



## CITY PLANS PANEL

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Meeting to be held in Civic Hall, Leeds on  
Thursday, 18th September, 2014  
at 1.30 pm

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### 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

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

# A G E N D A

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

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

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5			<b>APOLOGIES FOR ABSENCE</b>	
6			<b>MINUTES</b>  To approve the minutes of the City Plans Panel meeting held on 28 <sup>th</sup> August 2014  (minutes attached)	3 - 10
7	Wetherby		<b>APPLICATION 13/03051/OT - SPOFFORTH HILL WETHERBY</b>  Further to minute 95 of the City Plans Panel meeting held on 24 <sup>th</sup> October 2013 where Panel considered a position statement on an application for residential development of up to 400 dwellings to consider a further report of the Chief Planning Officer setting out the formal, revised application for residential development of up to 325 dwellings, access and associated works including open space and structural landscaping, including addition of pelican crossing  (report attached)	11 - 50
8	Kippax and Methley		<b>APPLICATION 13/04647/OT - STATION HOUSE STATION ROAD METHLEY LS26</b>  To consider a report of the Chief Planning Officer on an outline application to erect residential development  (report attached)	51 - 72

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9	Burmantofts and Richmond Hill		<p><b>APPLICATIONS 14/04341/FU AND 14/03870/RM - LAND AT TEMPLE GREEN EAST LEEDS LINK ROAD LS10</b></p> <p>Further to minute 167 of the City Plans Panel meeting held on 20<sup>th</sup> March 2014 where Panel considered pre-application proposals for a park and ride facility; associated infrastructure and outline permission for car dealerships and petrol filling station to consider a further report of the Chief Planning Officer on the application and associated reserved matters application for means of access to Phase 1, landscaping details and associated foul pumping station and electricity sub-station</p> <p>(report attached)</p>	73 - 88
10	City and Hunslet		<p><b>APPLICATION 14/02604/ADV - MEDIA SCREEN THE CARRIAGEWORKS 3 MILLENNIUM SQUARE LS2</b></p> <p>Further to minute 23 of the City Plans Panel meeting held on 17<sup>th</sup> July 2014 where Panel deferred determination of an application to display advertising via the existing media screen for additional information and clarification, to consider a further report of the Chief Planning Officer</p> <p>(report attached)</p>	89 - 96

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11	City and Hunslet		<p><b>PREAPP/14/00564 - FORMER YORKSHIRE POST NEWSPAPERS SITE - BOUNDED BY WELLINGTON STREET AND WELLINGTON BRIDGE LS1 - PRE-APPLICATION PRESENTATION</b></p> <p>To consider a report of the Chief Planning Officer setting out pre-application proposals for a mixed use scheme comprising offices and residential with ancillary ground floor active uses, small scale retailing, café/restaurants/bars, and to receive a presentation on the proposals on behalf of the developer</p> <p><i>This is a pre-application presentation and no formal decision on the development will be taken, however it is an opportunity for Panel Members to ask questions, raise issues, seek clarification and comment on the proposals at this stage. A ward member or a nominated community representative has a maximum of 15 minutes to present their comments.</i></p> <p>(report attached)</p>	97 - 104
12			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>Thursday 9<sup>th</sup> October 2014 at 1.30pm in the Civic Hall, Leeds</p>	
2				
a)				
b)				

**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.

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

To all Members of City Plans Panel

Contact: Angela M Bloor  
Tel: 0113 247 4754  
Fax: 0113 395 1599  
angela.bloor@leeds.gov.uk  
Your reference:  
Our reference: site visits  
Date 9<sup>th</sup> September 2014

Dear Councillor

**SITE VISITS – CITY PLANS PANEL – THURSDAY 18<sup>TH</sup> SEPTEMBER 2014**

Prior to the meeting of City Plans Panel on Thursday 18<sup>th</sup> September 2014, the following site visit will take place:

10.10am		Depart Civic Hall
10.30am	Kippax and Methley	Station House, Station Road Methley LS26 – outline application for the erection of residential development – 13/04647/OT  Depart site at 11.30am
12.00 noon approximately		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

www.leeds.gov.uk

General enquiries : 0113 222 4444

Governance Officer



## CITY PLANS PANEL

THURSDAY, 28TH AUGUST, 2014

**PRESENT:** Councillor J McKenna in the Chair

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

### 35 Chair's opening remarks

The Chair welcomed everyone to the meeting, especially the large number of public who were in attendance necessitating holding the meeting in the Council Chamber. For the benefit of the public, the Chair asked Members and Officers to introduce themselves

### 36 Late Items

There were no late items

### 37 Declarations of Disclosable Pecuniary Interests

Councillor Nash declared a disclosable pecuniary interest in application 13/05134/OT – land at Breary Lane East Bramhope, through being a Committee Member of the Co-operative Society as the proposals included a convenience store (minute 41 refers)

Councillor Campbell brought to the Panel's attention that in respect of the same application, he had commented on the proposals but stated that he had an open mind on the application and would listen to the arguments before reaching a decision (minute 41 refers)

### 38 Apologies for Absence

Apologies for absence were received from Councillor Blackburn and Councillor Ingham, with Councillor Finnigan and Councillor Coulson attending as substitutes

### 39 Minutes

**RESOLVED** - That the minutes of the City Plans Panel meeting held on 7<sup>th</sup> August 2014 be approved

**40 Application 14/01211/OT - Outline application for mixed use development comprising residential development (C3) up to 700 houses, including Extra Care residential accommodation (C2); retail and community uses (A1 to A5); health care (D1) and education uses (D1); car parking; means of access; infrastructure; open space; landscaping and other associated works including demolition of existing house and agricultural building - Land at East Scholes Ls15**

Further to minute 126 of the City Plans Panel meeting held on 12<sup>th</sup> December 2013, where Panel considered pre-application proposals for a major residential-led development at East Scholes, Members considered the formal application

Plans, photographs and graphics were displayed at the meeting

Officers presented the report of the Chief Planning Officer setting out the application for up to 700 homes, including Extra Care accommodation, retail; community uses, healthcare facilities; education facilities; parking; access; other associated works including demolitions on a circa 32 hectare PAS site located close to the Green Belt and a Conservation Area

The residential accommodation which would be sited across the whole site, would comprise up to 700 homes in a range of sizes. The average density for the residential element of the proposals would be 22 units per hectare. Affordable housing at a level of 15% would be provided with this being either on-site or off-site

In terms of education provision, the full education contribution would be required and a range of options for providing additional primary school places could be considered, however Officers were of the view that the focus should be on provision of a one-form entry primary school on the site

Highways works were outlined and the vehicular access arrangements into the site were explained. Members were informed that public transport from the site was currently limited to journeys to the City Centre and Cross Gates

In respect of public open space, a range of pocket parks, open areas etc were proposed with a total of 4 ha of the site being given over to POS

The S106 contributions were also outlined to the Panel

The Officer's recommendation to Panel was to refuse the application, with possible reasons being included in the report before Members. The Panel was informed it would need to consider whether the application was in accordance with the Development Plan; that the site was allocated as a PAS site and that N34 was applicable in this case. Reference was also made to the Council's Interim PAS Policy and the criteria which had been adopted to enable some of the smaller, sustainable PAS sites to be released early for the development. In respect of this application, the site did not meet the adopted criteria and it was considered to be premature

The Panel was provided with information on the 5 year land supply, with Members being informed Leeds could demonstrate a 5.8 year land supply, with details being given on how this was made up, which included brownfield and greenfield sites, regeneration schemes, windfall sites and smaller PAS sites that met the interim PAS policy

Information regarding the poor sustainability credentials of the site was provided and significant highways concerns were highlighted

The positive aspects of the scheme were also outlined to Members, in that the layout of the proposals was broadly acceptable, although improved buffers to the Green Belt and the Conservation Area would be required. The economic benefits of the proposals in terms of job creation and provision of much needed facilities were also highlighted

Minor amendments to the report in terms of referencing the Barwick and Elmete and Scholes Village Design Statements in the Policy Section of the report, the level of primary school contributions required which was reported as being £2,080,625 for primary, £1,254,045 and the figure for Metrocards, which would £462 per dwelling

Members were also informed that a Utilities assessment had been undertaken and was found to be satisfactory and that the Council's drainage team was content with the proposals

The receipt of an additional letter of representation was reported

In view of the significant number of representations received to this application, the Chair on this occasion allowed the applicant's agent 6 minutes and two objectors 3 minutes each in which to address the Panel

The applicant's agent made representations to the Panel and answered Members' questions, which included:

- the Government's position on new residential development
- that level of new homes required in Leeds
- the build out rates, with the going rate being stated as 35-50 properties per annum and that development could be undertaken by two house builders simultaneously
- that the development would play a role in supporting the long-term function and vitality of this part of the City
- the provision of affordable housing, particularly in view of the high numbers of people currently on housing waiting lists
- the demographics of the area and the need to retain families of working age in this area
- the choice of homes which would be available in the development
- a commitment to maximise school places in the Scholes area
- the new health and retail facilities which would be provided
- an acceptance that further work was needed on the public transport proposals
- the extent of employment which would be created from the development
- the extent of investment and the New Homes Bonus for the Council

The Chair thanked the agent for his presentation and his clarification on aspects of the application, particularly that the development could be undertaken by two house builders simultaneously

The Panel then heard from two local objectors to the proposals, who outlined their concerns which included:

- the unsustainability of the scheme
- the significant highways issues associated with it and the need for the East Leeds Orbital Route (ELOR) to be in place
- the impact the construction period would have on local residents and the local roads
- flooding and drainage issues
- poor public transport in the area
- education provision and that surrounding schools had little or no capacity
- the impact the proposals would have on the character of the area
- the extent of the development and that it would alter the settlement hierarchy of Scholes
- that the proposals were not policy compliant
- the lack of an infrastructure plan and concerns that the provision of facilities would be dependent upon house sales
- that the Council had demonstrated it had a 5.8 year land supply

The Chair thanked both speakers for their presentations and their clarification of the local concerns

The Panel discussed the application, with the following key issues being raised:

- the five year land supply; the components of this and the build out rates, with responses on these matters being provided by the Data and GIS Team Leader within City Development
- the willingness of the Council to encourage development; the preference for a brownfield first approach but considering each site on its merits; the early release of some smaller PAS sites by the Council and the need to have a plan-led approach to larger development, through the Site Allocations process
- the likely cost of an affordable dwelling on the site with concerns it would be beyond the reach of most, if not all, people currently on the housing list
- the need for infrastructure to be provided up front, rather than being dependent upon house sales for its delivery, the timescales for development and concerns that much needed facilities to support housing developments did not always come forward, as proposed
- that the scheme did not accord with policy and was not sustainable

The Panel considered how to proceed

**RESOLVED** – That the application be refused 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 UDP Review (2006) and contrary to Paragraph 85, bullet point 4 of the NPPF. The suitability of the site for housing purposes as part of the future expansion of Scholes needs to be comprehensively reviewed as part of

the preparation of the ongoing Site Allocations Plan and Neighbourhood Plan. The location of the site and its substantial scale means that the proposal does not fulfil the criteria set out in the interim housing delivery policy approved by the Leeds City Council's Executive Board on 13<sup>th</sup> March 2013 to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan. It is anticipated that the Site Allocations Plan work will identify which sites will be brought forward for development in the life of the Plan together with the infrastructure which will be needed to support sustainable growth, including additional schools provision and where that would best be located. It is considered that releasing this site in advance of that work would not be justified and would prejudice the comprehensive planning of future growth and infrastructure of the village in a plan-led way

2 The proposal is contrary to the Draft Core Strategy which seeks to concentrate the majority of new development within and adjacent to the main urban area 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 Scholes which is consistent with its size, function and sustainability credentials. Furthermore, the Draft 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 had not yet been established through the Site Allocations Plan, and the Draft 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. educational and health infrastructure, road and public transport improvements. As such the proposal is contrary to Policy SP3 of the adopted UDP Review and Policy SP1 of the Draft Core Strategy. In advance of the Site Allocations Plan, the proposal represents such a substantial expansion of the existing settlement that it is likely to adversely impact on the character, sustainability and identity of Scholes contrary to Policy SG2 of the adopted UPD Review, Policy SP1 of the Draft Core Strategy and guidance on the core planning principles underpinning the planning system as set out in the NPPF

3 The development of this substantial site for residential purposes has poor sustainability credentials and does not meet the minimum accessibility standards set out in the Draft Core Strategy in terms of the frequency of bus services to give access to employment, secondary education and town/city centres. In the absence of any planned or proposed improvements it is considered that the proposal is contrary to Policy T2 of the adopted UPD Review (2006), Policy T2 of the emerging Core Strategy and to the sustainable transport guidance contained in the NPPF and the 12 core planning principles which requires that growth be actively managed to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable

4 The Local Planning Authority considers that the applicant has so far failed to demonstrate that the local highway infrastructure, including the wider network which will be affected by additional traffic as a result of this

development, is capable of safely accommodating the proposed access points and absorbing the additional pressures place on it by the increase in traffic, cycle and pedestrian movement which will be brought about by the proposed development. The proposal is therefore considered to be contrary to Policies GP5, T2, T2B and T5 of the adopted UDP Review, Policy T2 of the emerging Core Strategy and the sustainable transport guidance contained in the NPPF which combined, requires development not to create or materially add to problems of safety on the highway network

5 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 and drainage works contrary to the requirements of Policies H11, H12, H13, N2, N4, T2, GP5 and GP7 of the adopted UDP Review and related Supplementary Planning Documents and contrary to Policies H5, H8, P7, P9, T2, G4 and ID2 of the Draft Leeds Core Strategy and guidance in the NPPF. The Council anticipates that a Section 106 agreement covering these matters could be provided in the event of an appeal but at present reserves the right to contest these matters should the Section 106 agreement not be completed or cover all of the requirements satisfactorily

(Following consideration of this matter, Councillor R Procter left the meeting)

**41 Application 13/05134/OT - Outline application for residential development (up to 380 dwellings), a convenience store and public open space - Land at Breary Lane East, Bramhope**

(Having declared a disclosable pecuniary interest in this matter, Councillor Nash withdrew from the meeting)

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

Officers presented the report which related to proposals for a major residential development of up to 380 dwellings, with convenience store and public open space on a PAS site at Breary Lane East, Bramhope

The application was outlined with details being provided in respect of the access arrangements, including emergency vehicle access; the transport assessment with concerns that the impact of the development had been underestimated in the assessment provided by the applicant; relocation of bus stops and that Metro had concerns about this aspect of the proposals and education provision, with the site being offered for a school being designated for a different use

Although the proposals would bring some benefits, it was the view of Officers that these were not outweighed by the concerns which existed with the development and because of this, Officers were recommending refusal of the application, with reasons for refusal being included in the report before Panel



Details of the Council's five year housing land supply were outlined, as on the previous application considered by Panel (minute 40 above refers). Members were informed that one difference in respect of this application was around land availability. The site was located in a housing market characteristic area and there were other suitable sites which were coded green and amber in the Site Allocations DPD map

The Panel considered the application and raised concerns about the siting of some of the greenspace within the Green Belt. To address this, the Chief Planning Officer proposed an amendment of reason for refusal 1 to include the words "...without development in the Green Belt therefore leading to the loss of Green Belt in conflict with section 9 of the NPPF"

Members discussed this approach being adopted for all applications but whilst noting Members' concerns, it was felt by the Chair and Chief Planning Officer that each case had to be considered on its merits

The Panel considered how to proceed

**RESOLVED** - That the application be refused for the following reasons:

1 The Local Planning Authority considers that the release of this site for housing development would be premature being contrary to Policy N34 of the adopted Leeds Unitary Development Plan Review (2006) and contrary to Paragraphs 85 bullet point 4 of the National Planning Policy Framework. The suitability of the site for housing purposes needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan. The location and size of the site means that the proposal does not fulfil the criteria set out in the interim housing delivery policy approved the Leeds City Council's Executive Board on 13<sup>th</sup> March 2013 to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan. It is anticipated that the Site Allocations Plan work will identify which sites will be brought forward for development in the life of the Plan, together with the infrastructure which will be needed to support sustainable growth, including additional schools provisions and where that would be best located. It is considered that releasing this site in advance of that work would not be justified and would prejudice the comprehensive planning of future growth and infrastructure of Bramhope in a plan-led way, without development in the Green Belt therefore leading to the loss of Green Belt in conflict with section 9 of the NPPF

2 The Local Planning Authority considers that the applicant has so far failed to demonstrate that the proposals can be accommodated safely and satisfactorily on the local highway network. The proposal is therefore considered to be contrary to Policies GP5 and T2 of the adopted UDP Review and Policy T2 of the emerging Core Strategy and the sustainable transport guidance contained in the NPPF which requires development not to create or materially add to problems of safety on the highway network

3 The Local Planning Authority considers that the proposed development does not provide a suitable means of access into the site and

that as such the proposals would be detrimental to the safe and free flow of traffic and pedestrian and cycle user convenience and safety. For these reasons the application does not comply with Policies GP5, T2, TDB and T5 of the adopted Leeds Unitary Development Plan (Review) 2006, Policies T2 of the emerging core strategy and guidance contained within the adopted Street Design Guide SPD

4 The site does not meet the minimum accessibility standards for residential development as set out in the Council's emerging Core Strategy. The applicant has so far failed to offer suitable mitigation and as such it is considered that the proposal is contrary to Policy T2 of the emerging Core Strategy and to the sustainable transport guidance contained in the NPPF and the 12 core planning principles which requires that growth be actively managed to make the fullest possible use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable

5 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 the requirements of Policies H11, H12, H13, N2, N4, T2, GP5 and GP7 of the adopted UDP Review (2006) and related Supplementary Planning Documents and contrary to Policies H5, H8, T2, G4 and ID2 of the Draft Leeds Core Strategy and guidance in the NPPF. The Council anticipates that a Section 106 agreement covering these matters could be provided in the event of an appeal but at present reserves the right to contest these matters should the Section 106 agreement not be completed or cover all the requirements satisfactorily

6 From the information submitted, the Local Planning Authority is not satisfied that the development of the scale indicated can achieve satisfactory standards of design, landscaping and residential amenity and provision of on-site Greenspace, contrary to Policies GP5, N2, N4 and N12 of the adopted UDP Review (2006) and related Supplementary Planning Documents and contrary to Policies P10, P12 and G4 of the Draft Leeds Core Strategy and guidance in the NPPF

7 It has so far not been demonstrated that part of the site is not required for the provision of a school, contrary to Policy SG3 of the adopted UDP Review (2006) and Policy P9 of the Draft Leeds Core Strategy

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

Thursday 18<sup>th</sup> September 2014 at 1.30pm



Originator: Adam Ward

Tel: 3951817

## Report of the Chief Planning Officer

### *CITY PLANS PANEL*

Date: 18<sup>th</sup> September 2014

**Subject: APPLICATION 13/03051/OT - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 325 DWELLINGS, ACCESS AND ASSOCIATED WORKS INCLUDING OPEN SPACE AND LANDSCAPING ON LAND AT SPOFFORTH HILL, WETHERBY.**

**APPLICANT:** Bellway Homes Limited **DATE VALID:** 17/7/13

**TARGET DATE:** 24/10/14

#### Electoral Wards Affected:

Wetherby

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

**DEFER and DELEGATE to the Chief Planning Officer for approval subject to conditions to cover those matters outlined below (and any others which he might consider appropriate) and the completion of a Section 106 agreement to cover the following:**

- **Affordable housing at 15% (49 dwellings) on site and a commuted sum in lieu of the remaining 20% (around £8.5m in current values).**
- **Commitment to deliver EASEL 7 (83 dwellings).**
- **Public transport contribution £1,226 per dwelling.**
- **Off-site highways mitigation contribution of £1,226 per dwelling.**
- **Education contribution of £2,972 per dwelling.**
- **Greenspace contribution (The current layout results in an indicative contribution of £324,876.82).**
- **Travel Plan measures and monitoring fee of £5,125.**
- **Bus stop and Metro Card provision.**

- **Car club contribution.**
- **Local employment and training initiatives during the construction of the development.**
- **Public access to public open space.**

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

Conditions:

1. Two year time limit for commencement and reserved matters submission deadlines.
2. Outline relates to Access only. All other matters Reserved.
3. Plans to be approved.
4. Maximum units to be 325 with maximum number of units from Spofforth Hill being 285 and 40 from Glebefield Drive.
5. Samples of walls, roofing, doors, windows, surfacing material to be approved.
6. Details of means of enclosure including retaining walls.
7. Details bin stores.
8. Landscape scheme.
9. Implementation of landscape scheme.
10. Tree protection conditions.
11. Tree replacement conditions.
12. Biodiversity enhancement conditions.
13. Access roads and car parking to be complete prior to first use.
14. Drainage details.
15. Cycle/motorcycle provision.
16. Construction Management Plan to include interim drainage measures, arrangements for construction traffic including access routes, on site provision for contractors during construction, location of compounds, measures to prevent mud on road and dust suppression.
17. Contamination reports.
18. Unexpected contamination.
19. Verification reports.
20. Any remedial works identified by site investigation relating to shallow mine works to be completed prior to commencement.
21. Condition relating to specified off-site highway works.
22. Electric vehicle charging points.
23. 20mph speed limit throughout the site.
24. Provision of emergency access link.
25. Provision of cycle link to Harland Way.
26. Adherence to the design code.
27. Masterplan (to be revised under any RSV matters applications).
28. Archaeological evaluation.

## **1.0 INTRODUCTION**

- 1.1 This outline application was presented as a position statement to the 24/10/13 City Plans Panel as it proposes the development of a large Greenfield site in Wetherby which is a site designated as a 'Protected Area of Search' (PAS) in the UDP for residential development. At that Panel Members raised a number of queries, including comments on the housing number, delivery and the highways implications.

These and other issues have been the subject to ongoing negotiations and a revised scheme is now presented to Members for further consideration and decision.

## **2.0 PROPOSAL:**

- 2.1 This amended application proposes a residential development of up to 325 houses (reduced from 400 previously proposed). Outline permission is sought for the principle of development plus the means of access and landscaping. Matters in respect of appearance, layout and scale are reserved for later consideration. The amended plans shows that there are now two vehicular access points proposed, one being off Spofforth Hill serving 285 houses and one from Glebefield Drive serving 40 houses. The Spofforth Hill access is via a new priority junction further east than the roundabout previously proposed whilst the access from Glebefield Drive serving 40 houses is the same as that previously proposed to be just an emergency access. Green pedestrian routes are proposed to link into the existing housing development to the east and to the Harland Way to the north. A number of formal green squares and a village green area are included on the indicative masterplan.
- 2.2 There are now fewer trees being removed on Spofforth Hill in order to facilitate the vehicular access to the site and associated sightlines. Parcels of green space are indicated across the site. Planting currently exists on the northern boundary and further planting is proposed to provide a landscaped buffer of between 5-20m to the open countryside, some of this buffer is outside the application site but on land in the same ownership. Planting buffers are also proposed to the existing residential development to the south.
- 2.3 A mix of new homes are proposed with the current assumptions being a range of 1 to 6 bed dwellings. The indicative masterplan splits the site into two with development parcels either side of the central village green. The indicative masterplan identifies a density of 20 dwellings per hectare on the development parcel to the west of the village green closer to Spofforth Hill with the larger development parcel to the east including dwellings at a density of 27 dwellings per hectare and the forty dwellings served off Glebefield Drive at 34 dwelling per hectare. The overall site average is 24 dwellings per hectare.
- 2.4 The interim affordable housing policy for this area seeks an on-site provision of 35% (114 dwellings). However, this application proposes to provide 15% affordable housing on site (49 dwellings) with a financial sum being provided in lieu of the remaining 20%. Based on current values, this commuted sum would equate to £8,562,537.25.
- 2.5 In response to the requirements of the Interim PAS Policy, the applicant has also committed to restarting construction on EASEL 7 (83 units) prior to commencing work at Spofforth Hill. The two sites would be linked through the S106 to give certainty that the remaining balance on units will be completed on EASEL 7. The developer has committed to restarting EASEL 7 upon a receipt of a Panel resolution to grant permission and will commit to completing the 83 units.
- 2.6 The application is supported by the following:

- Indicative masterplan
- Design & Access Statement including design code and sustainability statement
- Planning Statement
- Affordable Housing Statement
- Environmental Statement incorporating Transport Assessment, Travel Plan, Landscape Visual and Impact Assessment, Flood Risk Assessment, Ecology, Ground Conditions and Cultural Heritage.
- Tree Report
- Statement of Community Involvement

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

3.1 The site relates to a Greenfield site that is located towards the north-western edge of Wetherby. The site measures 15.7 hectares and is in agricultural use. Part of the site abuts Spofforth Hill which is the road which links Wetherby with Harrogate. Along the Spofforth Hill frontage is a line of mature trees and hedges, which helps screen the site from public views.

3.2 In terms of surrounding land uses, the land to the east comprises two-storey residential housing, bounded by trees and hedges along the boundary with the site. To the south is housing, partly along the north side of Spofforth Hill and entirely on the south side. The housing along the north side of Spofforth Hill comprises mainly large detached and some semi-detached houses with long rear gardens which feature mature planting along their rear boundaries. On the south side of Spofforth Hill, the houses are similar, albeit with smaller rear gardens than the houses to the north side. Beyond these houses to the south is a large suburban housing estate, comprising mainly two-storey detached dwellings with moderate gardens. Access to this housing area is taken off Spofforth Hill from Chatsworth Drive and from Wentworth Gate. To the north is open countryside that falls within the district of Harrogate. This is unallocated within Harrogate's Local Plan, although the land to the south western side of Spofforth Hill within Harrogate district is allocated as Green Belt. The north eastern boundary to the site is formed by the Harland Way (set within a dismantled railway cutting), which is a popular walking and cycling route between Wetherby and Spofforth.

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

4.1 31/333/99/FU & 31/334/99/FU – 82 dwelling houses: Disposed of in April 2002.

4.2 31/338/98/OT – Outline application to layout access and erect residential development: Disposed of in February 2002.

4.3 H31/94/81 – Outline application to lay out access roads and erect residential development, sports centre and clubhouse: Refused in July 1981 and appeal dismissed in August 1982.

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

- 5.1 A position statement was presented to City Plans Panel on 24<sup>th</sup> October 2013. A copy of the minutes is provided at Appendix 1 and a brief summary of the issues raised is provided below. A full response to the issues raised is provided in the appraisal at section 10 below.
- The Panel accepted the principle of developing this PAS site for housing but that the number of dwellings should be reduced.
  - Members requested the access be provided via a roundabout in Harrogate.
  - The number of trees to be removed should be reduced.
  - The principle of an on/off-site affordable housing provision was accepted but the amount of on-site provision needed for affordable housing in Wetherby should be quantified and justified.
  - Further information regarding the off-site provision was required and what benefits this scheme was bringing forward.
  - A 20m landscape buffer to the open countryside was supported.
- 5.2 Pre-application discussions commenced in November 2012 and a pre-application presentation was made to the 11<sup>th</sup> April 2013 City Plans Panel. A copy of the minutes of this meeting is provided at Appendix 2.
- 5.3 Officers have consulted with Ward Members both pre and post submission. Ward Members raised concerns regarding the proposed access on Spofforth Hill and traffic impact on Wetherby and requested the access be moved further up Spofforth Hill into Harrogate District.
- 5.4 The applicant held two public consultation events at Wetherby Town Hall in November 2012 and February 2013. These events were drop-in sessions and were publicised by leafleting local residents and interested parties/groups, displaying notices in buildings throughout Wetherby and press releases to newspapers and community radio. The statement of community involvement (SCI) submitted with the application provides full details of the events and feedback received. The applicant's SCI states the events were well attended and highlights the traffic implications being the key issue raised.
- 5.5 In light of the Panel's comments with regard to the suitability of the proposed access, officers have approached officers from Harrogate Borough Council with regard to the possibilities of including the vehicular access and new roundabout within the district of Harrogate to serve the proposed development. The response from Harrogate has been negative as they do not consider it be appropriate to locate the access within their district and would be something that would likely to be refused.
- 5.6 Following Harrogate's comments, the applicant has amended the location of the access and removed the proposed roundabout from Spofforth Hill. The scheme now includes a new access with a T-junction further to the east along Spofforth Hill which leads into the site. A dedicated right turn lane would be created when raveling from the Wetherby direction so as to avoid queuing traffic on Spofforth Hill. This would serve a total of 285 dwellings. A new access from Glebfield Drive would serve 40 houses, thereby reducing the total number of dwellings from 400 to 325. The relocation of the access would result in fewer trees having to be removed and would safeguard more protected trees than the current proposal. The relocated access

also reduces the potential for traffic 'rat-running' through the residential estate to the south towards Linton. A new pelican crossing is also proposed between the new access and Chatsworth Drive.

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

- 6.1 The application was advertised as a departure that does not accord with the provisions of the UDPR, affects a right of way and is accompanied by an Environmental Statement. The original site notices were posted 26/7/13 and newspaper advert placed in the Boston Spa and Wetherby News 9/8/13. Following the submission of revised plans and additional information there have been further neighbour notification periods with letters sent 4/2/14 and 20/6/14 and new site notices posted 14/2/14 and 27/6/14. Revised plans were also submitted following a road safety audit where it is now proposed to install a pelican crossing on Spofforth Hill. Amended site notices were placed in the vicinity of the location of the pelican crossing on 28/08/14 and letters were sent to neighbouring residents on 27/08/14.
- 6.2 290 representations had been received by 05/09/14 and representations continue to arrive, with all but a few representations objecting to the proposals.
- 6.3 Alec Shelbrooke MP raises concerns on behalf of his constituents - Housing requirements are based on out of date figures as the recession and the increased controls on immigration have reduced housing demand. This would be an unnecessary expansion of Wetherby and would put pressure on local traffic and services.
- 6.4 Residents working on the Linton Neighbourhood Plan are concerned the proposals will increase the rat-running through Linton.
- 6.5 Linton Village Society is concerned regarding the impact of extra traffic through Linton that does not have the necessary highway and footway capacity.
- 6.6 The Council for the Protection of Rural England object to the proposals stating the development is unnecessarily large and would have a detrimental visual impact. The alternative location for the roundabout would not be supported. The site does not meet accessibility standards and could increase rat running through Linton.
- 6.7 Many local residents strongly object to the proposals and have raised the following concerns:
- Notwithstanding the introduction of a pelican crossing to Spofforth Hill, concern over the highways impacts, including access to existing properties, egress from Leconfield Court, sightlines, impact on Wetherby, Linton, pedestrians on Spofforth Hill, the need for new crossings on Spofforth Hill and an additional access point.
  - The loss of agricultural land.
  - Brownfield sites should be developed first.
  - Impact on local services including drainage, doctors, schools, shops.
  - Loss of trees and ecological habitat.
  - The house designs appear boring and inappropriate for the area.



- The public consultation was poor.
- A new road should be built to access the development from Kirk Deighton.
- Previous undertaking stated such a development would not be considered until 2016.
- Construction traffic should be banned from the Glebefield Estate.
- The emergency access point from the Glebefield Estate should be locked to prevent unauthorised use.
- Appropriate landscaping is required to screen the development.
- Adverse impact on the Wetherby Conservation Area.
- This would lead to a significant increase in the population of Wetherby.
- Footpaths should be preserved.
- Extra traffic in Wetherby could deter tourists.
- Loss of amenity.
- Lack of information re house locations etc.
- The proposals should be read in conjunction with the housing proposals in Boston Spa and Thorp Arch and the cumulative impact.

## **7.0 CONSULTATIONS RESPONSES:**

### **7.1 Statutory:**

7.2 Yorkshire Water: There is limited capacity in the existing network therefore on site storage will be required. Conditions are recommended.

7.3 Environment Agency: No objection.

7.4 Highways: Following revisions to the number of dwellings proposed and additional information submitted the application can now be supported. A full highways appraisal is provided in section 10.

### **7.5 Non-statutory:**

7.6 Transport Policy: The revised travel plan is acceptable. The TP should be appended to a S106 and the review fee of £4,000 and MetroCard provision should be required by the S106.

7.7 Public Transport Contribution Officer: A contribution of £1,226 per dwelling would be required (325 x £1,226 = £398,450).

7.8 Police Architectural Liaison Officer: Guidance provided on safety and security measures.

7.9 Contaminated Land: No objection.

7.10 West Yorkshire Archaeological Advisory Service: The site lies within an area of archaeological significance. An evaluation should be carried out before determination and if not, a suitable condition added.

7.11 Flood Risk Management: No objection.

- 7.12 Public Rights of Way: Footpath minimum dimensions should be retained and signage erected where necessary.
- 7.13 Metro: The site does not meet accessibility criteria to Leeds City Centre but consideration should be given to the proximity of Wetherby and Harrogate. The previous access via the roundabout required new bus stops with real time information therefore clarity is being sought if these are still to be required. The offer of a MetroCard contribution and public transport contribution are welcomed.
- 7.14 Education Leeds: The development would generate around 82 primary aged pupils which equates to a nearly half a form of entry. A contribution of £966,005 (£2,972 per dwelling) would be sought as there is not sufficient capacity in Wetherby. The development would generate around 33 secondary pupils but there is sufficient capacity in Wetherby therefore a contribution is not necessary.
- 7.15 Harrogate District Council: An alternative location for the roundabout within Harrogate District would have significant adverse visual impacts and would not be supported.
- 7.16 North Yorkshire County Council: Further analysis of junctions within North Yorkshire should be carried out. *This work has not been undertaken as the relevant LPA, Harrogate Borough Council, have confirmed that they will not support a proposal to relocate the vehicular access within their area.*
- 7.17 Affordable Housing Team: LCC has low affordable housing stock in Wetherby and a low turnover of social housing, any additional social rented and submarket stock would assist in meeting current demand, including a percentage of housing to meet the needs of older people. Given high house prices in the proposed area, low turnover and affordability, there is a need for more affordable housing stock in this area as well as the inner areas.

## **8.0 PLANNING POLICIES:**

### **8.1 Development Plan**

- 8.2 The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the adopted Natural Resources and Waste DPD (2013). 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's report has recently been received indicating that the Core Strategy is sound with agreed modifications. The Plan is therefore at the most advanced stage it can be prior to its adoption by the Council.

ii) The extent to which there are unresolved objections  
- No further modifications are proposed and the Plan is considered sound by the Inspector.

iii) The degree of consistency with the NPPF  
- In preparing his report 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.

8.3 The site is allocated within the UDP as a 'Protected Area of Search' (PAS). The site also abuts a Leeds Nature Area (LNA 109 – Wetherby Railway Triangle). Other policies which are relevant are as follows:

SG2: To maintain and enhance the character of Leeds

SP3: New development will be concentrated largely within or adjoining main urban areas and settlements well served by public transport

SA1: Secure the highest possible quality of environment.

GP5 all relevant planning considerations

GP7 planning obligations

GP11 sustainability

GP12 sustainability

H4: Residential development.

H11-H13: Affordable Housing.

N2: Greenspace

N4: Greenspace

N12: Relates to urban design and layout.

N13: New buildings should be of a high quality design and have regard to the character and appearance of their surroundings.

N19: New buildings within or adjacent to Conservation areas should preserve or enhance the character or appearance

N23: Relates to incidental open space around new developments.

N24: Seeks the provision of landscape schemes where proposed development abuts the Green Belt or other open land.

N25: Seeks to ensure boundary treatment around sites is designed in a positive manner.

N26: Relates to landscaping around new development.

N35: Development will not be permitted if it seriously conflicts with the interests of protecting the best and most versatile agricultural land.

N37A: Development within the countryside should have regard to the existing landscape character.

N38B: Relates to requirements for Flood Risk Assessments.

N39A: Relates to sustainable drainage systems.

N50: Seeks to protect, amongst other assets, Leeds Nature Areas.

N51: New development should wherever possible enhance existing wildlife habitats.

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

T2B: Significant travel demand applications must be accompanied by Transport assessment

T2C: Requires major schemes to be accompanied by a Travel Plan.

T2D: Relates to developer contributions towards public transport accessibility.

T5: Relates to pedestrian and cycle provision.

T24: Parking guidelines.

BD2: The design of new buildings should enhance views, vistas and skylines.

BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings.

LD1: Relates to detailed guidance on landscape schemes.

### **Policy N34 – PROTECTED AREA 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 are 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**

- 8.4 The Development Plan also includes the Natural Resources and Waste Development Plan Document (2013): Developments should consider the location of redundant mine shafts and the extraction of coal prior to construction

## 8.5 Relevant Supplementary Planning Guidance

Supplementary Planning Document: “Street Design Guide”.

Supplementary Planning Document: Public Transport Improvements and Developer Contributions.

Supplementary Planning Document: Travel Plans.

Supplementary Planning Document: Designing for Community Safety – A Residential Guide

Supplementary Planning Guidance “Neighbourhoods for Living”.

Supplementary Planning Guidance “Affordable Housing” – Target of 35% affordable housing requirement.

Supplementary Planning Document – Sustainable Design and Construction “Building for Tomorrow, Today”

Supplementary Planning Guidance 4 – Greenspace Relating to New Housing Development

Supplementary Planning Guidance 11 – Section 106 Contributions for School Provision

Supplementary Planning Guidance 25 – Greening the Built Edge

### **Interim PAS Policy**

- 8.6 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:

*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.*

- 8.7 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.
- 8.8 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.
- 8.9 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 Boston Spa is expected in late October with the Kirklees Knowl decision not due until the end of the year. PAS sites at Bradford Road, East Ardsley, East and West of Scholes, and Breary Lane East, Bramhope, have also been recently refused.
- 8.10 The Council's interim PAS policy does not supersede the Development Plan but is a relevant material consideration. The starting point remains the Development Plan and in particular policy N34.

### **Local Development Framework**

- 8.11 The Submission Draft Core Strategy was examined by an Inspector between July 2013 and May 2014. The Inspector has approved two sets of Main Modifications to the Core Strategy. Following the recent receipt of the Inspectors report the Core Strategy is considered sound with agreed modifications and the Plan is now moving towards adoption shortly. The Plan is therefore at a very advanced stage.
- 8.12 The modified housing requirement is similar to that which influenced the Council's interim-policy and therefore remains valid and there is still a need to consider releasing sites in accordance with the interim policy. There remains a need to ensure that the Leeds housing land supply is diversified, and that the 5 year housing land supply ensures choice and competition in the market for land in sustainable locations, in the main urban area and major settlements. The release of the application site at this time helps maintain these outcomes. Larger sites in smaller

settlements which are less sustainable are protected from development now, until properly considered through the Site Allocations Plan process.

- 8.13 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,
- 8.14 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.
- 8.15 The Spatial Development Strategy outlines the key strategic policies which Leeds City Council will implement to promote and deliver development. The intent of the Strategy is to provide the broad parameters in which development will occur, ensuring that future generations are not negatively impacted by decisions made today. The Spatial Development Strategy is expressed through strategic policies which will physically shape and transform the District. It identifies which areas of the District play the key roles in delivering development and ensuring that the distinct character of Leeds is enhanced. Of particular relevance is policy SP1: Location of Development.
- 8.16 It is complemented by the policies found in the thematic section, which provide further detail on how to deliver the Core Strategy. This includes housing (improving the supply and quality of new homes in meeting housing need), and the environment (the protection and enhancement of environmental resources including local greenspace and facilities to promote and encourage participation in sport and physical activity. Relevant policies include:

SP6: The housing requirement and allocation of housing land

SP7: Distribution of housing land and allocations

H1: Managed release of sites.

H2: New housing development on non-allocated sites.

H3: Density of residential development.

H4: Housing mix

H5: Affordable housing

P10: Design

P11: Conservation

P12: Landscape

T1: Transport management

T2: Accessibility requirements and new development

G3: Standards for open space, sport and recreation

G4: New greenspace provision

G7: Protection of species and habitats

G8: Biodiversity improvements  
EN1: Climate change  
EN2: Sustainable design and construction  
EN5: Managing flood risk.  
ID2: Planning obligations and developer contributions

#### Site Allocations DPD – Issues and Options 2013

- 8.17 The Council is continuing to advance the Site Allocations Plan, which is currently at the Issues and Option Stage. The site (reference 1046) is shaded green on the Draft Site Allocations DPD Map as ‘sites which have greatest potential to be allocated for housing’. The site area is given as 15.7 hectares and the capacity as 405 dwellings.

#### **Five Year Supply**

- 8.18 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.
- 8.19 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.
- 8.20 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.
- 8.21 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.
- 8.22 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.



- 8.23 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).
- 8.24 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
  - Those Protected Area of Search sites which satisfy the interim PAS policy
- 8.25 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.”
- 8.26 In addition to the land supply position, the Site Allocations Document is in the process of identifying further developable and deliverable sites for the plan period.

### **National Planning Guidance**

- 8.27 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.28 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%.
- 8.29 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.

- 8.30 Paragraph 85 sets out those local authorities defining green belt boundaries should:
- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
  - not include land which it is unnecessary to keep permanently open;
  - where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
  - make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
  - satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
  - define boundaries clearly, using physical features that are readily
  - recognisable and likely to be permanent.

## **9.0 MAIN ISSUES**

- Compliance with the Development Plan
- Development in advance of the Site Allocations Plan
- Five Year Supply
- Sustainability
- Loss of agricultural land
- Affordable housing
- Highways
- Tree loss/Landscaping/Ecology
- Indicative layout
- Amenity
- Section 106
- Letters of representation

## **10.0 APPRAISAL**

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the National Planning Policy framework indicates that development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The starting point for any consideration of the development must therefore be the provisions of the LUDPR (2004), in order to assess whether the development is in accordance with the development plan. Other material considerations include the NPPF, the Core Strategy now close to adoption, the requirement for a 5 year supply of housing, the interim housing policy adopted by the Council and matters relating to sustainability, highways, layout/design/trees/landscaping, amenity, other matters and the Section 106 package being offered in this case.

## Compliance with the Development Plan

- 10.2 In considering the site against the provisions of the development plan, the key issue is that the application site is identified on the proposals map and listed in Policy N34 as a Protected Area of Search for Long Term Development. Policy N34 of the UDPR states that development of PAS sites 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. As such the proposal constitutes a departure from the Development Plan. Paragraph 5.4.9 of the UDPR indicates that the suitability of protected sites will be reviewed as part of the preparation of the Local Development Framework. The grant of planning permission would also be contrary to this supporting text.
- 10.3 Having established that the proposal is contrary to the provisions of the development plan it is still necessary to assess the proposal against other material considerations.
- 10.4 Paragraph 14 of the NPPF reiterates that development proposals should be approved if they accord with the development plan but also indicates that permission should be granted where relevant policies are out of date, unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.*
- 10.5 The NPPF at paragraph 85 states that when defining green belt boundaries, local planning authorities should:
- “make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development”.*
- 10.6 On 13<sup>th</sup> March 2013 the Council’s Executive Board, resolved to enhance housing delivery by releasing some designated PAS sites in advance of the preparation of the Site Allocations Plan so as to bolster the diversity of the land supply. The Board agreed that some sites could be released provided they met agreed criteria set down in an Interim PAS policy.
- 10.7 The 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.
- 10.8 The purposes of the Interim PAS Policy are to broaden the land supply and (along with a number of other measures e.g. the interim affordable housing policy) to promote housing delivery, and to reduce the risk of ad hoc development on greenfield and potentially on Green Belt sites by ensuring a continuous supply of housing land to meet housing requirements. This is in line with the NPPF and especially paragraph 47 on significantly boosting the supply of housing.

## Development Timing in advance of the Site Allocations Plan

- 10.9 The interim policy only supports housing development on PAS sites subject to the following criteria.
- Criteria (i) Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft. *The application site is within the settlement of Wetherby, which is defined as a Major Settlement in Policy SP1 of the Core Strategy.*
- Criteria (ii) Sites must not exceed 10ha in size and there should be no sub division of larger sites to bring them below the 10ha threshold. *The application site is 14.7 ha.*
- Criteria (iii) Land is not needed, or potentially needed for alternative uses. *The application site is not needed for alternative uses and therefore satisfies this criterion.*

Whereas the site is greater than 10ha (it is 15ha) and therefore fails criteria ii, the site relates well to the 'Major Settlement' of Wetherby and it is not envisaged that the site is required for any alternative use therefore the site meets criteria i and iii.

- 10.10 As stated in the interim policy, 'in cases that meet criteria (i) and (iii) above, development for housing on further PAS land may be supported if:
- iv) it is in an area where housing land development opportunity is demonstrably lacking; and
  - v) the development proposed includes or facilitates significant planning benefits such as, but not limited to:
    - a) a clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area;
    - b) proposals to address a significant infrastructure deficit in the locality of the site.
- 10.11 This is first PAS site brought to members for determination where a case is being made under criteria iv) and v) to be brought forward in advance of the Site Allocations Plan. With regard to criterion iv) it is the view of Officers that Wetherby is in an area where housing land development opportunity is demonstrably lacking. This is evident in the absence of any current major sites with planning permission and any allocated housing sites within Wetherby itself. The only notable applications for residential development currently being considered relate to the former Forensic Science Service site on the eastern side of Wetherby, and the former Benfield Motors site to the north of the town centre on Deighton Road. A current application by Miller Homes for the former Forensic Science Service site for 65 dwellings is considered to be over-development of the site and therefore no permission currently exists. The Benfield Motors site, whilst acceptable in principle for housing, is awaiting the outcome of an appeal decision based on design grounds, and in any event is for a later living housing. As such, there are no major housing sites being currently built out or sites which have permission within Wetherby. In recent years, the only housing development that has taken place relates to small infill sites that produce only single dwellings or sites for several houses.

- 10.12 The only significant allocated housing site in the UDPR nearby is Churchfields, but this is in Boston Spa, which is categorised as a smaller settlement, and this is currently well under construction.
- 10.13 The Site Allocations Plan has a very limited number of sites that are identified as suitable for housing within the Wetherby area. Housing land opportunities adjacent to Wetherby are demonstrably lacking, the application site is the only identified site in the area which has been identified as “green” in the Site Allocations Plan process. Other similarly sized sites are not as well related and are therefore classed as “amber” or “red”. The main issues relate to the manner in which Wetherby is bounded to the north and west by the Harrogate Borough Authority border, to the east by the A1(M) and to the south by green belt and Special Landscape Area separating Wetherby and the neighbouring village of Linton, along with areas of flood risk.
- 10.14 With regard to criterion v) a), the applicant has offered to enter into a S106 agreement, providing a clear and binding linkage between the development at Spofforth Hill and the re-commencement of works on a stalled site in the East And South East Leeds (EASEL) Regeneration Area - EASEL 7. Bellway Homes Ltd, the applicant, states that at present EASEL 7 is financially unviable, and that out of the 117 completed units only 3 have been sold privately without some form of Government Funding. They state that that investment from Spofforth Hill would enable them to re-start work on EASEL 7 and deliver the outstanding 83 units of the 200 approved. The proposal is that the S106 agreement would require that 20 units at EASEL 7 be completed for every 50 at Spofforth Hill, meaning that EASEL 7 would be around the occupation of the 200th dwelling at Spofforth Hill. Officers are advised that works on EASEL 7 would commence following a Panel resolution to grant planning permission at Spofforth Hill, and therefore could result in housing being delivered at EASEL 7 by the end of the year. EASEL is a long standing regeneration priority programme area where some of the Council’s housing needs are greatest, and where development can act as a catalyst to stimulate further house building. Approval of the application would allow this currently unviable site to recommence, unlocking any remaining contributions due on the site. The District Valuer (DV) has been instructed to independently appraise the current valuation information submitted by the applicant.
- 10.15 Subject to confirmation from the DV that EASEL 7 remains unviable at present, without the approval of Spofforth Hill, approval of the application subject to the requisite S106 agreement would thereby meet the interim housing policy and support Core Strategy Policy SP4. It is considered it would represent the necessary ‘clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area’, and therefore meets criteria v) b) of the Interim PAS Policy. This is in addition to the provision of the full requirement for affordable housing: provided both on-site and via a commuted sum (see below).

### **Five Year Supply**

- 10.16 In relation to housing requirements, the Council has a supply of 28,131 net homes between 1<sup>st</sup> April 2014 and 31<sup>st</sup> March 2019, which when assessed against the requirement for 24,151 homes provides a 5.8 year housing land supply.

- 10.17 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 the 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.
- 10.18 The requirement is measured against the Core Strategy Inspector's latest set of Main Modifications (16<sup>th</sup> June 2014) which he considered were necessary to make the Core Strategy sound. They indicate that the Council should supply land at a rate of 4,375 homes per annum throughout the life of the plan, but that because of market signals and the need for infrastructure be judged for performance purposes against meeting a requirement of at least 3,660 homes per annum between 2012 and 2016/17. 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.
- 10.19 In adopting the interim PAS policy members added a further caveat reducing from 5 years to 2 years the period by which any permission granted to develop PAS sites remains valid. This amendment is to discourage land banking and ensure that where permission is granted for the development of PAS sites the proposal is implemented in a short timescale in order to meet the purposes of the policy to promote housing delivery.
- 10.20 The principle in favour of sustainable development is enshrined in the NPPF where it is stated that permission should be granted where the development plan is out of date. In this case the Council has specifically adopted a Policy to address the need to bring forward additional housing land over and above that which is being developed on housing sites allocated in the development plan, and in circumstances where additional sites are shown to be sustainable and have already been identified as having potential for long term development.
- 10.21 The Policy has been adopted in the knowledge that whilst the LUDPR indicates that PAS sites will be reviewed as part of the preparation of the Local Development Framework ideally this would be through the Site Allocations Plan, but given the changes in circumstances since the adoption of the LUDPR, including the publication of the NPPF, the Council has recognised through the Interim Policy that there is a need to identify those sites that can help address the additional housing need in advance of the Site Allocations Plan.
- 10.22 **Sustainability**

As has been discussed the site is in a relatively accessible location in terms of public transport and access to the necessary services and facilities Wetherby has to offer as a major settlement. Wetherby is regarded as a hub location by Metro/WYCA and the frequency of public transport service provision is considered to give acceptable accessibility by the public and the site is therefore considered to be in a sustainable location. Biodiversity enhancement measures can be secured by condition, to ensure that the required biodiversity protection measures and habitat creation is achieved, in accordance with NPPF requirements. Conditions can secure facilities for charging plug-in and other low emission vehicles, also in accordance with NPPF requirements. The site is not prone to flooding and development of the site would not create any severe highways impacts. The proposal is considered to be consistent with the interim housing policy and as such the application proposes a sustainable form of development.

### Loss of agricultural land

- 10.23 The Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. It helps underpin the principles of sustainable development. The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a. This is the land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses such as biomass, fibres and pharmaceuticals. Current estimates are that Grades 1 and 2 together form about 21 per cent of all farmland in England - Subgrade 3a contains a similar amount.
- 10.24 It is understood that the application site is approximately 7% grade 2, 80% grade 3a therefore the site is within the 'best and most versatile' category.
- 10.25 UDPR policy N35 states 'Development will not be permitted if it seriously conflicts with the interests of protecting areas of the best and most versatile agricultural land'. Whilst Paragraph 112 of the NPPF states 'Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development on agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'
- 10.26 The application site is 15ha and its loss is not considered to be considered to 'seriously conflict' with UDPR policy N35 and the NPPF when considered against the substantial areas of agricultural land within close proximity of the site and throughout the rest of North and East Leeds, much of which is Grade 2.
- 10.27 The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) requires Natural England to be consulted on applications relating to agricultural land greater than 20ha. It is considered this 20ha threshold is a good guide for what could be considered as a significant area of agricultural land and the application site being 15ha is considered to further diminish any requirement to maintain this piece of land for agriculture. Despite there not being a statutory requirement to consult Natural England, a consultation was sent

regardless. Natural England did not raise any objection to the principle of the loss of this agricultural land.

- 10.28 The adjacent land is within the same ownership as the application site therefore the loss of 15ha of agricultural land would not result in the loss of farming within the area as the existing farms could continue to operate. As the adjacent land is outside Leeds and within Harrogate district it is unlikely that this land would come forward for housing development therefore the continued loss of agricultural land would not be expected.
- 10.29 Affordable Housing
- 10.30 As highlighted above, the applicant has offered to provide the 35% affordable housing requirement by providing 15% on site and 20% by way of a commuted sum that could be used to deliver affordable housing on other sites across the city.
- 10.31 The application is an outline application for 'up to 325 houses' therefore the final number of dwellings is not being set at this time. However, if 325 houses are provided the on-site affordable provision would equate to 49 houses on site. The exact mix of units would be determined at reserved matters but the indicative mix is; 15 one bed, 22 two bed, 10 three bed and 2 four bed dwellings. Officers are supportive of this indicative mix.
- 10.32 The affordable housing would generally be pepper-potted around the site but to allow for the early delivery of some of the affordable units the applicant has offered to build 15 as part of phase one that includes the forty units served off Glebefield Drive. The majority of the other affordable units would be in the later phases when the majority of the smaller units are built in the eastern part of the site.
- 10.33 The remaining 20% (equivalent to 65 dwellings) will be provided as a commuted sum. The Council would have the opportunity to use this sum to deliver affordable housing elsewhere in the city. Due to the high cost of housing in Wetherby, the commuted sum could potential deliver significantly more than the 65 affordable units on site in an area where house prices are much lower and where the affordable housing may be more sought after (subject to their being suitable available and deliverable sites). Based on current market values in the Wetherby area, the total contribution equivalent to 65 houses in a mix the same as indicated for the on-site affordable houses would be £8,562,537.25. When considering the residential application at Thorp Arch Trading Estate the City Panel placed significant weight on the importance of providing new affordable housing units in inner city areas where there is a significant need and the considerable associated benefits of urban regeneration and this approach is promoted once again.
- 10.34 The council utilises commuted sums through a variety of delivery mechanisms to deliver additional affordable housing including new build housing and bringing empty homes back into use. These resources could form part of the council's new build programme which is delivering over 1000 units of new affordable housing city wide, or could be used in conjunction with the Council's Brownfield Land Programme to add to the amount of affordable housing which would ordinarily be provided and help to accelerate delivery on these sites.



- 10.35 At the 24/10/13 City Panel Members requested further information regarding the 'need' for affordable housing in the Wetherby area.
- 10.36 The council's information sources on housing demand in Wetherby includes the social housing demand taken from the Leeds Homes Register (LHR). Information on social housing need and demand has been taken from the Leeds Homes Performance Management Summary, which analyses information from the LHR providing a 'snapshot' on a quarterly and yearly basis. In considering the information available from the LHR, a mix of 1, 2 and 3 bed accommodation would reflect housing need and housing demand in Wetherby (for social rented units) as well as meet predicted demand across the city as a result of Welfare Reform. There was some limited demand for four bed dwellings.
- 10.37 The number of applicants on the Leeds Housing Register for the Wetherby area is around 3% and is therefore relatively low compared to other areas of the City. Bids for Council properties are also relatively low within the Wetherby area, receiving an average of 31 bids per property compared to an average of 64 city wide. However, housing officers do not consider this to be purely down to the relative wealth of Wetherby ward, but also simply because there is a limited supply of council housing and a longer waiting list, therefore people may not select Wetherby as an option as the chance of finding a property may be limited. In addition, the location of Wetherby may not appeal to those on lower incomes and a greater reliability on public transport (that would be more expensive due to the greater distances travelled to access larger centres).
- 10.38 On balance (considering the information available and its limitations) there is a lower than average demand for social housing in Wetherby when compared to elsewhere in the City.
- 10.39 However, Wetherby, falls within the Outer Area/ Rural North Housing Market Zone where the affordable housing (social rent and submarket) requirements was increased under the Interim Affordable Housing Policy in June 2011. The Outer Area/Rural North is characterised in the SPG3 Annex as having limited potential for meeting need through existing housing reflected by, high demand; high house prices, low turnover and low level of empty affordable housing.
- 10.40 Given that LCC has a relatively low stock in Wetherby and low turnover (only 91 properties were advertised in 2012/13 in Wetherby via the Choice Based Lettings) additional social rented stock would assist in meeting current demand therefore the 49 units proposed as part of this application (in addition to those proposed at Thorp Arch Trading Estate) would help meet this need and are considered to be an appropriate number and mix.
- 10.41 Highways
- 10.42 Accessibility: With reference to the Draft Core Strategy Accessibility Standards, access to local services is acceptable, as is accessibility to Wetherby town centre. The accessibility standards require local services within a 1200m walk and town centres to be available via a 15 minute bus service. As detailed below the bus services on Spofforth Hill do combine to provide a 15 minutes service to the town centre. The town centre would provide the local services. The primary site access is

located within a 1250m walk of the defined S2 town centre and a 1400m walk of the Town Hall. The alternative access on Glebe Field Drive is located within a 1050m walk of the defined S2 town centre and 1200m walk of the Town Hall.

- 10.43 In terms of Public Transport, there are existing stops on Spofforth Hill (refs .26943, 26942, 25618, 14874) between a 150m and 250m walk from the proposed site access. A significant proportion of the site is therefore within the normal 400m walk to a bus stop. Different bus stops on Spofforth Hill can be accessed via the Glebe Field Drive access. The walk distance taking this route would be around 325m to the edge of the site.
- 10.44 The location of the site meets requirements for access to Primary Education (located on Crossley Street) and Secondary Education (located on Hallfield Lane).
- 10.45 In terms of bus service on Spofforth Hill there are 770 / 771, X70 plus 9 school services. The 770/771 provides a 30 minute service (Leeds to Harrogate via Wetherby and Boston Spa) and X70 provides a 30 minute service (Wetherby to Harrogate). The combined service frequency provides a 15 minute to Wetherby, a 15 minute service to Harrogate and a 30 minute service to Leeds.
- 10.46 The site does not fully meet the Draft Core Strategy Accessibility Standards and Public Transport SPD in terms of access to employment. In terms of access to employment, the accessibility standards require a site to be within a 5 minute walk (400m) of a bus stop offering a 15 minute service to a major public interchange. Although Wetherby is regarded as a Major Settlement in the Draft Core Strategy the bus station is not a major public transport interchange. However, Wetherby is the most significant settlement in the Outer North East wedge of the city, and its bus station is regarded as a hub location by Metro/WYCA. Although direct service to Leeds are not at the 15 minute frequency, 15 minute frequency is available to both Wetherby and Harrogate and regular services are available to Leeds. The principle of a significant level of residential development in this location, which does not fully meet accessibility standards, should be consideration in light of the current Site Allocations process and the housing targets for the Outer North East wedge and other material planning consideration. In this context the standard and frequency of service provision is considered to give acceptable accessibility to the site by public transport. The development would be required to provide a public transport contribution in line with the Public Transport SPD, and improvements are to be provided to the entry points (bus stop improvements) and the access routes to these entry points. Employment opportunities would also be available in Wetherby itself (town centre and Sandbeck area) and the 770/771 service gives access to the Thorp Arch employment area.
- 10.47 Vehicular Access: The proposed primary access has been amended from the previous roundabout to a T junction with a right turn lane. The level of development served by this junction has been reduced to be less than 300 dwellings and is therefore in accordance with the Street Design Guide.
- 10.48 The design of the primary access is accepted subject to a Stage 1 Road Safety Audit. The junction as shown would provide around 2.4m x 90m visibility which is more than adequate. The southern flank of Spofforth Hill between Wentworth Gate

and Chatsworth Drive has limited footway provision. The scope of the access works will be extended to include the provision of a footway along this length and include the formal pedestrian crossing referred to in the accessibility section. The secondary access onto Glebe Field Drive serving up to 40 dwellings is also considered acceptable.

- 10.49 The required Stage 1 Road Safety Audit of all off-site highway works proposed as part of this application has been received. The main outcome of this is that a new pelican crossing is required and is proposed on Spofforth Hill, located between the junction into the proposed development site and Chatsworth Drive. The Road Safety Audit is comprehensive and design amendments have been incorporated into the scheme.
- 10.50 Internal layout/servicing/bins: No objections are raised to the general layout indicated in the framework/masterplan drawing which shows looped/connected streets which maximises permeability. The detailed internal layout would require designing in line with Street Design Guide standards at reserved matters stage.
- 10.51 The emergency access and pedestrian link between the Spofforth Hill and Glebe Field Drive parcels is supported and will be conditioned. Similarly the pedestrian/cycle link to Harland Way and Ashburn Drive will be conditioned.
- 10.52 Transport Assessment: Since the production of the June 2013 TA a further two supplementary reports have been submitted to respond to the concerns raised by officers, the Plans Panel and local residents. The number of residential dwellings has also been reduced from 400 to 325. The total number of dwellings / trips has therefore reduced by 19%.
- 10.53 A key concern raised by local residents relates to the Trip Rates used in the TA. The vehicle trip rates derived from survey data from the adjacent Glebe Fields Drive development are accepted. The adjacent development is well established, comprises approximately 250 dwellings and also forms a cul-de-sac. Similarly, the types of dwellings on the existing estate are likely to be representative of those proposed. A check of the proposed trip rates using TRICS data also confirms that these are within the expected range for this type of development. However, residents have expressed concerns regarding the reliability of the data as it was suggested that inclement weather during the December 2012 survey would have resulted in lower than normal trip generation. To further validate the trip rates used LCC has surveyed arrivals and departures at Glebe Field Drive in the AM peak on 11th November 2013 (term time, wet weather) and these largely accorded with the developers observations with 113 departures and 35 arrivals between 08:00 and 09:00 equating to trip rates of 0.465 departures, 0.144 arrivals and 0.609 two-way. The developer has also validated the trip rate against a second survey carried out in November 2012 which again shows very similar trip rates. The trip rates used are therefore acceptable.
- 10.54 The TA assesses the impact of the proposed development on a number of junctions along Spofforth Hill and through Wetherby using a typical weekday, a Thursday Market day and a Saturday. The original TA indicated that the key junctions that would be impacted by the development would be the three mini roundabouts of A661 Spofforth Hill/West Gate/Linton Road, St James Street/B6164 North Street and

B6164 High Street/A661 Market Place. Queue count surveys were undertaken to attempt to validate the models and this data shows that whilst queuing does occur at these junctions in the respective peak hours it is significantly below the levels predicted by the model. The models were showing very onerous results and therefore not accepted due to validation issues. The supplementary work carried out by the developer's highway consultant has been carried out to address this concern and arrive at more reliable predictions of junction performance at these key junctions. These new models are considered to validate to an acceptable level so the results can be interrogated to understand the impact of the development.

- A661 Spofforth Hill/West Gate/Linton Road: In the AM peak the West Gate and Linton Road arms of the junction will operate satisfactorily in the with development scenarios. The Spofforth Hill arm experiences increased delay in future year scenarios and with development scenarios with the arm rising above practical reserve capacity. However, the arm remains within absolute capacity. The increase in delay as a direct result of the development in the worst 15 minutes of the peak period is in the range of 15 to 42 seconds. The junction will continue to operate satisfactorily in the PM peak period.
- St James Street/B6164 North Street: The junction will continue to operate satisfactorily in both the AM and PM peak periods.
- B6164 High Street/A661 Market Place: In the AM peak the High Street arms of the junction will operate satisfactorily in the with development scenarios. The Market Place arm experiences increased delay in future year scenarios and with development scenarios with the arm rising above practical reserve capacity. The arm remains within absolute capacity, although is very close in the worst case scenario (2018 base + development). The increase in delay as a direct result of the development in the worst 15 minutes of the peak period is in the range of 18 to 85 seconds.

In the PM peak the High Street (north) and Market Place arms will operate satisfactorily in the with development scenarios. The High Street (south) arm experiences increased delay in the worst case scenario (as a result of the development and general growth) with the arm rising slightly above practical reserve capacity. However, the arm remains within absolute capacity. The increase in delay as a direct result of the development in the worst 15 minutes of the peak period is minimal in the range of 4 to 9 seconds.

10.55 Off-site highway works: In support of the development the off-site highway works listed below are necessary:

- The formation of an access onto the Spofforth Hill including creation of a right turn lane and associated central islands.
- Gateway treatments on the approach to Wetherby.
- Associated footway improvements and dropped kerbs.
- Associated road markings and traffic management/speed reduction measures.
- Formal controlled pedestrian crossing adjacent to Chatsworth Drive.
- Any associated Bus stop works connected with Metro/WYCA requirements.

10.56 In recognition of the traffic impact of the development, the developer has offered a sum equivalent to the public transport contribution to be used towards additional mitigation and traffic management measures in the Wetherby area (£1,226 per dwelling, 325 dwellings would equate to £398,450). The developer has provided a number of suggested proposals which the sum could fund including the following:

- *Zebra crossing on Spofforth Hill in the vicinity of Glebe Field Drive to assist access to bus stops.*
- *Provision of bus shelters at north and south bound bus stops in the vicinity of Glebe Field Drive including surfacing works to provide footway connections to/from north bound bus stop and consideration of relocation of north bound bus stop to provide larger waiting area.*
- *Funding for creation of 20mph zone for the residential area bounded by Spofforth Hill (A661) and Crossley Street and North Street/Deighton Road (B6164). This area includes the Glebe Field Drive estate which is to be used as access to 40 dwellings and an emergency access arrangement.*
- *Pelican crossing in the vicinity of the junction of York Road and the B6164 North Street/Deighton Road.*
- *Creation of "School Zone" on Crossley Street outside the primary school. Measures within the "School Zone" to include pelican crossing; enhanced road markings; delineation of on-street parking bays and additional signage.*
- *Provision of cycle parking facilities within Wetherby Town Centre in the form of Sheffield Stands. The exact location and number to be agreed with the Council's engineers and Travelwise officers.*
- *Funding for creation of 20mph zone for the mixed use area (predominantly residential) bounded by High Street (B6164), York Road and the A168. This area incorporates Wetherby High School and as it is likely that secondary school aged children from the proposed development will attend this school this measure will create a safer environment for these children to walk and cycle to school.*
- *Funding for implementation of changes to on-street car parking following works to Hallfield Lane and the old station car parks as detailed in the Mouchel report commissioned by the Council dated March 2010.*
- *Provision of a monitoring fund which can be used by the Council to monitor the number of vehicle movements created by the development and the impact on the key junctions identified in this report. This information will be fed into the Travel Plan and will be used to guide the choice of measures and initiatives to further reduce single person car journeys.*

10.57 The exact use of the sum will be flexible in how it can be used so that it can respond to issues that might not be predicted at this point in time.

10.58 Discussions have also taken place with Harrogate Borough Council over the potential to create a vehicular access in the form of a new roundabout within Harrogate district, following the comments of the Plans Panel in October 2013. However, officers at Harrogate have indicated that such a proposal is unlikely to be supported, and hence the proposal to relocate the access further along Spofforth Hill and reduce the number of proposed dwellings.

10.59 A specific concern of Members at pre-application and subsequently position statement stage, and many objectors, CPRE and Linton Village Society, is that of the potential for 'rat-running' through Linton Village. The introduction of a second access, the reduction in the number of houses, and the relocation of the principal access further towards Wetherby, all serve reduce the potential for this to occur.

10.60 In broad highway terms, Paragraph 32 of the NPPF states that:

"All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe [My emphasis].

Following the submission of the requisite assessments and road safety audit, a reduction in the number of dwellings, incorporate of the pelican crossing, and discussions with Harrogate BC discounting an alternative access location, officers do not believe that the proposal would conflict with the above policy statement, and can now therefore support the proposals as amended in highway terms.

10.61 Tree Loss/Landscaping/Ecology.

10.62 Officers and Members have consistently sought to limit the impact any new access point on Spofforth Hill would have on existing trees along this road frontage. At pre-application stage the number of trees to be removed was envisaged to be 33, whilst the last time Members saw the proposals the number of trees to be removed was 16, with a further 15 affected. The revised access arrangement now proposed further down Spofforth Hill has further reduced the impact on trees and the trees that are now required to be removed are not as prominent. The number of trees now proposed to be removed is 9, with a further 12 trees affected, primarily by the footpath adjacent to the access on the north side of Spofforth Hill.

10.63 Of the trees to be removed 6 are Limes, two are Horse Chestnuts and one is a Beech. From the submitted survey the Lime trees vary in height between 16m and 22m and the Horse Chestnuts are 17m high, whereas the Beech is 23m high. Clearly a gap in the tree line would be created for the proposed access and associated visibility splays, though trees would be retained either side. The introduction of the pelican crossing and footway on the south side of Spofforth Hill to serve it raises additional potential impacts. Further survey work has therefore been requested in this regard.

- 10.64 Whereas the proposals still result in the loss of some trees, this is significantly less than previously envisaged and trees lost are in a less prominent area. Close scrutiny of the method of construction around the trees will hopefully ensure the majority of those 12 trees that are affected can be retained. The loss of the trees would be mitigated by additional on-site planting of large semi-mature trees and the substantial landscape buffer referred to below.
- 10.65 The application site is a greenfield site with open countryside beyond its northwest boundary. Along this boundary there is some existing mature planting that would screen the development and the applicant proposes to introduce further planting to provide an appropriate buffer to the development. The applicant has agreed to requests from Members and officers to provide a substantial 20m wide landscape buffer along much of this boundary to ensure an appropriate transition between the development and the open countryside and to enhance ecological habitats. 5m of the buffer is within the site and 15m is outside the site but still within the same land ownership and the applicant has agreed a land deal to ensure the buffer can be delivered. The buffer includes trees planting, shrubs and a footpath with wild flower verges and therefore will be an attractive addition to the landscape.
- 10.66 Landscape buffers are also proposed along the site boundaries with the existing dwellings on Spofforth Hill and within the Glebefield estate and a landscape buffer is proposed adjacent to the footpath that divides the site with the Glebefield estate at the eastern edge of the site.
- 10.67 Leeds Nature Area 109 is within part of the site. Following consultation with the council's nature conservation officer there is no objection to the development subject to appropriate mitigation via a biodiversity enhancement and management plan that would include the proposed landscaping within the landscape buffer.
- 10.68 Indicative Layout
- 10.69 An indicative masterplan has been submitted that identifies the landscape buffers referenced above whilst identifying approximate development zones, a village green and other areas of public open space totalling around 1 hectare and public rights of way. A design code is contained within the Design and Access Statement that outlines the future design aspirations for the site including a street hierarchy, public realm and use of materials. Final details will be determined via reserved matters, although the applicant has indicated that two separate matters application will be submitted for the site and these would be submitted in a timely manner should outline planning permission be granted. Indicative house types and street scenes will be displayed at Panel.
- 10.70 A development with only a single access point is not necessarily ideal, although the number of units has been reduced. However, the general layout appears well connected and subject to detailed consideration at reserved matters stage to assess space between dwellings, garden sizes etc. the indicative layout is supported. The overall density is 24 dwellings per hectare and that is considered to be a reasonable density that can be delivered on this site.
- 10.71 Amenity

- 10.72 There will be landscaped buffers adjacent to existing dwellings to protect the existing residents' amenity and the space between existing and proposed dwellings will be examined in detail at reserved matters.
- 10.73 The new access onto Spofforth Hill will be opposite existing dwellings. Whereas there will be increased vehicle movements in this area it is not considered these movements are significantly greater than those that already take place on Spofforth Hill and therefore will not have a significant adverse effect on the residents amenity. Due to the orientation of the properties, distance from the access and existing landscaping, it is not considered there will be any significant impact on the residents from car headlights shining toward their properties whilst vehicles are exiting the proposed development.
- 10.74 The introduction of the pelican crossing to Spofforth Hill will also be opposite existing dwellings. This will also require the introduction of a footway to the south side of the carriageway. Whilst these will impact to a degree on the amenity of residents they could not be said, given the separation distances involved and the nature of what is proposed, to unacceptably adversely affect existing visual or aural residential amenity.
- 10.75 Section 106 and CIL Regulations
- 10.76 The heads of terms for the S106 agreement would be as follows:
- Affordable housing at 15% (49 dwellings) on site and a commuted sum in lieu of the remaining 20% (around £8.5m in current values).
  - Commitment to deliver EASEL 7 (83 dwellings).
  - Public transport contribution £1,226 per dwelling (325 dwellings = £398,450)
  - Off-site highways mitigation contribution of £1,226 per dwelling.
  - Education contribution of £2,972 per dwelling (325 dwellings = £965,900).
  - Greenspace contribution: The current layout results in an indicative contribution of £324,876.82.
  - Travel Plan measures and monitoring fee of £5,125.
  - Bus stop provision.
  - Car club contribution.
  - Local employment and training.
  - Public access to public open space.
- 10.77 From 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is all of the following:
- **(i) necessary to make the development acceptable in planning terms.** Planning obligations should be used to make acceptable development which would otherwise be unacceptable in planning terms.
  - **(ii) directly related to the development.** Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.



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

10.78 According to the guidance, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make development acceptable in planning terms. The planning obligations offered by the developer include the following:-

- Affordable housing at 15% on site and a commuted sum in lieu of the remaining 20% (circa. £8.5m). This is in line with the SPG and emerging Core Strategy.
- Commitment to deliver EASEL 7 (83 dwellings) on a different site within a regeneration area in Leeds. This is considered to be in accordance with the Interim PAS Policy.
- £398,450 (based on 325 dwellings) as a public transport infrastructure contribution. The proposal is likely to have a significant travel impact and a financial contribution will help to ensure that relevant government and local policies relating to the use of public transport are met. Money would not be ring-fenced to the local public transport system as there are no current proposals for the area, however it could be spent on associated transport corridors. The figure has been calculated using the approved formula set out in the SPD which takes into account the size, scale and impact of the proposed development.
- £5,125 as a monitoring fee for a Travel Plan designed to reduce vehicle use by residents and visitors. This is required to ensure that the agreed provisions within the Travel Plan are implemented.
- Contributions towards Greenspace, Education, and off-site highways mitigation are all considered to be necessary and relate to the proposed development and are in accordance with adopted SPGs.
- The bus stop contribution, car club contribution, local employment and training, and public access to public open space are all considered to meet the CIL Regulations.

10.79 The proposed development could therefore bring about financial benefits for the local area and as well as benefits to regenerate other areas within Leeds and it is considered that the Council is justified in seeking such contributions.

10.80 Letters of representation

10.81 The majority of the issues raised in the letters of representation have been considered above with those issues not addressed referenced below.

- Impact on local services including drainage, doctors, schools, shops – *The development results in financial contributions to help improve schools and open space in the area. Wetherby is a major settlement with significant local services and the site is within easy access of Harrogate therefore the addition of 325 dwellings is not considered to unacceptably impact upon local resources.*

- The public consultation was poor. – *The developer carried out two public consultation events and the Council has advertised the proposals on multiple occasions.*
- A new road should be built to access the development from Kirk Deighton. – *A development of this scale could not fund such an extensive project. The road would go through open countryside within Harrogate who have confirmed they would not be supportive of highway infrastructure in their district.*
- Previous undertaking stated such a development would not be considered until 2016. – *The Council must determine the application put before them. Even if the application was approved late summer-2014, there are multiple reserved matters applications to be agreed therefore development would not probably commence until mid-2015 at the earliest.*
- Construction traffic should be banned from the Glebefield Estate. – *This will be examined at condition discharge stage when the construction management plan is submitted.*
- The emergency access point from the Glebefield Estate should be locked to prevent unauthorised use. – *Appropriate mechanisms will be in place to prevent access.*
- Adverse impact on the Wetherby Conservation Area. – *The Conservation Area is a considerable distance from the development (more than 500m at its closest), it would not affect important views into or out of it, and the relative increase in traffic that would go through the CA would not materially affect its character.*
- This would lead to a significant increase in the population of Wetherby. – *The addition of up to 325 dwellings is not considered to significantly increase the population of such a large settlement. Population estimates used to take the Core Strategy forward require substantial new homes within the Outer North East Area.*

## **11.0 CONCLUSION**

- 11.1 On balance it is considered that it is appropriate to assess the development in the context of the Council's Interim Policy on PAS sites, and that it meets the criteria of that Policy. Whilst the application is in outline, the indicative layout clearly demonstrates that, with the imposition of appropriate conditions and careful consideration of detailed design issues at reserved matters stage, the site can be developed in a way that complies with Council policies referred to above.

## **12.0 BACKGROUND PAPERS**

- 12.1 Application file 13/03051/OT.
- 12.2 Notice has been served on five landowners: Peter George Frederick Grant, Susan Penelope Grant, Neil William Derick Foster, Richard William Rusby and Nicholas Malcolm Brown.

## **APPENDIX 1 – Minutes of the 24<sup>th</sup> October 2013 City Plans Panel relating to Spofforth Hill, 13/03051/OT**

Further to minute 109 of the City Plans Panel held on 11<sup>th</sup> April 2013, where Panel received a pre-application presentation on proposals for a residential development on a Protected Area of Search (PAS) site at Spofforth Hill, Wetherby, the Panel considered a report of the Chief Planning Officer setting out the current position in respect of these proposals

Plans, photographs and graphics were displayed at the meeting

Officers presented the report and made reference to policy N35 of the UDPR, which had not been included in the report

Members were informed that comments on the proposals were awaited from Natural England

At the meeting in April 2013, Members had discussed the options for the access arrangements, with Members of the view that the best option was for a roundabout to be sited on land which was within the Harrogate boundary. Harrogate Council had been approached but had indicated they would not support a roundabout at the proposed location

Loss of trees had also been a subject of discussion at the April meeting, and arising from this, the number of trees to be removed had now reduced. 16 trees would now need to be removed, although some others could be affected, with discussions continuing on this

A single access point was proposed for the development. Whilst for this number of houses two access points were usual, it would be difficult to accommodate a further access point without removing trees. Highways had indicated that the proposed access could be supported

In relation to the provision of affordable housing, the developer had indicated that 35% affordable housing would be provided, although this was proposed to be split between 15% on-site provision and 20% off-site provision

Members sought further information on:

- the negotiations with Officers in Harrogate Council and North Yorkshire County Council (NYCC) about the siting of a roundabout on land in the Harrogate boundary
- the policy setting out the number of dwellings off a single access

Panel was informed that the issue had been raised with NYCC as part

of discussions on proposals at Thorp Arch. NYCC had raised concerns about the proposal. Harrogate Council had also objected Concerns were expressed about how this had been dealt with, particularly in view of Members' comments at the Plans Panel on 11<sup>th</sup> April 2013

In terms of the number of dwellings off a single access, the Transport Development Services Manager advised that the Street Design Guide was an adopted SPD and suggested that for 200-300 dwellings then more than 1 access should be considered. Whilst this would be the preferred position and that the proposals would be better with a second access point, in this case it was not

practical. The design of the internal road, as a loop, was considered to mitigate against any blockages

Members commented on the following matters:

- that at 400 dwellings, the proposals were double the minimum number of dwellings where a second access point should be considered and that the obvious solution would be to build less houses
- that a reduced number of dwellings should be considered by the applicant
- the high level of vehicle ownership in this area with concerns at the impact of the proposed scale of development on the road network, particularly the level of traffic which could go either through the adjacent housing estate or through Linton
- concerns about safety and accessibility for emergency service vehicles
- concerns about the loss of trees; that some of the existing trees required urgent attention and that the Chief Planning Officer should refer this maintenance issue to Leisure Services to address
- that discussions should take place at the highest level with Officers from Leeds, Harrogate and North Yorkshire Councils, together with the applicant on the issue of a second access
- the wording of the criteria relating to the release of PAS sites
- that the proposals had divided opinion locally; that mini roundabouts were needed to help the traffic flow around Wetherby; that as an allocated site it was recognised that some development was likely but that what was being proposed was not acceptable

The Head of Planning Services stated that this was not the only

PAS site under consideration for development and that if a certain number of properties were allowed off a single access point, similar proposals would be brought forward by other developers and that the highways and safety aspects in this case had to be considered carefully

The Chief Planning Officer stated that discussions should take place with Harrogate on the access issue

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

- that up to 400 houses on this site was too many
- in relation to a 15% affordable housing provision on-site and 20% off-site provision, to note there were mixed views. Concerns were raised that the level of need for affordable housing in Wetherby had not been quantified and that this information was needed. The need for family houses in Leeds was also highlighted. Further discussion on this matter took place with Panel agreeing to the principle of a split between on-site and off-site provision but without any specific percentage being proposed at this stage until information on local need had been provided

- on the principle of whether a 20% off-site contribution (in accordance with the Council's standard formula) sufficiently met criteria vii of the interim PAS policy, that further work needed to be undertaken on this, as stated above, before Members could give a view. Further discussion took place as to the wording of the interim PAS policy and clarification was provided as to the different tests relating to sites up to 10 ha and those over that threshold
- that Members were not supportive of the principle of a new roundabout at Spofforth Hill/Wentworth Gate to provide access to the proposed development; that there were concerns about the safety aspect of this; the impact on trees and that a better solution would be a roundabout further along the road on land within the boundary of Harrogate Council
- that Members were unhappy about the access and tree loss
- that Members were supportive of the principle of a 20m buffer to the open countryside plus additional landscape buffer to the existing residential properties
- that there was not support for the general principle identified on the indicative layout due to the excessive number of houses to be served off one access
- that regarding the proposed Heads of Terms, it was not possible at this stage to take a view on this matter

**RESOLVED** - To note the report, Members' comments and the

requirement for discussions between Leeds, Harrogate and North Yorkshire Council, at the highest level, together with the applicant, to discuss the issue of the location of a roundabout to serve the development and that a further report on the application be submitted in due course

## **APPENDIX 2 – Minutes of the 11<sup>th</sup> April 2013 City Plans Panel relating to Spofforth Hill, Preapp/12/01073**

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

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

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

Members commented on the following matters:

- the appropriateness of allowing discussions about Easel sites, particularly as what was suggested in the submitted report was the provision of a commuted sum for the provision of off-site housing
- that little information had been provided in the presentation about the outline application
- the need to ensure that if this proposal was accepted, that it would not tie the Council's hands in any way
- the proposed access options with concerns at the seeming reluctance to consider the third option which would require Harrogate Council to be approached about the siting of the roundabout which appeared to Members to be the better option
- the consultation and level of attendance to events
- land ownership

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

The following responses were provided:

- that Highways Officers had not considered option 3 but they were concerned about this in terms of adequate visibility being able to be achieved due to the presence of a lodge opposite the site
- that two consultation events on the proposals had been held, with 400 people attending the second event with highways issues being the main concern together with car parking facilities in Wetherby Town Centre and vehicle speeds on Spofforth Road
- that pedestrian access out of the site could be considered further to see if a lesser footway could be accepted which would lead to greater retention of trees
- that criteria ii) of the policy relating to housing development on PAS sites related to relatively small sites which could not offer anything else but were well allied to other sites and in these circumstances development could be considered acceptable
- that the average selling price for a 3/4 bed property on Easel was around £135,000 whereas for Wetherby this would be around £180,000

- that if 15% affordable housing was accepted on the Wetherby site this would include a range of houses in various tenures
- that there would be some planting required against the district boundary
- that the new PAS land policy could be reported to a future meeting of Joint Plans Panel

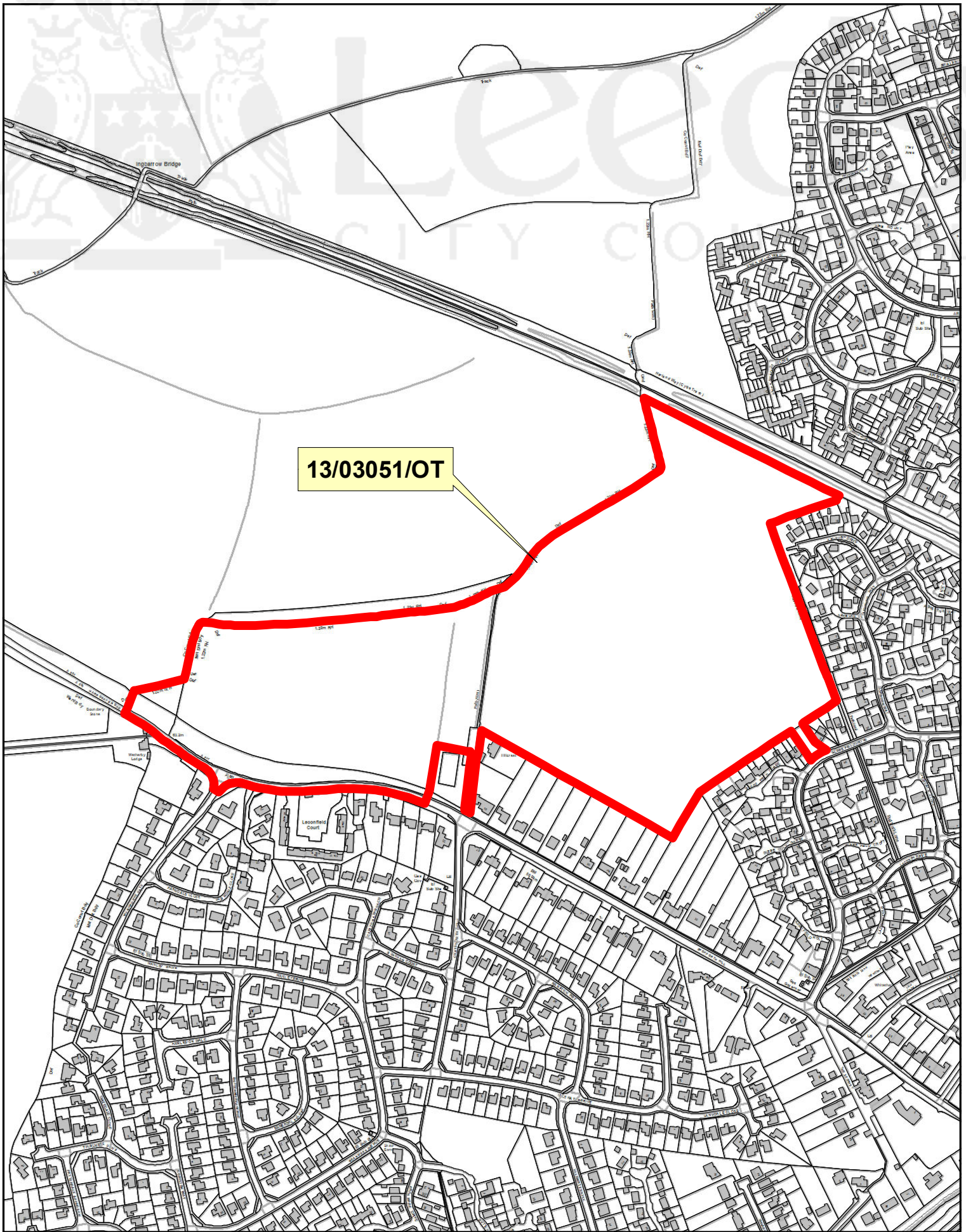
In respect of the particular issues raised in the report, the following responses were provided by the Panel:

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

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

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





13/03051/OT

# CITY PLANS PANEL



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Originator: Andrew Crates  
Tel: 2478000

## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 18<sup>th</sup> September 2014

**Subject: Application 13/04647/OT: Outline application for the erection of residential development on land at Station House, Station Road, Methley, LS26 9ET**

APPLICANT	DATE VALID	TARGET DATE
Banks Property Ltd	10.10.2013	25.09.2014

#### Electoral Wards Affected:

**Kippax and Methley**

Yes (Ward Members consulted referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: DEFER and DELEGATE to the Chief Planning Officer for approval subject to an acceptable vehicular access being achievable from Station Road and conditions to cover those outlined below (and any others which he might consider appropriate) and the completion of an acceptable Section 106 agreement to cover the following (on the basis of 181 dwellings):**

- Affordable housing on site (policy requirement is 15%) – quantity and mix to be advised.
- Travel Plan and review fee - £2,905.
- Residential MetroCards (bus only) (£462 per dwelling) - £83,622.
- Upgrade of bus stop 14677 to provide shelter and real time information - £20,000.
- Provision of new bus stop (opposite that above) including shelter and real time information - £20,000.
- Public transport improvement contribution - (£1226 per dwelling) - £221,944.
- Education contributions – Primary £537,990; Secondary £324,260 (Total - £862,250).
- Off site greenspace contribution - £280,640.
- Provision for a commuted sum to cover sustainable drainage infrastructure (if adopted by the Council).
- Local training and employment initiatives during the construction of the development.

**- Contribution to flood alleviation works - £1,100,000 (and transfer of land at peppercorn value).**

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

Conditions:

1. Two year time limit for commencement and reserved matters submission deadlines.
2. Outline relates to Access only. All other matters Reserved.
3. Plans to be approved.
4. Samples of walling, roofing and surfacing material to be approved.
5. Details of means of enclosure.
6. Details of bin stores.
7. Landscape scheme.
8. Implementation of landscape scheme
9. Tree protection conditions.
10. Tree replacement conditions.
11. Landscaping adjacent to the railway
12. Biodiversity enhancement conditions.
13. Method statement to control and eradicate Japanese Knotweed
14. No vegetation clearance 1<sup>st</sup> March – 31<sup>st</sup> August inclusive
15. Archaeological evaluation
16. Access roads and car parking to be complete prior to first use.
17. Surface water run-off restricted to greenfield rates.
18. Surface water drainage details.
19. Cycle provision.
20. Statement of construction practice, including interim drainage measures, means to prevent mud on road and dust suppression and routing close to bridges.
21. Fail safe use of crane and plant
22. Full details of earthworks and excavations to be submitted and Network Rail consulted.
23. Railway boundary to be secured
24. Method statement for works close to the railway.
25. Use of vibro impact machinery
26. Lighting not to impact on railway
27. Detailed works for properties affected by railway noise.
28. Contamination reports and remedial works.
29. Unexpected contamination.
30. Verification reports.
31. Condition relating to specified off-site highway works.
32. Hard surfacing and lighting of path to The Hollings.
33. Improvements to the surfacing of existing rights of way, including A frames where necessary.
34. Works to improve level crossing in liaison with Network Rail
35. Electric vehicle charging points.
36. 20mph speed limit throughout the site.

## **1.0 INTRODUCTION**

- 1.1 This application is presented to City Plans Panel for determination as it relates to land designated as a Protected Area of Search (PAS) in the Leeds UDP Review (2006).

Accordingly, the application has also been advertised as a major development, which is a departure from the development plan and affects a right of way.

- 1.2 This outline application has been under consideration at pre-application stage and application stage since early 2013 and has involved detailed consultation with Ward Members and local residents.
- 1.3 Members should be aware that consideration of this application is to be accompanied by a separate report relating to the scheme's overall viability, to follow. The information contained within the separate report is confidential as it relates to the financial and business affairs of the applicant. It is considered that it is not in the public interest to disclose this information as it would be likely to prejudice the applicant's commercial position. It is therefore considered that the viability report, when issued, should be treated as exempt under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4 (3).

## **2.0 PROPOSAL:**

- 2.1 This application proposes a residential development (submitted on the basis of achieving 181 dwellings). The application is made in outline with all matters reserved, except for access.
- 2.2 The primary access is taken from Station Road, whilst pedestrian / cycle links are also provided to link through to Longbow Avenue, Balmoral Drive and The Hollings.
- 2.3 A mix of new homes are proposed with the current assumptions being a range of 2 to 5 bed dwellings. The indicative masterplan indicates a series of connected streets, linking Station Road to a spine road running along the southern and western side of the site.
- 2.4 A key component of the applicant's justification for bringing this site forward at this time is a £1.1m contribution to facilitate the delivery of flood defences to the north of the village.
- 2.5 The interim affordable housing policy for this area seeks an on-site provision of 15%. However, following detailed assessment of a viability appraisal, the District Valuer considers that the scheme can deliver 14% affordable housing on site. However, the applicant disagrees and currently offers 6%. The separate confidential report will deal with financial viability matters and is to follow.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site relates to a greenfield site that is located towards the north-western edge of Methley. The site measures 7.67 hectares and is in agricultural use for arable farming. The site is open, but bounded by occasional low level vegetation and some trees, particularly along the western boundary of the site.
- 3.2 Station Road lies to the north of the site and also provides access to Shann House (a Grade II Listed Building), to the north-west of the application site. The Shann House complex also includes a number of other agricultural buildings, which have recently been granted planning permission for conversion to residential uses. To the north of Station Road, dense vegetation and a timber fence provide a buffer to the re-aligned River Aire, which is set within a cutting. The land beyond is a mixture of open land and woodland (part of the former St Aidan's open cast coal mine site).



- 3.3 To the west of the site lies the Leeds to Castleford railway line, which severs the western end of Station Road (which otherwise continues to Leeds Road). Nevertheless, a level crossing exists for pedestrians to cross the line, together with a small number of individuals who have rights to hold keys in order to take vehicles across.
- 3.4 A recent residential housing development exists to the south of the site, containing detached two-storey properties. The majority of these properties back on to the application site, though some are side on where there are short cul-de-sacs leading north.
- 3.5 A wooded area exists to the east of the application site, planted in the late C20th and filling a triangle of land between the application site and Station Road.

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

- 4.1 13/01473/FU - Alterations and extensions to Barn Cottage to form two detached houses; change of use of barn and cow shed to form four houses and demolition of outbuilding and erection of associated garages – Approved 17/1/14

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

- 5.1 This outline application has been under consideration at pre-application stage and application stage since early 2013 and has involved detailed consultation with Ward Members and local residents. The applicant carried out local consultation events, including a public exhibition (following the leafleting of 1,200 households) on 25<sup>th</sup> June 2013. 141 residents attended. 79 feedback forms were returned and the results showed that the highest priority was the alleviation of flood risk and secondary was the enhancement of educational facilities in the village.

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

- 6.1 The application was advertised as a departure that does not accord with the provisions of the UDPR and affects a right of way. The site notices were posted 18/10/13 and newspaper advert placed in the Yorkshire Evening Post on 31/10/13.
- 6.2 As a result of the consultation process, 13 letters of objection and 22 letters of support have been received.

The letters of objection note the following issues:

- Impact on nursery and school places in the village.
- Additional vehicles speeding on Pinfold Lane.
- The village's road infrastructure is already at capacity.
- Concerns about existing flooding problems in the area being exacerbated by new development.
- Concern that sewerage infrastructure cannot cope with additional development.
- Concerns about overshadowing and over-dominance from new houses.
- It is already difficult to get doctors appointments.
- Concern that the removal of some trees and vegetation from the site will have skewed the results of the ecological report.
- Detailed objections received in relation to potential impact on historical

rights of way and protected trees and hedgerows.

The letters of support note the following issues:

- New housing is much needed in the area.
- The existing field will not be greatly missed.
- The proposals would enhance the local environment by retaining woodland and creating a nice environment to live in.
- The development is unlikely to have much highway impact.
- Support for development, but flood alleviation infrastructure must be delivered.
- Support for development subject to more affordable housing provision.
- The development will support local businesses.
- The development will bring more, younger families to the village.

## **7.0 CONSULTATIONS RESPONSES:**

### **7.1 Statutory:**

7.2 Yorkshire Water: - The applicant has been in dialogue with Yorkshire Water, clarifying stand off distances to sewers, the ability to divert sewers and the need to provide evidence to show whether soakaways can work. Conditions are recommended.

7.3 Coal Authority: – Agree with the recommendations of the Phase 1 study and state conditions should be applied to ensure that remediation works are undertaken.

7.4 Environment Agency: - No objection, condition recommended that the development should be carried out in accordance with the Flood Risk Assessment.

7.5 Highways: - The location of the site does not fully meet the draft Core Strategy Accessibility Standards. Detailed advice is provided in relation to the design detail of the internal layout, in order to overcome initial concerns about the constrained nature of the junctions and internal street pattern and clarification regarding footways. Widening of Station Road is required and detailed drawings are awaited to demonstrate that this can be achieved. It is noted that Network Rail also need to be satisfied with the proposals, particularly in relation to the level crossing.

7.6 Network Rail: - The applicant must release their right for vehicles to use the level crossing. Improvements to the crossing are be desirable and should be explored with Network Rail. The acoustic fence to the western boundary is acceptable. A number of conditions are suggested in order to ensure the operational use of the railway.

### **7.7 Non-statutory:**

7.8 Canal and River Trust: – No objections, subject to suitably detailed conditions relating to drainage matters.

7.9 Environmental Studies: – The noise report is considered to be acceptable. It is recommended that as well as the proposed acoustic fence, the downstairs rooms in the front-line properties are upgraded in the same way as that for the bedrooms.

- 7.10 West Yorkshire Archaeology Service: – An archaeological evaluation should be carried out and a condition is recommended.
- 7.11 Transport Policy: - The travel plan will be secured through the S106, with a review fee of £2,905. The Environmental Studies section state that the proposals are unlikely to have a significant impact on air quality, but encourage the installation of electric vehicle charging points.
- 7.12 Public Transport: - A public transport improvement contribution of £221,944 is required.
- 7.13 Contaminated Land: - No objection, conditions recommended.
- 7.14 West Yorkshire Archaeological Advisory Service: - The site lies within an area of archaeological significance. A further evaluation should be carried out before determination and if not, a suitable condition added.
- 7.15 Flood Risk Management: - Negotiations with the applicant have been ongoing. There is strong support for the off-site flood alleviation works and detailed advice is provided in relation to drainage matters, particularly the size and design of attenuation basins. The applicant has noted the issues which will need to be resolved by detailed design stage.
- 7.16 Public Rights of Way: - It is noted that a definitive footpath runs along the southern boundary of the site, through to The Hollings. A bridleway runs along the eastern boundary of the site and to the north along Station Road. A recreational bridleway also exists along Station Road. No objections are raised, though some upgrading works are suggested.
- 7.17 Metro: - Whilst the site fails to meet the draft Core Strategy accessibility standards, the destinations and frequencies of local buses are considered acceptable. Improvements to bus stop 14677 are suggested to provide a shelter and real time information, as well as a new stop on the other side of Leeds Road. Residential MetroCards are recommended. Further consultation with Network Rail is required regarding the potential intensification of the level crossing.
- 7.18 Children's Services: - Education contributions have been calculated in accordance with the adopted SPG – Primary £537,990 and Secondary £324,260, totalling £862,250.

## **8.0 PLANNING POLICIES:**

### **Development Plan**

- 8.1 The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the adopted Natural Resources and Waste DPD (2013). 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 (received 5<sup>th</sup> September 2014). The Plan is therefore at the most 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.

8.2 The site is allocated within the UDP as a 'Protected Area of Search' (PAS). Other policies which are relevant are as follows:

SG2: To maintain and enhance the character of Leeds

SP3: New development will be concentrated largely within or adjoining main urban areas and settlements on sites well served by public transport

SA1: Secure the highest possible quality of environment.

GP5 all relevant planning considerations

GP7 planning obligations

GP11 sustainability

GP12 sustainability

H4: Residential development.

H11-H13: Affordable Housing.

N2: Greenspace

N4: Greenspace

N12: Relates to urban design and layout.

N13: New buildings should be of a high quality design and have regard to the character and appearance of their surroundings.

N19: New buildings within or adjacent to Conservation areas should preserve or enhance character or appearance

N23: Relates to incidental open space around new developments.

N24: Seeks the provision of landscape schemes where proposed development abuts the Green Belt or other open land.

N25: Seeks to ensure boundary treatment around sites is designed in a positive manner.

N26: Relates to landscaping around new development.

N35: Development will not be permitted if it conflicts with the interests of protecting the best and most versatile agricultural land.

N37A: Development within the countryside should have regard to the existing landscape character.

N38B: Relates to requirements for Flood Risk Assessments.

N39A: Relates to sustainable drainage systems.

N50: Seeks to protect, amongst other assets, Leeds Nature Areas.

N51: New development should wherever possible enhance existing wildlife habitats.

T2: Development should be served by adequate access and public transport / accessibility

T2B: Significant travel demand applications must be accompanied by Transport assessment  
T2C: Requires major schemes to be accompanied by a Travel Plan.  
T2D: Relates to developer contributions towards public transport accessibility.  
T5: Relates to pedestrian and cycle provision.  
T24: Parking guidelines.  
BD2: The design of new buildings should enhance views, vistas and skylines.  
BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings.  
LD1: Relates to detailed guidance on landscape schemes.

**Policy N34 – PROTECTED AREA 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**

- 8.3 In the Natural Resources and Waste Development Plan Document (2013) developments should consider the location of redundant mine shafts and the extract of coal prior to construction.

8.4 Relevant Supplementary Planning Guidance includes:

Supplementary Planning Document: Street Design Guide.

Supplementary Planning Document: Public Transport Improvements and Developer Contributions.

Supplementary Planning Document: Travel Plans.

Supplementary Planning Document: Designing for Community Safety: A Residential Guide.

Supplementary Planning Guidance: Neighbourhoods for Living.

Supplementary Planning Guidance: Affordable Housing (Target of 15% affordable housing requirement).

Supplementary Planning Document: Sustainable Design and Construction "Building for Tomorrow, Today."

Supplementary Planning Guidance 4: Greenspace Relating to New Housing Development.

Supplementary Planning Guidance 11: Section 106 Contributions for School Provision.

Supplementary Planning Guidance 25: Greening the Built Edge.

**Interim PAS Policy**

8.5 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:-

*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.*

- 8.6 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.
- 8.7 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.
- 8.8 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 Boston Spa is expected in late October with the Kirklees Knowl decision not due until the end of the year. PAS sites at Bradford Road, East Ardsley and West and East of Scholes and also Breary Lane, Bramhope have also been recently refused.
- 8.9 The Council's interim PAS policy does not supersede the Development Plan but is a relevant material consideration. The starting point remains the Development Plan and in particular policy N34.
- 8.10 The Core Strategy Inspector's Report has been published and will be reported to Executive Board on 17<sup>th</sup> September 2014. The Inspector has concluded that the plan is sound with some modifications. His modified housing requirement policy is similar to that which influenced the Council's interim-policy for the release of safeguarded land (PAS sites) and there is still a need to release sites in accordance with the criteria set out in the interim policy. There remains a need to ensure that the Leeds housing land supply is diversified, and that the 5 year housing land supply ensures choice and competition in the market for land. There also remains a need to ensure that unallocated greenfield sites, which may give rise to sustainability issues, are protected from development now, until they are properly considered through the Site Allocations Plan process.

### **Local Development Framework**

- 8.11 The Council submitted its Core Strategy to the Secretary of State in April 2013 and an examination in public was held in October 13 and May 2014. The Council has consulted 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 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

- 8.12 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. In this instance, it is considered that there are material considerations which justify the potential release of this site at the current time.
- 8.13 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,
- 8.14 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.
- 8.15 **Relevant policies within the Core Strategy include:**  
Spatial policy 1 – Location of development  
Spatial policy 6 – Housing requirement and allocation of housing land  
Spatial policy 7 – Distribution of housing land and allocations  
Spatial policy 10 – Green Belt  
Policy H1 – Managed release of sites  
Policy H3 – Density of residential development  
Policy H4 – Housing mix  
Policy H5 – Affordable housing  
Policy H8 – Housing for Independent Living  
Policy P9 - Community facilities and other services  
Policy P10 – Design  
Policy P11 – Conservation  
Policy P12 – Landscape  
Policy T1 – Transport Management  
Policy T2 – Accessibility requirements and new development  
Policy G3 – Standards for open space, sport and recreation  
Policy G4 – New Greenspace provision  
Policy G7 – Protection of important species and habitats  
Policy G8 – Biodiversity enhancements  
Policy EN1 – Climate change  
Policy EN2 – Sustainable design and construction  
Policy EN5 – Managing flood risk  
Policy ID2 – Planning obligations and developer contributions

The Examination into the Draft Core Strategy has now taken place and the Inspectors report has recently been received. Of particular relevance is the issue of affordable housing. This was examined in May 14 and the Council is seeking to include the levels of affordable housing within the Core Strategy as required by the Inspector.

### **Five Year Supply**

- 8.16 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.
- 8.17 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.
- 8.18 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.
- 8.19 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.
- 8.20 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.
- 8.21 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).
- 8.22 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
- Those Protected Area of Search sites which satisfy the interim PAS policy

- 8.23 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.”
- 8.24 In addition to the land supply position, the Site Allocations Document is in the process of identifying further developable and deliverable sites for the plan period.

### **National Guidance - National Planning Policy Framework**

- 8.25 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.26 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%.
- 8.27 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.
- 8.28 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.

## 9.0 MAIN ISSUES

- Compliance with the Development Plan
- Development in advance of Site Allocations Plan.
- Five Year Supply
- Sustainability
- Highway considerations.
- Layout/design/landscaping.
- Other issues
- Section 106 issues

## 10.0 APPRAISAL

- 10.1 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, layout/design/landscaping, residential amenity, flood risk and Section 106 matters.

### **Compliance with the Development Plan**

- 10.2 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. However, other material planning considerations can be taken into account such that the decision maker may decide that, on balance, it is acceptable to release a site early.
- 10.3 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**

- 10.4 In this instance, the site is not well related (interpreted to be within or adjacent to) the main urban area or one of the major settlements and therefore fails the first test of the interim housing delivery policy. The promotion of this site for housing therefore falls solely on what other planning justification exists to bring this site forward at this point in time. In this particular case, the applicant is proposing to make a flood alleviation contribution of £1.1m to address the key priority raised by local residents during the pre-application consultations.
- 10.5 The Environment Agency's Lower Aire Flood Risk Strategy has identified a scheme that would significantly reduce flood risk to 115 properties in the village. Based on current cost estimates, the EA confirm that this sum represents a significant



contribution and would provide sufficient funds to progress a project appraisal and technical approval.

- 10.6 The flood alleviation works comprise two schemes – Victoria Place Bank and the Middleton Set Back. Both schemes are outside the application site, on the northern side of the village, but on land within the control of the applicant, where they will make the land available in order to carry out the works. The effect of their installation would be to reduce the flood risk to a significant number of properties falling within flood zones 2 and 3.
- 10.7 Whilst the site is largely located within flood zone 1, the far southern boundary of the site does fall within flood zone 2. Indeed, much of the village falls within flood zones 2 and 3 and flood events are a regular and costly problem which has a significant impact on the lives of local people. The implementation of the flood alleviation works on land close to the site would clearly benefit many existing properties, but also benefit the occupants of the proposed houses in that they would not suffer the levels of disruption that currently occur in terms of road closures and impact on local facilities such as shops and schools. These benefits would clearly assist in making the village, as well as the application site more sustainable.
- 10.8 It is important to consider whether the proposed funding for the flood alleviation works can be taken into account in the determination of this application. The question of what is a material (or relevant) consideration is a matter of law, but the weight given to it is a matter for the decision maker. Off site benefits which are related to or are connected with the development will be material. Putting aside the PAS status of the site for a moment, the flood alleviation works are not required to make the development acceptable in itself as the vast majority of the site is not susceptible to flooding. However, flooding in the village is a significant and ongoing issue and is a high priority locally. Future floods would undoubtedly affect the lives of future occupants (in terms of highways, transportation, access to schools and local amenities), even if their own homes were not flooded. In this unique instance, it is considered that the significant merit identified in the funding of the flood alleviation works is a material consideration which has significant weight in the determination of this application. and whether to allow bringing this site forward for housing at this point in time.
- 10.9 In considering the financial contribution towards the flood alleviation scheme against the CIL Regulations, it needs to be 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 a site which does not comply with the interim housing delivery policy, development of the site would not be acceptable without a significant material planning consideration which could justify setting aside policy. The local flooding issue is of such a significance that the proposed works are considered to have a direct benefit to future occupants of the development, as well as significant number of existing properties. The proposed development is significant in terms of its size and scale, relative to the extent of the existing village. In this context, the nature of the contribution and its local benefit is considered to be reasonable. As discussed above, there is a clear link between the implementation of the scheme and the improved amenity and sustainability of the site as a housing site in the future.
- 10.10 The site is allocated as 'green' in the draft Site Allocations Plan and is therefore considered to be a site which has the 'greatest potential to be allocated for housing'.

- 10.11 Overall, It is considered that whilst the site does not meet the Interim Policy for release as a new housing site, the unique circumstances in this case mean that the principle of housing development could be acceptable subject to the other material considerations examined below.

### **Five Year Supply**

- 10.12 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.
- 10.13 The Core Strategy Inspector's previous set of Main Modifications (16<sup>th</sup> June 2014) which he considered were necessary to make the Core Strategy sound confirmed 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**

- 10.14 The location of the site does not fully meet the draft Core Strategy Accessibility Standards. In particular, the central part of the site falls outside the 400m walking distance to the nearest bus stops on Main Street, Station Road, Church Lane, Saville Road and Leeds Road. The bus stops covering local services are however all located within 493m of the centre of the site. It is noted that 7 buses per hour serve Church Lane, with 2 per hour serving Main Street, 5 per hour serving Saville Road and 5 per hour serving Leeds Road. These frequencies reduce at weekends to four hourly and two half hourly buses on Saturdays and four hourly buses on Sundays. Bus service 153 serves Morley – Castleford, but does not serve the major public transport interchanges of Leeds, Bradford or Wakefield, as required in the draft Core Strategy. The frequency of services 173/189 also fall slightly below the requirement of 4 buses per hour between 07:00 and 18:00 hours and the journey time to Wakefield City Centre (service 189) exceeds the 30min/40min journey time Accessibility Indicator. However, the majority of the site is within a 20 min walk (1200m) of local facilities on Main Street comprising of a convenience shop, hot food takeaway, hairdresser, post office and a public house, as well as the Pinfold Lane surgery. Approximately 60% of the site is within a 20 minute walk of Methley Primary School, though the site is not within a 30 minute direct walk of a Secondary

Education facility. However, the applicant has asserted that Brigshaw High School is within a 45 minute walk or 15 minute cycle ride and that the Travel Plan measures, particularly those focused on cycling would help to overcome this. The majority of the site is within a 5 minute walk of a bus stop with a 15 minute frequency of buses which would assist with travel to secondary school.

- 10.15 The nearest school to this application is Methley Primary. Children's Services advise that the number of births nearest to the schools in the Lower Aire Valley planning area is such that there is little spare capacity. Accordingly, Children's Services are requesting a full education contribution in accordance with the adopted SPG. This results in a primary education contribution of £537,990 and a secondary contribution of £324,260 (Total - £862,250).

### **Highway considerations**

- 10.16 The application is made in outline with all matters reserved except for access. Given the physical barriers around the site – the railway to the west and the residential development to the south, Station Road is the obvious access to the site, from the north. The indicative layout provides for several accesses into the site from the section of Station Road parallel to the River Aire. This is considered to be acceptable in principle, though, at the time of writing, a plan is awaited from the applicant to confirm that the necessary widening of Station Road to facilitate acceptable two way passing of vehicles and a footway widened to 2m is achievable. These works are necessary to bring Station Road up to the standard required in order to serve this level of development.
- 10.17 At pre-application consultation stage, it is understood that residents in the development to the south of the site expressed concern about vehicular links through from Longbow Avenue and Balmoral Drive. Accordingly, these links are provided, but only as pedestrian / cycle links. An existing footpath runs along the southern boundary of the site and under Mulberry Bridge (under the railway line), leading through to The Hollings. Ultimately, this allows pedestrians to access Leeds Road. It is considered that this path should be hard surfaced and lit in order that it becomes a more attractive route than at present. This could be achieved through the use of a Grampian condition. The bridleways to the north and east of the site would remain. Overall, it is considered that the site has good pedestrian and cycle links to other parts of the village and the facilities within it, as well as to the recreational areas adjacent to the River Aire (accessed via the footbridge north of Station Road) and the St Aiden's nature reserve area beyond.
- 10.18 A level crossing exists to the north west of the site, where Station Road crosses the railway line. The crossing can only be used as a vehicular crossing by a small number of existing users who have keys for the gates. Vehicular access for future residents would not be desirable. Pedestrian access is also currently available to use the level crossing and is facilitated by use of a traffic light system. Given the number of dwellings that will be in close proximity, it is considered prudent to require the applicant to agree and fund a series of measures with Network Rail to improve the crossing. This could involve improved surfacing, lighting and gate improvements, all of which can be secured through a condition. These measures will help to make the crossing safer. However, more generally, it is considered that improving the route through to The Hollings, together with careful design of the layout can assist in making other routes more attractive whilst removing the desire line up to the level crossing.

- 10.19 The internal arrangement of the site is comprised of a series of connected streets. Subsequent reserved matters applications will need to fully detail the dimensions of streets and footways within the development and provide full details of car parking provision, in accordance with the Street Design Guide criteria. The streets within the development will be subject to a 20mph speed limit.
- 10.20 The application is also to be subject to a Travel Plan which will assist in promoting sustainable transport modes to future residents. In particular, residential (bus only) MetroCards are to be provided for future residents. Additionally, in terms of improvements to public transport infrastructure, provision will be made to replace bus stop 14677 on Leeds Road with a new shelter and real time information, as well as the provision of a new bus stop with a shelter and real time information on the opposite side of the road.

### **Layout/design/landscaping**

- 10.21 The layout of the scheme is shown in an illustrative masterplan prepared by the applicant. Given the application is made in outline with all matters reserved, except for access, the proposals are purely illustrative at this stage and demonstrate how a broadly acceptable layout of connected streets and other links through to existing housing areas and amenities can be achieved. The houses are broadly arranged in a series of 'perimeter blocks', meaning that the fronts overlook streets and public spaces, whilst the private garden areas are secured to the rear.
- 10.22 Shann House is a Grade II Listed building, located towards the western end of the site and is bounded to the north by cottages and historical agricultural buildings, some of which have the benefit of planning permission for residential reuse. Shann House itself has its primary elevation facing south across its own private garden area. The garden area and the boundaries around the complex are formed by significant areas of vegetation and mature trees. The curtilage of Shann House effectively creates its own setting. The illustrative masterplan provides for development around the Shann House complex, but the primary frontage and large garden area is proposed to have a street frontage including a small area of greenspace. On balance, given the above context, it is considered that the proposed residential development would preserve the setting of the Listed Building. Furthermore, it is considered that there would be no detrimental impact on the residential amenity of the occupants of Shann House, Shann Cottage or the other residential units which have the benefit of planning permission.
- 10.23 Station House is located beyond the far western corner of the site, adjacent to the level crossing. The current illustrative masterplan shows new neighbouring houses with a similar orientation such that there should be no detrimental impact in terms of overlooking, overshadowing or over-dominance. Officers are confident that even if the layout for this part of the site changes at reserved matters stage, a layout can be achieved which does not raise amenity concerns.

The site is bounded to the west by the railway line, to the north by Station Road and the River Aire and to the east, by an existing woodland area. The only other residential properties abutting the site are located to the south, along Longbow Avenue and Balmoral Drive. The majority of these properties back onto the application site, except for where they are located along short cul-de-sacs and therefore have gable ends facing the application site. In the illustrative masterplan, only a very small number of properties are located adjacent to the southern boundary and are arranged such that gables are adjacent to gables or back gardens

facing back gardens. The remainder of the application site along the southern boundary contains an area of greenspace including public footpaths and an attenuation swale. The other proposed properties facing the Longbow development do so from the northern side of the greenspace and as such are located some distance away.

- 10.24 The presence of the railway, adjacent to the western side of the site, has the potential to create noise and disturbance. However, it is proposed that the western boundary is formed by a 2.3m high acoustic fence. The presence of the fence and mitigation measures in the build quality of the houses will ensure that future occupiers enjoy a good level of amenity.
- 10.25 The approach to landscaping is to retain open areas along the eastern part of the Station Road frontage and along the eastern boundary fringe where it meets the existing woodland area. A larger greenspace is created in the centre of the site which also has the ability to accommodate sustainable drainage solutions in the form of retention basins. It is noted that these areas are largely dry, except for during flood events. Accordingly, these areas are fully usable as greenspace for the majority of the time. These areas would need to be drawn up in detail for a reserved matters application. Part of the area along the southern boundary falls within flood zone 2 and therefore it is not desirable to locate housing here. Additionally, an existing footpath runs along the southern boundary and it is important to incorporate this into the scheme. The solution is to therefore create a linear greenspace along the southern boundary which provides an open setting for the footpath, as well as accommodating an attenuation swale.
- 10.26 Overall, it is considered that the applicant has demonstrated that the site can be developed with an acceptable layout, albeit in broad terms at this outline stage.

### **Other issues**

- 10.27 The location of the site, on the edge of open countryside (including the newly formed St Aidan's nature reserve), the close proximity of the River Aire and the fact that it is currently open farmland mean that it has intrinsic potential for habitat creation. Given that the site is arable farmland, it currently has relatively low ecological value in itself, though it does provide an open area for birds in the locality. On balance, the principle of housing development is considered acceptable and the illustrative masterplan is a response to the comments made by the nature conservation officer at pre-application stage. However, conditions are suggested including the submission of a Biodiversity Enhancement and Management Plan dealing with new planting as well as Bat roosting and bird nesting opportunities. It is noted that part of the site includes Japanese Knotweed, which will need to be controlled and eradicated.

### **Section 106 Package**

- 10.28 The Community Infrastructure Levy (CIL) 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.

10.29 The proposed obligations in relation to green space, affordable housing, education, public transport and possible off site highway and drainage works 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 proposed funding of the off site flood alleviation works are also considered to form a material consideration in the determination of the application and comply with the CIL regulations, as discussed in the main body of the report. The applicants will be required to submit a signed Section 106 Agreement to address the policy requirements for this application should permission be granted.

## **11.0 CONCLUSION**

11.1 This PAS site does not comply with the interim housing delivery policy. However, the contribution towards the flood alleviation scheme is a significant material consideration and it is evident that this has significant local support. In these unique circumstances, it is considered that these works are so significant that they justify the release of the site at this point in time for housing. Indeed, the works will be of significant benefit to future occupiers, as well as to many other areas of the village which suffer from flooding.

11.2 Given the above circumstances, as a housing site, it is considered that the principle of taking access from Station Road is acceptable and it has been demonstrated that a scheme layout can be designed which responds to the site and its connections, such that it can become an integral part of the village. The scheme is able to provide for satisfactory mitigation against noise from the railway line and can be designed in such a way that it does not have a detrimental impact on the amenity of existing adjacent properties. Whilst only an illustrative layout, it is also considered that a satisfactory layout can be achieved which will preserve the setting of the Grade II Listed Shann House. The site falls almost entirely within flood zone 1, with only a small undeveloped area adjacent to the southern boundary falling within flood zone 2. Whilst detailed design of a final drainage solution is yet to be undertaken, provision is made in principle to make provision for sustainable drainage solutions to ensure that the development has a neutral impact. The illustrative layout makes provision for on site greenspace and the S106 agreement will make provision for off-site greenspace contributions. The illustrative layout seeks to retain existing natural features, including trees around the boundaries and conditions are suggested to promote biodiversity enhancements. On balance, in light of the above, the development is considered acceptable (subject to the outcome of the current viability discussions and an acceptable vehicular access being achievable from Station Road) and it is therefore recommended that Members defer and delegate approval of the application to the Chief Planning Officer in order to finalise conditions and the S106 agreement.

## **12.0 BACKGROUND PAPERS**

12.1 Application file 13/04647/OT.

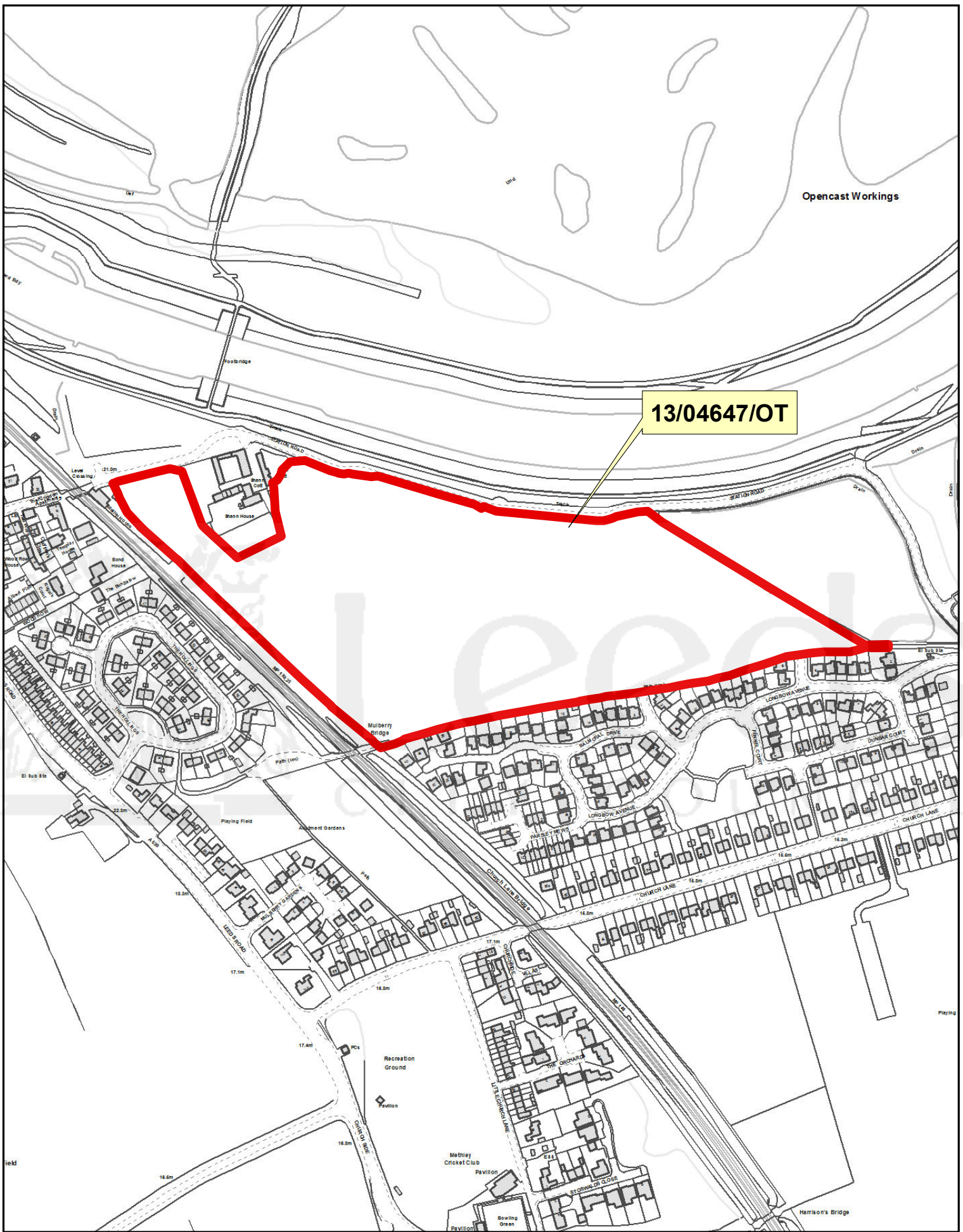
12.2 Notice has been served on three landowners:

- Methley Estates Holdings Ltd, The Estate Office, Hawby, York,

North Yorkshire, YO62 5LS

- Methley Trustees Ltd, The Estate Office, Hawby, York, North Yorkshire, YO62 5LS
- Leeds City Council, Civic Hall, Calverley Street, Leeds, LS1 1UR





13/04647/OT

# CITY PLANS PANEL







Originator: J Bacon

Tel: 0113 222 4409

## Report of the Chief Planning Officer

### CITY PLANS PANEL

**Date:** 18<sup>th</sup> September 2014

**Subject:** 14/04341/FU Hybrid application for full details for the development of a park and ride facility and associated infrastructure and outline permission for car dealerships and a petrol filling station on land at Temple Green, East Leeds Link Road, Cross Green.

14/03870/RM Reserved Matters approval for the means of access to Phase 1, landscaping details and associated foul pumping station and electricity sub-station at Temple Green, East Leeds Link Road, Cross Green.

#### APPLICANT

Aire Valley Land LLP

#### DATE VALID

2<sup>nd</sup> July 2014 (14/03870/RM)  
23<sup>rd</sup> July 2014 (14/04341/FU)

#### TARGET DATE

1<sup>st</sup> October 2014  
22<sup>nd</sup> October 2014

#### Electoral Wards Affected:

**Burmantofts & Richmond Hill**

Ward Members consulted

#### Specific Implications For:

Equality and Diversity   
Community Cohesion   
Narrowing the Gap

**RECOMMENDATION: DEFER AND DELEGATE** both applications for approval to Chief Planning Officer subject to the conditions specified and any others considered necessary, the receipt of comments and resolution of any issues raised by the Highways Agency and the satisfactory resolution of the proposed route of the access road and its impact on biodiversity.

#### Planning Application Ref: 14/04341/FU

Conditions relevant to the full planning application for the Park and Ride facility:

1. Time limit on full permission
2. In accordance to approved plans
3. Area used by vehicles to be laid out
4. Details of the proposed site levels

5. Full details of car parking layout
6. Details of off-site pedestrian and cycle crossing facilities on ELLR and internal spine road.
7. Details of a car park management plan
8. Details of ancillary structures and facilities (incl. terminal building, CCTV cameras, shelters, cycle storage facilities, ticket machines etc).
9. Details of scheme to direct traffic entering site.
10. Minimum bus frequency (15mins)
11. Details of employment and training initiatives
12. Submission and implementation of landscape details
13. Details of landscape management
14. Details of surface water drainage
15. Submission of a site investigation report
16. Submission of amendments to remediation statement
17. Submission of a verification report

Conditions relevant to the outline application for car dealerships and a petrol filling station:

1. Time Limit on Outline Approval (3yrs)
2. Submission and approval of reserved matters covering layout, appearance, scale and landscaping
3. In accordance with approved plans
4. Details of external materials
5. Details of boundary treatments
6. Area used by vehicles to be laid out
7. Details of parking layout
8. Details of cycle parking provision
9. Details of bin storage facilities
10. Restriction of total gross floorspace of car showroom uses
11. Restriction on the installation of signage along ELLR frontage
12. Submission and implementation of landscape details
13. Details of employment and training initiatives
14. Details of landscape management
15. Details of surface water drainage
16. Details of bat roosting and bird nesting measures
17. Restriction of retail floorspace of petrol filling station (120sqm)
18. Submission of a site investigation report
19. Submission of amendments to remediation statement
20. Submission of a verification report

### **Planning Application Ref: 14/03870/RM**

Conditions relevant to the reserve matters application for the road access:

1. Laying out access in accordance with approved plans and specifications

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

## **1.0 INTRODUCTION:**

- 1.1 The above applications are presented to Plans Panel as a major development with the application for the park and ride facility and other uses representing a departure from the City Council's adopted Unitary Development Plan. The two applications are

closely related and form the development proposal so for the purposes of this report they are combined.

- 1.2 Planning application Ref:14/04341/FU is submitted in hybrid form with the proposed park and ride facility being detailed in full and all the other proposed uses being submitted in outline, with all matters reserved apart from access. Planning Application 14/03870/RM is a reserved matters application detailing the road access and associated infrastructure to serve the park and ride and other uses and form the main entrance to the wider Temple Green development site.
- 1.3 The initial proposals of the above scheme were presented to Plans Panel in the 20<sup>th</sup> March 2014 meeting as part of a pre-application presentation. At that meeting support for the principle was generally expressed and the more detailed comments are set out in section 5 of this report.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site comprises approximately 10.5ha and lie to the south of the East Leeds Link Road (ELLR) and to the west of Jct 45 of the M1 motorway. The site contains open pasture land and is generally flat with a slight slope across the site from south to north. The wider site was previously used for open cast mining as part of the former Waterloo Colliery site. Wyke Beck runs beyond the southern edge of the site and is canalised. To the north of the site is the newly constructed ELLR with open fields and the Temple Newsam estate beyond. Knostrop treatment works lies to the west with Cross Green industrial estate beyond.
- 2.2 The identified site forms part of a wider development site (Temple Green site) and lies within the Aire Valley Enterprise Zone. The Enterprise Zone provides a total of 142ha of land on four sites suitable for a range of manufacturing, industrial low carbon and logistics uses and can provide employment space for 7,000 new jobs.

## **3.0 PROPOSAL:**

- 3.1 Full planning permission is sought for the laying out of a Park and Ride facility. The facility is to be accessed via a new access road and roundabout off the ELLR (as detailed within reserved matters application Ref: 14/03870/RM) and have two points of access. The facility will have capacity for up to 1,000 vehicles and include an area for bus drop-off and pick-up with associated passenger shelters, a small terminal building and cycle storage facilities. The design approach is based on the recently opened facility at Elland Road. The disabled parking spaces will be located to the northern side of the car park, adjacent to these facilities. The facility will be provided with CCTV and have on-site staff during its operation and gates will secure closure of the site during the night. The perimeter of the car park area is to be landscaped with pockets of tree and shrub planting interspersed within the rows of parking bays.
- 3.2 The park and ride facility will be operated in partnership with Metro and is intended to provide a bus service frequency of every 15 minutes or better from the site to the city centre (to stops on Boar Lane/ Corn Exchange). It is to be noted however that the route and stop details are provisional at present and will be subject to future agreement between the West Yorkshire Combined Authority and the bus operator.
- 3.3 Alongside the above proposal works, outline planning permission is sought for a petrol filling station and a number of car dealerships. The dealerships and filling station are to be located to the north and west of the park and ride facility and front onto the new access road and the ELLR. Details of the appearance, layout, scale and landscaping of these other uses are not known at this stage and the details will be subject to future consideration but it is anticipated that four car dealerships will be provided (ranging

from 650sqm-1950sqm in area). The car dealerships are likely to include showrooms and repair centres/ workshops with buildings up to 12m in height. The proposed petrol filling station is identified as likely to have an integral coffee shop. The site also indicatively shows attenuation storage to the south-west of the park and ride facility. Together the park and ride facility and the other uses are described as Phase 1 within this report.

- 3.4 In addition to the above proposals (detailed in planning application Ref: 14/04341/FU), reserved matters approval is sought in respect of the construction of the vehicular access serving Phase 1 of the development. The scheme comprises a continuation of an existing road spur off the southern side of Bellwood Roundabout (ELLR) to facilitate access to future uses on the site (a park and ride facility and other uses). The formation of the road will include a new roundabout (70m into the site) with an access road running west to east and a section of road extending southwards which roughly follows the route of the Wyke Beck. The proposed road includes landscaping to its fringes with tree and hedge planting. The access road will have a shared pedestrian/ cycle route along one side at a width of 3m with 2m footways provided to the other side. Associated works involving the installation of a foul pumping station and an electricity sub-station are also included.

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

- 4.1 The identified site forms part of a wider site of 84.7 hectares for which outline planning permission was granted (Ref:21/199/05/OT) on 24th May 2006 to erect warehouse and distribution development with car parking and landscaping. This application gives a 10 year time limit for the submission of outstanding reserved matters (i.e. May 2016). This permission was granted an extension of time in which to implement the permission on 18<sup>th</sup> June 2014 (Ref: 10/05048/EXT- which in effect extended the time for the submission of reserved matters (under this extant outline permission) until 2023). This application was agreed in principle at Plans Panel in September 2013.
- 4.2 In addition to these applications outline planning permission (Ref: 21/252/02/OT) was granted to layout access and erect industrial warehouse units on 24th May 2006. This extant permission covers 46.4 hectares of land located within the wider 84.7 hectare site excluding the sewage treatment works filter beds. Planning permission was also granted on 29th September 2011 for engineering works, including ground preparation works, formation of levels to development plot and provision of access and spine road with associated bridge (Ref:11/02133/FU).
- 4.3 14/03751/COND Condition discharge application seeking discharge of conditions covering details of boundary treatments; foul and surface water disposal; no ground clearance; and, contaminated land reports specifically relevant to the new access roads serving Phase 1. This application is currently pending consideration.

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

- 5.1 The applicant sought pre-application advice prior to submission of the formal planning application and the pre-application was presented to Plans Panel on 20<sup>th</sup> March 2014 and Panel Members carried out a site visit prior to the meeting.
- 5.2 At the Plans Panel meeting Panel Members were in support of the principle of development but considered visual quality was important, in terms of building appearance and structure planting along frontages; that the park and ride site is enclosed by perimeter planting (i.e. well screened); any s106 agreement to include employment and training clauses. A copy of the minutes of the Panel meeting are appended to the back of this report.

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

- 6.1 1 site notice display (as a major) posted dated 25<sup>th</sup> July 2014 in respect of the reserved matters application (Ref: 14/03870/RM). 3 site notice displays (advertised as a major development which is a departure) posted dated 8<sup>th</sup> August 2014 and publicised in the Yorkshire Evening Post on 21<sup>st</sup> August 2014 in respect of the hybrid application (Ref: 14/04341/FU).
- 6.2 The publicity period expired on 11<sup>th</sup> September 2014 and 1 letter of representation was received registering objection to the park and ride scheme based on the following summarised grounds:
- Concerned about safe operation of multi-use site proposal- visibility splay not indicated; absence of drawing showing comparative change of existing stub road to dual carriageway; proposal fails to show how it will cope with range of vehicles, entering onto the ELLR.
  - No justification for other land uses (petrol filling station, car dealerships).
  - Requirement for full details of the dimensions (of park and ride).
  - Design of buildings too basic; absence of disabled toilets; no indoor waiting areas; no details of pay machines; no details of down-lighting scheme; convoluted pedestrian routes across site; no CCTV cameras shown.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory:**

Coal Authority: No objection.

Environment Agency: No objection.

Highways Agency: *Comments awaited.*

### **Non Statutory:**

Metro: *Comments awaited.*

Yorkshire Water: No objection, subject to suggested conditions.

Highways: No objections, subject to suggested conditions.

Flood Risk Management: No objection subject to suggested conditions.

SDU (Nature Conservation): Insufficient bio-diversity buffer alongside the Wyke Beck; separation of beck and attenuation pond by road reduces biodiversity value; recommend re-alignment of road northwards.

Leeds Civic Trust: Support the principle of development but made the following comments.

- Support principle of purpose built park and ride sites served by dedicated rail or bus services to the city centre/ destinations which could sensibly be served from that location.
- Location on East Leeds Link Road has potential to capture drivers coming from east but it will only succeed if travel times by bus are faster than by car and parking provision in city centre is severely restricted/ expensive.
- Need for dedicated high speed and frequent bus service to locations people wish to reach/ timetables to reflect today's extended working hours.

- Provision made to divert/extend buses to the site to serve other parts of the city centre, or destinations beyond.
- Need for high quality support facilities at the park and ride site (e.g. toilets, waiting rooms, café outlet etc.)
- Bus routes into and out of site should be separated from private cars- give priority to buses at junctions.
- Care needed on design of the commercial buildings alongside the park and ride.

## **8.0 PLANNING POLICIES:**

- 8.1 The introduction of the National Planning Policy Framework (NPPF) has not changed the legal requirement that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. All policies outlined below are considered to align fully with the NPPF.
- 8.2 The proposals will be considered in the context of both national planning policy and the Development Plan. The development plan currently comprises the adopted Leeds Unitary Development Plan (Review 2006) (UDP), policies as saved by directions of the Secretary of State, dated September 2007 and June 2009, the Natural Resources and Waste Local Plan, along with relevant supplementary planning guidance and documents and any material guidance contained in the emerging Local Development Framework (LDF).
- 8.3 Leeds Unitary Development Plan Review 2006  
The following policies contained within the UDP Review (2006) are considered to be of relevance to this development proposal:
- |                |   |
|----------------|---|
| GP5:           | General planning considerations.                        |
| GP9:           | Community Involvement.                                  |
| GP11/GP12:     | Sustainable development.                                |
| N12/ N13:      | Urban design principles.                                |
| N23/ N25/ N26: | Landscape design and boundary treatment.                |
| N39a:          | Sustainable drainage.                                   |
| T1:            | Investment in transport improvements.                   |
| T2 (b, c, d):  | Accessibility issues.                                   |
| T5:            | Consideration of pedestrian and cyclists needs.         |
| T7/T7A:        | Cycle routes and parking.                               |
| T16:           | Criteria to assess park and ride facilities.            |
| E4:            | Land allocated for employment uses.                     |
| E7:            | Loss of employment land.                                |
| E8:            | Land identified as a key employment site.               |
| R1:            | Identified area for regeneration initiatives (e.g. AAP) |
- 8.4 It is noted the Leeds UDP Section 6.4.16 states '*Encouragement to the establishment of Park & Ride facilities is an important part of the WYLTP. ...they offer significant scope to reduce the growth in car usage, particularly of car commuting into the City Centre. Park & Ride facilities could be developed in association with each of the modes of public transport*'.
- 8.5 The current proposals are also viewed in context with UDP Policy CCP2 which currently limits the supply of temporary commuter car parking on 'cleared sites'. Over time the supply of parking in the city centre will reduce as existing 'cleared site' car

parks are redeveloped. Park & Ride sites provide a sustainable solution to offset this reduction in city centre parking and at the same time reducing congestion on routes into the city centre.

- 8.6 Supplementary Planning Guidance / Documents:  
SPG22 Sustainable Urban Drainage (adopted).  
SPD Street Design Guide (adopted).  
SPD Sustainable Design and Construction (adopted).

8.7 Core Strategy

The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the adopted Natural Resources and Waste DPD (2013). The Local Development Framework will eventually replace the UDP and the 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 Council has recently received the Inspector's report stating that it is sound subject to the agreed modifications. The Plan is therefore at the most advanced stage it can be prior to adoption by the Council.

ii) The extent to which there are unresolved objections

- No further modifications are proposed and the Plan is considered "sound"

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.

The Core Strategy Inspector's Report has been received and confirms that the Council's policies, submitted to the Secretary of State in early 2013, are sound with some modifications.

The following policies contained within the Core Strategy are considered to be of relevance to this development proposal:

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

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

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

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

Spatial Policy 13: Strategic Green Infrastructure.

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

Policy EC3: Safeguarding existing employment land and industrial areas.

Policy G1: Green Infrastructure Network.

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

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

Policy T1: Transport management.

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

Policy EN5: Managing flood risk.

## 8.8 National Planning Policy Framework:

The National Planning Policy Framework (NPPF) includes policy guidance on sustainable development, economic growth, transport, design, enhancing the natural and historic environment, minerals extraction and climate change. The Framework advocates a presumption in favour of sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places. However, this should be achieved through encouraging effective use of land (including not sterilising mineral resources) with high quality design and a good standard of amenity for all existing and future occupants.

## 9.0 MAIN ISSUES

1. **Background information relevant to these application proposals**
2. **Principle of development**
3. **Impact on visual amenity**
4. **Highways implications**
5. **Other matters**

## 10.0 APPRAISAL

### Background information relevant to these application proposals:

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



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

- 10.4 The ground preparation and remediation works for the proposed park and ride facility and other uses (Phase 1- (10ha on the submitted plan)) is intended to be funded by a capital grant awarded from DCLG (£5.1m) which is to be made available to help build momentum within the Enterprise Zone and accelerate delivery to help support further investment and growth. On receipt of the grant, and subject to planning permission, works are to be completed by April 2015 with the capital receipts from the sale of plots being consolidated and utilised to fund the ground and infrastructure works on future phases across the Temple Green site.
- 10.5 The capital grant from DCLG would facilitate the remediation of the phase 1 land which will result in the park and ride plot being sold as a serviced site to Leeds City Council to create a 1,000 space car park and transport interchange hub. This would leverage funds to Leeds City Council from The Local Transport Plan Fund and Metro who would then provide funding assistance for the purchase and development of the actual park and ride facility.
- 10.6 In recognition of the tight funding timescale, the swift determination of this application proposal is viewed as being critically important in the delivery of development at the Temple Green site to secure grant investment in upfront infrastructure, services and ground preparation works which will then attract occupiers. The park and ride and other uses proposal (Phase 1) has the potential to act as a catalyst to future development which it is hoped will open up Phase 2 (and beyond) for development on a commercially profitable basis and fund future development phases.
- 10.7 Developing park and ride in Leeds has been identified as an essential component of managing traffic and travel in the city. The development of the park and ride strategy will occur in several stages including the capacity expected from the New Generation Transport scheme and on-going developments by Metro and rail operators at rail stations.
- 10.8 The Aire Valley park and ride is a key scheme for the Enterprise Zone and Leeds City Council for the following reasons:
  - i) A network of park and ride sites is a key element of the city transport strategy as set out in the emerging LDF Core Strategy, West Yorkshire Local Transport Plan (LTP3) and associated Leeds Local Implementation Plan. Park and ride provides sustainable transport options and parking capacity for the growth in the city centre.
  - ii) Park and ride in the Enterprise Zone will anchor high quality public transport at an early stage in development of the Aire Valley and deliver a step change in transport provision to the area. The high quality, high frequency bus service associated with the park and ride site will encourage a higher public transport mode share and therefore reduce existing and future development vehicle trips, reducing congestion and delivering sustainable transport for the city. The public transport provision will ensure the full potential of the Temple Green site and the wider Enterprise Zone can be met.

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

#### Principle of development

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

services serving future development sites in the area offering an alternative to travel to work by car. This can provide the basis for bus service connections from the less well-off communities in parts of east Leeds and, in the longer term, from south Leeds providing improved access to future job opportunities. It is therefore considered that the park and ride element is consistent with the draft Core Strategy.

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

#### Impact on visual amenity

- 10.17 The proposed site layout of Phase 1 shows the park and ride facility to be positioned behind the car dealerships and petrol filling station site which, shown indicatively, occupy the principal frontages along the site access road and the ELLR. Aspirations to create key landscaped corridors along these visually prominent road frontages as part of the Green Infrastructure Network are considered important in order to provide a high quality development befitting this site's gateway location to the City and Aire Valley when approached from the motorway. It is however recognised that the detailed site layout and appearance of those other proposed outline uses are subject for future consideration whereby opportunities to achieve high quality landscaping to the visually prominent frontages and between individual plots can be detailed.
- 10.18 The proposed access road into the site will be set within a landscaped corridor comprising grass verge, trees and hedges to provide a visually attractive entrance into the Temple Green development site which is to be maintained into Phase 1.

10.19 The park and ride facility will be largely hard surfaced with formally laid out spaces but will benefit from good sized areas of perimeter landscaping that border the facility which will help screen views of the car parking area. Tree planting is proposed within the car park which will add visual interest and help up break up the large expanse of hardstanding. The associated buildings to support the park and ride function are relatively small scale in nature and are not considered to be visually intrusive. Details of the ancillary structures are still to be finalised and it is considered that these details and others such as the lighting, CCTV and landscaping could be appropriately dealt with by planning condition. Overall, it is considered that the proposed park and ride layout strikes a good balance between providing a level parking provision within a landscaped setting that will contribute positively to the visual appearance of the site.

#### Highway implications

10.20 A transport assessment accompanied the submitted proposal and has considered existing traffic flows, traffic generation associated with the park and ride and other uses and the impacts on nearby roads (ELLR) and junctions (jct 45 of M1) that will be potentially affected. Regard has also been given to the traffic impacts of the proposal when compared to the extant outline planning permission at the site. In respect of the park and ride facility, this would not generate new traffic as such but attract traffic travelling to the city centre, reducing traffic within the centre's roads and provide a more sustainable mode of transport.

10.21 The proposal incorporates a new vehicular access from the existing southern spur of the Bellwood roundabout, off the ELLR. The access road will provide a two lane carriageway to be constructed to adoptable standards with required visibility splays being provided and has been designed to cater for future phases of development at the wider Temple Green site.

10.22 To the northern side of the adjacent ELLR runs a shared pedestrian and cycle route which forms part of a strategic network. To ensure pedestrian and cycle connectivity is achieved through the Temple Green the proposal includes the installation of a pedestrian and cycle crossing (toucan crossing) on the ELLR, located to the west of the Bellwood roundabout. In addition, a pedestrian and cycle crossing facility is also to be formed within the site (to the south of the Bellwood roundabout) and these will link in with a shared pedestrian and cycle route that aligns the eastern side of the carriageway to ensure good safe access can be achieved to this phase and future phases within Temple Green.

10.23 The park and ride facility will provide for disabled parking and this is to be located in close proximity to the bus pick up and drop off areas with cycle parking facilities similarly located in convenient places near to the proposed passenger shelters.

10.24 Overall, no objections have been received from the LCC Highways Authority and it is consequently considered that this proposal is not harmful to highway safety. The comments of the Highways Agency are awaited and whilst no issues are anticipated a recommendation is made subject to the receipt of their comments and any issues raised being resolved satisfactorily.

#### Other matters

10.25 The southern leg of the proposed access road runs roughly alongside a canalised section of the Wyke Beck. Under the extant planning permission 10/05048/EXT (that covers the whole Temple Green site) a condition was imposed to secure a scheme to re-naturalise the beck, through the creation of meanders, and the Nature Conservation officer has expressed concern about the close proximity of the proposed access road to the beck. In the absence of any feasibility study to demonstrate how

such a scheme could be achieved alongside the proposed access road route there remains some concern that the proposal could compromise the opportunity to provide the level of bio-diversity enhancements that were originally anticipated at outline stage. For this reason the recommendation to defer and delegate is advanced so that further exploration of this issue can be done to ensure a satisfactory solution.

- 10.26 The majority of the application site is located within Flood Zone 1 and flood risk from the proposal is considered to be low. The proposed drainage strategy seeks to restrict surface water run-off with attenuation storage to be provided on site. Conditions to secure the final design details can deal with these matters. In respect of foul water disposal, a pumping station is proposed to transport waste from the site to the sewer located in the ELLR and Yorkshire Water raise no objections to such arrangements.
- 10.27 The application site is located to the east of the Knostrop water treatment works and other heavy industry firms located within Cross Green Industrial estate. The relative proximity of the application site has the potential to generate amenity impacts (e.g. odours) from those nearby industrial operations and this was a situation Panel Members remarked on at pre-application stage. Nevertheless, the provision of a park and ride facility within the Aire Valley Enterprise Zone is an important component to managing traffic and travel in the city and in attracting future development investment in this area, off the ELLR. The wider extant outline planning permission at the Temple Green site also incorporates the re-development of part of the Yorkshire Water site immediately to the west of these proposals. Nevertheless, it is considered that, on balance, the delivery of the park and ride facility and the adjacent enabling outline uses to provide a catalyst for the future build out of the wider Temple Green site are significant outweighing factors.
- 10.28 By virtue of the scale and nature of the development proposal provisions are to be made to secure employment and training initiatives to promote employment opportunities for local people during construction works and within the future development.
- 10.29 In respect of land contamination matters, officers are content for the development to progress although request the submission of a further site investigation report. This additional work can be adequately secured through appropriate planning conditions.

## **11.0 CONCLUSION**

- 11.1 The proposed development is considered to make a positive contribution to the delivery of sustainable development. The proposal will represent the first phase of development on the Temple Green site and is expected to be a catalyst for further investment and the build out of further commercial floorspace to future phases at the site leading to job creation within the Aire Valley Enterprise Zone. Allied to this, the park and ride element forms an essential component of the City Council's wider transport strategy to manage traffic and travel in the city. Therefore, the proposed development is considered acceptable in principle.
- 11.2 The design and layout of the proposed park and ride is considered to provide a visually attractive setting for the facility with opportunities to deliver high quality landscaping provision along the principal road frontages of the wider Temple Green site as part of the future detailed proposal. The proposed development is not considered to be prejudicial to highway safety but further investigations into the likely impacts of the proposed road alignment on anticipated bio-diversity enhancements is considered necessary. Accordingly, it is recommended that the applications are

deferred for delegated approval subject to the resolution of this issue and the comments of the Highway Agency.

### **Background Papers:**

Application files: 14/04341/FU and 14/3870/RM

Certificate of ownership signed by agent (on behalf of applicant) dated 21<sup>st</sup> July 2014.

### **Appendix:**

#### PREAPP/14/00200 - Land to the South of Pontefract Lane Richmond Hill - Pre-application presentation

Plans, photographs and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day Members considered a report of the Chief Planning Officer and received a presentation on behalf of the developer in respect of pre-application proposals for a park and ride facility, together with other uses on land to the south of Pontefract Lane, a 10.5 ha site within the Aire Valley Enterprise Zone (AVEZ), close to Junction 45 of the M1 motorway and which formed part of the former Waterloo Colliery site.

The key elements of the proposals were outlined to Members, with these including:

- the potential of the Leeds City Region Enterprise Zone to deliver high levels of employment; that the site had been identified for a park and ride scheme for a number of years and would service the AVEZ.
- the proposals would deliver a park and ride transport hub with petrol filling station, a branded coffee shop/sandwich shop and car dealerships.
- grant funding of £8.5m had been secured from central government although the terms of the grant required the land remediation works to be completed by Spring 2015.
- that 1000 parking spaces would be provided in a safe, secure facility which would be attractively landscaped and illuminated.
- that additional funding was being sought to provide improvements along the East Leeds Link Road.
- that dedicated buses running from 7am – 7pm at a 15 minute frequency would be provided, with the fare being £3.

Members discussed the proposals and commented on the following matters:

- the importance of the site in creating an initial impression of Leeds and whether the proposals were of sufficient quality to create the right impression of the City.
- the odour which was present on the site and the need to deal with this issue. Discussion took place on this, with the view being that the odour was emanating from the nearby sewage works. The possibility of engaging with Yorkshire Water to consider enclosing the sewage works as had been done in Reading was also raised. It was suggested by a local Councillor that the odour was from particular businesses and that Environmental Health Officers were aware of this.
- whether car showrooms were the best use for the outlets proposed and that something more aspirational should be considered. Members were informed that the developer had moved away from hotel or food uses due to the proximity of the sewage works and considered that the proposed uses were complimentary to the park and ride facility.
- whether the park and ride would be staffed and if so, the need to ensure facilities were provided for them.
- public toilet provision, with Members being informed this would be considered.

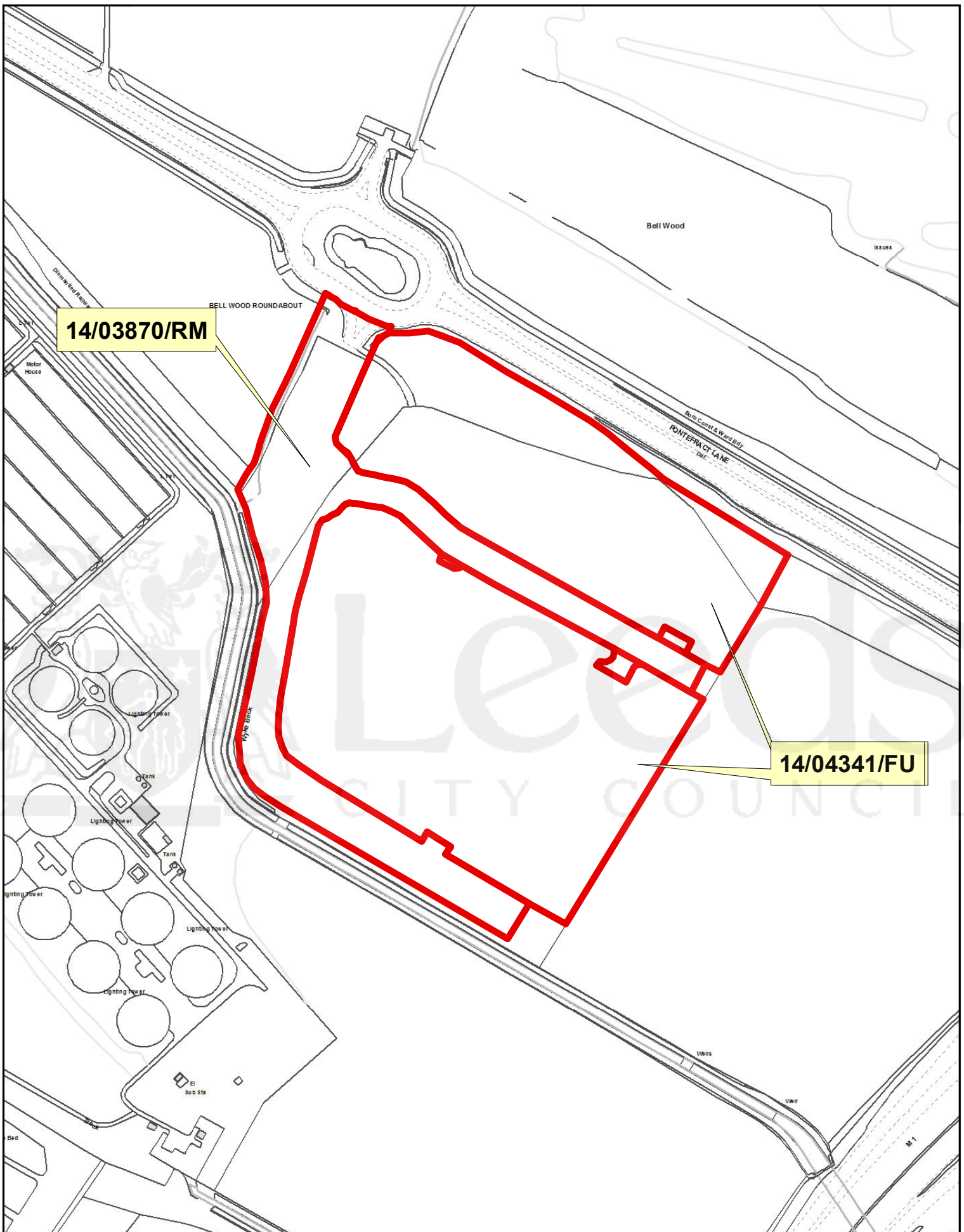
- the feasibility of car dealerships wishing to locate to the site. The developer's representative stated that some soft market testing had been carried out and that there was some level of interest for new or relocated facilities at the site.
- that car dealerships could vary in design and appearance but that high quality proposals would be expected on the site.
- the extent of the contamination on the site, with Members being informed that all of the contaminants on the site could be remediated.

The Chief Planning Officer stressed the importance of the appearance of the whole corridor and acknowledged Members' comments about the need for quality. However he pointed out it would not be an easy site to get going and that a careful package needed to be assembled, with a focus on quality rather than specific uses.

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

- that in light of the information and planning policy considerations that Members support the principle of the park and ride facility and other uses at this key employment site, subject to the comments made in respect of quality and uses at this gateway site.
- regarding the layout of the proposals as set out in the indicative masterplan, that the park and ride facility had to be located at the roundabout, with the rest of the development following on from that. The need for suitable screening and tree planting and landscaping was stressed.
- that the proposals represented the first phase in the development of the wider area; that it was important to ensure the proposals were right and provided the quality which should be taken forward in future developments. The importance of ensuring local training and employment clauses in any S106 Agreement was highlighted.

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



# CITY PLANS PANEL







Originator: Matthew Walker  
Tel: 3952082

**Report of the Chief Planning Officer**

**CITY PLANS PANEL**

**Date: 18<sup>th</sup> September 2014**

**Subject: 14/02604/ADV - APPLICATION FOR ADVERTISEMENT CONSENT TO DISPLAY ADVERTISING VIA THE EXISTING MEDIA SCREEN, THE CARRIAGEWORKS, 3 MILLENNIUM SQUARE, LEEDS, LS2 3AD**

**Electoral Wards Affected:**

**City and Hunslet**

No      Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: Defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions (and any others which he might consider appropriate).**

**Condition**

Plans to be approved  
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.

Management  
Prior to first operation of the screen for any advertisement purpose, full details of the management and operation of the screen including the principles to be used shall be submitted to and approved in writing by the Local Planning Authority. Operation of the screen will then be undertaken in accordance with the approved details and principles.

In the interests of visual amenity

## **1.0 INTRODUCTION**

- 1.1 The application relates to the introduction of commercial television broadcasts and advertising content to the existing digital media screen located to the Carriageworks building on Millennium Square. The proposal was first brought before members at the 17<sup>th</sup> July 2014 City Plans Panel. 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.
- 1.2 In 2005, Leeds City Council entered into a contract for the lease of the Millennium Square screen as part of the BBC's Public Space Broadcasting Initiative (PSB). Following the expiry of the lease for the first screen, a replacement screen was erected following the grant of planning approval by the Plans Panel in 2012. The BBC was the content provider for the screen until September 2013. Following the expiry of the former content arrangement with the BBC the City Council are investigating ways in which the screen content can be managed going forward.
- 1.3 The application for Advertisement Consent is brought before members as Leeds City Council are proposing the introduction of this additional advertisement capability and, the introduction of additional advertisements would affect a large public space within the City Centre.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The site is the Carriageworks building to the south side of Millennium Square opposite the Civic Hall which contains a theatre, meeting and conference facilities and a number of bars and restaurants. The uses surrounding the square comprise a mixture of hospital, residential, office, and leisure uses, including the Leeds City Museum, as well as the Brotherton Wing of the LGI. The square forms a focus for community and entertainment events. There are a number of listed buildings surrounding the square including the Grade II\* Leeds Museum, Grade II\* Civic Hall and The Carriageworks (Grade II). The application site is located within the City Centre Conservation Area.

## **3.0 PROPOSALS**

- 3.1 The application comprises a request by Leeds City Council for Advertisement Consent to allow for the broadcast of commercial television events via the Millennium Square Screen whilst also continuing to utilise the screen for the promotion of local and cultural events and as a community information platform.
- 3.2 It is proposed the screen would periodically show free-to air commercial television broadcasts as well as sponsored events. The council would benefit from the potential income sponsored events would provide and this would help to cover the costs related to the provision of the screen.
- 3.3 Leeds City Council will continue to manage and programme the screen. All advertising material would be subject to strict guidelines and standards and would not feature political content or content relating to alcohol or tobacco promotion or gambling. Editorial control would rest with Leeds City Council and controls would be put forward though Executive Board to manage this.
- 3.4 In recognition of the challenging financial position facing the Council, the primary intention for the business model for the Screen is to source appropriate advertising to accompany and support content which is linked to events on the Square. The

result will be income to support those events and to cover costs related to the provision of the Screen including its sustainability.

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

##### **4.1 20/200/05/FU & 20/202/05/SI - 1 internally lit LED media screen to proposed theatre, The Carriageworks, 3 Millennium Square Leeds, LS2 3AD**

The original screen application was approved by Members at panel on 23<sup>rd</sup> June 2005. The building was designed for the TV screen to fit into a shallow recess in the Millennium Sq facade with the intention that it would be seen as part of the building rather than mounted on it.

##### **4.2 12/00511/FU - Replacement media screen, The Carriageworks, 3 Millennium Square Leeds, LS2 3AD**

The media screen on The Carriageworks, facing Millennium Square was upgraded to a high definition screen of the dimensions 6.1m x 3.6m in 2012. The screen facing Millennium Square is used to show public events and public information and is not used for commercial advertising. This screen faces on to a large public space sufficient to accommodate the associated crowds.

#### **5.0 PUBLIC/LOCAL RESPONSE:**

5.1 The Leeds Civic Trust have objected to the grant of Advertisement Consent as they feel that large scale digital advertisements are in their view, generally intrusive in the street scene and in addition, the proposal will add to the impression that the city is 'for sale'. The Leeds Civic Trust feel the proposal will set a precedent for other applications elsewhere in the city which as a result, will be difficult to refuse. The Leeds Civic Trust suggest a policy decision needs to be made to identify a specific area for the siting of large scale digital signage in the City Centre where such signage can be directed and resisted elsewhere. It is also suggested that such a policy is set out within a Supplementary Planning Document and put to public consultation.

#### **6.0 CONSULTATIONS RESPONSES:**

##### **6.1 Statutory**

6.2 There are no statutory consultees associated with this application.

##### **6.3 Non-statutory:**

##### **6.4 Highways**

The proposals do not raise any specific road safety concerns as there are no direct views from the nearest road to the screen whilst service vehicles can park in the vicinity of the screen on authorisation from the council. Therefore highways have no objection to the proposal.

##### **6.5 Sustainable Development Unit - Conservation Team**

No objections.

## **7.0 POLICY**

### **7.1 National Planning Policy Framework (NPPF)**

7.2 Paragraph 67 of the NPPF states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

### **7.3 Leeds Unitary Development Plan Review**

7.4 The application site lies within the designated City Centre Conservation Area. Relevant UDPR policies include:

7.5 BD8: All signs must be well designed and sensitively located within the street scene. They should be carefully related to the character, scale and architectural features of the building on which they are placed.

BD9: Projecting and illuminated signs will only be permitted in conservation areas and predominantly residential areas where they do not detract from visual amenity, the building, or the character of the street.

GP5: Proposals should resolve detailed planning considerations including design and safety.

7.6 Leeds City Council's supplementary planning document on advertising design guidance recognises digital screens as an emerging form of advertising in commercial shopping centres. This guidance requires special attention be given to protecting the character and setting of conservation areas and listed buildings.

The guide states the designation of an area as a conservation area does not automatically preclude outdoor advertising, but special attention should be paid to the necessity of preserving or enhancing the character or appearance of that area.

The guide also states that special care is essential to ensure that any advertisement displayed on, or close to, a listed building or schedule monument does not detract from the integrity of the building's design, historic character or structure, and does not detract from or compromise its setting.

The guide goes on to states that Special care is essential to ensure that any advertising display does not lead to a reduction in road safety.

7.7 CABE and English Heritage 'Large Digital Screens In Public Spaces' (2009): This offers guidance to LPA's on the issues to consider when assessing the suitability of sites for both public event display screens and digital media/advertising screens.

The 3 overriding principles set out are that a screen should:

1. Be in an appropriate location
2. Be of excellent design quality in its own right and ensure that the building façade is suitable
3. Enhance the qualities of its immediate location and wider setting.

## 7.8 **Draft Core Strategy (DCS)**

7.9 The draft Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State. The Inspector examined the Strategy during October 2013. The weight to be attached is limited where representations have been made.

7.10 Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design. Development should protect and enhance locally important buildings, skylines and views.

7.11 Policy P11: The historic environment, consisting of archaeological remains, historic buildings, townscapes and landscapes, including locally significant undesignated assets and their settings, will be conserved and enhanced, particularly those elements which help to give Leeds its distinct identity:

## 8.0 **MAIN ISSUES**

Amenity  
Public Safety

## 9.0 **APPRAISAL**

### 9.1 Amenity

9.2 The application under appraisal is related to the use of the existing digital screen to show commercial television broadcasts. This will include the broadcast of commercial breaks. It is also proposed to show promotional content from partners and organisations across the city and promotional information linked to events taking place in Millennium Square. These will comprise the promotion of cultural events, selected charities and campaigns. The content will be under the control of Leeds City Council. A report on the development of the screen and the principle issue of using advertising to cover costs and raise income will be submitted to the council for approval through Executive Board once the details and operator have been finalised following a tendering process (currently programmed for September 2014). A planning condition is recommended for the submission of full details in regard to the management and operation of the screen to be submitted to the Local Planning Authority following the appointment of an operator and prior to first use for commercial purposes.

- 9.3 The existing screen structure has the benefit of planning permission. There are no physical changes proposed to the existing screen as part of this proposal. Under existing planning controls the brightness of the screen can be adjusted to match the ambient light level in the square (from sources such as the buildings, bars and street lights). Therefore it is considered that the showing of commercial advertising would not have a physically different visual impact than the showing of public service content.
- 9.4 The screen and its associated content would be read within the context of listed buildings and there is also a requirement to preserve the character of the conservation area. Although it is considered that the proposal to show some commercial advertising would have no greater visual impact than the existing wholly public service content, the public perception of commercial advertising may be different. However, the commercial advertising will still be linked to public event broadcasting and will be ancillary to the main function of the public space broadcasting screen. The ancillary nature and extent of the commercial content will be controlled by the council and elected members. Also, the screen is well designed and located within a busy commercial environment with numerous examples of advertising for commercial businesses and public events in the vicinity of the site. The proposal is therefore considered to preserve the setting of listed buildings and the character of the conservation area.
- 9.5 The proposal for advertisement consent includes the use of audio on the same basis as the existing arrangement with the BBC. Sound levels can be set to match ambient background noise levels and as the speakers in general use are directional and closer to their audience the overall volume can be decreased. There are existing planning controls in this regard and the screen would continue to operate in consultation with Environmental Health as is the case currently. It is proposed to members that the existing controls regarding the operation of the screen are suitable in ensuring the restriction of noise to ensure no loss of amenity to nearby residents.
- 9.6 The BBC will continue to be the default television channel for broadcast on the screen and the quantity of commercial broadcasting shown on the screen will be limited. It is also proposed that after 9pm, the screen will not normally show commercial television broadcasts. There may be exceptions (major sporting events such as the Olympics, Tour De France, international football/rugby events) however these will be infrequent instances. A facility exists for the council to insert its own advertising content during commercial breaks, thereby interrupting advertisements shown on the network and this facility would be utilized for post 9pm watershed commercial broadcasts shown on the screen. With regard to pre-9pm broadcasts, members are advised that the average amount of commercial advertising shown equates (on average) to 12 minutes per hour of commercial broadcast content.
- 9.7 At the 17<sup>th</sup> July City Plans Panel meeting, members were advised that no more than 30% of the screen time would be given over to commercial advertising and sponsorship. The applicant has since clarified that although 30% screen time is the accepted level within the industry at which advertisers would be likely to buy into a public advertising space, it is recognized that with relatively low footfall in Millennium Square for long periods, the screen's viability as a commercial advertising platform is limited. Therefore, the use of the screen will be concentrated on providing sponsorship for specific events in addition to its current functions. The applicant has advised that, through the guidelines to be agreed by Executive Board in due course,

the showing of sponsor's content will not be detrimental to the screen's visual impact.

- 9.8 It is considered the screen will continue to add to the attraction of the square as a public event venue and enhance the cultural character of this area following this proposal. Experience has shown that the screen has helped to develop a public space as a meeting place, as an information and performance outlet for local arts and community groups and as an entertainment venue and seems to be enjoyed and valued by the public and people of Leeds.

#### 10.0 Public Safety

Highways have responded with regard to the potential issue of highway safety and have no objection and consider that the screen can be serviced without impacts upon public safety. The existing screen is within a suitable setting, located within a large public square and it is therefore considered that there would be no impacts upon highway safety as a result of the proposal. Existing planning controls are in place to ensure the level of luminance is controlled to an acceptable and safe level to prevent distraction.

#### 11.0 Representations

- 11.1 As detailed at paragraph 5.1 of the above report, a letter of objection has been received from the Leeds Civic Trust.

In response to the objection, the City Centre is a large commercial centre where advertising is present in a variety of forms, including a large scale digital screen at the Trinity development.

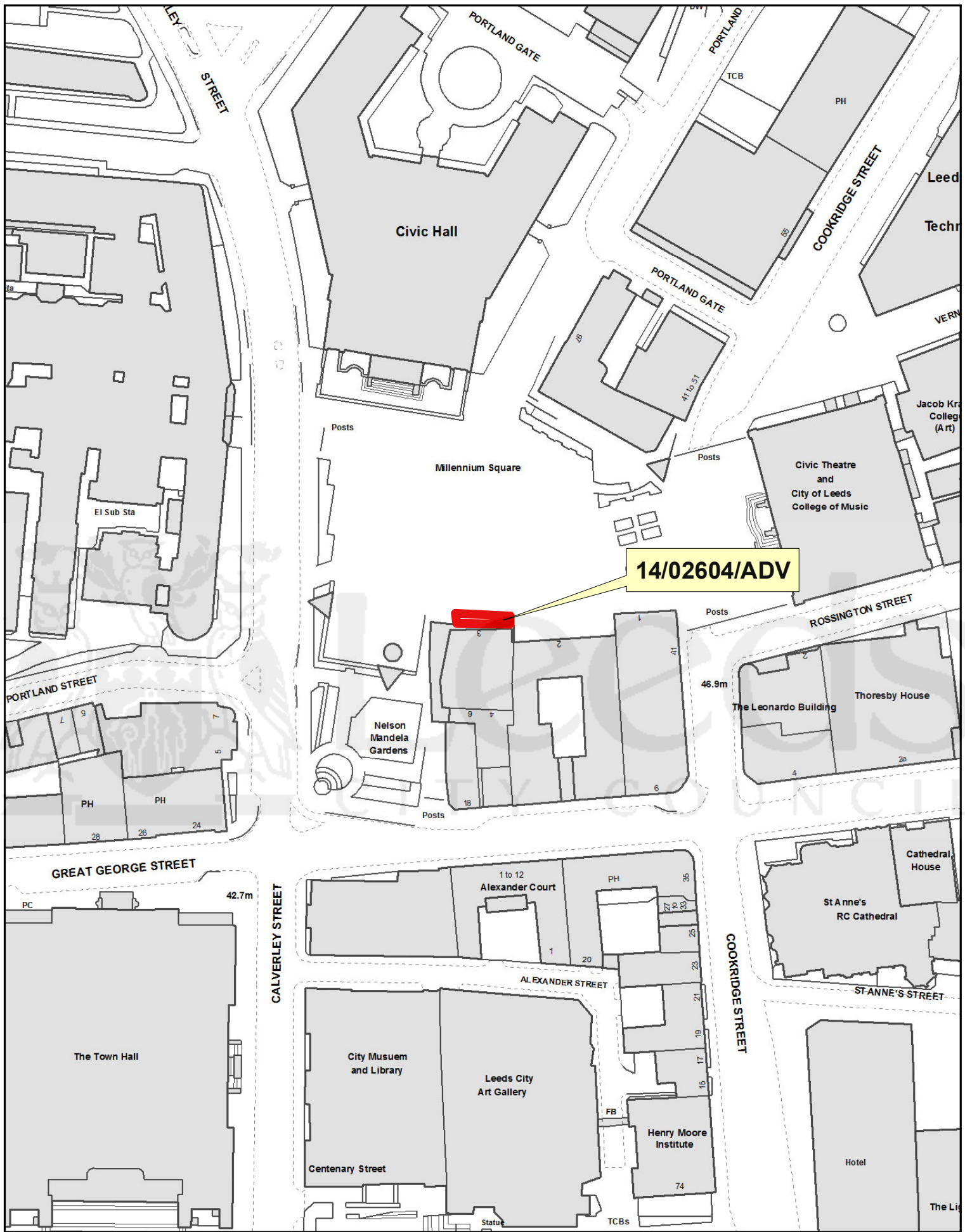
The Leeds City Council Advertisement Design Guide provides clear guidance on where advertising will generally be acceptable and where it is likely to be resisted. Guidance and UDPR policies require special attention to be given to protecting the character of the conservation area and listed buildings.

Each case must be considered on its own merits. The Local Planning Authority has supported proposals for screens at the Trinity retail centre and the Pinnacle building whilst resisting proposals in more inappropriate locations.

In this particular case it is considered that the proposal would be acceptable within the setting of the square and would have no greater impact upon the existing visual amenities and public safety in the context of the square than the existing BBC broadcasting.

#### **Background Papers:**

Application file 14/02604/ADV, letter of objection from Leeds Civic Trust dated 11<sup>th</sup> June 2014



# CITY PLANS PANEL







Originator: Paul Kendall

Tel: 2478000

## Report of the Chief Planning Officer

### *CITY PLANS PANEL*

Date: 18th September 2014

**Subject: PRE-APPLICATION PRESENTATION FOR OUTLINE PROPOSAL – MIXED USE SCHEME COMPRISING OFFICES AND RESIDENTIAL USES WITH ANCILLARY GROUND FLOOR ‘ACTIVE’ USES, SMALL SCALE RETAILING, CAFÉ/RESTAURANTS, BARS (PREAPP/14/00564) AT SITE BOUNDED BY WELLINGTON ST AND WELLINGTON BRIDGE ST (FORMER YORKSHIRE POST SITE).**

#### Electoral Wards Affected:

City and Hunslet

Yes Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: This report is brought to Panel for information. The Developer will be asked to present the emerging scheme to allow Members to consider and comment on the proposals.**

## 1.0 INTRODUCTION:

1.1 This presentation is intended to inform Members of a new major mixed use scheme proposed on the vacant former Yorkshire Post site at the corner of Wellington St and the on-slip of the Inner Ring Road called Wellington Bridge St. Members will be aware that the site was vacated by Yorkshire Post approximately one year ago and since then demolition of the building has commenced and is now nearing completion. The land has been sold and the new owner wishes to pursue a redevelopment of the land. Members will be asked to comment on the emerging scheme.

## 2.0 SITE AND SURROUNDINGS:

2.1 The site is approximately 1.87 hectares and is located to the south of Wellington Street, Leeds. The majority of the site area is now cleared following the demolition of the Yorkshire Post Building. The site is generally flat and is bound by Wellington

Street to the north, the low-rise car park of the Crowne Plaza hotel and the Wellington Place multi-storey car park to the east, the River Aire to the south, and the Inner Ring Road slip road (A58) to the west. The surrounding area has a mix of uses comprising offices, hotels, small scale retail and residential. A number of large scale developments have been built in close proximity to the site:

- City Island Development (Residential), immediately south of the site on the opposite side of the River Aire. The development consists of two 15 storey curved stepped blocks and a 20 storey tower.
- Wellington Place (Mixed Use), to the east of the Yorkshire Post site. The proposal consists of 2 million sq ft of commercial, retail, leisure and residential space in buildings of up to 19 storeys. Construction has started on site with the second building having just commenced - although this is at the eastern end of the site well away from the current proposal.

The site to the north, on the opposite side of Wellington St, is a row of now disused office buildings fronting Westgate (Ring Road off-slip). This site benefits from planning permission for a 28 storey tower comprising 272 flats, offices, A3 use and basement parking.

### **3.0 PROPOSAL**

- 3.1 The proposal is to be submitted in outline with vehicular access points and building locations to form part of the details to be submitted for approval. It is the rationale for these which first need to be considered. This site occupies a prominent location at the intersection of 2 main routes, both into and around the city centre, as well as having a river frontage. It also has its only boundary with neighbouring land partly interfacing the Wellington Place development. Therefore, it is important to consider the way the proposal addresses these 3 prominent frontages, as well as its boundary with the existing and proposed neighbouring buildings.
- 3.2 The existing 2 no. access points on to the public highway are to remain in the same locations. With these points fixed, pedestrian routes through the site have been considered. Along the eastern boundary, the existing buildings, as well as the approved layout for Wellington Place, have been used to establish the logical positions for the linkage points. There are 2 points along this boundary, in addition to the river frontage, which have the potential for connections to be created. The buildings have been located in positions which take account of these routes in a way which is described below and which will be explained in the presentation by the project architect.
- 3.3 It is proposed to develop the site with 4 buildings. Three of these run parallel to Wellington Street but are off-set to create a built frontage to Wellington Bridge St. These buildings set up well defined east-west routes across the site which enables both pedestrian and vehicular access to be achieved with the pedestrian route aligning with the large bus layby on Wellington Bridge St and the southern route, set by the location of the existing vehicular access point. These three buildings are proposed to be mainly offices containing approx. 37,000 sqm of floor space in total with a mix of commercial uses at ground level and 220 car parking spaces in the basement. Each of the three buildings will decline in height towards the east and also step down towards the river, with the highest point being approximately 13 no. storeys and the lowest approximately 8 no storeys. This means that their scale will relate better to that of the existing and proposed development along the common

boundary. Each building will also have a double height colonnade at its eastern end to provide an increased amount of public realm and improve pedestrian circulation.

- 3.4 The fourth building is perpendicular to the other 3 and aligns itself more closely with the eastern boundary to Wellington Place. This is proposed to be residential building of approximately 200 units (a mix of 1 and 2 bed), and also steps down towards the river from a height of approximately 16 residential storeys. The future applicant has stated that these would consist of one and two bedroom units and be developed under the Private Rented Sector model where the units are built to rent rather than to sell. Locating the residential use here means that it is kept away from the primary road frontages where issues of amenity from road traffic noise and air quality are less likely to occur. The roof tops can also be used as private or communal amenity space for the residents.
- 3.5 As the application is in outline there are no elevational details to be included for approval with the building footprints and heights being dealt with by parameter plans. However, in order to provide an impression of the way the scheme could look the architect has prepared indicative sketches as well as precedent images and these will be displayed as part of the Panel presentation.
- 3.6 Across the entire scheme the changes in building heights produces a scheme which steps down from the road frontage and also down towards the river with the highest part of the development being located on the Wellington St/ Wellington Bridge St corner. This approach, coupled with the orientation of the site and the river frontage towards the south west, would also allow greater amounts of sunlight to penetrate the scheme and in to the areas where the open space is to be provided.
- 3.7 The proposed layout creates a series of interlinked spaces with a hard landscaped square at the north-eastern corner of the site (approx. 30m x 50m including colonnade area), a soft landscaped triangular space fronting the full length of the river (approx. 100m long by 40m deep) and a linking space between the two (approx. 25m wide x 50m long including colonnade area). This provides the opportunity to create a continuous pedestrian space from Wellington St all the way through to the river corridor and then along the river corridor, as the space would be linked to Wellington Place to the east and then up to the footway of the Inner Ring Road to the west. Members should note that it is not possible to pass beneath the road bridge at this point. The total amount of publicly accessible open space, including pedestrian routes, on site has been calculated at approximately 40% of the total site area.
- 3.8 These spaces are served by the main access nodes around the site, as described above. In addition to these, two further low level pedestrian links to the surrounding footway network are proposed through the ground floors of the buildings fronting Wellington St and the residential building. The ground floor frontages to the spaces would be animated by the main entrances to the buildings as well as a series of commercial units which would provide life and vitality throughout the day and in to the evening. In addition there are 2 no. free-standing buildings, in the square and the river front spaces, which would also provide focal points for activity and help to animate and, in the case of the square, visually contain the space.
- 3.9 Servicing and vehicle access is to be taken from the existing vehicle access points on Wellington St and Wellington Bridge St. The principle which has been adopted is to locate the parking in basements beneath each building so cars are not visible on the surface in order to create a better environment. This would require a surface link between the two sides of the scheme to allow refuse, emergency and larger service

vehicles, which are too large to access the basement, to pass through the site and service it when required. This is the same approach which has been approved as part of the neighbouring Wellington Place site. This link will also enable vehicles leaving the site during peak times to exit the site from the chosen egress point, thereby reducing traffic movement on the highway network.

- 3.10 The vehicular route along the eastern boundary sits above a culvert which cannot be built over and would give access to a servicing lay-by, the access ramp to the 72 space car parking beneath the residential building and a turning head. It will also provide a direct route for cyclists to get from Wellington St to the riverside. The space which it creates along this side of the site also provides physical separation between the residential building and the neighbouring multi-storey car park (minimum distance 26 m). The original brick wall of the former Been Ing Mills, which used to occupy this site, is to be retained along this boundary but will be removed at the points where pedestrian through-routes are required.
- 3.11 The applicant will be responsible for providing a full set of supporting documents. Clearly a Transport Assessment and a Travel Plan will be required as well as a Flood Risk Assessment given this site's location within a Zone 3 flood risk area. A wind study would also form part of the package of submitted documents.

#### **4.0 HISTORY OF NEGOTIATIONS**

- 4.1 Officers have had a number of meetings with the project architects which commenced in June this year. These have dealt principally with planning and design in order to develop the layout, scale, massing and vehicular access for the site.

#### **5.0 RELEVANT PLANNING POLICIES**

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

#### **5.2 National Planning Policy Framework (NPPF)**

The NPPF advocates a presumption in favour of sustainable development, and a 'centres first' approach to main town centre uses such as offices. The location of prime office development within the City Centre, close to the railway station meets this requirement to locate such uses in sustainable locations. The NPPF also promotes economic growth in order to create jobs and prosperity. These new office buildings would help consolidate Leeds City Centre's role as the economic driver of the Yorkshire region, and the focus for investment in highly skilled and competitive businesses, as advocated by the emerging Core Strategy.

### **5.3 Development Plan**

Leeds Unitary Development Plan Review 2006 (UDPR)

The site lies within the designated City Centre and is within the Prime Office Quarter. This allocates the area as principally for office use, with other uses bringing activity and variety.

Other relevant policies include:

GP5 all relevant planning considerations

GP7 planning obligations

GP11 sustainability

GP12 sustainability

BD2 new buildings

A1 improving access for all

A4 safety and security provision

N12 urban design

N13 design and new buildings

N25 boundary treatments

N29 archaeology

BD4 all mechanical plant

CC3 city centre character

CC10 20% of site area to be public space on sites over 0.5 Hectares

CC11 streets and pedestrian corridors

CC12 public space and connectivity

CC13 public spaces and design criteria

CC19 office development

CC27 principal use quarters

E14 Office development

T2 Transport provision for development

T2C Travel plans

T2D public transport provision for development

T5 pedestrian and cycle provision

T6 provision for the disabled

T7A cycle parking

T7B motorcycle parking

T24 Car parking provision

LD1 landscaping

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

N39A sustainable drainage systems

### **5.4 Leeds Natural Resources and Waste DPD 2013**

The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. The Natural Resources and Waste Development Plan Document (Local Plan) is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, like minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. The requirements for a coal recovery report are also set out.

### **5.5 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

## **5.6 Leeds Core Strategy Publication Draft 2012**

- 5.6.1 The draft Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The Inspector examined the Strategy during October 2013 and May 2014. Some weight can now be attached to the document and its contents recognizing that the weight to be attached may be limited by outstanding representations which have been considered at the examinations.
- 5.6.2 Of particular relevance to this scheme proposal is Spatial Policy 3 Role of Leeds City Centre. This seeks to maintain and enhance the role of the City Centre as an economic driver for the District and City Region, by
- promoting the City Centre's role as the regional capital of major new office development,
  - making the City Centre the main focus for office development in the District including the West End within which this site is located.
  - comprehensively planning the redevelopment and re-use of vacant and under-used sites for mixed use development and areas of public space,
  - enhancing streets and creating a network of open and green spaces to make the City Centre more attractive
  - improving connections between the City Centre and adjoining neighbourhoods

Core Strategy Policy CC1 outlines the planned growth within the City Centre, including office growth.

## **6.0 ISSUES**

The scheme is in a prominent location and will act as a gateway to the city centre. The buildings present a built frontage to Wellington St and Wellington Bridge St but step down towards both the centre of the scheme and the river which is where the open space is located which runs through the scheme. Officers consider that the buildings are of an appropriate height for this prominent city centre site and have worked to try and sculpt the development so that it relates to the scale and mass of the neighbouring buildings and its river frontage setting.

In the light of this, and the description of the development and the presentation received from the project architect, Members are asked to comment on the following matters, in particular:

**Do Members consider that the height of the building on to Wellington St is acceptable?**

**Do Members consider that the heights of the buildings on to Wellington Bridge St are acceptable?**

**Do Members consider that the stepping down of the building heights towards the centre of the scheme, and also towards the River Aire, is the correct approach to addressing the river and providing daylight to enter the scheme?**

The proposal includes the provision of open space and pedestrian routes of a significant size (approximately 40% of the site area) which provides connectivity, both through to and along the river corridor. Considerable effort has been made to try and segregate the vehicle movement areas from the pedestrian routes. In the light of this:

**Do Members consider that the creation of linked open spaces through the scheme, as well as the location and size of those spaces, is acceptable?**

**Are Members satisfied that the location and number of pedestrian linkage points will provide an acceptable level of connectivity with the surrounding public highway network, Wellington Place and the waterfront?**

**Do Members consider that the approach taken to pedestrian and vehicle segregation is successful including the requirement to?**

There is to be a significant residential presence on the site. The building is proposed to contain 1 and 2 bedroom flats and follow the Private Rented Sector model.

**Do Members consider that the mix of unit types is acceptable?**

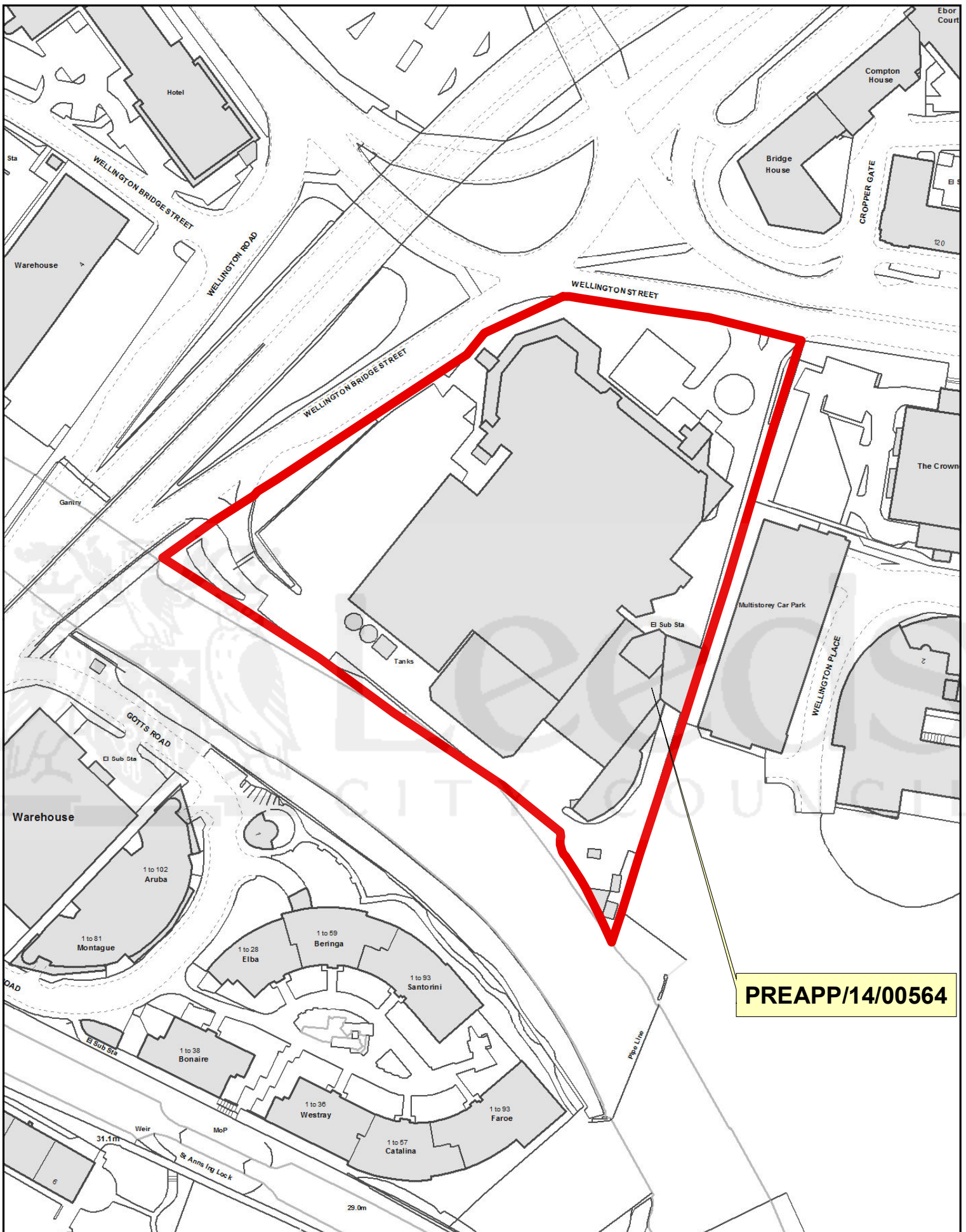
**Do Members consider that the provision of these units under the Private Rented Sector model is acceptable?**

#### **BACKGROUND PAPERS:**

Pre-application file: PREAPP/14/00564

Application file: Wellington Place 06/06824/OT

Application file: Cropper Gate/Westgate 10/03459/EXT



**PREAPP/14/00564**

# CITY PLANS PANEL

