



CITY PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 7th August, 2014
at 1.30 pm

MEMBERSHIP

Councillors

P Gruen
S Hamilton
E Nash
N Walshaw
M Ingham
J Lewis
J McKenna
(Chair)
C Gruen

C Campbell

R Procter
G Latty

T Leadley

D Blackburn

**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>SITE VISIT LETTER</p> <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</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>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p style="padding-left: 40px;">RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	

Item No	Ward	Item Not Open		Page No
5			APOLOGIES FOR ABSENCE	
6			MINUTES To approve the minutes of the City Plans Panel held on 17 th July 2014 (minutes attached)	3 - 14
7	Ardsley and Robin Hood		APPLICATION 13/05423/OT - LAND OFF BRADFORD ROAD EAST ARDSLEY WF3 Further to minute 177 of the City Plans Panel meeting held on 10 th April 2014, where Panel considered a position statement on an outline application for means of access from Bradford Road and to erect residential development, to consider a further report of the Chief Planning Officer setting out the formal application (report attached)	15 - 52
8	City and Hunslet		APPLICATION 13/04885/OT - LAND AT REGENT STREET/SKINNER LANE LS9 To consider a report of the Chief Planning Officer on an outline application for retail (A1) and gym (D2) development with demolition of existing building and new pedestrian and vehicle access (report attached)	53 - 84
9			DATE AND TIME OF NEXT MEETING Thursday 28 th August 2014 at 1.30pm in the Civic Hall, Leeds	
2				

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Third Party Recording

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.

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To all Members of City Plans Panel

Chief Executive's Department
Governance Services
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Civic Hall
Leeds LS1 1UR

Contact: Angela M Bloor
Tel: 0113 247 4754
Fax: 0113 395 1599
angela.bloor@leeds.gov.uk
Your reference:
Our reference: site visits
Date 29th July 2014

Dear Councillor

SITE VISITS – CITY PLANS PANEL – THURSDAY 7TH AUGUST 2014

Prior to the meeting of City Plans Panel on Thursday 7th August 2014, the following site visit will take place:

10.10am	City and Hunslet	Depart Civic Hall and then to Regent Street/Skinner Lane LS9 – Application 13/04885/OT – Outline application for retail (A1) and gym (D2) development with demolition of existing building and new pedestrian and vehicle access
11.15am		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **10.10am**. Please notify Daljit Singh (Tel: 247 8010) if you wish to take advantage of this and meet in the Ante Chamber at **10.00am**.

Yours sincerely

Angela M Bloor
Governance Officer

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CITY PLANS PANEL

THURSDAY, 17TH JULY, 2014

PRESENT: Councillor J McKenna in the Chair

Councillors P Gruen, R Procter,
D Blackburn, S Hamilton, G Latty,
T Leadley, N Walshaw, J Lewis,
C Campbell, C Gruen, R Grahame and
C Towler

16 Chair's opening remarks

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

17 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

18 Apologies for Absence

Apologies for absence were received from Councillor Nash and Councillor Ingham who were substituted for by Councillor R Grahame and Councillor Towler

19 Minutes

RESOLVED - That the minutes of the City Plans Panel meeting held on 26th June 2014 be approved

20 Matters arising from the minutes

With reference to minute 9 of the City Plans Panel meeting held on 26th June 2014 – Applications 14/01903/FU and 14/01924/DEM – Victoria Gate Phase 2 – the situation regarding the North Bar Stone was raised and whether this had been removed and stored safely as required by Panel. The Chief Planning Officer stated that a condition requiring removal and storage of the North Bar Stone prior to commencement of the development had been attached to the approval and that once it had been removed, details of where the North Bar Stone would be stored would be provided to Members

With reference to minute 6, arrangements for a site visit to Manchester, the Head of Planning Services stated the visit which had taken place on 15th July had been worthwhile and had enabled Members and Officers to view examples of studio flats. Members commented on the visit in respect of the size of the units, with those at 29sqm being regarded as a standard Leeds should be considering. The use of balconies was also referred to, with the view being expressed that the treatment of balconies in Manchester seemed better than in Leeds

The Chair thanked Officers for arranging the visit

21 Application 13/04862/FU - Proposed student accommodation, key worker and apartment buildings on land at St. Michael's College and Police Depot, St. John's Road and Belle Vue Road, Little Woodhouse, Leeds

Further to minute 184 of the City Plans Panel meeting held on 8th May 2014, where Panel deferred determination of an application for student accommodation, key worker accommodation and apartment buildings to enable further discussions to take place on elements of the proposals, including the size of some of the units, Members considered a further report of the Chief Planning Officer

Plans, photographs and graphics were displayed at the meeting

Officers presented the report and outlined the changes to the scheme which related to the size of some of the key worker accommodation; the appearance of the new build extensions to the historic college building and the S106 contributions. Members were also informed that a list of eligible occupations had been drawn up for the key worker units, with a salary threshold also being stipulated

In respect of the S106 contributions an additional £150,000 had been offered towards off-site greenspace. On the travel plan, Members were informed that the finer details of this were required

If minded to approve the application in principle, an amendment to the recommendation within the submitted report was sought, to remove the reference to the resolution of issues relating to the provision of accessible student bedrooms, as this matter had been resolved and to include the submission of details of the travel plan for approval

Members discussed the application, with the main issues relating to:

- the extent of improvements which had been made to the development, with mixed views on this
- the timescale for completion of the S106 Agreement and that delays should not occur
- the importance of context being provided for Members when considering applications for student accommodation to ensure the current situation on supply and demand was provided as part of the information within reports
- the design of the proposals and the quality of living which would be provided which was considered to be less than the scheme seen in Manchester
- the size of the smaller units with some concerns being raised about the living conditions for residents of these units

- the level of the affordable rents and the monitoring of the proposed key worker accommodation in the future as units were subject to changes in ownership and occupation. The Panel's legal adviser stated that this matter could be future-proofed in the S106 Agreement
- the need for a Leeds standard for residential accommodation

The Head of Planning Services stated that work on devising a Leeds standard was progressing. On the comments regarding the standard of the units compared to those seen in Manchester, Members were informed that the rental levels on the units in Manchester were higher than those proposed on this site; that the current proposals provided communal facilities for the key worker apartments such as a gym, games and reading rooms and represented a conversion of an existing premises with significant costs and that a financial viability assessment had been submitted and the developers had offered to go beyond that assessment in terms of planning contributions

RESOLVED - To defer and delegate to the Chief Planning Officer for approval subject to the conditions set out in the submitted report, and any others which he might consider appropriate; details and the completion of a Section 106 Agreement to include the following obligations:

- the provision of 259 low cost housing units at an affordable rent (not more than 80% of local market rent of not less than equivalent quality and specification) to key workers with a total gross salary of no more than £30,000 for single person units and a combined household salary of £60,000 for two person units (para 2.12-2.1.3)
- scheme of monitoring of the key worker accommodation to ensure its occupation would continue to meet the agreed key worker criteria
- phasing of the development to ensure the renovation of the St Michael's College 1908 building as part of the first phase of development
- a public transport contribution of £30,000 to be spent on improvements to the existing pedestrian bridge over the Inner Ring Road to help link the site to the City Centre
- implementation of an approved Green Travel Plan
- travel plan review fee of £4,500
- provision of space for City Car Club within the development and £25,000 for free trial membership and usage of the car club
- a sum of £15,000 to be spent on revising Traffic Regulation Orders if the development results in on-street parking problems
- a contribution of £10,000 towards local bus stop infrastructure improvements or sustainable travel measures
- a contribution of £170,000 to the provision of improvements to off-site greenspace
- student occupation of student building during recognised Higher Education term time
- control of student car use in tenancy agreement
- community use of a room in one of the buildings for not less than 2 hours per calendar month free of charge

- local employment and training initiatives
- Section 106 management fee

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

Under Council Procedure Rule 16.4, Councillor R Procter required it to be recorded that she voted against the matter

22 Application 14/01008/FU - Proposal for 106 apartments, B1 office space with 30 car parking spaces and rear amenity deck on land at 2 Skinner Lane, Leeds, LS7

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

Officers presented the report which sought approval for a nine storey residential development with ground floor office units on a site currently being used as a temporary surface car park on land fronting Skinner Lane. Details of a previously approved scheme for residential and office use were provided, with Members being informed that the current application was lower in height and depth than that of the previously consented scheme

The floor plans were outlined to Panel, together with the proposals for an amenity deck sited above the car park. Proposed materials of glazing and wood had been selected to reference the materials of the buildings on either side of the site

If minded to support the Officer's recommendation, the Chief Planning Officer proposed an additional condition restricting the use of the car park to occupiers of the development only

Members commented on the application, with the main issues relating to:

- sustainability; the need for a high level to be achieved and consideration given to photovoltaics being included
- the level of unlet/unsold apartments in Leeds. The Chief Planning Officer advised that through the economic downturn, occupancy levels had been close to 100% in the City, although this was predominantly rented accommodation and that a demand still existed for apartment units
- bin stores and arrangements for refuse collection
- the proposed materials; the dominance of wood as seen on the graphics; the type of wood to be used; how it would weather and the need for sample materials to be provided to Panel when considering applications
- the level of affordable housing units and the desire for a higher number of affordable 2 bed units than being proposed

The Panel considered how to proceed. Concerns were reiterated about the need to see samples of the proposed materials. The Chief Planning Officer stated that the material details would be controlled by

planning condition and suggested that further discussions be undertaken with the applicant's architect on the issue of materials and that samples be provided to be agreed by the Panel prior to the discharge of the planning condition

RESOLVED - To defer and delegate to the Chief Planning Officer for approval, subject to the conditions set out in the submitted report, an additional condition in respect of restricting the car parking to use only by occupiers of the building (and any other conditions which he might consider appropriate) and also the completion of a Section 106 Agreement to include the following obligations:

- provision of 5% (5no.) affordable housing units
- £6,000 to make a number of existing TRO's in the area 'No Waiting at Any Time'
- £23,259 public transport infrastructure contribution
- £2,635, travel plan review fee and travel plan measures including travel plan co-ordinator
- £7,360 provision of free trial membership of the city car club
- £11,200 car club parking bay works
- local employment initiatives
- any other obligations which arise as part of the application process

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

23 Application 14/02604/ADV - Application for advertisement consent to display advertising via the existing media screen - The Carriageworks, 3 Millennium Square, Leeds, LS2 3AD

Photographs were displayed at the meeting

Members considered a report of the Chief Planning Officer on an application for advertisement consent related to the introduction of commercial television broadcasts to the existing digital media screen located to the Carriageworks building on Millennium Square

A letter of objection to the proposals from Leeds Civic Trust had been received

A detailed discussion took place on the proposals, particularly around the level of commercial and other advertising, which was stated in the report as being no more than 30%. Members were informed that the percentage proposed was in line with that existing in other Local Authorities

The Chief Planning Officer advised that the Panel needed to consider the planning aspects of the proposals and that it would be for the Chief Libraries, Arts and Heritage Officer and the Executive Member for Digital and Creative Technology, Culture and Skills to consider issues beyond this. The Chief Planning Officer advised that Members' concerns would be conveyed to Councillor Yeadon

The context of the proposals was referred to and the need for income generation by the Council. The possibility of the Council being able to use the screen to advertise jobs and events was also raised

In view of the concerns the Panel had about the extent of the advertising content and the need for clarity on this point, Members proposed to defer consideration of the application

RESOLVED - To defer determination of the application to enable further information to be obtained on the level of advertising being proposed and for a further report to be submitted to the next meeting

24 Application 13/04824/IOT - Outline application for development of circa 70 dwellings, including access works - Land near Ring Road and Calverley Lane Farsley LS28

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

Officers presented the report which sought approval of an outline application for a residential development of around 70 dwellings, together with access works on a 2.8ha Protected Area of Search (PAS) site close to the Ring Road and Calverley Lane. A larger PAS site was situated to the north east, known as Kirklees Knowl, which was the subject of an appeal against non-determination. Although the report had indicated that the decision of the appeal was expected, Members were informed that the Public Inquiry was to be reopened, with the Secretary of State's decision possibly being made available by the end of the year

Officers reported the receipt of further representations from Farsley Residents Action Group (FRAG) and 10 separate objectors. A letter had also been sent to the Chief Planning Officer and further representations from Councillor A Carter and Councillor Wood had been received and were read out to Members

The Panel was informed that although the majority of the matters raised in the additional representations had been addressed in the report, FRAG had submitted their own bat survey. The Council's Nature Conservation Officer had considered this and was satisfied with the original recommendation and comments as set out in the submitted report. For clarity, the further comments of the Council's Nature Conservation Officer were read out to Panel

In terms of the principle of development, Members were referred to the Council's Interim PAS policy which had been approved by the Council's Executive Board on 13th March 2013, which had sought to ensure the availability of a 5 year supply of deliverable housing land delivery by selectively releasing some designated PAS sites in advance of the preparation of the Site Allocations Plan. In terms of the criteria drawn up within the Interim PAS policy, the subject site was considered to meet all three of the criteria which had been set and was therefore acceptable in principle. Officers had also concluded that there was no clear link between the site and Kirklees Knowl for example no joint access was required

Reference was made to Counsel's opinion provided by the applicant on the cost implications of further delay in consideration of the proposals pending

the Kirklees Knowl decision and the view of Legal Services on this, as outlined in paragraph 10.28 of the submitted report

Issues relating to highways, visual amenity, character and residential amenity were outlined. If minded to accept the Officer's recommendation, further conditions were proposed regarding provision of parking spaces for the recreation ground; the submission and approval of a construction management plan and an additional S106 contribution of £65,000 for a cycle/pedestrian route from the Ring Road to Dawson's Corner if the Kirklees Knowl site was developed within 5 years, with the sum being returned if this was not the case

The Panel then heard representations from an objector who attended the meeting and provided information which included:

- the impact of the proposals on the Conservation Area
- bats
- the Interim PAS policy
- the previous views of an Inspector in respect of the Kirklees Knowl site
- sustainability issues
- possible further action if the application was approved
- the need to defer determination of the application for a further bat survey and the Secretary of State's decision on Kirklees Knowl

Through questioning by Members, reference was made to legislation in respect of ecology and planning; the minimum number of bat surveys to be undertaken and a recent relevant legal case

The Panel then heard representations from the applicant's agent who attended the meeting and provided information which included:

- the application met all of the criteria in the Interim PAS policy
- the Kirklees Knowl site was separate to the subject site
- the S106 requirements had been met
- the applicant's ecologist was satisfied the guidelines had been met and the Council's Nature Conservation Officer was also content with the ecological information which had been submitted
- planning permission had been granted on other PAS sites in Leeds

The Panel discussed the proposals, with the main issues being:

- the timing of the application and the desire of the applicant to pursue this rather than waiting until the Kirklees Knowl appeal decision had been made (where the date for re-opening the Inquiry and Secretary of State's decision had already been considerably challenged)
- that this site and the Kirklees Knowl site were inextricably linked and that considering this application was premature
- education provision
- the bat survey and the court case referred to by the objector
- the nature of the legal advice given to Officers

- the reference to this site and Kirklees Knowl in the UDPR
- the highway contributions
- the impact of a decision on the application in relation to the Kirklees Knowl inquiry

Officers provided further information, with the Panel being informed:

- the legal case referred to by an objector was case specific and examined the issue around a bat survey and the need for sufficient information to be provided to a Plans Panel to enable it to carry out its statutory duty in respect of protected species
- the Council's legal advice on the facts of the case, i.e. the delay in determining the application and that there would need to be a clear link with the Kirklees Knowl decision to justify delaying consideration of the application for the subject site
- the view of the UDP Inspector who stated that the two sites should be considered together, however that had been superseded by the introduction of the Interim PAS policy and the NPPF
- that for the subject site, a range of highway works was proposed and these would not change if the Kirklees Knowl site became available. Works which were variable would be the works to the junction of the Ring Road
- that the Kirklees Knowl inquiry had been reopened to consider two issues; the 5 year land supply, (following the Core Strategy Inspector's Proposed Modifications) and a challenge to ecological issues regarding bats. Regarding the Kirklees Knowl site, this did not fit with the Interim PAS policy. Although the Interim PAS policy was a material planning consideration it was not part of the Development Plan, which along with policy N34, was the starting point for the determination of the application
- that the Council had a 5.8 year land supply (including PAS sites such as the application land) in a mix of brownfield and greenfield sites which helped to create a positive development context
- that the credibility of refusing large sites depended on the LPA's approach to dealing with small sites, in accordance with the Interim Policy

The Panel continued to discuss the application, with the following points being made:

- that the application had been submitted and had to be dealt with
- that a decision on the Kirklees Knowl site could be some way off
- that the issues of bats had been considered and the comments of the Council's Nature Conservation Officer had been provided
- that the required S106 contributions were being offered
- the nature of the link between the two sites; the length of time the owner had waited to develop the site and why a decision at this time was critical, rather than waiting for the Secretary of State's decision on Kirklees Knowl

- the impact of the Ring Road on the amenity of the residents who would live on the site; that further work was needed to protect their amenity and concerns about noise issues. Members were informed such issues would be dealt with at Reserved Matters stage
- the narrowness of Calverley Lane; the view that works could be done to overcome this; concerns that the proposed highway works would not sufficiently mitigate for the traffic movements and that the highways proposals were not adequate. The Transport Development Services Manager provided further details of the works to be undertaken and the road widths. Members were also informed that a road safety audit of all the off-site highway works would be requested

The Panel considered how to proceed:

RESOLVED - To defer and delegate to the Chief Planning Officer for approval, subject to provision of a satisfactory road safety audit; the conditions set out in the submitted report; additional conditions providing 8 parking spaces on the highway and 12 parking spaces on site for the recreation ground; submission and approval of a construction management plan and following completion of a Section 106 Agreement to cover the following matters:

- affordable housing 15% provision with 50% social rent/50% submarket housing
- education contribution of £333,467.08 (based on 70 houses, contribution would vary depending on final number of units)
- transport SPD contribution figure of £826 per dwelling
- metrocard contribution figure of £462 per dwelling
- travel plan review fee of £2,500
- contribution of £40,000 towards the improvement of Rodley roundabout
- greenspace contribution of £1511.20
- £65,000 for a cycle/pedestrian route from the Ring Road to Dawson's Corner in the event the development proposals on the Kirklees Knowl site were allowed; this sum to be ring fenced for this specific purpose and to be returnable in 5 years if it was not used

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

Following consideration of this matter, Councillors C Gruen, P Gruen, G Latty and Walshaw left the meeting

25 PREAPP/14/00566 - Land Off West Street, Land Off Domestic Road, Land Off Victoria Road, Land At Hunslet Lane, Land At Inner Ring Road/Woodhouse Lane, Land At Crown Point Road, Meadow Lane, Clay Pitt Lane, Leeds

The Panel considered a report of the Chief Planning Officer on emerging proposals for the development and rationalisation of the Council's advertisement portfolio and received a presentation from representatives of the Council's chosen contractor for the ongoing management of this portfolio

Plans, photographs and graphics were displayed at the meeting

Members were provided with an overview of the proposals for 10 individual sites located within or close to the City Centre boundary, mainly on arterial routes

The report before Panel provided details on each of the sites and the type of hoarding proposed, although Members were updated on the Claypit Lane site where a digital advertising hoarding was now proposed. Members were also informed that as part of the rationalisation process, 22 hoardings would be removed from a total of 10 sites

The following information was provided:

- there were 46 displays around the periphery of the City Centre, with many of these looking dated
- the aim of the scheme was to bring Leeds into line with other leading cities in terms of its advertising portfolio and make the City into one of the top five media destinations
- that half of the existing displays would be removed and a more bespoke approach would be taken to the new displays
- that industry standard sizes would be used, i.e 3m x 12m; 5m x 7.5m; 3m x 6m
- that only Claypit Lane would be a digital sign, with the static signs being changed on a fortnightly basis
- that the monopoles would be a design which would be unique to Leeds
- that discussions were continuing with Officers to select the most suitable locations, with regard also being had to highway safety

Members commented on the following matters:

- the Claypit Lane site, with concerns about a digital display leading to distractions for road users
- the Crown Point Road site and that regard should be had to the nearby Conservation Area and heritage assets
- the stability of the structures
- the need for large images to be provided when the scheme was next presented to Panel

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

- that in general the visual impact from the proposals was acceptable and appropriate, although concerns remained about the proposed displays at Clay Pit Lane and Crown Point Road
- that in respect of any adverse highway safety implications arising from the proposed advertisement hoardings, that further consideration should be given to this, particular the maintenance of the static signs in the central reservation and that road closures resulting from such maintenance would not be acceptable. Members were informed that as part of the formal

application process, the applicant would undertake road safety audits and present these alongside the application

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

During consideration of this matter, Councillor R Grahame left the meeting

26 Date and Time of Next Meeting

Thursday 7th August 2014 at 1.30pm in the Civic Hall, Leeds

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Originator: David B Jones
Tel: 0113 24 77019

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 7th August 2014

Subject: Application 13/05423/OT: Outline application for means of access from Bradford Road and to erect residential development on land off Bradford Road, East Ardsley

APPLICANT

Barratt David Wilson Homes
and The Ramsden
Partnership

DATE VALID

4th December 2013

TARGET DATE

31st July 2014

Electoral Wards Affected:

Ardsley & Robin Hood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

RECOMMENDATION: Refusal of Planning permission for the following reasons;

1. The Local Planning Authority considers that the release of the site for housing development would be premature, being contrary to Policy N34 of the adopted Leeds Unitary Development Plan Review (2006) and contrary to Paragraph 85, bullet point 4 of the National Planning Policy Framework. The suitability of the site for housing needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan. The location and/or size of the site means that the proposal does not fulfil the exceptional criteria set out in the interim housing delivery policy approved by Leeds City Council's Executive Board on 13th March 2013 to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan. Furthermore, the ongoing Site Allocations Plan identifies other potential sites which are directly related and share a boundary with the application site which if allocated will need to be comprehensively planned, including any infrastructure requirements, which may be prejudiced if not considered together.

2. The proposal is contrary to the Core Strategy which seeks to concentrate the majority of new development within and adjacent to the main urban areas and major settlements. The Site Allocations Plan is the right vehicle to consider the scale and location of new development and supporting infrastructure which should take place in East Ardsley which is consistent with its size, function and sustainability credentials. Furthermore, the Core Strategy states that the “priority for identifying land for development will be previously developed land, other infill and key locations identified as sustainable extensions” which have not yet been established through the Site Allocations Plan, and the Core Strategy recognises the key role of new and existing infrastructure in delivering future development which has not yet been established through the Site Allocations Plan e.g. doctors surgeries, schools, roads. As such the proposal is contrary to Core Strategy Policy SP1.
3. The Local Planning Authority considers that the applicant has so far failed to demonstrate that the local highway infrastructure is capable of safely accommodating the proposed access and absorbing the additional pressures placed on it by the increase in traffic, cycle and pedestrian movements which will be brought about by the proposed development. The applicant has also failed to show that the proposed development will not lead to issues of safety for pedestrians and cyclists or provide adequate accessibility to public transport. The proposal is therefore considered to be contrary to Policies GP5, T2, T2B and T5 of the adopted UDP Review
4. In the absence of a signed Section 106 agreement the proposed development so far fails to provide necessary contributions for the provision of affordable housing, education, Greenspace, public transport, travel planning and off site highway works contrary to policies of the Leeds Unitary Development Plan Review (2006) and related Supplementary Planning Documents and contrary to policies of the Draft Leeds Core Strategy and the National Planning Policy Framework. The Council anticipates that a Section 106 agreement covering these matters will be provided prior to any appeal Inquiry but at present reserves the right to contest these matters should the Section 106 Agreement not be completed or cover all the requirements satisfactorily.

1.0 INTRODUCTION

- 1.1 The application is reported to Panel as it relates to a site identified as a Protected Area of Search in the Leeds Unitary Development Plan (Review 2006) and needs to be considered in the context of Development Plan Policy, the Interim Policy for the release of PAS sites adopted by the Executive on 13 March 2013 and other material considerations.
- 1.2 The application was considered at the City Plans Panel meeting on 10th April 2014 as a Position Statement, following a Panel site visit in the morning. At that meeting Members raised concerns regarding the prematurity of the proposal, the impact of traffic on the local network, and the coalescence of East Ardsley and West Ardsley.
- 1.3 The approved minute from the meeting on 10th April is as follows;

RESOLVED - To note the report, the presentation and the discussions on the proposals and for the Chief Planning Officer to have regard to the views of the Panel

that the application was premature; it did not fulfil two of the three criteria laid down in the Interim Housing Policy and there were also concerns about the coalescence of communities and highways issues.

- 1.4 The application is now being brought back for determination, having regard to clarification of the position on the housing supply in the City, discussions regarding outstanding highways matters and consideration of the issue of coalescence of settlements. In addition, it is proposed to up-date Plans Panel with regards to additional representations and consultation responses received since 10th April 2014.
- 1.5 This report up-dates and should be considered in conjunction with the Position Statement report which was considered by City Plans Panel in April. A copy of the 10th April City Plans Panel report is appended to this report.

2.0 PROPOSAL

- 2.1 The application is made in outline to consider the principle of the development. All matters are reserved except for access to the site. A revised indicative Masterplan showing a maximum of 299 dwellings and a two hectare site reserved for a possible future primary school to the site frontage has been submitted. The full details of the development would be considered under future applications for approval of Reserved Matters (should outline permission be granted).
- 2.2 The submitted plans detail that the main access will be from Bradford Road and will take the form of a priority junction. No other vehicular access points are proposed.
- 2.3 The application is accompanied by a Draft Section 106 agreement (Heads of terms) which will make provision for contributions as follows:
- 15% Affordable Housing Provision
 - Education Contribution - the development would generate a significant number of pupils at primary and secondary school, and that there is no spare capacity in local schools to accommodate additional pupils. As such, a full contribution of £1.5m has been requested.
 - Reserve 2 ha of the site for a 2 form entry primary school.
 - Greenspace Provision – on site provision equating to 10% of the site
 - Public Transport Contribution. Based on 299 dwellings, a contribution of £337,453.68 is required, and is agreed in principle. This equates to £1,128 per dwelling.
 - Travel Plan. The applicant has agreed to submit a Travel Plan.
 - Metro cards for future residents.
- 2.4 There are no areas of disagreement between the applicant and officers of the City Council in principle, on the content of the Section 106 Agreement but it would need to be completed for these issues to be satisfactorily addressed.

3.0 PLANNING POLICY

- 3.1 The relevant policies are set out in the 10th April Position Statement, and are updated as follows:

Development Plan

3.2 The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP). The Local Development Framework will eventually replace the UDP and this draft Core Strategy has had some weight in decision taking since it was published in 2012 but it is now considered to have significant weight for the following reasons

. The NPPF states that decision-takers may give weight to policies in emerging plans according to:

i) The stage of preparation

- On 12th June 2014 the Council received the last set of Main Modifications from the Core Strategy Inspector, which he considers are necessary to make the Core Strategy sound. These have been published for a six week consultation between the 16th June and 25th July 2014. The Inspector has indicated that following this he will publish his Report in August. The Plan is therefore at the last advanced stage it can be prior to the receipt of the Inspectors Report and subsequent adoption by the Council.

-There is a distinction in the weight to be given to those policies that are still subject to consultation and those that are not –i.e. those policies that are unmodified should be given even greater weight.

ii) The extent to which there are unresolved objections

- No further modifications are proposed and the Plan can only be changed now exceptionally because it is sound as modified and there is no requirement for the plan to be made 'sounder'

iii) The degree of consistency with the NPPF

- In preparing his main modifications the Inspector has brought the Plan in line with the NPPF where he considers that this is necessary. The Plan as modified is therefore fully consistent with the NPPF.

3.3 Leeds Unitary Development Plan (UDP) Review:

GP5: General planning considerations.

GP7: Use of planning obligations.

GP11: Sustainable development.

N2/N4: Greenspace provision/contributions.

N10: Protection of existing public rights of way.

N12/N13: Urban design principles.

N23/N25: Landscape design and boundary treatment.

N24: Development proposals abutting the Green Belt.

N29: Archaeology.

N34: Protected Areas of Search

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

N39a: Sustainable drainage.

BD5: Design considerations for new build.

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

T5: Consideration of pedestrian and cyclists needs.

T7/T7A: Cycle routes and parking.

T24: Parking guidelines.

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

H2: Monitoring of annual completions for dwellings.

H3: Delivery of housing on allocated sites.

H11/H12/H13: Affordable housing.

LD1: Landscape schemes.

ARC5 (requirement for archaeological evaluation).

Policy N34 – PROTECTED AREA OF SEARCH

- 3.4 The application site is protected under Policy N34 as Protected Areas of Search: The Unitary Development Plan (UDP) was originally adopted in 2001 and its Review was adopted in 2006. The original UDP allocated sites for housing and designated land as PAS. The UDP Review added a phasing to the housing sites which was needed to make the plan compliant with the national planning policy of the time, Planning Policy Guidance 3. The UDP Review did not revise Policy N34 apart from deleting 6 of the 40 sites and updating the supporting text. The deleted sites became the East Leeds Extension housing allocation.

Policy N34 and supporting paragraphs is set out below:

Protected Areas of Search for Long Term Development

The Regional Spatial Strategy does not envisage any change to the general extent of Green Belt for the foreseeable future and stresses that any proposals to replace existing boundaries should be related to a longer term time-scale than other aspects of the Development Plan. The boundaries of the Green Belt around Leeds were defined with the adoption of the UDP in 2001, and have not been changed in the UDP Review.

To ensure the necessary long-term endurance of the Green Belt, definition of its boundaries was accompanied by designation of Protected Areas of Search to provide land for longer-term development needs. Given the emphasis in the UDP on providing for new development within urban areas it is not currently envisaged that there will be a need to use any such safeguarded land during the Review period. However, it is retained both to maintain the permanence of Green Belt boundaries and to provide some flexibility for the City's long-term development. The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework, and in the light of the next Regional Spatial Strategy. Meanwhile, it is intended that no development should be permitted on this land that would prejudice the possibility of longer-term development, and any proposals for such development will be treated as departures from the Plan.

N34: WITHIN THOSE AREAS SHOWN ON THE PROPOSALS MAP UNDER THIS POLICY, DEVELOPMENT WILL BE RESTRICTED TO THAT WHICH IS NECESSARY FOR THE OPERATION OF EXISTING USES TOGETHER WITH SUCH TEMPORARY USES AS WOULD NOT PREJUDICE THE POSSIBILITY OF LONG TERM DEVELOPMENT.

3.5 Interim PAS Policy

- 3.6 A report on Housing Delivery was presented to Executive Board on the 13th March 2013. The report outlines an interim policy which will bolster and diversify the supply of housing land pending the adoption of Leeds Site Allocations Development Plan Document which will identify a comprehensive range of new housing sites and establish the green belt boundary. The Interim Policy is as follows:-

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

- (i) Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft;

- (ii) Sites must not exceed 10ha in size (“sites” in this context meaning the areas of land identified in the Unitary Development Plan) and there should be no sub- division of larger sites to bring them below the 10ha threshold; and
- (iii) The land is not needed , or potentially needed for alternative uses

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

- (iv) It is an area where housing land development opportunity is Demonstrably lacking; and
- (v) The development proposed includes or facilitates significant planning benefits such as but not limited to:
 - a) A clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area;
 - b) Proposals to address a significant infrastructure deficit in the locality of the site.

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

3.8 Leeds City Council Executive Board resolved (Paragraph 201 of the Minutes 13th March 2013) that the policy criteria for the potential release of PAS sites ,as detailed within paragraph 3.3 of the submitted report be approved subject to the inclusion of criteria which

- (i) Reduces from 5 years to 2 years the period by which any permission granted to develop PAS sites remains valid: and
- (ii) Enables the Council to refuse permission to develop PAS sites for any other material planning reasons.

3.9 It has been confirmed following a High Court challenge from Miller Homes that the Council’s interim PAS policy is legal. However, the case is due to be heard in the Court of Appeal in March 2015.

3.10 The policy has been used to support the release of land at four sites at Fleet Lane, Oulton, Royds Lane, Rothwell, Owlars Farm, Morley and Calverley Lane, Farsley. The policy has also been used to resist permission for PAS sites at Kirkless Knoll and Boston Spa which were subject of a public inquiry late last year and early this year respectively with the Kirklees Knowl inquiry due to re-open in the Autumn. The decision on the Boston Spa is pending with the Kirklees Knowl decision not due until the end of the year.

3.11 The Council’s interim PAS policy does not supersede the Development Plan but is a relevant material consideration that the Panel should have regard to. The starting point remains the Development plan and in particular policy N34.

3.12 **Core Strategy**

Relevant policies within the Core Strategy include:

Spatial policy 1 – Location of development (page 22)

Spatial policy 6 – Housing requirement and allocation of housing land (page 34)

Spatial policy 7 – Distribution of housing land and allocations (page 37)
 Spatial policy 10 – Green Belt (page 44)
 Policy H1 – Managed release of sites (page 59)
 Policy H3 – Density of residential development (page 60)
 Policy H4 – Housing mix (page 61)
 Policy H5 – Affordable housing (page 63)
 Policy P10 – Design (page 88)
 Policy P11 – Conservation (page 90)
 Policy P12 – Landscape (page 91)
 Policy T1 – Transport Management (page 92)
 Policy T2 – Accessibility requirements and new development (page 93)
 Policy G4 – New Greenspace provision (page 98)
 Policy EN2 – Sustainable design and construction (page 104)

Local Development Framework

- 3.13 The Council has submitted its Core Strategy to the Secretary of State and an examination in public was held in Spring 2014. The Council is currently consulting on a further set of Main Modifications to the Core Strategy. Following consultation and no arising outstanding matters, it is anticipated that the Core Strategy will be adopted in autumn 2014 following receipt of the Inspectors final report. The Core Strategy is considered by the Council to be sound and in line with the policies of the NPPF and the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011. The Core Strategy Inspector has proposed two sets of Main Modifications, which he considers are necessary to make the Plan sound, including in line with the NPPF. The Council is currently progressing a Site Allocations Plan. Following extensive consultation, including 8 weeks of formal public consultation from 3/6/13 to 29/7/13 the Council is currently preparing material for Publication of a draft plan
- 3.14 The supporting text to Policy N34 of the Unitary Development Plan expects the suitability of the protected sites for development to be comprehensively reviewed through the Local Development Framework (para 5.4.9). The Site Allocations Plan is the means by which the Council will review and propose for allocation sites which are consistent with the wider spatial approach of the Core Strategy and are supported by a comparative sustainability appraisal. It will also phase their release with a focus on: sites in regeneration areas, with best public transport accessibility, the best accessibility to local services and with least negative impact on green infrastructure. This application is contrary to this approach. The Site Allocations Plan process will determine the suitability of this site for housing development. This approach is in line with para 85 of the NPPF which states that “Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development.” It is also in line with the NPPF core planning principle 1, which states that planning should “be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.”
- 3.15 The NPPF states in paragraph 47 that local authorities should boost significantly the supply of housing. It sets out mechanisms for achieving this, including:
- use an evidence base to ensure that the Local Plan meets the full objectively assessed needs for market and affordable housing;
 - identify and update annually a supply of specific deliverable sites sufficient to provide for five years’ worth of supply;
 - identify a supply of specific deliverable sites or broad locations for growth for years 6 to 10 and years 11 to 15,

3.16 The Core Strategy housing requirement has been devised on the basis of meeting its full objectively assessed housing needs. These are set out in the Strategic Housing Market Assessment (SHMA), which is an independent and up to date evidence base, as required by paragraph 159 of the NPPF and reflects the latest household and population projections as well as levels of future and unmet need for affordable housing.

Five Year Supply

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

3.18 In the past, the Council has been unable to identify a 5 year supply of housing land when assessed against post-2008 top down targets in the Yorkshire and Humber Plan (RSS to 2026) which stepped up requirements significantly at a time of severe recession. During this time (2009-2012) the Council lost ten appeals on Greenfield allocated housing sites largely because of an inability to provide a sufficient 5 year supply and demonstrate a sufficiently broad portfolio of land. This was against the context of emerging new national planning policy which required a significant boosting of housing supply.

3.19 Nationally the 5 year supply remains a key element of housing appeals and where authorities are unable to demonstrate a 5 year supply of deliverable sites, policies in the NPPF are considered to be key material considerations and the weight to be given to Council's development plan, policies should be substantially reduced.

3.20 The context has now changed. The RSS was revoked on 22nd February 2013 and when assessed against the Council's Unitary Development Plan (2006) there has been no under delivery of housing up to 2012. Furthermore for the majority of the RSS period the Council met or exceeded its target until the onset of the recession. The Council has submitted its Core Strategy to the Secretary of State with a base date of 2012 and a housing requirement that is in line with the NPPF and meets the full needs for objectively assessed housing up to 2028.

3.21 In terms of identifying a five year supply of deliverable land the Council identified that as of 1st April 2014 to 31st March 2019 there is a current supply of land equivalent to 5.8 years' worth of housing requirements.

3.22 The current five year housing requirement is 24,151 homes between 2014 and 2019, which amounts to 21,875 (basic requirement) plus 1,094 (5% buffer) and 1,182 (under delivery).

3.23 In total the Council has land sufficient to deliver 28,131 within the next five years. The five year supply (as at April 2014) is made up of the following types of supply:

- allocated sites
- sites with planning permission
- SHLAA sites without planning permission

- an estimate of anticipated windfall sites – including sites below the SHLAA threshold, long term empty homes being brought back into use, prior approvals of office to housing and unidentified sites anticipated to come through future SHLAAs
- an element of Protected Area of Search sites which satisfy the interim PAS policy

3.24 The current 5 year supply contains approximately 24% Greenfield and 76% previously developed land. This is based on the sites that have been considered through the SHLAA process and accords with the Core Strategy approach to previously developed land as set out in Policy H1. This also fits with the Core Planning principles of the NPPF and the Secretary of State's recent speech to the Royal Town Planning Convention (11 July 2013) where he states that not only should green belts be protected but that "we are also sending out a clear signal of our determination to harness the developed land we've got. To make sure we are using every square inch of underused brownfield land, every vacant home and every disused building, every stalled site."

3.25 In addition to the land supply position, the Site Allocations Document is in the process of identifying specific deliverable sites for years 6 to 10 of the Core Strategy plan period and specific sites for years 11 to 15.

National Guidance - National Planning Policy Framework

3.26 Paragraph 47 of the NPPF requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%.

3.27 Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Whether the development is sustainable needs to be considered against the core principles of the NPPF. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

3.28 Paragraph 85 sets out those local authorities defining green belt boundaries should:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

3.29 Supplementary Planning Guidance/Documents

Neighbourhoods for Living – A Guide for Residential Design in Leeds
Street Design Guide
SPG4 – Greenspace

4.0 CONSULTATION RESPONSES UPDATE

- 4.1 Highways response – objections –The ongoing Site Allocations Plan identifies other potential sites which are directly related and share a boundary with the application site which if allocated will need to be comprehensively planned, including any infrastructure requirements, which may be prejudiced if not considered together. As such, the Highways Officers consider that the current proposal is premature. In addition, the acceptability of the principle of a significant level of residential development in this location, which does not meet draft Core Strategy Accessibility Standards, requires further consideration in light of the current Site Allocations process and other planning merits together with what additional infrastructure is needed to support it including any highway improvements.
- 4.2 Furthermore, there are two nearby signalised junctions that are still being assessed by the UTMC section in Highways and it is unclear at this stage whether the traffic associated with the development would have an adverse effect on the operation of these junctions such that improvement measures would be required. . As it stands, the issue is under consideration, but is not resolved at present, and a reason for refusal is recommended.

5.0 REPRESENTATIONS UPDATE

- 5.1 To date there have been 336 representations received to the publicity of this application. No new issues are raised in addition to those raised in Section 5.3 of the 10th April 2014 report to Plans Panel.

6.0 MAIN ISSUES

- 6.1 The principal issues were set out in Section 8.0 of the April 2014 Position Statement, as follows:
- Compliance with the Development Plan
 - Development Timing in advance of the Site Allocations Plan
 - 5 year land supply
 - Sustainability
 - Highways
 - Coalescence of settlements
 - School provision
 - Section 106 Package
 - Other issues
- 6.2 These issue are considered below, in view of the current, up-dated situation.

7.0 APPRAISAL

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Other material considerations include the National Planning Policy Framework, the emerging Core Strategy, the requirement

for a five year supply of housing and matters relating to sustainability, highways, amenity, impact, flooding and landscape.

- 7.2 These issues were considered in Section 9.0 of the April Position Statement, and are up-dated below:

Compliance with the Development Plan

- 7.3 The application site is designated as a “Protected Area of Search “(PAS) in the adopted UDP. Such sites are designated under Policy N34 which specifies that PAS sites are to be retained for possible long term development and any intermediate development should be resisted that would prejudice the potential for long development in the longer term should the need arise. The supporting text to Policy N34 states that, “The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework...” By not waiting for the comprehensive review, a decision to approve this application now would be a departure from the Development Plan. The proposal to develop the Bradford Road application site would be premature in advance of the conclusions of the comprehensive assessment of all PAS sites and alternative land supply opportunities that is being undertaken now through the Site Allocations Plan. Policy N34 and its supporting text should be given considerable weight because it is part of the statutory development plan for Leeds and is consistent with bullet 4 of paragraph 85 of the NPPF which expects local authorities to make clear that “...planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review...”

- 7.4 These should be clear factors in assessing the suitability of the site and this should take place through the Site Allocations process.

- 7.5 As set out above, the Council has put in place an Interim Policy pending the further progress of the Site Allocations Plan the application site needs to be assessed against the interim policy to see if it meets the criteria for possible early release.

Development Timing in advance of the Site Allocations Plan

- 7.6 The criteria of the interim policy are intended to ensure that PAS sites are considered against the spatial development strategy of the Core Strategy. Within that context some sites have been released by virtue of their scale and relationship to the settlement hierarchy in advance of the Site Allocations Plan, to help bolster the delivery of housing in Leeds by diversifying the land supply. PAS sites in excess of 10ha, those with alternative potential uses or those not adjacent to the main urban area or major settlements have been considered more likely to give rise to harm to the spatial development strategy and raise more sustainability issues. These sites will only be identified as housing sites through the Site Allocations Plan, where a full and comparative sustainability appraisal can be undertaken, which includes exploring cumulative and synergistic effects and the implications of the release of sites on infrastructure provision. This process will also consider whether PAS sites are needed in the context of specific housing requirements for individual housing market areas. This leaves the smaller PAS sites that comply with the interim policy criteria as capable of being released for development in advance of the Sites DPD process. The Interim Policy is a relevant material planning consideration that should be afforded weight in the determination of this application. The performance of the Bradford Road site against the interim policy criteria is considered below to see if the proposal meets the criteria to be released early.

- 7.7 Paragraph 3.7 of this report (see above) considers the proposal against criteria, and concluded that the proposal does not comply with the Interim Policy approved by the City Council. Under Criterion (i) , the site is an extension to East Ardsley, a ‘Smaller Settlement’ in the settlement hierarchy as defined in the Core Strategy Publication

Draft, and therefore fails the first policy test. Under criterion (ii) sites must not exceed 10ha in size and there should be no sub division of larger sites to bring them below the 10ha threshold. The application site is above this threshold, at 13.50 ha and therefore also fails the Interim Policy on this basis. This is important because the larger sites necessarily have a greater overall impact on the Council's locational strategy for housing.

- 7.8 Under criterion (iii) of the Interim Policy Land consideration is to be given to whether the land is needed, or potentially needed, for alternative uses. Childrens Services have considered there is demand for a new school in the area, and consider that 2.0 hectares of the overall site may be required for provision of a 2 form entry Primary school. However, given that there may be other housing sites coming forward through the site allocations process, this reinforces the need for this site to be considered through the site allocations process, so that the issue of school provision can be considered in light of potential demand for school places in the locality, given the pressure for places and in the local area. It is through the Site Allocations process that the amount and location of new development in East Ardsley will be decided and in that context where the best site for a new school should be in the settlement.
- 7.9 Notwithstanding the criterion (i) and (iii) above, criterion (iv) considers if the site is an area where housing land development opportunity is demonstrably lacking. There are a number of development sites in the locality and the Housing Market area. Under Core Strategy Policy SP7, the site is within the Outer South West Housing Market Area. Within this area, housing has very recently commenced on 173 units at Bruntcliffe Road, Morley (Barratts) and for 92 units at Daisy Hill, Morley (Persimmon), and 29 houses off Whitehall Road, Drighlington (Miller Homes). Joines Homes are constructing 51 units off Fountain Street , Morley. Persimmon Homes have outline permission on a PAS site at Owlars Farm, Morley, and a reserved Matters application for the construction of 88 dwellings is under consideration. In the more immediate locality 14 houses are currently under construction off Waterwood Close in West Ardsley, and 8 houses have recent planning permission abutting the application site , off Forsythia Avenue. Miller Homes are constructing 234 units off Station Lane, Thorpe , to the north east of the application site.
- 7.10 Criterion (v) the development proposed includes or facilitates significant planning benefits such as but not limited to:
- a) A clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area; the applicant has not linked this application to the redevelopment of a significant brownfield site in a regeneration area.
 - b) Proposals to address a significant infrastructure deficit in the locality of the site.
- The applicant has proposed to reserve part of the site for a possible school, which is discussed in para 2.3 above.
- 7.11 To summarise, the application does not meet the interim policy criteria to be released early. Part of the land is potentially needed for a school site. There are other housing development opportunities on-going and soon to start in the area and wider Housing Market Area. The allocation of this site should await comprehensive assessment through the Site Allocations Plan.

Adjoining potential housing sites

- 7.12 In the Site Allocations Plan "Issues and Options for the Plan" (June 2013), the application site forms part of a larger site, designated as "Sites which have the greatest potential to be allocated for housing". The application site abuts an area to the north, which is designated as "sites which have potential but issues or not as

favoured as green sites”. At present, there is no consideration of how those sites might come forward, or whether they need to be developed in a comprehensive manner, and how they might be accessed or phased, as the Site Allocations Plan is still to be finalised. As such, it is considered that the release of the site for housing at this stage would not be in the best interests of effective planning.

Five Year Supply

- 7.13 The Council has a supply of 28,131 net homes between 1st April 2014 and 31st March 2019, which when assessed against the requirement for 24,151 homes provides a 5.8 year housing land supply. This supply has been sourced from the Strategic Housing Land Availability Assessment Update 2014 and includes over 21,000 units, including sites for students and older persons housing. In addition identified supply consists of some safeguarded sites adjacent to the main urban area which meet the Council’s interim policy on Protected Areas of Search (approved by Executive Board in March 2013). The supply also includes evidenced estimates of supply, based on past performance, from the following categories: windfall, long term empty homes returning into use and the conversion of offices to dwellings via prior approvals. The supply figure is net of demolitions.
- 7.14 The Core Strategy Inspector’s latest set of Main Modifications (16th June 2014) which he considered were necessary to make the Core Strategy sound confirm that the Council should supply land at a rate of 4,375 homes per annum throughout the life of the plan. However given market conditions moving out of recession, the need to plan for infrastructure and demographic evidence his latest modifications have also included a lower target of at least 3,660 homes per annum between 2012 and 2016/17 against which delivery should be measured for performance purposes. This basic requirement is supplemented by a buffer of 5% in line with the NPPF. The requirement also seeks to make up for under-delivery against 3,660 homes per annum since 2012. It does this by spreading under-delivery, since the base date of the plan, over a period of 10 years to take account of the circumstances under which the under-delivery occurred i.e. the market signals and the need to provide infrastructure to support housing growth.

Sustainability criteria

- 7.15 It has been assessed that the centre of the site is within the designated 400m distance of two bus stops on the nearside of Bradford Road, however it is about 500m from the nearest bus stop on the opposite side of the carriageway. Although the overall frequency of services to the major public transport interchanges of Leeds, Bradford and Wakefield meets the requirement of 4 buses per hour, the journey times to both Leeds and Bradford is outside the accessibility indicator of 40 mins (the journey to Bradford takes approx. 50 mins from East Ardsley whilst the journey time to Leeds is approx. 1 hour 30 mins).
- 7.16 There are a range of local services available within 1200m of the site (e.g. convenience stores, post office, butcher, social club, hot food takeaways). Furthermore, the primary school provision and a medical centre are within the designated 1600m of the site. However, the nearest secondary school is beyond the recommended walking distance of 2400m and the nearest bus stop for services travelling in this direction is outside the 400m threshold and the service frequency is only 2 buses per hour.

- 7.17 Therefore, the acceptability of the principle of a significant level of residential development in this location, which does not meet draft Core Strategy Accessibility Standards, requires further consideration in light of the current Site Allocations process and other planning merits together with what additional infrastructure is needed to support it including school(s), greenspace and highway improvements.

Highways Considerations

- 7.18 Fundamentally, the ongoing Site Allocations Plan identifies other potential sites which are directly related and share a boundary with the application site which if allocated will need to be comprehensively planned, including any infrastructure requirements, which may be prejudiced if not considered together. As such, Highways Officers support a refusal on the grounds that the proposal is contrary to Policy N34 and that the proposal considered in advance of the Site Allocations Plan is premature.
- 7.19 Regarding the issue of off-site works, there are two nearby signalised junctions that are still being assessed by the UTMC section in Highways and it is unclear at this stage whether the traffic associated with the development would have an adverse effect on the operation of these junctions such that improvement measures would be required. As it stands, the issue is under consideration, but is not resolved at present, and a reason for refusal is recommended. Plans Panel will be up-dated on this issue.
- 7.20 There are a number of outstanding issues of detail regarding the design of the site entrance and location of refuge/Traffic Regulation Orders etc. on Bradford Road. The current submission is still not ideal and changes to the proposals are required. In summary, there are concerns about the proximity of a bus stop to a proposed traffic island within Bradford Road, such that there would be a risk of vehicles overtaking a stationary bus colliding with the traffic island. As such, it is considered that the bus stop should be moved further downstream of the island. It is also considered that a further island should be introduced within the central reservation of Bradford Road to the north of the proposed access, to assist residents from the development crossing the carriageway to the bus stop on the opposite side. A revised plan of the site access junction is to be submitted to address this point, and members will be up-dated on this point. However, it is considered that these matters are not so fundamental as to constitute a reason for refusal on highway grounds.

Coalescence of settlements

- 7.21 The UDP Inspector considered that land separating local communities was of lesser importance to the GB than land which separates the Morley part of the Leeds District as a whole from Kirklees and Wakefield and the main areas of open land. The UDP Inspector stated that in no sense was this land essential to the larger strategic role of the GB. The local significance of the visual break here is certainly important, whether or not it separates East and West Ardsley, or occurs within East Ardsley. It was considered that it could however be adequately maintained by providing a major open space funnelling from the Bradford Road frontage into the site. To this end, the applicant has indicated that the open frontage would be kept open, and it is an issue which can be addressed at reserved matters stage, when a detailed layout would be submitted.

7.22 The Community Infrastructure Levy Regulations 2010 set out legal tests for the imposition of planning obligations. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development. .

7.23 The proposed obligations listed in the Proposals section 2.3 of this report have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly they can be taken into account in any decision to grant planning permission for the proposals. The applicants will be required to submit a signed Section 106 Agreement to address the policy requirements for this application should permission be granted. The need for any off site highway works and school site will need to be firmed up as the background work around the application progresses.

Other Matters

7.24 At this stage no overriding concerns exist in respect of other planning issues. Further work will be needed to agree the capacity of this site in terms of the number of access points, the design criteria which underpin layout in terms of character and visual setting and the drainage infrastructure which could have a bearing.

7.25 Whilst the applicant has revised the proposal to suggest that up to 299 dwellings and a school could be accommodated from the access point there is no agreement on the capacity of the site at this stage as Council officers have fundamental concerns that access of this site and adjoining sites should be considered comprehensively as part of the Site Allocations process.

8.0 CONCLUSION

8.1 The release of the Bradford Road PAS site for housing development at this time is premature , being contrary to Policy N34 of the UDP Review (2006) and the NPPF. To grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging Site Allocations DPD. The Council considers it has a 5.8 year housing land supply and so there is no need to release additional sites in advance of the Site Allocations process. The location and size of the site means that the site does not meet the criteria in the interim housing delivery policy to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan. Refusal is therefore recommended.



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 10th April 2014

Subject: Application 13/05423/OT: Outline application for means of access from Bradford Road and to erect residential development on land off Bradford Road, East Ardsley – POSITION STATEMENT

APPLICANT

Barratt David Wilson Homes
and The Ramsden
Partnership

DATE VALID

4th December 2013

TARGET DATE

31st March 2014

Electoral Wards Affected:

Ardsley & Robin Hood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

RECOMMENDATION: For Members to note the content of the report and to provide feedback on the questions posed at section 10.4 of this report.

1.0 INTRODUCTION

1.1 This application is presented to Plans Panel due to the scale and sensitivity of the proposals. Members are asked to note the content of this report and to provide feedback on the questions posed at Section 10.4 of this report. The application is subject to a Planning Performance Agreement (PPA) and at this stage it is intended to bring the application back for determination at City Plans Panel to either 5th June or 26th June 2014.

- 1.2 This is an application for new residential development on a site designated as a Protected Area of Search (PAS site under policy N34) in the adopted UDP intended to provide for long term development needs if required. Key considerations in reaching a recommendation will be matters of housing land supply, sustainability and prematurity in the context of progress on the Site Allocations Plan. The City Council at Executive Board has approved an Interim Policy which has been designed to facilitate the release of some smaller PAS sites in the Main Urban Area and Major settlements to strengthen the delivery of housing in the city ahead of the Site Allocations Plan. This site due to its location and size is contrary to the Interim Policy guidelines for the early release of the site in advance of the Site Allocations Plan.
- 1.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the need to determine applications in accordance with the development plan unless material considerations indicate otherwise.
- 1.4 The proposal does not accord with the current Development Plan which comprises the UDP Review (2006) and the Natural Resources and Waste DPD in that the proposal is designated as a Protected Area of Search.
- 1.5 The National Planning Policy Framework is a material consideration and Annex 1 sets out that whilst relevant policies adopted since 2004 may be given full weight depending on their degree of consistency with the NPPF, decision takers may also give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.
- 1.6 The Council has submitted its Core Strategy to the Secretary of State. The Strategy is considered by the Council to be sound and in line with the policies of the NPPF and the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011. An initial hearing session has been held and the Inspector is satisfied that the Council have fulfilled the legal obligations of the Localism Act as they pertain to the Duty to Cooperate. The Core Strategy has now progressed to formal hearing sessions which were held in the autumn 2013. The Inspector's main modifications were published on 13th March 2014 for six weeks public consultation – significant weight can now be attached to the Draft Core Strategy as amended by the main modifications.
- 1.7 The Council is currently progressing a Site Allocations Development Plan Document. The Issues and Options, seeking views on, among other things, the allocation of UDP Protected Areas of Search for development, was published in June 2013 with 8 weeks of public consultation from 3/6/13 to 29/7/13. The supporting text to Policy N34 of the Unitary Development Plan expects the suitability of the protected sites for development to be comprehensively reviewed through the Local Development Framework (para 5.4.9) The Site Allocations DPD is the vehicle being pursued by Leeds City Council for taking decisions on the suitability of such sites for development. The representations received are being considered and will result in a Preferred Option being published later in the year.

2.0 PROPOSAL

- 2.1 The application is made in outline to consider the principle of the development. All matters are reserved except for access to the site. An indicative Masterplan showing details of the layout, scale, appearance and landscaping have been provided and initially referred to a development of approximately 370 dwellings with associated

road infrastructure, parking provision, amenity space and landscaping. A revised Masterplan shows a maximum of 299 dwellings and a two hectare site reserved for a possible future primary school. The details of the development will be considered under future applications for approval of Reserved Matters.

- 2.2 The submitted plans detail that the main access will be from Bradford Road and will take the form of a priority junction. No other vehicular access points are proposed.
- 2.3 The application is accompanied by a Draft S106 agreement (Heads of terms) which will make provision for contributions as follows:
- 15% Affordable Housing Provision
 - Education Contribution
 - Greenspace Provision
 - Highway Works Provision (possibly under Section 278)
 - Public Transport Contributions
 - Travel Plan
- 2.4 Exact figures will be subject to negotiation once full consultation responses have been provided.

3.0 SITE LOCATION AND DESCRIPTION

- 3.1 The application site comprises open land, to the east of Bradford Road, and south of New Lane. The site is broadly rectangular in shape and in total the application site measures 13.50ha.
- 3.2 The application site is dominated by three large arable fields, which are immediately bordered by hedgerows and field margins. Each of the fields are then separated from one another by public footpaths. The land is relatively level, however, the land slopes up towards the south eastern site boundary, towards St Michael's Church (listed building).
- 3.3 The surrounding land uses are residential to the east off Forsythia Avenue, residential development and St. Michael's Church to the south east, residential development to the south and ribbon development along Bradford Road to the west. To the north is the unmade footpath section of New Lane, beyond which is agricultural land. To the north west of the site is the large Country Baskets store which occupies a mill building (Amblers Mill), and is also a listed building.
- 3.4 The site lies close to East Ardsley Local Centre which is located to the south of the site.

4.0 RELEVANT PLANNING HISTORY

- 4.1 An outline planning application was submitted for this site in 1975 to erect residential development. This application was refused in January 1976 (planning application reference H23/888/75).
- 4.2 The site was allocated as a Protected Area of Search in the Leeds Unitary Development Plan 2001 and reaffirmed in the Leeds Unitary Development Plan

Review (2006). The Leeds Unitary Development Plan Inspector's Report (February 1999) on the revised draft plan reviewed the allocation at Bradford Road and excluded the site from the Green Belt and allocated it as a Protected Area of Search (PAS) safeguarded land under Policy N34. The UDP Inspector considered it was not necessary to keep the site permanently open and that the site is well defined by existing housing, roads and public footpaths. He acknowledged that the area is reasonably well served by local facilities and, at that time, had several bus services along Bradford Road. Within the context of this UDP he considered that land separating local communities was of lesser importance to the GB than land which separates the Morley part of the Leeds District as a whole from Kirklees and Wakefield and the main areas of open land. The UDP Inspector stated that in no sense was this land essential to the larger strategic role of the GB. The local significance of the visual break here is certainly important, whether or not it separates East and West Ardsley, or occurs within East Ardsley. It was considered that it could however be adequately maintained by providing a major open space funnelling from the Bradford Road frontage into the site. The northern boundary of the site is well defined by the former colliery road or tramway part of New Lane and there is some evidence that shallow former mineworkings may constrain any development of land to the north. The Inspector concluded that harm to the relevant GB purposes would however be limited.

- 4.3 The Inspector stated that in the interests of avoiding a need to review Green Belt boundaries again within 10 years or so the land should be deleted from the Green Belt and be safeguarded as a Protected Area of Search for possible long term development.
- 4.4 The site is included in the latest Leeds SHLAA 2012 Update as site reference 1032. This states that the site has no known constraints and is physically suitable for housing. It states that the site has a total capacity of 293 dwellings with availability in the short term (0-5 years) and achievability in the medium term (6-10 years).
- 4.5 The site was in the Leeds City Council Site Allocations Plan - Issues and Options Consultation which was published for consultation in June 2013. The site was rated as green (sites which have the greatest potential to be allocated for housing).
- 4.6 12/04046/OT - Outline application for residential development on a 17.8ha PAS site at land off Bagley Lane/Calverley Lane, Rodley. This is a site in the west of the City, and an appeal against non-determination is currently awaiting determination by the Secretary of State following a Public Inquiry (decision expected by late April). City Plans Panel resolved that if they had been in a position to determine the application, it would have been refused on highway safety grounds, and for the following reason:

“The Local Planning Authority considers that the release of the Kirklees Knowl PAS site for housing development would be premature being contrary to Policy N34 of the adopted Leeds Unitary Development Plan (2006) Review and contrary to Paragraph 85 bullet point 4 of the National Planning Policy Framework because its suitability needs to be comprehensively reviewed as part of the preparation of the Site Allocations Plan. The size of the site, the possible need for a school and the availability of other housing development opportunities in the locality means that the site does not fulfill the exceptional criteria set out in the interim housing delivery policy approved by Leeds City Council's Executive Board 13/3/13 to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan.”

5.0 PUBLIC/LOCAL RESPONSE

- 5.1 The application was advertised as proposed Major Development which affects the setting of a listed building and a right of way by site notice posted on site on the 13th December 2013, and by site notices dated 10th January 2014. In addition, the application was advertised by site notice as a Departure from the Development Plan on 23rd January 2014.
- 5.2 In addition, the application was advertised in the Yorkshire Evening Post on the 20th December 2013. Any further representations will be reported to Plans Panel when the application comes back for determination.
- 5.3 To date there have been 336 representations received to the publicity of this application. The following issues have been raised:-
- Development is premature pending the formulation of the Core Strategy.
 - Residential will be contrary to Council policy regarding PAS sites.
 - Additional traffic will exacerbate existing congestion problems on the A650. The area becomes gridlocked when there are difficulties on the M1 or M62 motorways.
 - It takes up to 5 minutes to turn onto the A650, due to volumes of traffic and vehicle speeds.
 - Brownfield sites should be considered prior to the development of greenfield sites. Planning permission has been granted for over 21,000 housing units on mainly brownfield sites. There is no need to release greenfield sites until these houses are still to be delivered. The five year supply of houses is being delivered.
 - Existing infrastructure in the village, such as schools, roads and medical facilities are overstretched at present, and the new development will exacerbate these problems.
 - It takes weeks to get an appointment to see a GP due to demand.
 - Childrens Services have confirmed that by 2016, all primary and secondary schools within the Greater Morley area, including East Ardsley will be full with children presently living in the area. There is no capacity to accommodate more children. Section 106 Agreements will not generate sufficient funds to support the delivery of new schools.
 - The site is not allocated for any purpose in the UDP and could be used to provide much needed services such as health centre or school.
 - Existing drainage problems in the area, and the A650 will flood if the site is concreted over.
 - Farming land will surely be required in the future.
 - The land forms a valuable buffer between communities and prevents urban sprawl..The loss of more fields will impact on enjoyment for walkers, cyclists and general enjoyment of the countryside.
 - Wildlife is already less abundant than 10 years ago, due to increased urbanisation.
 - The village is rapidly losing its character.
 - The proposal is unsustainable and therefore does not comply with the NPPF.
- 5.4 **Councillor Dunn** objects on the following grounds:
Real concerns in respect of Highways issues not only just for the proposed site which is devoid of adequate access, but also the adjacent Bradford Road which already carries a high volume of traffic. There is already pressure on the nearby junction at Westerton Road Bradford Road and Common Lane , which is been

compounded by nearby new developments on Westerton Road and Haigh Moor Road. None of these recent Developments carry amenities which could mean that the large supermarkets at Middleton currently under construction for both ASDA and ALDI are where residents from these developments may well do their shopping and that is in addition to the existing community which in turn will create a knock on affect through local side roads including Thorpe Village. We are experiencing an ever increasing volume of traffic through these areas at peak periods and beyond and such a huge development could create an highway nightmare for local people .

- 5.5 The local schools are not able to cope with the present influx of children and even with planned extended class rooms it would still leave large waiting lists. This means more traveling for parents and children to other areas which in turn creates more Highway usage. the local medical facilities are not geared up to take patients from new developments even the moderate ones which means that families of large developments as proposed , will have to travel to obtain a doctor where they can go on the Panel .
- 5.6 The land identified for the development site is a Green area which should be preserved and building 350 - 70 homes here would constitute the loss of a local visual Amenity which they have long enjoyed. The Communities Bill reinforces the case that local people have a major part to play in future development of where they live and affects their lives and constituents have made it openly clear that the proposed application does not carry their support and should be refused.
- 5.7 **Councillor Renshaw** objects on the following grounds:
Strongly oppose the planning application for a wide range of reasons which all have negative impacts on the local community and village. The A650 already struggles with congestion at peak times and the access route of the proposed development is totally inadequate to facilitate the needs which will be required.
- 5.8 The infrastructure is not in place to accommodate the number of residents which will be added to the area. This will mean lack of school places for the children, longer waiting time at Dr's – if able to get registered. The schools within the Outer South Area are already having to turn local children away and there is no inclusion of any education establishments within this application. The children will suffer due to the lack of capacity within all children's services to accommodate such a vast number of residential properties.
- 5.9 The drainage within this area is a concern with flooding in parts of this area already occurring and this Greenfield site should not be one of the first sites to be built on. This should be retained as it is until all brownfield sites have been used for housing. Strongly oppose this application and would appreciate my comments being taken into account.
- 5.10 **Councillor Mulherin** objects on the following grounds:
- 5.11 Building on this greenfield site is against the Council's brownfield first policy. There are plenty of brownfield sites across the Leeds district that could be developed first.
- 5,12 The proposed highways access is inadequate. There are more than enough existing problems within this area for access and egress onto the A650 for householders. Whenever there is an incident on the motorway traffic volumes through the village along the A650 become considerable with lengthy traffic jams. On the day BDW Homes held their public exhibition in the Church Hall they will have witnessed first hand the problems experienced by villagers when there is an incident

on the M1 as the traffic was at a near standstill all the way through the village from Junction 41.

- 5.13 This site is not sustainable for the level of new build proposed.
- 5.14 The local schools are full and already over-subscribed.
- 5.15 The nearest primary school (East Ardsley) is being expanded to two-form entry this year to meet the growing demand for places generated by the families already living in the area.
- 5.16 The constrained East Ardsley Primary School PFI site would not support further expansion. In my view we should be looking to build more housing where there are school places and more adequate provision of other local amenities like GPs, dentists (there are none in the ward), better public transport links etc. The GP practice which serves the whole of East Ardsley, West Ardsley, Thorpe and most of Tingley is also full with lengthy waits (up to 3 weeks) for an appointment reported by local residents.
- 5.17 Public transport connections in the area are very poor.
- 5.18 Building on this site is against the Council's current PAS site policy which was intended to protect overdevelopment of sites in small communities such as this.
- 5.19 The site is of Archaeological interest. WYAAS have objected to the application and are currently investigating the site for its archaeological significance.
- 5.20 The proposal in the Site Allocations Plan consultation last summer was for 290 houses on this site. I objected to that on the grounds that it would be unsustainable for the same reasons as I have set out here. The BDW Homes and Ramsden Partnership proposals are utterly unacceptable, given that they have greedily added an extra 30% more housing in their application than that envisaged in the Site Allocations Plan.
- 5.21 The sheer weight of local opposition to these proposals indicates quite clearly the strength of feeling locally that this valued greenfield site should be protected.
- 5.22 Despite their claims to the contrary the applicants failed to consult with local ward Councillors. We received a telephone message after we had been informed about their public exhibition of their proposals through local residents.
- 5.23 **East Ardsley Community Association** – formally objects on the following grounds:
- Development is premature pending the formulation of the Core Strategy.
 - Additional traffic will exacerbate existing congestion problems on the A650.
 - Brownfield sites should be considered prior to the development of greenfield sites.
 - Existing infrastructure in the village, such as schools, roads and medical facilities are overstretched at present, and the new development will exacerbate these problems.
 - Existing drainage problems in the area, and the A650 will flood if the site is concreted over.
 - Farming land will surely be required in the future.
 - The land forms a valuable buffer between communities.

6.0 CONSULTATION RESPONSES

Highways

6.1 Objections raised – see comments below under appraisal section.

Neighbourhoods and Housing

6.2 Comments awaited

Flood Risk Management

6.3 Conditional approval recommended

Waste Management

6.4 No objections

Metro

6.5 Metro do not consider that the site is a 'poor' site in terms of accessibility. The general bus provision past the site frontage (which is the main accessibility test) provides access to the public transport network to main centres (Leeds, Wakefield and Bradford) in accordance with the Council's SPD requirements. This level of service past the site combined with the opportunities for passengers to interchange means the general accessibility of the site is not a concern. The infrastructure improvements and ticketing that will be provided should provide an attractive offer for residents at the site to use the bus. These items should be included in the S106.

6.6 Metro accept the access to the medical facility is acceptable. With regard to the secondary school accessibility specifically, Metro note the applicant's summary of which services and schools can be accessed and journey times. In principle this looks reasonable, but, the Council need to make a judgment if the 2 direction bus service provides the level of service that is required in their policy.

6.7 On balance, Metro don't consider that the general accessibility presents a significant issue for this site.

6.8 Should the council be minded to approve the application, Metro consider that the site development be required to provide the following mitigation to improve the public transport offer from the site. Metro are currently undertaking a new rail station study. A site at East Ardsley has been identified as a potential new station site, (as part of a county wide rail study). The rail study is at a very early stage of development but in the long term, this site will benefit from this station if it is brought forward. Metro therefore would support the council in the application of the Public Transport SPD with the new rail station in mind or any other strategic infrastructure that comes forward in this sector of the city if appropriate.

6.9 The developer needs to undertake further work to look at the catchments for secondary schools. The council are obliged to provide school bus services in some instances where children cannot access schools by foot or on within 75 minutes by bus. If this applies to this site then Metro would encourage that the council secure a contribution towards the cost of such provision.

To encourage the use of public transport the developer should be required to enter into Metro's Residential Metro Card scheme A (bus only). This allows each dwelling to receive a free MetroCard (funded for by the developer) for 1 year with a discount on the ticket for the subsequent 2 years provided by the MetroCard partners.

6.10 Metro suggest that the developer provides 2 new bus shelters with real time passenger information. This would comprise of a new stop on the north bound side

of Bradford Road and an upgrade of stop reference 16342, total cost £40,000. This is not inclusive of any kerbing or bus clearway works that would be undertaken by the council.

- 6.11 Within the government's strategy for ultra-low emission vehicles in the UK, installing electric vehicle charging points in new homes is a part of the strategy to introduce the necessary infrastructure to enable the use of electric vehicles. Metro are working with district partners on introducing similar charging points across West Yorkshire. Metro suggest this development should require to install electric vehicle charging points in each of the dwellings in this site.

Public Rights of Way

- 6.12 Public footpath Nos.75, 112 & 113 and Public bridleway No.145 are all shown on the design access statement plan opportunities and constraints. The footpaths and bridleway appear to be on the correct alignment. No objections in principle.

Yorkshire Water

- 6.13 Conditional approval recommended

Environment Agency

- 6.14 No objections, subject to conditions

Coal Authority

- 6.15 No objections, subject to condition

Children's Services LCC

- 6.16 The response is set out in Appendix 1. The table shows that the development would generate a significant number of pupils at primary and secondary school, and that there is no spare capacity in local schools to accommodate additional pupils. As such, a full contribution of £1.5m has been requested.

- 6.17 In addition, Childrens Services made the additional comments that:
- there is significant pressure on school places at the nearest school, East Ardsley PS and at all schools in this cluster and this will require the maximum contribution for education from this application, so the initial response provided for full primary and secondary contributions will apply;
 - this stance is highly likely to be applied to any further applications in this area;
 - the option to further expand the closest school, East Ardsley PS on its existing site would be very difficult so we need to ensure we have flexibility on how any developer contribution is spent;
 - based on this application, the number of units involved could generate at least an additional half form of entry (15 children per year) and we do therefore need to start planning for a new school in this area; and
 - taking into account the site allocations plan, at this intermediate phase, there is likely to be considerable pressure on all of the local schools and may require considerable new education facilities.

- 6.18 In conclusion therefore, we would like to explore the potential to reserve land from this and/or subsequent applications in this area.

West Yorkshire Archaeology Advisory Service

- 6.19 The proposed development site lies within an area of archaeological significance. Our records, and the applicant's Desk Based Assessment, indicate the presence of both the Line of a Roman Road and a cropmark enclosure within the boundary of

the proposed development. The Roman Road is thought to be the projected line of Road 721, which is thought to follow the line of a prehistoric route-way in this area. As well as evidence of the road itself, the site may contain evidence of any roadside features or structures.

The cropmark feature is shown on aerial photographs and is roughly circular and measures c.30m in diameter, possibly representing a Bronze Age ring ditch (Bronze Age burial feature) or circular enclosure dating to the later prehistoric period. Again, the site may contain associated features or finds.

Impact of Proposed Development

- 6.20 The proposals will involve significant ground disturbance and there is potential for the proposals to disturb/destroy archaeological remains.

WYAAS Recommendations

- 6.21 We therefore recommend that the developer be required to provide the Planning Authority with an evaluation, based on appropriate analytical methods, of the full archaeological implications of the proposed development. We would further recommend that a planning decision be deferred, on the grounds that the planning authority requires further information in order to reach an informed decision, until the results of the evaluation have been received and assessed by WYAAS, as the Council's advisors on archaeological matters. This is in accordance with the NPPF (paragraph 128). This recommendation is also in line with our previous comments about this site in the Leeds SHLAA and Leeds City Council Site Allocations Plan - Issues and Options Consultation.

- 6.22 The evaluation would involve a geophysical survey followed by the excavation of a number of archaeological evaluation trenches. **WYAAS recommend that the evaluation should be carried out pre-determination (as stated in the NPPF)** in case remains worthy of preservation in situ are located on the proposed site and because further archaeological work to mitigate to the impact of the development may be required and a pre-determination evaluation will enable the applicant to take account of the full archaeological implications (in terms of cost and programme) of the project.

- 6.23 Any subsequent archaeological advice would depend upon the results of the evaluation, but may vary from: a recommendation to refuse permission (very rare); to modify the design of the proposal to minimise damage to any archaeological deposits; to carry out archaeological recording in advance of development (an excavation), or to have an archaeologist on site during groundworks to record anything of interest that is revealed (a 'watching brief').

Recommended Planning Condition

- 6.24 To reiterate, WYAAS recommend that a decision should be deferred until the applicants have carried out an archaeological evaluation. However, if the Planning Authority is minded to grant permission, WYAAS would recommend that the above works be secured by the attachment of a suitable condition.

- 6.25 The applicant has submitted a specification for the necessary archaeological work, which is acceptable to WYAAS. The aim of the evaluation is to gather sufficient information to establish the extent, condition, character and date (as far as circumstances permit) of any archaeological features and deposits within the area of interest. The information gained will allow the Planning Authority to make a reasonable and informed decision on the planning application as to whether archaeological deposits should be preserved in-situ, or more appropriately, be

recorded prior to destruction (whether this be a summary record from a salvage excavation or watching brief, or a detailed record from full open area excavation).

6.26 Pursuant to the above specification, the applicant has submitted a final report which shows results of trenching work carried out by the applicant. The applicant has stated that the majority of the trenches contained no features of archaeological interest. The features that were recorded related exclusively to agricultural activity. These included furrows, isolated ditches and drainage gullies. A Roman road, marked on historic maps running through this field, and a possible circular crop-mark were not identified by any of the trenches located to target them and no other Roman features were identified. The later medieval and post-medieval agricultural features that were identified are of low archaeological significance.

6.27 The comments of WYAAS in response to the latest report are awaited.

7.0 PLANNING POLICIES

Development Plan

7.1 The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP). The Local Development Framework will eventually replace the UDP and this draft Core Strategy has had some weight in decision taking since it was published in 2012 but it is now considered to have significant weight for the following reasons

. The NPPF states that decision-takers may give weight to policies in emerging plans according to:

i) The stage of preparation

- On 12th June 2014 the Council received the last set of Main Modifications from the Core Strategy Inspector, which he considers are necessary to make the Core Strategy sound. These have been published for a six week consultation between the 16th June and 25th July 2014. The Inspector has indicated that following this he will publish his Report in August. The Plan is therefore at the last advanced stage it can be prior to the receipt of the Inspectors Report and subsequent adoption by the Council.

-There is a distinction in the weight to be given to those policies that are still subject to consultation and those that are not –i.e. those policies that are unmodified should be given even greater weight.

ii) The extent to which there are unresolved objections

- No further modifications are proposed and the Plan can only be changed now exceptionally because it is sound as modified and there is no requirement for the plan to be made 'sounder'

iii) The degree of consistency with the NPPF

- In preparing his main modifications the Inspector has brought the Plan in line with the NPPF where he considers that this is necessary. The Plan as modified is therefore fully consistent with the NPPF.

Core Strategy

7.2 The Inspector's main modifications were published on 13th March 2014 for six weeks public consultation. As such, significant weight can now be attached to the Draft Core Strategy as amended by the main modifications.

7.3 The Core Strategy was submitted to the Secretary of State on 26th April 2013 and sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district and the Core Strategy is planning for 70,000 net new dwellings between 2012 and 2028. The strategy is planning for growth in all geographic areas of Leeds with at least 19,000 dwellings in new urban and existing settlements.

Local Development Framework

7.4 Neither the Leeds Core Strategy or the Site Allocations Plan are proposing any new policy that would alter the approach to dealing with proposed development at this time on UDP identified PAS sites. The Core Strategy was submitted to the Secretary of State in April 2013 and the examination in public took place in October 2013. The Inspector's main modifications were published on 13th March 2014 for six weeks public consultation. Significant weight can now be attached to the Draft Core Strategy as amended by the main modifications.

The Site Allocations Plan had reached Issues and Options stage during the summer 2013. A consultation exercise during June and July sought the views of the public on a range of identified sites for housing, employment and retail development and protection of greenspace.

7.5 The Core Strategy and Site Allocations Plan illustrate that Leeds City Council is making good progress in planning to meet the housing needs of Leeds.

7.6 Policy SP10 of the Core Strategy sets the requirement for the LDF to identify a new Green Belt boundary for Leeds, including a new batch of PAS sites to replace those of the UDP that will be allocated for development. It sets criteria to guide how the Green Belt boundary should be changed to accommodate new development. Because these aspects of the policy concern identification of *new* future development land, (as opposed to the early release of *existing* land) they are not of immediate relevance to this proposal. In fact part v) of Policy SP10 confirms that development proposals will continue to be considered against saved UDP policies concerning Green Belt. Policy N34 and supporting paragraphs of the UDP will not be superseded by the adoption of the Core Strategy. As such the draft policies within the Core Strategy have a neutral affect upon the determination of this appeal

Leeds Unitary Development Plan (UDP) Review – relevant policies:

7.7 GP5: General planning considerations.
GP7: Use of planning obligations.
GP11: Sustainable development.
N2/N4: Greenspace provision/contributions.
N10: Protection of existing public rights of way.
N12/N13: Urban design principles.
N23/N25: Landscape design and boundary treatment.
N24: Development proposals abutting the Green Belt.
N29: Archaeology.
N34: Protected Areas of Search
N38 (a and b): Prevention of flooding and Flood Risk Assessments.
N39a: Sustainable drainage.
BD5: Design considerations for new build.
T2 (b, c, d): Accessibility issues.
T5: Consideration of pedestrian and cyclists needs.
T7/T7A: Cycle routes and parking.
T24: Parking guidelines.

H1: Provision for completion of the annual average housing requirement.
H2: Monitoring of annual completions for dwellings.
H3: Delivery of housing on allocated sites.
H11/H12/H13: Affordable housing.
LD1: Landscape schemes.
ARC5 (requirement for archaeological evaluation).

Policy N34 considerations

7.8 The Unitary Development Plan (UDP) was originally adopted in 2001 and its Review was adopted in 2006. The original UDP allocated sites for housing and designated land as PAS. The UDP Review added a phasing to the housing sites which was needed to make the plan compliant with the national planning policy of the time, Planning Policy Guidance 3. The UDP Review did not revise Policy N34 apart from deleting 6 of the 40 sites and updating the supporting text. The deleted sites became the East Leeds Extension housing allocation.

Policy N34 is set out below:

N34: WITHIN THOSE AREAS SHOWN ON THE PROPOSALS MAP UNDER THIS POLICY, DEVELOPMENT WILL BE RESTRICTED TO THAT WHICH IS NECESSARY FOR THE OPERATION OF EXISTING USES TOGETHER WITH SUCH TEMPORARY USES AS WOULD NOT PREJUDICE THE POSSIBILITY OF LONG TERM DEVELOPMENT.

5.4.10 *The following sites are protected under Policy N34 as Protected Areas of Search:*

16	<i>New Lane, East Ardsley</i>
17	<i>Bradford Road, East Ardsley</i>

7.9 EXECUTIVE BOARD DECISION OF 13TH MARCH 2013

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

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

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

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

- (ix) It is an area where housing land development opportunity is demonstrably lacking; and*
- (x) The development proposed includes or facilitates significant planning benefits such as but not limited to:
 - a) A clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area;*
 - b) Proposals to address a significant infrastructure deficit in the locality of the site.**

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

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

- 7.12 It is important to have in mind that the Interim Policy is not part of the council's Development Framework and has not been subject to consultation. It set out a series of highly relevant criteria which the Council should have regard to. It should be noted that the decision to introduce the Interim policy was challenged in the High Court by Miller Homes and the challenge was resisted by the Council and dismissed by the Judge. It is understood that an appeal may be made to this decision. In the meantime the policy has not been found to be unlawful.

- 7.13 Members have used the policy to support the release of land at Fleet Lane and Royds Lane where the criteria were met:
Application 12/03400/OT Outline application for Residential Development on land at Royds Lane, Rothwell
Application 12/03401/OT - Outline Application for Residential Development at Fleet Lane, Oulton.
Both sites have now been granted outline planning permission
Members have also considered Application 13/00902/OT – Outline Application for Residential Development on land at Owlars Farm, Morley and have resolved to support the application in principle as it complies with the interim policy subject to resolution of the access details.

Supplementary Planning Guidance / Documents:

- 7.14 Neighbourhoods for Living – A Guide for Residential Design in Leeds
Street Design Guide
SPG4 – Greenspace
SPG11- Education contributions
SPD- Street Design Guide
SPG25 – Greenspace and Residential Developments

National Guidance

- 7.15 Paragraph 47 of the NPPF requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%. The NPPF is a material planning consideration.

5 Year land Supply

- 7.16 The Core Strategy Inspector suggests that in order for the plan to be sound the submitted housing “step-up” should be removed and that the housing requirement should be 4,375 dwellings per annum between 1st April 2012 and 31st March 2028. The overall 70,000 requirement remains the same and will be delivered via the site allocations plan (including UDP safeguarded / PAS land and green belt release for 66,000 homes and a windfall allowance (4,000 for the plan period i.e. 250 homes per annum on sites less than 5 units).
- 7.17 The Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against its housing requirements (NPPF, para 47). The previous five year supply position was released in March 2013 and was based on site information from September 2012. This demonstrated a five year supply when assessed against the housing requirement set out in the submission draft Core Strategy. It also identified a significant stock of supply which fell just outside of the five year supply picture on the basis of the conclusions of the SHLAA partnership in 2012. The Council noted at the time that under more favourable economic conditions this stock could be brought forward sooner.
- 7.18 Notwithstanding this the five year supply also included a stock of Protected Area of Search to be released in advance of the impending site allocations plan by means of an interim policy which has been held to be lawful by the High Court. This was expressly to help diversify the land supply position and followed the release of the remaining UDP phase 3 greenfield sites in 2011.
- 7.19 The Council is currently advancing a Strategic Housing Land Availability Assessment to identify specific deliverable housing sites this should be completed by the end of April 2014. Once this technical assessment of potential has been completed a five year supply position will be calculated by the middle of May 2014. A lot has changed since the previous five year supply position not least the state of the economy and Government initiatives such as Help to Buy which should have an impact on the deliverability of housing and the latest supply picture.
- 7.20 In addition there are a number of amendments to the National Planning Practice Guidance which have a bearing on the five year supply.
- 7.21 In the meantime there remains a considerable number of units with planning permission and on allocated land (over 26,500 units as at September 2013) that can come forward at any time and we would expect commencement on these sites to increase as the economy recovers and the housing market improves.
- 7.22 In addition the Council is taking numerous steps to boost the delivery of housing in Leeds. The draft Core Strategy sets a requirement of 70,000 (net) homes which on the basis of objective evidence is towards the upper end of housing need. The Council’s Housing Investment Programme is directing finance, resources and land

towards delivering homes, including building Council Houses, in the inner area where needs are greatest.

- 7.23 Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

8.0 MAIN ISSUES

- Development Timing in advance of the Site Allocations Plan
- 5 year land supply
- Highways
- School provision
- Flood Risk
- Section 106 Package
- Other issues

9.0 APPRAISAL

Development Timing in advance of the Site Allocations Plan

- 9.1 The application site is designated as a “Protected Area of Search “(PAS) in the adopted UDP. Such sites are designated under Policy N34 which specifies that PAS sites are to be retained for long term development and any intermediate development should be resisted that would prejudice development for long term needs. The supporting text to Policy N34 states that, “The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework...” By not waiting for the comprehensive review (currently underway in preparation of Leeds’ Site Allocations Plan), a decision to approve this application now would be a departure from the Development Plan. Alone, this has constituted a reason for refusal at Kirkless Knowl, in the west of the City (see para 3.5 above). The proposal to develop the application the subject of the current application would be premature in advance of the conclusions of the comprehensive assessment of all PAS sites and alternative land supply opportunities that is being undertaken now through the Site Allocations Plan. Policy N34 and its supporting text should be given considerable weight because it is part of the statutory development plan for Leeds and is consistent with bullet 4 of paragraph 85 of the NPPF which expects local authorities to make clear that “...planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review...”
- 9.2 As set out above, the Council has put in place an Interim Policy pending the further progress of the Site Allocations DPD This site needs to be assessed against the interim policy to see if it meets the criteria to be released early.
- 9.3 The criteria of the interim policy are intended to ensure that large PAS sites, which have significance in their size and locational impact will only be identified as housing sites through the development plan process, namely the Site Allocations Plan. This leaves the smaller PAS sites that comply with the interim policy criteria as capable of being released for development in advance of the Sites DPD process. The Interim Policy is a relevant material planning consideration that should be afforded weight in the determination of this application. The performance of the site against the interim policy criteria is considered below:
- 9.4 **Criterion (i) *Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy***

Publication Draft. The site is an extension to East Ardsley, a ‘Smaller Settlement’ in the settlement hierarchy as defined in the Core Strategy Publication Draft, and therefore fails the first policy test. **(ii) Sites must not exceed 10ha in size and there should be no sub division of larger sites to bring them below the 10ha threshold.** The application site is above this threshold, at 13.50 ha and therefore also fails the Interim Policy on this basis. This is important because the larger sites necessarily have a greater overall impact on the Council’s locational strategy for housing.

- 9.5 **Criterion (iii) Land is not needed , or potentially needed for alternative uses.** Childrens Services are considering whether there is demand for a new school in the area, and whether part of this site may be required for such a purpose.
- 9.6 Members will be aware that through the LDF the Council is proposing significant new housing in all parts of the district. The Core Strategy identifies a need to find land for an additional 5,586 dwellings in Outer South West Leeds which will inevitably create a significant additional need for school places. Whilst some 1,614 dwellings can be accommodated on land with planning permission or allocated housing sites the majority (3,972) will be on sites that have yet to be determined. The Council is currently progressing through the Options responses to move to a Preferred Option on its Sites Allocation Plan. Although the future distribution of housing is therefore uncertain this will inevitably require new schools as well as extensions where these are acceptable and appropriate. In this respect discussions are on-going with Childrens Services to assess the potential of the application site, to help meet this future need.
- 9.7 The Site Allocations Plan Volume 1: Plan Overview released in June as part of the Issue and Options stage for Site allocations notes in para 8.11 that “Further representations on sites (including those relating to schools, built heritage and the Environment Agency) are awaited and will be included in the site assessments prior to making decisions regarding which are the favoured sites to allocate. Any further requirements arising could be reflected in detailed policy wording. In some cases the need for a new school may need to be part of an allocation.”
- 9.8 To summarise, the proposal does not comply with the Interim Policy approved by Executive Board regarding PAS sites to be released early.

Five Year Supply

- 9.9 The NPPF provides that Local Planning Authorities should identify and update annually a supply of specific deliverable sites to provide five years worth of housing supply against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence that it will be delivered . Housing applications should be considered in the context of the presumption in favour of sustainable development, articulated in the NPPF.
- 9.10 In the past, the Council has been unable to identify a 5 year supply of housing land when assessed against post-2008 top down targets in the Yorkshire and Humber Plan (RSS to 2026) which stepped up requirements significantly at a time of recession. During this time (2009-2012) the Council lost ten appeals on greenfield allocated housing sites largely because of an inability to provide a sufficient 5 year supply and demonstrate a sufficiently broad portfolio of land. This was against the context of emerging new national planning policy which required a significant boosting of housing supply.

- 9.11 The five year supply (as at 31st September 2012) is made up of the following types of supply:
- allocated sites with planning permission
 - sites with planning permission
 - allocated sites without planning permission
 - an estimate of anticipated windfall sites
 - SHLAA sites without planning permission
 - an element of Protected Area of Search sites which have fallen into the current five year supply and may come forward on the basis of the interim release policy
- 9.12 The Core Strategy Inspector suggests that in order for the (Core Strategy) plan to be sound the submitted housing “step-up” should be removed and that the housing requirement should be 4,375 dwellings per annum between 1st April 2012 and 31st March 2028. The overall 70,000 requirement remains the same and will be delivered via the site allocations plan (including UDP safeguarded / PAS land and green belt release for 66,000 homes and a windfall allowance (4,000 for the plan period i.e. 250 homes per annum on sites less than 5 units). The Council has recently published its Main Modifications draft which accepts the Inspector's Modifications.
- 9.13 The Council is currently advancing a Strategic Housing Land Availability Assessment to identify specific deliverable housing sites this should be completed by the end of April 2014. Once this technical assessment of potential has been completed a five year supply position will be calculated by the middle of May 2014. A lot has changed since the previous five year supply position not least the state of the economy and Government initiatives such as Help to Buy which should have an impact on the deliverability of housing and the latest supply picture.
- 9.14 The 2012 published 5 year housing land supply report identified 1619 dwellings being delivered through the release of PAS sites in the period 2013-14 to 2017-18. The assessment of which PAS site would be released would be determined by applying the guidance contained within the interim housing delivery policy.

Highways Considerations

- 9.15 Highways comments are awaited. A significant volume of traffic will access the site via Bradford Road. The junction will be in the form of a priority junction, and no other vehicular access (emergency or otherwise) is proposed. Significant concern has been raised in representations concerning the proposed volume of traffic on a congested network. Up to 370 dwellings from a single point was a specific concern identified. The proposal has now been amended to a maximum of 299 dwellings .
- 9.16 Highways Officers have stated that the proposals cannot be supported as submitted, for the following reasons:
1. The scale of the development would be contrary to the requirements of the Street Design Guide, which advises that a single point of access (designed as a Connector Street) is only suitable for developments of up to 300 dwellings. It should be noted that, as part of the recent site allocations process, the site has been assessed as having a development capacity of 293 dwellings. Highways have been consulted on the proposal for 299 units, and their comments are awaited.

2. Further information is required from the developer to fully assess the likely impact of traffic from the development on the local highway network. The applicant

should be asked to supply electronic versions of the various LINSIG models referred to in the TA at the nearby traffic signal controlled junctions of Bradford Road/Common Lane/Westerton Road and Bradford Road/Thorpe Lane/Smithy Lane. This information is required to enable the UTMC section to properly analyse the submitted data.

3. The junction to the proposed development from the A650 Bradford Road would involve the relocation of an existing traffic island on Bradford Road and alterations to the established carriageway markings to provide a ghost island right turn lane.

9.17 Traffic Management and Road Safety sections have been consulted on these matters and further comments will be reported to Plans Panel in due course

9.18 The site is surrounded by sites which are being considered in the site allocations process. It is recommended that consideration should be given to whether there is a comprehensive highway solution for all of these sites in the interests of good/effective planning. There is a risk that if all of the sites were to be allocated, but developed in isolation of one-another, an opportunity will have been missed to create an integrated layout with suitable connectivity e.g. new public transport routes or other infrastructure. Without such an approach is there a risk that effective planning of the overall area will be missed given the scale of the various sites.

Sustainability

9.19 The site does not fully meet the draft Core Strategy Accessibility Standards. The centre of the site is within the designated 400m distance of two bus stops on the nearside of Bradford Road, however it is about 500m from the nearest bus stop on the opposite side of the carriageway. Although the overall frequency of services to the major public transport interchanges of Leeds, Bradford and Wakefield meets the requirement of 4 buses per hour, the journey times to both Leeds and Bradford is outside the accessibility indicator of 40 mins (the journey to Bradford takes approx. 50 mins from East Ardsley whilst the journey time to Leeds is approx. 1 hour 30 mins).

9.20 There are a range of local services available within 1200m of the site (e.g. convenience stores, post office, butcher, social club, hot food takeaways). Furthermore, the primary school provision and a medical centre are within the designated 1600m of the site. However, the nearest secondary school is beyond the recommended walking distance of 2400m and the nearest bus stop for services travelling in this direction is outside the 400m threshold and the service frequency is only 2 buses per hour.

9.21 The acceptability of the principle of a significant level of residential development in this location, which does not fully meet draft Core Strategy Accessibility Standards, requires further consideration in the light of the current site allocations process, housing need in this part of the city and other planning merits.

Transport Assessment

9.22 The TA has examined the impact of the development on the motorway network at both J41 of the M1 to the south east of site and J28 of the M62 to the north west of the site using TRANSYT models. The Highways Agency have been consulted regarding these aspects of the TA, and their comments will be reported in due course.

- 9.23 The TA has also considered the impact on the local highway network at the nearby traffic signal controlled junctions of Bradford Road/Common Lane/Westerton Road and Bradford Road/Thorpe Lane/Smithy Lane. The side road junctions of Bradford Road/Woodhouse Lane, Bradford Road/Chapel Street, Bradford Road/Thorpe Road/Royston Hill and Bradford Road/proposed site access have all been modelled using PICADY. The results of the analysis show that the A650/Woodhouse Lane and the A650/proposed site entrance are predicted to operate within practical capacity.
- 9.24 However, the Bradford Road/Chapel Street junction is forecast to reach its practical capacity in 2018 with the addition of the development traffic. In addition, the left turn manoeuvre at the Bradford Road/Thorpe Road/Royston Hill junction would almost reach absolute capacity in the 2018 Base + Committed + Development Traffic scenario. This would result in both the left turn queues and delays at the junction being almost double the 2018 Base situation once the development traffic is added.
- 9.25 The right turn manoeuvre out of the Bradford Road/Thorpe Road/Royston Hill junction would similarly be affected by the proposals. With the addition of the development traffic, the operation would change from well within capacity to a situation where the practical threshold would be exceeded. This would be accompanied by a marked increase in delay for drivers waiting to exit the junction.

School provision

- 9.26 The issue of capacity of school provision is partly discussed above. Significant concern has been raised locally at the existing capacity issues in the area and impact on the schools in the area. The development would generate a significant number of pupils at primary and secondary school, and there is no spare capacity in local schools to accommodate additional pupils. As such, a full contribution of £1.5m has been requested by Childrens Services.
- 9.27 In addition, Childrens Services would like to explore the potential to reserve 2 hectares of land from this site for a possible new school. The applicant has shown 2 hectares of the site to be reserved for a possible school, and the Section 106 will be drafted accordingly.

Flood Risk

- 9.28 The applicant is proposing to drain the surface water to a Yorkshire Water sewer, in Healey Croft Lane, south west of the site – the maximum off-site discharge is to be limited to 24.8 litres/ second and has been agreed with YW and Flood Risk Management (FRM). However this necessitates a surface water pumping station at the northern eastern corner of the site, even though this part of the site would naturally drain into a watercourse 200m north of the site. The SW pumping station would pump water across the site, at a rate of 5 litres/second, and discharge to the outfall at the south west.
- 9.29 The use of open pond storage is worthy of further consideration at detailed design stage - as both sub-catchments, north east and south west, could accommodate such features and in fact they would help to mitigate some of the environment impact of developing this greenfield site. This could then be amalgamated with the POS areas to form useful and attractive features within the site. If that was the case FRM would be prepared to look at the adoption of these ponds, subject to the payment of a commuted sum by the developer.
- 9.30 FRM raise no objections, subject to conditions to address the above points.

Section 106 Package

9.31 The Community Infrastructure Levy Regulations 2010 set out legal tests for the imposition of planning obligations. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

9.32 The proposed obligations listed in the Proposals section 2.3 of this report have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly they can be taken into account in any decision to grant planning permission for the proposals. The applicants will be required to submit a Section 106 Agreement to address the policy requirements for this application. The need for any off site highway works and school site will need to be firmed up as the application progresses.

Other Matters

9.33 At this stage no overriding concerns exist in respect of other planning issues. Further work will be needed to agree the capacity of this site in terms of the number of access points, the design criteria which underpin layout in terms of character and visual setting and the drainage infrastructure which could have a bearing.

9.34 The Masterplan has been recently revised to show 299 dwellings, and that 2 hectares of land would be reserved for a possible school site. Although indicative, the layout is under consideration.

10.0 CONCLUSIONS

10.1 The key conclusion is that the proposal to develop the site now runs contrary to UDP Policy N34 which expects larger PAS sites only in smaller settlements to be released following comprehensive assessment through the Local Plan process. The interim policy is designed only to release those PAS sites early which are of a scale, location and nature that would not generate planning major planning implications that ought to be considered in a comprehensive plan making exercise.

10.2 At present the Council is considering its position with regards to a five year land supply.

10.3 At this stage, key issues with regards to sustainability issues are under consideration and work needed as set out in the detail of the report.

10.4 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:

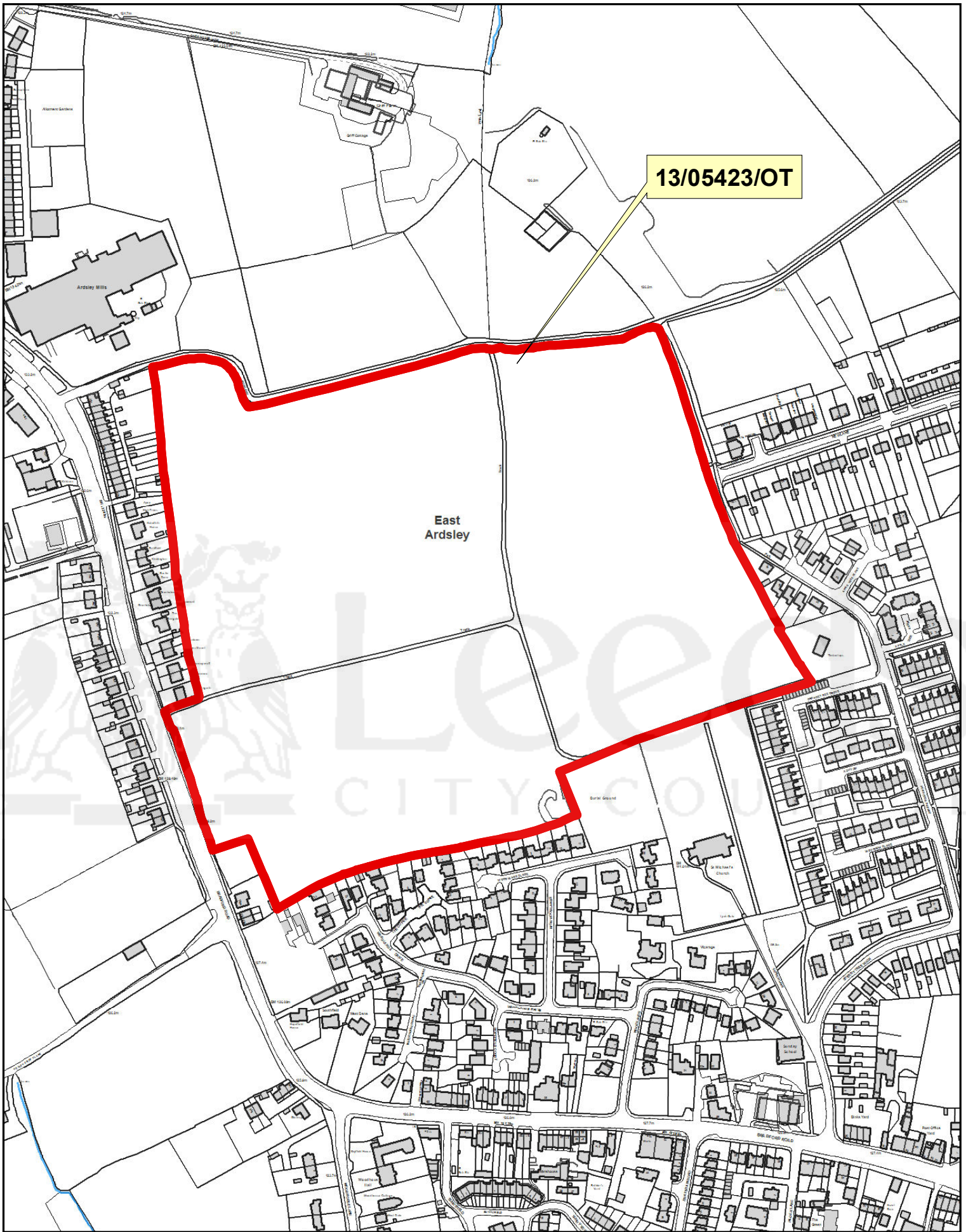
1. Do Members have any concerns regarding the principle of development?

2. Do Members have any comments to make on the proposed access arrangements or any other highway safety concerns?

3. Do Members have any comments to make on the sustainability or capacity of the site?
4. Do Members have any comments to make about the emerging Section 106 package?
5. Do Members have any other comments to make at this stage?

Background Papers:

Certificate of ownership: signed by applicant.
Planning application file.



13/05423/OT

East Ardsley

CITY PLANS PANEL





Originator: C. Briggs

Tel: 0113 2224409

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 7 AUGUST 2014

Subject: PLANNING APPLICATION REF. 13/04885/OT OUTLINE APPLICATION FOR RETAIL (A1) AND GYM (D2) DEVELOPMENT WITH DEMOLITION OF EXISTING BUILDING AND NEW PEDESTRIAN AND VEHICLE ACCESS AT LAND AT REGENT STREET/SKINNER LANE, LEEDS LS9 7NB

APPLICANT

Gregory Projects Ltd

DATE VALID

11 November 2013

TARGET DATE

28 August 2014 (extended)

Electoral Wards Affected:

**City and Hunslet
Burmantofts and Richmond Hill**

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 in principle, subject to the specified conditions (and any others which he might consider appropriate), and following the completion of a Section 106 Agreement to cover the following matters:

- Public transport contribution prior to occupation £ 45, 133
- Travel plan implementation and monitoring fee prior to occupation £2500
- Employment and training opportunities for local people in City and Hunslet, or any adjoining Ward.
- Management fee payable within one month of commencement of development £1500

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

Draft Conditions for 13/04885/OT

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

1.0 INTRODUCTION:

1.1 This application is brought to Panel as it is a major outline planning application for a new retail and gym development on the north-eastern edge of Leeds City Centre.

2.0 PROPOSAL:

- 2.1 This application is in outline only for retail (A1) and gym (D2) development with demolition of existing building and new pedestrian and vehicle access, with all other matters reserved at this stage. The proposal includes details of an indicative layout, scale, appearance and landscaping.
- 2.2 The scheme has been revised since its original submission and now consists of a 1,537 sqm (GIA) A1 retail foodstore, a 1,718 sqm (GIA) D2 Gym and a 698 sqm (GIA) A1 bulky goods retail unit. This brings the total floorspace of this development to 3,953 sqm. The foodstore operator would be Aldi. Aldi state that there would be 40 new jobs at the foodstore, with a minimum 20 hour contract. At similar sites 100 positions during the construction phase are also anticipated by Aldi for their building alone. The potential gym occupier has been identified as Pure Gym - who have 2 City Centre gyms already and are expanding around the City. No future occupier has been made public for the bulky goods unit.
- 2.3 Indicatively, the proposed floorspace would result in single storey foodstore located in a prominent position at the junction of Regent Street and Cross Stamford Street, aligned with the buildings to the north, and locating active glazed frontage close to Regent Street. A separate three storey building would front onto Skinner Lane, aligned with the existing building to the east, again adding glazed active frontage to the street.
- 2.3 The site would be accessed from Skinner Lane. 192 surface car parking spaces are proposed (including 9 disabled bays and 7 parent and child bays). Also proposed are 10 visitor cycle hoops, 4 motorcycle spaces and 5 electric vehicle charging points.
- 2.4 A number of documents have been submitted in support of this proposal:
- Scaled layout plan
 - Design and Access Statement and Addendum
 - 3D computer generated images
 - Statement of Community Involvement
 - Retail Impact Assessment and Sequential Test documents
 - Transport Assessment
 - Flood Risk Assessment
 - Flood Risk Sequential Test
 - Noise Statement
 - Land Contamination Desk Top Study
 - Travel Plan
 - Bat Survey
 - Utilities Statement
 - Sustainability Statement
 - Coal Recovery Assessment

3.0 SITE AND SURROUNDINGS:

- 3.1 The site lies on the eastern side of Regent Street, at the junction with Skinner Lane. The site is located within the Mabgate Development Framework area. Mabgate lies to the north-eastern of the city centre, and lies in close proximity to the residential areas of Lincoln Green which lies to the east of the site, and Burmantofts which lies to the north of the site. Opposite the site across Skinner Lane, a six storey residential red-brick and timber clad building known as 20:20 House was completed in the late 2000s.
- 3.2 The last use of the premises was a car showroom and associated workshops. The building which fronted Regent Street and Skinner Lane was 2 -3 storeys in height. Lady Beck runs through the site within a culvert. The surrounding land uses include housing, offices, an army barracks, and light industrial and warehousing. The area was mainly commercial and industrial in character; however recent developments have increased the mix of uses and facilities in the area, particularly residential apartments.
- 3.3 The application site has no specific allocation in the Leeds Unitary Development Plan (Review 2006) (UDPR), but lies within the Fringe Commuter Parking Control Area, and Flood Risk Zone 3. The site lies within 300m of the City Centre boundary and within 300m of the Lincoln Green district centre boundary. The site can therefore be considered as “edge of centre” for the purposes of Lincoln Green for the foodstore unit, and “edge of city centre” for the purposes of the gym and bulky goods unit.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 12/01934/FU Demolition of existing building, laying out of access roads, car parking, landscaping and erection of a foodstore, retail unit, trade/warehouse unit and 2 industrial units – application withdrawn by agent on 1 October 2012.
- 4.2 A pre-application proposal for a major residential development at this site was presented by developer K W Linfoot to Plans Panel (City Centre) on 21 May 2008 and 22 July 2008. No planning application followed these presentations.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Pre-application discussions have taken place regarding bulky goods retail since 2010. A foodstore was added to the proposal in 2011, and the applicant was advised that this would be contrary to local and national retail policy because the site is not in a designated centre. Despite this advice an application was submitted in 2012, and then subsequently withdrawn by the agent. Some further pre-application advice was offered in 2013, including the opportunity to present to Members, this was not taken up by the applicant. Subsequently this application, received in November 2013, did not meet the Council’s policies until further negotiations had taken place regarding the principles of foodstore use, and highways, access, drainage, flood risk, urban design and landscaping matters, had been agreed in order to make the scheme acceptable. These matters were, on balance, resolved by the applicant during the application process up to July 2014 as detailed in this report.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The applicant has undertaken a significant community consultation exercise before and during the current planning application submission, which they have documented in their Statement of Community Involvement, such as public exhibitions, telephone surveys, and letter drops.

6.2 Planning application publicity consisted of:

6.2.1 Site Notice of Proposed Major Development posted 29.11.2013 and 07.03.2014

6.2.2 Press Notice of Proposed Major Development published 12.12.2013 and 06.03.2014

6.2.3 City and Hunslet Ward, and Burmantofts and Richmond Hill Ward Councillors consulted by email 26.11.2013, 28.02.2014 and 14.07.14.

6.3 4 objections have been received. These are:

6.3.1 Leeds Civic Trust, letter dated 16.12.2013, object on the grounds that:

- a foodstore is an inappropriate use on this site, as is the proposal for a gym.
- it is not in a town or local centre and is therefore likely to attract primarily car-borne customers.
- whilst there are some flats nearby, there is also a small local centre at Lincoln Green within walking distance of the majority of the residential population in the area and which would benefit from such a use to assist its regeneration. If approved, the proposal could kill off that local centre and is therefore contrary to the centres-first policy in the emerging Core Strategy and is not a sustainable development. It is important to firmly maintain this policy and not to see it diluted at this stage.
- this application has the appearance of a site searching for a use, rather than a use searching for an appropriate and acceptable site. The layout of the site has more clarity than the previous proposal, though only because there are fewer uses than before. The proposal with a large car park on the corner does nothing to add to the urban design quality of this junction (already jeopardised by the demolition and unauthorised car park use diagonally opposite). The landscaping of the site has not been considered as a fundamental ingredient but rather as an afterthought in the spaces where it can fit. Vistas and views have still not been considered. As in the previous [withdrawn] proposal [12/01934/FU], the height of the buildings is too low for such a prominent location and the townscape of the area has not been considered. This multiple junction is an area where improvements to the quality of that townscape is needed – the mature tree on the roundabout provides an important focus, but the periphery needs to be a positive frontage of buildings to provide some visual cohesion. This scheme fails to provide that, with the major frontage being occupied by open car parking. It does not “contribute positively to making places better for people” (National Planning Policy Framework para 56) nor does it “establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to ... work and visit (NPPF para 58).
- In summary, the proposal should be refused, both because it includes an inappropriate use and because of its poor design. As the NPPF further says in paragraph 64: “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

6.3.2 Wm Morrisons Supermarkets PLC (represented by Peacock and Smith planning consultants) have objected to the proposal three times. Firstly, in letter dated 10.02.2014 regarding the larger original scheme. Secondly, letter dated 20.03.2014 regarding the current revised scheme, which can be summarised as follows:

- the out-of-centre application does not satisfy the criteria set out in the NPPF. By reason of its out-of-centre location, it is likely that the proposed development will not only draw significant levels of trade away from the in-centre Morrison’s stores within the locality, but will also draw trade away from established centres to the detriment of their vitality and viability

- the applicant's retail impact assessment is not robust due to the omission of the committed Morrisons development in Chapel Allerton from their impact assessment. This has resulted in the applicant over-estimating the survey based turnover of each store at 2018 and therefore underestimating the levels of impact that the proposed Aldi store would have on existing centres
- The NPPF states that where a proposal is likely to have a significant adverse impact on the vitality and viability of the town centre or on planned private and public investment, it should be refused planning permission
- The applicant has failed to show flexibility in terms of applying the sequential approach to site selection. A sequentially preferable in-centre site exists within Chapel Allerton. Planning permission was approved on the site in 2013 for a 1468 sqm (gross) in-centre retail foodstore and associated car parking at the site of Allerton House. Peacock and Smith contend that the site is therefore available, suitable and viable for the proposed development. Accordingly, planning permission should be refused under the provisions contained within Paragraph 27 of the NPPF given that a sequentially preferable site has been identified.

Thirdly, email from Peacock and Smith dated 22.05.2014, stating that the applicants have utilised an incorrect sales density for the proposed Aldi store. They state that the applicants have assumed a trading density of £5,000/sq.m however as per the Barnoldswick Appeal Decision (June 2013) it is more realistic to assume that Aldi are now trading at around £7,000/sq.m.

6.3.3 Freshways store (Shakhawan Taufiq), 75 Lincoln Green Road objects to the proposal and expresses the following concerns:

- this plan is going to affect us (Freshways, 75 Lincoln Green Road) as a food store as well as the other 5 to 6 food stores in the area.
- this plan is going to affect our employees and other shops as we believe that our sales will drop dramatically and it will be very hard for us to survive and might result on reducing our number of staffs currently working which means taking away other peoples jobs.
- it will cause traffic as this road is busy as it is and to have a food store and a gym opened there will definitely attract more shoppers, which means more cars to head to this area, causing even more traffic jams.

6.3.4 Supasaver store (Dhiraj Patel), 1- 7 Cherry Row, objected to the proposal and expresses the following concerns on 02.01.2104 via the Council's website:

- the application would be catastrophic for the people of Leeds as a whole; the application is unfounded, and inconclusive, with a total lack of thought for the local people and businesses in the area with wider adverse [impact] on the people of Leeds
- The local community would be adversely affected. This would threaten 5 jobs at Supasaver alone
- Nearby at Cherry Row there is a grocers, butchers, a fruit & veg shop as well as other businesses. Cherry Row is 120 metres from the proposal has not even been mentioned in the planning consideration, showing a lack of awareness for the local community.
- Lincoln Green parade has other local shops including charity shops, laundry pharmacy etc will probably be destroyed, leaving yet another parade of shops belonging to the community destroyed, leaving a feeling of disillusionment, like many parades in and around the country, again forcing local shops to close with severe jobs losses
- This will be a store taking away business from city & markets traders, it really needs to be out of town
- Impact of Traffic - this would be insane. The traffic between Skinner Lane back to Lincoln Green Road/Beckett Street is very busy. Often there is a tailback from Skinner

Lane traffic lights to Beckett St/Lincoln Rd lights. These roads are used by emergency services (in particular ambulance), due to St James hospital being close by

- The proposal is confusing & lacks clarity. £17.6 million turnover is projected yet it will not destroy local businesses and neither affects the traffic!
- the LPA should positively look at the current area and look forward to greater things. For example this site should be encouraged as a car park (park & ride) or other beneficial aspects where it help thrive the markets, city centre shopping, city businesses & firms which in turn will encourage tourism, job creation & revenue in the longer term. The LPA should also see Lincoln Green, Cherry Row and its surrounding areas in a positive manner and keep the current local community otherwise these proposals will destroy the economic & social environment of the area.

- 6.4 10 individual comments of support have been made from 8 local residents, and the managing agents of the 20/20 Apartments, Skinner Lane (opposite the site) via letter or the Council's website. In addition 10 pre-printed template comments of support have been received from local residents. Reasons for support include:
- more competition for existing local stores and therefore lower prices
 - the foodstore would be accessible on foot for many people
 - it would bring much needed jobs, local facilities and revitalisation to the local area
 - one resident supported the scheme in principle, but was concerned that it would result in traffic problems

Aldi Stores have also written in support of the application.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.1.1 Leeds City Council Transport Development Services:

The outline proposal with access reserved is considered acceptable in terms of traffic impact, transportation provision (including walking and cycling provision) and road safety. A Travel Plan has been agreed and this would be subject to on-going monitoring and review. The following conditions are recommended:

- reserved matters: layout
- bin storage
- contractors provision
- prevention of mud on the highway
- showers/lockers for staff
- electric vehicle charging points
- car park and servicing management plan
- condition maximum floorspace levels proposed
- condition gym combined studio areas of no more than 400sqm
- No food sales from retail unit B
- Agreed off-site highway works via a S278 agreement.

The following S106 obligations are recommended:

- The Metro Digital Display Service (DDS) provides Transport Information tailored to a particular location on an internal screen within the development. A one-off payment is made to Metro to cover the costs of configuring the screen contents, the service software licence charges and the maintenance of the display contents of £5,000 per screen for up to 5 years or £7,500 per screen for up to 10 years.
- PT SPD Contributions calculated by LCC NGT Team.
- Travel Plan Monitoring fee
- An approved Travel Plan.

7.1.2 Environment Agency:
No objection subject to a condition requiring the recommendations of the submitted Flood Risk Assessment to be implemented.

7.1.3 Coal Authority:
No objection

7.2 Non-statutory:

7.2.1 Leeds City Council Environmental Protection:
The development site is directly opposite a large new build residential development. There is a potential for some loss of amenity to nearby residential occupiers from this development. The disturbance may be caused by plant noise, customers coming and going, delivery vehicles, and external lighting which may be provided. If planning permission is to be granted it is recommended that the following conditions are imposed to protect the amenity of occupants:
details of construction management, bin storage and collection, sound insulation to plant and machinery, any air conditioning and extract ventilation including odour and fumes filters, sound insulation scheme, lighting scheme, no amplified tannoy audible beyond the site boundary, delivery hours for construction 08.00 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturdays with no works on Sundays and Bank Holidays, delivery hours for operation 0800 to 2000 hours, 0700-2300 for gym use opening hours, 0800-2200 for retails units opening hours.

7.2.2 Leeds City Council Flood Risk Management:
No objection subject to conditions

7.2.3 West Yorkshire Combined Authority (Metro):
No objection in principle, subject to the provision of the public transport contribution in accordance with SPD5, and the provision of a real-time display.

7.2.4 LCC Nature Conservation:
The re-submitted scheme does not provide any amended details in relation to the land between the Lady Beck and the adjacent retail unit (requiring a wider buffer and planting with native shrubs and small trees), nor in relation to opening up the culverted section of the Lady Beck in accordance with policy N39B which seeks water courses to be opened up where feasible.

7.2.5 LCC Air Quality Management:
No objection subject to provision of electric vehicle charging points and commitment to low emission delivery vehicles.

7.2.6 Yorkshire Water:
Objection on the grounds that in line with the surface water management hierarchy, surface water from the site should discharge to the watercourse. Part of the site does have some existing connectivity to the public combined sewer; the hierarchy must be adhered to i.e. soak away, watercourse and then public sewer, in this order. Yorkshire Water would not permit any surface water discharge from the site to the public combined sewer due to the availability of the watercourse.

8.0 PLANNING POLICIES:

8.1 Development Plan
Leeds Unitary Development Plan Review 2006 (UDPR)

The UDPR includes policies that require matters such as good urban design principles, sustainability, flood risk, highways and transportation issues, public realm, landscaping, biodiversity and access for all are addressed through the planning application process. The site lies unallocated in the Development Plan.

Other relevant policies include:

SA1 aims to secure the highest possible quality of the environment

SA2 encourages development in location that will reduce the need to travel and promote the use of public transport and other sustainable modes of transport.

SA4 promotes and strengthens the economic base of Leeds by identification of a balanced range of sites for development

SA5 seeks to ensure that a wide range of shops is available in locations to which all sections of the community have access by a choice of means of transport

SA6 encourages the provision of facilities for leisure activities

SA7 promotes the physical and economic regeneration of urban land and buildings within the urban areas

SA8 seeks to ensure that all sections of the community have safe and easy access to housing, employment, shops and other facilities by maintaining and enhancing the current levels of provision in appropriate locations

SP3 states that new development will be concentrated largely within the main urban areas on sites well served by public transport in order to maximise the potential of existing infrastructure.

GP3 existing land uses

GP5 all relevant planning considerations

GP7 planning obligations

GP11 sustainability

GP12 sustainability

BD2 new buildings

A1 improving access for all

A4 safety and security provision

S1 Shopping/City Centre

S2 Town Centres

S9 requires that the type of development should not be capable of being accommodated in existing S1/S2/Local Centres or where this is absent, sites adjacent or well related to S2/Local Centre sites. The policy also requires that the scale/type of retailing does not undermine vitality and viability of any S2 or Local Centre or local essential daily shopping needs. Furthermore, any proposal should address deficiencies in shopping facilities, is accessible to those with and without private transport, results in reductions in car journeys and lastly does not impact upon other land uses (Housing / Employment / Green Belt).

N12 urban design

N13 design and new buildings

N25 boundary treatments

BD4 all mechanical plant

T2 Transport provision for development

T2C Travel plans

T2D public transport provision for development

T5 pedestrian and cycle provision

T6 provision for the disabled

T7A cycle parking

T7B motorcycle parking

T24 Car parking provision

LD1 landscaping

R5 employment and training for local residents associated with the construction and subsequent use of developments

N38A development and flood risk
N38B planning applications and flood risk assessments
N39A sustainable drainage systems
N39B seeks water courses to be opened up where feasible.
N51 Nature conservation

8.2 Relevant Supplementary Planning Guidance includes:

SPD Street Design Guide
SPD5 Public Transport Improvements and Developer Contributions
SPD Travel Plans
SPD Building for Tomorrow Today: Sustainable Design and Construction
SPG Mabgate Development Framework

8.3 Leeds Natural Resources and Waste DPD 2013

The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies regarding trees, land contamination, coal recovery, flood risk, drainage, and air quality are relevant to this proposal.

8.4 Leeds Core Strategy Publication Draft 2012

8.4.1 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State. The Inspector examined the Strategy during October 2013. The weight to be attached is now significant following receipt of the Inspector's proposed Main Modifications on the 31st January 2014

8.4.2 Paragraph 4.2.6 of the Core Strategy states that its approach, in line with the Centres Study and national guidance, is to achieve growth within centres, with a "centres first" approach, protecting the vitality and viability of centres. This requires a sequential assessment and where appropriate, impact assessment to be conducted to direct town centre uses to the appropriate level within the centres hierarchy. On the Hierarchy of Centres plan (Map 4) in the Core Strategy Lincoln Green (26) is identified as a Local Centre.

8.4.3 Spatial Policy 2: Hierarchy of centres & spatial approach to retailing, offices, intensive leisure & culture states that "The Council supports a centres first approach supported by sequential and impact assessments. The Council will direct retailing, offices, intensive leisure and culture, and community development to the city centre and designated town and local centres in order to promote their vitality and viability as the focus for shopping, employment, leisure, culture, and community services. Proposals which would undermine that approach will not be supported.

The following hierarchy of centres is to be maintained to ensure that development is directed to the appropriate level of centre based on its scale and catchment.

1. The City Centre
2. Town Centres
3. Local Centres

The Leeds district currently contains a great variety of centres with different characteristics and history, and the need to maintain this local distinctiveness remains an overarching consideration.

- 8.4.4 Spatial Policy 8 Economic Development Priorities states that a competitive local economy will be supported through:
- “(ii) Promoting the development of a strong local economy through enterprise and innovation, in facilitating existing strengths in financial and business services and manufacturing and to continue to grow opportunities in health and medical, low carbon manufacturing, digital and creative, retail, housing and construction, social enterprise and the voluntary sector.
 - (iii) Job retention and creation, promoting the need for a skilled workforce, educational attainment and reducing barriers to employment opportunities.”
- 8.4.5 Policy P1 sets out the town and local centre designations. It identifies Lincoln Green as a Lower Order Local Centre
- 8.4.6 Policy P2 sets out acceptable Uses In and On The Edge of Town Centres
- 8.4.7 Policy P3 sets out acceptable Uses In and On The Edge Of Local Centres
- 8.4.8 Policy P5 sets out the approach To Accommodating New Food Stores Across Leeds
- 8.4.9 Policy P6 sets out the approach To Accommodating New Comparison Shopping In Town And Local Centres
- 8.4.10 At paragraph 5.3.10 the Core Strategy states that “To support the centres first approach, town centre uses should be focussed in the identified centres to help to maintain the vitality and viability of centres. Where this is not possible edge of centre locations are appropriate”
- 8.4.11 The processes for Sequential and Impact Assessments for town centre uses and intensive leisure, are set out from paragraph 5.3.21 and within Policy P8. The Inspector’s Main Modifications make no significant alterations to Policy P8 other than to state that Impact Assessments should be proportionate to the scale of the proposal
- 8.4.12 Policy P10 states alterations to existing buildings should provide good design appropriate to its scale and function.
- 8.4.13 Policies T1 and T2 identify transport management and accessibility requirements for new development.

8.5 National Planning Policy Framework (NPPF)

- 8.5.1 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.
- 8.5.2 Paragraph 17 of the NPPF sets out the Core Planning Principles for plan making and decision taking.

- 8.5.3 The 8th principle listed states that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 8.5.3 The NPPF advocates a presumption in favour of sustainable development, and a 'centres first' approach to main town centre uses such as A1 retail and D2 gym uses. The NPPF also promotes economic growth in order to create jobs and prosperity.
- 8.5.4 The NPPF sets out two key tests that should be applied when planning for town centre uses which are not in an existing town centre and which are not in accordance with an up to date Local Plan – the sequential test and the impact test. These are relevant in determining individual decisions and may be useful in informing the preparation of Local Plans.
- 8.5.5 The sequential test should be considered first as this may identify that there are preferable sites in town centres for accommodating main town centre uses (and therefore avoid the need to undertake the impact test). The sequential test will identify development that cannot be located in town centres, and which would then be subject to the impact test. The impact test determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres (and therefore whether the proposal should be refused in line with policy).
- 8.5.6 Paragraph 26 of the NPPF states that "Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused."
- 8.5.7 Section 7 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:
- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - Optimising the potential of the site to accommodate development;
 - Respond to local character and history;
 - Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - Create safe and accessible environments; and
 - Development to be visually attractive as a result of good architecture and appropriate landscaping.

8.6 National Planning Policy Guidance

- 8.6.1 National Planning Policy Guidance (March 2014) gives guidance on the retail sequential test and impact test procedures, and supersedes the PPS4 Practice Guide.

8.7 Other material considerations

8.7.1 Best Council Plan

The Plan identifies 6 objectives in order to achieve the best council outcomes identified between 2014-2017. Objective (5) Promoting sustainable and inclusive economic growth is of particular relevance to this proposal. This would be achieved by improving the economic wellbeing of local people and businesses, meeting the skills needs of business to support growth, boosting the local economy, creating 'more jobs, better jobs' by working with employers and businesses, and continuing to secure local training and recruitment schemes.

8.7.2 **Vision for Leeds 2011-2030**

One of the aims is that by 2030 Leeds' economy will be more prosperous and sustainable. This includes having a skilled workforce to meet the needs of the local economy, and creating significant job opportunities. The vision also states that Leeds will be a great place to live, where local people benefit from regeneration investment.

8.7.3 **City Priority Plan 2011-2015**

The Plan states that Leeds will be the best city for business. One of the priorities to achieve this is supporting the sustainable growth of a prosperous Leeds' economy. The key headline indicators relevant to this proposal would be the creation of more jobs, more skills, and the growth of the local economy, and an increase in the number of hectares of vacant brownfield land under redevelopment.

9.0 **MAIN ISSUES**

- 9.1 Principle of use
- 9.2 Urban design and landscaping
- 9.3 Highways and transportation
- 9.4 Flood risk
- 9.5 Residential amenity
- 9.6 Sustainability
- 9.7 Planning obligations

10.0 **APPRAISAL**

10.1 Principle of use

10.1.1 The application proposal for A1 retail foodstore, A1 bulky goods and gym are contrary to adopted and emerging local and national policy, which promote a "centres first" approach for such uses. However, the applicant has demonstrated that no significant adverse impact is likely to existing designated centres, and that there are no other sequentially preferable sites in any designated centres for their specific proposal. The applicant has submitted a sequential test to meet Policy P8 of the Core Strategy and the NPPF. The applicant, with input from officers, has worked through an exhaustive process over a long period of time, looking at and discounting potential alternative sites in the City Centre, Lincoln Green, Chapel Allerton, Chapeltown Road, Harehills Lane, Hyde Park Corner, Headingley, Oakwood, and Armley centres. Policy P8 states that an application of this scale would have to consider a 10 minute catchment area for the food store and a 15 minute catchment for the gym. Whilst the proposal is contrary to policy, as neither the applicant nor the Council have been unable to find any sequentially preferable sites within the catchment area drawn by the Core Strategy policy, on balance it is considered that the proposal is acceptable. It is considered that the sequential test and supporting information provided is sufficiently robust and detailed to demonstrate that finding an alternative in- centre site for the proposed premises has proved problematic, and that the current site at Regent Street is therefore the most viable alternative site for this scheme.

10.1.2 Officers requested initially that the applicant examine the possibility of disaggregating the proposal so that it could fit on smaller sites within centres. A recent appeal case decision – the Rushden Lakes Secretary of State Decision (particularly 15-17 and Inspectors' report paras 8.43 – 8.58), makes it clear that the sequential test should be applied to the applicant's scheme *as proposed*, having regard to flexibility in format and scale. Flexibility however does not require full disaggregation of the applicants'

scheme. The Secretary of State considered the concept of disaggregation to be no longer relevant as it has no basis within the NPPF. As such it can only be concluded that when looking for sequential sites LPAs can only consider sites capable of accommodating the development as proposed, not some other ideal form of development. The decision also appears to make clear that a site can only be considered as 'available' if it is currently available i.e. 'today'. This has implications in relation to this planning application for both the area of investigation for potential sequential sites and the size of the sites to be assessed, in that it means that officers cannot insist that the proposal is broken up into component parts in order that they be accommodated in centres on alternative sites.

10.1.3 Based on the retail impact assessment submitted by the applicant, on balance, it is not considered that the proposed foodstore is unlikely to have significant adverse impact on the existing centre at Lincoln Green due to the diversity in their retail offers. The submitted impact study included an analysis of the impact of the proposals on existing centres and destinations including Lincoln Green, Chapel Allerton, Montreal(Harrogate Road),Harehills Lane, Oakwood, Seacroft, Chapeltown Road, Harehills, Easterley Road, Moortown Corner, Street Lane, Richmond Hill area (proposed – core strategy policy P5), Tesco Express (Roundhay Road), Morrisons (Merrion Centre). The impact assessment demonstrates that available expenditure levels and the capacity for development would not be harmed to a significant degree. The assessment also shows that there will be no significant adverse impact upon planned investment in the area.

10.1.4 The applicant states that Aldi operates as a discount food retailer, stocking predominantly own brand goods. They state that it would not feature specific specialist products, an in-store bakery, butcher, fishmonger, café, newsagent, tobacco or lottery sales points, and therefore this store would potentially promote linked trips to other local stores. Whilst retailers within Lincoln Green have objected, the Council is not aware of any evidence that would support the view that the damage done to these stores would be adverse, due their specialist function. The applicant's state within their latest submission that they are seeking to work with local objectors, and have provided evidence that they have attempted to contact them.

10.1.5 With regard to the objections lodged on behalf of Morrisons, it is not considered that this proposed foodstore would have an adverse impact upon their scheme in Chapel Allerton, nor is it considered that the Morrisons site in Chapel Allerton is available to the applicant in sequential testing terms, as it is going to be redeveloped for Morrisons. Whilst Morrisons dispute the applicants projected turnover, officers have no firm evidence to suggest that it is not reasonable for this specific case. The applicant has stated that the turnover is lower due to the demographic and income characteristics of the local area compared to Barnoldswick.

Some representations have been received by other shop owners in the locality, competition is however not considered a material planning consideration to be taken into account when determining the application. The store at Cherry Row is not in a designated centre, and is therefore not protected under retail policy.

A condition would restrict the foodstore to a discount foodstore only preventing provision of the following goods/services, based on the following definition utilised in appeal cases and other Leeds permissions:

- Tobacco and smoking products
- Loose confectionary

- Lottery tickets or scratch cards.
 - Fresh meat and fresh fish counter (excluding pre-packed meat and fish)
 - Delicatessen counter
 - Pharmacy (dispensary)
 - Dry cleaning service
 - Photo-shop
 - Post office services
 - Cash machine
 - In store bakery (other than the use of a single oven for the reheating of part baked rolls and similar products)
 - In store café
 - Magazines or national newspapers
 - Greeting cards
- The 'food retail' unit shall only be occupied by a 'discount' retailer.

10.1.6 The second retail unit would be restricted, with the applicant's agreement to bulky goods only. The site lies just outside the designated City Centre, close to the Regent Street bulky goods area designation in the UDPR. It is considered that the retail impact and sequential tests have also been satisfied for this use. The range and type of goods to be sold from the non-food retail unit would be restricted to the following: DIY and/or garden goods; furniture, carpets and floor coverings; camping, boating and caravanning goods; motor vehicle and cycle goods; and bulky electrical goods.

10.1.7 A D2 gym use on the site which is considered a main town centre uses under the NPPF and therefore its provision requires a sequential test to determine whether the operation could be better accommodated within an existing town centre or edge of centre site. The impact study for the gym shows that no significant adverse harm would be caused to existing or planned facilities in existing centres. The applicant has carried out the sequential test as for the retail uses, and again no alternative site could be found. The Core Strategy also requires this same approach to be taken. The gym unit would be restricted to gym use only within use class D2, to prevent other leisure uses within that use class from operating without a further planning application.

10.1.8 A condition is recommended for all units restricting the ability to install mezzanines to create extra floorspace, or subdivide the units into smaller ones. This would be in order to protect existing centres from any further expansion of these uses at this site.

10.1.9 In design terms, the proposal would make better use of a very prominent underutilised and unsightly vacant brownfield site at the north-eastern gateway to the City Centre. It would create the opportunity for new improved street frontages to the site, improve visual amenity to the streetscene along Skinner Lane, Regent Street and the roundabout linking to Cross Stamford Street/Roseville Road and Sheepscar Street South. This potential for enhancement and investment would in turn act as a catalyst for the regeneration and delivery of economic growth and jobs at similar vacant and unsightly sites in the area such as the cleared former Regent public house site on the opposite side of Regent Street. The applicant states that the proposed uses combined would bring 50 new full-time equivalent jobs to the City. The benefits of economic growth and creation to this part of the City would meet the aspirations of the UDPR, NPPF and the emerging Core Strategy.

10.2 Urban design and landscaping

- 10.2.1 All matters except Access are reserved, therefore the applicant has only proposed an indicative Layout, Scale, Design and Landscaping proposal in order to demonstrate that the principle of the development could be accommodated on the site. These matters would be reserved for future consideration by the Local Planning Authority.
- 10.2.2 The scale of existing and adjacent proposed buildings in the area varies between generally lower scale units such as the warehousing to the north and east around Telephone Place, Cross Stamford Street and Mushroom Street, or taller, more recent residential blocks such as 20/20 House, Cypress Point and Ahlux House to the south and west. Whilst it is considered that there would be an opportunity to create a focal point at the corner of Skinner Lane and Regent Street with a slightly taller building than the heights indicatively proposed, on balance, given the prominent and long inactive street frontages, the irregular shape of the site, and the constraint of the culvert running through its middle, it is considered that the benefits of the proposed indicative scheme would outweigh an alternative design rationale for the site. It is considered that the proposed indicative layout, including the location of the servicing and vehicular accesses would result in an acceptable proximity and scale to the neighbouring existing and permitted buildings. New active frontages towards the Regent Street and Skinner Lane, would create an opportunity to enhance the setting of this gateway location. This is considered to be important to enhance the character of the area, and a condition requiring active frontages is recommended. It is therefore considered that the layout, height and massing of the revised indicative proposal would be appropriate in the context of the character of the surrounding area.
- 10.2.4 The area suffers from a lack of soft landscaping and trees. The indicative landscaping scheme would enhance the area in visual and biodiversity terms. In relation to policy N38B, and the Council's Nature Conservation officer's comments, the revised scheme does not provide any amended details in relation to the land between the Lady Beck and the adjacent retail unit (requiring a wider buffer and planting with native shrubs and small trees), nor in relation to opening up the culverted section of the Lady Beck. The applicant has stated that the cost of opening the culvert with minimal visual benefit in this particular case mean that they have not proposed this. On balance, in the context of the mix of uses and illustrative layout proposed, this is considered acceptable.
- 10.2.5 Subsequent to any reserved matters applications for the appearance of the building, the quality of the external materials would be controlled through the provision of working drawing details and large on-site material samples panels by condition attached to this application. 1:50 and 1:20 typical bays and sections have been submitted to establish the detailing of the elevations, and this would be reinforced at working drawing stage by conditions. Full details of mechanical plant would be required by condition in order to control its potential amenity and visual impact.
- 10.2.6 This scheme is in outline only, and any future reserved matters application for landscaping would need to demonstrate appropriate soft landscaping and tree planting. Exact details of hard and soft landscaping, including details of tree pits and soil depths, planting plans, boundary treatments, bollards, lighting, CCTV, landscape management and maintenance plans, and samples of surfacing materials, would be controlled by condition prior to commencement of development to ensure continuity of high quality materials and planting across the site.
- 10.2.7 In summary, subject to the future consideration of reserved matters layout, design, scale and landscaping, the proposal would be a significant visual improvement on the unsightly vacant brownfield site and create new improved street frontages to the site, improves visual amenity to the streetscene along Skinner Lane, Regent Street and

the roundabout linking to Cross Stamford Street/Roseville Road and Sheepscar Street South.

10.3 Highways and Transportation

10.3.1 The outline proposal with access reserved is considered acceptable by Highways officers in terms of traffic impact, transportation provision (including walking and cycling provision) and road safety. Access is the only reserved matter sought by the applicant. Further information was required after the initial consultation period and was provided with the revised scheme. Following negotiations, the proposed mix of uses on the site is considered acceptable with regard to highway safety.

10.3.2 There are 196 car parking spaces overall. Leeds UDPR has a maximum parking level of 1 space per 14sqm for foodstores and 1 space per 30sqm for comparison stores. These standards would give 110 spaces for the foodstore and 32 spaces for the bulky goods unit. A total of 109 parking spaces are proposed for the retail units together. It is considered that this level is acceptable because the guideline for supermarkets with different services/goods for sale is different to a discount food operator, the development has 3 different uses therefore there is scope for linked trips, and the development is in a sustainable location with access to good bus services, close to large residential communities. The Leeds UDPR has a maximum parking standard of 1 space per 22sqm for leisure development. This equates to 78 spaces for the gym. 87 spaces are proposed, based on Pure Gym's 24 usage data from their other gyms in Leeds and around the country. Information was provided regarding class times and attendance numbers based on existing Pure Gym average attendance information. It is not considered that the traffic impact of the development on the Skinner Lane/Regent Street junction would adversely affect the efficiency and safety of its operation at peak times. Moreover, the peak generated traffic impact and parking demand for supermarkets and gyms as such proposed is usually outside peak weekday network traffic times, and traffic generated by the development also has multiple routes across the network to leave the site at busiest traffic network times therefore reducing its impacts at key junctions. The revised layout provides 3.25m running lanes and a 3m right turn lane at the site access junction, and the junction has been moved westwards to smooth the alignment. The revised layout does not encroach onto the cycle improvement scheme on Regent Street. The existing layby and access would be closed, should they remain open after the implementation of the Council's cycle improvement scheme. A new access is to be provided with improved visibility splays which would be conditioned as part of works to be carried out via a s278 highway agreement. The internal layout of the site is considered acceptable in relation to the revised schemes mix of uses and it is considered appropriate to condition a Car Parking and Servicing Management Plan. The parking provision for the mix of uses is considered acceptable and that sufficient parking is provided for the proposed foodstore and bulky goods retail unit and gym.

10.3.3 To further reduce reliance on the private car the submitted Travel Plan Framework includes the following measures:

- the provision of electric vehicle charging points (to be secured by condition)
- provision of shower and locker facilities to encourage cycle use for staff (to be secured for each unit by condition)
- appropriate secure storage for cyclists and motorcyclists (to be secured by condition)
- provision of public transport information.
- arrangements for the monitoring and take-up of the Travel Plan measures, and revising the Travel Plan as necessary.

- provision of a budget for the promotion of sustainable travel incentives in the event that travel plan targets are not met.
- the site is well located with regard to public transport so is considered to be in a sustainable location. The site is readily accessible by bus from Regent Street and North Street, and in a sustainable edge of City Centre location, walking distance to both the City Centre Prime Shopping Quarter and Lincoln Green district centre. Other convenience retail is at nearby Cherry Row, so there is good potential for linked trips.

Both Aldi and Pure Gym have agreed Travel Plans which are in place at their existing Leeds operations, and similar plans would be secured for this development. An acceptable Travel Plan Framework has been agreed and therefore the Travel Plan itself and the monitoring fee are secured via the S106. Officers are awaiting confirmation from the application regarding the Metro Digital Display Service. Officers will update Members with the applicant's response at Panel.

10.3.6 It is therefore considered that the proposal would not cause highways safety or amenity problems, subject to the recommended conditions and Section 106 provisions.

10.4 Flood Risk

10.4.1 The Environment Agency and Leeds City Council Flood Risk Management were consulted regarding this planning application. The following measures were agreed to mitigate actual and residual flood risk on the site from all sources to an acceptable level:

- finished floor levels of retail (food) store and leisure unit (gym) to be set a minimum of 31.02 m AOD (a freeboard of 400 mm above the modelled 1 in 100 year water level) and a minimum of 150 mm above adjacent ground levels
- flood risk signs to be displayed in the car park
- on-site flood water storage to be provided through the lowering of ground levels across the northern car park and land north of the food store, as detailed in Appendix B, to compensate for loss of flood storage
- undertake condition assessment of flood wall along right-bank of Lady Beck from Regent Street to the culvert under the site and undertake any improvement works required
- detailed drainage design would be controlled by condition
- access and egress to the site will be provided by access points off Skinner Lane. The levels of the off-site access routes are 320 mm or more above the modelled 1 in 100 year flood level for Lady Beck and it is concluded that the proposed access roads would provide safe access and egress to the site
- following redevelopment, the overall impermeable areas at the site would be expected to decrease slightly due to its landscaped edges

10.4.2 The land uses planned in the development proposal are categorised by the NPPF as being "Less Vulnerable" to flood risk and are appropriate forms of development in Flood Zone 3. The Exception Test is not required for less vulnerable development in Flood Zone 3 although the Sequential Test will need to be applied. The applicant has submitted a flood risk sequential test, which is based on the retail sequential test, and concludes that there are no sequentially preferable sites available.

10.4.3 With regard to Yorkshire Water's objection, they are not a statutory consultee in this case. Leeds City Council Flood Risk Management support the application proposal and confirm that the developer would still have the right to connect to the public sewer, despite YW's objection at application stage. LCC FRM would restrict the run-

off into Lady Beck to 50% due to the risk of flooding, therefore the watercourse cannot be the only means of drainage.

10.5 Residential amenity

10.5.1 The site is surrounded by a mix of uses, with residential directly to the south, with some to the east beyond the adjoining site. The amenities of residents would be protected by conditions regarding details of construction management, bin storage and collection, sound insulation to plant and machinery, any air conditioning and extract ventilation including odour and fumes filters, sound insulation scheme, lighting scheme, no amplified tannoy audible beyond the site boundary, delivery hours for construction 08.00 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturdays with no works on Sundays and Bank Holidays, delivery hours for operation of units 0800 to 2000 hours. Also in addition it is proposed to control the operational activity for the following hours: 0700-2300 for gym use opening hours, 0800-2200 for retail units opening hours. The operational and delivery hours of the units would be subject to the agreement of the applicant. It is therefore considered that the proposal would not give rise to significant additional concerns regarding the residential amenities of nearby residents, given the existing edge-of-city-centre character of the surrounding commercial area.

10.5.2 A soft landscaping with boundary treatment detail to be provided would provide some screening and vegetation which would be an improvement for visual amenities of the residential properties opposite.

10.6 Sustainability

10.6.1 The proposal would meet at least a BREEAM Very Good standard, and a planning condition to provide details of the verification of this will be applied. A minimum of 10% energy generation would be developed through on site low carbon energy sources. The scheme would also deliver at least a 20% reduction in carbon emissions over building regulations standards. As this scheme is in outline only, further details will follow regarding how this might be achieved. Electric vehicle charging points would be provided as part of the agreed travel plan measures.

10.7 Planning obligations

10.7.1 A Section 106 Agreement would be signed in connection with the planning application, with the following obligations:

- Public transport contribution £45,133
- Travel plan monitoring fee in accordance with the Travel Plans SPD £2500
- Cooperation with local jobs and skills training initiatives. This would involve making reasonable endeavours to cooperate and work closely with Employment Leeds to develop an employment and training scheme to promote employment opportunities for local people in City and Hunslet, and any adjoining Ward including Burmantofts and Richmond Hill, during the construction works, from the start of the tendering process and reasonable endeavours would also be made to agree a method statement with the future occupiers to identify employment and training opportunities, to provide every six months details of recruitment and retention of local people as employees and training of apprentices, and identify any vacancies on a monthly basis to Employment Leeds.
- Section 106 management fee £1500

10.7.2 As part of Central Government's move to streamlining the planning obligation process it has introduced the Community Infrastructure Levy Regulations 2010. This

requires that all matters to be resolved by a Section 106 planning obligation have to pass 3 statutory tests. The relevant tests are set out in regulation 122 of the Regulations and are as follows:

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

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.’

As listed above (and also in the ‘recommendation’ box at the beginning of this report), there are matters to be covered by a Section 106 agreement. These matters have been considered against the current tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

11.0 CONCLUSION

11.1 It is considered that on balance the proposed mixed use development which includes A1 retail in the form of a retail foodstore, a retail bulky goods unit, and gym use in this particular edge of centre location is acceptable as it is not considered to be possible to accommodate this in a town/local centre. The retail impact and sequential tests have been passed. The scheme also has a range of wider benefits, through job creation, skills improvement, economic growth, improved local facilities to benefit the local community. The site has been a longstanding vacant brownfield land in an untidy state brought forward for redevelopment (as supported in the NPPF, Core Strategy and City Priority Plan), which would regenerate the site and (subject to reserved matters applications) enhance the visual amenities and character of this prominent edge of City Centre site. There is considered not to be an adverse impact upon residential amenity or highway safety. It is considered that the proposal would help enable the City to meet the emerging Leeds Core Strategy (Draft 2012) spatial vision, that by 2028, Leeds will have maintained and strengthened its position at the heart of the City Region and grown a strong diverse and successful urban economy. The application proposal is therefore recommended for approval in principle subject to the conditions and an appropriate and proportionate Section 106 package.

Background Papers:

Application file 13/04885/FU

Certificate B signed on behalf of the applicant. Notice No. 1 served on site owner Penegon Netherlands BV, and the Highway Authority.

Appendix 1 Draft Conditions

Appendix 2 Proposed indicative layout plan

Appendix 1 Draft Conditions for 13/04885/OT

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

- a. Layout
- b. Scale
- c. Appearance
- d. Landscaping

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

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

2) Application for approval of all reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Development shall commence within two years of the approval of the last reserved matter to be approved

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.3)

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

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

3) The development hereby permitted shall be carried out in accordance with the principles contained in the illustrative drawings and documents listed in the Plans Schedule. Any reserved matters applications shall be not exceed the footprint extents, number of car parking spaces, and the level of retail and gym floorspace indicated on Harris Partnership Drawing no. 10901-130 Revision H received 15 May 2014. For the avoidance of doubt, the floorspaces and parking spaces hereby approved for the following uses shall not exceed:

- a. retail foodstore 1537 square metres (gross internal area)
- b. bulky goods retail 826 square metres (gross internal area)
- c. gym 1718 square metres (gross internal area)
- d. 196 car parking spaces

For the avoidance of doubt and in the interests of proper planning and sustainable development, in accordance with the NPPF and the Development Plan.

4) Prior to the commencement of development, a phasing plan, including the details of a temporary landscaping to any part of the site not in the first phase, shall be submitted to and approved in writing by the Local Planning Authority. The temporary landscaping shall be laid out prior to the first occupation in accordance with the approved details and maintained until the commencement of development of the second phase.

In the interests of sustainable development, visual amenity and to enable the Local Planning Authority to acceptably discharge the conditions in a phased manner appropriate to the development and deliver the off-site highways works, in accordance with Leeds UDPR Policies GP5 and T2, and the NPPF.

5) The premises shall only be used as a gym and for no other purpose including any other purpose in Class D2 of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

In the interests of highway and pedestrian safety and the vitality and viability of nearby Local Centres, in accordance with adopted Leeds UDP Review (2006) policies Leeds UDPR policies T2 and T24, the emerging Core Strategy policies CC1, P2, P3, P8 and the NPPF.

6) The range and type of goods to be sold from the non-food retail unit hereby permitted shall be restricted to the following: DIY and/or garden goods; furniture, carpets and floor coverings; camping, boating and caravanning goods; motor vehicle and cycle goods; and bulky electrical goods.

In the interests of highway and pedestrian safety and the vitality and viability of nearby Local Centres, in accordance with adopted Leeds UDP Review (2006) policies S1, S2, S9, T2 and T24, the emerging Core Strategy policies P6 and P8, and the NPPF.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that Order with or without modification) and sections 55(2) and 55(2A) of the Town and Country Planning Act 1990 (as amended), no part or parts of the gym or A1 units may be subdivided, if such a subdivision would contravene the floorspace limits established in Conditions 3. Furthermore no additional floorspace may be created within the gym or A1 retail units if such floorspace would contravene the floorspace limits established in Condition 3. Within these floorspace limits no mezzanine floorspace may be created unless otherwise agreed in writing by the Local Planning Authority. Outside of these floorspace limits no mezzanine floorspace may be created.

To prevent subdivision and mezzanine development from resulting in more net retail or gym floorspace than approved and to ensure such floorspace is within permitted unit size limitations in order to protect the vitality and viability of the designated local centres and planned city centre investment in accordance with adopted UDPR policy S1, S2 and S9, the emerging Core Strategy policies CC1, P2, P3, P6, P8, and the NPPF. Furthermore, restrictions have been placed upon mezzanine development, to ensure that the Local Planning Authority can accurately monitor the provision of retail floorspace at the site. This is also in the interests of highway and pedestrian safety, in accordance with policies T2 and T24 of the adopted Leeds UDP Review (2006) and the NPPF.

8) Notwithstanding the provisions of the Town and Country (Use Classes) Order 1987, as amended by the Town and Country (Use Class) (Amendment) Order 2005 (or any order revoking and re-enacting that Order with or without modification) the 'discount food retail' unit hereby permitted shall not be used for the retail sale of any of the following goods and services:

- a. Tobacco and smoking products
- b. Loose confectionary
- c. Lottery tickets or scratch cards.
- d. Fresh meat and fresh fish counter (excluding pre-packed meat and fish)
- e. Delicatessen counter

- f. Pharmacy (dispensary)
- g. Dry cleaning service
- h. Photo-shop
- i. Post office services
- j. Cash machine
- k. In store bakery (other than the use of a single oven for the reheating of part baked rolls and similar products)
- l. In store café
- m. Magazines or national newspapers
- n. Greeting cards

The 'food retail' unit shall only be occupied by a 'discount' retailer.

In the interests of the highway and pedestrian safety and the vitality and viability of nearby Local Centres, in accordance with adopted Leeds UDP Review (2006) policies S1, S2, S9, T2 and T24, the emerging Core Strategy policy P2, P3, P8, P9, and the NPPF.

9) No construction of external walling or roofing shall take place within a phase until details and samples of all external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority for that phase. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity in order to accord with Leeds UDP Review Policies GP5, BD2 and N13, and the NPPF.

10) Construction of external cladding and glazing shall not be commenced within a phase until a sample panel of all external facing materials and glazing types to be used has been approved in writing by the Local Planning Authority for that phase. The external cladding and glazing materials shall be constructed in strict accordance with the sample panel(s) which shall not be demolished prior to the completion of the phase of the development.

In the interests of visual amenity in order to accord with Leeds UDP Review Policies GP5, BD2 and N13, and the NPPF.

11) No building works shall be commenced within each phase until full 1 to 20 scale working drawing details of the following have been submitted to and approved in writing by the Local Planning Authority for that phase:

- a. soffit, roof line and eaves treatments
- b. junctions between materials
- c. each type of window bay proposed.
- d. ground floor shop fronts and entrance points

The works shall be carried out in accordance with the details thereby approved.

In the interests of visual amenity and the character of the surrounding area, in order to accord with Leeds UDPR Policies GP5, BD2 and N13, and the NPPF.

12) No surfacing works shall take place within a phase until details and samples of all surfacing materials have been submitted to and approved in writing by the Local Planning Authority for that phase. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The surfacing works shall be constructed from the materials thereby approved and completed prior to the occupation of the building.

In the interests of visual amenity in accordance with Leeds UDP Review Policies GP5, CC3 and LD1, and the NPPF.

13) No landscaping works shall take place within a phase until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority for that phase. Hard landscape works shall include:

- (a) proposed finished levels
- (b) boundary details and means of enclosure,
- (c) vehicle and pedestrian access and circulation areas,
- (d) hard surfacing areas,
- (e) minor artefact and structures

Soft landscape works shall include

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

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

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

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

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

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

available planting season, unless otherwise agreed in writing by the Local Planning Authority.

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

16) Prior to the occupation of each phase, a plan to identify bird nesting opportunities within that phase shall be submitted to and approved in writing by the Local Planning Authority. The agreed plan shall show the number and specification of the bird nesting features, where they will be located, and a timescale for implementation. The approved details shall be implemented within the timescales agreed and retained as such thereafter.

To enhance biodiversity in the area, in accordance with the NPPF.

17) Within each phase, the gym use hereby approved shall not commence until details of a sound insulation scheme designed to protect the amenity of nearby occupants from noise emitted from the premises has been submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall not commence until the works have been completed, and the noise insulation scheme as may be approved shall be retained thereafter.

In the interests of residential amenity, in accordance with Leeds UDPR Policy GP5 and the NPPF.

18) Prior to the installation of any extract ventilation system or air conditioning plant, details of such systems shall be submitted to and approved in writing by the Local Planning Authority. Any external extract ventilation system/air conditioning plant shall be installed and maintained in accordance with the approved details. The system shall limit noise to a level at least 5dBA below the existing background noise level (L90) when measured at the nearest noise sensitive premises with the measurements and assessment made in accordance with BS4142:1997.

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

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

In the interests of amenity and to promote recycling, in accordance with the NPPF and Leeds UDPR Policies GP5 and T2.

20) The hours of opening of the gym premises shall be restricted to 0700 hours to 2300 hours, unless otherwise agreed in writing by the Local Planning Authority

In the interests of residential amenity, in accordance with Leeds UDP Review 2006 Policy GP5 and the NPPF.

21) The hours of opening of the retail premises shall be restricted to 0800 hours to 2200 hours Monday to Saturday and 1000 hours to 1600 hours on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority
In the interests of residential amenity, in accordance with Leeds UDP Review 2006 Policy GP5 and the NPPF.

22) The hours of delivery to and from the premises shall be restricted to 0800 hours to 2000 hours Monday to Saturday and with no deliveries on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of residential amenity, in accordance with Leeds UDP Review 2006 Policy GP5 and the NPPF.

23) Development shall not commence within a phase until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority for that phase and:

(a) Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development within a phase shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority for that phase,

(b) Where remediation measures are shown to be necessary in the Phase I/Phase II Reports and/or where soil or soil forming material is being imported to site, development shall not commence within that phase until a Remediation Statement demonstrating how the phase site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

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

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

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

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

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

26) Development shall not commence until a scheme detailing surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme should be sufficiently detailed with supporting calculations to confirm the pre and post development discharges as well as attenuate storage requirements for the development. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

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

27) No piped discharge of surface water from any phase shall take place until works to provide a satisfactory outfall for surface water for that phase have been completed in accordance with details to be submitted to and approved by the local planning authority before development of that phase commences.

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading, in accordance with the NPPF and Leeds UDPR Policy GP5.

28) Surface water from areas used by vehicles shall be passed through an oil and petrol interceptor of adequate capacity prior to discharge to the public sewer. Roof water shall not be passed through the traditional 'stage' or full retention type of separator. The interceptor shall be retained and maintained thereafter.

To ensure pollution prevention in accordance with adopted Leeds UDP Review (2006) policy GP5 and the NPPF

29) The development permitted by this planning permission shall only be carried out in accordance with the approved Weetwood Flood Risk Assessment (FRA) dated 11 February 2013 and the following mitigation measures detailed within the FRA:

- a. Details of the surface water drainage scheme, including how the existing rates will be reduced, must be submitted to and approved in writing by the LPA prior to any commencement on site.
- b. The flood storage capacity of 473 cubic metres must be maintained on site (outside of building footprints). This must be on a 'level for level' basis, so that the storage mimics the existing flooding scenarios.
- c. Provide a condition assessment of the flood wall along the right bank of Lady Beck from Regent Street to the downstream culvert. Details to be submitted to and approved by the LPA prior to any commencement on site. Improvement works to the wall may be necessary.
- d. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
- e. Finished floor levels are set no lower than 31.02m above Ordnance Datum (AOD) and a minimum of 150mm above adjacent ground levels.

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

To prevent flooding by ensuring the satisfactory storage of/disposal of surface

water from the site, to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, to ensure the structural integrity of existing flood defences thereby reducing the risk of flooding, to ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants, in accordance with the NPPF and Leeds UDPR Policy N38B.

30) Prior to the commencement of development details of works to be undertaken within 9m of the banks of the channel of the Lady Beck watercourse must be submitted to and approved by the Local Planning Authority. The details should include an analysis of the impact of the building foundation loading on the channel wall of the Lady Beck culvert and a method statement of proposal for all works including movement of machinery to be undertaken within the 9m easement. Works shall be carried out in accordance with the approved details and retained as such thereafter.

To ensure that the watercourse is retained in a satisfactory state, in accordance with Leeds UDPR Policy GP5 and the NPPF.

31) Before development commences, details and a plan of secure short and long stay cycle and motorcycle spaces shall be provided to and approved by the Local Planning Authority and once approved, provided before first occupation of the building and must be retained and maintained thereafter.

To ensure the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policy T2 and T24.

32) Prior to the commencement of development, details of electric vehicle charging points in the car park shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be provided in accordance with the approved details prior to first use of the car park, and retained as such thereafter.

In the interests of encouraging more sustainable forms of travel and to reduce the impact of development on air quality, in accordance with the NPPF, Leeds Natural Resources and Waste DPD 2013, and Leeds UDPR Policy GP5.

33) Prior to the occupation of any retail or gym within a phase hereby approved, details of shower facilities and lockers for staff for that phase shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details prior to occupation of that phase and retained as such thereafter.

In the interests of promoting walking, running and cycling as more sustainable means of travel to work, in accordance with the NPPF and Leeds UDPR Policies GP5, T2, and T2C.

34) Development shall not commence until full details of a scheme for the provision of the following off-site highways works identified on approved Harris Partnership drawing no. 10901-130 Revision H received 15 May 2014, together with a programme for the completion of the works, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the required highway works have been constructed fully in accordance with the approved details.

In the interests of pedestrian and vehicular safety, in order to accord with the NPPF and Leeds UDPR Policy T2.

35) A car parking and servicing management scheme shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall include for the layout, access

control and management of the designated parking and servicing areas together with measures for controlling the parking of vehicles on any other parts of the site (other than the publicly adopted highway), which are not shown for vehicular parking in the approved plans. The development shall thereafter be operated in accordance with the approved scheme. Any variations from the agreed scheme which may occur from time to time shall be agreed in writing with the Local Planning Authority, and operated as such thereafter.

In the interests of sustainable development, and vehicular and pedestrian safety, in accordance with Leeds UDPR Policies GP5, T2, T24, T28 and Appendix 9A, and the NPPF.

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

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

37) Details of the height, type, position and luminance levels and angles of any floodlights shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use. The details and measures so approved shall be carried out and maintained thereafter for the lifetime of the development.

In the interests of amenity of nearby residents, in accordance with adopted Leeds UDP Review (2006) policy GP5.

38) Prior to the commencement of development of each phase an updated Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority for that phase, which shall include a detailed scheme comprising (i) a pre- assessment using the BREEAM assessment method to BRE Very Good Standard or equivalent for the proposed buildings and to the correct category in line with their use(s) (ii) an energy plan showing the final percentage of on-site energy that will be produced by Low and Zero Carbon (LZC) technologies, that it will meet the at least a 10% minimum target. This shall specify a carbon reduction target and energy plan for the development to reduce carbon emissions by at least 20% below Building Regulations . The development of each phase shall be carried out in accordance with the details as approved above; and

(a) Within 6 months of the occupation of each phase of the development a post-construction review statement for that phase shall be submitted by the applicant including a BRE certified BREEAM final assessment and energy plan and associated paper work and approved in writing by the Local Planning Authority

(b) The development and buildings comprised therein shall be maintained and any repairs shall be carried out all in accordance with the approved detailed scheme and post-completion review statement or statements.

To ensure the adoption of appropriate sustainable design principles in accordance with Policies GP5, GP11 and GP12 of the Unitary Development Plan, the Leeds SPD Building for Tomorrow Today Sustainable Design and Construction, the draft Leeds Core Strategy, and the NPPF.

39) The proposed gym use must not have a total combined studio area greater than 400sqm for classes or events within the building for the lifetime of the development.

In the interests of highway safety, in accordance with Leeds UDPR Policies GP5 and T2, and the NPPF.

40) The retail unit frontages to Regent Street and Skinner Lane as shown on Harris Partnership Drawing no. 10901-130 Revision H received 15 May 2014 shall be clear glazed to allow views in and out of the units for the lifetime of the development.

In order to provide active frontages, in the interests of good urban design and community safety, in accordance with Leeds UDPR policies GP5, N12, N13 and the NPPF.

41) Prior to the commencement of works for a phase of development, a Statement of Construction Practice for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Statement of Construction Practice shall include full details of:

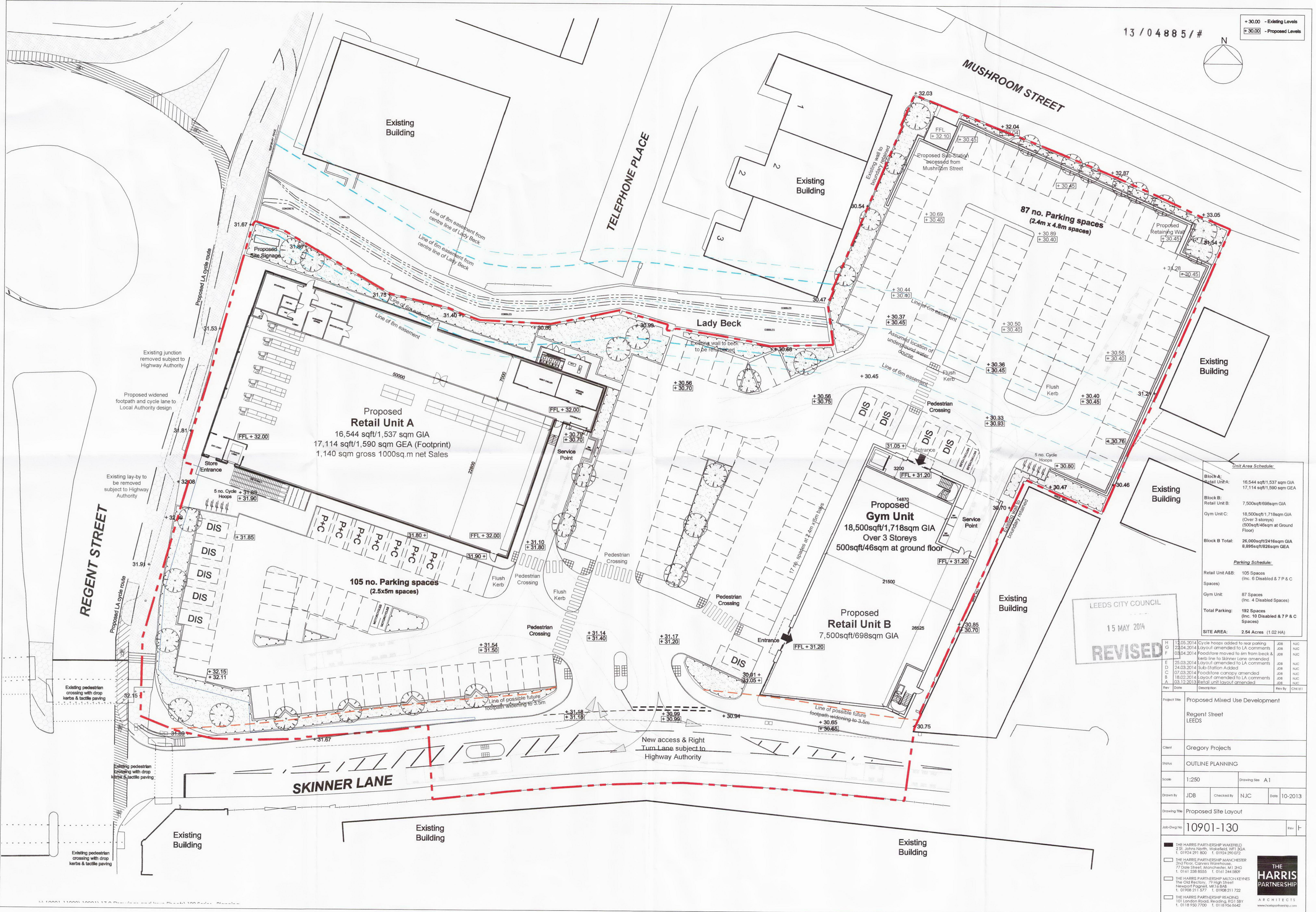
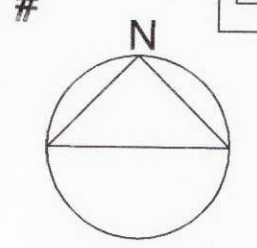
- a) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
- b) measures to control the emissions of dust and dirt during construction;
- c) location of site compound and plant equipment/storage;
- d) location of contractor and sub-contractor parking;
- e) how this Statement of Construction Practice will be made publicly available by the developer.

The approved details shall be implemented at the commencement of work on site, and shall thereafter be retained and employed until completion of works on site for that phase. The Statement of Construction Practice shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.

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

42) Construction works shall be restricted to 0800-1800 hours Monday to Friday, 0800-1300 hours on Saturdays, with no works on Sundays and Bank Holidays.

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



Proposed Retail Unit A
16,544 sqft/1,537 sqm GIA
17,114 sqft/1,590 sqm GEA (Footprint)
1,140 sqm gross 1000sq.m net Sales

Proposed Gym Unit
18,500sqft/1,718sqm GIA
Over 3 Storeys
500sqft/46sqm at ground floor

Proposed Retail Unit B
7,500sqft/698sqm GIA

105 no. Parking spaces
(2.5x5m spaces)

87 no. Parking spaces
(2.4m x 4.8m spaces)

LEEDS CITY COUNCIL
15 MAY 2014
REVISED

Unit Area Schedule:

Block A:	
Retail Unit A:	16,544 sqft/1,537 sqm GIA 17,114 sqft/1,590 sqm GEA
Block B:	
Retail Unit B:	7,500sqft/698sqm GIA
Gym Unit C:	18,500sqft/1,718sqm GIA (Over 3 storeys) (500sqft/46sqm at Ground Floor)
Block B Total:	26,000sqft/2416sqm GIA 8,895sqft/826sqm GEA

Parking Schedule:

Retail Unit A&B:	105 Spaces (Inc. 6 Disabled & 7 P & C Spaces)
Gym Unit:	87 Spaces (Inc. 4 Disabled Spaces)
Total Parking:	192 Spaces (Inc. 10 Disabled & 7 P & C Spaces)

SITE AREA: 2.54 Acres (1.02 HA)

Rev	Date	Description	Rev By	CHK BY
H	12.05.2014	Cycle Hoops added to rear parking	JDB	NUC
G	22.04.2014	Layout amended to LA comments	JDB	NUC
F	03.04.2014	Foodstore moved to 6m from beck & kerb line to Skinner Lane amended	JDB	NUC
C	25.03.2014	Layout amended to LA comments	JDB	NUC
D	24.03.2014	Sub-Station Added	JDB	NUC
E	07.03.2014	Foodstore canopy amended	JDB	NUC
C	18.02.2014	Layout amended to LA comments	JDB	NUC
B	03.12.2013	Retail unit layout amended	JDB	NUC

Project Title:	Proposed Mixed Use Development		
Client:	Gregory Projects		
Status:	OUTLINE PLANNING		
Scale:	1:250	Drawing Size:	A1
Drawn By:	JDB	Checked By:	NJC
Date:	10-2013		
Drawing Title:	Proposed Site Layout		
Job-Dwg No:	10901-130	Rev:	F

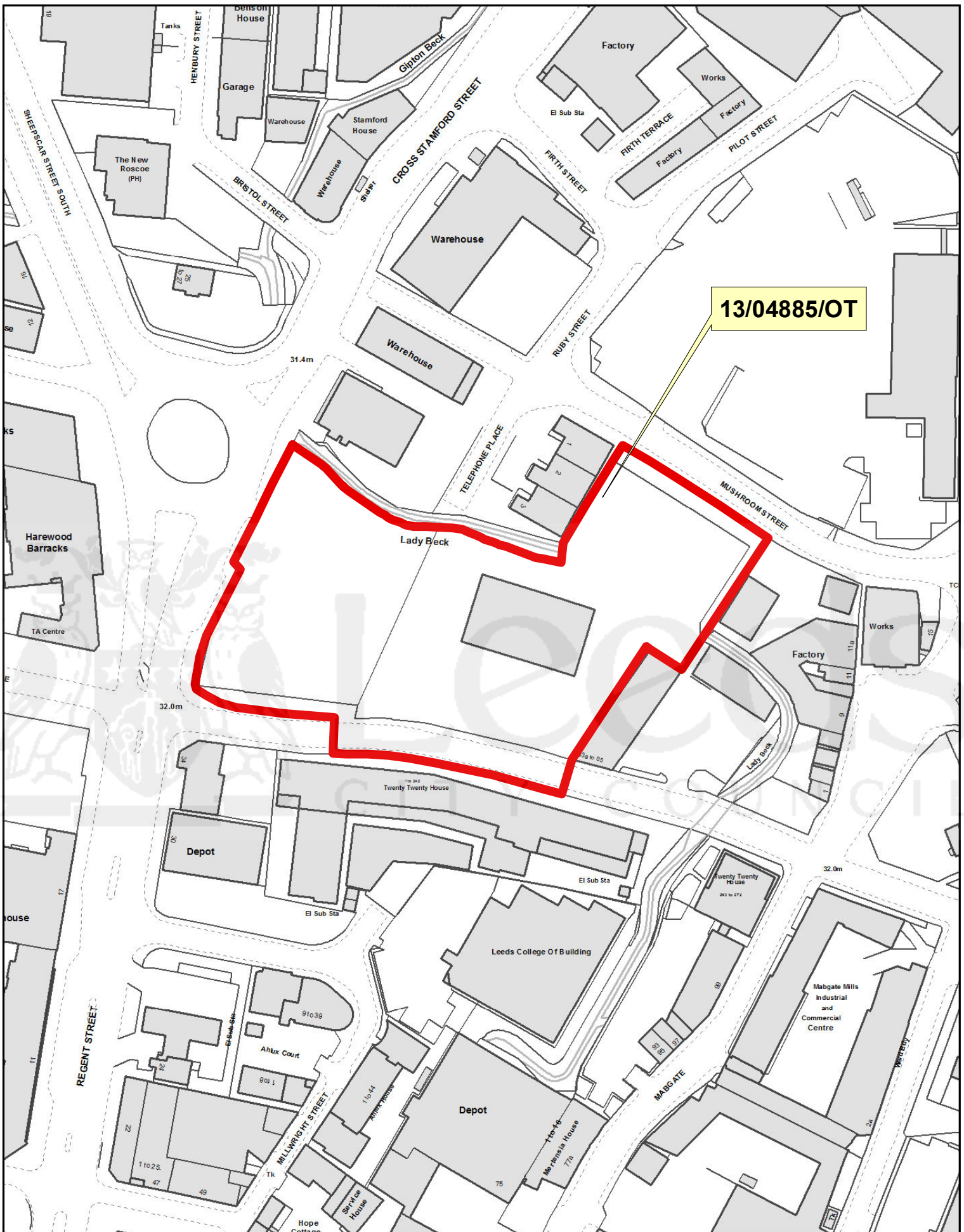
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CITY PLANS PANEL



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