para. 22(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The applicants were also requested to submit additional supporting information, amongst other matters, relating to a sequential test assessment of the location of the proposed development against alternative allocated waste management sites and clarification on how the proposed development would utilise the adjacent railway line for freight movements.
- 1.4 The applicants submitted further and additional information on 17<sup>th</sup> January 2014. Officers have now re-assessed the application following re-advertisement and re-consultation, which expired in mid-February. The current proposals before us have not changed other than for a slight adjustment to the location of one of the proposed digester tanks to avoid a major sewer pipe. Concerns over the proposed development remain and officers recommend that Plans Panel move to a decision to refuse planning permission.
- 1.5 Members are also advised that Wakefield Council has consulted with Leeds City Council in respect of a planning application (ref. 13/03470/FUL) by Clean Power Properties Ltd and Network Rail Infrastructure Ltd for the '*construction and operation of 8 MWe pyrolysis advanced conversion technology plant including 2MWe*

*anaerobic digestion plant, associated office, visitor centre, new access road and weighbridge facilities, solar panels, landscaping, surface water attenuation features and construction of new rail infrastructure, two sidings and an unloading area with associated earthworks'* at land at Wheldon Road, Castleford. This proposal is largely identical to the planning application under current consideration and is also located adjacent to a railway.

## **2.0 PROPOSALS**

- 2.1 The applicants seek full planning permission for a waste management facility that would be capable of treating up to 195,000 tonnes per annum (tpa) of unsorted, non-hazardous municipal, commercial, industrial and green (biodegradable) wastes. The proposed facility would recover energy from the waste treatment processes to produce 10MWe (electric power).
- 2.2 The proposed methods of waste treatment and their respective capacities and potential electrical output are:
  - autoclave and pyrolysis at 128,000 tpa producing 8MWe; and,
  - anaerobic digestion at 67,000 tpa and producing 2MWe.
- 2.3 The proposed facility would recover waste 24 hours per day, 7 days per week. It would operate continuously throughout the year except during shutdowns for maintenance.
- 2.4 The application has sought to identify that there are adequate waste arisings within the Leeds administrative district to provide feedstock to the proposed facility.
- 2.5 The importation of wastes and the separation and processing (by autoclaving and pyrolysis) would take place inside a single portal steel framed building, rectangular in shape and measuring 130m long, 40m wide and 9m high to the ridge (a floorspace of 5,305 sqm). The building is proposed to be clad in green and grey colours and the majority of the roof covered in silver solar panels. Anaerobic digestion would take place adjacent to this building, inside 2 digester tanks measuring 20m in diameter and 9m high and 2 digestate storage tanks measuring 25m in diameter and 9m high.
- 2.6 The proposed development also incorporates two 25m tall (from ground to tip) flues, one of which would serve the building and the other serving three proposed gas engines. Other ancillary development consists of an 18m<sup>2</sup> gatehouse building, wheel wash, a 9m high gas holder tank, an electrical sub-station and district heating connection building both measuring 45m<sup>3</sup> and parking space.
- 2.7 A narrow strip of landscaping (mostly less than 1.5m in width) is proposed along the north-western boundary of the site, with further planting proposed along the site frontage and towards the south-eastern end of the site.
- 2.8 The proposals provide for the construction of a link road of just less than 1km in length to access the proposed facility from the east. This would connect to Knowsthorpe Gate and Knowsthorpe Lane to the east of the site in the Cross Green Industrial Estate via a new roundabout and utilising an existing tunnel under the railway branch line.

- 2.9 The proposals also include the provision of new rail freight handling infrastructure in the form of upgraded rails and a new concrete 'apron' to the south-west side of the existing rail line on Bridgewater Road.
- 2.10 The proposed development would employ up to 30 staff when operational and it is expected that 8 people would be on shift at any one time based on a 'four on-four off' shift pattern and then an additional 3 people in administration, accounts and site management. In the order of 100-150 jobs would be generated during the construction phase.

### **3.0 SITE AND SURROUNDINGS**

- 3.1 The overall application site consist of 4.88 hectares (ha), 2.4ha of which would be occupied by the proposed buildings, tanks and parking space with the rest given over to the proposed access road.
- 3.2 It is located towards the southern end of Bridgewater Road, which is within the Burmantofts & Richmond Hill Ward. The navigable section of the River Aire to the south forms the shared boundary with the City & Hunslet Ward.
- 3.3 The application site, as with the majority of land at Bridgewater Road, is vacant brownfield land that has been used in the past by heavy industry. Historically the application site was occupied by a goods yard and also formed part of a large petrochemical plant, which utilised the Aire and Calder Navigation for freight movement. The reinforced bank for loading and unloading of freight by barge is still present on part of the navigation but this industry ceased and its other associated infrastructure (large tanks) was cleared in the 1990s.
- 3.4 Today the cement company, Hanson UK, occupies land in the northern part of the application site for the stocking and movement of aggregates by rail in connection with their asphalt plant on Bridgewater Road. The rest of the application site forms the most vegetated and undisturbed part of Bridgewater Road, consisting of young broadleaf woodland, scrub, semi-improved grassland with bare ground and a small area of hard standing in the northern part. The site is relatively flat on its northern section near the railway line but levels reduce and fall further towards the southern part of the proposed site and towards the River Aire. The remainder of the land at Bridgewater Road is predominantly vacant.
- 3.5 The application site lies directly to the west and southwest of the Cross Green Industrial Estate and is separated from it by a railway branch line. A large aggregate site operated by Lafarge Tarmac is located on land north and northeast of the railway line and beyond this to the east is the Knostrop waste water treatment works. The River Aire lies nearby to the south and west and the Trans-Pennine Trail currently runs along the navigation known as Knostrop Cut. The Hunslet Trading Estate lies on the opposite side of the river. The residential development at and around Yarn Street occupies the riverside location opposite the northern portion of Bridgewater Road, some 400m to the north-west of the application site.

### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 Deemed Hazardous Substance Consent (ref. 21/267/99/HAZ) issued to Total Fina G.B. Ltd on 15<sup>th</sup> December 1999.



- 4.2 Planning application refs. 13/03191/FU and 13/03192/LI - Linear flood defences along River Aire and removal of Knostrop Cut – pending consideration. This proposed development (specifically the altered route of the Trans Pennine Trail) is likely to cover part of the proposed site under current consideration.
- 4.3 Various other temporary planning permissions were granted on the land in the northern part of the red line boundary, near to and including the railway, which related to mineral stocking and loading and aggregate processing. These uses were implemented but have now ceased.
- 4.4 Hanson UK has recently extended their operations and now occupy an additional piece of land in the northern part of the proposed application boundary, for stocking and freight purposes in connection with their asphalt facility, on the northern part of Bridgewater Road.
- 4.5 Lafarge Tarmac have recently complied with the Council's request (ref. 10/00231/WHAREC) to contain aggregates within the permitted aggregate storage and processing site (ref. 21/295/01/MIN) at their premises off Knowsthorpe Lane. Officer inspections had identified that aggregates were being stored outside of the permitted site on the line of the Thwaite Gate link, which forms part of the line of the proposed link road.
- 4.6 In respect of energy recovery in the Aire Valley, there are two existing incinerators within the Knostrop Waste Water Treatment Works. One is the clinical waste incinerator which treats around 10,000 tonnes of such waste per annum and the other is the sewage sludge incinerator which treats around 25,000 tonnes of sewage waste per annum from the water works. The Council has also granted approval for another 3 waste recovery facilities in the Aire Valley. The first is the Council's PFI strategic energy recovery facility (incinerator) at the former Wholesale Markets site off Newmarket Approach in Cross Green (ref. 12/02668/FU). This has a design capacity of 164,000 per annum and will be operated by Veolia. Construction commenced in autumn 2013 and the facility is programmed to be operational by mid-2016. The second is a strategic energy recovery facility (incinerator) at the former Skelton Grange Power Station off Skelton Grange Road in Cross Green (ref. 11/03705/FU). This has a design capacity of 300,000 tonnes per annum and will be operated by Biffa. Construction is not yet underway on this development. The third approval is for a smaller energy recovery facility (gasification) at the T. Shea Waste Transfer Station off Knowsthorpe Road in Cross Green (ref. 09/04378/FU). This has a design capacity of 30,000 tonnes per annum. The building has been constructed by the gasification plant has not yet been installed and is therefore not operational.
- 4.7 The Council is also currently considering a planning application (ref. 13/05378/FU) for an anaerobic digestion facility at the Knostrop Waste Water Treatment Works in Cross Green. This has a design capacity of 48,000 tonnes per annum. A decision on this development will be made by City Plans Panel in April 2014.

## **5.0 PRE-APPLICATION ADVICE**

- 5.1 The applicants sought pre-application advice (ref. PREAPP/12/00246) from the Local Planning Authority between March and December 2012 in relation to the proposed development. Officers could not support the proposal at that time as it was considered to be contrary to the Leeds Development Plan and emerging local policy for the following reasons:

- the proposed site is not located on a waste management site allocated in the NRWLP. There are a number of suitable allocated locations for waste management facilities elsewhere in Leeds. At no time during the process of preparing the NRWLP or at Examination was land at Bridgewater Road put forward as a location for a waste management facility. A representation was submitted afterwards, but was submitted outside of the timescale for representations and was too late to be considered;
- the proposed waste management use is located on a site allocated in the draft NRWLP for mineral-related employment uses which can utilise movements of freight by rail or canal. The proposal is not a mineral-related development and there is no evidence to demonstrate that the associated freight movements would be by rail or canal;
- use of the land would undermine the aspirations and delivery of residential development in the northern portion of the Bridgewater Road site contrary to the UDPR and the proposals being carried forward through the draft AAP for the wider Hunslet Riverside Strategic Housing and Mixed Use Allocation. The Council is, through the AAP, seeking to promote housing in this area in support of the residential scheme already underway at Yarn Street. Alternative access and egress was advised via Thwaite Gate.

5.2 The applicants were also advised of the draft Hunslet Riverside Area Masterplan and Urban Design Analysis (2012) and that any proposal on Bridgewater Road should seek to assimilate itself with the emerging planning policy and urban design aspirations within it. The applicants submitted a basic conceptual masterplan for consideration but it was clear that further work would need to be carried out by the applicants for the purposes of any future planning application.

5.3 In April 2012 the applicants submitted a Scoping Request to the Council concerning the information that should be included with an Environmental Statement for the proposed development. The Council broadly agreed with the applicants' range of proposed environmental topics and methodologies shown in the Scoping Report but did not agree to the following being 'scoped out': health, odour and nuisance, socio-economic and micro-climate effects and light pollution.

5.4 The applicants' Scoping Report failed to take full account of the current and emerging policy allocations of the proposed site and surrounding land and, therefore, failed to properly consider the potential significant environmental effects of the proposal. The applicants were alerted to the current UDPR allocation, the draft AAP mixed-use allocation for Bridgewater Road and the then-draft NRWLP proposed allocation for a rail siding in the southern part of Bridgewater Road ("Site 21").

5.5 The applicants were advised that the proposed development could prejudice the delivery of residential development in the area of Bridgewater Road, principally due to amenity and environmental concerns and that the proposal did not utilise and/or seek to satisfy the emerging rail siding allocation.

5.6 Ward Members for Burmantofts & Richmond Hill and City & Hunslet were advised of the officer-applicant pre-application discussions in 2012 and were offered a briefing to advise them of the proposed development. Councillors Khan and Grahame for Burmantofts & Richmond Hill Ward accepted and were formally briefed on 13<sup>th</sup> March 2013. On 7<sup>th</sup> August 2013 the Ward Members for Burmantofts & Richmond Hill and City & Hunslet were advised (via email) that the planning application had

been received and validated. They were also advised of the Planning Performance Agreement timescales, the date of the applications advertisement and the locations for where copies of the application had been distributed.

## 6.0 PLANNING APPLICATION NEGOTIATIONS

6.1 In October 2013 the City Plans Panel identified what further information was required of the applicants in order to properly determine the planning application. Subsequent meetings took place between officers and the applicants to clarify certain aspects, namely on the following subject areas, where further information was requested:

- **Sequential Test Addendum** - to give better consideration to allocated waste management sites in the NRWLP Map Book (2013) (i.e. Site refs. 200 – 202, 183, 207-210, 213 and 206 (including site ref. 18));
- **Rail Usage** - how and for what purpose the proposed development would use the adjacent railway line; information on the destination of materials/waste to be exported by rail and why they couldn't otherwise be taken via road for onward recycling/disposal at suitable facilities within the Leeds district; rail capacity issues relating to the railway line, the proposed development and any constraints; details of the contractual arrangements the applicants have in place or intend to have in place to secure the proposed development; and, details of lorry movements to and from the site involving waste or recycled waste material where rail transport would not be involved together with the total quantities of waste involved;
- **Air Quality** – to give better consideration to health and quality of life (including a Health Impact Assessment); cumulative impacts other energy recovery facilities in Leeds; and, odour and management of it;
- **Flood Risk** – requested consideration of the existing northern access road if this is to be used; additional assessment of flood hazard, including flood frequency and full details of mitigation;
- **Potential Secondary Access** – plans showing connectivity to the existing northern access as an addendum to the Transport Statement and revisited Design and Access Statement, if this access is to be used;
- **Amenity and public perception** – of using the existing northern access through the allocation for residential development on the northern portion of Bridgewater Road;
- **Landscape and Visual** – submission of a full landscape and visual impact assessment and full Vegetation Survey; consideration of higher quality and more extensive hard and soft landscaping on the site and surroundings; and, consideration to securing the site with security fencing;
- **Ecology** – submission of complete protected species surveys; and, consideration of providing an average 40m buffer zone from the application site to the River Aire as mitigation to provide adequate habitat and foraging areas for otters;
- **Design** – to clarify whether the development would encroach upon the sewer clearance zone; and, the mitigation proposed to ensure the continued maintenance of the public sewage network.

6.2 The applicants submitted further information in mid-January 2014 and the application was re-advertised. The proposed development was not amended by the applicants.

## 7.0 PUBLIC/LOCAL RESPONSE

7.1 The Statement of Community Consultation identifies that information leaflets were distributed to 5,000 residents and businesses around the neighbouring areas on the 4-5<sup>th</sup> February 2013. The leaflet contained background information on the proposed facility and details of a public exhibition which was held on Friday 9<sup>th</sup> February and Saturday 10<sup>th</sup> February 2013 at the Richmond Hill Community Centre.

7.2 Site notices were displayed in 13 separate locations in Cross Green and Hunslet on 5<sup>th</sup> September 2013 and the application was advertised in the Yorkshire Evening Post on 29<sup>th</sup> August 2013. Copies of the planning application were provided to public libraries in Halton, Cross Gates, Seacroft and Rothwell. There are no public libraries open in the affected ward therefore the planning application was provided to the Richmond Hill Community Centre (affected ward), the Belle Isle Family Centre (adjacent ward) and The Compton Centre in Harehills (adjacent ward). Copies of the application are also held at the Council's planning office (adjacent ward).

### First round of public consultation (August – October 2013):

7.3 **Support** – Councillors M. Ingham and R. Grahame (Burmantofts & Richmond Hill Ward) for the following reasons:

- £3M investment on a new link road;
- the energy generated by the facility, which could benefit residencies and businesses in the local area;
- waste would be dealt with higher up the waste hierarchy than landfill;
- it would generate employment and training for local people; and,
- the on-site visitor and education facility to educate on recycling.

Both councillors have requested a site visit to another facility, to establish issues such as noise abatement, odour and any other environmental issues that may occur.

7.4 **Objections** – 3 letters received (2 from members of the public living in around Yarn Street and 1 letter from a Leeds resident living in Burley) for the following reasons:

- siting – proposal is in the wrong place;
- visual impacts – particularly on residents occupying H2010;
- odours;
- insufficient information submitted on bats, otters, breeding birds and invertebrates; and,
- combined impacts – with the Leeds Flood Alleviation Scheme.

7.5 The Council consulted with Miller Homes and Hanson UK on the proposals.

7.6 **Hanson UK** - who operate an asphalt plant in the northern portion of Bridgewater Road raise the following issues:

- The application site is safeguarded in the NRWLP for aggregate related rail use and the proposed use appears to be contrary to policy;

- Hanson has supported the allocation for the proposed railway sidings and canal wharf land at Bridgewater Road for an aggregates & asphalt & concrete railhead complex;
- The existing Hanson asphalt plant is now located within land allocated for future residential land in the Aire Valley Plan so the long term future of the business and its employees is uncertain;
- Hanson would not like to see the allocation site or the railway line sterilised in whole or in part by the proposed development before detailed discussions have taken place between Hanson, the applicants and other interested parties particularly if the existing site is to be lost to housing in the medium term; and,
- Hanson believe a feasibility assessment should be undertaken as to the compatibility of a rail linked aggregates, asphalt and concrete site and the proposed development to ensure that both operations can work alongside each other within the allocated area, particularly given the proximity to the possible housing to the north and the known subterranean constraints.

7.7 **Miller Homes** - the developer of the Yarn Street residential scheme (new housing site on the opposite side of the river to the north-west) raise the following issues:

- imperative that the new residential scheme in and around Yarn Street, Hunslet, is not prejudiced by the proposals, given the significant levels of public investment in regenerating this area for living space (existing and future) – particular regard should be had to air quality, noise and traffic impacts;
- the success of developing the northern portion of Bridgewater Road for residential development and a new neighbourhood centre should not be prejudiced by the proposals;
- it is important to that the proposed landscaping along the river and between residential/industrial areas is robust and fit for purpose to create the desired character areas for future developments. The north and south link roads should not be connected so as prevent creation of a through route which could lead to increased traffic levels on site which in turn could harm living conditions for future residents;
- the planning application does not identify that the application site is allocated for residential use in the UDPR (2006). Whilst the aspirations of the Aire Valley AAP are noted, it is considered an assessment of the site's current UDP allocation should be properly addressed with clear justification as to why Leeds is currently unable to demonstrate a 5 year supply of deliverable housing sites;
- appropriate bat activity surveys have not been undertaken on the site to enable the Council to make an informed assessment of the effects of the proposals on this protected species. These surveys should be undertaken prior to determination of the application.

Second round of public consultation (January – February 2014):

7.8 **Objections** – 28 letters received (27 from occupants living in and around Yarn Street and 1 letter from a Leeds resident living in Burley), for the following reasons:

- lack of notification to residents;
- planning policy – residential area not allocated for waste management use;
- impact on the existing regeneration of the H2010 residential area (particularly community life, urban living and waterfront tranquillity) and future residential area on the northern portion of Bridgewater Road;



- the area is predominantly for residential development, which is at odds with the proposed development;
- visual impact of proposal from Yarn Street, particularly the stack heights within line of sight and removal of the Knostrop Cut;
- air quality and associated health impacts, including odour;
- no visualisations of the proposals provided from the H210 area;
- the application site is allocated for residential use rather than for waste management use;
- ecology – the applicants has failed to carry out additional surveys on breeding birds and invertebrate and the bat survey undertaken in September 2013 failed to follow the relevant guidelines;
- loss of trees and vegetation and proposed landscaping inadequate;
- leisure destination;
- impact on new school;
- noise disturbance;
- impact on the re-located Trans-Pennine Trail;
- adequacy of parking/turning/loading area, road access and traffic generation;
- effect on listed building and conservation area;
- layout and density of building and design appearance and materials;
- economic impact which the proposal would have on surrounding development coming forward.

7.9 Officers advised Hanson UK and Miller Homes that the application had been re-advertised a second time but no further comments were forthcoming

## 8.0 CONSULTATION RESPONSES

### 8.1 Statutory

Public Health England – required an air quality cumulative impact assessment which the applicants provided on 17.02.2014, which they raise no objection to.

Environment Agency – the proposal would require a permit from the Environment Agency to operate in line with the requirements of the Waste Incineration Directive (WID). Identified that the proposed access road could be blocked during a flood event but raise no objection following the submission of the applicants' further information on this issue. Impacts to air quality from the proposal, in combination with background air quality levels and any contributions from nearby existing and consented incinerators, was requested and this information submitted by the applicants but the Agency has not reviewed the information provided in detail regarding human health risk assessment. The odour management plan submitted as further information by the applicants has not been assessed by the Agency. Air quality, cumulative impacts, health and odour will all be subject to scrutiny at the permit application stage.

English Heritage – the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Natural England – requires detailed surveys on bats and otter and potentially on badgers, barn owls and breeding birds, water voles, white-clawed crayfish or widespread reptiles.

Leeds Bradford International Airport - the proposed development is within our 13km bird management zone and details of any potential bird attractant issues to the airfield and any proposed mitigation by way of a risk assessment is required before a formal response can be made.

Network Rail – no objection in principle to the development but there are requirements which must be met regarding safety, construction, landscaping and access.

Highways Agency – no objection.

Highways – no objections in principle, subject to conditions on delivery of the access road, road and cycleway widths and surfacing, a HGV route management plan, parking and submission of annual travel plan monitoring report. There may be conflict with the Flood Alleviation Scheme in terms of relocating the Trans Pennine Trail.

Coal Authority – the application site is in a Coal Mining Development High Risk Area, where coal mining features and hazards need to be considered. The land is likely to be unstable from previous shallow depth coal mining. Recommends a condition to secure intrusive site investigation works to confirm shallow coal mining conditions and to establish whether any remediation/mitigation works are required. It may be economically viable to extract any remnant shallow coal resource but this will be dependent on the outcome of the site investigations.

Argiva (communication links) – no objection.

## 8.2 **Non-statutory**

Design – serious concerns that the proposal would undermine several key aspirations for the area and would fail to create suitable conditions or environmental mitigation to protect future residents' amenity. Object to the further encroachment into the housing designation area of this site as indicated on the applicants' masterplan for the wider site as it would undermine the opportunity to establish a community within this potentially highly sustainable location. In terms of the proposed building, the design team are generally supportive but some amendments will be required on design of the buildings, regarding materials, colours and roof type. Additional planting needed to soften the development.

Nature Conservation – objected in original consultation response and recommended submission of a Phase 1 Habitat Survey, a Vegetation Survey, an Arboriculture Report and surveys on bats, otters, breeding birds, non-native vegetation species, a Landscape and Ecological Protection, Enhancement and Management Plan and a recommendation that the new access road should be located 40 metres from the banks of the River Aire. In the second consultation response an objection is raised in respect of the loss of BAP Habitat and the lack of any gain for biodiversity.

Yorkshire Water – originally objected as one of the proposed digester tanks would have overlain a sewer and construction of the new access road could affect another sewer. This objection has now been removed as the applicants have slightly re-located the affected digestate tank out of the protected sewer line. Recommends conditions for stand-offs and protection of the sewers, means of disposal of foul and surface water drainage, piped discharge of surface waters and interceptors.

Landscape – originally stated that the submitted information is not adequate for assessment purposes. A full landscape and visual impact assessment (including photomontages) and vegetation survey are required. In second consultation response no objection is made nor any ground for refusal but it is recognised that there would be a loss of established planting.

Environmental Health – air quality impacts arising from the proposed development would be negligible. Although Chromium VI would increase the concentration in the area above the existing background exceedence the contribution from the proposed facility would be only 0.1%. Defra suggest that the widespread exceedence of Chromium VI is a national issue. Conditions recommended on noise control. Following the second round of consultation, Environment Health identifies that all relevant consultee bodies acknowledge the proposal would require a permit in which to operate and that this would only occur if they are satisfied that emissions from the facility will achieve acceptable levels in terms of effects on human health and the environment. Although the impact of the existing and approved processes (ERF's) in the area are likely to be small, the department have written to the EA and Defra (dated 15 November 2013) concerning issues around the cumulative impact of a number of processes. A follow-up letter was sent on 16 January 2014 but to date no acknowledgement or reply has been provided.

National Air Traffic Services – no conflict with safeguarding criteria.

West Yorkshire Fire & Rescue – recommend conditions for the provision of a sprinkler system, water supplies access and facilities for the fire services and the premises should conform to the functional requirements of the current Building Regulations.

The Canal & River Trust – no objection in respect of the protection of any wharf creation opportunities within the allocation and recommend conditions on boundary treatment, landscaping, surface water run-off and water pollution prevention measures.

Health and Safety Executive – no objection.

Environmental Policy – no objection as the proposals are expected to achieve the Council's requirements in terms of low / zero carbon energy generation, reduced CO<sub>2</sub> emissions and site waste management.

Flood Risk Management – proposals for the drainage of the site with supporting calculations are still required and recommends a condition relating to the submission of this information.

Contaminated Land – recommends condition relating to site investigation and a verification report.

West Yorkshire Police – recommends revisions to require access controls (specific boundary treatment, gates and CCTV), lighting and secure metal and fuel storage.

Waste Management (Refuse Collection) – no objection.

Public Rights of Way – no objection.

National Grid Plant Protection Scheme – no response to date.



YEDL – no response to date.

Ministry of Defence – no response to date.

Asset Management – no response to date.

RSPB – no response to date.

Ofcom – no response.

## **9.0 PLANNING POLICY**

- 9.1 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.

### Local Policy

- 9.2 The development plan for Leeds comprises the Unitary Development Plan (Review) 2006, the Natural Resources and Waste Local Plan (2013). The Core Strategy has been through examination and it can therefore be given considerable weight.

### Natural Resources and Waste Local Plan 2013 (NRWLP)

- 9.3 The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16<sup>th</sup> January 2013. It forms the most up-to-date development plan for Leeds and holds very significant weight in the determination of this application. The main *determining* policies in respect of this document are:

- Waste 1: Support for proposals that help to achieve self-sufficiency for waste management in Leeds;
- Waste 3: Development of network of waste management sites and principle;
- Waste 4: Waste management to be treated as industrial use of land;
- Waste 5: Waste uses within existing industrial area;
- Waste 6: Identification of strategic waste management sites;
- Waste 8: Waste proposals at other locations;
- Waste 9: Consideration of impacts from waste management facilities;
- Energy 3: Heat and Power Energy Recovery;
- Energy 4: Heat Distribution Infrastructure;
- Air 1: Management of Air Quality;
- Water 1: Efficiency of Water Use
- Water 2: Protection of water quality
- Water 3: Functional Floodplain
- Water 4: Development in flood risk areas
- Water 6: Flood Risk
- Water 7: Sustainable Drainage
- Land 1: Contaminated Land; and,
- Land 2: Development and Trees.

- 9.4 In August 2013 the NRWLP (2013) was challenged by D B Schenker Rail (UK) Ltd and Towngate Estates Ltd in the High Court of Justice, pursuant to Section 113 Planning and Compulsory Purchase Act 2004 (case no. CO/2198/2013). The Claimants sought, by Ground 3, to challenge the adoption of the NRWLP and, by Grounds 1 and 2, to quash policies Minerals 13 and Minerals 14 in the adopted NRWLP “in so far as they relate to two sites” which are owned by the Claimants.
- 9.5 In September 2013 the High Court ruled that policies Minerals 13 and 14 of the NRWLP were quashed and ordered that they be remitted to the planning inspectorate for re-examination. As such, it is directed that policies Minerals 13 and Minerals 14 of the NRWLP are to be treated as not having been recommended for adoption by the Inspector or adopted by the Council. Until that process has been undertaken, policies Minerals 13 and 14 cannot be treated as forming part of the development plan. However, the remainder of the NRWLP is extant.
- 9.6 This is pertinent to the current planning application under consideration as the application area forms part of the site that was allocated in the NRWLP under Minerals 13 as being “suitable for the provision of new rail sidings and may be suitable for a canal wharf”. This site is referred to as “Site 21” in the NRWLP Map Book. Policy Minerals 14 provided protection of the safeguarded and allocated rail sidings and wharves from non-rail and/or non-water based freight-related development, unless certain criteria could be met.
- 9.7 As the High Court found that the planning inspector had erred in law to find policy Minerals 14 sound and this informed the basis for finding policy Minerals 13 sound, both policies fell. Notwithstanding this, the High Court agreed with the planning inspector and Council that there was robust evidence in relation to rail freight use at Site 21 and D B Schenker formally conceded this at the hearing (ref. para. 56). It was the situation in relation to canal freight use at Site 21 and Site 14 (Haigh Park Road in Stourton) and long term protection of those sites which was not justified to the High Court and, therefore, was not in compliance with National Planning Policy Framework (para. 22).
- 9.8 Since the issuing of the High Court’s approved judgement, the Council has been preparing its evidence base to propose new replacement policies for Minerals 13 and 14. It is likely that Site 21 will again be allocated for new rail sidings and offered protection against non-rail freight based developments. Limited weight can be afforded to the NRWLP’s aspiration for Site 21 at the current time.

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

- 9.9 The UDPR was adopted by Leeds City Council on 19<sup>th</sup> July 2006 and holds very significant weight in the determination of this application.
- 9.10 Land identified at Hunslet Riverside, including the application site, is allocated as a Strategic Housing and Mixed Use site under saved UDPR policy H3-1A:45. The application site also forms part of a neighbourhood renewal area and is within an area covered by the Waterfront Strategy area-based initiative. Part of the application site is white land. The main *determining* policies of relevance to this application are:
- Housing Land – H3 and H15.2.8;
  - Neighbourhood renewal – R1 and R2;
  - Employment – E3 and E4;
  - Design policies - A4; BD2; BD4; BD5; BD8; BD14; GP11; GP12; N12 and N13;

- General policies – GP5 and GP9;
- Landscaping – LD1; N8; N23; N24; N25 and N26;
- Ecology - N49 and N51; and,
- Transport – T1; T2; T2B; T2C; T5; T6; T7; T7A; T7B; T10; T21; T24; T30C and T31.

### Leeds Core Strategy

- 9.11 The Consolidated Core Strategy comprising Publication Draft Feb 2012 and Pre-Submission Changes Dec 2012 (CD01) has been through examination by the Secretary of State. The Inspector has identified a number of proposed main modifications which have been approved by the Council's Executive Board for consultation. Accordingly considerable weight can be attached to the Core Strategy policies as amended by the proposed main modifications as there is a strong possibility that the Plan will ultimately be adopted in this form. The Proposed Main Modifications Schedule 1 (March 2014) will be published for consultation in mid-March 2014.
- 9.12 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 policies of relevance to this application are:
- Spatial Policy 1: Location of development
  - Spatial Policy 4: Regeneration priority programme areas
  - Spatial Policy 5: Aire Valley Leeds urban eco-settlement where 6,500 new houses are planned to be built;
  - Spatial Policy 8: Economic development priorities
  - Spatial Policy 11: Transport infrastructure investment priorities
  - Spatial Policy 13: Strategic green infrastructure
  - CC3: Improving connectivity between the city centre & neighbouring communities
  - EC1: General employment land
  - P10: Design
  - P11: Conservation
  - P12: Landscape
  - T1: Transport management
  - T2: Accessibility requirements and new development
  - G1: Enhancing and extending green infrastructure
  - G7: Protection of important species and habitats
  - G8: Biodiversity improvements
  - EN1: Climate change – carbon dioxide reduction
  - EN2: Sustainable design and construction
  - EN3: Low carbon energy
  - EN4: District heating
  - EN5: Managing flood risk
  - EN6: Strategic waste management
  - ID2: Planning obligations and developer contributions

### Draft Aire Valley Leeds Area Action Plan

- 9.13 The City Council is preparing an Area Action Plan (AAP) which will provide the future planning framework to guide the regeneration of an area of the Lower Aire Valley. This area has been identified as one of Leeds City Region's four Urban Eco

Settlements (UES), a designation which is recognised formally under draft Policy SP5 of the Core Strategy.

- 9.14 The emerging Area Action Plan (Preferred Option 2007 and Informal Consultation 2011) have shown the Bridgewater Road site as split between residential (to the north of the site) and employment uses to the south (which was taken forward as the proposed rail sidings and canal wharf allocation in the NRWLP). This is an emerging and aspirational document but is a material consideration holding limited weight in the determination of this application.
- 9.15 Subsequently further work has been undertaken to develop more detailed proposals for the site in the context of the wider Hunslet Riverside area and the Urban Eco Settlement Proposals and other requirements outlined in the draft Core Strategy. This includes the draft Hunslet Riverside Area Masterplan and Urban Design Analysis (2012), which demonstrates how the subject area could be developed for mix of land uses, and the draft Hunslet Local Area Proposals Map (which is appended with this report) which shows the proposed AAP allocation and key planning requirements for the site. These plans have not yet been subject to public consultation which limits the weight to be attached to them.

### **National Policy**

#### Planning Policy Statement 10 – Planning for Sustainable Waste Management

- 9.16 PPS10 is a material consideration of very significant weight.
- 9.17 The context for waste on a national level is set within the National Waste Management Plan for England (December 2013) but policy on waste planning continues to be provided within PPS10. PPS10 was published in July 2005 and later revised in March 2011 to take account of the 2008 EU Waste Framework Directive. PPS10 is accompanied by a Companion Guide and is the current national policy document directed at waste related planning proposals.
- 9.18 The overall objective of Government policy on waste is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. By more sustainable waste management, moving the management of waste up the 'waste hierarchy' of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort, the Government aims to break the link between economic growth and the environmental impact of waste. This means a step-change in the way waste is handled and significant new investment in waste management facilities. The planning system is pivotal to the adequate and timely provision of the new facilities that will be needed.

#### National Planning Policy Framework

- 9.19 The NPPF is a material consideration of very significant weight.
- 9.20 The NPPF (2012) does not contain specific waste policies but in taking decisions on waste applications, regard should be had to policies in the NPPF so far as they are relevant. In more general terms, the NPPF applies a presumption in favour of sustainable development, which is accompanied by a set of core planning principles which should underpin both plan-making and decision-taking.

## 10.0 MAIN MATTERS FOR CONSIDERATION

10.1 The following main material planning considerations have been identified as being matters which Members may wish to consider in relation to this proposal:

- Principle of development – site planning policy context; the application site and the NRWLP; the application site and the UDP and AAP;
- Local need for the proposed facility;
- Rail usage, transportation and access;
- Design, layout and masterplanning;
- Public Health and Air Quality;
- Landscape and Visual;
- Ecology and Biodiversity;
- Amenity (noise & vibration);
- Flood Risk and drainage;
- Ground Conditions;
- Energy;
- Alternatives;
- Cumulative and Combined Effects;
- Other Matters; and,
- The balance of considerations.

### **Principle of development**

10.2 The proposed development will be determined in accordance with the development plan unless material planning considerations indicate otherwise.

### **Site Planning Policy Context**

10.3 The majority of the application site is allocated in the UDPR as part of a wider Hunslet Riverside strategic housing and mixed use site under policy H3-1A:45. This allocation is made subject to preparation of a masterplan to determine the mix and location of uses, the density of development, landscaping provision and location of access points. The supporting text to the policy supports residential led development but also acknowledges the potential for rail-related employment uses on the southern part of Bridgewater Road site subject to providing an adequate buffer between rail facilities and sensitive uses such as housing and open space.

10.4 The emerging Area Action Plan (Preferred Option 2007 and Informal Consultation 2011) has shown the Bridgewater Road site as split between residential (to the north of the site) and industrial uses to the south. The Council's latest Area Proposals Map for Hunslet includes proposals for the application site and the wider area based on the principle of splitting the site between residential and employment/freight uses.

10.5 The draft Core Strategy policy SP5 (proposed main modifications following examination in October 2013) sets out a requirement for a minimum of 6,500 new dwellings in the Aire Valley AAP area. The Hunslet Riverside area is a key location for housing development in the Aire Valley. The identification of housing sites in the area through the UDPR and continuation of this approach through the emerging AAP is part of a wider strategy (set out in draft Core Strategy policy SP5) to encourage a greater mix of uses in the Aire Valley, where appropriate. This would support the regeneration of the area and provide new housing opportunities in a sustainable location close to local facilities and services and employment opportunities.



Considerable weight needs to be accorded to potential impacts on delivering housing on the Hunslet Riverside site as well as the impact on existing residents of the new residential scheme in and around Yarn Street, south-west of the application site and, other nearby residential areas. This includes issues such as visual amenity, noise, odour and emissions taking into account the 24 hour, 7 days per week operations proposed. It is important that these sites are not compromised.

### **The application site and the NRWLP**

- 10.6 The NRWLP identifies 110 sites in Leeds suitable for waste management use. These sites are identified as either 'safeguarded', 'allocated' or 'preferred locations' are those where waste management uses should be directed and given preference by the Council. This is to ensure that waste management development is located in the most sustainable locations and to ensure that waste arisings in Leeds can be properly managed over the Plan period. No representation was submitted by the applicants to propose the application site for waste management use during the pre-adoption stages of the NRWLP.
- 10.7 The proposed development is not located on a site identified in the NRWLP as being suitable for waste management use as it is not on or within the Local Plan's preferred, safeguarded or allocated locations. The principle of the proposed development therefore does not accord with this key policy requirement in the Development Plan.
- 10.8 Policy Waste 8 of the NRWLP is the starting point for considering waste management uses in locations which are not safeguarded, preferred or allocated. This policy requires applicants to demonstrate, amongst other matters, that the sites/areas identified in the NRWLP are not appropriate or available for waste management use in order for an exception to be made to this specific criterion set in the local plan. The applicants have carried out a sequential test assessment to seek to demonstrate that the proposed site is acceptable under policy Waste 8 and in doing so, have discounted all of the Local Plan's 110 sites / areas that are suitable for waste management use.
- 10.9 Officers consider that the applicants have not provided convincing evidence to satisfactorily demonstrate that the NRWLP's safeguarded, preferred and allocated waste management sites are not appropriate or available for the proposed development.
- 10.10 The site selection criteria adopted by the applicants is largely in accordance with the approach set out in PPS10 but the requirement for the proposed development to be served by a rail connection and close to areas proposed for new housing combined with the weight that has been given to these at the sacrifice of other sustainability criteria appears to have been exaggerated by the applicants. Officers also consider that the suitability of many of the NRWLP's protected, safeguarded and/or allocated waste sites has been inappropriately discounted by the applicants. Furthermore, it is considered that the applicants have not carried out a sufficiently thorough assessment of the availability of the sites/areas included in the NRWLP.
- 10.11 Officers question the approach taken in the sequential test assessment in a number of respects. By way of an example, the former Skelton Grange Power Station site (ref. Site 200) is allocated as a strategic waste management facility in the NRWLP. Officers consider this site to have appropriate land available to accept the proposed development, adjacent to the energy recovery facility recently granted to Biffa.

However, the sequential test assessment submitted by the applicants contends that the site is not marketed for sale. The landowner, RWE npower, has confirmed to officers that the site is appropriate and available for the development.

- 10.12 The applicants' sequential test assessment states that the former Skelton Grange Power Station site is not served by rail. The power station was historically served by rail and the track remains in place and is safeguarded in the NRWLP (ref. Site 19). Upgrading the existing track with new rails means that the site offers real potential for rail use and to the type of development proposed.
- 10.13 By way of another example, the applicants' sequential test assessment contends that the access arrangement into the former Skelton Grange Power Station is poor. The planning permission for a strategic energy recovery facility at the former Skelton Grange Power Station requires Biffa to make improvements to the access off Skelton Grange Road and its bridge. There is a reasonable prospect that Biffa will carry out the required access improvements works in the near future. Even if this does not come to pass it would be possible to deliver the improvements through other arrangements such as, the applicants and Biffa sharing the costs associated with the improvement works.
- 10.14 The sequential test assessment also incorrectly identifies the former Skelton Grange Power station site as being adjacent to an area allocated in the AAP for residential development. The most up to date draft AAP allocates land to the south of the former Skelton Grange Power Station as being suitable for industry, with no residential development in any close proximity to Site 200. As such, the proposed development would in principle be compatible with surrounding existing and future uses.
- 10.15 In summary, officers are not of the view that the applicants have demonstrated to any satisfactory degree that the proposed development could not be sited on the alternative safeguarded, preferred or allocated waste management sites identified in the NRWLP. The proposed development is therefore contrary to the Development Plan in this respect.

#### **The application site and the UDPR and AAP**

- 10.16 In response to the requirements of the UDPR allocation and pre-application advice provided by officers, the applicants have submitted a simple land-use masterplan (called the Leeds Riverside Masterplan) for the entire area of Bridgewater Road. The masterplan seeks to demonstrate how the proposed development could be delivered alongside the uses allocated within the UDPR. In summary, the masterplan shows:
- the proposed development to the east of the site;
  - potential for a rail terminal and B1 employment development (within the allocation area) immediately to the west of the ERF;
  - residential uses to the north part of the site (including a neighbourhood centre);
  - separate accesses for both parts of the site (residential and employment/freight) of the site;
  - green buffers between the uses;
  - a green buffer to the waterfront; and
  - a riverside path.

- 10.17 Whilst the masterplan shows a theoretical layout that could achieve the requirements of policy across the site, officers consider that there is insufficient space shown on the masterplan to provide a suitable buffer between employment/rail freight uses and residential use and to achieve satisfactory amenity for future residents. The siting of the proposed development is also likely to restrict options for a rail freight use(s) to a site at the northern end of the proposed NRWLP allocation adjoining the residential site. As shown the buffer would significantly impact the residential part of the site significantly reducing its capacity to deliver. In contrast, the draft AAP shows this buffer on the proposed NRWLP allocation in order to maximise the scale of residential development whilst retaining sufficient space for rail related uses.
- 10.18 This is particularly important because in order to deliver the residential part of the site it is expected that there will be a need to relocate the existing Hanson UK Asphalt and rail loading facility which lies on that part of the site. The UDPR allocation and emerging NRWLP allocation for freight uses are very likely to provide a possible site on which to relocate Hanson UK's facility, where it would continue to have the benefit of rail loading facilities, retain its position in the local market and retain local jobs. This is confirmed by Hanson UK's comments on the application. The proposed development could restrict options to relocate Hanson UK within the Bridgewater Road site to a site which is compatible with maximising the development potential of the northern part of Bridgewater Road for residential use. The suitability of the remaining site for residential development is likely to be compromised by a combination of the proposed development and the nearby Hanson UK asphalt/rail loading facility.
- 10.19 The proposal to construct a separate access for the proposed development from the east is identified as a clear benefit of the scheme. Providing this access road would be a requirement for any industrial freight proposal on the site, in order to avoid a situation where HGVs access the site from Bridgewater Road through the residential/mixed use allocation. This aspect of the proposal is consistent with the UDPR allocation and the emerging AAP and it would deliver a significant piece of infrastructure necessary to facilitate the residential proposals.
- 10.20 Whilst there are some benefits associated with the proposed development, officers are concerned that the wider masterplan proposed by the applicants in support of the planning application would be contrary to policies H3-1A:45 of the UDPR, SP5 of the emerging Core Strategy and emerging Aire Valley AAP policy because, in its current state, would prejudice the delivery of housing proposals on the site. It could also prejudice the relocation of the Hanson UK facility, should sufficient land not be available to co-locate with the proposed development and a poor physical environment, which would go further to preclude the redevelopment of the northern part of the Bridgewater Road site for residential development.

**Is there a specific local need for the proposed facility?**

- 10.21 When proposals are consistent with an up-to-date development plan, waste planning authorities should not require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market-led need for their proposal (PPS10, para. 22). Need assessment should be based upon operational capacity as this is the measure of waste capacity.
- 10.22 There is capacity approved in the Aire Valley for 2 strategic energy from waste facilities and a smaller facility, together with potential for an anaerobic digestion



facility, which is currently under consideration (refer to para. 4.6-4.7 for further details).

- 10.23 Policy Waste 8 of the NRWLP requires applicants for waste developments proposed at locations other than those identified in the NRWLP Map Book (2013) to demonstrate that there is a specific need for their proposed facilities. The applicants have therefore sought to address this requirement of the NRWLP by demonstrating that there are adequate waste arisings in Leeds to be managed by the proposed facility, even if, theoretically, the 3 permitted energy from waste facilities were operational.
- 10.24 The applicants' 'Waste Feedstock Assessment' is largely based upon an officer report to City Plans Panel on waste arisings in Leeds (ref. 'Background report to support the strategic waste applications', 7<sup>th</sup> February 2013). Other than for the applicant's referring to the Regional Spatial Strategy (now abolished), the assessment appears to depict an accurate picture of waste arisings and waste management in Leeds.
- 10.25 The applicants' consider there to be an adequate supply of municipal solid waste (MSW) and construction and industrial waste (C&I) within the Leeds administrative district to fulfil the capacity of the proposed facility. They also consider there to be an adequate amount of green/food waste from the C&I waste stream and the proposed autoclaves to supply the proposed anaerobic digester.
- 10.26 Based on current known statistics on waste arisings and known future trends for waste management in Leeds, officers are of the view that there would be adequate amounts and types of waste available within the Leeds administrative district to supply and satisfy the capacity of the proposed development. This would remain the case in the event of all existing permitted energy recovery facilities becoming operational.
- 10.27 On the basis of the above assessment, officers can confirm that there would be no requirement for the applicants to source waste from outside of the Leeds administrative district. In this respect the applicants have satisfied the relevant part of policy Waste 8 of the NRWLP on 'local need'.

### **Rail Usage, Transportation and Access**

- 10.28 The submitted Planning Statement states that the proposed development would provide for and utilise upgraded rail freight infrastructure on the south-western side of the existing adjacent rail line. The applicants identify this as being the most critical mitigation measure in terms of alleviating road traffic impact from the proposed development.
- 10.29 The principle of using alternative transport modes, including the transportation of freight by non-road transport, is supported by the Leeds Development Plan, PPS10 and the NPPF. This aspiration is also reflected in the draft AAP Preferred Options and the emerging part of the NRWLP both of which complement the current UDPR residential and mixed use allocation for the Bridgewater Road site. The UDPR envisages that the southern part of Bridgewater Road will be developed for further rail-related uses and the draft AAP proposes to allocate this part of the site for freight-related industrial uses and the rest of the land for housing and lighter employment uses. During the recent High Court challenge to the NRWLP, the judge agreed with the planning inspector and Council that there was robust evidence in

relation to rail freight use at Site 21 and D B Schenker formally conceded this at the hearing. The emerging draft of the NRWLP to replace the remitted policies Minerals 13 and 14 is therefore likely to seek to protect the rail sidings via allocation. Therefore, the adopted and emerging policy base identifies the Council's aspiration to promote the land in the south-eastern part of Bridgewater Road for employment/industrial rail freight uses, which can properly capitalise on the adjacent rail branchline.

- 10.30 The submitted Transport Assessment report provides details of the predicted worst case scenario, which involves the importation and export of waste and materials by road only (128 HGV trips per day – 64 in and 64 out) and movement of staff vehicles (22 cars per day – 11 in and 11 out). The Council's Highways Development Control Team considers these movements to be modest and conclude the Transport Assessment to be robust, as it assumes that all materials will arrive and depart by road despite the introduction of an apron to enable the site to be serviced by rail. The Transport Assessment also assumes that all waste will be transferred during a 12 hour day despite being in operation for 24 hours therefore, hourly movements could be less than predicted.
- 10.31 In furtherance of paras. 6.1 and 10.9 - 10.15 of this report, the applicants were requested to clarify how the proposed use would utilise the adjacent railway for freight movements. A Rail Technical Note was submitted by the applicants for consideration and officers have the following concerns:
- there is a failure to provide the types and quantities of material/waste to be transferred to and from the proposed facility by rail and it is therefore unclear how and for what purpose the proposed development would use the adjacent railway line for freight movements. The submitted Planning Statement, however, suggests that 30% of the overall annual quantity of waste received at the site would be recovered for recycling. Officers calculate this to be 58,500 tonnes of the proposed facility's 195,000 tonne annual capacity. Notwithstanding this, it still remains unclear what proportion of recyclate would be transported outside of Leeds by rail freight for onward recycling and what proportion would be recycling in Leeds. Despite requests for further clarification, this has not been forthcoming;
  - there is a failure to provide information on the destination of the materials/waste to be exported by rail. There is no evidence to suggest that the recyclates recovered from the proposed facility would be moved by rail for onward recycling elsewhere. Nor has any justification been provided for why the recyclates could not be managed in Leeds by a number of established local waste transfer stations and material recycling facilities located on the adjacent Cross Green Industrial Estate;
  - the applicants intend to source construction and industrial (C&I) waste which is not currently moved by rail and they are in negotiations to determine these waste sources. Given that the C&I waste to supply the facility would be sourced from the Leeds administrative district there is no evidence base or likely necessity for such waste to be transferred to the site or into Leeds by rail. This adds further uncertainty to the use of rail and indeed the source of waste;
  - Network Rail's Northern Route Utilisation Strategy is already congested and the applicants have not identified the actual available capacity of the freight branchline other than to state that it "should" be sufficient to accommodate up to 1-2 additional freight trains per day on and off the Hunslet East branch. A clearer position on freight capacity should have been provided given that the applicants

are Network Rail. Notwithstanding this, officers consider it likely that there would be available capacity on the branchline for the proposed development to move freight by rail, on provision that this can be secured and assuming that Hanson UK have not already taken up the available capacity in the expansion of their aggregate freight movements to/from their site located on the northern portion of Bridgewater Road.

- 10.32 Taking the above issues into account, officers consider that the applicants have failed to demonstrate how the proposed facility would directly utilise, in whole or part, the adjacent rail branchline for the movements of materials/waste. In any event officers consider there to be a real likelihood that all recyclates derived from the proposed facility could be readily managed in Leeds and very local to the application site. As such, the carriage of recyclates by rail over distance would be unnecessary, unsustainable and potentially unviable. Likewise, there is no evidence or overriding need to import wastes from outside of the Leeds administrative district as there are and would continue to be adequate waste arisings generated within the Leeds administrative district, appropriate to the waste amounts and types required to supply the proposed facility. Although waste feedstock is a matter for the commercial market, there appears to be little in the way of likelihood or guarantee that the proposed facility would utilise the adjacent railway, since the source of waste and its destination for transfer do not necessitate transfer of waste into and out of Leeds. The likelihood is that rail would not therefore, be used extensively, if at all as part of the proposed development and its operation.
- 10.33 The opportunity to utilise rail here is a significant consideration in favour of granting planning permission. Given that the application site forms one of very few employment sites in Leeds that has the benefit of a rail siding, officers consider that without sufficient evidence to the contrary the application site should not be occupied by a land use that would not directly use the rail branchline. This view is supported by policies H3-3A.33, T1(i) and T31 of the UDPR, the emerging draft AAP and the emerging draft part of the NRWLP (relating to Site 21). It is also a requirement of the NPPF under para 143 that Local Planning Authorities should safeguard existing, planned and potential rail heads and rail links to quarries.
- 10.34 Due to the material planning considerations discussed in paras. 10.32 and 10.33 above, officers do not consider that the applicants have provided evidence to satisfactorily demonstrate that the proposed development would utilise the rail sidings in the manner that policies H3-1A:45, T1(i) and T31 of the UDPR, the emerging draft AAP and the emerging draft part of the NRWLP (relating to Site 21) require. Members are advised that this is a very important consideration in the determination of this planning application and are recommended to agree with officers that as the applicants' sequential test assessment has been constructed around the proposed use being served by rail, then a compelling evidence base to demonstrate the proposals direct and extensive usage of rail should have been provided by the applicants. This is currently not the case.
- 10.35 In respect of the proposed link road, this is considered to be a significant benefit of the proposal. It would ensure separation of access and traffic between the employment/industrial freight uses on the southern part of the Bridgewater site and residential/community uses, enhance the local highway network and improve access into the Aire Valley from the south. This is fully supported by policy T21 of the UDP.
- 10.36 The new road and roundabout would be required to be built to adoptable standards and offered for adoption under S38 of the Highways Act 1980. This is likely to require the upgrading of an existing private length of Knowsthorpe Gate to meet the

required construction standards and will also require appropriate lining and signing along its length including appropriate height signing of the existing Network Rail bridge. The link road and roundabout would need to be completed prior to occupation of the development and a condition would be required to this effect on any approval.

- 10.37 The Council's Highways Development Control Team advise that the existing roundabout at Knowsthorpe Gate/A63 currently operates within capacity on all arms except the inbound arm in the AM peak. Vehicle movements associated with the proposed facility would marginally increase the roundabout's operational capacity, by one vehicle in the queue, which is not considered to be significant to justify mitigation works at the roundabout.
- 10.38 Officers would require there to be sufficient land to accommodate a tarmacked 3m wide pedestrian/cycling route, which should be segregated from the proposed link road, ideally with a landscape buffer in between. This design would allow the Trans-Pennine Trail to be accommodated, which is likely to re-located from its current line along the Knostrop Cut to along the southern edge of the proposed road to cater for the City's flood alleviation proposals. In the event of any approval, it is considered that this could be secured via condition.
- 10.39 The proposal provides 16 car parking spaces on site, which is considered to be acceptable given that there would be a maximum of 10 staff on site at any one time working in three shifts over a 24 hour period. The proposed parking levels would therefore adequately cater for the proposed staffing and also allow for any visitor parking.
- 10.40 No public transport contribution would be required as staff numbers would be low and the impact on public transport would be negligible. Additional details would be required of the submitted Travel Plan to ensure that staff travel to and from the site in the most sustainable ways, which could be secured via legal agreement in the event of any approval.
- 10.41 No objections on rail usage, transportation or access have been raised on highway safety grounds from the Highways Agency, Network Rail or the Council's Highways Development Control Team and Public Rights of Way. In principle, officers consider that subject to the submission of further details in respect of the proposed road, land-ownership, pedestrian/cycleway design, parking and safety measures in respect of the railway that the proposal can made to comply with policies Waste 9 of the NRWLP and GP5, T1, T2, T2B & C, T5, T7 and T21 of the UDPR.

### **Design, layout and Masterplanning**

- 10.42 The site lies within the 'Hunslet Riverside Area' of the Aire Valley for which work has been undertaken by the Council on a masterplan to support the preparation of the Aire Valley Area Action Plan. Aspirations have been led by a strong desire for the regeneration of this area in order to create more liveable, well connected and linked communities within this potentially highly sustainable location in close proximity to the City Centre and Hunslet District Centre. In order to achieve this it is imperative that the area obtains a critical mass of development that can enable it to become a desirable place to live. This must include safe and comfortable environments and linkages, adequate natural and managed green space, a strong sense of place and an adequate level of protection from adjoining industrial uses that will assist in the co-existence of this as a mixed use area.

- 10.43 PPS10 comments that good design and layout in new development can help to secure opportunities for sustainable waste management. It goes on to say that planning authorities should ensure that new development promote designs and layouts that secure the integration of waste management facilities without adverse impact on the street scene or, in less developed areas, the local landscape. Finally, PPS10 suggests that waste management facilities in themselves should be well-designed, so that they contribute positively to the character and quality of the area in which they are located. Poor design is in itself undesirable, undermines community acceptance of waste facilities and should be rejected.
- 10.44 In respect of design issues, officers consider that slight adjustments to the colour of materials would help to better assimilate the proposed building and tanks into the landscape. It is considered that a more muted colour palette could be adopted in order for the building to recede from the eye rather than be pronounced. The colour and finish of the proposed roof-top solar panels is also of consideration in to preventing glint and glare, which would ultimately visually pronounce rather than recede the building. Officers consider these matters to be of particular importance given the development's riverside location, the proximity of residential development to the south west and residential allocation to the north. Such changes could be required via condition in order to comply with policies Waste 9 of the NRWLP, GP5 BD2, BD4, BD5, GP11, N12, N13 of the UDP and P10 of the draft Core Strategy.
- 10.45 The emerging Hunslet Riverside Draft Masterplan illustrates the potential for links between the City Centre and Hunslet with potential links to be established to reach northwards to the areas of Cross Green and Richmond Hill. The existing houses at Yarn Street and the Grade II\* Listed Hunslet / Victoria (grade II) Mills are intrinsically linked to the Bridgewater Road site and form a very important third 'nodal point' between Hunslet and the City Centre with access to the River Aire. It is therefore imperative that residential development at the Bridgewater Road site can be secured and can sustain itself as part of the emerging Hunslet Riverside community.
- 10.46 The proposed development attempts to relate to the emerging masterplan studies and although benefits of the proposed scheme are recognised, there are very serious concerns that the proposals would undermine several of the key aspirations for this area and would fail to create the suitable conditions or environmental mitigation to protect future residents' amenity. This view is reinforced by objection letters to the proposal from residents living in and around the new residential area at Yarn Street, on the opposite side of the river.
- 10.47 There are also a number of design concerns, as follows :
- the proposal would reduce the potential for new housing to be developed on the wider site by encroaching upon the housing area land take, particularly through the proposed aggregates / B2 / rail terminal area as shown on the 'Leeds Riverside Masterplan'. This notional masterplan fails to respect the indicative layout of the Hunslet Riverside Masterplan and there are concerns that this proximity, and the notional boundary buffer planting, would seriously harm the viability and desirability of this site to be used as housing. Any potential residents would therefore be in close proximity to heavy industry, the workings of the railway sidings and the operational Hanson UK site; and,
  - the proposal could be harmful to the creation of an attractive and safe waterfront through the visual intrusion caused principally by tree loss on the upper banks of the River Aire that would create a more visible site with little space for robust,



managed planting and green infrastructure. The perception of this as a heavy industrial area will therefore continue and may well have implications upon the desirability of housing and establishment of a residential community in this locality.

- 10.48 In taking these matters into account, it is the view of officers that the vision for this area must attempt to take the opportunities to create the desirability and attractiveness necessary to create a liveable, healthy and walkable collection of neighbourhoods. It is considered that the proposed development would prejudice the delivery of housing on the land allocated for residential development at Bridgewater Road by rendering it impractical, undesirable or unsustainable in the longer term. It could also compromise housing delivery in this part of the Aire Valley and the achievement of 6,500 new dwellings in this part of the city, as endorsed by the planning inspector in considering the Core Strategy. It would do so by restricting the land available for the location and/or relocation of industrial/employment rail based freight uses whilst simultaneously ensuring that sufficient land is available to function as an effective buffer between the two use allocations. Such a buffer (landscaped and planted) would be required in order to provide an adequate standard of amenity for the occupants of the future planned housing. As the applicants' masterplan has not adequately demonstrated that this would be the case, it is considered that the proposed development is contrary to the Hunslet Riverside Strategic Housing and Mixed Use Site policy H3-1A:45 of the Leeds Unitary Development Plan Review 2006 and would undermine the emerging policy base contained in Spatial Policy 5 of the Consolidated Core Strategy comprising Publication Draft Feb 2012 and Pre-Submission Changes Dec 2012 (CD01) and the Proposed Modifications Schedule 1 (March 2014) and the aspirations of the emerging Aire Valley Area Action Plan for the regeneration of the wider Hunslet Riverside Area.

### **Public Health and Air Quality**

- 10.49 It is recognised that any potential for impact upon health and air quality will be of concern for existing and future residents in the vicinity of facilities such as that proposed. The NPPF confirms that local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate properly and that the Environment Agency will diligently discharge the duties upon it. This approach has been held by the High Court to be entirely lawful. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.
- 10.50 Health is principally an issue regulated by the Environment Agency and the pollution control regime. The environmental protection regime focuses on the management and competency of the operator; accident management; condition of the site; energy efficiency and carbon assessment; use of raw materials and water; avoidance, recovery and disposal of waste produced; emissions; limits and monitoring; potential emissions to air, water and land, including fugitive emissions, odour and dust, noise and vibration; and, the effect of all emissions on ecological, environmental and human health.
- 10.51 Air quality relating to land use and its development is capable of being a material planning consideration. However, the weight given to air quality in making a planning

application decision, in addition to the policies in the Leeds development plan, will depend on such factors as:-

- the severity of the potential impacts on air quality;
- the air quality in the area surrounding the proposed development;
- the likely use of the development, i.e. the length of time people are likely to be exposed at that location; and;
- the positive benefits provided through other material considerations.

10.52 The main emissions of potential public health significance are emissions to air of products of combustion from the pyrolysis and anaerobic digestion processes. The applicants have assessed the potential impact of products of combustion from the proposed pyrolysis plant and Anaerobic Digester plant of the Energy Recovery Facility, as well as from vehicle emissions from the road traffic accessing the site during operation. Officers have considered the applicants' Air Quality Assessment (and addendum) and the Health Impact Assessment and can comment as follows:

- Airborne Particulate Matter – based on the submitted assessment would remain below thresholds set out in the Air Quality Strategy objectives, at all existing receptors in 2014, whether the proposed development is constructed or not;
- Nitrogen Dioxide (NO<sub>2</sub>) – based on the submitted assessment the annual mean concentrations of nitrogen dioxide currently exceed Air Quality Objective (AQO) threshold at receptors close to the A61, East Street. Two further scenarios have been modelled based on anticipated traffic conditions with the proposed plant operational in 2014. Using government published emission factors for vehicles in 2014, a reduction in the NO<sub>2</sub> concentration to below the AQO objective is achieved. A second assessment for 2014 ignoring the possibility that newer vehicles will be 'cleaner' (ie. retaining 2011 emission factors) suggests that emissions from traffic will be lower than currently exist although the annual average NO<sub>2</sub> concentration would remain above the AQ objective, with a 'worst case' contribution of 0.2µg.m<sup>-3</sup> caused by the proposed facility – an effect described as negligible, of which the Council's Environmental Health Team agree;
- Trace metals and Dioxins (chromium VI (Cr (VI)), cadmium (Cd), arsenic (As), and nickel (Ni)) - the applicants' assessment concludes that the proposed facility's contribution would be insignificant. The baseline conditions of the area local to the application site have not been established, instead, the applicants chose to select data from the Defra's UK Urban and Rural Heavy Metals Monitoring Networks, using the four closest sites to the application site (Sheffield Centre, Sheffield Brinksworth, Scunthorpe Town and Scunthorpe Low Santon). All these areas were shown to have raised levels of Cr (VI) and these exceedances appear to the Council's Environmental Health Team to be a national trend relating to built-up and/or urban areas. The contribution on CR (VI) from the proposed facility would be 0.1%, which although very small would likely result in current CR (VI) levels in the area being marginally increased. The Council's Environmental Health Service has written to the Environment Agency twice about this matter but no response has been received. Public Health England (PHE), the Environment Agency nor the Council's Public Health Directorate has raised concerns in respect of likely existing and proposed raised CR (VI) levels;
- Combined and Cumulative Impacts – the applicants' Air Quality Addendum considers this issue in detail and as requested, focuses upon the consented

energy from waste facilities (EfW) issued to Veolia, Biffa and T. Shea and the 2 operational EfW facilities at the Knostrop Waste Water Treatment Works, all of which are located in the same electoral ward as the proposed facility. The addendum report presents a sensitivity test using measured background concentrations from a monitoring station within 1 km of the proposed facility, which has then been used to determine the potential for exceedence of any of the Environmental Assessment Levels (EALs) for each pollutant which would result in an adverse cumulative impact. The conclusions drawn by the applicants are that the impacts arising from the proposed facility would be negligible and the potential for combined and cumulative impacts with other consented and operational ERF's in the local area is shown to also be negligible. None of the relevant statutory bodies have objected to these findings;

- *Odour* – the applicants' Odour Management Plan considers this issue in detail correctly identifies the potential sources of odour. The mitigation includes for a site management plan and controls such as inventory control, air tight/sealed pressure controlled buildings, all AD tank and delivery/collection vehicle vents and breathers to be connected and routed to main pyrolysis thermal oxidiser plant, process control and gas clean up technology, thermal oxidation and odour destruction and, no external handling or storage of digestate. It also includes control measures for abnormal event scenarios such as meteorological conditions and failure of process control measures. Daily olfactory monitoring is also included. In land use planning terms, it would appear that the likelihood of odours could be adequately controlled by the applicants on condition that such proposed mitigation was put into daily practice. This would, however, be the responsibility of the Environment Agency to control under any issued permit rather than the planning system; *and*,
- *Overall Human Health Risk* - the applicants' Human Health Risk Assessment considers this issue in detail. The risk assessment methodology is structured so as to create 'realistic' worst case estimates of risk for residents. A number of features in the methodology give rise to a degree of conservatism, most obviously through the assumption that vegetables and meat will be derived (grown/reared) from the areas where deposition would occur, thus assuming that both arable and pasture land are present within the locality. Given the conservative nature of the assessment, the applicants have sought to demonstrate that the maximally exposed individual would not be subject to a significant carcinogenic risk or non-carcinogenic hazard, arising from exposures via both inhalation and the ingestion of foods.

10.53 Under the Environmental Permitting Regulations, the applicants are required to apply to the Environment Agency (EA) for an Environmental Permit. As part of this process the EA are responsible for determining acceptable emission limits. The EA will not issue such a Permit if they consider that there would be any harmful effects on human health or the environment. The Permit would set out strict operating requirements which must be complied with to protect the environment and public health. The Permit application would have to demonstrate that the proposed plant would use Best Available Techniques (BAT) in order to control emissions to air, land and water. The EA guidance note for incineration activities identifies the detailed requirements to be met and the EA is under no obligation to issue a Permit, unless it is fully satisfied that the installation would be operated appropriately.

10.54 When a Permit application is received by the Environment Agency, organisations such as the Public Health England, the Local Authority and the Food Standards



Agency are consulted. PHE assesses the potential public health impact of an installation and makes recommendations based on a critical review of the information provided for the Permit application. PHE would request further information at the environmental permitting stage if they believed that this were necessary to be able to fully assess the likely public health impacts.

- 10.55 It is therefore correct to assume that the proposed facility would operate in accordance with an Environmental Permit should one be granted and that, should there be any non-compliance, the Environment Agency would act in accordance with its enforcement powers conferred through the environmental permitting regime.
- 10.56 In light of clear national guidance on this subject, to which considerable weight should be attached; the absence of objections from statutory bodies concerned with air quality and health impacts and; the fact that the proposed facility would be regulated through the Environmental Permitting regime administered by the Environment Agency, it is considered that no significant weight should be attached to general concerns or perceived fears about the possible impacts of the proposed development upon health or air quality.
- 10.57 Although there is a likelihood of elevated levels of Chromium (VI) in this area of Leeds and the proposed facility would marginally raise those levels, this is a matter primarily for the Environment Agency and other bodies to concern themselves with now and at any later permitting stage. Overall in terms of the assessed impacts to air quality and health, the proposals are considered to be in accordance with policies Waste 9 and Air 1 of the NRWLP, GP5 of the UDP, EN1 of the emerging Core Strategy DPD and in line with the guidance contained within Planning Policy Statement 10.

### **Landscape and Visual**

- 10.58 The site and immediate surrounding area has been largely undisturbed by human activity for many years and there has been a gradual development of self-set vegetation. This is maturing into a significant visual amenity asset. The value of this emergent woodland environment has been recognised in the developing Aire Valley Area Action Plan, forming a key element in the River Aire Green Infrastructure Corridor. Built development to the south side of the River Aire and the proposed removal of Knostrop Cut as part of flood alleviation proposals, furthers the need to secure retention of the Green Infrastructure value of this existing area of vegetation.
- 10.59 The applicants have sought through their visual analysis and proposals to show that existing vegetation between their proposed development site area and the River Aire, (in conjunction with limited retention on site where proposed built development may allow), will serve to provide suitable amenity screening for the proposed development. EIA Addendum Photo-Montage Viewpoint B, Year 0 (5487-L-7) serves to illustrate the partial screening that could be achieved. The further Photo-Montage Viewpoint B, Year 10 (5487-L-8) suggests that additional on-site planting will provide further limited softening and partial screening over time.
- 10.60 The intention of UDPR policy N24 is to ensure the effective assimilation of development into open areas beyond. As SPG25 'Greening The Built Edge', item 1.5 confirms, such open spaces are considered to include 'significant watercourses' like the River Aire. In response to such matters the applicant's Environmental Impact Assessment (EIA) (Section 13, item 13.7.15) merely notes somewhat passively that 'Mitigation, in the form of the retention of the perimeter planting would successfully

assimilate the development into the wider townscape'. The applicants' submitted Arboricultural Survey Report (December 2013) confirms the intent to protect the external river frontage from development disturbance. The submitted 'Site Landscaping Plan' fails to indicate any landscape proposals either through new planting or even long-term management of that existing in this area. The submitted Design and Access Statement (item 13.8.4) merely notes that in the long term the green edge against the river should be retained'. The EIA Addendum Otter Buffer Zone, however, refers to Buffer Zone Management and Enhancement for this area suggesting that some limited works have been identified, albeit for biodiversity reason rather than visual amenity. The Landscape Officer accepts that existing industrial uses are visible to the rear of the site in Viewpoint B but recommends that this should not be reason for additional intrusive development worsening the existing situation in respect of visual amenity.

10.61 Indicative landscape proposals have been submitted for areas within the application site boundary. The submitted Site Landscaping Plan and Design and Access Statement suggest a well-ordered, amenity landscape is to be provided. It states that *'where levelling takes place to accommodate the building native planting will be used to match the existing. The new planting will be integrated into the existing to form a seamless habitat'*. The submitted Site Landscaping Plan refers to soft landscaping including low shrubs, low groundcover and lawn, with native species trees. Whilst the applicants' intention is to provide new landscaping as a part of the development proposals, the Council's Landscape Officer considered there to be a lack of clarity in what is proposed and considers that the limited proposals fail to provide adequate assurance that the scheme as proposed will retain the value of the existing landscape in terms of visual amenity, or that adequate mitigation is to be provided.

10.62 These matters have been taken into account and in this instance it is recommended that the harm identified is not considered to be significant for the following reasons:

- Significant weight has been afforded to the existing tall and wide industrial backdrop of the facility when viewed from the south and south-west, where the existing Lafarge Tarmac multi-functional asphalt and road stone facility dominates this view and horizon. In comparison to this, the proposed buildings, plant and road would be low lying and the two 25m tall stacks as proposed would integrate into the backdrop and not appear out of place in this setting;
- a 30m strip of land would remain undisturbed from the southern edge of the proposed development to the bank of the River Aire and this is considered to be adequate in terms of retaining a visual buffer and the creation of a green infrastructure corridor, which would connect with the rest of the existing vegetation along the river on Bridgewater Road;
- in the event of any approval, a planning condition and legal agreement could secure replacement and additional planting and landscaping. A maintenance and protection requirement could also be imposed to secure retention, management and protection of areas of new and existing planted;
- appropriate fencing and secured access could be provided by way of condition;
- The Leeds Development Plan, the emerging NRWLP for "Site 21" and the draft AAP (including the draft Hunslet Riverside Masterplan) all identify the southern part of the Bridgewater Road, including the application site, as being suitable in principle for re-development. The allocation for this area was made in the

knowledge that there would have to be some removal of the existing vegetation to facilitate re-development.

- 10.63 In balancing the landscape and re-development considerations, officers are of the view that the impact of the proposed development is not such that it would justify refusal on these grounds. It is therefore considered that there would be no significant conflict with policies LD1, N8, N23, N24, N25 and N26 of the UDPR and Land 2 of the NRWLP.

### **Ecology and Biodiversity**

- 10.64 A considerable area of the application site has been identified by the Council's Ecologist as having valuable habitats. The applicants' surveys show semi-natural broad-leaved woodland and ephemeral short perennial habitats both of which are UK Biodiversity Action Plan Priority Habitats.
- 10.65 There are two existing woodland areas within the application site that accord with UK Biodiversity Action Plan (BAP) Priority Habitat (Lowland Mixed Deciduous Woodland), the majority of which, if not all, would be lost to the proposed development. The removal of an area of UK BAP Priority Habitat is contrary to policy G8 of the draft Leeds Core Strategy, which specifically refers to UK BAP Priority Habitats. The Council is also currently revising the Leeds Wildlife Habitat Network map in relation to policy G9 of the draft Leeds Core Strategy. West Yorkshire Ecology have recently identified most parts of the application site as being of sufficient value to be included as part of a coherent ecological network and should be afforded a level of protection under the NPPF (paras. 109, 113 and 117). As well as UK BAP Priority Habitats there are additional areas of locally valuable undisturbed scrub and semi-improved grassland that would be lost. Natural England's report entitled "*Yorkshire & Humber Region Green Infrastructure Corridor Assessment*" identifies that the application site forms part of a regionally important Green Infrastructure Corridor.
- 10.66 The Council's Ecologist has considered the potential impact of losing the UK BAP Priority Habitat and although it would be preferable to retain both woodlands, it has been recommended that the existing woodland area adjacent the River Aire (in the south-western part of the application site) should be retained both on ecological grounds.
- 10.67 Although it is accepted that parts of the UK BAP Priority Habitat would be removed as part of the development proposals, planning officers consider that the 30m buffer to remain undisturbed between the development site and the northern riverbank would be sufficiently wide to retain habitat in order to protect Otters (European protected species) and habitat of biodiversity value. There would also be no significant harm to the aspiration of the Council for this area to form part of a green infrastructure corridor and an ecological mitigation and enhancement scheme could be secured by legal agreement and planning condition on any approval. The BAP is aspirational and although it can be given some weight in the determination of this planning application, officers consider there to be other factors in the balance that are capable of outweighing any harm that might arise from the loss of BAP Priority Habitat in this area (identified in para. 10.63). Therefore, although the proposed development would in part conflict with policies N51 of the UDP and policies G8 and G9 of the draft Leeds Core Strategy it is considered that onsite and off-site mitigation could secure the aspirations these policies and paras. 109 and 118 of the NPPF.

10.68 In respect of wildlife, the Council's Ecologist considers the following:

- *Bats* - normally there should be 2 separate surveys carried out to determine bat roost potential structure where there is low-moderate potential of bats being present on a proposed development site. In this case the applicants have only carried out what is considered to be one survey (i.e. 2 surveys within a 24 hour period). In this instance the survey effort is not challenged because only one Common Pipistrelle bat was found on the surveys carried out and the weather conditions were good. The bridge structure towards the southern part of the application site would probably be the most appropriate roosting habitat for bats and as this is to be retained, it is considered that there is no pressing need for a second survey to be carried out. Furthermore, the bat survey effort guidelines are guidelines only and although it is not ideal to survey in September due to it being late in the bat roosting season, this is acceptable as per the guidelines.
- *Invertebrate* – the application site has some value for invertebrates but the Council rarely ask for invertebrate surveys unless it is considered that there is a good possibility of nationally rare or scarce invertebrates being present, which in this circumstance is not considered to be the case.
- *Breeding birds* –there could be a good suite of common breeding birds on the application site but they are also likely to exist on many similar sites in the surrounding area and impacts can be avoided by removing vegetation outside the bird-nesting season. If Kingfishers are present, which are legally protected, they would use the riverside banks to the south of the application site, which in this instance, are being retained.

10.69 Taking the above views into account it is considered that there is unlikely to be any significant impact on wildlife, to comply with the aims and objectives of policy N49 of the UDP.

#### **Amenity (noise and vibration)**

10.70 The application considers the likely significant environmental effects of the proposal via the Environmental Statement.

10.71 Officers consider that the noisiest work, also generating vibration, would be during construction where significant piling and road building works would take place. The nearest residential property on Knowsthorpe Crescent (approx. 350m away) and properties at Yarn Street (approx. 400m away). The construction works would be temporary and the overall construction programme for the proposed development is approximately 1 year.

10.72 The applicants calculate operational noise to be below existing background noise levels and given the distance away from sensitive receptors it is unlikely that significant noise nuisance and amenity issues would arise. The same can be said of vibration. Officers share the applicants' opinion on the basis that noise mitigation is imposed during the construction phase.

10.73 The policies of relevance to the determination on this application are Waste 9 of the NRWLP and GP5 of the UDPR and it is considered that the proposals and mitigation would meet the requirements of these policies.

## **Flood Risk and drainage**

- 10.74 The application site is located within flood risk zones 1, 2 and 3 and therefore falls within a flood risk warning area. The Environment Agency initially advised that it is possible that the proposed new link road could be blocked during flood events and that the route must not therefore be relied upon during a flood event.
- 10.75 The applicants have sought to address this concern by providing an addendum Flood Risk Assessment in addition to that already provided. The addendum identifies that parts of the western boundary and the new link road are located within Flood Zone 3, which has a high risk of flooding. The addendum identifies that the new link road is only likely to flood during a 1 in 50 year event or greater. However, based on the worst case scenario of 1 in 100 year flood including climate change, the new link road has been assessed as being impassable for a maximum of 24 hours, on the assumption that floodwater would be removed by pumping. The Council is currently considering planning applications (refs. 13/03191/FU and 13/03192/LI) for flood defence proposals to reduce the risk of flooding in the city, which in the areas of the application site involves the removal of the Knostrop Cut. Assuming that these proposals are approved and implemented in full, the addendum assumes a reduction in the flood risk at the application site.
- 10.76 The proposed development would sign up to the Environment Agency's Flood Warning Direct Service and a flood emergency plan would be compiled, based on the principles set out in the applicants' Flood Risk Assessments.
- 10.77 Miller Homes raised concern with the existing northern access being utilised by the proposal facility, through an allocated residential area. Additionally, officers initially raised concerns that the existing northern access would be used regularly because of the risk of flooding to the new southern link road. The Flood Risk Addendum has largely dispelled officer concerns as the likelihood is that the existing northern access would only be used for road-based traffic associated with the proposed use in exceptional circumstances, very infrequently and for no more than 24-hours, based on the calculations provided in the addendum. Although an absolute separation between the northern and southern parts of Bridgewater Road would be most desirable, it is recommended that the use of the existing northern access road in connection with the proposed development would be so few and far between that a refusal on this ground could not be justified.
- 10.78 A planning condition and/or legal agreement could secure the closure of the northern access to traffic associated with the southern part of Bridgewater Road to safeguard the land to the north. Also, in flood events where the new southern access road might become unsafe for the safe passage of traffic associated with the proposed development the a condition and/or legal agreement could be imposed to ensure that the applicants work in accordance with an emergency plan with the Council's Emergency Planning Unit and the Environment Agency. This would ensure that any route through the northern section of Bridgewater Road could be made safe and measures to remove floodwaters from the new southern access road could be put into effect to ensure the very temporary nature of using the existing northern access route.
- 10.79 In this respect and with regard to sustainable drainage proposals provided by the applicants, the proposals are considered largely to be in accordance with policies Water 1, 2, 3, 4 and 6 of the NRWLP, GP5 of the UDP and EN5 of the draft Core Strategy.



## **Ground Conditions**

- 10.80 The application site falls within the Coal Mining Development High Risk Area. There are therefore coal mining features and hazards within the application site and surrounding area which need to be considered.
- 10.81 The Coal Authority advise that the information provided in the application and Environmental Statement does not fully address the main coal mining legacy issue that is identified within the Coal Authority Mining Report – namely that there is potential for unrecorded underground coal mine workings to be present at shallow depth beneath the application site. If any such workings are present, they could give rise to land instability and other public safety issues that are likely to have an adverse impact on the proposed development.
- 10.82 The Coal Authority recommends that intrusive site investigation works will be required to confirm shallow coal mining conditions and to establish whether any remediation/mitigation works are necessary to address coal mining legacy issues, prior to commencement of development.
- 10.83 The applicants' Coal Recovery Report concludes that it would not be economically viable to extract any remnant shallow coal resources. The Coal Authority recommends that these conclusions should be reconsidered once the intrusive site investigation works recommended above have been undertaken. In the event that the 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, these works should be undertaken prior to commencement of the development.
- 10.84 Officers and Members agree with the Coal Authority's advice that this course of action would be necessary and as such, it is recommended that the extraction of surface coal may be a requirement of the Coal Authority and form part of any approval, to satisfy policy Minerals 3 of the NRWLP. Surface extraction of coal from the application site could be subject to reserved matters approval (working method and mitigation scheme) on any grant of planning permission, where the criteria set in policy Minerals 9 of the NRWLP would have to be satisfied and extraction completed prior to any other operations taking place on the application site.

## **Energy**

- 10.85 The adopted NRWLP provides strong support for low carbon energy generation, in line with the NPPF which sets a context for a rapid transition towards renewable and low-carbon energy generation. The NRWLP sets a target for Leeds to produce at least 35MW of installed grid-connected renewable energy capacity from energy from waste facilities by 2021. Currently there is no known installed grid-connected renewable energy capacity from energy from waste plants in Leeds. Consented but not yet installed/operational capacity currently equates to 38.60MW, which theoretically exceeds the NRWLP target.
- 10.86 The proposed development would generate 10MW of energy. This would largely be in the form of electrical energy unless a heat distribution network of highly insulated underground pipes were to be installed and a nearby user(s) found such that heat energy could be converted to heat water and transferred to the user. The split between electrical and heat output would largely be dependent on residential development coming forward on the northern portion of Bridgewater Road, which will

be market-driven but is likely to be an attractive prospect any such developer. The planning system has little capability in controlling or requiring future neighbours and potential customers to be connected to such a network but the ability of the proposed development to output heat if agreements are achievable is important in terms of the overall sustainability of the proposal and to ensure that local and national objectives of encouraging combined heat and power are met.

- 10.87 In respect of energy policy, officers consider that the proposed development sits comfortably with the development plan's objectives for encouraging low carbon energy generation and combined heat and power. Planning conditions could be imposed or legal agreement arranged (on the granting of any planning permission) to ensure that the applicants took steps to deliver a combined heat and power scheme and to utilise the full capacity of the facility's heat network capability. As such, the proposed development is considered to be compliant with policies Energy 3 and 4 of the adopted NRWLP and EN1, EN3 and EN4 of the draft Core Strategy for Leeds in addition to PPS10 and the NPPF.

### **Alternatives**

- 10.88 Schedule 4 of the EIA Regulations 2011 requires that an Environmental Statement includes an outline of the main alternatives studied by the applicants and an indication of the main reasons for any choice, taking into account the environmental effects. Circular 2/1999 and guidance published by the ODPM in February 2001 (EIA Guide to Procedures) explain that the alternatives to be considered are those which relate to the processes and sites considered. The applicants' Environmental Statement considers the main alternatives to the development proposed and offers the following comments in respect of it:

- *No Development Alternative* – waste would be sent to landfill, the objectives of the waste hierarchy would not be met, opportunity lost to provide a renewable source of energy, job opportunities would not be created and the existing site would continue to remain underutilised as brownfield land.
- *Site suitability and alternative sites* - Network Rail Limited has undertaken a review of their land portfolio and has identified a number of sites throughout the UK which are no longer required for operational purposes and could therefore be used for redevelopment. As part of this review, the Site was identified as being suitable for redevelopment. As such, the Applicant has not considered alternative sites for the development and alternative sites have not been given consideration in the Environmental Statement. The application site is brownfield land, with good access by road and the presence of the adjacent railway line offers the potential for rail transport to and/or from the Site. The Site and surroundings do not contain any designated heritage features, landscapes or views. The Applicant identified the need for the Energy Recovery Facility in this area and selected the Site as a potential suitable site for such a facility.
- *Alternative Technology* – a number of potentially suitable technologies; which are capable of treating residual source segregated or mixed non-hazardous wastes, have been rejected based on the potential environmental impact, operational cost or efficiency. Furthermore, consideration has also been given to technologies that are operational in the UK and are considered a long-term viable option for the treatment of non-hazardous waste. A review of available technologies was undertaken by the Applicant's Waste Technical Advisor during the design of the development and advanced conversion through pyrolysis with upstream

autoclave conditioning has been selected because it creates segregated sterile recyclates which are suitable for off-site processing and reuse; a very clean synthesis gas which is ideal for the combustion in gas engines; does not create any waste materials that cannot be otherwise reused, re-pyrolysed or recycled; the same level of flue gas cleaning equipment is not required as conventional mass burn incinerators or other gasification processes; no requirements for acid scrubbing plant, carbon injection system or electrostatic precipitators; no potential for dioxins to be present within the plant emissions; the footprint and capital expenditure of the plant is significantly less than conventional waste to energy systems; capital cost per unit of energy produced by the plant is less than conventional alternatives; the anaerobic digestion process can be used for the treatment and processing of liquid slurry wastes and pure biomass.

- *Alternative Designs* - design of the proposed development has been an iterative process, taking account of a number of constraints and technical considerations. The building has been designed in linear zones to ensure the building follows the systematic treatment of waste, and as such all technology can be housed in zones. Each zone has been created with a consideration of the longevity of the plant and flexibility of layout. In addition, the proposed configuration of the various items of plant has been optimised to provide the most efficient layout in terms of installation of the infrastructure. For example, by locating in a linear 'head-to-head' formation, the length of ducts, cabling, etc is minimised, reducing the overall installation costs of the project. Detailed air quality dispersion modelling has determined the lowest practicable stack height of 25m that can be achieved, however Selective Catalytic Reduction (SCR) emission control technologies will also be employed to further reduce the potential NOx emissions.

10.89 Officers recommend that the applicants have satisfied the requirements of Schedule 4 of the EIA Regulations 2011.

### **Cumulative and Combined Effects**

10.90 The EIA Regulations 2011 require an Environmental Statement to consider cumulative effects, i.e. the cumulative effect of the project being carried out alongside other developments. This should form part of the description of the likely significant effects of the development on the environment and should cover the direct effects and any indirect, secondary, "cumulative", short, medium and long term, permanent and temporary, positive and negative effects of the development. It should also cover effects resulting from the existence of the development; the use of natural resources; the emission of pollutants, the creation of nuisances and the elimination of waste, and the description by the applicants of the forecasting methods used to assess the effects on the environment.

- *Existing Energy Recovery Facilities in Leeds* - there are two existing small scale incinerators within the Knostrop WWTW site. One is the clinical waste incinerator which treats around 10,000 tonnes of such waste per year and the other is the sewage sludge incinerator which burns around 25,000 tonnes of sewage waste per year from the water works. A further site within Cross Green (T.Shea) was granted permission in 2009 for a small scale gasification plant (around 30,000 tonnes per year), which has yet to be constructed. A strategic energy recovery facility is permitted at the Former Wholesale Markets site (to Veolia for 165,000 tonnes per year), where construction has begun and another at the former Skelton Grange PowerStation (to Biffa for 300,000 tonnes per year). These facilities along with other existing emissions from industry in the vicinity have been taken into



account in the form of the background air quality assessment and the subsequent modelling. It is considered unlikely that the proposed development would be seen in the landscape at the same time as the other 5 existing and consented ERF's. In terms of emissions, the 'in combination' effects of the proposal with others will be considered as part of their consideration of the Environmental Permit. At this stage there appears to be no concerns from statutory bodies in relation to cumulative impact from the operation of all ERFs in the same electoral ward.

- *Other Land Uses and Traffic* – the Council's Highways Development Control Team generally consider there to be adequate capacity on existing roads and roundabouts in the local area, taking into consideration existing and future-known developments in the Aire Valley.
- *Natural Resources* - the construction and operation of the proposed development would require the use of a range of natural resources including land, water, materials and energy. However, there is no evidence to suggest that the proposal would give rise to unacceptable cumulative impact for this reason.
- *Emissions and creation of nuisances* - for reasons set out elsewhere in this report, it is not considered that the proposed development would, in itself, give rise to unacceptable cumulative impact through specific emissions or other nuisances. It is further concluded, taking into account the advice received from the relevant consultees, that there is no evidence at this stage to suggest that the development either, as a whole, or in combination with other development, would be likely to give rise to unacceptable cumulative impacts with respect to these particular issues.
- *Elimination of wastes* - the proposed facility would effectively move waste up the hierarchy by recovering energy from it. It is therefore considered that the development would not give rise to any unacceptable cumulative impact in relation to this subject.
- *Combination effects* - the Environment Agency have confirmed that they will consider effects from the proposals in conjunction with existing sites as part of their processing of a subsequent Environmental Permit application, should one be submitted. Natural England have not raised any concerns relating to cumulative impact from the proposals. In terms of the potential cumulative impact on the road network, neither the Highway Authority nor the Highways Agency has any objections to the proposals. The potential for cumulative impact upon air quality from the operation of this proposal and 5 other existing and consented ERF's has been considered by the applicants who advise that any effects would be well within the accepted air quality standard. The Council's Director of Public Health and Public Health England do not object to the proposal. Neither has the Council's Environmental Health Officer objected to the proposal but is mindful that the Air Quality Objectives for Chromium (VI) are already likely to be exceeded in this part of Leeds, as it is in other built-up industrial areas of towns and cities nationally.

10.91 Overall in terms of cumulative impact, the proposals are considered to be generally in accordance with policies WASTE 9, ENERGY 3 and AIR 1 of the NRWLP and in line with the guidance contained within the NPPF and Planning Policy Statement 10.

### **Other Matters:**

- 10.92 The majority of the representations received have been addressed within specific sections of this report. However, other matters were also raised and comment is provided to explain how these concerns have been taken into account:-
- *Site visit to another facility* – City Plans Panel did not require a visit to another similar facility at the meeting on 24<sup>th</sup> October 2014;
  - *5 Year Housing Supply for Leeds* – the application site is not allocated for housing and officers consider there to be a 5 year supply of housing in Leeds;
  - *Lack of notification to the residents occupying property in and around Yarn Street* – the application has been correctly advertised by way of site notice (in 4 locations in this area) and in the Yorkshire Post. Additionally, the housing developers, Miller Homes, were advised of the planning application and their agent has provided a letter of comment;
  - *Conflict with local leisure pursuits* – the proposed development is not considered to directly impact upon leisure pursuits in and around the area, including the River Aire. The Trans-Pennine Trail, if it is to be re-located from the Knostrop Cut to the northern bank of the River Aire, would not be unduly prejudiced by the proposed development. Officers advise that the agent for the Leeds Flood Alleviation Scheme is in discussions with the applicants for this proposed development with a view to ensuring that any re-located Trans-Pennine Trail can be incorporated along the northern river bank. The finer detail of this will form part of any approval for the flood alleviation scheme rather than the proposed development currently being assessed; and,
  - *Effect on Listed Building and Conservation Area* – English Heritage raise no objection to the proposed development and advise that the planning application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice. The Council's Conservation Team raise no objection to the proposal and officers consider that there would be no significant conflict with paras. 126 – 141 of the NPPF.

### **The Balance of Considerations:**

- 10.93 Turning to the planning balance, set out below is a synopsis of those matters which must be taken into account, followed by an assessment of where the correct balance lies.
- 10.94 The matters which weigh against the proposal (the harm):
- i) The development is not located on or within a preferred, safeguarded or allocated waste management site identified in the Development Plan. The applicants have not demonstrated that the proposed development could not be located on one of these sites. This is a significant factor against the proposal and carries substantial weight;
  - ii) The development would not directly use the adjacent railway line to any substantial extent for freight movements contrary to the Development Plan. This is a significant factor against the proposal and carries substantial weight;

iii) The development would prejudice the delivery of housing on the residential allocation on Bridgewater Road and the location or relocation of industrial/employment rail based freight uses and provision of an adequate buffer between the two uses, contrary to the Development Plan and emerging and aspiration policy context. This is a significant factor against the proposal and carries substantial weight;

iv) The development would result in the loss of some existing landscaping (UK BAP Priority Habitat), which could impact upon visual amenity and ecology. This is a factor against the proposal and carries some weight;

10.95 The matters which weigh in favour of the proposal:

i) The electrical output generated from the proposed development would be 10MW with potential for combined heat and power for which there is strong national and local support for low carbon energy in order to tackle the effects of climate change. This is a significant factor in favour of the proposal, and carries substantial weight;

ii) The proposal would divert waste from landfill by recovery and would contribute to national self-sufficiency for which there is strong national and local support. This is a significant factor in favour of the proposal, and carries substantial weight;

iii) The provision of a new link road to connect the southern part of Bridgewater Road with the Cross Green Industrial Estate is a significant factor in favour of the proposal, and carries substantial weight; and,

iv) Employment of 30 staff is a significant factor in favour of the proposal and carries considerable weight.

### **Overall Conclusions:**

10.96 In final conclusion, there is positive weight in terms of energy need and separately on potential combined heat and power, and moving waste up the hierarchy, diverting it from landfill. There is significant weight in favour of the proposal in terms of it providing a new link road and considerable weight as a result of job creation. The need for the proposal in terms of waste management has been established. The perception of health risk has only limited weight and would not outweigh any of the benefits of the scheme.

10.97 However welcome these benefits are, and while they may help ameliorate the effect of the proposed development to some extent, there are other competing matters in the balance.

10.98 Firstly, the NRWLP has thoroughly assessed waste arisings in Leeds and identifies 110 sites where waste management uses should be located, thus providing for adequate capacity in order to divert waste from landfill. The applicants have not provided convincing evidence to satisfactorily demonstrate that the proposed development could not be sited on or within one of the safeguarded, allocated or preferred locations for waste management use identified in the NRWLP (2013). The applicants' sequential test assessment is not considered to be robust in determining the availability and appropriateness of the NRWLP's waste sites. The applicants did not submit a representation to promote the site for a waste management use at the time of the Council considering locations for potential waste management sites in Leeds.

- 10.99 Secondly, the applicants have failed to provide evidence to satisfactorily demonstrate that the adjacent rail sidings would be used in direct connection with the proposed development. It is probable that the use of the rail sidings would be very low or non-existent and there is little likelihood that the proposed development would ever capitalise on the sidings. Given that the local planning policy context for the site seeks to promote the enhancement and use of the rail sidings by an employment/industrial freight-based use(s), the application site should not be sterilised by the proposed development or prejudice the coming forward of a genuine freight-based use(s).
- 10.100 Thirdly and finally, officers consider that the proposed development would prejudice the delivery of housing on land allocated for residential development at Bridgewater Road. It is considered that it would do so by restricting the land available for the location and/or relocation of rail based freight uses whilst simultaneously ensuring that sufficient land is available to function as an effective buffer between the two uses. The provision of a buffer, properly raised, landscaped and planted, is an important requirement for any substantial re-development at Bridgewater Road, in order to provide an adequate standard of amenity for the occupants of the future planned housing. The combination of the proposed use and the existing Hanson UK asphalt and rail loading site is also likely to prejudice delivery of the UDPR site allocation and the emerging AVAAP for housing and would therefore undermine the housing targets for the Aire Valley, as set out in the emerging Core Strategy.
- 10.101 Officers are of the opinion that the case in support of the proposal does not outweigh the matters which are considered to weigh against the proposal (the harm). As such the proposal development is contrary to policies Waste 8 and 9 of the Natural Resources and Waste Local Plan (2013), H3-1A:45, GP5, T1, T31 of the Leeds Unitary Development Plan Review (2006) and undermines Spatial Policy 5 of the Consolidated Core Strategy comprising Publication Draft Feb 2012 and Pre-Submission Changes Dec 2012 (CD01) and the Proposed Modifications Schedule 1 (March 2014) and the aspirations of the emerging Aire Valley Area Action Plan for the regeneration of the wider Hunslet Riverside Area. It is therefore recommended that planning permission be refused.

#### **Background Papers:**

- Planning Application including Environmental Statement and further information 13/02190/FU;
- Position Statement report dated 24<sup>th</sup> October 2012 and minutes contained in minute 94 of the meeting minutes approved on 21<sup>st</sup> November 2013;
- Scoping Opinion and covering letter dated 7<sup>th</sup> June 2012;
- Pre-Application Advice Letters dated 18<sup>th</sup> October 2012 and 18<sup>th</sup> December 2012; and,
- Certificate of ownership – signed on behalf of applicants.







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Originator: J Bacon

Tel: 0113 222 4409

## Report of the Chief Planning Officer

### CITY PLANS PANEL

**Date:** 20<sup>th</sup> March 2014

**Subject:** Pre-application Presentation PREAPP/14/00200 Park and Ride facility and other uses on land off Pontefract Lane, Cross Green.

**Applicant:** Templegate Development Ltd and Leeds City Council

#### Electoral Wards Affected:

**Burmantofts & Richmond Hill**

X

Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

This report is brought to Plans Panel for information and details of the pre-application proposal are to be presented to Members allowing them to consider and comment on the proposals at this stage.

#### 1.0 INTRODUCTION:

1.1 This presentation is intended to inform and seek Members comments of emerging proposals within part of the Aire Valley Enterprise Zone.

#### 2.0 SITE AND SURROUNDINGS:

2.1 The identified site comprises approximately 10.5ha and lies to the south of Pontefract Lane and to the west of Jct 45 of the M1 motorway. The site contains open pasture land and is generally flat with a slight slope across the site from south to north. The wider site was previously used for open cast mining as part of the former Waterloo Colliery site. Wyke Beck runs beyond the southern edge of the site. To the north of the site is the newly constructed East Leeds Link Road (Pontefract Lane) with open fields and the Temple Newsam estate beyond. Knostrop treatment works lies to the north-west with Cross Green industrial estate beyond.

2.2 The identified site forms part of a wider development site (Temple Green site) and lies within the Aire Valley Enterprise Zone. The Enterprise Zone provides a total of 142ha



of land on four sites suitable for a range of manufacturing, industrial low carbon and logistics uses and can provide employment space for 7,000 new jobs.

### **3.0 PROPOSAL:**

- 3.1 The development proposal involves the remediation and re-grading of the identified site and the laying out of a 1,000 space Park and Ride facility. The layout plans are indicative at this stage but the Park and Ride facility is shown to be accessed via a new roundabout off the East Leeds Link Road (Pontefract Lane) and will include space for bus drop-off and pick-up, a passenger shelter (single storey), lighting and CCTV. The facility will have on-site staff during its operation and gates will secure closure of the site during the night. It is understood that the park and ride facility will provide a bus service frequency of every 15 minutes or better. In addition, new cycle and footway links are to be provided together with associated drainage and road infrastructure works.
- 3.2 Alongside these works, a petrol filling station and a number of car dealerships are proposed. Details of the appearance, layout, scale and landscaping of these other uses are not known at this stage and will be subject to future consideration but it is anticipated that four car dealerships will be provided (ranging from 7,000sqft-21,000sqft in area). The dealerships are likely to include showrooms and repair centres/ workshops with buildings up to 12m in height. The proposed petrol filling station is identified as likely to have an integral coffee shop. Together the Park and Ride facility and the other uses are described as Phase 1 within this report.
- 3.3 It is anticipated that any subsequent planning application will be submitted in hybrid form with the Park and Ride facility being detailed in full and all the other proposed uses being submitted in outline, with all matters reserved apart from access.

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

- 4.1 The identified site forms part of a wider site of 84.7 hectares for which outline planning permission was granted (Ref:21/199/05/OT) on 24th May 2006 to erect warehouse and distribution development with car parking and landscaping. This application gives a 10 year time limit for the submission of outstanding reserved matters (i.e. May 2016) but an extension of time period application is currently under consideration (Ref: 10/05048/EXT) which seeks to extend the time for the submission of reserved matters (under this extant outline permission) until 2023. This application was agreed in principle at Plans Panel in September 2013.
- 4.2 In addition to these applications outline planning permission (Ref: 21/252/02/OT) was granted to layout access and erect industrial warehouse units on 24th May 2006. This extant permission covers 46.4 hectares of land located within the wider 84.7 hectare site excluding the sewage treatment works filter beds. Planning permission was also granted on 29th September 2011 for engineering works, including ground preparation works, formation of levels to development plot and provision of access and spine road with associated bridge (Ref:11/02133/FU).

### **5.0 PLANNING POLICIES:**

- 5.1 The introduction of the National Planning Policy Framework (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. All policies outlined below are considered to align fully with the NPPF.

- 5.2 The proposals will be considered in the context of both national planning policy and the Development Plan. The development plan currently comprises the adopted Leeds Unitary Development Plan (Review 2006) (UDP), policies as saved by directions of the Secretary of State, dated September 2007 and June 2009, the Natural Resources and Waste Local Plan, along with relevant supplementary planning guidance and documents and any material guidance contained in the emerging Local Development Framework (LDF).
- 5.3 Leeds Unitary Development Plan Review 2006:  
 GP5: General planning considerations.  
 GP9: Community Involvement.  
 GP11/GP12: Sustainable development.  
 N12/ N13: Urban design principles.  
 N23/ N25/ N26: Landscape design and boundary treatment.  
 N39a: Sustainable drainage.  
 T1: Investment in transport improvements.  
 T2 (b, c, d): Accessibility issues.  
 T5: Consideration of pedestrian and cyclists needs.  
 T7/T7A: Cycle routes and parking.  
 T16: Criteria to assess park and ride facilities.  
 E7: Loss of employment land.
- 5.4 It is noted the Leeds UDP Section 6.4.16 states '*Encouragement to the establishment of Park & Ride facilities is an important part of the WYLTP. ...they offer significant scope to reduce the growth in car usage, particularly of car commuting into the City Centre. Park & Ride facilities could be developed in association with each of the modes of public transport*'.
- 5.5 The current proposals are also viewed in context with UDP Policy CCP2 which currently limits the supply of temporary commuter car parking on 'cleared sites'. Over time the supply of parking in the city centre will reduce as existing 'cleared site' car parks are redeveloped. Park & Ride sites provide a sustainable solution to offset this reduction in city centre parking and at the same time reducing congestion on routes into the city centre.
- 5.6 Supplementary Planning Guidance / Documents:  
 SPG22 Sustainable Urban Drainage (adopted).  
 SPD Street Design Guide (adopted).  
 SPD Sustainable Design and Construction (adopted).
- 5.7 National Planning Policy Framework:  
 The National Planning Policy Framework (NPPF) includes policy guidance on sustainable development, economic growth, transport, design, enhancing the natural and historic environment, minerals extraction and climate change. The Framework advocates a presumption in favour of sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places. However, this should be achieved through encouraging effective use of land (including not sterilising mineral resources) with high quality design and a good standard of amenity for all existing and future occupants.
- 5.8 Core Strategy  
 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 an Inspector was appointed. Examination commenced 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.

General Policy: The Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework;

Spatial Policy 4: Regeneration priority programme areas, including Aire Valley. Priority will be given to developments that improve ... access to employment and skills development, enhance green infrastructure and greenspace, upgrade the local business environment...;

Spatial Policy 8: A competitive local economy will be supported through seeking to improve accessibility to employment opportunities by public transport, walking and cycling across the district and especially in relation to job opportunities in the Aire Valley Leeds.

Spatial Policy 11: The delivery of an integrated transport strategy including a range of infrastructure improvements (e.g. park and ride facility) to be supported.

Spatial Policy 13: Strategic Green Infrastructure.

Policy EC1: General employment land will be identified, in the first instance, to meet the identified need for land to accommodate research and development, industry, warehousing and waste uses over the plan period.

Policy EC3: Safeguarding existing employment land and industrial areas.

Policy G1: Green Infrastructure Network.

Policy P10: New development for buildings and spaces, and alterations to existing, should ... provide good design that is appropriate to its location, scale and function;

Policy P12: The character, quality and biodiversity of Leeds' townscapes and landscapes, including their historical and cultural significance, will be conserved and enhanced to protect their distinctiveness through stewardship and the planning process;

Policy T1: Transport management.

Policy T2: New development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.

Policy EN5: Managing flood risk.

## **6.0 MATTERS TO CONSIDER**

### Relevant background to the pre-application proposal:

- 6.1 As can be seen in para. 4.1 of this report the wider Temple Green site benefits from sizable extant outline planning permissions for industrial warehouse (B2 and B8) development.
- 6.2 The site has a history of coal mine working and whilst the ground conditions at Temple Green are not complex there has been previous extensive deep open cast coal mining. The applicant has advised that these abnormal ground conditions have presented a huge barrier to development with bank funding not currently available for land remediation projects of this nature or indeed for speculative development. Furthermore, and in specific reference to the area of the Temple Green site subject to this pre-application proposal, it is understood that the site's ground conditions restrict the ability for the land to support large scale structures.
- 6.3 The site requires ground remediation works to enable redevelopment, a dual carriageway access road and also a bridge over Wyke Beck in order to open up the

development plots within the wider area to the south. It is reported by the applicant that the combination of the scale of these costs and the commercial risk this represents has to date frustrated any attempts to redevelop the wider site. To date, no reserved matters applications have been received to advance any detailed industrial warehouse proposals across the site which suggests there are difficulties in bringing forward development on the site.

- 6.4 The ground preparation and remediation works for the proposed Park and Ride facility and other uses (Phase 1- (10ha on the submitted plan)) is intended to be funded by a capital grant awarded from DCLG which is to be made available to help build momentum within the Enterprise Zone and accelerate delivery to help support further investment and growth. On receipt of the grant, and subject to planning permission, works are to be completed by April 2015 with the capital receipts from the sale of plots being consolidated and utilised to fund the ground and infrastructure works on future phases across the Temple Green site.
- 6.5 The capital grant from DCLG would facilitate the remediation of the phase 1 land which will result in the Park and Ride plot being sold as a serviced site to Leeds City Council to create a 1,000 space car park and transport interchange hub. This would leverage funds to Leeds City Council from The Local Transport Plan Fund and Metro who would then provide funding assistance for the purchase and development of the actual Park and Ride facility.
- 6.6 In recognition of the tight funding timescale, feedback on this pre-application proposal is viewed as being important to provide a degree of certainty in the delivery of development from the investment in upfront infrastructure, services and ground preparation works which will then attract occupiers. The park and ride and other uses proposal (Phase 1) has the potential to act as a catalyst to the development of future and it is hoped will open up Phase 2 and beyond for development on a commercially profitable basis and fund future development phases.
- 6.7 Developing Park & Ride in Leeds has been identified as an essential component of managing traffic and travel in the city. The development of the park and ride strategy will occur in several stages including the capacity expected from the NGT scheme and on-going developments by Metro and rail operators at rail stations.
- 6.8 The Aire Valley Park & Ride is a key scheme for the Enterprise Zone and Leeds City Council for the following reasons:
  - i) A network of Park & Ride sites is a key element of the city transport strategy as set out in the emerging LDF Core Strategy, West Yorkshire Local Transport Plan (LTP3) and associated Leeds Local Implementation Plan. P&R provides sustainable transport options and parking capacity for the growth in the city centre.
  - ii) Park & Ride in the Enterprise Zone will anchor high quality public transport at an early stage in development of the Aire Valley and deliver a step change in transport provision to the area. The high quality, high frequency bus service associated with the park and ride site will encourage a higher public transport mode share and therefore reduce existing and future development vehicle trips, reducing congestion and delivering sustainable transport for the city. The public transport provision will ensure the full potential of the Temple Green site and the wider Enterprise Zone can be met.

- iii) The scheme has a strong business case and modelling work undertaken for the WY+TF shows the transport benefits unlock over 250 jobs in the city centre at a GVA of over £20m. These benefits occur by improving the connectivity and reducing the cost of travel to areas to the east of Leeds.
- iv) Additional jobs and GVA benefits will occur in the Enterprise Zone, in part from the transport benefits for new employees, and also the financial and infrastructure contribution the site brings in opening up the Temple Green site for further development.
- v) The proposed site located centrally within the Enterprise Zone with access via Bellwood Roundabout is ideally suited to intercept traffic heading toward Leeds city centre before it experiences any significant congestion.
- vi) The combination of Park & Ride demand for journeys to the city centre and trips to the Enterprise Zone developments provides a substantial customer base which will support a high frequency bus service on a commercial basis with little or no upfront revenue subsidy requirement.
- vii) Accessibility to employment across the Aire Valley is improved for those employees without access to a car, this in turn increases the potential range of employees available for recruitment to employers in the Enterprise Zone.
- viii) Provision of a new high frequency service offers the opportunity to serve the existing Cross Green employment area with this service. This also provides options to reconfigure the existing bus services to better serve the residential areas of Cross Green and Richmond Hill.
- ix) The Park & Ride site would attract business rates which can be recycled via the LEP for other projects to encourage economic growth in EZ and across the City Region.

#### Principle of development

- 6.9 The identified pre-application site is located within a much wider area of land allocated as a key employment site under saved Policies E4 and E8 of the Unitary Development Plan (Review 2006). Key employment sites are identified to provide the full range of employment uses, considered to be B1(b), B1(c), B2 and B8 uses at out of centre locations such as the Temple Green site. The proposed uses detailed within this pre-application proposal are not consistent with the UDP allocation but are proposed as enabling development to support a wider development for industrial and distribution uses as approved under extant outline planning permissions (21/252/02/OT and 21/199/05/OT). The merits of this approach are considered in more detail below.
- 6.10 The draft Core Strategy identifies a Park and Ride facility at Junction 45 (of M1 motorway) as one of the key elements of the Leeds Transport Strategy. Whilst the Core Strategy is not site specific, the priority is to identify a site which would be attractive to use for commuters travelling into the city centre from the east via the motorway network which can be delivered in the short term.
- 6.11 The proposed site offers a prominent location just off the East Leeds Link Road which incorporates a lane in each direction reserved for public transport and high occupancy vehicles and offers the opportunity to provide direct and fast bus services into the city centre. The site is located within the Aire Valley Enterprise Zone and funding has been secured for the early delivery of the park and ride and the first phase of the



spine road serving the wider Temple Green site. An additional benefit of the site location is that it provides the basis for creating a public transport hub which incorporates two way services serving future development sites in the area offering an alternative to travel to work by car. This can provide the basis for bus service connections from the less well-off communities in parts of east Leeds and, in the longer term, from south Leeds providing improved access to future job opportunities. It is therefore considered that the Park & Ride element is consistent with the draft Core Strategy.

- 6.12 It is recognised that the proposed petrol filling station is a use which could be viewed as being complementary to the park and ride facility and it is noted that it is likely to include an integral coffee shop which could be used by park and ride patrons. Whilst no details are available on whether the petrol filling station incorporates a shop it is considered important that the scale of any services it provides remain ancillary such that they do not create a destination in their own right. Such controls could be achieved by the use of conditions.
- 6.13 The four other sites identified within this pre-application proposal are intended to be occupied by car dealerships which are often found in industrial estates and similar commercial/ industrial areas. The dealership uses are advanced on the basis they generate funding so would be part of enabling development to allow the later phases of the scheme to be developed and the ground conditions do not allow the construction of large floorplate industrial or distribution units on this part of the Temple Green site. In light of the enabling nature of the proposed uses it is considered necessary to link the development proposal with the existing industrial permission to ensure the delivery of later phases.
- 6.14 It is recognised that this pre-application proposal is located on part of a larger site that has extant outline permission for industrial warehouse development. The outline permission has all matters reserved and whilst there are restrictive planning conditions on the permitted B2/B8 uses it is considered that this pre-application proposal would not prevent their future implementation.
- 6.15 Overall, it is considered that these new uses could be accepted within the context of the wider Aire Valley Enterprise Zone and could sit side-by-side with the industrial mix of uses permitted on the remainder of the site.

**1. In light of the above background information and planning policy considerations are Members supportive of the principle of the park and ride facility and other uses proposed at this key employment site?**

Layout and design considerations

- 6.16 The indicative layout shows the park and ride facility being accessed via a new roundabout off Pontefract Lane. The facility will be positioned behind the car dealerships and the petrol filling station sites and whilst it is recognised that the layout and appearance of these elements are subject for future consideration they are shown to occupy the principal road frontages.
- 6.17 The permitted industrial uses at this site are likely to have involved large scale buildings which would have been set behind substantial planting buffers along Pontefract Lane and the site's proposed spine road. Aspirations to create key landscaped corridors along these visually prominent road frontages as part of the Green Infrastructure Network are considered important in order to provide a high quality development befitting this site's gateway location to the City and Aire Valley when approached from the motorway. Having regard to these factors, it is anticipated

that any future operator of the proposed car dealerships/ petrol filling station would expect a roadside presence which could conflict with these strategic landscape aims and the desire to achieve high quality development.

**2. Do Members have any comments on the layout of the proposals as detailed in the indicative layout plan?**

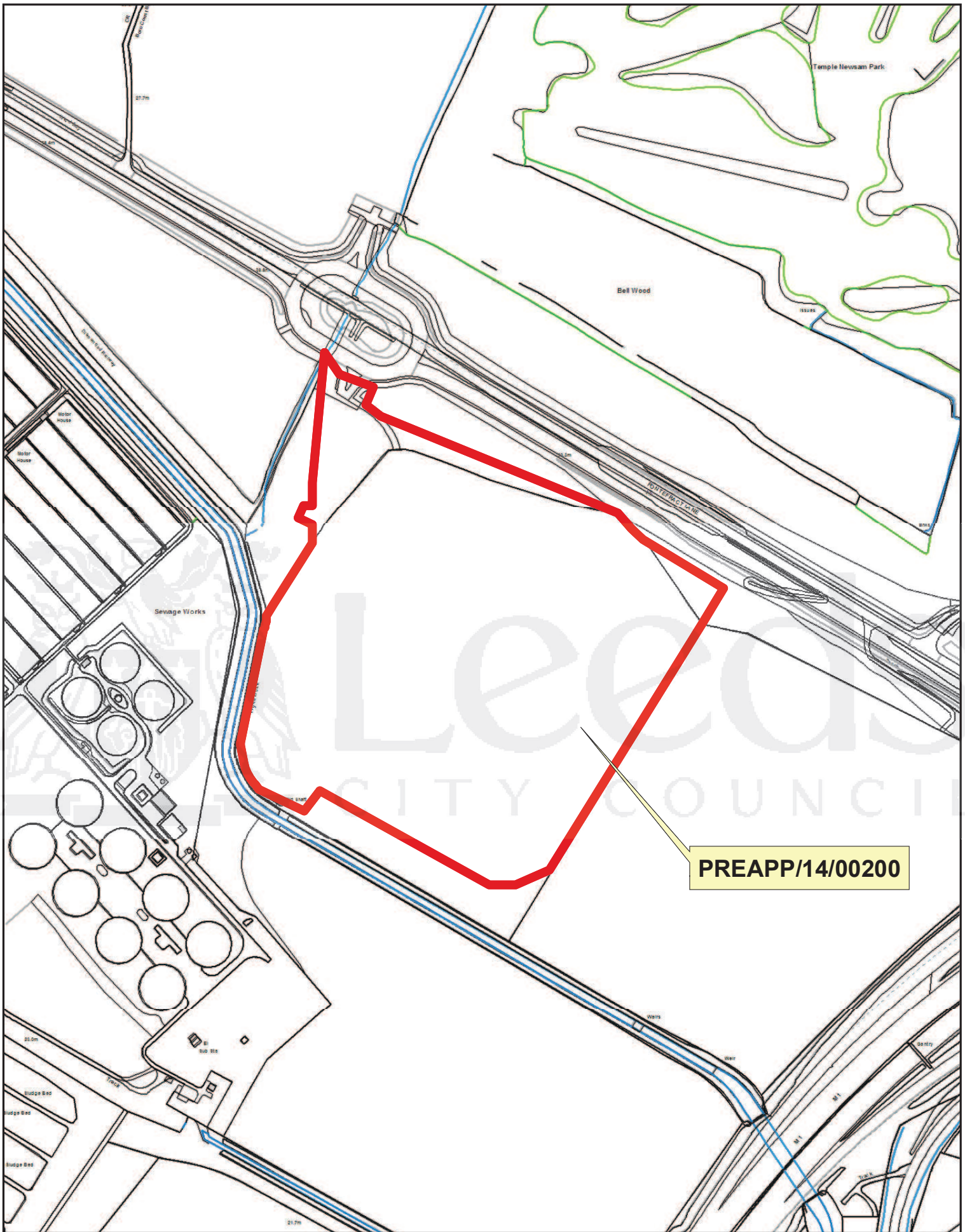
**7.0 CONCLUSION**

7.1 Members are asked to note the contents of the report and the presentation and are invited to provide feedback on the questions and issues outlined above, summarised below:

1. **In light of the above background information and planning policy considerations are Members supportive of the principle of the park and ride facility and other uses proposed at this key employment site?**
2. **Do Members have any comments on the layout of the proposals as detailed in the indicative layout plan?**
3. **Are there any other comments that Members wish to make?**

**Background Papers:**  
PREAPP/14/00200





# CITY PLANS PANEL



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