



Leeds
CITY COUNCIL

Public Document Pack

CITY PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 22nd January, 2015
at 1.30 pm

MEMBERSHIP

Councillors

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

C Campbell

R Procter
G Latty

T Leadley

D Blackburn

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

A G E N D A

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

Item No	Ward	Item Not Open		Page No
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	

Item No	Ward	Item Not Open		Page No
5			APOLOGIES FOR ABSENCE	
6			MINUTES To approve the minutes of the City Plans Panel meeting held on 11 th December 2014 (minutes attached)	5 - 16
7	Morley North; Morley South		APPLICATION 12/02470/OT - LAND BETWEEN GELDERD ROAD/ASQUITH AVENUE AND NEPSHAW LANE NORTH GILDERSOME Further to minute 95 of the City Plans Panel meeting held on 11 th December where Panel deferred determination of an outline application for proposed employment development for use classes B1(b) and B1(c) (Research and Development/Light Industrial uses), B2 (General Industrial uses) and B8 (Storage and Distribution uses), for additional information, to consider a further report of the Chief Planning Officer (report attached)	17 - 92
8	Harewood		APPLICATION 14/04340/OT - FIELD AT RIDGE MEADOWS, NORTHGATE LANE/TIBGARTH LINTON WETHERBY LS22 To consider a report of the Chief Planning Officer on an outline application for residential development including means of access (report attached)	93 - 114

Item No	Ward	Item Not Open		Page No
9	Cross Gates and Whinmoor; Garforth and Swillington; Temple Newsam		<p>APPLICATIONS 14/05481/OT/14/05483/FU AND 14/05484/COND - LAND BETWEEN BARROWBY LANE AND MANSTON LANE THORPE PARK LS15</p> <p>To consider a report of the Chief Planning on the following applications:</p> <p><u>14/05481/OT</u> – Outline application for residential development (maximum 300 units) together with other uses and revised landscaping – Northern development plots – land south of railway line Thorpe Park</p> <p><u>14/05483/FU</u> – Variation of condition 4 (floor space) of approval 12/03886/OT to read ‘ the development hereby permitted shall not exceed the total quantum of developments as listed below (all gross external areas) B1 – 83,615sqm, A1 (food store) – 9,000sqm, A1 not within the food store – 9,000sqm (A2, A3, A4 and A5 – 4,200sqm, C1, D1 and D2 – 16,340sqm of which no more than 14,050sqm shall be in the C1 hote use and 2,290sqm shall be in the D2 gym use</p> <p><u>14/05484/COND</u> – Revised masterplan relating to the approved application 12/03886/OT for a major missed use development at Thorpe Park</p> <p>(report attached)</p>	115 - 144

Item No	Ward	Item Not Open		Page No
10	City and Hunslet	10.4(3)	<p>APPLICATION 14/04641/FU - SWEET STREET AND MANOR ROAD HOLBECK LS11</p> <p>Further to minute 74 of the City Plans Panel meeting held on 30th October 2014, where Panel considered a position statement on a mixed use, multi-level development comprising the erection of 4 new buildings, with 744 residential apartments, 713sqm of flexible commercial floorspace (A1-A5, B1, D1, D2 use classes), car parking, landscaping and public amenity space, to consider the formal application</p> <p>An appendix considered to be exempt under Access to Information Rule 10.4(3) and providing financial information accompanies the report</p> <p>(report attached)</p>	145 - 196
11	City and Hunslet		<p>APPLICATION 14/06534/OT - QUARRY HILL ST PETERS STREET LS2 - POSITION STATEMENT</p> <p>To consider a report of the Chief Planning Officer on the current position on an outline application for mixed use redevelopment including A1, A3, A4 and A5 uses, offices (B1), residential (C3), medical centre, (D1), college (D1), student residential accommodation, multi storey car park, basement car parking, access and open space</p> <p>(report attached)</p>	197 - 212
12	Armley; City and Hunslet; Hyde Park and Woodhouse		<p>VARIOUS LOCATIONS ACROSS THE CITY CENTRE - J C DECAUX UK LTD - POSITION STATEMENT</p> <p>To consider a report of the Chief Planning Officer on the latest position in respect of applications for large scale advertisements at various locations across the City Centre</p> <p>(report attached)</p>	213 - 232

Item No	Ward	Item Not Open		Page No
13			<p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday 29th January 2015 at <u>1.00pm</u> in the Civic Hall, Leeds (additional meeting)</p>	

Third Party Recording

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

Use of Recordings by Third Parties– code of practice

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

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CONFIDENTIAL AND EXEMPT ITEMS

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

9.0 Confidential information – requirement to exclude public access

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

9.2 Confidential information means

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

10.0 Exempt information – discretion to exclude public access

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

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Chief Executive's Department
Governance Services
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Leeds LS1 1UR

To all Members of City Plans Panel

Contact: Angela M Bloor
Tel: 0113 247 4754
Fax: 0113 395 1599
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Your reference:
Our reference: site visits
Date 13th January 2015

Dear Councillor

SITE VISITS – CITY PLANS PANEL – THURSDAY 22ND JANUARY 2015

Prior to the meeting of City Plans Panel on Thursday 22nd January 2015, the following site visits will take place:

9.40am		Depart Civic Hall
10.00am	Harewood	Field at Ridge Meadows Northgate Lane/Tibgarth Linton Wetherby – outline application for residential development including means of access – 14/04340/OT – depart 10.30am
10.50am	City and Hunslet Armley Hyde Park and Woodhouse	Various sites around the City Centre – JC Decaux advertisement sites – position statement Depart 11.30am
11.35am	City and Hunslet	Quarry Hill, St Peters Street LS2 – position statement on outline application for mixed use development – 14/06534/OT Depart 12.05pm
12.10 pm approximately		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **9.40am**. Please notify Daljit Singh (Tel: 247 8010) if you wish to take advantage of this and meet in the Ante Chamber at **9.35am**.

Yours sincerely

Angela M Bloor
Governance Officer



CITY PLANS PANEL

THURSDAY, 11TH DECEMBER, 2014

PRESENT: Councillor J McKenna in the Chair

Councillors P Gruen, D Blackburn,
S Hamilton, G Latty, T Leadley, E Nash,
N Walshaw, M Ingham, J Lewis,
C Campbell, C Gruen and D Cohen

90 Chair's opening remarks

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

91 Late Items

Although there were no formal late items, the Chair agreed to a further plan being circulated by Officers in respect of application 12/02470/OT – land between Gelderd Road/Asquith Avenue and Nepshaw Lane North – (minute 95 refers) in response to a request from a Panel Member made on the site visit earlier in the day

92 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interest, however Councillor Leadley brought to the Panel's attention in respect of application 12/02470/OT – land between Gelderd Road/Asquith Avenue and Nepshaw Lane North, that he had followed the history of the site closely and was the Chair of Morley Town Council Planning Committee which had commented on the proposals (minute 95 refers)

Councillor McKenna brought to the Panel's attention in respect of Applications 14/04516/LA and 14/04517/LI Kirkgate Market, that he was a member of the Market Board and stated that he would be vacating the chair by choice for this item (minute 97 refer)

The Head of Planning Services, Mr Sellens, brought to the Panel's attention in respect of application 14/04270/OT – land rear of 92-174 Moseley Wood Gardens LS16, that he lived close to the site and would withdraw from the meeting for this item (minute 96 refers)

93 Apologies for Absence

Apologies for absence were received from Councillor R Procter, with Councillor Cohen attending in her place

94 Minutes

The Panel considered the submitted minutes. Councillor Nash thanked Members for their good wishes

In respect of minute 83, application 13/04148/OT – land rear of Mosley Wood Gardens LS16, some concerns were raised about the inclusion of the third reason for refusal of this application. The Chief Planning Officer stated that such a reason had been accepted on other applications and that it remained valid at this point in time

RESOLVED - That the minutes of the City Plans Panel meeting held on 20th November 2014 be approved

95 Application 12/02470/OT - Outline application for proposed employment development for use classes B1(B) Research and Development, B1(C) Light Industrial uses, B2 General Industrial Uses and B8 Storage and Distribution Uses - Land between Gelderd Road/Asquith Avenue and Nepshaw Lane North Gildersome

Further to minute 49 of the City Plans Panel meeting held on 13th December 2012, where Panel considered a position statement on an application for employment development, Members considered the formal, outline application

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

Officers presented the report which sought the principle of development, with all other matters reserved. Members noted that the site was allocated for employment use following the UDP Inspector's recommendation of this use for the whole of the site

Detailed highways considerations were presented, including the improvements proposed as part of the application. Members' comments made in response to the position statement, in respect of securing access from Nepshaw Lane South had been investigated, however as this would require third party land to construct a substantial, signalised junction, for what would result in a small change to the flow of traffic, Highways Officers were of the view this was not justifiable

Receipt of a further letter of representation was reported as was an additional representation from a Ward Member, which was read out to Panel

Minor typing errors in the submitted report were corrected

The Panel was also informed that in terms of timescales, the applicant had stated that five years would be too short a period to submit all the reserved matters and the applicant proposed to submit phase 1 within 5 years and up to 10 years for the remainder, and that these phases would need to be defined on a plan

Members heard representations from a Gildersome Parish Councillor who outlined concerns about the application which included:

- the lack of need for the proposals
- that brownfield sites should be developed first

- environmental factors
- highways issues
- the extent of development in the area
- residential amenity issues for those residents closest to the site

The Panel then heard representations from the applicant's agent who provided information on the proposals, which included:

- that the site was the only one in the west of the city which could locate a large employment use
- that 1500 jobs could be created through the development of the site
- that the Highways Agency had lifted its Holding Direction
- that highway improvements would be made through the introduction of a weight limit for HGVs travelling through Gildersome
- the length of time which had been taken to bring this site forward and that close working with Officers had produced a scheme which was supported
- that bus improvements would be provided through the scheme

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

- the validity of the application as no access was included
- highways issues
- drainage
- access arrangements
- impact of the proposals on Gildersome
- the closing of the gap between Morley and Gildersome
- the likely development of the site, with concerns this should not commence at the centre of the site
- the limited nature of the submitted application
- boundary treatments to the closest residential dwellings
- a lack of clarity on what Members were being asked to consider

The Head of Planning Services stated that in assessing the application he was of the view that Members were being asked to consider whether the access points were acceptable and by implication, to accept a floorspace limitation, with the Highways Officer advised that the transport assessment was based on 87000 sq m

The Panel considered how to proceed

RESOLVED - That determination of the application be deferred for one cycle and that the Chief Planning Officer be asked to submit a further report which provides greater precision on the application, including details about the width of the landscaping strip around the nearby houses to form a buffer to the industrial units and highway impacts of the proposals, including further details in respect of an access through Nepshaw Lane and why this was not being provided; more information on phasing, concerns about the widths of 'notional' planting generally and not just around the houses; the need to address concerns at safeguarding residents; concerns at the joining of Gildersome and Morley settlements; the need to settle the location of the access points and the strategic need for the smaller units

96 Application 14/04270/OT - Outline application for residential development for circa 135 dwellings, including means of vehicular access from Moseley Wood Rise and pedestrian/emergency link from Cookridge Drive - Land rear of 92 - 174 Moseley Wood Gardens Cookridge LS16

The Head of Planning Services withdrew from the meeting at this point

Plans, photographs and drawings were displayed at the meeting. A Members site visit had taken place in November 2014, when Panel had considered a larger residential development on the site

Officers presented the report which sought approval for outline approval for a residential development of up to 135 dwellings and access on a Protected Area of Search (PAS) site rear of Moseley Wood Rise, Cookridge LS16

Members were informed that the proposals, which were now for only part of the site were for predominantly detached and semi-detached dwellings with driveways and rear gardens

Receipt of a further 17 letters of objection was reported, together with a further representation from the local MP, which was outlined to Members. The Panel was also informed that the Coal Authority had responded and had no objection to the proposals

If minded to approve the application, a further condition was proposed requiring off-site highway works to Moseley Wood Rise to be carried out prior to any development on site

Members were informed that the site met the requirements of the interim PAS policy and that the principle of development was established by Panel in April 2014, when a position statement on a larger residential development was presented to Members

Details of the travel planning arrangements of the scheme were outlined with Officers being of the view that these matters and the reduced level of development now proposed for the site overcame some of the issues associated with the larger development, which Panel had refused

Officers from the Council's Geotechnical Section and Flood Risk Management were in attendance and provided detailed information in respect of drainage, which was a particularly contentious issue on this site, with Members being informed that the biggest influencing factor was a sewer which was discharging into the eastern corner of the site, with this first appearing on a 1959 map. This sewer had uncontrolled/unrestricted discharge on to the site; the water was not escaping easily and the ground was soaking up the water

Much additional information from Cookridge Residents' Action Group (CRAG) and from the applicant had been received and considered by Officers, however it was felt that the applicant's drainage proposals were more than sufficient to deal with the land drainage issues on the site, although it was accepted that there was always the possibility of flooding in the district if storms were in excess of what the scheme had been designed for

In terms of school places, Children's Services had indicated that local schools could be expanded, albeit by the use of temporary accommodation, to accommodate the likely number of primary school age children from the

development and the applicant had made a commitment to education provision within the S106 Agreement

On the timescale for the development, Members were informed that the applicant was seeking a 2 year outline permission for commencement and the submission of Reserved Matters

Prior to Members hearing representations from a geotechnical expert and from a local Ward Member, reference was made to additional information which had been sent directly to Members by CRAG, with the Chair being asked if additional copies could be circulated to Members. The Chair declined. Members then considered the representations which were made and which included:

- the drainage problems on the site
- the inadequacy of the site investigations
- geological issues
- the accuracy of the ground water levels as reported to Panel
- that the full picture of future drainage on the site had not been explored
- that the proposals were premature
- that the Council had in excess of a 5 year housing land supply
- that alternative brownfield sites existed in the area
- the extent of development in the Adel and Wharfedale Ward
- the size of the site and that the interim PAS policy did not apply
- the unsustainability of the site
- the topography of the site and that it was disadvantageous for many social groups
- the potential loss of bus services
- that an Equality Impact Assessment had not been carried out

The Panel questioned the speakers closely on aspects of their representations, particularly sustainability and drainage, with Members being informed of the need for the groundwater drainage conditions to be properly investigated prior to considering a suitable drainage scheme

Members then heard representations on behalf of the applicant, with information being provided which included:

- that the emergency link was no longer a requirement
- that with the adoption of the Core Strategy, affordable housing at 35% would now be provided
- that a detailed drainage scheme would be brought back at Reserved Matters stage
- that 6 months of testing and recording had been carried out on the site in respect of drainage issues

In view of the different expert opinions on the issue of drainage, Members pressed Officers on whether the development could proceed safely in respect of drainage and water issues. The Council's Flood Risk Manager stated that the application was in outline; that additional information had been sought of the applicant and provided and that a land drainage system was now proposed which was conditioned and that on this basis, he was content with what had been provided. The Geotechnical Officer in attendance stated that the proposed drainage system would drain the surface soils

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

- drainage and the responses provided by Officers
- the extent of development and issues of sustainability
- access arrangements
- the need for the S106 Agreement to be signed without delay

The Panel considered how to proceed

RESOLVED - To defer and delegate to the Chief Planning Officer for approval subject to conditions to cover those matters set out in the submitted report, an additional condition requiring off-site highway works to Moseley Wood Rise to be carried out prior to any development on site (and any other conditions which he might consider appropriate) and the completion of a Section 106 agreement to cover the following:

- affordable housing at 35% on site (47 units on current indicative masterplan, split 60%/40% between Social Rent and Submarket)
- public transport contribution £1226 per dwelling
- off-site highways works for crossing on Green Lane and build out on Cookridge Drive and 20mph scheme for the existing surrounding roads
- education contribution of £643,115.09 – equivalent of £4763 per dwelling
- greenspace contribution (the current layout results in an indicative contribution of £1097)
- travel plan measures including car club contribution of £4,000 monitoring fee of £2675 and £10,000 penalty should travel plan targets not be achieved
- bus stop contribution of £30,000 and Metro Card contribution - £64,226.25
- local employment and training initiatives during the construction of the development
- public access to public open space and biodiversity and ecology enhancement management plan
- indexed linked contributions

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

Following consideration of this matter, the Head of Planning Services resumed his seat in the meeting

Councillor Cohen left the meeting at this point

97 Election of Chair

Having previously announced his intention to vacate the chair for this item, Councillor J McKenna withdrew from the meeting

Councillor Walshaw was nominated and appointed to chair the meeting for the next item

98 Applications 14/04516/LA and 14/04517/LI - Refurbishment and improvement works to the Kirkgate Market Halls, alterations to create a new daily covered market (including events space) and the establishment of a day-night market area and minor improvements to paving and loading to the outdoor market and related Listed Building application for refurbishment and improvement works to the Kirkgate Market Halls, including reconfiguration of stall layout, upgrades to the existing drainage, sprinkler and ventilation system and creation of a new butcher's unit - Kirkgate Market - Vicar Lane/George Street LS2

Plans, photographs, drawings and graphics were displayed at the meeting

Officers presented the report which sought approval for planning permission and Listed Building approval – subject to referring the application to the Secretary of State, Communities and Local Government – for refurbishment and improvements to the historic Kirkgate Market

Details of the proposals in respect of Butcher's Row; Fish and Game Row; the 1904 Hall; the proposed Covered Daily Market; the 1976 and 1981 halls; the blockshops and the central core were outlined

If minded to approve the applications, Members were informed that items 3 and 10 of condition three of the Listed Building application should be removed since they do not require listed building consent. Members were also informed that in respect of the Changing Places toilet, this would only be available when the market was open

Further representations were reported from Friends of Kirkgate Market

The Panel heard representations from an objector who attended the meeting and raised concerns which included:

- the negative social impacts the proposals would have
- the likelihood of higher rents being imposed
- loss of traders
- gentrification of the market
- the need to put people at the heart of the proposals
- issues within the Equality Impact Assessment (EIA)

Members then heard from the applicant's agent who provided information on the Statement of Community Involvement; the EIA and the much needed investment the proposals would bring

The Panel discussed the proposals, particularly the hours the Changing Places toilet would be available. Members were informed there was a requirement for someone to be nearby in the event of an emergency and that it was hoped that in the future working with partners could bring about longer opening hours for this facility

RESOLVED -

Application 14/04516/LA

That the application be granted subject to the conditions set out in the submitted report and any other conditions considered necessary by the Chief Planning Officer

Application 14/04517/LI

To agree the contents of the report for the Listed Building application and to refer the final decision to the Department of Communities and Local Government for determination with a recommendation to apply the conditions set out in the submitted report, with the removal of points 3 and 10 of condition three and any other conditions considered necessary by the Chief Planning Officer

Following consideration of this matter, Councillor J McKenna resumed the Chair

Councillor J McKenna in the Chair

99 Application 14/05976/OT - Outline application for mixed use scheme comprising (B1) offices, residential and/or hotel (C3/C1) and a flexible range of supporting uses at ground floor (A1-5, D1 and D2) with basement car parking; public open space and modifications to the site access junctions (reference 14/05976/OT) - Former Yorkshire Post Site - Wellington Street - Position Statement

Further to minute 52 of the City Plans Panel meeting, where Panel considered pre-application proposals for the redevelopment of the former Yorkshire Post Building, the Panel considered a further report of the Chief Planning Officer setting out the current position in respect of the site

Plans, photographs and graphics, including a fly-through of the proposed scheme were displayed at the meeting

Officers presented the report and outlined key aspects of the proposals, which included:

- pedestrian routes
- wider connections from the site
- parking provision, with a basement car park being proposed
- building heights
- creation of views
- that 40% of the site would be POS, and be south west facing

Members recognised the improvements which had been made to the scheme since it was first presented in September 2014 and commented on the following matters:

- that in terms of design, the existing buildings along Whitehall Road should be taken into account
- that the site could support an iconic building and that a taller scheme could be considered
- the possibility of retaining the clock and reusing it within the new development
- the historic nature of the site and the possibility of artwork to reflect that history being incorporated within the site

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

- that Members considered that the information now presented gave greater clarity over the pedestrian network within the site

and the way it linked in to the surrounding network of proposed and existing routes and streets

- that Members were happy with the proposed series of pedestrian routes within the site
- that Members consider that the material now presented has provided enough clarity over the heights and massing of the buildings for these to be considered acceptable

RESOLVED - To note the report and the comments now made

100 PREAPP/14/00934 - Low Fold East Street LS9 - Proposal for residential development at Low Fold East Street LS9 - Pre-application presentation

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

Members considered a report of the Chief Planning Officer outlining pre-application proposals for a residential development by an applicant who had undertaken a similar development in Leeds

The Panel received a presentation from the developer who outlined the scheme, with the following details being provided:

- that the proposals were for a radical approach to family housing on a brownfield site
- that a unique 'European' contemporary design will be used
- that the scheme would be community focussed, with an emphasis being placed on the quality of design
- the sustainability credentials of the scheme
- the layout of the proposals, with town houses being located along the river; these being south facing
- larger flat/apartment buildings being sited along the road to provide a buffer to the noise of the environment
- the POS provision which would include publicly accessible areas; semi-private spaces for residents and private rooftop terraces
- the provision of either an elevated roof garden or view of the river beyond for each house
- the wider connections from the site
- car parking provision, with 240 spaces being provided under raised decks
- the delivery of 311 homes in a mix of house types and creating a mixed community

- the provision of a pedestrian bridge to link the South Bank area and 3 % affordable housing

Members discussed the proposals, with the following matters being raised:

- the energy efficient aspects of the proposal
- the inclusion of back to backs within the scheme
- the proposed materials and the need for further information on this
- the need to ensure the proposals did not add to existing road congestion and the need to consider the use of river taxis
- the importance of the delivery of the bridge link

In relation to the specific issues raised in the report, the following responses were provided:

- that Members agreed that the proposed use of the site for a residential scheme and the mix of dwellings proposed would be appropriate
- that on the quality of the homes proposed, these were considered to be very good in respect of space standards, energy efficiency and sustainable construction, however, further consideration was required of the proposed finishing materials
- that the balance of private amenity space, communal residents' amenity space and public realm provision was appropriate for the mix of dwellings proposed however in respect of affordable housing provision, the 3% proposed was considered to be an initial offer and needed to be justified against the Council's normal affordable housing policy
- on privacy and overlooking, there was a need to explore the balance between the gaps created through the design of the scheme
- that given the wide road infrastructure between the site and the scale of the nearby 14 storey Echo flats, that the scale of the proposed development was considered to be appropriate at this gateway location

- to note Members' views on the necessity of the bridge to connect the development to surrounding communities and facilities
- that subject to the agreement of Transport Development Services (to ensure there would be no adverse impact on highways safety or amenities) that the proposed level of car parking was considered to be acceptable
- the need for a affordable housing provision at an acceptable level

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

101 Date and Time of Next Meeting

22nd January 2015 at 1.30pm in the Civic Hall, Leeds

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Originator:	David Jones
Tel:	247 8000

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 22nd January 2015

Subject: APPLICATION 12/02470/OT, OUTLINE APPLICATION FOR PROPOSED EMPLOYMENT DEVELOPMENT FOR UP TO 92,148 SQM OF USE CLASSES B1(B) (RESEARCH AND DEVELOPMENT), B1(C) (LIGHT INDUSTRIAL USES), B2 (GENERAL INDUSTRIAL USES) AND B8 (STORAGE AND DISTRIBUTION USES), WITH TWO POINTS OF ACCESS FROM GELDERD ROAD AND ONE POINT OF ACCESS FROM ASQUITH AVENUE, LAND BETWEEN GELDERD ROAD, ASQUITH AVENUE AND NEPSHAW LANE NORTH, GILDERSOME

APPLICANT	DATE VALID	TARGET DATE
COMMERCIAL DEVELOPMENT PROJECTS LTD	01.06.12	31.08.12

Electoral Wards Affected: Morley North & Morley South	
<input type="checkbox"/>	YES Ward Members consulted (referred to in report)

Specific Implications For:	
Equality and Diversity	<input type="checkbox"/>
Community Cohesion	<input type="checkbox"/>
Narrowing the Gap	<input type="checkbox"/>

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

- Travel Plan – including monitoring fee.**
- Highway and transport mitigation measures – to include:**
 - Weight limit restrictions through Gildersome, including Branch End, Town Street, College Road and Street Lane to be in place before first occupation of the development;**
 - Improvements to the junction of Victoria Road / Asquith Avenue / Bruntcliffe Lane / Brunswick Street to be completed before first occupation of the**

development;

Traffic Management works on Asquith Avenue from Victoria Road to the M621 Motorway Bridge;
Nepshaw Lane North resurfacing (c.£20,000);
£60,000 towards improvement of two existing bus shelters on Asquith Avenue and one shelter on Gelderd Road;

Woodland Management Plan - for woodland management within applicants ownership;

Public transport contribution is also required to comply with up-to-date SPD guidance. The sum is under negotiation, but is calculated at £316,000. (£20,000 of this money is to provide enhanced bus stop facilities);

Drainage £300,000 contribution towards off site flood alleviation works and drainage works to Gildersome tunnel. The £300 000 includes £50, 000 towards a study of possible schemes in Farnley Wood Beck/Dean Beck, plus £250, 000 towards a major scheme to address flooding in the catchment as follows, as required by the Study:

Flood Doors at Old Close (£70k); maintenance of the channels and grilles downstream of the Treefields site to just below Old Close, Churwell (£1k / annum – £30k) and storage of storm flows in 2 potential locations (£75k each – total £150k)

Provision for Local Training and Employment Initiatives

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. Application for the approval of all reserved matters for the first phase of development, as defined by the Phasing Plan to be submitted and Approved under Condition 3, shall be made to the Local Planning Authority before the expiration of five years from the date of this permission. Applications for the approval of all remaining reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be agreed.
2. Approval of the following details (hereinafter referred to as the reserved matters) on any part of the site shall be obtained from the Local Planning Authority, in writing before the development of that part of the site is commenced.

Access

Layout

Scale

Appearance

The landscaping of the site

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

3. The development hereby permitted shall be carried out in accordance with a phasing scheme which shall be submitted to and approved in writing by the Local Planning Authority before approval is given for any of the reserved matters.
4. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule, and for the avoidance of doubt, shall comply with development parameters as shown on the Parameters Plan (Ref; COMY2003) and Schedule of Parameters presented in the approved Design and Access Statement and in accordance with the Illustrative Masterplan. Approved plans not to be varied without prior written consent of LPA.
5. The gross internal floor area for the development hereby permitted shall not exceed the maximum limit of 92,148sqm (gross) as specified on the Parameters Plan and associated table of Parameters in the Design and Access Statement.
6. Unit 3 adjoining Belle Vue Terrace to be within Class B1b/c.
7. Development adjacent to Belle Vue Terrace to be carried out in accordance with approved details of acoustic fencing, mounding and landscaping
8. The development shall not generate a level of passenger car units (PCUs) in excess of 643 during the evening peak period, when calculated in accordance with the following formula:

$$\frac{(B2 \times 1.130)}{100} + \frac{(B8a \times 0.410)}{100} + \frac{(B8b \times 1.909)}{100} = 643\text{PCUs}$$

Where:

B2= total gross external floor area (in sq.m) of any class B2 development.

B8a= total gross external floor area (in sq.m) of any class B8 use except a parcel distribution type occupier.

B8b= total gross external floor area (in sq.m) of any parcel distribution type occupier within use class B8.

Monitoring of trips to be carried out in accordance with a method Statement, to be agreed.

9. Details of external walling and roofing materials
Submit and implement drainage works
10. Flood risk measures to be carried out in accordance with agreed Flood Risk Assessment
11. Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity
12. Achievement of BREEAM Excellent , sustainability standard
13. Parking and hard surfaces to be hard surfaced and sealed and retained
14. Protection of trees to be retained
15. Submit and implement appropriate landscape scheme
16. Replace any dead trees
17. Noise mitigation measures to be carried out in accordance with Noise Assessment
18. Submission and approval of a Construction Environmental Management Plan
19. Submission and approval of a Biodiversity Enhancement & Management Plan
20. Submission and approval of a "Lighting Design Strategy for bats"
21. No site clearance or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August inclusive unless otherwise agreed in writing.
22. The accesses onto Gelderd Road and Asquith Avenue and associated alterations to these roads and the link road through the site joining them

- should be completed before first occupation of the development. The link road to be constructed to adoptable standards and offered for adoption.
23. The link road through the site to have 'No waiting or loading at any time' restrictions.
 24. The access from Gelderd Road to the smaller area of development and associated works to Gelderd Road to be completed before occupation of that element of the site.
 25. Construction Management Plan.
 26. Details of Cycle parking, showers and lockers to be provided before commencement of each building and installed before occupation.
 27. Details of Motorcycle parking to be provided before commencement of each building and installed before occupation.
 28. Details of electric car charging points to be provided before commencement of each building and installed before occupation.
 29. Details of car share spaces to be provided before commencement of each building and installed before occupation.
 30. Development in accordance with Coal Mining Risk Assessment Report.
 31. Contaminated Land report to be submitted.
 32. Amended Remediation Statement to be submitted (if necessary)
 33. Verification Report to be submitted.

1.0 INTRODUCTION:

1.1 Plans Panel meeting 11th December 2014

- 1.1.1 The application was considered at City Plans Panel on 11th December 2014, following a members' site visit. The application was deferred, and members resolved:

“That determination of the application be deferred for one cycle and that the Chief Planning Officer be asked to submit a further report which provides greater precision on the application, including details about the width of the landscaping strip around the nearby houses to form a buffer to the industrial units and highway impacts of the proposals, including further details in respect of an access through Nepshaw Lane and why this was not being provided, more information on phasing, concerns about the widths of 'notional' planting generally, and not just around the houses, concerns at 'safeguarding' residents, concerns at joining of Gildersome and Morley settlements, wanting to settle the location of the accesses, not convinced on the strategic need for the smaller units.”

Current position

- 1.1.2 Following further discussions with the applicant to address the points raised by Panel Members, a number of changes have been made to the layout, particularly in respect of landscaping and location of buildings in close proximity to Belle Vue Terrace. Access positions are under consideration, and these positions have not been amended, but are considered in the report.
- 1.1.3 The current report considers the issues raised above. As there are now no technical objections to the proposal, the application is recommended for approval, subject to conditions and the completion of a Section 106 Agreement, which address issues of concern and enable the development to be supported. The current report should be read in conjunction with the previous two panel reports, which are appended to the current report. Where new conditions have been referred to, they are emboldened in the report.
- 1.2 A copy of the draft minute appears on the Panel papers.

2.0 ISSUES RAISED

Clarify what members are being asked to consider.

Consideration of access points

The strategic need for the smaller units

Concerns at the joining of Gildersome and Morley

Details of phasing

Planting provision within the site

Impact on residents at Belle Vue Terrace

Traffic impacts in Gildersome.

Traffic impacts at Asquith Avenue/the mini-roundabout in Morley

The applicant's stance regarding this access is un-changed from the previous report

Non-provision of the Nepshaw Lane South access

3.0 CONSIDERATIONS

3.1 Clarify what members are being asked to consider.

3.1.1 This is an outline application, with the principle being sought. A normal requirement is for a plan to be submitted which sets out the minimum information required for an outline application, as well as the maximum amount of development which would be permitted. It is also then common practice to provide an illustrative Masterplan which shows how that maximum amount of development can be accommodated on the site.

3.1.2 Members were concerned that the application would be uncontrolled. Whilst this form of application does allow flexibility for the form of development to vary, it would not be acceptable to have a completely unfettered permission. This application would be tied to the parameters plan which fixes a whole range of factors, including access, minimum landscaping, the position of the main attenuation pond and the maximum heights of development by plot. This permission would also need to be linked to the table of parameters in the Design & Access Statement (DAS) which sets out the maximum floorspaces by use class.

3.1.3 To provide clarity to members, details of the proposed conditions are included within the report.

3.2 Consideration of access points

3.2.1 As noted in 2.1 above, the conditions and approved plans will fix the access points into the site as shown on both the Parameters Plan and Masterplan. There are no other feasible access points which would alter the assumptions made on vehicle generation or distribution around the network. Fixing the access point is one of the minimum information requirements for an Outline application, as defined in planning legislation, and the Parameters Plan fulfils this requirement. To clarify, therefore, Members are being asked to consider the access points into the site as part of this application.

3.3 The strategic need for the smaller units

3.3.1 The need for more general employment space has been established through the Core Strategy. The site is allocated for employment purposes in the 2006 UDP and forms an important strategic component of employment land supply which will play an important role in providing for jobs in this part of the city. The site is well located to the motorway network and there are no other suitable and comparable sites of this size which are available in this part of the city. The Core Strategy also followed an evidence based approach to determining the amount of employment land

required, of which this site forms a strategically important part. It is crucial that these sites are delivered if the UDP and Core Strategy visions and objectives are to be realised. This establishes the need for development of this type, and there is no policy or other requirement for the applicant to demonstrate need for employment units.

3.3.2 Members noted the existence of vacant stock in this, and other areas. This reflects the state of the market as well as their age, energy performance and most importantly their ability to meet the changing operational requirements of modern businesses. Paragraphs 10.90 – 10.91 of the Plans Panel report in December 2014 consider these points.

3.3.3 The key point is that at 70 acres (28.3 ha) of allocated employment land, this site is an essential part of realising the economic vision of the City. If the need is not met on this site, the Council would need to allocate alternative land of an equivalent size elsewhere in the City, which will certainly require additional releases from the Green Belt, which will be difficult to justify as there is already suitable provision available, outside the Green Belt, on this site.

3.4 Concerns at the joining of Gildersome and Morley

3.4.1 Members were concerned about loss of countryside at this location, and noted that it was not their decision to release this land for development. As a matter of fact, this site is not in the Green Belt, and is not designated as open countryside. It is an employment allocation. The decision to include this land in the 2001 UDP was based on the Inspector's view that this land does not perform Green Belt functions (which include separating settlements). It was considered that the separation of Morley and Gildersome could be adequately maintained by the M621 motorway and Dean Wood, which itself would be little changed by the proposal. The UDP Inspector stated that the Council's proposed Green Belt boundary towards Gildersome Spur had no physical definition along its long northern boundary, and instead considered Asquith Avenue would be the nearest satisfactory physical feature, and would be a strong and defensible long term boundary. It was also considered that the site was quite well contained visually. On this basis, the UDP was adopted.

3.4.2 The 2006 UDP review did not look to review the employment allocations, and did not seek to reverse the Inspectors decision. Furthermore, the Core Strategy has shown this site as a strategic employment location, which is based on the Employment Land Review which also assumes the delivery of this site.

3.4.3 It is worth acknowledging that the retention of Dean Woods, both within the applicant's and LCC ownership will provide a substantial buffer between Morley and Gildersome, with a distance in excess of 200m being achieved between buildings either side of Dean Woods. The woodland is to be retained and enhanced in width, which will assist in providing a substantial buffer between the settlements. The area of woodland within the employment allocation is approximately, 10 hectares, which is a substantial area of woodland planting within the application site.

3.4.4 In terms of the size of the buffer and the amount of open areas, the strategic landscaping, balancing ponds and retained Dean Woods within the application site amounts to 7.1ha, and the amount of Dean woods retained (outside the red line boundary) amounts to 4.19 ha. This amounts to 31.9% of the overall allocation, and is considered to be acceptable in providing a buffer and green edges to the development.

3.5 Details of phasing

3.5.1 In terms of phasing, the site requires a significant "cut and fill" exercise which balances across the site as a whole, in order to avoid vehicles movements for the import or export of bulk materials. This means that the development will need to be preceded by an infrastructure phase, where levels are established, access points, provided, the first access road to some of the plots, and key structural landscape is

planted. It is likely that the site will be delivered in two main infrastructure phases, beginning with the Gelderd Road side, including the storm water pond, and then moving on to the southern plot. This is due to access requirements and the need to bridge over Dean Beck. The applicant envisages structural landscaping being delivered in this stage and all works will involve tree protection measures to ensure the safety of retained landscaping. A 'phasing' condition is recommended (see draft condition 3 above).

3.5.2 This approach is necessary with a site of this size as it is not possible to define the operational requirements of each of the occupiers of each of the possible units at this stage.

3.5.3 Members also queried the timescales for the submission of reserved matters. To assist Members, clearly it will be necessary to submit Reserved Matters application before any development is undertaken. However the applicant expects the first phase progressing fairly quickly, as it forms part of the applicant's 2015 development programme, with applications for infrastructure works and potentially the first building to be submitted early in 2015. However, the applicant has requested for generous timescales as it is not clear how long it will take to detail all of the units which this site could accommodate and also, crucially, because it is now no longer possible in law to extent the timescales for a permission.

3.6 Planting provision within the site

3.6.1 The landscaping shown on the parameters plan, which is reflected in the landscape drawings, is marked as being the *minimum* planting. The illustrative master plan shows much more planting in and around the proposed units, which illustrates that much more landscaping will be secured through the reserved matters submissions.

3.6.2 An up-dated landscaping scheme has been submitted which shows various sections throughout the site. For example, the 10m strip of structure planting adjacent to Nepshaw Lane North would adjoin the M621 embankment at a similar width, to provide a substantial overall belt of planting to the M621 motorway. The Asquith Avenue frontage, which would abut the Green belt shows a 12-13m wide belt of planting, but when you add the planting within the adjoining plot, this belt of planting extends to between 20m and 45m, which would provide a satisfactory width of planting to the development and green belt edges. The main estate road into the site off Gelderd Road would have 8m wide verges, which would contain tree and shrub planting, and would provide sufficient space to provide a landscaped setting to the main road through the estate. Overall, the coverage of the site by buildings is only 30%, and such developments can often cover between 35 – 45% of the site.

3.6.3 It is considered therefore that there are significant areas of landscaping which can provide a satisfactory landscaped setting, with the 10m figure being a minimum, and in many cases, the actual provision would be well in excess of that amount.

3.6.4 The applicant has also indicatively shown greater tree planting within the car park areas.

3.6.5 The draft proposed conditions set out above provide control over the detailed landscaping proposals. Clearly, when Reserved Matters applications are submitted if members are not satisfied that the landscaping is adequate, those applications could be refused.

3.7 Impact on residents at Belle Vue Terrace

3.7.1 The Parameters Plan shows a minimum width of landscaping of 10m between the houses and the development. It also restricts building heights in the areas directly facing the habitable windows of these properties, as shown by the hatched area in Plot D.

3.7.2 The submitted landscape proposals drawing (SF1995 LL01 Rev E) shows how this area would be treated in Section D, which includes a 1m high bund with tree

planting, as well as the 3.5m acoustic fence (which allowing for the bund, would stand at 2.5m, within the middle of the planting) specified in the noise report.

- 3.7.3 The updated illustration of the unit which is likely to be pursued immediately behind Belle Vue Terrace, shows a 60m gap between the proposed building and the closest rear elevation of the houses. On the previous layout, which was presented at Panel in December, the distance was 35m. The height of that unit has been set at 14m, which is below the maximum height parameter allowed for, and which reflects a real enquiry, rather than a speculative enquiry.
- 3.7.4 To the side of the dwellings, the scheme has been amended to extend the landscape buffer in this area to 15m rather than 10m. This arrangement still allows for the acoustic noise fencing in this area, which the noise report has shown to be acceptable. Draft condition 7 would ensure the details are carried through at reserved matters stage.
- 3.7.5 In addition, it is proposed to condition that Unit 3 immediately adjacent to the front of the properties on Belle Vue Terrace is only used for Classes with Class B1, and shall not be used for Class B2 or B8 uses. Draft condition 6 is recommended in this respect.
- 3.7.6 It is considered that the resiting of the nearest unit to the rear of the properties, the increase in planting width to the side of the terrace and the restriction to prevent general industrial use of the nearest building, would produce an acceptable relationship of the nearest employment buildings to Belle Vue Terrace, and that these revisions represent a significant improvement over the previous layout.

3.8 Traffic impacts in Gildersome.

- 3.8.1 This issue was considered in paragraphs 10.16 – 10.17 of the Plans Panel report in December 2014. The Highways Officer concluded that whilst there will be a slight increase in traffic through Gildersome, no further traffic calming works are required as all routes through Gildersome are traffic calmed, there have not been any recent requests for more features, or removal of features, which, along with the accident record is a good indicator of a satisfactory level of provision.
- 3.8.2 It was acknowledged that commercial vehicles from the site could be tempted to cut through Gildersome particularly to reach the Outer Ring Road for destinations to the north. College Road and Street Lane are particularly unsuitable for commercial vehicle movement and although Town Street is a 'B' classified road, the 'village' nature of the centre of Gildersome and the extensive traffic calming also make this route inappropriate for commercial vehicles. Therefore it will be necessary to introduce a weight limit on environmental grounds through Gildersome to mitigate against a potential severe impact on the village. The applicant will provide £15,000 through the S106 agreement for these works.

3.9 Traffic impacts at Asquith Avenue/the mini-roundabout in Morley

- 3.9.1 The applicant's stance regarding this access is un-changed from the previous report. This issue was considered in paragraphs 10.19 – 10.26 of the Plans Panel report in December 2014. The Highways Officer concluded in respect of these junctions that the impact at this junction is not considered to be of sufficient severity to warrant refusal of the application

3.10 Non-provision of the Nepshaw Lane South access

- 3.10.1 The applicant's stance regarding this access is un-changed from the previous report. This issue was considered in paragraphs 10.27 – 10.34 of the Plans Panel report in December 2014. The highways officer concluded (in paragraph 10.28) that *"there would be no benefit to the development or the highway network of providing an access via Nepshaw Lane."*

In the opinion of the applicant, an access from Nepshaw Lane:

Is not commercially deliverable, as it involves third party land. Some of which is subject to option agreements at extremely unfavourable rates, which will not be exercised by the applicant, and some of which requires several home owners to agree to signalling their private drive, as well as providing some of their land to do this.

Removes the USP of this site in market terms, as it would reduce the scale of the potential large unit on Plot E (Unit 10).

Is not attractive to future users of the site, as it involves more traffic lights, is more congested and will therefore result in more delays than an equivalent access taken from Gelderd Road or Asquith Avenue.

- 3.10.2 On the basis of the above, the applicant considers this access route demonstrates a poor cost to benefit ratio, as it will cost a lot to deliver, with little benefit for the site or its users. The applicant has requested that the application be determined on the basis that the access onto Nepshaw Lane will not be provided.

Parcel Distribution

- 3.10.3 The development has been assumed to have a mix of uses consisting of B2 industrial, B8 commercial warehousing and B8 parcel distribution, the Transport Assessment tested a mix of these uses that generated 643 trips in the evening peak hour. A B2 use can generate two and a half times more traffic than a commercial warehouse use, and a parcel distribution use can generate nearly four times the traffic of a commercial warehouse use for the same floor area. In order to provide flexibility to the applicant in the mix of uses whilst seeking to limit the traffic generated to that tested in the Transport Assessment, the level of development will be limited, by planning condition, to that which would produce a calculated traffic generation of 643 trips. This condition is added as condition 8.
- 3.10.4 The level of background traffic used to assess the development impact has had a growth factor applied that represents the increased level of traffic expected from the residential and employment development proposed through the core strategy.

4.0 SITE ALLOCATIONS CONSIDERATIONS

- 4.1 The application site has been advanced as an employment site in the Issues and Options stage of the Site Allocations Plan and is subject to a current planning application for general employment uses.
- 4.2 Local Members consider the site would be better re-allocated for housing use, or at least for mixed use with housing on the northern part and employment on the southern part. The different allocation options for the site were discussed at the Development Plan Panel meeting of 6th January 2015, with no clear outcome. At the time of writing further discussion is expected at the second Development Plan Panel meeting of 13th January 2015.
- 4.3 Further assessment in the report to Development Plan Panel of 13th January 2015 concludes that the most prudent course for the advancement of the Site Allocations Plan would be to maintain the allocation for general employment. This is because the total city wide quantity of general employment land as proposed is only just in surplus and a reduced surplus would create risk for the advancement of the Plan.
- 4.4 The application site is suitable, available and achievable for general employment. The site is a relatively good site in terms of motorway access and proximity to labour markets. This site is not required to meet local HMCA *housing* numbers.

Recommendation

- 4.5. Development Plan Panel on 13th January 2015 was recommended to support the proposed allocation of the site for general employment and recommend to Executive Board that this provides the basis to prepare a Publication draft Plan for deposit in 2015. The resolution of that Panel will be reported verbally to Plans Panel.
- 4.6 Notwithstanding, the application site is currently allocated for employment use in the development plan, and the planning application must be determined in accordance with the development plan unless material considerations dictate otherwise. Only very limited weight can be given to any proposal at present to change the designation from the current development plan given that a draft plan is at early stages of preparation and will be subject to significant consultation.

5.0 REPRESENTATIONS

- 5.1 The latest revised plans have been readvertised and any further representations will be reported verbally to members.

6.0 CONCLUSION

- 6.1 The application is made in outline to approve the principle of development and to consider the access points, with a limitation on the maximum amount of development. There have been a number of significant changes to the previous scheme considered by members. The proposed development fulfils an allocation policy within the adopted UDP and employment policies within the Core Strategy and will bring employment uses into Morley and Gildersome, allowing the area to sustain economic growth. There are recognised concerns about congestion on the local highway infrastructure and existing flooding problems within the local catchment, however, planning conditions and obligations, contained within a Section 106 Agreement, are proposed to address these issues.
- 6.2 Since the December Plans Panel meeting, it has been clarified as to what the application is actually considering, and access points are to be considered. The applicant has not amended the access points, and has requested the application be considered as submitted in this respect. For the reasons set out in the December report, no highways objections are raised. Greater explanation of the landscaping issues has been set out, and Officers consider the arrangements acceptable. In respect of the impact on Belle Vue Terrace, the revised plans are now considered to address concerns by the location of the nearest units to rear, increased planting width and restriction of general industrial use.
- 6.3 Subject to the completion of the Section 106 Agreement, and the imposition of the additional conditions, the proposal is recommended for approval.



Report of the Chief Planning Officer

PLANS PANEL CITY

Date: 11th December 2014

Subject: APPLICATION 12/02470/OT, OUTLINE APPLICATION FOR PROPOSED EMPLOYMENT DEVELOPMENT FOR USE CLASSES B1(B) (RESEARCH AND DEVELOPMENT), B1(C) LIGHT INDUSTRIAL USES), B2 (GENERAL INDUSTRIAL USES) AND B8 (STORAGE AND DISTRIBUTION USES), LAND BETWEEN GELDERD ROAD, ASQUITH AVENUE AND NEPSHAW LANE NORTH, GILDERSOME

APPLICANT	DATE VALID	TARGET DATE
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Electoral Wards Affected: Morley North & Morley South

YES Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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

- Travel Plan – including monitoring fee.**
- Highway and transport mitigation measures – to include:**
 - Weight limit restrictions through Gildersome, including Branch End, Town Street, College Road and Street Lane to be in place before first occupation of the development;**
 - Improvements to the junction of Victoria Road / Asquith Avenue / Bruntcliffe Lane / Brunswick Street to be completed before first occupation of the development;**
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**Nepshaw Lane North resurfacing (c.£20,000);
£60,000 towards improvement of two existing bus shelters on Asquith Avenue and one shelter on Gelderd Road;**

Woodland Management Plan - for woodland management within applicants ownership;

Public transport contribution is also required to comply with up-to-date SPD guidance. The sum is under negotiation, but is calculated at £316,000. (£20,000 of this money is to provide enhanced bus stop facilities);

Drainage £300,000 contribution towards off site flood alleviation works and drainage works to Gildersome tunnel. The £300 000 includes £50, 000 towards a study of possible schemes in Farnley Wood Beck/Dean Beck, plus £250, 000 towards a major scheme to address flooding in the catchment as follows, as required by the Study:

Flood Doors at Old Close (£70k); maintenance of the channels and grilles downstream of the Treefields site to just below Old Close, Churwell (£1k / annum – £30k) and storage of storm flows in 2 potential locations (£75k each – total £150k)

Provision for Local Training and Employment Initiatives

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

Conditions

- 1 Submit reserved matters
- 2 Time limit for submission of details (5 years)
- 3 Development in accordance with approved plans
- 4 Phasing Plan and development in accordance with Supplementary Design & Access Statement
- 5 Details of external walling materials
- 6 Submit and implement drainage works
- 7 Flood risk measures to be carried out in accordance with agreed Flood Risk Assessment
- 8 Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity
- 9 Achievement of BREEAM Excellent , sustainability standard
- 10 Parking and hard surfaces to be hard surfaced and sealed and retained
- 11 Protection of trees to be retained
- 12 Submit and implement appropriate landscape scheme
- 13 Replace any dead trees
- 14 Noise mitigation measures to be carried out in accordance with Noise Assessment
- 15 Submission and approval of a Construction Environmental Management Plan
- 16 Submission and approval of a Biodiversity Enhancement & Management Plan
- 17 Submission and approval of a “Lighting Design Strategy for bats”

- 18 No site clearance or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August inclusive unless otherwise agreed in writing.
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- 20 The link road through the site to have 'No waiting or loading at any time' restrictions.
- 21 The access from Gelderd Road to the smaller area of development and associated works to Gelderd Road to be completed before occupation of that element of the site.
- 22 Construction Management Plan.
- 23 Details of Cycle parking, showers and lockers to be provided before commencement of each building and installed before occupation.
- 24 Details of Motorcycle parking to be provided before commencement of each building and installed before occupation.
- 25 Details of electric car charging points to be provided before commencement of each building and installed before occupation.
- 26 Details of car share spaces to be provided before commencement of each building and installed before occupation.
- 27 Development in accordance with Coal Mining Risk Assessment Report.
- 28 Contaminated Land report to be submitted.
- 29 Amended Remediation Statement to be submitted (if necessary)
- 30 Verification Report to be submitted.

1.0 INTRODUCTION:

- 1.1 This application is a substantial application for commercial uses on land allocated for employment use in Gildersome. The application has been subject of extensive negotiations, especially in respect of flooding, technical highways issues and the impact on Junction 27 of the M62. Members considered a Position Statement in December 2012, following a Panel site visit. A number of key questions were asked of Panel, and the views of Panel are set out in the following section. The original 2012 Position Statement report is appended to this report AT Appendix DJ2.
- 1.2 The current report addresses the points raised by City Plans Panel, and up-dates the policy considerations, consultation responses and representations. As there are now no technical objections to the proposal, the application is recommended for approval, subject to conditions and the completion of a Section 106 Agreement, which address issues of concern and enable the development to be supported.

Previous Position Statement/Panel resolution

- 1.3 A copy of the approved Minute is attached as Appendix DJ1. The issues raised by Panel members are considered in this report.

2.0 PROPOSAL

- 2.1 The development comprises of an employment led scheme of business units (suitable for research and development purposes or light industrial uses), general industrial uses and for warehousing/storage and distribution units (provided for by use classes B1 (b), B1(c), B2 and B8). At the City Plans Panel meeting in December 2012, when this application was considered as a Position Statement, site access, structural landscaping and amount of development was considered, however those

matters have now been removed from consideration, so all matters are reserved, and only the principle of development is under consideration.

- 2.2 An indicative layout has been submitted, for illustrative purposes, details of which are set out below:

Access

- 2.3 The outline planning application proposes two vehicular access points into the application site at Gelderd Road and one from Asquith Avenue. The location of a proposed road bridge crossing within the application site over Dean Beck, which will enable full access over the entire site, is also shown on submitted plans.
- 2.4 These access arrangements and improvements including extended pedestrian footpaths, traffic lights and crossing are included as part of the current outline proposals.
- 2.5 Pedestrian access to the site will be also provided from Gelderd Road and Asquith Avenue in tandem with the proposed vehicular access points. The outline application also proposes to upgrade public footpaths and rights of way through the site and at Stone Pits Lane and from Nepshaw Lane. The paths will also be made available and upgraded to accommodate the provision of cycle routes which will link to other existing cycle ways adjacent the site.

Landscaping

- 2.6 Indicative structural landscaping around the perimeters of the site and adjacent to Dean Wood but not formally included as part of the current application. Advance structural planting would enable this to be planted and established for amenity purposes ahead of future building phases. Dean Woods is owned by the applicant.

Draft Section 106 Agreement

- 2.7 The application has been submitted with Draft Heads of Terms for the Section 106 Agreement. These take account of the previous applications submitted for the site and include for the following (subject to confirmation and agreement with Leeds City Council including compliance with CIL Regulations 2010 and the National Planning Policy Framework). The headlines of the Section 106 are set out on the front page of this report.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is an undeveloped site of approximately 28.3 hectares (70 acres). The site is characterised by open fields, used recently for grazing with Dean Woods lying centrally on the site. The fields are separated by Dean Woods and Dean Beck. A public right of way (PROW) cuts centrally across the site from Nepshaw Lane to Stone Pitts Lane public footpath which runs down the western site boundary.
- 3.2 The site is undulating in nature, reflecting the nature of the sites previous use for opencast coal extraction with significant gradients to Dean Beck in the woodland area. The site itself is located within the 150m AOD contour (across north and south parts of the site) and the 160m contour in the higher, south western side of the site. The lowest part of the site is at Dean Beck, roughly central in the site, at 143.3m AOD. The highest point is 161.3m AOD. The site gradient falls steeply to Asquith Avenue. Trees and woodlands are present on some of the boundaries of the site and centrally on the site in woodland known as Dean Woods. The larger part of Dean Woods is outside of the applicant's ownership. A local watercourse, Dean

Beck, runs through the site from the west, adjacent Treefields Industrial Estate, through Dean Woods and towards Asquith Avenue to the east of the site.

- 3.3 The site is to the south of mainly residential properties with some commercial properties and a petrol filling station along Gelderd Road. To the west and south of the site are industrial estate developments of Treefields Industrial Estate and Gildersome Spur with allotment gardens to the far west corner above Treefields and along Gelderd Road. To the east side is Asquith Avenue and where it adjoins the site is characterised by woodland and with some residential properties served off this road. To the south east, served off Nepshaw Lane North/Asquith Avenue, are some larger residential properties and a commercial caravan storage business.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The site has previously been part of a larger site used for opencast coal mining in the 1980's, and has been restored to grassland with some tree planting to the boundary.

- 4.2 In the 1986 Morley Local Plan, the site (and adjoining sites) formed part of a buffer between Morley and Gildersome.

4.3 Draft UDP

- 4.3.1 In the draft UDP, the only part of the site allocated for employment was a 200m wide strip of land abutting Gildersome Spur, as 'rounding off' the existing industrial estate. The UDP Inspector, however, stated that the whole site should be allocated to provide a suitable range of employment sites. The Inspector noted that the site was well located for employment uses, being close to an existing industrial area, a centre of population and the motorway corridor. At the time, the site was served by buses along Asquith Avenue and Gelderd Road.

- 4.3.2 It was considered that the separation of Morley and Gildersome could be adequately maintained by the M621 motorway and Dean Wood, which itself would be little changed by the proposal. The Inspector stated that the proposed Green Belt boundary had no physical definition along its long northern boundary, and considered Asquith Avenue would be the nearest satisfactory physical feature, and would be a strong and defensible long term boundary. It was also considered that the site was quite well contained visually.

- 4.3.3 Finally, the Inspector stated that highways and drainage works did not appear to be 'insuperable in either cost or technical terms'.

- 4.3.4 The UDP Inspector recommended that the whole site should become an employment allocation, and since the adoption of the UDP in 2001, the site has been allocated for this purpose.

4.4 Planning applications

- 4.4.1 Three planning applications were submitted, between them covering the whole employment allocation. The applications are:

4.4.2 23/35/01/OT

Outline application to layout access and erect business park – land off Nepshaw Lane North, Gildersome

4.4.3 23/60/03/OT

Outline application to erect business industrial and storage and distribution development - Gelderd Road & Asquith Avenue, Gildersome

4.4.4 23/248/04/OT

Outline application to layout access road and erect distribution centre - Treefields Industrial Estate, Off Gelderd Road, Gildersome

- 4.5 Plans Panel (East) on the 14th July 2011 considered Position Statements for all three applications, and raised the following key issues:
- 4.6
- Travel Plan Framework and site accessibility – Members considered that the site was poorly served by public transport and that there were no bus stops within reasonable walking distance of most of the site. Lack of service on the A62 and A650 was a concern. The accessibility issues would encourage the use of cars. Members were of the opinion that more work needed to be undertaken to make the site sustainable including the mitigation fund.
- 4.7
- Where primary office development was proposed Members were of the view that the applicant would need to undertake a sequential test to aid the consideration of this element.
- 4.8
- The proposed developments would generate significant traffic including private cars and HGV's and the mitigation measures did not go far enough. Further information was required before a view could be reached as to whether the off site highway works were sufficient. An updated Traffic Assessment would need to be submitted.
- 4.9
- Members expressed major concerns about the flood risk, especially for residents at Old Close. It was considered that the developer would need to do more to ease Members concerns:
 - There should be no increase in flood risk downstream.
 - It was the opinion of Members that the £300k contribution was not sufficient to address flooding issues.
 - In light of the comments made above Members, were not satisfied with the Heads of Terms of the Section 106 Agreement.
 - An appropriate landscaping scheme was required for the site boundaries and within the site itself, including within parking areas. Further information requires submitting in respect of a scheme to secure pedestrian safety and access along Nepshaw Lane North which should be gated (beyond the access to the Moorfields site).
- 4.10 The schemes were not progressed by the applicants and legal agreements were not completed to deal with the concerns raised. As such the three applications were refused on the grounds that there were no measures in place to deliver sustainable transport measures, and flood alleviation measures, and there was no strategy in place to deal with transportation issues.
- 4.11 Subsequently, single site ownership has now been secured by CDP Ltd across the whole site area and therefore full control is now in place over the delivery of the site.
- Relevant application in the locality
- 4.12 10/04597/OT - Planning application of relevance, which is in the vicinity, and contributes traffic on the local highway network - Outline application to layout access road and erect light industry, general industry and warehouse development (Use Classes Class B1c, B2 and B8), a 115 bed hotel and pub/restaurant, with car parking at Wakefield Road, Gildersome. This application was granted outline planning permission in June 2014, following consideration by City Plans Panel in May 2013. No reserved matters submissions to date.

5.0 HISTORY OF NEGOTIATIONS

5.1 There have been extensive ongoing negotiations with the Highways Agency, the Highways Authority and Flood Risk Management section regarding the impact of the site and the extent of works required. These considerations are dealt with in the Appraisal section below.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Site notices for a major development affecting a right of way were originally posted on 14th June 2012 and in the press on 22nd June 2012. Representations have been received from the following:

6.2 Councillor Gettings objects to the application. This piece of land is the only green space between Gildersome and the densely populated Town of Morley. If localism is to mean anything then local views must be taken into account. If we are to have a “child friendly city” then the environment in which our children grow and develop is important. I strongly oppose this development personally –this is strongly objected to by local residents –for all the reasons previously stated.

6.3 78 letters of objection from local households on the following grounds

Increase in noise pollution

Increase in air pollution

Introduction of light pollution

Visual intrusion

Adverse impact on wildlife in the fields and adjoining woodland

There are large numbers of vacant units on adjoining estates. No need for these units in the current economic climate.

Existing businesses would be affected by the proposal.

Any benefits of the proposal would be massively outweighed by the harm.

Increase in traffic and hazards to road safety.

Increase in HGVs in the village would be extremely harmful to the village. Extra commercial traffic would be harmful to the five local schools.

Branch End junction is already over capacity.

Junction 27 has been improved, but the traffic generated by this proposal would result in congestion and nuisance.

Parking on Gelderd Road, and accessing houses would become problematic.

Loss of green fields, which are a vital local green resource.

Will lead to coalescence of Gildersome and Morley.

Loss of strategic green field site.

Site should be used by schools/community groups as resource, rather than being developed.

UDP should be reviewed and land returned to Green Belt, rather than employment allocation.

Brownfield sites should be regenerated rather than developing green fields.

The development is not in accordance with the UDP, as no access is proposed via Nepshaw Lane.

Major adverse impact on residential amenity, especially Belle Vue Terrace, which would be surrounded by development, with loss of privacy and overshadowing from large warehouse units.

The pleasant PROW through the site would be harmed.

Vibration of houses from HGVs.

Houses would be prone to flooding, and the development would exacerbate existing drainage difficulties, locally, and further down the watercourse into Leeds.

Proposal contrary to Local Agenda 21, in that it would be an unsustainable development.

The proposal would not be acceptable in North Leeds, but sites close to new section of M1 should be considered.

Due to coal mining on the site, there is a possibility of subsidence.

Decrease in value of property.

- 6.4 Morley Town Council (MTC) objects to the proposal, and make the following comments:
- 6.5 This application from new owners covers land entirely in Gildersome, but the site is close to the Morley boundary and will have significant effects on traffic flows within the town, so Morley Town Council Planning Committee members decided, at their meeting on 20th November, to update their comments.
- 6.6 Former Plans Panel East visited the CDP site earlier this year (in 2012); as this and the Joseph Rowntree site are now under City Plans Panel, which has different membership, another site visit would be appropriate. In general terms, like Green Belt to the east of Asquith Avenue, this seventy acre site is important in maintaining a green gap between Morley and Gildersome. It was unfortunate that the UDP Inspector decided to grant what was in effect a large extension of the Treefield and Gildersome Spur employment estates, to take in most of the block bounded by Wakefield Road (A650), Gelderd Road (A62), Asquith Avenue and the M621.
- 6.7 If there is to be development, the Asquith Avenue frontage should be planted thickly and to considerable depth with trees, to give an illusion of a northward extension of Dean Wood. The narrow tree barrier shown on layouts, which admittedly are indicative, would not be enough. Similarly, there should be generous planting on the Gelderd Road frontage to mask new buildings and to give protection from noise and visual intrusion to Belle Vue Terrace.
- 6.8 There would be no vehicular access by Nepshaw Lane South to Wakefield Road or elsewhere through the existing industrial estate; the largest new access would be onto Gelderd Road between Belle Vue Terrace and the northern apex of the site, with a lesser access to Asquith Avenue. We are not convinced that this lesser access would be suitable for the size and number of vehicles visiting the big shed warehouses shown on indicative layouts.
- 6.9 There are no bus services on the Gelderd Road frontage, and Asquith Avenue has limited services which are likely to be reduced early in 2013 should Metro withdraw support for evening and Sunday journeys on the Arriva 205 Dewsbury-Morley-Pudsey route. Westerly parts of the site would be a long way from the nearest bus stops, and there is little in the travel plan to show that the development would be other than highly car-dependent.

- 6.10 Commuter traffic flows would be important. Gildersome Roundabout (M62 J27) works far more freely and safely since the installation of traffic signals, but it often seems at or near capacity, as do sections of the local highway network. Asquith Avenue and Wakefield Road (A650) seem overloaded in the morning and evening peaks, with long queues at junctions such as Branch End and The Angel crossroads. It would not be acceptable for local highways to become saturated, or for J27 to return to being pushed beyond its capacity. When J27 became overloaded, drivers caused congestion elsewhere, for example by rat-running through Gildersome village; we would not want this to reoccur. We note that a Highways Agency holding notice is in place and is being renewed monthly. Lifting it would depend on a three-way agreement being reached with regard to the CDP development at Gildersome, the Barratts housing proposal on the A650 at Street Farm in Morley, and the Joseph Rowntree site near J27. Highways Agency should be satisfied in full that all three developments can take place without overloading the highway network.
- 6.11 MTC still have fears about flood risk. Quick run-off in wet weather northwards from a watershed roughly defined by the line of the A650, including the application site, can flood houses at Old Close immediately north of Churwell railway viaduct, parts of the Millshaw industrial estate and the Leeds Outer Ring Road near Sulzer Pumps and the Drysalters public house. As well as causing loss and distress to householders and businesses, such flooding would cause traffic chaos throughout Morley and South Leeds, including the White Rose Shopping Centre, if it affected the Outer Ring Road. We are not convinced that the flow attenuation and watercourse improvement and maintenance shown by the applicants would be enough; also, some of the works would be on third party land and so dependent on the goodwill and cooperation of those landowners.
- 6.12 We do not believe that the noise assessment gave enough regard to nearby householders; there was little account of the effect on Belle Vue Terrace, and there seemed to be an assumption that College Road top, College Court and Hadleys Court were affected by traffic noise already, so a bit more noise from the new development hardly would be noticed.
- 6.13 Despite the passing of nearly twelve years under different development banners, MTC do not believe that a comprehensive and fully acceptable account has yet been made showing how this land could be developed without causing unacceptable harm, so we would object to any grant of planning permission for the application as it stands.
- 6.14 Gildersome Parish Council objects strongly to the proposal. A Public meeting was held by the Parish Council on 18th July 2012, and attended by approximately 100 residents, local Ward members and LCC Officers, the following objections being raised:
- The cottages on Belle Vue Terrace would be overshadowed and surrounded by industrial development. Noise and disruption to residents.
- Existing flooding difficulties.
- Preponderance of empty commercial premises within a three mile radius. Should these units come back into use, there would be a huge increase in HGVs and traffic on local roads.
- The Highways Agency has carried out significant improvements at Junction 27. The road system would go back to being congested if this development was allowed.
- The access onto Asquith Avenue is not supported as the road is very busy, and a Primary school is located at the southern end of Asquith Avenue. Any highways assessment of traffic should be carried out in term time.

Children in the area must be kept safe. There are two primary schools in the village, and commercial vehicles would drive through the village to avoid congestion on the primary routes.

Serious flooding and drainage issues need to be addressed.

The valued open green space would be lost forever, to an industrial eye-sore, and is not appropriate in a rural village environment.

- 6.15 The application was then advertised upon the receipt of additional information, on 26th October 2012. The following representations were received. A further 41 letters of objection, including a letter from Councillor Gettings, reiterating previous objections were submitted in response to that information.

Representations submitted since Position Statement (December 2012)

- 6.16 Subsequent to consideration of the Position Statement in December 2012, revised plans, and Highways information, and the up-dated Noise Assessment have been out to consultation, and the following representations have been received:
- 6.17 Since December 2012, an additional 444 objection letters, mainly on highway safety grounds, from local residents have been submitted. The previous objections have been reiterated.
- 6.18 Objections from Gildersome Parish Council – Heavy duty vehicles, plus cars and other vehicles would gridlock the roads, and this cannot be avoided. The Gildersome roundabout (M62/A650) has been improved at great expense, but is now becoming overloaded again at peak times. Many more vehicles are passing through Gildersome and a great worry is the safety of the village community and schools.
- 6.19 The Parish Council carried out a survey in November 2012 at the crossroads from Asquith Avenue, in close proximity to the application site, and almost 4000 vehicles were recorded in the two hour period from 4.00pm to 6.00pm. It is considered that it is a very busy and dangerous place to have a site entrance of exit for heavy vehicles, and the Parish Council has the local knowledge of these difficulties. In the spirit of localism, the City Council should take heed of the views expressed locally.
- 6.20 Objection from Councillor Gettings – previous objections apply.
- 6.21 Objections from Morley Town Council - CDP's proposed development needs two ways in and out. One might be made onto Gelderd Road, but Asquith Avenue seems impractical. The UDP Inspector's intention was that there should be access onto the A650 by Nepshaw Lane South, near the West Yorkshire Trading Standards building and onto Gelderd Road. Some improvements to the A650 - Nepshaw Lane South junction were shown on a plan submitted to Leeds Planning Services on 24/2/14, together with widening of the first few yards of Nepshaw Lane South. Although welcome in themselves, these changes were not enough. The entire length of Nepshaw Lane, up to the site boundary would have had to be widened and improved.
- 6.22 Improvement further along Nepshaw Lane South would be impossible because frontagers either wanted large sums of money for narrow strips of roadside land, or refused to sell at all because there would be little or no space remaining between their buildings and potentially large numbers of passing heavy vehicles serving the CDP site.
- 6.23 We do not believe that Asquith Avenue would be suitable. It is narrow and its use would tend to encourage traffic from the CDP site to pass through Morley town and Gildersome village. Any road down to Asquith Avenue from the main part of the CDP land, which is essentially a rolling plateau, would be quite steep in a high lying north-

east facing hollow, and so likely to suffer unduly from ice and snow. Clearly the UDP Inspector's access requirements have not been matched.

6.24 One letter from adjoining landowner along Nepshaw Lane South, to state that new industrial investment is supported, and that the owner is prepared to enter into negotiations to provide the necessary land to provide a widened and improved access onto Bradford Road A650.

6.25 Pre-application Consultation

Methodology:

6.26 The pre application process for undertaking the consultation was developed having regard to the Council's adopted Statement of Community Involvement (SCI) and to the nature of the proposals. The methodology is set out as below:

- Meeting with Morley Town Council / Gildersome Parish Council to discuss proposal and pre app consultation programme (e.g. to identify any other bodies/interest groups).

- Letter and leaflet - by post to:

- residents and businesses in frontage properties nearest to site boundaries
- to objectors identified from previous planning proposals as per Leeds Council Public Access records on the web
- to the MP and Ward Councillors of both the wards of Morley North and Morley South,
- Morley Town Council
- Gildersome Parish Council

- Site Notices - notices posted around site boundaries to direct residents/business with details of proposal, contact address and website

- Website - for further information (as per leaflet/site notice) and with comments form for on line or by post comments with the Website to be made available to tie into adverts/leaflet distribution.

Letters were sent to the MP, Councillors, Parish and Town Council for their formal comments and for their awareness of potential interest/contact from those receiving the letter/leaflet or from the site notices.

Pre application Consultation process

6.27 A meeting was held with Morley Town Council and Gildersome Parish Council on the 30th March at Morley Town Hall and a representative from CDP Ltd. Officers from Leeds City Council was also present. Information that was to be provided in the leaflets was presented together with details of the pre application consultation process to be undertaken. Formal views of the Parish and Town Council were to be sought by letter and the informal views of those present at the meeting were noted.

6.28 Letters were sent out on the 4th April by first class post and the site notices were posted and website available from the 5th April. The consultation gave 14 days for comments thereby ending on the 17th April. Comments were requested by post or by email.

Feedback and Analysis of comments

6.29 A total of 153 individual letters to residents/previous objectors were sent out in addition to those sent to the MP, Ward Councillors, Parish and Town Council. Site notices were posted in prominent locations around the site as shown in Appendix 2.

A total of 95 letters or email comments were received with further letters of objection were also received from Morley Town Council, Gildersome Parish Council and Councillor Gettings. These formal letters reiterated the informal views previously obtained from the meeting.

6.30 A total of 98 letters/comments were received with all but 1 letter objecting to the proposed development/application.

Key reasons for objections to proposed development are given below

Principle

Loss of fields/greenfield site 30

Merger of Gildersome and Morley 27

Green belt 8

Leave area as it is 7

Use brownfield sites 4

7.0 CONSULTATIONS RESPONSES:

Statutory:

7.1 Highways Agency – At the time of consideration of the Position Statement, the planning application was subject of a Holding Direction by the Highways Agency.

7.2 In October 2013, the Holding Direction was lifted, and No Objections were raised. The following comments were submitted by the Agency.

7.3 Following the publication of NPPF and the draft policy document ‘The Strategic Road Network and the delivery of sustainable development’, we have been carrying out a review of all our existing TR110 directions of non-approval. The intention of the review is to facilitate the lifting of these directions where possible, to support economic development. Each application has been considered on its own merits but we are trying to take a pragmatic view to releasing existing directions of non-approval.

7.4 In the case of the above mentioned application, The Highways Agency is satisfied with the Travel Plan although we understand Leeds City Council still require some amendments. Once the final Travel Plan is agreed with Leeds City Council we would like to see a copy and we also understand it will be secured by s.106 agreement. We also have an agreed scheme of mitigation for M62 J27 which deals with the cumulative impacts of this and 2 other developments in the area. Due to existing congestion at this location the Highways Agency is also intending to pursue a larger improvement scheme which would encompass the above mentioned mitigation scheme. The intention is to pursue funding for the scheme with a view to delivery in 2015/16. Although we do not have any guarantee of funding for this scheme we believe it is highly likely to receive funds and that this represents the most realistic route for funding and delivering an improvement at this location. The timing of the scheme would also mean it is operational well in advance of the majority of the build out at the Gildersome sites.

7.5 As a result of the above considerations we have taken the decision to lift the direction of non-approval on this application. The Agency will not require any provisions within the s.106 for addressing the contribution towards the mitigation scheme but as stated above will expect the Travel Plan to be appropriately secured.

7.6 Highways Development Control

No objections subject to the completion of a Section 106 Agreement and appropriate conditions, to mitigate against the impact of increased traffic in the vicinity of the site. See ‘Highways’ Appraisal in Section 10.

7.7 Environment Agency: No objections. The proposed development will only be acceptable if the measures detailed in the Flood Risk Assessment dated July 2008 & the subsequent addendum dated 27 April 2009 submitted with the current application are implemented and secured by way of planning conditions. It is understood that a contribution of £300,000 from the developer has been offered to Leeds City Council to help alleviate flooding problems further downstream.

Non-statutory:

7.8 Public Transport Infrastructure Contributions – A contribution has been requested, and is agreed..

7.9 Neighbourhoods & Housing – A revised Noise Assessment was submitted in October 2013. No objections are raised to the proposal, subject to suitable conditions.

7.10 Yorkshire Water – no objections subject to conditions

7.11 Metro – Do not object to the development in principle.

7.12 Flood Risk Management (FRM) – no objections subject to conditions. The applicant has confirmed the intention to carry through the off-site agreements with regard to protecting the old railway cutting and the contribution of £300k towards the necessary flood mitigation scheme downstream of the site. Therefore in principle FRM would not object to these proposals, however it is an outline application and FRM do not have sufficient detail to determine whether the on-site balancing is sufficient to meet the requirements of their proposals. Therefore, FRM would request that the design of these and the surrounding development is conditioned. The implementation of their proposed drainage should be made a condition of any approval.

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

Morley Byway No.52

7.14 The landscaping does not appear to encroach onto the byway, as originally thought, and as long as the byway is not narrowed in any way this office has no objection to the proposal.

Morley Footpath No.51

7.15 No objection to the diversion of this footpath. Approval would be required from this office. Orders should be made and confirmed before work commences on site and a Traffic Regulation Order will be required during construction. The developer should be advised to contact this office for further information regarding the diversion order.

7.16 Unrecorded Footpath

If the developer is accepting of the unrecorded footpath which runs through the middle of the site, they may wish to enter into a Creation Agreement so that the path is recorded on the definitive map and statement and this office would be responsible for the maintenance of the footpath in the future.

7.17 Coal Authority

- 7.18 No objections, subject to conditions: The Coal Authority concurs with the recommendations of the Geo-Environmental Desk Study Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.
- 7.19 The Coal Authority recommends that the LPA impose a planning condition should planning permission be granted for the proposed development requiring these site investigation works prior to the commencement of development. In the event that the site investigations confirm the need for remedial works to the mine entries, areas of surface mining and/or areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.
- 7.20 The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of the above condition.

8.0 PLANNING POLICIES:

Development Plan

- 8.1 The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

Unitary Development Plan Review

- 8.2 Under the UDP the application site forms the large part (28.3 hectares) of the 41.0ha site designated under E4 (14) for employment use, subject to:
- i. PROVISION OF SATISFACTORY MEANS OF ACCESS, WITH AT LEAST TWO POINTS OF ACCESS, AT NEPSHAW LANE AND GELDERD ROAD;
 - ii. CREATION OF A HIGH QUALITY ENVIRONMENT THROUGH THE USE OF QUALITY MATERIALS AND THE APPROPRIATE DESIGN OF BUILDINGS AND THEIR SETTINGS;
 - iii. ESTABLISHMENT OF A SATISFACTORY LANDSCAPE FRAMEWORK, INCLUDING BELTS OF STRUCTURE PLANTING;
 - iv. PROTECTION OF THE AMENITY OF OCCUPANTS OF NEARBY DWELLINGS;
 - v. ANY NECESSARY LEGAL AGREEMENTS;
 - vi. PREPARATION OF A PLANNING AND DEVELOPMENT BRIEF TO GUIDE DEVELOPMENT, IN PARTICULAR, LOCATION OF ACCESS POINTS AND ANY OFF-SITE WORKS, ENHANCEMENT AND

PROTECTION OF DEAN WOOD LNA, AND PROTECTION OF ADJOINING RESIDENTIAL PROPERTIES.

- 8.3 The areas excluded from the allocation in this application are the area used for caravan storage off Nepshaw Lane and Dean Woods.
- 8.4 The supporting UDP text states:
The site has largely been restored to agricultural use following open cast coal mining. The site is proposed for employment use as an extension to the existing Gildersome Spur industrial estate, thus helping to consolidate employment opportunities in the area. Development of this site will be subject to a Traffic Impact Assessment with regard, in particular, to the impact on the M621/M62/A650/A62 junctions. Careful consideration would need to be given to Dean Woods, a designated Local Nature Area. Opportunities for environmental improvements, including woodland creation, will be sought under Policy N41B. Policy N24 will also apply. These and other details, including means of protecting adjoining residential properties, will be dealt with through a Planning and Development Brief.
- 8.5 The following saved UDP policies are relevant for consideration of this application;
- GP5 – General planning considerations.
 - N10 – Development not permitted where it adversely affects a Public Right of Way.
 - N23 – Design of incidental open space around developments.
 - N24 – Proposal abutting open land should provide for suitable assimilation into the landscape.
 - N37A – All new development in the countryside should have regard to character of the landscape and contribute positively to it.
 - LD1 – consideration of landscape issues
 - T24 – Parking provision.
- 8.6 The following DPD policies are also relevant:
- GENERAL POLICY1 – Presumption in favour of sustainable development.
 - MINERALS3 – Surface Coal resources
 - AIR1 – Major development proposals to incorporate low emission measures.
 - WATER1 – Water efficiency, including incorporation of sustainable drainage
 - WATER4 – Effect of proposed development on flood risk.
 - WATER6 – Provision of Flood Risk Assessment.
 - WATER7 – No increase in surface water run-off, incorporate SUDs.
 - LAND1 – Land contamination to be dealt with.
 - LAND2 – Development should conserve trees and introduce new tree planting.

Core Strategy (2014)

- 8.7 The following Core Strategy policies are also relevant:

SP1 – Setting out the overall approach to the location of development.

SP 8: Economic Development Priorities requires the safeguarding and provision of a sufficient supply of housing land. This policy supports training and job creation initiatives via S106 Agreements and supports employment proposals which have high levels of accessibility and infrastructure.

SP 9: Provision For Employment Land requires the provision of a minimum of 493 hectares of employment land across the whole of the district.

P10 – High quality design.

P12 – Good landscaping.

EC1 – General employment Land – policy to guide the identification of employment land allocations.

T1 – Transport Management

T2 – Accessibility.

G2 – Creation of New Tree Cover

G9 – Biodiversity improvements.

EN1 – Carbon dioxide reduction in developments of 10 houses or more, or 1000 m² of floorspace

EN2 – Achievement of Code Level 4, or BREEAM Excellent (in 2013) for developments of 10 houses or more or 1000 m² of floorspace.

EN5 – Managing flood risk.

EN7 – Protection of mineral resources (coal, sand, gravel).

ID2 – Planning obligations and developer contributions.

8.8 The Leeds Employment Land Review (August 2011) provides the evidence base to the Core Strategy for assessing the overall employment need within Leeds. The Review outlines that the application site should be retained for employment use, as the site is identified in 'Appendix C: Employment sites with recommendation to 'retain' in the employment land portfolio'. The site is shown as a "Strategic Location for Job Growth"

8.9 Relevant supplementary guidance –

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

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

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

Sustainable Construction SPD.

National Planning Policy

8.10 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

- 8.11 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.
- 8.12 The NPPF includes policy guidance on sustainable development, economic growth, transport, design, and climate change. Paragraph 32 states:
All developments that generate significant amounts of movement 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 development are severe.
- 8.13 Paragraph 100 states that ‘Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.’
- 8.14 Section 7 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:
- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - Optimising the potential of the site to accommodate development;
 - Respond to local character and history;
 - Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - Create safe and accessible environments; and
 - Development to be visually attractive as a result of good architecture and appropriate landscaping.

Other National guidance

- 8.15 Noise Policy Statement for England (March 2010)

9.0 MAIN ISSUES

1. Principle of development and sustainability
2. Highway, transportation and access issues
3. Urban Design and Landscaping
4. Ecological interests
5. Flood risk management
6. Noise implications
7. Delivery of remainder of Employment Allocation

8. Section 106 Agreement and CIL Regulations

10.0 APPRAISAL

Principle of development and sustainability

Development Plan

- 10.1 The application site forms the vast majority of a larger area allocated for employment uses and forms an extension of the existing Treefield and Gildersome Spur industrial estates on the edge of Morley. Section 38(6) of the Planning and Compensation Act 2004 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. As the site is allocated for employment in the development plan, the starting point would be that the proposal is acceptable in principle, but that material considerations need to be taken into consideration.
- 10.2 To ensure the potential for future job growth, the Leeds Employment Land Review (LELR) has identified a requirement for 493 hectares of industrial and warehousing land to be provided to 2028, and as such, this 28 hectare site is considered an important component in delivering jobs and employment opportunities. The Review provides the evidence base to the Core Strategy for assessing the overall employment need within Leeds. The Review outlines that the application site should be retained for employment use, as the site is identified in 'Appendix C: Employment sites with recommendation to 'retain' in the employment land portfolio'. The site is shown as a "Strategic Location for Job Growth"
- 10.3 The applicant has stated there is a clear regional demand for well located and well specified warehouse buildings and an active market for buildings in the range of 75 000 to 200 000 sq ft which would be well suited to this site. It is also noted that there is only a very limited number of sites in Leeds which meet these requirements. The site has potential to generate significant inward investment directly into the Leeds economy. The applicant states that in the region of 1500 jobs would be created as result of the construction and operation of the development.
- 10.4 Furthermore, recent guidance from the Government highlights the need to provide for economic growth. The National Planning Policy Framework makes it clear that the Government expects that development and growth should be approved unless it compromises key sustainable development principles set out in national planning policy. Appropriate weight should be given to the need to support economic recovery and applications that secure sustainable economic growth, such as this application, should be treated favourably. As the site is allocated for employment use, and the proposal is for employment uses, there are no objections to the principle of development, as proposed. Unless material considerations indicate otherwise, the proposal should be acceptable in principle.

Highways and access issues

Site layout

- 10.5 A masterplan has been submitted for the site and whilst it can only be considered as indicative of what could potentially be delivered on the site, the application is for B1(b), B1(c), B2 and B8 uses. The plan shows new access points, and although means of access is a matter to be reserved, the access points proposed on the indicative layout have been assessed by Highways Officers. The developable area of the site remains unfettered for whatever size units the market demands.
- 10.6 The masterplan layout includes main access point on Gelderd Road as a signalised junction, a road through the site connecting to Asquith Avenue at a priority T-

junction . A small area of site is accessed separately from Gelderd Road by a priority T-junction with a central ghost island right turn lane.

The layout does not include a vehicular link to Nepshaw Lane South, it also does not provide a link to the remainder of the UDP allocated site outside the applicant's ownership.

Traffic Counts and Growth:

10.7 Traffic counts were undertaken in October and December 2011.

In order to anticipate traffic growth, a growth factor has been applied to the traffic counts, the Highways Agency requested that a growth rate of 2.1% per annum be applied which is higher than the National Transport Model local growth factor for Morley of 1.55%.

The Council is currently carrying out transport modelling for site allocations in the LDF, this modelling based on the expected allocation of development across Leeds shows the growth rate of traffic on Gelderd Road to be ****% per annum, which demonstrates that the assumptions made for this development are robust.

Trip Rates

10.8 A mix of uses have been agreed for the site that represents a reasonable assumption of a typical site based on the masterplan layout. The use assumptions include an element of parcel distribution occupiers, these tend to occupy smaller units but have a higher trip rate per square metre than other warehouse uses. The applicant's desire is to attract a large warehouse occupier on the site, the trip generation per square metre of even an online shopping distribution warehouse would be expected to be lower than the assumed warehouse trip rate, therefore the traffic generation assumptions for the site are considered to be reasonable.

The expected traffic generation from the site during the morning and evening peak hours is expected to be:

	Am peak			Pm peak		
	Arr	Dep	2-way	Arr	Dep	2-way
Trips	310	236	546	256	387	643

10.9 The above represents the traffic movements in the morning and evening peak hours, clearly there will significant traffic movements throughout the day, these would be expected to have a high proportion of commercial vehicle movements. Throughout the course of the day, a third of the total vehicle movements would be goods vehicles.

Distribution

10.10 The distribution of traffic from the site has been reconsidered and agreed as a sensitivity test, the distribution of employee trips is expected to be as follows:

%	AM peak 2-way	PM peak 2-way	Direction To/from	Comment
56	306	360	J27	Predominantly onto M2 east and west
21	115	135	A62 Gelderd Road	Towards City Centre / M621 /

				Outer Ring road
15	82	96	Asquith Avenue	Various Routes through Morley
8	44	51	Gildersome	Various routes towards Pudsey and A58

- 10.11 Commercial Vehicle trips are expected to differ from employee trips, because they predominantly occur outside the congested times on the network when there is no advantage to trying to cut through residential areas, also the journeys are likely to be mostly longer distance and so to be more directed along Gelderd Road either towards J27 or the Outer Ring Road / City Centre. There is a concern that commercial vehicles may be tempted to travel through Gildersome to access the Outer Ring Road. There seems to be little reason for commercial vehicles to head towards Morley other than for local journeys.

Main Entrance

- 10.12 An arrangement for the main access has been agreed, it comprises a signalised junction with pedestrian crossing phases across Gelderd Road and the site access road. Traffic modelling of the junction using Linsig has shown it to operate within acceptable capacity with the worst degree of saturation being 62% of capacity.

Asquith Avenue Access

- 10.13 Asquith Avenue has a 40mph speed limit from approximately 100m west of the motorway bridge to its junction with Asquith Avenue, the proposed access into the development is proposed along this section of the road. A layout plan 1292/13/B has been submitted which provides a ghost island right turn of 3.7m, tracking of the turning movement of a 16m articulated vehicle is shown to be achievable, which is a likely sized vehicle. A central refuge is provided in the mouth of the junction and a pedestrian refuge introduced to on Asquith Avenue assist pedestrians to cross to the adjacent bus stops.

- 10.14 To achieve the layout described above, the carriageway has been realigned along its western side, the layout demonstrates that 2.4 x 120m visibility splays can be achieved and that the alignment of Asquith Avenue is not compromised. At peak hours, queues towards the Gelderd Road traffic lights are likely to extend across the mouth of the junction, as such a yellow box marking should be provided on the west bound lane to allow traffic to exit the site when this condition prevails.

Traffic modelling of the access using Picady shows the access to work well within practical capacity with the worst degree of saturation being 65% of capacity.

.Secondary Access from Gelderd Road

- 10.15 A layout plan 1292/17/C has been submitted which provides a widened ghost island right turn of 3.7m, tracking of the turning movement of a 12m rigid vehicle is shown to be achievable, which is a likely sized vehicle that can be associated with a group of small industrial units. A small section of the existing central refuge on Gelderd Road is maintained and a second pedestrian refuge introduced to assist pedestrians to cross Gelderd Road. To achieve the layout described above, the carriageway has been realigned along its southern side, the layout demonstrates that 2.4 x 120m visibility splays can be achieved and that the alignment of the A62 is not compromised. The footway along the site frontage will be made continuous from the existing footway to the east to the footpath connection along the northern boundary of the site to the west.

Gelderd Road / Asquith Avenue/Branch End junction

- 10.16 Traffic modelling of the junction shows that currently it operates close to capacity in the morning peak and above theoretical capacity (100% RFC) in the evening peak. Traffic growth up to 2019 has been considered which would result in the junction operating over its theoretical capacity in the morning peak also. Whilst the development would add additional traffic to the junction, the link through the site would provide an alternative route for traffic between Asquith Avenue and Gelderd Road to the west. It has been assumed in the modelling that 70% of the traffic making the right turn from Gelderd Road to Asquith Avenue and the left from Asquith Avenue to Gelderd Road will divert through the site. This level of diversion still results in some turning movements being over capacity, but in all cases the with-development and link road scenario is better than the no development scenario. The junction has pedestrian crossings on all arms to facilitate pedestrian movement from the site to bus stops.

Off Site mitigation Works

Gildersome

- 10.17 The section of the B6126 Town Street/Scott Green through Gildersome is on the Council's Length for Concern register, ranked 42. The road has been subject to extensive vertical and horizontal traffic calming over recent years and the introduction of a 20mph zone. The road passes through the centre of Gildersome that has a 'village' feel and a small roundabout junction arrangement. Accident levels have fallen consistently since 2008, in 2011 and 2012 there was only 1 slight accident in each year. The road is still monitored but providing the accident rate remains low it is likely to not feature in next year's report. Whilst there will be a slight increase in traffic through Gildersome, no further traffic calming works are required as all routes through Gildersome are traffic calmed, there have not been any recent requests for more features, or removal of features, which, along with the accident record is a good indicator of a satisfactory level of provision.
- 10.18 However it is acknowledged that commercial vehicles from the site could be tempted to cut through Gildersome particularly to reach the Outer Ring Road for destinations to the north. College Road and Street Lane are particularly unsuitable for commercial vehicle movement and although Town Street is a B classified road, the 'village' nature of the centre of Gildersome and the extensive traffic calming also make this route inappropriate for commercial vehicles. Therefore it will be necessary to introduce a weight limit on environmental grounds through Gildersome to mitigate against a potential severe impact on the village. The applicant will provide £15,000 through the S106 agreement for these works.

Asquith Avenue

- 10.19 Asquith Avenue is an important link into Morley, there is a considerable amount of commercial development within the town and as such the route is used by commercial vehicles. It is not considered appropriate or necessary to restrict commercial vehicles from the development from using the route. The development is unlikely to generate a significant number of commercial vehicle movements in this direction as unlike the route through Gildersome it does not offer a significantly beneficial route for long distance journeys, some local trips may occur in this direction.
- 10.20 Asquith Avenue carries significant volumes of traffic at peak times, north of the motorway there is only a footway on the western side. South of the motorway to the east is a significant residential area, it is likely that people will walk from this area to the site. Having examined the historical accident record, it is clear that the straight alignment and generous width of Asquith Avenue encourage higher than desirable speeds and of the 8 personal injury accidents recorded between the motorway bridge and Victoria Road, 3 have resulted in serious injuries. A scheme is proposed

to narrow the running carriageway by means of build-outs at junctions and crossing places, creating lengths of sheltered parking bays, particularly along the terraced frontages and providing islands for safe crossing points for pedestrians between the site and residential areas.

The existing 40/30 speed limit change lacks conspicuity and whilst the developer is proposing an extension to the 30 limit to encompass the development access onto Asquith Avenue, the introduction of a gateway feature immediately SE of the motorway bridge where the character of the road changes and where lower speeds are necessary should be provided. The gateway could consist of a narrowing, possibly by means of a central island, but this would need to be established during detailed design. The applicant has submitted plan 1292/28 Proposed Traffic Management Scheme: Asquith Avenue containing these works which will be subject to a planning condition should consent be granted.

A643 Bruntcliffe Lane, Victoria Avenue / B6126 Asquith Avenue, Brunswick Street

- 10.21 The junction of the A643 and B6126 is in the form of two mini roundabouts. The junction has just over 2000 movements through it in each peak hour, the development will increase the traffic by 4%. However, the increase in traffic has an impact on the performance of the junction.
- 10.22 In the morning peak, the Victoria Road, Asquith Avenue and Bruntcliffe Lane the RFC value (ratio of flow to capacity) are below 1 (0.95, 0.89, 0.79 respectively) in the base situation, the increase in traffic from the development queue increases the RFC values to 1.04, 1.02 and 0.99 respectively, this increase in RFC to above theoretical capacity causes an increase in queue lengths; Victoria Road by 16 vehicles, Asquith Avenue by 16 vehicles and Bruntcliffe Lane by 12 vehicles. Average vehicle delay increases by 1.5mins on the Victoria Road and Asquith Avenue approaches.
- 10.23 In the evening peak, the Bruntcliffe Lane arm, which is already over capacity in the base case goes further over capacity from 1.1 to 1.16 with a consequential increase in queue of 42 vehicles on that approach and delay increases by 3mins from 4.5mins in the base scenario, whilst the Asquith Avenue RFC value does not exceed 1 the queue increases by 8 vehicles and delay by 50secs..
- 10.24 The applicant has offered a minor improvement to the Asquith Avenue/Bruntcliffe Lane roundabout, that the model suggests will relieve the evening Bruntcliffe Lane queue and significantly reduce it below the existing condition and reduce delay by 2mins,. A consequence of this alteration is that the Asquith Avenue increases to 18 vehicles in the evening peak and delay by 1.5mins. In the morning peak the RFC values on Victoria Road and Asquith Avenue remain at or above 1, with increases in queuing above the base situation of 11 and 10 vehicles respectively and delay by 1min.

The Council and the applicant have investigated whether a substantial improvement to the junction, such as signalisation is possible to address the impact. However no improvements are possible that are proportional to the development and its impact at the junction.

Whilst the modelling of the development shows a slight worsening of conditions at this junction in the evening peak hour, there are several factors that need to be considered; the Council and the applicant differ in their view as to the amount of traffic that will pass through the junction as alternative routes are available, so the predicted level of traffic may not materialise, the level of growth applied to base traffic is very robust and the development is bringing forward other transport benefits in the area, as a result the impact at this junction is not considered to be of sufficient severity to warrant refusal of the application.

A650 Bruntcliffe Road / A643 Bruntcliffe Lane junction

- 10.25 The junction suffers congestion at the peak hours, the Barratts residential development near the A650 / Scotchman Lane junction is funding MOVA, which manages the traffic signals more efficiently than a fixed time operation to improve capacity and reduce queuing to some extent. In order to increase the capacity of the junction significantly, it would be necessary to widen both Bruntcliffe Road and Bruntcliffe Lane which would require extensive third party land.
- 10.26 Based on the sensitivity test traffic distribution, the traffic impact of the development on the junction is to add 34 movements in the morning peak and 40 movements in the evening peak, predominantly turning between Bruntcliffe Lane and Bruntcliffe Road to the east. This compares with the 2019 future design year base flows of 608 and 742 movements on the same turning movement. A LINSIG model of the junction shows that in the morning peak, the development traffic can be accommodated without increasing traffic queues. In the evening peak the predicted queue on Bruntcliffe Lane increases from 71 pcus to 84pcus, an increase of 13 pcus. The applicants own prediction of the impact on the junction is less as they suggest that more traffic would be routed on the motorway than on local roads. Given the impact of the development relative to the situation without the development and alternative routes available to traffic, the impact of the development cannot be considered to be so severe as to warrant refusal on this junction alone.

Nepshaw Lane South

- 10.27 The UDP identifies Nepshaw Lane South as an access route to the site. The section that is constructed to adoptable standards stops short of the site boundary, in order to extend Nepshaw Lane South at a suitable width for use as an industrial access road would require third party land. The junction of Nepshaw Lane South and the A660 would need to be signalised to accommodate additional traffic from the development as existing traffic finds it difficult to exit, a suitable junction arrangement would require third party land and agreement of residents of a private access to signalise their access. The use of Nepshaw Lane South as an access to the site would therefore be very difficult to achieve.
- 10.28 Consideration has been given to the development traffic likely to use Nepshaw Lane South were it to be provided, traffic heading towards the motorway is likely to use the A62 as it is less congested and no further. The only traffic identified as likely to use Nepshaw Lane South, is that that is otherwise predicted to travel along Nepshaw Lane South and Bruntcliffe Lane to the A650, i.e. a proportion of approximately 6% of development traffic. The traffic would still impact on the A650 / A643 junction and whilst the increase in queues would be split between two approach directions, a similar overall impact would occur as without Nepshaw Lane South. It is therefore concluded that there would be no benefit to the development or the highway network of providing an access via Nepshaw Lane South.
- 10.29 In respect one of the major areas of concern, i.e. the potential of a proposed access off Nepshaw Lane South, the applicant has made the following comments:
- 10.30 *The applicant is not able to provide a vehicular access to this site off Nepshaw Lane North. It is recognised that Plans Panel members have requested such an access, and also that Officers feel that this offers the opportunity to further spread traffic around the network and thus to reduce effects at all junctions in the area. However, there are practical reasons why the provision of this access is not possible:*

1. The applicant does not own the land required to signalise the junction of Wakefield Road and Nepshaw Lane South. There is an option agreement in place, but the terms achieved reflect the fact that when the landowner negotiated the agreements, they were ransomed at that time, and hence were unable to secure a reasonable market rate for the land. The applicant has no intention of exercising these options for this reason.

2. The signalisation of the junction would require the shared access point for the three houses opposite the junction to be either: (i) included in the signalisation, or (ii) moved so that it is outside the signal control.

Either of these options would need the agreement of all three home owners. This is not guaranteed, and we consider it to be unlikely given that it will hamper their access and result in more traffic passing in front of their properties.

3. The provision of an access will require road widening between the access to the existing industrial units and the site, where the existing surface ends. This will require third party land, and is extremely close to the corner of one building. The applicant holds options which would take an element of car parking from the existing units, but these are again on very un-commercial terms.

These points demonstrate that there are real issues with third party land in achieving an access in this direction. Whilst the applicant has options which on face value make it possible to deliver an access on this route, all of these were negotiated from a position of being ransomed and hence significantly favour the other landowners. Renegotiating these would be challenging given this position, and hence the applicant will not exercise these options on viability grounds.

A Nepshaw Lane South access is not a deliverable option for this site due to land ownership constraints.

There are also market and operational considerations which mean that such an access won't be attractive for commercial vehicle movements. These reasons are set out below:

4. The provision of such an access would significantly reduce the developable area of the main plot at the rear of the site, making it less attractive and marketable. The road would reduce the 580,000sqft building to 470,000sqft. This is still a large building, but one which will be more difficult to market as it is less flexible and more constrained. This effectively removes the market USP of the site, which is to deliver a single building over 500,000sqft, which no other site in Leeds can currently deliver in the eyes of the market.

5. The route from Nepshaw Lane South to the Motorway is less attractive than the alternative via Gelderd Road because: (i) it is longer, (ii) there are more traffic signals to pass through, and (iii) Wakefield Road is more congested than Gelderd Road, and (iv) HGV's would not be likely to use this route in favour of the Gelderd Road option.

6. Staff movements will come from a variety of directions, but the majority are likely to use the Gelderd Road or Asquith Avenue access points. This is for similar reasons to those set out above, but also because they are likely to operate with better capacity than the Nepshaw Lane South junction. There may be some residents who would benefit from such an access point, but these will not be the majority.

10.31 On this basis, the applicant considers the provision of a Nepshaw Lane South access is not justified as it is likely to attract very little traffic from the site. The cost-benefit ratio is too high to be justified, even if the route were deliverable.

It is the applicant's position that an access from Nepshaw Lane South:

Is not commercially deliverable

Removes the USP (unique selling point) of this site in market terms

Is not attractive to future users of the site

Demonstrates a poor cost to benefit ratio

10.32 *The main issue that results from the lack of this access point is a small percentage (c.2.5%) impact on the double mini-roundabout at the end of Asquith Avenue in Morley. The cost of providing the Nepshaw Lane South junction is not warranted as a means of rectifying that small impact.*

10.33 *In the context of a scheme which delivers a functioning access strategy, with minor dis-benefits at one junction, the applicant is of the view that the residual cumulative impacts of the junction are not severe, and hence the NPPF suggests that the application should not be refused on highways grounds.*

10.34 The highways implications of the Nepshaw Lane South access not being provided has been considered above.

Nepshaw Lane North cycle route

10.35 Nepshaw Lane North is part of the North Morley Spur (route 6) of the core cycle network, the route when complete will help encourage cycling to the site from a substantial residential area of Morley, the scheme is not within the current LTP funding, so won't be delivered in the foreseeable future. Therefore it is reasonable that the development provides some improvement as an interim measure to support access to the site, a figure of £20,000 has been agreed in principle.

Bus stops

10.36 The bus routes closest to the site are along Asquith Avenue and Gelderd Road/Branch End. Services on Asquith Avenue are the 205 (Pudsey/Dewsbury 60min frequency), 425/427 Wakefield, Morley, Bradford, 30 min frequency), 74 (Middleton, Aberford 30 min frequency). Buses on Gelderd Road and Branch End are 219/229 Leeds / Huddersfield service at 60 min frequency. Whilst none of the services are high frequency, they do serve a wide area of West Yorkshire, overall there are 4 buses per hour which connect to bus stations across in various towns.

10.37 It is proposed to upgrade the two bus stops on Asquith Avenue to provide shelters, real-time and raised kerbs. Additionally subject to there being space the two stops on Branch End would also be similarly upgraded, however the narrow footway and carriageway width may preclude this.

Bus penetration

10.38 Parts of the development proposals are currently over our 400m standard walk routes to bus stops. Attracting and maintaining public transport use at the site will be challenging. Improvements to the local existing public transport infrastructure to encourage the use of public transport is therefore supported.

The current bus network in the area is operated on a commercial basis. This means Metro do not have the powers to dictate what route the services take in the area. Any changes are therefore reliant on the incumbent operator making a commercial decision to do so. The development type proposed is for relatively low density employment uses. The B8 uses on the site are likely to have an element of shift working. A combination of these factors make it unlikely that operators will be willing to divert services into the site. Neither First Group nor Arriva have expressed willingness to divert into the site.

- 10.39 Following further analysis of the site, it is Metro's view is that the operational sustainability of operating a bus service into the site is low. Even with developer funding, it is unlikely that the level of demand for a service into the site will firstly generate enough revenue to cover the costs and second, the dis-benefit to existing passengers would also not make the route changes an attractive option for operators. Delivering a service through the site is therefore not considered achievable on this occasion.
- 10.40 Metro recommend that the lower density uses should be located in the least accessible areas to minimise the number of people that are outside the 400 metre walk routes to public transport stops. The higher density uses should be located in the most accessible areas. The design and layout of buildings also needs to be configured to assist pedestrian access. By incorporating walk routes and pedestrian access points within developments can significantly reduce walk routes in large sites. The indicative layout shows the more intensive/smaller units close to the Gelderd Road frontage, with the largest unit located furthest from existing bus stops.

Internal Layout

- 10.41 An indicative layout has been provided based on the tracking of two 16m articulated vehicles passing on the proposed bends through the site and also shows the envelope of Stopping Site Distance (SSD). As required by the Council's Street Design Guide, the layout should conform to Design Manual for Roads and Bridges as the link road will perform the function of both a new link road and an industrial road serving more than 20Ha.
- 10.42 Notwithstanding the requirement of a DMRB compliant design, in terms of the layout presented, Manual for Streets 2 (MfS2) provides further guidance on roads that are likely to have higher volumes of HGV movement, as will be the case on this section of road and offers a method of calculation of Stopping Sight Distance based on the deceleration rate of HGVs as opposed to light vehicles. Recalculating based on the HGV figure means that the SSSD is 63m rather than 56m. The forward visibility envelope will eat into the plots and has been indicated on a plan. The forward visibility envelope will be part of the future adopted highway. The swept path track of HGV's shows that some adjustment of the building position as shown on the masterplan will be required. A Traffic Regulation order to prevent waiting and loading at any time should be promoted on the internal road to ensure the free flow of traffic.

Construction

- 10.43 A Construction Management Plan should be conditioned to deal with access to the site during construction, parking of vehicles, cleanliness of the highway. It should be noted that Network Rail works on to a bridge on Gelderd Road are likely to mean the road will be closed for several months to the south of the site during 2015 / 2016.

Conclusion on highways issues

- 10.44 The traffic impact of the development on the highway network has been assessed, in all locations the impact has been shown to be within acceptable except the Asquith Avenue, Victoria Road, Brunswick Lane roundabout, an improvement scheme proportionate to the impact is not available and the council does not consider that the impact of the development at this junction is so severe as to justify the refusal of the planning application.

Measures are proposed to reduce the impact of the development including a link road through the site, improvements to Asquith Avenue, a weight restriction in Geldersome and public transport and cycling improvements.

The application will generate significant traffic which will require a section 106 Agreement and suitable planning conditions, as follows:

- The accesses onto Gelderd Road and Asquith Avenue and associated alterations to these roads and the link road through the site joining them should be completed before first occupation of the development. The link road to be constructed to adoptable standards and offered for adoption.
- The link road through the site to have 'No waiting or loading at any time' restrictions.
- The access from Gelderd Road to the smaller area of development and associated works to Gelderd Road to be completed before occupation of that element of the site.
- Weight limit restrictions through Geldersome, including Branch End, Town Street, College Road and Street Lane to be in place before first occupation of the development.
- Improvements to the junction of Victoria Road / Asquith Avenue / Bruntcliffe Lane / Brunswick Street to be completed before first occupation of the development.
- A contribution of £20,000 towards improvements to Nepshaw Lane North to improve cycle access.
- Traffic Management works on Asquith Avenue from Victoria Road to the M621 Motorway Bridge.
- Construction Management Plan.
- Funding for bus stops, £60,000.
- Details of Cycle parking, showers and lockers to be provided before commencement of each building and installed before occupation.
- Details of Motorcycle parking to be provided before commencement of each building and installed before occupation.
- Details of electric car charging points to be provided before commencement of each building and installed before occupation.
- Details of car share spaces to be provided before commencement of each building and installed before occupation.

Urban Design and Landscaping

- 10.45 The application proposes large scale development. The visual impact of the large industrial units and their service yards on views from the M621, Gelderd Road and Asquith Avenue are significant issues. The location and size of buildings, and the widths and locations of structure planting to reduce the impact of the development will be important to mitigate against adverse impacts.
- 10.46 The proposal is for outline planning permission with all matters reserved. An indicative plan and parameters plan is included with the planning submission to illustrate how future development may be accommodated on the site. This assists in providing the maximum and minimum heights, widths and lengths of units within the identified plot areas.
- 10.47 The proposed scheme parameters and arrangements set out above and in the application details allow a smaller, more domestic relationship from the proposed

units to residential properties along Gelderd Road whilst maximising the development potential and opportunities for a wide range of commercial industrial and warehousing units on the application site dependent upon further reserved matters applications.

10.48 The detailed appearance of the buildings will be the subject of future planning applications. The indicated scale of the proposals and the proposed uses that the development will bring forward together with the use of modern building techniques. The detailed appearance of the building will be subject to reserved matters approval. A detailed Supplementary Design & Access has recently been submitted, to ensure quality design and landscape proposals are brought forward.

10.49 The principles agreed between Officers and the applicant include the following key areas:

Establish a future use for the site which is complementary to the surrounding land uses.

Ensure development proposals protect and enhance Dean Woods.

Locate medium scale development to the mid-southern extents of the site

Provide strong frontage onto main road corridors and use built form to define key gateways into the site

Implement high quality landscape treatment along boundaries and within car parking where possible.

Set a maximum height parameter of 8.5m (or 2 storeys) within the northern extent of the development site to respond to the Gelderd Road context.

Locate smaller scale development to the Gelderd Road frontage

Locate smaller scale buildings towards the northern extents of the development site

Provide a high quality frontage along Gelderd Road.

Mitigate sensitive views into the site through high quality landscape planting.

Provide an appropriate setback distance from Belle Vue terraces to prevent shadowing and exclusion of views to open sky

Enclose views from the Belle Vue Terrace gardens through appropriate landscape screening into the site.

Provide appropriate vehicular access into the site from Gelderd Road and Asquith Avenue

Upgrade and enhance Nepshaw Lane North (52)

Retain and enhance pedestrian connectivity through the site and divert Footpath 51 where necessary.

Form a strong roadside landscape along Gelderd Road linking to local features such as trees, hedges and stone walls

Restrict views into the site from Gelderd Road

Retain existing tree planting along Stone Pits Lane North

Create a new gateway feature into the application site along this key approach.

Locate taller buildings / larger building footprints on flatter plateau areas to the south of the site

Mitigate impact of large scale blocks on higher ground through landscape structure planting.

Retain all existing woody vegetation (and protect during construction works) where possible

Protect and enhance Dean Wood as part of the proposals

Ensure detailed landscape proposals mitigate any tree loss with replacement native tree planting.

Mitigate sensitive views into the site through high quality landscape planting.

Provide an appropriate setback distance from Belle Vue terraces to prevent shadowing and exclusion of views to open sky

Enclose views from the Belle Vue Terrace gardens through appropriate landscape screening into the site.

- 10.50 These principles will need to be complied with in any reserved matters submissions.
- 10.51 The proposal involves the retention of Dean Woods within the central part of the site. The wood would be augmented by a band of 'structured' landscaping, which is likely to take the form of additional woodland planting. Dean Woods is a designated Leeds Nature Area (LNA) and part of the wood has been identified as Ancient Replanted Woodland. Any reserved matter scheme would be required to have no direct impact on the woodland.
- 10.52 A Woodland Management Plan would be subject of a Section 106 Agreement. The woodland straddles boundary of all three application sites, therefore the Plan would provide some consistency for dealing with woodland management issues and how detailed proposals would address the woodland area.
- 10.53 The provision of perimeter landscaping also sets parameters for the future location of buildings beyond these areas with particular regard being paid to the residential properties at Belle Vue Terrace. Structural landscape zones have been positioned adjacent potentially sensitive areas such as site boundaries in accordance with the Landscape Masterplan. The access points to the site will be taken from Gelderd Road and Asquith Avenue with a central bridge crossing point over Dean Beck. The bridge crossing location has been assessed as providing the most practical location available whilst minimising tree loss due to the land available, location of Dean Beck for the drainage outfall and the topography of the site.
- 10.54 Landscaping proposals would be subject to a reserved matters application, however, indicative landscape proposals have previously been put forward. With respect to illustrative proposed structural landscape provision, the Landscape Officer has recommended that a minimum width of 10 metres be stipulated, to allow for the mature growth of larger broadleaf tree canopies without conflict with development or highways. Given the potential scale and visual impact of industrial buildings, landscape provision will need to at least attempt to match the scale of development, to provide necessary setting and amenity screening.
- 10.55 Large-scale buildings may well demand more than the 10 metres width, unless alternative acceptable proposals could address the concerns of setting and amenity screening. Such landscape provision (minimum 10 metres width) should also apply to internal planting provision along arterial access routes, to continue to provide the required structural setting to the overall development, and particularly where large built developments are proposed. Lesser widths of secondary planting within individual development sites may prove acceptable but will need to be considered in respect of actual developments as proposed.
- 10.56 Officers consider there is a need to ensure that a comprehensive approach is taken to the landscape development of this site. Phased provision on an *ad hoc* basis as different sites come forward is insufficient in respect of the structural landscape provision and subsequent management. Whilst it might be unreasonable to expect the full boundary and internal structural landscape to be provided on the basis of an initial small-scale development proposal, the same could not be said if substantial development proposals are proposed in the initial development.
- 10.57 Further consideration of the different landscape areas is needed, to define primary structural landscape, secondary landscape in association with development plots, and tertiary amenity planting in close association with particular developments e.g. around offices and car parking. There is an opportunity to provide boulevard style

planting along the main estate roads, and advance planting in these areas would be beneficial to the proposal.

- 10.58 A condition is required to ensure future consideration of such phasing be subject to approval. We need to consider both the timing and scale of developments coming forward, in defining what landscape works should be provided at any one time. As parts of this infrastructure, the arterial access route into the site, the proposed bridge crossing across Dean Beck and associated landscape provision demand particular consideration in respect of their visual amenity and biodiversity impacts.
- 10.59 The proposed storm water ponds are significant new features in association with proposed built development. These will need to be developed to provide biodiversity opportunities to be acceptable, particularly the one proposed on the line of the current Beck. The illustrative over-engineered forms do not inspire confidence in this regard and will require detail reconsideration to maximise biodiversity and landscape benefits. Again a condition is required to ensure that this particular concern is given detailed consideration.
- 10.60 Long term management of landscape provision should also be secured. A prime concern will be to achieve the timely and effective development of landscape structure, setting and amenity, in order to minimise the potential impact of development on the wider area. Positive responses to landscape issues if and when these arise, need to be addressed through positive proactive management and not just pre-determined visits for maintenance.
- 10.61 The visual impact assessment work carried out by the applicant is of value in establishing local context but more detail work will be required in support of Reserved Matters applications. Additional work has already been carried out to consider views from the motorway corridor and from the city centre. Whilst this is welcome it is still inevitably limited by not knowing the form and extent of proposed development, as the existing scheme is indicative only. Again further detail consideration will be required and accurate photo-montages will be essential in assessing detail design proposals as they come forward.
- 10.62 Subject to suitable conditions, including compliance with the Supplementary Design & Access Statement, to address the above points, no objections are raised.

Nature Conservation interests

- 10.63 The proposed scheme will have an adverse impact on nature conservation due to the loss of an area of designated woodland LNA and loss of semi-improved grassland areas (that are used by ground nesting birds such as Skylark and Meadow Pipit). There will also be adverse impacts on bats commuting and foraging east-west along the Dean Beck and its wooded becksides through the removal of a section of woodland for a new road crossing over the beck (and long-term disturbance through increased lighting at this location). The indicative landscape proposals should offset these adverse impacts through provision of storm-water features provided that they are designed to benefit wildlife, together with new woodland planting adjacent to the Dean Beck and the new storm-water features.
- 10.64 It will be important to ensure the new road crossing over Dean Beck is designed in a way to continue the ecological function of the open watercourse – this will essentially need a bridge that spans the beck (at a sufficient height) allowing becksides vegetation to be retained/re-establish – rather than a piped culvert. This issue can be addressed as a reserved matter and a suitably worded condition.

- 10.65 In addition to the requirement for a long-term Woodland Management Plan as part of the S106, detailed conditions should be attached in respect of the following matters:
Submission and approval of a Construction Environmental Management Plan
Submission and approval of a Biodiversity Enhancement & Management Plan
Submission and approval of a “Lighting Design Strategy for bats”
No site clearance or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August inclusive unless otherwise agreed in writing.

Flood Risk Management

- 10.66 The applicant has resubmitted the detailed Flood Risk Assessment (FRA) submitted with application 23/248/04/OT, submitted in July 2008 (and subsequent addendum in 2009) which was acceptable to Environment Agency and FRM, subject to the mitigation measures identified in the FRA being carried out.
- 10.67 The application now being submitted by CDP Limited is consistent with the previous modelling assumptions, development density and provides the same on site attenuation measures. The flood risk modelling thus remains entirely valid and forms the basis of the FRA submitted. The assessment of surface runoff and exceedance flows from the site and potential impacts of the development has been undertaken using Microdrainage modelling of the Dean Beck and Farnley Wood Beck catchments, including food depths in this area. An assessment of the flows spilling into the Gildersome tunnel cutting has also been made.
- 10.68 The modelling addendum was accepted by the Environment Agency in May 2009, and the Environment Agency has suggested a planning condition to support the mitigation measures set out in the FRA.
- 10.69 The results of this assessment suggest the following:
The proposed flood storage basin has the effect of attenuating flows, introducing lag into the flows from Dean Beck.
Peak flows in both Dean Beck and Farnley Wood Beck are lower following development of the site.
Within the development sites all design flows up to the 1 in 100 year event are contained without any flooding to the site. In addition the accident event shows that for the plot considered, flooding arising from the 1 in 200 year accident event can be contained on site.
The flows from Tree fields Industrial Estate (pre and post development) are small (less than 10%) compared to the total Farnley Wood Beck catchments flows.
The post development flows indicate lower peak flows entering the high flood risk areas of Old close and Millshaw industrial estate.
A significant proportion of the proposed attenuated site runoff does not enter the watercourse until after all other inflows have returned to base flows.
Flood depths in the Old Close and Millshaw areas are reduced for the post development case, and flood volumes are reduced by up to 2889m³ for the 100 year event.
Flows spill into the Gildersome tunnel cutting for both the pre and post development scenarios. The overall volume spilling into this area is higher for the pre development case at high return periods, but higher for the post development case at low return periods.

The reduction in peak flows and levels observed on Farnley Wood Beck occurs with or without the spillage of flow into the Gildersome tunnel cutting, showing that the development is not reliant on the storage currently occurring at this location. The overall impact of the proposed development is a reduction in flooding at the critical flood risk locations on Farnley Wood Beck.

- 10.70 The overall scheme has fully considered the implications of flooding and flood mitigation has been designed into the whole development site to provide wider sustainability benefits and flood risk mitigation works which benefit the downstream community.
- 10.71 In conclusion a detailed Flood Risk Assessment has been carried out in accordance with the National Planning Policy Framework and the application submitted is consistent with the previous modelling assumptions, development density and provides for onsite attenuation measures accepted on the previous planning proposals for the site. The Council's Flood Risk Management section and the Environment Agency raise no objections to the proposal.
- 10.72 At the time of consideration of the Position Statement, the issue of flooding was raised by Plans Panel, and is a concern of residents and Gildersome Parish Council. A sum of £300,000 has been negotiated in respect of off-site flood alleviation works. In this respect, the Flood Risk management Team has advised that there are two different options for flood alleviation improvements:
- (i) £50k towards study of possible schemes in Farnley Wood Beck/Dean Beck, plus £250,000 towards a major scheme to address flooding in the catchment – determined by the study.
 - (ii) Flood Doors at Old Close (£70k); maintenance of the channels and grilles downstream of the Treefields site to just below Old Close (£1k / annum – say £30k) and storage of storm flows in 2 potential locations (£75k each – total £150k)
- 10.73 On this basis, no objections are raised. Flood Risk Management has advised that there are powers under the Land Drainage Act to deliver the improvements if necessary should third parties be involved in implementing any scheme.

Noise implications

- 10.74 The amended Noise Assessment report identifies that the criterion of the Local Planning Authority for new industrial uses near to existing residential property is that the rating level of the total industrial noise should not exceed 5dB below the pre-existing background noise level when assessed in accordance with BS4142. The assessment should be carried out over an hour in the daytime and 5 minutes at night. The information submitted considers both noise breakout from inside the proposed industrial/warehouse/distribution buildings and noise from external activities associated with these uses. With proposed remedial measures and barriers (bunds or imperforate fences or a combination of both) in place it is calculated that the noise rating levels will meet the criterion of 5dB below the background noise at all locations of noise sensitive receptors.
- 10.75 The report considers noise from fixed mechanical plant and loading (section 12). It is proposed that the BS4142 criterion can be met. To achieve this it is proposed to set noise limits for each unit. In addition, units which front onto Gelderd Road may need to be occupied by operators which will not require chillers or air handling units.

- 10.76 The WHO guidelines on community noise does indicate that sleep disturbance may occur when maximum noise levels (L_{max}) are regularly in excess of 45dB inside bedrooms at night. It is suggested that existing HGV's along Gelderd Road may mean this criteria is not currently being met for houses which face onto this road. However, the report proposes that a barrier along this section of road should result in HGV's from the application site not causing L_{max} events above 45dB.
- 10.77 The discussion and conclusion of the Noise Assessment is that industrial noise break-out and chilled distribution noise from the units is below the Local Authority criterion. Provided that mechanical services noise from the development is limited to in accordance with the criteria proposed in the Noise Assessment overall levels will still be more than 5dB below the pre-existing background level.
- 10.78 Therefore, the noise report seems acceptable in providing adequate protection to nearby noise sensitive occupiers, subject to the proposals, recommendations, and acoustic treatments identified in the submitted noise report being implemented.

Delivery of remainder of the Employment Allocation

- 10.79 The Employment Allocation (designated under E4 (14)) includes land to the south-east of the application site, off Nepshaw Lane North, which is not included within the application site. That land is used for business purposes, for caravan storage. A consideration is that this land should not be land-locked, and hence undeliverable. The applicant has no current information on the intention of that business, although historically there was no interest in bringing forward an alternative development on that area of the site. The owner of the caravan business has stated that he would strongly object to any proposals that would restrict access to his caravan business from Nepshaw Lane North.
- 10.80 The applicant has confirmed that providing access through the application plot is not commercially acceptable. This would require the introduction of an adoptable standard 7.3m wide estate road from the bridge through to this plot of land. This will take a swathe of the back plot, and thus limit the scale of the building achievable. This will undermine the USP of the site which is to deliver a large scale building in this area of the City (see 10.29 – 10-33 above). It would also add significantly to the infrastructure costs of the development, for an area which is not guaranteed to come forward.
- 10.81 The land has an existing use, and two potential access routes via Nepshaw Lane North, either directly on to Asquith Avenue, or west over to the A650. The existing use has an associated number of vehicle movements which can be off set against any new proposed traffic. Any additional traffic would need to be justified in the normal manner, presumably with a distribution which splits movements to an appropriate extent between Asquith Avenue and the A650 depending on available junction capacity and achievable junction enhancements.
- 10.82 In this context, Officers do not consider that the current application will prejudice the delivery of the remaining plot and therefore that this would not be a justifiable reason to refuse this application.

Section106 Agreement and CIL Regulations

- 10.83 According to the draft guidance issued for consultation in March 2010, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make development acceptable in planning terms. The planning obligations offered by the developer include the following:-

Travel Plan – including monitoring fee;
Highway and transport mitigation measures – to include:
Weight limit restrictions through Gildersome, including Branch End, Town Street, College Road and Street Lane to be in place before first occupation of the development;
Improvements to the junction of Victoria Road / Asquith Avenue / Bruntcliffe Lane / Brunswick Street to be completed before first occupation of the development;
Traffic Management works on Asquith Avenue from Victoria Road to the M621 Motorway Bridge;
Nepshaw Lane North resurfacing (c.£20,000);
£60,000 towards improvement of two existing bus shelters on Asquith Avenue and one shelter on Gelderd Road.

Woodland Management Plan - for woodland management within applicant's ownership;
Public transport contribution is also required to comply with up-to-date SPD guidance. The sum is under negotiation, but is calculated at £316,000. (£20,000 of this money is to provide enhanced bus stop facilities);
Drainage £300,000 contribution towards off site flood alleviation works and drainage works to Gildersome tunnel;
Provision for Local Training and Employment Initiatives.

- 10.84 From 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation meets all of the following:
- (i) necessary to make the development acceptable in planning terms.** Planning obligations should be used to make acceptable development which would otherwise be unacceptable in planning terms.
 - (ii) directly related to the development.** Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.
 - (iii) fairly and reasonably related in scale and kind to the development** Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.
- 10.85 The proposal is likely to have a significant travel impact and the Travel Plan framework will help to ensure that relevant government and local policies relating to the use of public transport are met. Core Strategy Policies T1 and T2 require the submission of a Travel Plan and contributions to be made to make enhancements to public transport.
- 10.86 The proposal is likely to have significant traffic generation issues. The identified off-site highways safety measures will help to mitigate against the highways impacts of the proposal. The NPPF requires developments to have safe and suitable access, and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- 10.87 There are existing flooding difficulties within the local catchment area, and the proposal has the potential to exacerbate that situation. Core Strategy policy ID1 states that where flood alleviation works are required the developer will be required to fund these. A contribution is reasonable in the circumstances.
- 10.88 Training and employment initiatives are covered under Core Strategy Policy SP8 as a type of community benefit where it is appropriate to seek a legal agreement. The draft S106 Agreement requires details of job opportunities to be made available to

the local Jobs and Skills Service. An obligation on the developer in the circumstances is policy compliant and reasonable. All relevant planning permissions approved on or after the 6th April 2015 will therefore be subject to the CIL regime.

Other matters

- 10.89 A sustainability statement would be requested via condition to address the design of the buildings and the construction phases. The Sustainable Construction SPD has been adopted, and a suitable condition would ensure that the latest approaches are utilised. Similarly a condition requiring that 10% of the energy usage be from renewable or low carbon sources would be recommended to ensure that the proposal helps to minimise the impact on the local environment.
- 10.90 Representations state that there is a high level of vacancy amongst existing nearby industrial buildings. The majority of these units are comparable in size with the smallest units shown on the illustrative plan and only two vacant units are in excess of 50 000 sf ft and only one is less than 20 years old. None of the largest industrial units appear to be available. Furthermore, the available accommodation is available on leasehold terms and companies are currently wanting to own freehold of their buildings. It is considered that much of the existing stock does not achieve the efficiencies of current buildings. For example, fork lift technology resulted in buildings with eaves of 5.75m, but now warehouses would be constructed to an eaves of between 10m and 16m. Servicing requirements of older buildings do not meet the current servicing demands. In addition, buildings 20 – 25 years old often have limited insulation, and are expensive to heat. The design life of industrial buildings in the 1980's is 40 years, whilst the current proposed buildings are likely to have a longer life expectancy.
- 10.91 In conclusion on this point, the local industrial vacancy rates, together with the range, age and type of property available do not meet current or future market needs of industrial development. Building layouts, efficiency and location are important factors in satisfying business needs, and there are few current opportunities.

11.0 CONCLUSION

- 11.1 The application is made in outline to approve the principle of development only. The proposed development fulfils an allocation policy within the adopted UDP and employment policies within the Core Strategy and will bring employment uses into Morley and Gildersome, allowing the area to sustain economic growth. There are recognised concerns about congestion on the local highway infrastructure and existing flooding problems within the local catchment, however, planning conditions and obligations, contained within a Section 106 Agreement, are proposed to address these issues.
- 11.2 Subject to the completion of the Section 106 Agreement, and the imposition of suitable conditions, the proposal is recommended for approval.

Background Papers:

Application and history files

Certificate of Ownership:

APPENDIX DJ1 - APPROVED MINUTE

To consider a report of the Chief Planning Officer on the current position in respect of an outline application for proposed employment development for use classes B1(B) and B1(C)

(research and development/light industrial uses), B2 (general industrial uses) and B8 (storage and distribution uses) with new accesses, associated infrastructure and landscaping

(report attached)

Minutes:

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

Officers presented the report which provided the current position in respect of proposals for an employment development on a 28.3 hectare undeveloped, former opencast mine site in Gildersome.

Members were informed that there were a large number of issues to be resolved on this site and these included particularly complex highways issues. As set out in the previous report, the application was subject to a Holding Direction by the Highways Agency which had been extended to January 31st 2013.

The topography of the site was challenging as there were substantial changes in levels on the site. In addition, a small residential development abutted into the site and a public right of way cut centrally across the site to a public footpath which runs down the western site boundary.

Two vehicular access points into the site were proposed; one at Gelderd Road and the other from Asquith Avenue, both of which caused Officers concerns – at Gelderd Road the signals at this location were over capacity and could not be improved and in terms of Asquith Avenue, the presence of HGVs on this road should not be encouraged; discussions were ongoing but as the development would be so large, it would need a number of access points and would give rise to local impacts. There was also the point as to whether a highway linkage should be made across the beck, given the topography and ecological corridor.

Drainage was another issue on the site with local concerns being raised about flood risk. Although £300,000 was proposed towards flood mitigation, Gildersome Parish Council's concerns about flooding remained.

The quantum of development and the impact of this on long distance views was also a concern, particularly in view of one of the units potentially being as large as the White Rose Shopping Centre.

Panel discussed the report and commented on the following matters:

- that an access on Asquith Avenue did not work and that an access from Nepshaw Lane South should be considered as two main routes were likely to be needed
- that there were no bus services on the Gelderd Road frontage of the site and that the existing bus services in this area were being depleted
- that the sum put forward for water mitigation measures was not index-linked and that third-party land ownership would be required to deliver them
- that issues relating to highways, off site works and public transport had not been addressed and that much more work was needed on the proposals
- the possibility of the water mitigation measures being tied into the nearby woodland to provide environmental benefits
- that vehicular access to the site from Nepshaw Lane South should be considered and that Asquith Avenue was not suitable for vehicular access serving the development as it was too narrow, although two main routes into the site should be provided
- concerns about the size of the proposed units and whilst accepting that the site was earmarked for development, that there was a need to protect the amenity of the residents living in the properties located within the site

The Chief Planning Officer stated that the site was allocated for employment and that jobs were needed but that there were particular issues with the site which needed to be considered and that a design brief for the site should be provided. The quantum and form of the floorspace would need to be controlled and that a robust travel plan would be required

The need for a range of employment sites to be available within Leeds was stressed as was the need to react positively to planning issues on challenging sites such as this one, particularly in view of the length of time taken to progress this site.

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

- to note Members' comments concerning the principle of development
- that the applicant's proposals to improve accessibility were not appropriate to the site and that Asquith Avenue was not suitable for vehicular access and that Nepshaw Lane South should be considered as a more suitable access point
- that Members did not consider the extent of the access arrangements were sufficient to deal with the anticipated level of traffic and that a design brief was needed
- to note Members' comments regarding the scope of the Highways assessment
- to note Members' comments on the scope of the highway conditions and the Section 106 agreement
- that the extent of the landscaping proposals were not sufficient to allow the development to proceed and this needed to be addressed
- that regarding nature conservation, there was the possibility of linking the water features to the woodland to provide ecological benefits
- that further information was required on the drainage improvements
- that the applicant be encouraged to work with the Council on a suitable development brief for the site.

RESOLVED - To note the report and the comments now made

1.2 The planning application is subject of a Holding Direction by the Highways Agency, which is currently in place until 14th December 2012. Discussions are on-going in respect of the scope and costs of works necessary at Junction 27, the effectiveness and suitability of the Travel Plan and public transport measures and commuted sums, and the extent of off-site highways works. Member's views on these measures are sought.

1.3 Morley Town Council has requested a Plans Panel site visit prior to determination of the application, as Plans Panel East members previously visited the site in connection with earlier proposals on the site.

2.0 PROPOSAL

2.1 The development comprises of an employment led scheme of business units (suitable for research and development purposes or light industrial uses), general industrial uses and for warehousing/storage and distribution units (provided for by use classes B1 (b), B1(c), B2 and B8). Site access, structural landscaping and amount of development will be brought forward as part of the application with all other matters reserved for future approval.

2.2 The amount of employment floorspace proposed by the outline planning application is as follows:

The overall total floorspace not exceeding the given amount of 96,148sq.m comprising of:

Class B1(c).B2 Industrial: Up to 28,445sq.m Gross Floor Area

Class

B8 Distribution/Wa

Associated infrastructure, formal and informal landscaped green space.

2.3 In addition to the principle of development, the application seeks approval for the following matters;

- Access
- Structure landscaping

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

- Appearance
- Scale
- Layout
- Plot landscaping

Access

2.5 The outline planning application proposes two vehicular access points into the application site at Gelderd Road and Asquith Avenue. The location of a proposed road bridge crossing within the application site over Dean Beck, which will enable full access over the entire site, is also shown on submitted plans.

2.6 These access arrangements and improvements including extended pedestrian footpaths, traffic lights and crossing are included as part of the current outline proposals.

2.7 Pedestrian access to the site will be also provided from Gelderd Road and Asquith Avenue in tandem with the proposed vehicular access points. The outline application also proposes to upgrade public footpaths and rights of way through the site and at Stone Pits Lane and from Nepshaw Lane. The paths will also be made available and upgraded to accommodate the provision of cycle routes which will link to other existing cycle ways adjacent the site.

Landscaping

- 2.8 Structural landscaping around the perimeters of the site and adjacent to Dean Wood is included as part of the current application to enable this to be planted and established for amenity purposes ahead of future building phases. Dean Wood is owned by the applicant.

Draft Section 106 Agreement

- 2.9 The application has been submitted with Draft Heads of Terms for the Section 106 Agreement. These take account of the previous applications submitted for the site and include for the following (subject to confirmation and agreement with Leeds City Council including compliance with CIL Regulations 2010 and the National Planning Policy Framework):

Travel Plan – Monitoring fee

Highway and transport mitigation measures – As set out in the Transport Assessment

Local Traffic Regulation Orders

Drainage –Off site flood alleviation works; drainage works to Gildersome tunnel

Provision for Local Training and Employment Initiatives - construction

Woodland Management Plan - for woodland within applicants ownership

- 2.10 A public transport contribution is also required to comply with up-to-date SPD guidance. The sum is under negotiation, but is calculated at £316,016.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is an undeveloped site of approximately 28.3 hectares (70 acres). The site is characterised by open fields, used recently for grazing with Dean Woods lying centrally on the site. The fields are separated by Dean Woods and Dean Beck. A public right of way (PROW) cuts centrally across the site from Nepshaw Lane to Stone Pitts Lane public footpath which runs down the western site boundary.

- 3.2 The site is undulating in nature, reflecting the nature of the sites previous use for opencast coal extraction with significant gradients to Dean Beck in the woodland area. Trees and woodlands are present on some of the boundaries of the site and centrally on the site in woodland known as Dean Woods. The larger part of Dean Woods is outside of the applicant's ownership. A local watercourse, Dean Beck, runs through the site from the west, adjacent Treefields Industrial Estate, through Dean Woods and towards Asquith Avenue to the east of the site.

- 3.3 The site is to the south of mainly residential properties with some commercial properties and a petrol filling station along Gelderd Road. To the west and south of the site are industrial estate developments of Treefields Industrial Estate and Gildersome Spur with allotment gardens to the far west corner above Treefields and along Gelderd Road. To the east side is Asquith Avenue and where it adjoins the site is characterised by woodland and with some residential properties served off this road. To the south east, served off Nepshaw Lane North/Asquith Avenue, are some larger residential properties and a commercial caravan storage business.

5.0 RELEVANT PLANNING HISTORY:

- 4.1 The site has previously been part of a larger site used for opencast coal mining in the 1980's, and has been restored to grassland with some tree planting to the boundary.

4.2 In the 1986 Morley Local Plan, the site (and adjoining sites) formed part of a buffer between Morley and Gildersome.

4.4 Draft UDP

4.4.1 In the draft UDP, the only part of the site allocated for employment was a 200m wide strip of land abutting Gildersome Spur, as 'rounding off' the existing industrial estate. The UDP Inspector, however, stated that the whole site should be allocated to provide a suitable range of employment sites. The Inspector noted that the site was well located for employment uses, being close to an existing industrial area, a centre of population and the motorway corridor. At the time, the site was served by buses along Asquith Avenue and Gelderd Road.

4.4.2 It was considered that the separation of Morley and Gildersome could be adequately maintained by the M621 motorway and Dean Wood, which itself would be little changed by the proposal. The Inspector stated that the proposed Green Belt boundary had no physical definition along its long northern boundary, and considered Asquith Avenue would be the nearest satisfactory physical feature, and would be a strong and defensible long term boundary. It was also considered that the site was quite well contained visually.

4.4.3 Finally, the Inspector stated that highways and drainage works did not appear to be 'insuperable in either cost or technical terms'.

4.3.4 The UDP Inspector recommended that the whole site should become an employment allocation, and since the adoption of the UDP in 2001, the site has been allocated for this purpose.

4.4 Planning applications

4.4.1 Three planning applications were submitted, between them covering the whole employment allocation. The applications are:

4.4.2 23/35/01/OT

Outline application to layout access and erect business park – land off Nepshaw Lane North, Gildersome

4.4.3 23/60/03/OT

Outline application to erect business industrial and storage and distribution development - Gelderd Road & Asquith Avenue, Gildersome

4.4.4 23/248/04/OT

Outline application to layout access road and erect distribution centre - Treefields Industrial Estate, Off Gelderd Road, Gildersome

4.5 Plans Panel (East) on the 14th July 2011 considered Position Statements for all three applications, and raised the following key issues:

4.6 • Travel Plan Framework and site accessibility – Members considered that the site was poorly served by public transport and that there were no bus stops within reasonable walking distance of most of the site. Lack of service on the A62 and A650 was a concern. The accessibility issues would encourage the use of cars. Members were of the opinion that more work needed to be undertaken to make the site sustainable including the mitigation fund.

4.7 • Where primary office development was proposed Members were of the view that the applicant would need to undertake a sequential test to aid the consideration of this element.

- 4.8 • The proposed developments would generate significant traffic including private cars and HGV's and the mitigation measures did not go far enough. Further information was required before a view could be reached as to whether the off site highway works were sufficient. An updated Traffic Assessment would need to be submitted.
- 4.9 • Members expressed major concerns about the flood risk, especially for residents at Old Close. It was considered that the developer would need to do more to ease Members concerns:
- There should be no increase in flood risk downstream.
 - It was the opinion of Members that the £300k contribution was not sufficient to address flooding issues.
 - In light of the comments made above Members, were not satisfied with the Heads of Terms of the Section 106 Agreement.
 - An appropriate landscaping scheme was required for the site boundaries and within the site itself, including within parking areas. Further information requires submitting in respect of a scheme to secure pedestrian safety and access along Nepshaw Lane which should be gated (beyond the access to the Moorfields site).
- 4.10 The schemes were not progressed by the applicants and legal agreements were not completed to deal with the concerns raised. As such the three applications were refused on the grounds that there were no measures in place to deliver sustainable transport measures, and flood alleviation measures, and there was no strategy in place to deal with transportation issues.
- 4.11 Subsequently, single site ownership has now been secured by CDP Ltd across the whole site area and therefore full control is now in place over the delivery of the site.
- Relevant application in the locality
- 4.12 10/04597/OT - Planning application of relevance, which is in the vicinity, and contributes traffic to the local highway network - Outline application to layout access road and erect light industry, general industry and warehouse development (Use Classes Class B1c, B2 and B8), a 115 bed hotel and pub/restaurant, with car parking at Wakefield Road, Gildersome. This application is also on the Panel agenda as a Position Statement.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 There have been ongoing negotiations with the Highways Agency regarding the impact of the site and the extent of works required. These considerations are dealt with in the appraisal below.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Site notices for a major development affecting a right of way were originally posted on 14th June 2012 and in the press on 22nd June 2012. Representations have been received from the following:
- 6.2 Councillor Gettings objects to the application. This piece of land is the only green space between Gildersome and the densely populated Town of Morley. If localism is to mean anything then local views must be taken into account. If we are to have a "child friendly city" then the environment in which our children grow and develop is important. I strongly oppose this development personally –this is strongly objected to by local residents –for all the reasons previously stated.

6.3 78 letters of objection from local households on the following grounds

Increase in noise pollution

Increase in air pollution

Introduction of light pollution

Visual intrusion

Adverse impact on wildlife in the fields and adjoining woodland

There are large numbers of vacant units on adjoining estates. No need for these units in the current economic climate.

Existing businesses would be affected by the proposal.

Any benefits of the proposal would be massively outweighed by the harm.

Increase in traffic and hazards to road safety.

Increase in HGVs in the village would be extremely harmful to the village. Extra commercial traffic would be harmful to the five local schools.

Branch End junction is already over capacity.

Junction 27 has been improved, but the traffic generated by this proposal would result in congestion and nuisance.

Parking on Gelderd Road, and accessing houses would become problematic.

Loss of green fields, which are a vital local green resource.

Will lead to coalescence of Gildersome and Morley.

Loss of strategic green field site.

Site should be used by schools/community groups as resource, rather than being developed.

UDP should be reviewed and land returned to Green Belt, rather than employment allocation.

Brownfield sites should be regenerated rather than developing green fields.

The development is not in accordance with the UDP, as no access is proposed via Nepshaw Lane.

Major adverse impact on residential amenity, especially Belle Vue Terrace, which would be surrounded by development, with loss of privacy and overshadowing from large warehouse units.

The pleasant PROW through the site would be harmed.

Vibration of houses from HGVs.

Houses would be prone to flooding, and the development would exacerbate existing drainage difficulties, locally, and further down the watercourse into Leeds.

Proposal contrary to Local Agenda 21, in that it would be an unsustainable development.

The proposal would not be acceptable in North Leeds, but sites close to new section of M1 should be considered.

Due to coal mining on the site, there is a possibility of subsidence.

Decrease in value of property.

- 6.4 Morley Town Council (MTC) objects to the proposal, and make the following comments:
- 6.5 This application from new owners covers land entirely in Gildersome, but the site is close to the Morley boundary and will have significant effects on traffic flows within the town, so Morley Town Council Planning Committee members decided, at their meeting on 20th November, to update their comments.
- 6.6 Former Plans Panel East visited the CDP site earlier this year; as this and the Joseph Rowntree site are now under City Plans Panel, which has different membership, another site visit would be appropriate. In general terms, like Green Belt to the east of Asquith Avenue, this seventy acre site is important in maintaining a green gap between Morley and Gildersome. It was unfortunate that the UDP Inspector decided to grant what was in effect a large extension of the Treefield and Gildersome Spur employment estates, to take in most of the block bounded by Wakefield Road (A650), Gelderd Road (A62), Asquith Avenue and the M621.
- 6.7 If there is to be development, the Asquith Avenue frontage should be planted thickly and to considerable depth with trees, to give an illusion of a northward extension of Dean Wood. The narrow tree barrier shown on layouts, which admittedly are indicative, would not be enough. Similarly, there should be generous planting on the Gelderd Road frontage to mask new buildings and to give protection from noise and visual intrusion to Belle Vue Terrace.
- 6.8 There would be no vehicular access by Nepshaw Lane north to Wakefield Road or elsewhere through the existing industrial estate; the largest new access would be onto Gelderd Road between Belle Vue Terrace and the northern apex of the site, with a lesser access to Asquith Avenue. We are not convinced that this lesser access would be suitable for the size and number of vehicles visiting the big shed warehouses shown on indicative layouts.
- 6.9 There are no bus services on the Gelderd Road frontage, and Asquith Avenue has limited services which are likely to be reduced early in 2013 should Metro withdraw support for evening and Sunday journeys on the Arriva 205 Dewsbury-Morley-Pudsey route. Westerly parts of the site would be a long way from the nearest bus stops, and there is little in the travel plan to show that the development would be other than highly car-dependent.
- 6.10 Commuter traffic flows would be important. Gildersome Roundabout (M62 J27) works far more freely and safely since the installation of traffic signals, but it often seems at or near capacity, as do sections of the local highway network. Asquith Avenue and Wakefield Road (A650) seem overloaded in the morning and evening peaks, with long queues at junctions such as Branch End and The Angel crossroads. It would not be acceptable for local highways to become saturated, or for J27 to return to being pushed beyond its capacity. When J27 became overloaded, drivers caused congestion elsewhere, for example by rat-running through Gildersome village; we would not want this to reoccur. We note that a Highways Agency holding notice is in place and is being renewed monthly. Lifting it would depend on a three-way agreement being reached with regard to the CDP development at Gildersome, the Barratts housing proposal on the A650 at Street Farm in Morley, and the Joseph Rowntree site near J27. Highways Agency should be satisfied in full that all three developments can take place without overloading the highway network.
- 6.11 MTC still have fears about flood risk. Quick run-off in wet weather northwards from a watershed roughly defined by the line of the A650, including the application site, can flood houses at Old Close immediately north of Churwell railway viaduct, parts of the Millshaw industrial estate and the Leeds Outer Ring Road near Sulzer Pumps and the Drysalters public house. As well as causing loss and distress to householders and businesses, such flooding would cause traffic chaos throughout Morley and

South Leeds, including the White Rose Shopping Centre, if it affected the Outer Ring Road. We are not convinced that the flow attenuation and watercourse improvement and maintenance shown by the applicants would be enough; also, some of the works would be on third party land and so dependent on the goodwill and cooperation of those landowners.

6.12 We do not believe that the noise assessment gave enough regard to nearby householders; there was little account of the effect on Belle Vue Terrace, and there seemed to be an assumption that College Road top, College Court and Hadleys Court were affected by traffic noise already, so a bit more noise from the new development hardly would be noticed.

6.13 Despite the passing of nearly twelve years under different development banners, MTC do not believe that a comprehensive and fully acceptable account has yet been made showing how this land could be developed without causing unacceptable harm, so we would object to any grant of planning permission for the application as it stands.

6.15 Gildersome Parish Council objects strongly to the proposal. A Public meeting was held by the Parish Council on 18th July 2012, and attended by approximately 100 residents, local Ward members and LCC Officers, the following objections being raised:

The cottages on Belle Vue Terrace would be overshadowed and surrounded by industrial development. Noise and disruption to residents.

Existing flooding difficulties.

Preponderance of empty commercial premises within a three mile radius. Should these units come back into use, there would be a huge increase in HGVs and traffic on local roads.

The Highways Agency has carried out significant improvements at Junction 27. The road system would go back to being congested if this development was allowed.

The access onto Asquith Avenue is not supported as the road is very busy, and a Primary school is located at the southern end of Asquith Avenue. Any highways assessment of traffic should be carried out in term time.

Children in the area must be kept safe. There are two primary schools in the village, and commercial vehicles would drive through the village to avoid congestion on the primary routes.

Serious flooding and drainage issues need to be addressed.

The valued open green space would be lost forever, to an industrial eye-sore, and is not appropriate in a rural village environment.

6.15 The application was more recently advertised upon the receipt of additional information, on 26th October 2012. The following representations were received:

A further 41 letters of objection, including a letter from Councillor Gettings, reiterating previous objections.

6.16 Pre-application Consultation

Methodology:

6.17 The pre application process for undertaking the consultation was developed having regard to the Council's adopted Statement of Community Involvement (SCI) and to the nature of the proposals. The methodology is set out as below:

- Meeting with Morley Town Council / Gildersome Parish Council to discuss proposal and pre app consultation programme (e.g. to identify any other bodies/interest groups).

- Letter and leaflet - by post to:

- residents and businesses in frontage properties nearest to site boundaries
- to objectors identified from previous planning proposals as per Leeds Council Public Access records on the web
- to the MP and Ward Councillors of both the wards of Morley North and Morley South,
- Morley Town Council
- Gildersome Parish Council

- Site Notices - notices posted around site boundaries to direct residents/business with details of proposal, contact address and website

- Website - for further information (as per leaflet/site notice) and with comments form for on line or by post comments with the Website to be made available to tie into adverts/leaflet distribution.

Letters were sent to the MP, Councillors, Parish and Town Council for their formal comments and for their awareness of potential interest/contact from those receiving the letter/leaflet or from the site notices.

Pre application Consultation process

6.18 A meeting was held with Morley Town Council and Gildersome Parish Council on the 30th March at Morley Town Hall and a representative from CDP Ltd. David Jones from Leeds City Council was also present. Information that was to be provided in the leaflets was presented together with details of the pre application consultation process to be undertaken. Formal views of the Parish and Town Council were to be sought by letter and the informal views of those present at the meeting were noted.

6.19 Letters were sent out on the 4th April by first class post and the site notices were posted and website available from the 5th April. The consultation gave 14 days for comments thereby ending on the 17th April. Comments were requested by post or by email.

Feedback and Analysis of comments

6.20 A total of 153 individual letters to residents/previous objectors were sent out in addition to those sent to the MP, Ward Councillors, Parish and Town Council. Site notices were posted in prominent locations around the site as shown in Appendix 2. A total of 95 letters or email comments were received with further letters of objection were also received from Morley Town Council, Gildersome Parish Council and Councillor Gettings. These formal letters reiterated the informal views previously obtained from the meeting.

6.21 A total of 98 letters/comments were received with all but 1 letter objecting to the proposed development/application.

Key reasons for objections to *No. of comments* proposed development are given below

Principle	
Loss of fields/greenfield site	30
Merger of Gildersome and Morley	27
Green belt	8
Leave area as it is	7
Use brownfield sites	4

7.0 CONSULTATIONS RESPONSES:

Statutory:

- 7.1 Highways Agency – The planning application is subject of a Holding Direction by the Highways Agency, which is currently in place until 14th December 2012. Discussions are on-going in respect of the scope and costs of works necessary at Junction 27, the effectiveness and suitability of the Travel Plan.
- 7.2 Highways Development Control – Revised information was submitted late October and Highways comments on this revised information is set out below. The application cannot be supported, and revised plans and assessment are required. The secondary access onto Gelderd Road is not supported as currently proposed. A cumulative impact study is required taking into account other committed and pending development in the area. Further improvement works are required to the local footway network. A public transport contribution will be required. A Stage 1 Road Safety Audit is required of all access junctions and off site works. Of the four internal layout options put forward, A, B and C could be acceptable with some tweaking. Option D would not be acceptable.
- 7.3 It is noted that the capacity modelling of the mini-roundabouts at the southern end of Asquith Avenue show a detrimental impact as a result of development traffic. This is considered further in the appraisal section.
- 7.4 Environment Agency: No objections. The proposed development will only be acceptable if the measures detailed in the Flood Risk Assessment dated July 2008 & the subsequent addendum dated 27 April 2009 submitted with the current application are implemented and secured by way of planning conditions. It is our understanding that a contribution of £300,000 from the developer has been offered to Leeds City Council to help alleviate flooding problems further downstream.
- ### **Non-statutory:**
- 7.5 Public Transport Infrastructure Contributions – A contribution has been requested, and is currently under negotiation.
- 7.6 Public Rights of Way – No objections in principle, although details to be submitted under reserved matters will require proper consideration.
- 7.7 Neighbourhoods & Housing – The proposed development consists of an area of green fields in a semi rural location at the edge of Morley. The site currently appears to be used as grazing for horses and is bounded by the M621 motorway, commercial units and a number of residential properties.
- 7.8 The proposed uses have the potential for significant disturbance to nearby residential occupiers from plant and activity noise, emissions to atmosphere, and vehicles passing in close proximity. However, due to the outline nature of the application many of the issues cannot be determined at this time. For example, the hours of operation or deliveries to and from the site is not stated on the application. In addition, there are a number of different site layouts proposed.
- 7.9 The applicant has submitted a noise report with the application. The proposed criteria for plant and industrial noise are unacceptable. The report does not seem to

include an assessment of noise from external areas, such as service yards. Although there is a statement within the discussion to suggest that the use of reversing bleeeper's should be minimized. One option is for large warehouse distribution centres. These often have large numbers of HGV's leaving throughout the quiet night time period. Although it is indicated that the area has a high background noise level, the night time disturbance (peak levels) caused by the wagons passing near to residential bedroom windows does not seem to have been adequately considered.

- 7.10 A revised Noise Assessment was submitted in October 2012, and is currently under consideration.
- 7.11 Yorkshire Water – no objections subject to conditions
- 7.12 Metro – Do not object to the development in principle but feel the application has not fully addressed the accessibility of the site particularly by public transport.
- 7.13 Metro support developments that make use of the existing core bus network as identified in the LTP. In addition Metro support the council in applying local accessibility policy criteria, in this instance, the accessibility policy contained in the Council's 'Core Strategy Publication Draft'. This site benefits from 5 buses per hour passing the site in each direction. This level of service is considered acceptable for this development.
- 7.14 The size of the site inevitably means that parts of it will not be located within the desired walking distance of 400 metres of existing bus stops. Metro note that the developer has suggested that additional bus stops will be provided with shelters and RTI displays and upgrades to the existing stops will be provided. Whilst this is welcomed, further assessments of the proposed locations will be necessary to ensure the spacing remains a reasonable distance apart. Metro's guidance recommends stops in urban areas should be between 200 and 300 metres apart.
- 7.15 Two new shelters are proposed on Asquith Avenue. Metro recommend that the current north bound stop (11487) should be relocated closer to the site entrance with a new stop provided on southbound side. This would cost £20,000 for the shelters and a further £20,000 for the RTI displays. Metro also recommend that kerbing and bus stop clearway signage and lining be provided.
- 7.16 Shelter upgrades are proposed for stop numbers 11488 and 12245. Metro are satisfied that 12245 will be able to have the upgrade but are concerned that the narrow footpath width will restrict a shelter at stop 11488.
- 7.17 Even with the new bus stop, large parts of the site are still outside the 400 metre threshold. Metro therefore recommend that the higher density development types should be situated closest to existing and proposed stops with the less dense development type (i.e. warehousing) towards the less accessible areas.
- 7.18 The developer has indicated that they have had discussions with operators to divert services into the site. Unfortunately no commitments have been given to divert services. This is not unexpected as operators will generally only divert services when there is a clear demand established. It is not clear if the developer has offered a 'pump prime' deal to the operator to pay for the diversion in the short terms or if the developer was as asked to make the diversion on a commercial basis from day one? The operators may be more amenable to divert a service if an initial contribution was made to the cost of the change of route. This should be provided by the developer.
- 7.19 Metro recommends that any route diversion should be procured through Metro as opposed to a direct agreement with the operator. This procurement method allows Metro to monitor the performance of the diversion and manage any issues should the service not operate to timetable for instance. Should a diversion be achieved, the developer would also have to fund the associated bus stop infrastructure within the site.

- 7.20 Metro would support the Council in the application of the Public Transport SPD for this site.
In summary Metro require the following from the development:
Dense development types located closer to the exiting public transport services;
Bus Shelter and Real Time Information Displays at stops 12245, 11487 and new shelter on Asquith;
Raised kerbs and bus stop clearway at the shelters listed;
Developer contribution towards the diversion of bus service(s) into the site (cost to be confirmed);
SPD contribution.
- 7.21 Flood Risk Management (FRM) – no objections subject to conditions. The applicant has confirmed the intention to carry through the off-site agreements with regard to protecting the old railway cutting and the contribution of £300k towards the necessary flood mitigation scheme downstream of the site. Therefore in principle FRM would not object to these proposals, however it is an outline application and FRM do not have sufficient detail to determine whether the on-site balancing is sufficient to meet the requirements of their proposals. Therefore, FRM would request that the design of these and the surrounding development is conditioned. The implementation of their proposed drainage should be made a condition of any approval.
- 7.22 Public Rights of Way (PROW)
- 7.23 Morley Byway No.52 & Adopted Highway
This Byway appears to be obstructed by landscaping at the SE corner of the site. The Byway should not be obstructed and should remain open and available for use at all times, the public rights of way section would strongly object to any proposals to extinguish this Byway. A revised landscape scheme has been submitted, and the comments of PROW are being sought.
- 7.24 Morley Footpath No.43
This footpath appears unaffected. It should remain open and available for use at all times. If works require closure for public safety a Traffic Regulation Order (TRO) would be required for the duration of the work taking place. Landscaping adjacent to the footpath should not be allowed to encroach onto or reduce the width of the footpath in any way.
- 7.25 Morley Footpath No.51
No objection in principle to the diversion of this footpath. However, approval would be required from the Public Rights of Way Section. Orders should be made and confirmed before work commences on site where it affects the line of the footpath. A Traffic Regulation Order will be required during construction. It is not clear if the footpath goes under or over the bridge, further clarification is required. Footpath No.51 continues SE through plot E which is not shown in the submitted plans. If this line is affected a Diversion Order would be required. Details of how this section of footpath is affected need clarifying before any diversions are approved and work commences on site. Currently it appears that the proposed landscaping obstructs this footpath. If the footpath is not proposed for diversion in this location the landscaping should not obstruct the footpath. A revised landscape scheme has been submitted, and the comments of PROW are being sought.
- 7.26 Unrecorded Footpath
A route is shown from Footpath No.51 to Asquith Avenue. This is not a recorded public right of way, but public rights may exist and the developer indicates that it is

currently in use. As this is not affected the rights of way section has no objections. However, it would not be considered acceptable to divert Footpath No.51 onto this line as it would be considered to be an extinguishment.

7.27 Coal Authority

7.28 The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Geo-Environmental Desk Study Report (May 2012), which accompanies this planning application. The Geo-Environmental Desk Study Report correctly identifies that the application site has been subject to past coal mining activity. The Coal Authority records indicate that the site has been subject to both recorded and likely historic unrecorded underground coal mining at shallow depth, past surface (opencast) mining, and contains a number of recorded mine entries.

7.29 The Geo-Environmental Desk Study Report has been informed by an appropriate range of sources of information; including a Coal Mining Report, a range of previous reports of ground conditions for the site, BGS geological mapping, historic OS mapping, and mine abandonment plans. Based on this review of existing sources of geological and mining information, the Report concludes that coal mining legacy poses a potential risk to the proposed development.

7.30 Accordingly, appropriate recommendations are included for intrusive site investigation works prior to development in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified.

8.0 PLANNING POLICIES:

Development Plan

8.1 The Development Plan for the area consists of the Regional Spatial Strategy and the adopted Unitary Development Plan Review, along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. Following consideration of representations received, the Council now intends to submit the draft Core Strategy for examination. The Core Strategy set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. Some weight can now be attached to this document.

8.2 Core Strategy Spatial Policy 8: Economic Development Priorities requires the safeguarding and provision of a sufficient supply of housing land. This policy supports training and job creation initiatives via S106 Agreements and supports employment proposals which have high levels of accessibility and infrastructure.

8.3 Core Strategy Spatial Policy 9 : Provision For Employment Land requires the provision of a minimum of 493 hectares of employment land across the whole of the district.

8.4 The Leeds Employment Land Review (August 2011) provides the evidence base to the Core Strategy for assessing the overall employment need within Leeds. The Review outlines that the application site should be retained for employment use, as the site is identified in 'Appendix C: Employment sites with recommendation to 'retain' in the employment land portfolio'.

The Regional Spatial Strategy

8.5 Policy LCR1 promotes Leeds City Region by developing the role of Leeds as a Regional City, by accommodating significant growth in jobs and homes.

Unitary Development Plan Review

- 8.6 Under the UDP the application site forms the large part (28.3 hectares) of the 41.0ha site designated under E4 (14) for employment use, subject to:
- i. PROVISION OF SATISFACTORY MEANS OF ACCESS, WITH AT LEAST TWO POINTS OF ACCESS, AT NEPSHAW LANE AND GELDERD ROAD;
 - ii. CREATION OF A HIGH QUALITY ENVIRONMENT THROUGH THE USE OF QUALITY MATERIALS AND THE APPROPRIATE DESIGN OF BUILDINGS AND THEIR SETTINGS;
 - iii. ESTABLISHMENT OF A SATISFACTORY LANDSCAPE FRAMEWORK, INCLUDING BELTS OF STRUCTURE PLANTING;
 - iv. PROTECTION OF THE AMENITY OF OCCUPANTS OF NEARBY DWELLINGS;
 - v. ANY NECESSARY LEGAL AGREEMENTS;
 - vi. PREPARATION OF A PLANNING AND DEVELOPMENT BRIEF TO GUIDE DEVELOPMENT, IN PARTICULAR, LOCATION OF ACCESS POINTS AND ANY OFF-SITE WORKS, ENHANCEMENT AND PROTECTION OF DEAN WOOD LNA, AND PROTECTION OF ADJOINING RESIDENTIAL PROPERTIES.
- 8.7 The areas excluded from the allocation in this application are the area used for caravan storage off Nephshaw Lane and Dean Wood.
- 8.8 The supporting UDP text states:
The site has largely been restored to agricultural use following open cast coal mining. The site is proposed for employment use as an extension to the existing Gildersome Spur industrial estate, thus helping to consolidate employment opportunities in the area. Development of this site will be subject to a Traffic Impact Assessment with regard, in particular, to the impact on the M621/M62/A650/A62 junctions. Careful consideration would need to be given to Dean Wood, a designated Local Nature Area. Opportunities for environmental improvements, including woodland creation, will be sought under Policy N41B. Policy N24 will also apply. These and other details, including means of protecting adjoining residential properties, will be dealt with through a Planning and Development Brief.
- 8.9 The following policies are relevant for consideration of this application;
- SA2 – Encourage development in locations that reduce the need for travel and promote use of sustainable transport forms.
- SA4 – Promote and strengthen the economic base of Leeds by identifying a balanced range of sites for development.
- SA7 – Promote physical and economic regeneration of urban land and buildings within the urban areas.
- SP3 – New development will be concentrated largely within or adjoining the main urban areas and settlements on sites that are or can be well served by public transport.

SP6 – Distribution of employment land is based on principles of providing jobs close to homes and anticipating likely market demand.

GP5 – General planning considerations.

GP7 – Use of planning obligations.

GP11 – Development to meet sustainable design principles.

GP12 – Provision of sustainability assessments for major developments.

N10 – Development not permitted where it adversely affects a Public Right of Way.

N12 – Urban design principles.

N13 – Building design principles.

N23 – Design of incidental open space around developments.

N24 – Proposal abutting open land should provide for suitable assimilation into the landscape.

N37A – All new development in the countryside should have regard to character of the landscape and contribute positively to it.

N38B – Planning applications to be accompanied by a Flood Risk Assessment where needed.

N39A – Incorporation of sustainable drainage principles.

N49 – Protection of wildlife and habitat resources

N50 – Protection of SSSI, LNR, SEGI

N51 – Enhancement of wildlife habitats

T2 – Highway issues.

T2B – Provision of Transport Assessments.

T2C – Provision of Travel Plans.

T2D – Developer contributions towards public transport.

T24 – Parking provision.

8.10 Relevant supplementary guidance –

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

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

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

Sustainable Construction SPD.

8.11 Government Planning Policy

National Planning Policy Framework

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

- 8.13 The NPPF includes policy guidance on sustainable development, economic growth, transport, design, and climate change. Paragraph 32 states:
All developments that generate significant amounts of movement 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 development are severe.
- 8.14 Paragraph 100 states that ‘Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.’
- 8.15 Section 7 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:
- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - Optimising the potential of the site to accommodate development;
 - Respond to local character and history;
 - Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - Create safe and accessible environments; and
 - Development to be visually attractive as a result of good architecture and appropriate landscaping.
- 8.16 Noise Policy Statement for England (March 2010)

9.0 MAIN ISSUES

1. Principle of development and sustainability
2. Highway and access issues
3. Urban Design and Landscaping
4. Ecological interests
5. Flood risk management
6. Section 106 Agreement and CIL Regulations

10.0 APPRAISAL

Principle of development and sustainability

Development Plan

- 10.1 The application site forms the vast majority of a larger area allocated for employment uses and forms a natural extension of the existing Treefield and Gildersome Spur industrial estates on the edge of Morley Town. Section 38(6) of the Planning and Compensation Act 2004 requires that applications must be determined

in accordance with the development plan unless material considerations indicate otherwise. As the site is allocated for employment in the development plan, the starting point would be that the proposal is acceptable in principle, but that material considerations need to be taken into consideration.

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

10.3 Do Panel members raise issues concerning the principle of development?

Highways and access issues

- 10.4 Previous Highways comments dated 13th July 2012 set out that 'while it is considered that the site has a only a reasonable public transport offer at best, it would be difficult to object on this basis based on the current policy context.' This position has not changed.

Accessibility

- 10.5 Bus services run along the Asquith Avenue frontage giving a combined frequency of five buses per hour, four of which head into Leeds. The applicant is proposing to fund new bus stops close to the Asquith Avenue access, but even with these in place a significant proportion of the site would be over 400m from these bus services. The furthest units are likely to be some 800m walk distance from the nearest bus stops.

- 10.6 The public transport SPD sets out that 'the centre of a site' should be within 400m of a bus stop offering a 15 minute frequency to a major transport interchange. The draft Core Strategy states that 'industrial and distribution / warehousing to be located within 10 minute walk of a bus stop'. Therefore while it is considered that the site has only a reasonable public transport offer at best, it would be difficult to object on this basis based on the current policy context.

- 10.7 The developer has made some enquiries with the bus operators regarding diversion through the site. It is not clear what, if any, offer was made to subsidise such a diversion or whether Metro were involved. The applicant has offered to fund bus stops within the site should any service divert at a future date. The infrastructure has been designed to accommodate HGVs and therefore is also capable of accommodating public transport. Metro has requested improvements to local bus stops and requested developer contributions towards diverting bus services through the site, as set out in sections 7.12 – 7.20 above.

- 10.8 The site is liable for a significant public transport contribution under the SPD, however options to spend this money on local services should be explored in consultation with Metro.

10.9 Do Members consider that the applicant's proposals to improve accessibility to be appropriate to this site?

- 10.10 A new footway is proposed along the Gelderd Road frontage where none currently exists. This will tie in to the existing footways to the east, but does not extend far enough to the west. Highways have requested that the new footway must be extended along the grass verge to meet the access point of the Treefields Industrial estate and existing footway. It is not considered acceptable to have a footway adjacent to a major road in a mixed residential / commercial area simply end at the start of a muddy footpath. While movements on this length may be low, there will certainly be some demand, and some of that will be associated with the proposed development.

- 10.11 The site is liable for a public transport contribution under the SPD, which has been calculated at £316,016 for the full development. This will require refinement to allow for the flexibility in permission sought and phased build out. Appendix 1 of the SPD, updated in December 2011, contains a number of schemes that would be relevant to the site. These include:
- UTMC Spruce and traffic light bus priority system (city wide)
 - Public Transport Hubs – Morley is one of those proposed to be taken forward
 - A62 Gelderd Road bus priority
 - A643 Leeds – Morley bus corridor
- 10.12 In terms of cycling, discussions on the Travel Plan are still ongoing and the cycle access strategy will be linked to that. Comments are provided below on the junctions layouts – it should be noted that it is the policy of Leeds Highways not to introduce pedestrian refuge islands where kerb to kerb widths are less than 4m, unless in exceptional circumstances. The access junction designs need revisions to accommodate this. The Cycling Officer has stated that the Leeds Core Cycle Network Route proposes to use Nepshaw Lane. This requires resurfacing and being accessible to cycles at both ends. Internal access roads should also be connected to Nepshaw Lane and other access roads in the area by cycle track to create some connectivity through the area. Nepshaw Lane is a key pedestrian and cycle link to the site and therefore some contribution to improvements along its length would be expected from this development.
- VEHICULAR ACCESS:
- 10.13 Three vehicular access points are proposed to the development, two off Gelderd Road and the other off Asquith Avenue. Previous applications at the site included an access to the A650 via Nepshaw Lane which is now not proposed, and the current proposal has an access onto Asquith Avenue, which wasn't proposed on the earlier applications.
- 10.14 It is noted that the UDP allocation for the site states that development is subject to: *'Provision of satisfactory means of access, with at least two points of access, at Nepshaw Lane and Gelderd Road.'*
- 10.15 From a Highways perspective there is merit in making the site as permeable as possible to reduce trip distances and impacts on local junctions. An access onto Nepshaw Lane and the A650 is likely to reduce development related traffic through the centre of Morley. It should be noted that the trip distribution agreed, without prejudice to preferred additional access to Nepshaw Lane, as part of the pre-application process was on the basis of no access to Nepshaw Lane, and for obvious reasons this distribution would change if an access was implemented towards the A650.
- 10.16 Notwithstanding the above, if it is demonstrated that the proposed access solution via Gelderd Road and Asquith Avenue works in terms of capacity and highway safety on the local network then it would be difficult to justify an objection on the lack of an access to Nepshaw Lane. Therefore, at this stage, this issue has been put to one side and the application assessed as submitted. Only once has it been confirmed that the full development can operate safely and within acceptable network impacts can the issue of the Nepshaw Lane access be resolved. In this context, it is noted that the development does have a detrimental impact at the mini-roundabouts at the southern end of Asquith Avenue which may need to be mitigated (see below).

- 10.17 An independent Stage 1 Road Safety Audit will be required of all the access junctions and off-site works prior to determination of the application

Gelderd Road Access Points

- 10.18 A signalised junction is proposed onto Gelderd Road which will serve as the main access point. The layout of this junction has now been corrected to take account of actual road widths. The further surveys at the Gelderd Road junction with College Road show that the right turn lane can be shortened and this is accepted.
- 10.19 The option of island narrowing was explored to improve alignment through the junction. The revised layout as shown, however, is not acceptable with the straight across crossing operating in different stages – read through issues are likely to be picked up at Safety Audit and Leeds would not accept such a layout. Advice is awaited from UTC on this, but Highways consider that the pedestrian facilities should be removed from this arm as they are provided on the eastern arm of the junction.
- 10.20 The Linsig modelling for the primary access, Treefield estate access and Branch End / Gelderd Road / Asquith Avenue junction has now been sent to UTC for comment. This was not done previously due to comments in relation to junction layout and site access locations.
- 10.21 It is noted that relocation of the secondary access point on Gelderd Road further away from the PFS access points. This resolves the issue of junction spacing but leaves an unsatisfactory set of lane widths, with running lanes of 3m and a right turn lane of just 2m. This is not adequate for a site of this size served off an A-road. The minimum should be 3.35m running lanes and a 2.5m right turn lane. The Council will only accept kerb to kerb widths of less than 4m to an pedestrian refuge in exceptional circumstances to cater for cyclists. It is noted that the width of the existing highway verge and footway to the east would allow for some carriageway widening in this location.

Asquith Avenue access

- 10.22 There are outstanding issues relating to the right turn lane, however, these are not vital issues given the junction is shown to operate well within capacity. Therefore, the conclusion that this junction operates within capacity is accepted.
- 10.23 Highways have previously raised issues regarding the level difference between Asquith Avenue and the site and Highways have concerns that without an appropriate control mechanism, this access is unlikely to ever be implemented. Given its importance in permeability of the site and relief at the nearby signalised junction this is of concern. The applicant sets out that this issue will be taken care of by way of land remodelling, but given the outline application includes access Highways consider that more detailed plans showing levels, retaining structures and long / cross sections are provided in this location. In addition, Highways would be seeking to have a condition applied to any permission restricting the level of development to an appropriate scale until both access points (Gelderd Road and Asquith Avenue) and associated link road are constructed.
- 10.24 Do Panel Members consider the extent of the access arrangements to be sufficient to deal with the anticipated level of traffic?**

TRANSPORT ASSESSMENT

- 10.25 The TA and subsequent analysis takes no account of other committed / pending applications in the area and comments in this regard from the original Highways consultation have not been taken on board. The Highways Agency, through their

own work, have considered the cumulative impact of development on J27, and the required mitigation. The Bruntcliffe Road development has considered the cumulative impact at the A650 / Howden Clough Road junction and identified the introduction of MOVA as appropriate mitigation. This mitigation scheme will also be required of this development. The Rowntrees application has considered the Gelderd Road scheme in a previous TA. Given that the site access and Treefields access are shown to operate well within capacity, the only junction still requiring a cumulative impact assessment is the Gelderd Road / Branch End / Asquith Avenue junction. The applicant should undertake a cumulative impact assessment of this junction.

- 10.26 The modelling, impact and mitigation scheme at J27 has been agreed. This set of highway works should be secured via a Grampian condition, to be implemented prior to an appropriate level of development. As with other phasing issues, this will require further consideration.
- 10.27 The recent submission has included assessment of the Gelderd Road / College Road junction and the Victoria Road mini-roundabouts at the bottom of Asquith Avenue. The modelling has been checked and is acceptable for use. However the applicant's conclusions are not accepted. The mini-roundabouts, will be operating over capacity in 2019 and the development adds to the queues and delays. It is accepted that the level of development traffic through these junctions is not large, but the impact remains. The current setup of two mini-roundabouts makes any improvement difficult without a radical rethink and redesign of the two junctions. Resources and focus may be better expended in ensuring the site is as well linked as possible for walk and cycle trips, the implementation of a comprehensive and robust travel plan with targets and default mechanisms, and that all access options have been properly considered, which is not yet the case. The case for direct mitigation at this junction will need to be considered in light of the above.

INTERNAL LAYOUT / SERVICING / BINS

- 10.28 The previous comments relating to the four indicative layout plans remain despite some minor tweaks. Options A to C could be made to work, but D is not acceptable. These internal issues however can be resolved through any future reserved matters application.
- 10.29 The employment land off Nepshaw Lane which forms part of the employment allocation, and excluded from this application as it is in third party ownership does not have adequate access to either Nepshaw Lane or Asquith Avenue suitable for commercial uses. Therefore, the option must be maintained, without a ransom, of access through the rest of the allocation which is subject to the current application.

TRAVEL PLAN

- 10.30 Some progress has been made on the Travel Plan, but it is not yet at a stage where it is acceptable. The travel plan is a critical element of the scheme given the scale of development, capacity issues at some nearby junctions, and previous Plans Panels resolutions regarding development at the site.

OFF SITE HIGHWAY WORKS

- 10.31 Off-site highway works are proposed at junction 27, the site access points and along the Gelderd Road frontage. The introduction of MOVA control at the A650 / Howden Clough Road will also be required, if not already implemented by other development in the area.

- 10.32 Both public consultation and the LCC Traffic team have requested that 20mph zones are developer funded in the vicinity of Gildersome Primary and Morley Victoria Primary schools, to help mitigate against increased levels of traffic past these school sites. Highways have requested details of costing that could be incorporated into a S106 agreement. Also, requests have been made to fund a HGV ban through the centre of Gildersome Village, again with costs to be forwarded in due course. These traffic management schemes are fully supported by Highways and considered necessary to help mitigate the development impact.

ROAD SAFETY

- 10.33 A Stage 1 Road Safety Audit covering all access points and off-site works will be required prior to determination of the planning application.
- 10.34 Conditions will be required to:
Secure the off-site works and access arrangements
Secure the provision and adoption of the through route at an appropriate stage (to be agreed)
Provide further details on the proposed bridge across the beck
Standard conditions relating to parking and servicing areas
Ensure acceptable gradients at the site access points (and internal layout)
- 10.35 The Section 106 should cover:
Provision of an adoptable link to the edge of the Lindley land (with no ransom strip)
The provision of a public transport contribution (to be agreed)
The implementation of the travel plan (to be agreed) and monitoring fee
On and off-site bus stop improvements
HGV movement restrictions
Local 20 mph schemes
- 10.36 The details and wording of the conditions and planning obligations would need to be discussed in further detail should the application move forward to an approval.

CONCLUSION

- 10.37 There are no objections in principle to the development, but there are many outstanding matters of detail in respect of accessibility, assessment of access points, cumulative impact and Travel Plan details. The application cannot be supported from a highways standpoint as submitted and amendments / further work are required.
- 10.38 Do Panel members have any comments on the scope of the highways conditions and the Section 106 Agreement?**

Urban Design and Landscaping

- 10.39 The application proposes large scale development. The visual impact of the large industrial units and their service yards on views from the M621, Gelderd Road and Asquith Avenue are significant issues currently under consideration. The location and size of buildings, and the widths and locations of structure planting to reduce the impact of the development will be important to mitigate against adverse impacts.

Proposed scheme development principles:

- 10.40 The applicant has identified the most important factors are considered to be:
- (i) the impact and scale of the proposals in relation to residential properties along Gelderd Road
 - (ii) the existing trees and woodland in and around the site

- (iii) highway considerations and provision of deliverable and achievable access points on Gelderd Road and Asquith Avenue
- (iv) land ownership and deliverability
- (v) drainage requirements of existing and proposed properties
- (vi) site topography and location of Dean Beck watercourse
- (vii) maximising development areas for employment use of the allocated site.

- 10.41 The proposal is for outline planning permission with details provided of the means of access and structural / boundary landscaping. The parameters Masterplan provides the scale parameters for future applications and specifies the maximum floorspace thresholds for the development as a whole and within defined plot areas.
- 10.42 Maximum and minimum floorspace measurements for future buildings are also provided within the plot areas. The detailed layout of the proposed development is not specified as part of the application however indicative plans are included with the planning submission to illustrate how future development may be accommodated on the site within the parameters set out. This assists in providing the maximum and minimum heights, widths and lengths of units within the identified plot areas.
- 10.43 The proposed scheme parameters and arrangements set out above and in the application details allow a smaller, more domestic relationship from the proposed units to residential properties along Gelderd Road whilst maximizing the development potential and opportunities for a wide range of commercial industrial and warehousing units on the application site dependent upon further reserved matters applications.
- 10.44 The provision of perimeter landscaping also sets parameters for the future location of buildings beyond these areas with particular regard being paid to the residential properties at Belle Vue Terrace. Structural landscape zones have been positioned adjacent potentially sensitive areas such as site boundaries in accordance with the Landscape Masterplan One option presented provides mounds on which landscaping is placed. The issue if structural landscaping will be key to the success of the scheme. The access points to the site will be taken from Gelderd Road and Asquith Avenue with a central bridge crossing point over Dean Beck. The bridge crossing location has been assessed by the applicant as providing the most practical location available whilst minimising tree loss due to the land available, location of Dean Beck for the drainage outfall and the topography of the site. All these points put by the applicant are under consideration.
- 10.45 The detailed appearance of the buildings will be the subject of future planning applications. The indicated scale of the proposals and the proposed uses that the development will bring forward together with the use of modern building techniques. The detailed appearance of the building will be subject to reserved matters approval.

Landscape

- 10.46 Indicative landscape proposals being put forward on the Masterplan. The proposal involves the retention of Dean Wood within the central part of the site. The wood would be augmented by a band of 'structured' landscaping, which is likely to take the form of additional woodland planting. Dean Wood is a designated Leeds Nature Area (LNA) and part of the wood has been identified as Ancient Replanted

Woodland. Any reserved matter scheme would be required to have no direct impact on the woodland.

10.47 A landscaping Parameter Plan has been submitted, which outlines how the perimeter of the entire application site will be treated. This includes; Gelderd Road to have a tree planting mound with shrub planting below, along with a low knee rails with mown grass strips and gravel edge intended to form a neat, pedestrian scale to the roadside. Asquith Avenue and Nepshaw Lane to be fronted by new tree planting with shrub planting below, along with low knee rail and mown grass strip. Visual screening from existing footpaths bordering the western side of the site is already provided by the existing plantation within this location. This will be enhanced by shrub planting at the edges of the plantation and hedge planting. Landscaping around the proposed site will provide a variety of berry, nut bearing and flowering trees offering year round interest for a range of invertebrates, and as such providing feeding opportunities for the local bat population.

10.48 A Woodland Management Plan would be subject of a Section 106 Agreement. The woodland straddles boundary of all three application sites, therefore the Plan would provide some consistency for dealing with woodland management issues and how detailed proposals would address the woodland area.

10.49 The impact of the development on views from housing nearby, and wider areas is currently under consideration.

10.50 Do Panel Members consider the extent of the landscaping proposals to be sufficient to allow the development to proceed?

Nature Conservation interests

10.51 The main nature conservation concerns relate to the loss of an area of young woodland and part of the Dean Beck at the expense of the largest storm water pond. From an ecological standpoint, the storm water ponds should be located outside of areas of existing nature conservation value, as are the other two ponds. If a case is put forward to justify the proposed location of this storm water pond there must be significant compensation to offset this loss i.e. an equal width of scrub and woodland planting (to that lost) around the storm water pond to ensure habitat connectivity, and appropriate detailed design of the pond to benefit wildlife.

10.52 The design of the road over Dean Beck must be designed in a way to minimize disruption to beck and associated vegetation i.e. a wide span with no concrete footings close to the beck that flows underneath.

10.53 The overall impacts of the development on nature conservation are significant and will therefore require addressing through a Section 106 Agreement - to ensure long-term positive management of retained and created wildlife features is carried out under an agreed Landscape & Ecology Management Plan.

10.54 The Phase 1 Habitat Survey and Protected Species Assessment dated May 2012 identifies that there will be an impact on a number of nature conservation features and that further survey work is required prior to determination of this application.

10.55 Further surveys for bats in relation to both the woodland edges and open grassland areas will be required to fully understand the potential impacts on foraging and commuting bats. Page 13 Section 4.3 of the Habitat Survey and Protected Species Assessment refers to the good quality foraging and commuting habitat features along the edges of the woodland and the need for further surveys prior to commencement of works – but this should be carried out prior to determination as bats are a protected species and therefore a material consideration (no bat surveys

have been carried out to date – only a scoping assessment). Lighting will have an adverse impact on bats where this is on commuting/foraging corridors such as along the woodland edges and beck – so will need to be designed sensitively.

- 10.56 The Phase 1 walkover survey was carried out in mid-February and therefore did not identify patches of semi-improved grassland that occur across much of the southern and south-eastern parts of the site (with Meadow Foxtail, Crested Dog's Tail, Bent grasses, Yorkshire Fog, Meadow Vetch being observed in June – together with Lesser Whitethroat, Blackcap, Chiffchaff in patches of Hawthorn scrub around the edges of the site and Curlew and Swallow feeding activity on patches of damp grassland, indicating a good invertebrate biomass).
- 10.57 A clearer assessment of the ecological features that will be lost is needed in order to fully understand the potential impacts and agree a suitable level of mitigation – a qualitative and quantitative impact assessment is recommended i.e. 1 hectare of semi-improved grassland will be lost that will be offset by 0.5 hectares of wildflower meadow created and positively managed through an ecological management plan. Loss of open habitats may be best off-set through considering the use of roof spaces designed to benefit ground nesting birds and invertebrates and retaining existing areas of grassland value around the edges of the site.
- 10.58 If one of the water features is to be created at the expense of an area of woodland then there will need to be a significant mitigation package – such as improving sections of the water course through denaturalizing any engineered features (converted sections) and backside management to benefit species such as water voles (which could be encouraged to re-colonise in the future). Any features that are designed to provide open water should consider measures to retain some open water throughout the year, and details shown in relation to how they will connect to the beck and not become shaded from adjacent trees or new planting.
- 10.59 The landscaping plan should consider planting native shrubs (excluding Dogwood) along any woodland edges and then creating or retaining semi-improved grassland to allow a graded edge to the retained woodland areas (grassland/scrub/woodland interfaces will benefit a wider range of wildlife).
- 10.60 A key aspect of this application will be assessing the level of impacts and agreeing suitable mitigation, and developing the content of an ecological management plan to positively manage retained and created ecological features. These matters are all currently under consideration, and would need to be addressed before a decision can be made on the determination of the application.

10.61 Do Panel Members consider the impact on interests of nature conservation to be of significant concern?

Flood Risk management

- 10.62 The applicant has resubmitted the detailed Flood Risk Assessment (FRA) submitted with application 23/248/04/OT, submitted in July 2008 (and subsequent addendum in 2009) which was acceptable to Environment Agency and FRM, subject to the mitigation measures identified in the FRA being carried out.
- 10.63 The application now being submitted by CDP Limited is consistent with the previous modelling assumptions, development density and provides the same on site attenuation measures. The flood risk modelling thus remains entirely valid and forms the basis of the FRA submitted. The assessment of surface runoff and exceedance flows from the site and potential impacts of the development has been undertaken using Microdrainage modelling of the Dean Beck and Farnley Wood Beck

catchments, including food depths in this area. An assessment of the flows spilling into the Gildersome tunnel cutting has also been made.

10.64 The modelling addendum was accepted by the Environment Agency in May 2009, and the Environment Agency has suggested a planning condition to support the mitigation measures set out in the FRA.

10.65 The results of this assessment suggest the following:
The proposed flood storage basin has the effect of attenuating flows, introducing lag into the flows from Dean Beck.
Peak flows in both Dean Beck and Farnley Wood Beck are lower following development of the site.
Within the development sites all design flows up to the 1 in 100 year event are contained without any flooding to the site. In addition the accident event shows that for the plot considered, flooding arising from the 1 in 200 year accident event can be contained on site.
The flows from Tree fields Industrial Estate (pre and post development) are small (less than 10%) compared to the total Farnley Wood Beck catchments flows.
The post development flows indicate lower peak flows entering the high flood risk areas of Old close and Millshaw industrial estate.
A significant proportion of the proposed attenuated site runoff does not enter the watercourse until after all other inflows have returned to base flows.
Flood depths in the Old Close and Millshaw areas are reduced for the post development case, and flood volumes are reduced by up to 2889m³ for the 100 year event.
Flows spill into the Gildersome tunnel cutting for both the pre and post development scenarios. The overall volume spilling into this area is higher for the pre development case at high return periods, but higher for the post development case at low return periods.
The reduction in peak flows and levels observed on Farnley Wood Beck occurs with or without the spillage of flow into the Gildersome tunnel cutting, showing that the development is not reliant on the storage currently occurring at this location.
The overall impact of the proposed development is a reduction in flooding at the critical flood risk locations on Farnley Wood Beck.

10.66 The overall scheme has fully considered the implications of flooding and flood mitigation has been designed into the whole development site to provide wider sustainability benefits and flood risk mitigation works which benefit the downstream community.

10.67 In conclusion a detailed Flood Risk Assessment has been carried out in accordance with the National Planning Policy Framework and the application submitted is consistent with the previous modelling assumptions, development density and provides for onsite attenuation measures accepted on the previous planning proposals for the site.

10.68 Do Panel Members consider the extent of the drainage improvements to be sufficient to allow the development to proceed?

Section 106 Agreement and CIL Regulations

10.69 According to the draft guidance issued for consultation in March 2010, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make development acceptable in planning terms. The planning obligations offered by the developer include the following:-

- (i) Travel Plan
- (ii) Public transport infrastructure. Calculated at £316,016, and under negotiation.
- (iii) Contribution to Metro towards funding improvements to the relevant bus shelters.
- (iv) Local Traffic Regulation Orders (HGV movement restrictions, Local 20 mph schemes)
- (v) Flood Alleviation Contribution
- (vi) Training and Employment Initiatives
- (vii) Woodland Management Plan

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

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

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

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

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

10.72 There are existing flooding difficulties within the local catchment area, and the proposal has the potential to exacerbate that situation. UDP policy N38B states that where flood alleviation works are required the developer will be required to fund these. A contribution is reasonable in the circumstances.

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

10.74 The proposed development could therefore bring about financial benefits for the local area and it is considered that the Council is justified in seeking such contributions.

Other matters

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

11.0 CONCLUSION

11.1 The proposed development fulfils an allocation policy within the adopted UDP and will bring employment uses into Morley and Gildersome, allowing the area to sustain economic growth. There are recognised concerns about congestion on the local highway infrastructure and existing flooding problems within the local catchment, however, planning conditions and obligations, contained within a Section 106 Agreement, are under negotiation to mitigate against these difficulties.

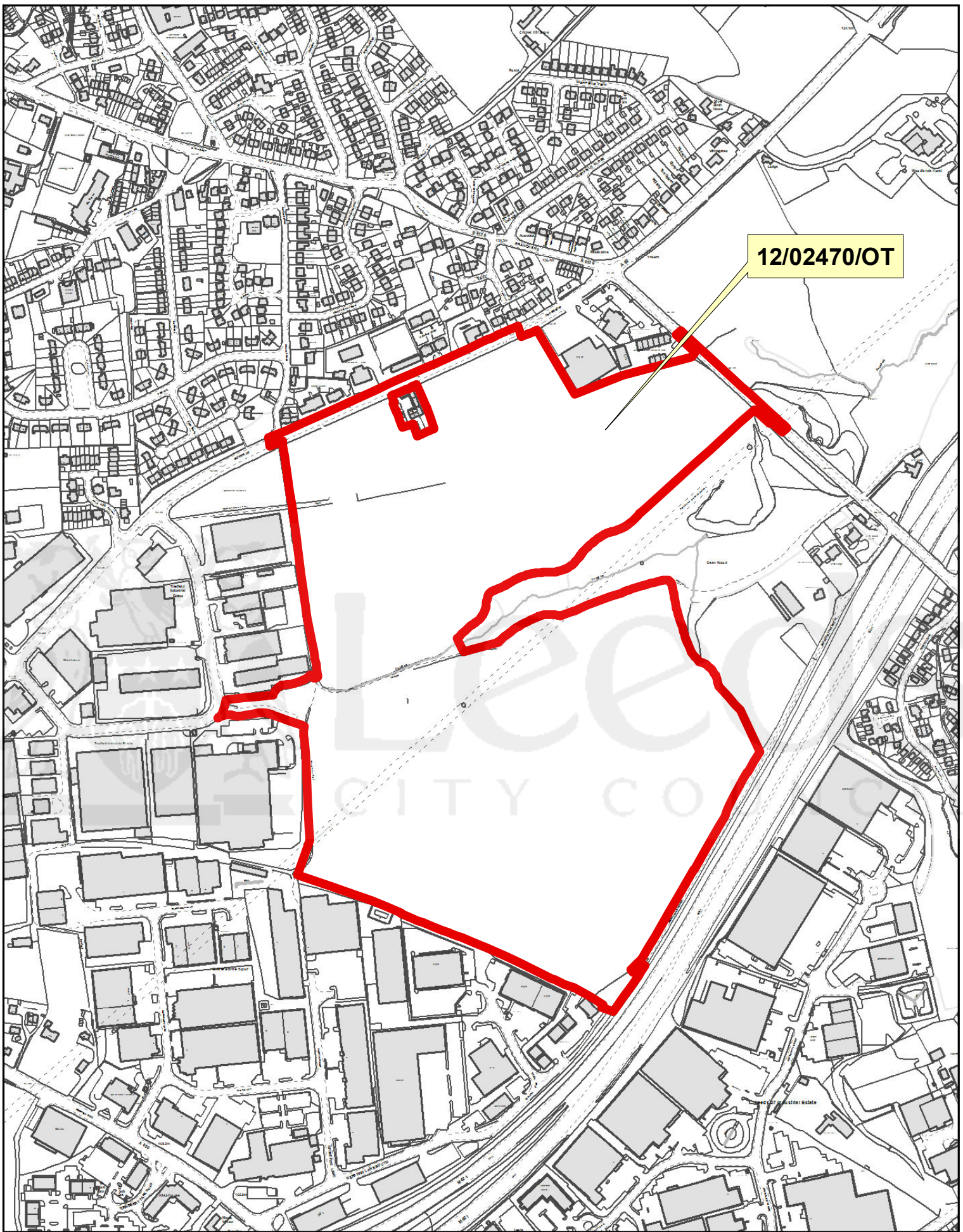
11.2 The application is made in outline to approve the principle of development with access only. At this stage of the application, Members' views are requested. Specifically:

- (i) Do Panel members raise issues concerning the principle of development?**
- (ii) Do Members consider that the applicant's proposals to improve accessibility to be appropriate to this site?**
- (iii) Do Panel Members consider the extent of the access arrangements to be sufficient to deal with the anticipated level of traffic?**
- (iv) Do Panel Members have any comments regarding the scope of the Highways assessment?**
- (v) Do Panel members have any comments on the scope of the highways conditions and the Section 106 Agreement?**
- (vi) Do Panel Members consider the extent of the landscaping proposals to be sufficient to allow the development to proceed?**
- (vii) Do Panel Members consider the impact on interests of nature conservation to be of significant concern?**
- (viii) Do Panel Members consider the extent of the drainage improvements to be sufficient to allow the development to proceed?**
- (ix) Are there other issues which need to be addressed?**

Background Papers:

Application and history files

Certificate of Ownership:



12/02470/OT

CITY PLANS PANEL



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Originator: J Thomas

Tel: 0113 222 4409

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 22nd January 2015

Subject: 14/04340/OT – Outline application for residential development including means of access at, Field at Ridge Meadows, Northgate Lane, Tibgarth, Linton, Wetherby, LS22 4HS

APPLICANT	DATE VALID	TARGET DATE
Kebbell Developments Ltd	22 nd July 2014	12 th December 2014

<p>Electoral Wards Affected:</p> <p>Harewood</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION: Refuse for the following reasons:

- 1) The LPA considers that the release of the site for housing development would be premature, being contrary to saved policy N34 of the UDP 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 Linton needs to be comprehensively reviewed as part of the preparation of the ongoing Site Allocations Plan and Neighbourhood Plan. The location and scale of the site in relation to the village of Linton means that the proposal does not fulfil the criteria set out in the interim housing delivery policy approved by Leeds City Council's Executive Board on 13th March 2013 to justify early release ahead of the comprehensive assessment of safeguarded land being undertaken in the Site Allocations Plan. 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 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 Linton which is consistent with the size, function and sustainability credentials of a village. Furthermore, the Core Strategy states that the “priority for identifying land for development will be previously developed land, other infill and key locations identified as sustainable extensions” which have not yet been established through the Site Allocations Plan, and the Core Strategy recognises the key role of new and existing infrastructure in delivering future development which has not yet been established through the Site Allocations Plan e.g. educational and health infrastructure, roads and public transport improvements. As such the proposal is contrary to Policy SP1 of the Core Strategy. In advance of the Site Allocations Plan the proposal represents such a expansion of the village that it is likely to adversely impact on the sustainability of Linton, contrary to Policy SP1 of the Core Strategy and guidance on the core planning principles underpinning the planning system as set out in the NPPF
- 3) The development of this site for residential purposes has poor sustainability credentials, represents an inefficient use of land and does not meet the minimum accessibility standards set out in the Core Strategy in terms of the frequency of bus services to give access to employment, secondary education and town / city centres. As such it is contrary to policy H3 of the Core Strategy. Also, in the absence of any planned or proposed improvements it is considered that the proposal is contrary to Policy T2 of the Core Strategy, and to the sustainable transport guidance contained in the NPPF and the 12 core planning principles which require 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 development of this site for up to 10 dwellings in the manner proposed as set out within the indicative site layout, would be harmful to and out of character with the adjacent spatial pattern of existing residential development within this part of Linton, that would result in an overly dispersed form of development that fails to take the opportunity to improve the character and quality of the area and the way it functions. The application also fails to provide an appropriate Design Code which would ensure that the development had a coherent character which responded well to its immediate context and the wider character of Linton Village and the adjacent conservation area. The Local Planning Authority also considers that, in the absence of an agreed design for the access road, the development would be contrary to the landscape character of the wider area. As such, the proposal would be contrary to Policies P10, P11 and P12 of the Core Strategy, the guidance contained within the SPG ‘Neighbourhoods for Living’ and the guidance within the National Planning Policy Framework.
- 5) In the absence of a detailed topographical survey, levels information, arboricultural impact assessment, and further habitat and ecology surveys, it has not been possible for the Local Planning Authority to properly to consider and assess the effect of the proposed development on existing trees within and adjacent to the site and the potential ecological implications. In the absence of this information it is considered that the proposed development would cause harm to protected species and the arboricultural and ecological

amenities of the site, as well as the wider landscape character, contrary to Policy G8 and P12 of the Core Strategy and the guidance within the National Planning Policy Framework.

- 6) In the absence of a signed Section 106 agreement the proposed development so far fails to provide necessary on site affordable housing, Greenspace and the offered public transport (Metro Cards), contrary to the requirements of Policies H5, T2, G4 and ID2 of the 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.

1.0 INTRODUCTION

- 1.1 The application relates to a piece of land to the outer edge of Linton Village which is within a Protected Area of Search. Such sites are designated under saved UDP Policy N34 and their release will be considered against policies SP6 and SP9 of the adopted Core Strategy and the Interim PAS policy. They are intended to ensure the long term endurance of the Green Belt and to provide for long term development needs if required. The NPPF requires that the suitability of protected sites for development be comprehensively reviewed as part of the preparation of the Local Plan. The application is recommended for refusal and key considerations in reaching this recommendation are matters of housing land supply, sustainability and prematurity in respect of the Site Allocations Plan. Design and the provision of affordable housing remain outstanding issues.

2.0 PROPOSAL

- 2.1 Outline permission is sought for a residential development of up to 10 dwellings, including means of access with all other matters reserved. An indicative layout and design strategy have been submitted with the application.
- 2.2 Access will be taken from Tibgarth, a small housing development just off Northgate Lane which was constructed by the same developers approximately 15 years ago. The land banks steeply upward into the application site and the access road will need to be heavily engineered in order to address this level change.
- 2.3 The houses will then be set along the flatter, linear plateau to the top of the site; four plots will be set to its northern section and be single storey, and six to the southern side which will be two storey. These are large, 'executive' style houses. The key principles of the development are set out in parts three and four of the submitted Design and Access Statement and it is clear from the illustrative Masterplan Layout (part 6) that they will be individually designed, with a variety of shapes, forms, architectural styles and design approaches.

3.0 SITE AND SURROUNDINGS

- 3.1 The application relates to a linear plot of land which is located outside the existing village. The site is a broadly flat plateau with the land falling steeply away to the west, south and east. Long range views across the open land to the north are possible from Sicklinghall Road and views are also possible from the A58 to the east. The site is bounded by vegetation and is rough grassland within. The vegetation to the site boundaries is mixture of hedgerows, self-seeded vegetation and more established individual trees. The land is site 2136 within the Site

Allocations Plan and has been 'sieved out' as it does not fall within the settlement hierarchy of the Core Strategy.

- 3.2 Linton itself was originally a nuclear settlement with a core of historic development close to its centre, however later development has produced a more radial village, with housing dispersing outward along the roads which enter the village. Its historic core is characterised by a simple agrarian style and houses are largely built from magnesian limestone. There is then a collection of houses from the early to mid-twenty century which reflect an Arts and Crafts pastiche style, and these are usually detached dwellings, with a palate of stone and render. More modern dwellings lie to the outer edges of the village and these are also detached houses, usually within spacious plots and again with a mixed palate of stone and render.
- 3.3 The site lies between the houses which are set north of Northgate Lane and those on 'The Ridge'. Both of these areas are relatively modern (mid-late twentieth century) and are characterised by large individual dwellings set within verdant plots.
- 3.4 Tibgarth is one of the more recent housing developments within the village (see Relevant Planning History) and lacks the verdure of earlier development. The existing access road would be utilised, with the new access point crossing the front of 7 Tibgarth and the road then snaking to the east in order to navigate the gradient change.

4.0 RELEVANT PLANNING HISTORY:

4.1 Tibgarth Development

31/331/96/FU 10 dwelling houses **Approved and built**

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Officers have raised concerns regarding prematurity, sustainability, design (including the access road), ecology and affordable housing.
- 5.2 No agreement has yet been reached on prematurity, sustainability, design, ecology and affordable housing.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by site notice, in the Boston Spa and Wetherby news and the plans have been deposited at Wetherby Library for viewing.
- 6.2 Linton Parish Council and Linton Village society object to the scheme. They raise concerns regarding prematurity, character, intrusion into the countryside, impact on the footpath network and lack of detailed information.
- 6.3 Thirty nine letters of representation have been received. These are largely from houses which adjoin the site and along Tibgarth, although there are a scattering of letters from the wider village.
- 6.3 The concerns of objectors centre around the principle of development and prematurity, access, overdevelopment, traffic, impact on protected species and vegetation, drainage, loss of view, overdominance and overlooking.

7.0 CONSULTATIONS RESPONSES:

- 7.1 Environment Agency Raise no objection to the scheme as submitted but note to the need to ensure capacity within system.
- Highways Note that whilst the development can achieve a safe access, this would require a cutting extending back 23m, with a level difference of 10m. Also note that the gradient of the footway would cause problems for those with mobility impairment, fails to meet accessibility standards and is unsustainable.
- Metro Note that good pedestrian access is required to and from bus stops and request a contribution toward residential MetroCards.
- Mains Drainage Raise no significant objection and request the imposition of conditions.
- Contaminated Land Note that an intrusive investigation is required but can be secured by condition.
- Yorkshire Water Initially raised objection to the proposed public sewer connection and request that other options are explored first. Following the submission of further information, no objections are raised subject to the imposition of conditions.
- Landscape Note that detailed information will be required at reserved matters stage but that there appear to be conflicts with existing trees.
- PROW Welcome the provision of a footpath through the site.
- Nature Conservation Raise concerns regarding the level of information submitted and the presence of protected species on the site.

8.0 PLANNING POLICIES:

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

Local Planning Policy

- 8.2 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are relevant:

- 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 H2	Housing on non-allocated sites
Policy H3	Density of residential development
Policy H4	Housing mix
Policy H5	Affordable housing
Policy P10	Design
Policy P11	Conservation
Policy P12	Landscape
Policy T1	Transport Management
Policy T2	Accessibility requirements and new development
Policy G4	New Greenspace provision
Policy G8	Protection of species and habitats
Policy EN2	Sustainable design and construction
Policy ID2	Planning obligations and developer contributions

The following saved UDP policies are also relevant:

GP5:	All relevant planning considerations.
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.
N34:	Sites for long term development (Protected Areas of Search).
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.
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.
LD2:	New and altered roads

The interim PAS policy is also relevant.

Interim PAS Policy

8.3 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.

8.4 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.

8.5 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.

8.6 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. Members have also agreed in principle, the release of a site in Wetherby, and this is currently the subject of s106 discussions. The policy has also been used to resist permission for PAS sites at Kirkless Knoll and Boston Spa which were subject of public inquiries in 2013 and 2014 respectively . Both appeals have been the subject of call in from the Secretary of State with no indications given over the timescales for the release of decisions. PAS sites at Bradford Road, East Ardsley, West of Scholes, East of Scholes, Adel, Breary Lane East in Bramhope and Leeds Road at Collingham, have also been recently refused. The applicants for the Collingham PAS site have recently lodged an appeal and this will be the subject of a Public Inquiry in due course.

8.7 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 Core Strategy strategic policies 6 and 7 and saved UDP policy N34.

Local Development Framework - Site Allocations Plan

- 8.8 The Council is also currently progressing a Site Allocations Plan (SAP) and has previously carried out extensive consultation, including 8 weeks of formal public consultation from 3/6/13 to 29/7/13 (Issues and Options for the Plan). Within this document the site is colour coded purple which equates to it being sieved out (removed from further consideration), primarily as it is not within the settlement hierarchy. The Council is currently advancing the SAP and subject to consideration by the Development Plan Panel and Executive Board, a Publication document will be 'placed on deposit' later in 2015 (summer/autumn).
- 8.9 The supporting text to Policy N34 of the Unitary Development Plan expects the suitability of the protected sites for development to be comprehensively reviewed through the Local Development Framework (para 5.4.9). The Site Allocations Plan is the means by which the Council will review and propose for allocation sites which are consistent with the wider spatial approach of the Core Strategy and are supported by a comparative sustainability appraisal. It will also phase their release with a focus on: sites in regeneration areas, with best public transport accessibility, the best accessibility to local services and with least negative impact on green infrastructure. This application is contrary to this approach. The Site Allocations Plan process will determine the suitability of this site for housing development. This approach is in line with para 85 of the NPPF which states that "Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development." It is also in line with the NPPF core planning principle 1, which states that planning should "be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area."
- 8.10 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.
- 8.11 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.

Neighbourhood Plan

- 8.12 Linton has been designated a neighbourhood area and has developed a draft Neighbourhood Plan. This notes that housing developments will be supported where they are small scale and do not extend the village into the countryside (policy B1). The plan identifies the application site at policy B2 and notes that it

should not be developed ahead of the Site Allocations DPD, a comprehensive Green Belt review, housing needs and site assessments. The Neighbourhood Plan also notes that development should be within 5 minutes walk of a bus stop and should not exacerbate highway problems.

Relevant Supplementary Planning Guidance includes:

- SPD: Street Design Guide.
- SPD: Public Transport Improvements and Developer Contributions
- SPD Travel Plans
- SPD: Designing for Community Safety: A Residential Guide
- SPD: Sustainable Design and Construction “Building for Tomorrow, Today.”
- SPG: Neighbourhoods for Living
- SPG 4: Greenspace Relating to New Housing Development
- SPG 25: Greening the Built Edge.

Linton Village Design Statement

- 8.13 Outlines the character of the existing village and draws attention to the key architectural and landscape features of the area. The document notes that local distinctiveness should be recognised and enhanced.

Linton Conservation Area Appraisal and Management Plan

- 8.14 Outlines the architectural character of the conservation area and draws attention to the wider setting of the village and need to effectively manage the surrounding landscape.

National Planning Policy

- 8.15 The National Planning Policy Framework (2012) sets out the Government’s planning policies for England and how these are expected to be applied. It sets out the Government’s requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 8.16 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.
- 8.17 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%.
- 8.18 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.

- 8.19 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.

National Guidance - Five Year Supply

- 8.20 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.
- 8.21 The Council's Five Year Supply requirement between 1st April 2014 and 31st March 2019 is set out below and rests at **22,570 homes** (at 30th March 2014). The Council are advocating that a local approach to calculating the housing requirement is used whereby any backlog against Core Strategy targets since 2012 (the base date of the plan) is caught up by spreading under delivery over a ten year period rather than the five years stated as the aim in the National Planning Practice Guidance (NPPG). The Council does not consider that the authority is one where a 20% buffer is required, which the NPPF advises should only apply where persistent under delivery has occurred but does not define what this means. It should be noted that appellants at the Bagley Lane Inquiry consider that the Leeds requirement should be **30,685 homes** which includes spreading backlog over 5 years and a 20% buffer.

COMPONENT	HOMES
Base requirement	20,380
NPPF Buffer 5%	1,019
Under delivery	1,171
Total	22,570

- 8.22 The Leeds land supply position is summarised in the table below and indicates a supply of **29,504 homes** (at 30th March 2014). The majority of the supply is identified via the Strategic Housing Land Availability Assessment (SHLAA) process.

This was undertaken by a Partnership at the beginning of the year which comprised housebuilders and elected Members. House builders on the SHLAA contended that the deliverability of the Leeds land supply continues to be affected by the market and that a more realistic level of supply is much lower. The appellants at Bagley Lane state that Leeds has a supply of only **16,873 homes**.

CATEGORY OF SUPPLY		2014 to 2019
	Sites under construction	4,983
	Sites with planning permission	5,215
	Allocated sites without planning permission	1,731
	Sites with expired planning permission	2,781
	Sites with no planning permission	7,793
	PAS sites meeting the interim policy	1,238
A	TOTAL SHLAA SUPPLY CAPACITY	23,741
	Additional PAS sites granted permission	181
	Estimated Windfall Delivery (<5 units)	2,500
	Estimated Windfall Supply (>5 units)	600
	Estimated Long Term Empty Properties	2,000
	Identified Pre-Determinations	316
	Estimated Pre-Determinations	316
B	TOTAL ADDITIONAL SUPPLY CAPACITY	5,913
A+B	TOTAL GROSS SUPPLY	29,654
C	MINUS DEMOLITIONS (30 per annum)	150
A+B-C	NET FIVE YEAR DELIVERABLE SUPPLY	29,504

The Council considers that the five year supply rests at 6.5 years. However, Panel members should be aware that there are alternative approaches to calculating the supply as set out below.

	Leeds City Council	NPPG advice	Appellants at Bagley Lane
	Under delivery spread over 10 yrs and 5 % buffer	Under delivery spread over 5 years and 5% buffer	Under delivery spread over 5 years and 20% buffer
Requirement	22,570	23,741	30,685
Supply	29,504	29,504	16,873
Five Year Supply	6.5 yr	6.2 yr	2.7 yr

- 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 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 specific deliverable sites for the remainder of the plan period. It is this document which will create the pool of sites from which the 5 year supply can be based in future years.

9.0 MAIN ISSUES

- 1) Principle/Prematurity
- 2) Five Year Supply
- 3) Sustainability Criteria
- 4) Accessibility
- 5) Highway Considerations
- 6) Loss of Agricultural Land
- 7) Layout & Design
- 8) Affordable Housing
- 9) Trees, Landscaping & Ecology
- 10) Residential Amenity
- 11) Section 106 issues
- 12) Other Matters
- 13) Letters of Representation

10.0 APPRAISAL

Principle/Prematurity

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 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.

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. The proposal to develop the Linton application site would be premature in advance of the conclusions of the comprehensive assessment of all PAS sites and alternative land supply opportunities that is being undertaken now through the Site Allocations Plan. Saved policy N34 and its supporting text should be given considerable weight because it remains part of the statutory development plan for Leeds and is consistent with bullet 4 of paragraph 85 of the NPPF which expects local authorities to make clear that "planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review".

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. The criteria of the interim policy are intended to ensure that PAS sites are

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

- 10.4 It is therefore necessary to assess the Linton PAS site against the interim policy to see if the proposal meets the criteria to be released early. To be released early development sites must be well related to the Main Urban Area or Major Settlements, must not exceed 10ha in size and the land should not be needed for alternative uses. Whilst the site does sit beneath the threshold of 10ha and there is no indication that the land is needed for alternative uses, the site is not well related to the Main Urban Area or a Major Settlement as defined in the Settlement Hierarchy of the Core Strategy. Linton is not individually listed within this Settlement Hierarchy and thus is a 'village'. As the site fails the first test of the Interim PAS policy it is not appropriate to be released, and thus criteria iv and v do not need to be considered.
- 10.5 The Core Strategy has a clear spatial development goal, as outlined within its introductory text and within Spatial Policy 1. This aims to respect the historic development pattern of Leeds and to ensure sustainable development, by concentrating the majority of new development within and adjacent to the main urban areas, taking advantage of existing services and high levels of accessibility. This will also allow the council to fulfil priorities for urban regeneration and to ensure an appropriate balance of brownfield and greenfield land. These principles are reiterated within policy H1 which seeks to manage the release of sites for housing.
- 10.6 Linton is identified as a village within the Core Strategy settlement hierarchy and thus falls outside the list of areas whereby new development should be located under policy SP1. This is reflected within the Site Allocations Plan Issues and Options Document where the identified sites around Linton are 'sieved-out' as the village lacks basic services, is not well served by public transport and is broadly considered to be unsustainable.
- 10.7 To summarise, the application does not meet the interim policy criteria to be released early. Work is ongoing through the Site Allocations Plan to consider where within the Outer North East Area new development should be located. To allow development on this site in advance of this document would undermine the plan-led approach, looking at what sites should come forward, what infrastructure is needed to support them and where that would best be located. In addition work is progressing on a neighbourhood plan and it is considered that the release of this site early would also not sit well with that process which is being co-ordinated with the Site Allocations Plan.

- 10.8 It is noted that local concern has been raised regarding the development of a currently open area and encroachment into the countryside. This matter was carefully considered by the UDP Review Inspector in 2006 who noted that the site was a slim tongue of undeveloped land between existing housing developments which did not materially assist in safeguarding the countryside from encroachment, nor play a positive role in fulfilling Green Belt objectives. He concluded that the site had no great Green Belt merit, but also noted that it would be necessary for the council to consider the release of all PAS sites for housing in a comprehensive manner before a housing designation could be attached to the land. The concerns of local residents in this regard are noted, however through its PAS designation the land has been identified for development. It is not, at present, a question of should the land be developed, but when and in what manner should development occur.

Housing Need/Five Year Supply

- 10.9 It should also be noted that the Council has a supply of 29,504 net homes between 1st April 2014 and 31st March 2019, which when assessed against the requirement for 22,570 homes provides a 6.5 year housing land supply (figures at 31st March 2014). Because the Council can demonstrate a 5 year supply it is not considered that the provisions of paragraph 49 of the NPPF are triggered. In cases where a 5 year supply cannot be demonstrated the NPPF's presumption in favour of sustainable development has greater weight than the local policies of the Core Strategy and those saved UDP policies. This is not the case in Leeds, and as such there is no justification for the release of the site in order to meet housing need.

Sustainability Criteria

- 10.10 Sustainability is a key planning principle and is a core theme which runs through both local and national planning policy. Sustainability is a complex and multi-faceted concept, however in relation to housing development the policies of the NPPF and Core Strategy seek to ensure that land is used effectively and efficiently (H1 Release of Sites, H2 Housing on non-allocated sites and H3 Housing Density), and that the right development (policy H4 Housing Mix) is located within the right areas (SP1 and Accessibility Standards). Linton PAS site lies within a village where policy H3 suggests that a density of no less than 30 dwellings per hectare should be considered. This would suggest that approximately 135 dwellings should be situated on the land. Development of this scale is clearly contrary to the spatial character of the village and beyond the capacity of the local highway network. As noted by the UDP Review Inspector in 2006, it would be difficult to secure a development that was both acceptable in the locality and made efficient use of the land.
- 10.11 It is therefore considered appropriate to set aside the perspective densities of policy H3 and looking instead look to the spatial character of surrounding development to guide what would be appropriate on the site. The developer highlights a number of planning approvals in recent years which have allowed the demolition and rebuild of individual dwellings. These have allowed floor spaces of between 4000-6000 square feet, and as such these should be taken as the baseline for the size and scale of new development. Working on these baselines a development of ten dwellings is then arrived at. The authority take a different view and consider that rather than isolating a number individual applications for new dwellings and using these as a starting point, the spatial character of the settlement as a whole should be assessed. Looking to the wider village it is clear that siting only ten dwellings on the site is contrary to the spatial character of the area, the houses sit in a dispersed

arrangement which is not typical of the village and which represents an inefficient use of land.

- 10.12 The inefficient use of land aside, it is also necessary to assess whether Linton itself is a suitable location for additional development. When considering this PAS site the UDP Review Inspector offered definitive commentary on this matter noting that in his view “Linton is not...a sustainable location for development on any scale”. The Inspector further commented that Linton had only one bus service to Leeds and Wetherby, a public house and a village hall. Its lack of access to jobs, shops and services means that the majority of journeys would be by private car. It is accepted that there are jobs, shops and services within both Collingham and Wetherby, however these do not lie within easy walking distance or are locations well served by public transport. In concluding whether or not the application site should be given over to housing the Inspector noted that the principal objection to the use of the site for housing was that it is not in an intrinsically sustainable location.
- 10.13 This remains the case now. It is accepted that increasing the number of dwellings in order to create a more efficient use of the land would marginally worsen the sustainability of the site in more general terms, as a greater number of dwellings clearly results in a greater number of car movements etc. However the authority consider that the site is in a fundamentally unsustainable location, and there have been no change in circumstances which suggest that the conclusion of the UDP review Inspector should be revisited. The inefficient use of land is a matter which weighs into the balance, but which is not considered to be strongly determinative in this matter.

Accessibility – Walking, Cycling & Public Transport

- 10.14 The site does not fully meet the Core Strategy Accessibility Standards. Linton has no shops, schools or services other than a Public House and the village hall. The nearest shops are located within the centre of Collingham and these are approximately a 1.2 miles away, with an estimated walk time of approximately 30 mins. The nearest primary school (Collingham Lady Hastings C of E primary school) and doctor’s surgery (Church View Surgery) are also located in Collingham at a similar distance and similar walk time. The nearest secondary schools (Wetherby High School/Boston Spa High School) are also located well outside the recommended walking distance of 2400m (30 min walk) and the service frequency for bus services does not meet the requirement.
- 10.15 The centre of the site is approximately half a mile (15 mins walk) from the nearest bus stop (Windmill Inn) and Linton is served by only one bus service, the X99 and the frequency of this service to a major public transport interchange (defined as Leeds, Bradford or Wakefield) does not meet the draft Core Strategy Accessibility Standard of 4 buses per hour. In summary, the site falls well short of the accessibility standard for access to employment, secondary education and town/city centres. It should also be noted that some of the footways toward Collingham and also north toward Wetherby are narrow and unlit. It is therefore not regarded as a suitable route to facilitate or encourage regular walking trips.
- 10.16 It is noted that the applicants have voluntarily agreed to enter into a residential Metro Card scheme in order to encourage residents to use public transport. Whilst this is noted, it is considered very unlikely that residents of the proposed executive houses will undertake the fifteen minute walk to the nearest bus stop, particularly given the infrequent nature of the bus service and the limited destinations.

Ultimately the authority do not consider that a residential development in this location which does not meet the Core Strategy Accessibility Standards is, at present acceptable. The principle of additional residential development in Linton requires further consideration in the light of the site allocations process, housing need in this part of the city and other planning merits, and is premature at this point in time.

Highway Considerations

- 10.17 The development proposes to take access from Tibgarth and create a cutting which traverses the gradient of the hillside. Highways officers consider that as the proposed gradient of the new road is no greater than that of Tibgarth itself, an objection on highway safety grounds would be difficult to substantiate. As such safe access can be achieved and the proposed ten dwellings would not overburden the local highway network. Concern is raised regarding the unsustainable location of the site (as assessed against the Core Strategy Accessibility Standards) and the proposed gradient of the access road for some pedestrians. Essentially access into the site is steep, and this would be difficult for those with mobility issues.
- 10.18 It should be noted that any subsequent internal road layout will need to be built to adoptable standards, in accordance with the Street Design Guide, and offered for adoption under Section 38 of the Highways Act. The speed limit for any future internal layout should be 20mph in accordance with the Street Design Guide. For the avoidance of doubt the cost of road markings, signage and appropriate speed limit Orders will be fully funded by the developer (inclusive of staff fees and legal costs). The requirement for a 20mph speed limit should be indicated on a revised plan before the application is approved.
- 10.19 In conclusion, whilst safe access can be technically achieved, the site remains undesirable due to its unsustainable location.

Loss of Agricultural Land

- 10.20 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.
- 10.21 Saved 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'. 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'
- 10.22 It is not clear at the present time exactly what grade the land is, however the application site is approximately 4ha and its loss, even if it were to be of a high grade is not 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.

- 10.23 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 approximately 4ha is considered to further diminish any requirement to maintain this piece of land for agriculture.
- 10.24 The conclusion is that the site is not considered to “seriously conflict” with UDPR Policy N35 and the NPPF when considered against the substantial areas of agricultural land within close proximity and through the rest of the North and East of Leeds. It is also considered that the application site on balance has the least impact locally upon best and most versatile land when assessed against other potential urban extensions. This is in line with paragraph 112 of the NPPF.

Layout and Design/Conservation Area

- 10.25 There remain significant concerns regarding the proposed indicative layout, as well as the size, scale, mass and design of the proposed dwellings. The applicant is essentially seeking to create a development of bespoke ‘executive’ dwellings. As is clear from the proposed layout this creates a very dispersed layout which does not respect the spatial character of the wider village. The siting of the dwellings does not seek to respect the character of the wider village nor seek to create a coherent character within the development. For instance, the western most dwelling within the ‘village core’ presents its side and rear elevation to the access roads and does not take the opportunity to create a sense of place.
- 10.26 The ‘additive’ approach to design also raises concerns. Whilst it is accepted that Linton has a mixed character it is not at all clear that the development will have a cohesive and coherent style. The application notes that a mix of architectural styles are present in the village and can be used within the development. Whilst the authority is not seeking to impose particular architectural styles or tastes, it is concerned that the use of a number of different architectural styles coupled with a mixed palate of materials and the desire to create bespoke houses, will result in a harmful mix of eclectic shapes, styles, forms and materials. As such the application is not acceptable in this regard.
- 10.27 It should also be noted that whilst the development is not located within Linton’s conservation area it does lie adjacent to its northern most boundary. The authority has a special duty to consider the impact of the development upon this designated heritage asset. As the site is located above the bulk of the village on its northern slope it is largely obscured by the existing housing. As such there will be limited views of the proposed development from within the conservation area, and the CAAMP does not identify any key views across or toward the development site. A key view is identified (Key View 1 page 9) from Muddy Lane toward the historic core of the village, however the presence of housing beyond this vantage point will not obscure the important view of the roofscape of the village.
- 10.28 However, as part of the proposal a footpath through the development is proposed, allowing pedestrian penetration from Muddy Lane, through the site and also out to the north. As such people would move from the conservation area through the development, and also from the development into the conservation area. Thus any

housing development would have an impact upon the character of the conservation area. In principle the presence of housing need not cause harm to the character and appearance of the conservation area, however in the absence of a detailed design code and a more structured layout, the authority cannot be sure that the proposed development will not harm a designated heritage asset. As such the development is contrary to policies P10 and P11 of the Core Strategy as well as guidance on good design within the NPPF.

- 10.29 There are also some concerns regarding the impact of the proposed access road upon the character of the development and the wider landscape. The access road must traverse the relatively steep gradient at the head of Tibgarth and is part of the former quarry access. There are concerns that the level of engineering works required to create the access, including the possibility of retaining walls, a matter referenced within the Highway comments, could result in an area of hard landscaping which would be a stark intrusion into an otherwise rural landscape. It is understood from conversations with the agent that the intention is not to use vertical retaining walls, but to create a more gradual, sloped gradient which can then be planted up. This intention is noted within the submitted landscape appraisal at paragraphs 5.26 and 6.4. However, given the gradient which must be traversed, and in the absence of detailed design proposals, the authority cannot be sure that the proposed access road will not harm the character of the development and the wider landscape. As such the development is contrary to policies P10 and P12 of the Core Strategy as well as guidance on good design within the NPPF.

Affordable Housing

- 10.30 Core Strategy Policy H5 notes that within Zone 1 (in which the application site falls) for developments of over 10 dwellings an onsite provision of 35% affordable housing will be required. Although the developer has signalled a clear willingness to accept the policy requirement of 35% they are as yet unwilling to provide this onsite. The authority remain clear that unless there are exceptional circumstances which justify the acceptance of a commuted sum, onsite provision, particularly within an area such as Linton where there is a lack of affordable housing, is required by both local and national policy.
- 10.31 In the absence of an agreement to provide onsite affordable housing, and the lack of agreed Head of Terms for an S106, the application fails to comply with the adopted Core Strategy and is unacceptable in this regard.

Trees, Landscaping & Ecology

- 10.32 There remain outstanding concerns regarding trees, landscaping and ecology. As noted within the consultation response from the council's Nature Conservation Officer the site has a number of potentially significant ecological constraints, such as the presence of badgers, its grassland value as well as bat and bird activity. The surveys which have been submitted with the application have not been carried out during summer months and thus do not accurately reflect the nature and intensity of ecological activity on the site. This matter has been raised with the applicants who suggest that this could be covered by condition.
- 10.33 However, as is noted by the Nature Conservation Officer, it is not at all clear that the site is capable of accommodating the level and location of development proposed, and it is not appropriate to grant permission in the absence of evidence to demonstrate that harm would not be caused to the ecological assets of the site. As such this matter will form a reason for refusal.

Residential Amenity

- 10.34 Core Strategy Policy P10 as well as saved policies GP5 and BD5 of the UDP combine to ensure that new development should ensure an appropriate level of amenity for both existing occupants around the site as well as future occupants of the development. The application is only in outline, however it is quite clear from the size and scale of both the houses and the plots that an adequate standard of amenity for future occupants can be achieved. The layout as proposed does not comply with policy G4 of the Core Strategy which requires on site Green Space provision of 80m² per residential unit for schemes of over 10 units or more. However, it is clear from the site that onsite provision is possible and as such this matter could be resolved during any subsequent reserved matters application.
- 10.35 The majority of the site is surrounded by residential development and the impact upon amenity through loss of outlook, increased noise and disturbance and overlooking are all raised as concerns from near neighbours. However, whilst it is not possible to accurately calculate distances from windows and garden areas and assess these against the requirements within Neighbourhoods for Living, it is clear that the development is capable of meeting the minimum requirements. Some of the application site is set above existing housing development, however this section of the site is limited to single storey dwellings, and thus harm through overdominance is not anticipated. The use of Tibgarth as an access road will increase the traffic along this stretch of highway, however the relatively small number of dwellings mean that the increased traffic movements, although perceptible, will not be unreasonable.

Section 106 Package/CIL

- 10.36 The Community Infrastructure Levy Regulations 2010 set out legal tests for the imposition of planning obligations. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 10.37 The applicants have offered proposed Heads of Terms relating to Affordable Housing and residential Metro Cards. These have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly they can be taken into account in any decision to grant planning permission for the proposals. The applicants will be required to submit a signed Section 106 Agreement to address the policy requirements for this application should permission be granted. It is understood that the applicants are not objecting to these requirements in principle but in the absence of any signed agreement the Council should protect its position at present.

- 10.38 It should also be noted that CIL will apply to any development which is granted permission, either by the council or by the Inspectorate after 6th April 2015. The CIL charge per square metre of residential floor space within the residential North is £90.

Other Matters

- 10.39 Drainage remains an outstanding issue and the developer is in talks with Yorkshire Water to resolve this matter. This is not considered to be determinative in respect of this outline consent and the authority is confident that this technical issue can be solved.
- 10.40 Concern has been raised by local residents regarding rights of way along Muddy Lane. The applicant has provided evidence that the owners of the land have a right of access along Muddy Lane. It is proposed that vehicular rights be given up, and that a pedestrian link into the development is provided. However, ultimately this is a civil matter which must be resolved by the relevant parties outside the planning process should a dispute persist.

Letters of Representations

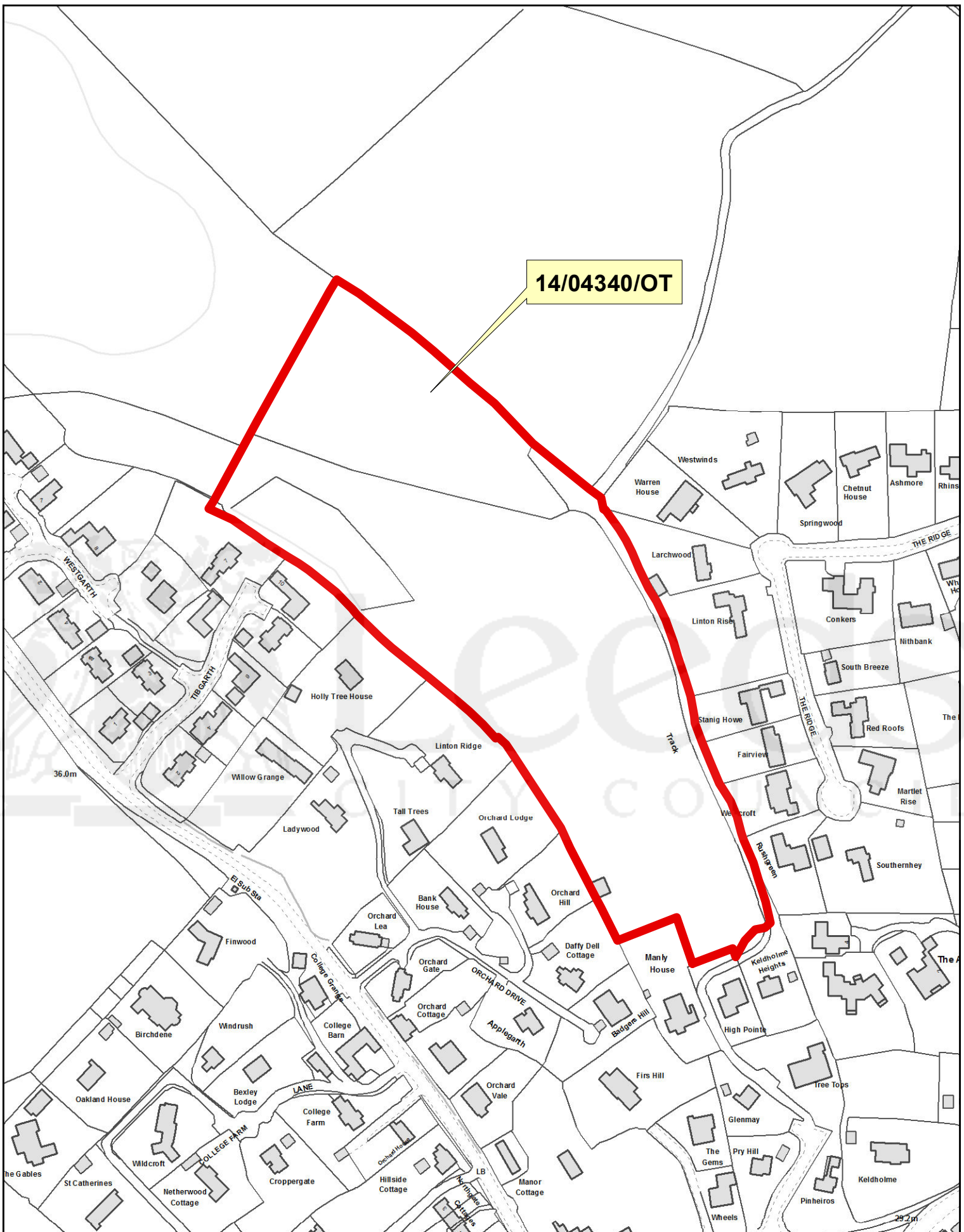
- 10.41 The issues raised in the letters of representation have been considered above.

11.0 CONCLUSION

- 11.1 The release of the Linton PAS site for housing development at this time is premature, being contrary to saved policy N34 of the UDP and the NPPF. To grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development, supporting infrastructure and sustainability that are central to the emerging Site Allocations DPD and the neighbourhood planning process. The Council considers it has a 5 year housing land supply and so there is no need to release additional sites of this scale in advance of the Site Allocations process. There are also concerns regarding the sustainability of the site given limited services within the village and the infrequency of the local bus service. There are also concerns over the layout, design and density of development and its impact on local character and the character and appearance of Linton Conservation Area, protected species, landscape and ecology. The applicants have also failed to enter into an S106 agreement to secure onsite affordable housing provision, on site greenspace and a sum to secure residential metro cards. Refusal is therefore recommended for the reasons set out at the start of this report

Background Papers:

- Application files: 14/04340/FU
Certificate of ownership: Certificate B signed by the agent
Notice given to Mr M Murray and JDL Design Ltd



CITY PLANS PANEL



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Originator: Daniel Child

Tel: 247 8050

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 22nd January 2015

Subject: APPLICATION 14/05481/OT - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (MAXIMUM 300 UNITS) TOGETHER WITH OTHER USES AND REVISED LANDSCAPING – POSITION STATEMENT

APPLICATION 14/05483/FU - VARIATION OF CONDITION 4 (FLOOR SPACE) OF APPROVAL 12/03886/OT TO READ “THE DEVELOPMENT HEREBY PERMITTED SHALL NOT EXCEED THE TOTAL QUANTUM OF DEVELOPMENTS AS LISTED BELOW (ALL GROSS EXTERNAL AREA) B1 - 83,615sqm, A1 (FOOD STORE) - 9,000sqm, A1 NOT WITHIN THE FOOD STORE - 9,000sqm, A2, A3, A4 AND A5 - 4,200sqm, C1, D1 AND D2 - 16,340sqm. OF WHICH NO MORE THAN 14,050sqm SHALL BE IN THE C1 HOTEL USE AND 2,290sqm SHALL BE IN D2 GYM USE”

APPLICATION 14/05484/COND - DISCHARGE OF CONDITION APPLICATION - REVISED MASTERPLAN RELATING TO THE APPROVED APPLICATION (12/03886/OT) FOR A MAJOR MIXED USE DEVELOPMENT AT THORPE PARK

APPLICANT: Thorpe Park Developments **DATE VALID:** 24/09/14

TARGET DATE:
Agreed extension in time - PPA Date to be reviewed.

Electoral Wards Affected:

Crossgates and Whinmoor, Garforth and Swillington, Temple Newsam

Yes Ward Members consulted (Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

To DEFER and DELEGATE APPROVAL to the Chief Planning Officer, subject to referral of the two planning application(s) to the Secretary of State for the Department of Communities and Local Government as departures from the Statutory Development

Plan, and for consultation under the Town and Country Planning (Consultation) (England) Direction 2009, and in respect of 14/05481/OT, 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 (and consequential variations of the existing S106 agreement in respect of 12/03886/OT, to reflect the introduction of housing, amended MLLR layout, and amended trigger points):

- **Affordable housing at 15% on site (45 units on current indicative masterplan split – 40% (18 units) social rent, 60% (27) submarket).**
- **Education contribution of £1,429,144.65 (equivalent of £4,763.82 per dwelling).**
- **Specification/phased provision of Central Park.**
- **Specification/phased provision of play/recreation facilities within Central Park/Green Park, including public access maintenance and implementation.**
- **Westwards lit and surfaced footpath link through Central/Green Park to be agreed and submitted prior to occupation of any dwelling.**
- **Safeguarded land for MLLR expansion area.**
- **Car club contribution of £15,000.**
- **Provision of £10,500 for an interim bus stop in the event the commercial triggers haven't provided for a bus stop on first occupancy of any dwelling.**
- **Phasing of bus service provision.**
- **Local employment and training initiatives during the construction of the development.**
- **Footpath Mitigation Scheme (railway) in the event that the Footpath Diversion Order to extinguish the existing route is not confirmed.**
- **Residential Travel Plan and monitoring fee.**

To also Delegate to the Chief Planning Officer any changes required to conditions of application 14/05483/FU to bring it into line with the current proposal and circumstances.

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

Conditions:

1. Three year time limit for commencement and reserved matters submission deadlines.
2. Outline relates to access only with all other matters reserved.
3. Plans to be approved.
4. Maximum units to be 300 and quanta of other uses to be specified.
5. Quantum of uses (as sought under 14/05483/COND).
6. Development to be in accordance with broad parameters/masterplan.
7. Design code.
8. Removal of PD rights for change of use of any B1, A1, A2, A3, A4 or A5.
9. Cross sections of all external entrances, windows, doors, junctions of materials, changes in plane, parapets, eaves lines and soffit details under reserved matters applications.
10. Details of all external facing and roofing materials as part of reserved matters.
11. Details of all external plant, flues, vents, shutter, lighting, solar panels or other excrescences.
12. Details of all surfacing materials.

13. Highway conditions (to include dust suppression and measures to prevent mud, grit and dirt on highways).
14. Retail floorspace limits.
15. Prohibition of retail units selling clothing/fashion and footwear goods.
16. Exclusion from existing Cross Gates/Garforth/Rothwell centre retailers unless committed to centre for 5 years.
17. Prevention of subdivision/mezzanines to retain units.
18. No convenience retailing in any A1 use over 100sqm GEA.
19. Retail space limit.
20. Sustainability Statement – ‘Building for Tomorrow Today’.
21. Foul and surface water details.
22. Residential to be ‘Secured by Design’.
23. Coal recovery report prior to commencement of residential.
24. Central Park Phasing Plan, to include levels, SUDS and PROW provision and early cultivation/seeding.
25. Travel Plan – to be revised in light of residential.
26. Details of new PROW routes and changes to existing.
27. Samples of all external materials to be approved.
28. Existing and proposed levels to be provided with Reserved Matters applications.
29. Details of bin and cycle stores.
30. Scheme for electric vehicle charging points.
31. City Car Club 2 space parking provision.
32. Landscaping scheme.
33. External lighting scheme.
34. Implementation of landscaping scheme.
35. Tree protection measures.
36. MLLR to be completed prior to first occupation of dwellinghouse or commercial/office use.
37. Development to be carried out in accordance with (FRA).
38. Drainage details as specified by Network Rail, Yorkshire Water and LCC Flood Risk Management.
39. Construction Management Plan, to include drainage measures, and asset protection as specified by Network Rail.
40. Construction Environmental Management Plan (CEMP Biodiversity) to be approved.
41. Biodiversity enhancement measures.
42. Biodiversity Enhancement & Management Plan (BEMP) to be approved.
43. Confirmation to be submitted re: Great Crested Newts/Natural England Licence.
44. Contamination reports.
45. Unexpected contamination.
46. Contamination verification reports.
47. Archaeological evaluation.

1.0 INTRODUCTION

- 1.1 In 1995 planning permission was granted for approximately 65 hectares of land known as Thorpe Park as a key business park, reserved for offices (B1). In 2004 the quantum of approved floor space was subsequently increased from 1.2million ft² (111,500m²) to 1.8m ft² (167,225m²) through the variation of the condition controlling the floorspace restrictions. To date just over of 600,000 ft² (55,740m²) of office accommodation has been built out in addition to a hotel, medical centre, and some small supporting food uses. The development was also ultimately intended to facilitate

various access works, most significantly including the delivery of the Manston Lane Link Road (MLLR).

- 1.2 In September 2013 City Plans Panel considered detailed proposals for the MLLR and an outline application relating to the balance of land at Thorpe Park, proposing a mixed use development which, significantly, included a large proportion of retail. The Panel resolved to approve these applications and the decision notice relating to the outline was formally issued in March 2014, following completion of a S106 agreement. Approval of the new outline application was an important step in developing a new masterplan for Thorpe Park, which would better reflect the type of business space and other amenities required by occupiers and employers. The broader mix of uses was also intended to help secure the early delivery of the MLLR, with the retail component being accepted as enabling development to facilitate this.
- 1.3 During the consideration of that application the potential to introduce an element of residential use was discussed, and whilst the applicant was receptive to this general suggestion, timescales were such that rather than delay those proposals due to the requirement to revisit large parts of the submission, a commitment was given to progress this option separately once the main outline permission had been granted.
- 1.4 Following approval of the above application and associated MLLR proposals, Members agreed further revisions to the masterplan via a number of separate applications so as to optimise the effectiveness of the MLLR through its re-alignment and the removal of a roundabout. Nevertheless, the current applications represent the applicant's commitment to introduce some housing into the most recently agreed scheme, adding to the general mix of uses proposed at Thorpe Park. The proposals were the subject of a position statement report to the 20th November 2014 meeting of City Plans Panel.
- 1.5 At the November Panel meeting, plans and photographs, artist's impressions and images of similar schemes in Salford and York were displayed, and earlier in the day Members visited the site. As part of the presentation of the position statement Members were informed that there were no changes to the wider uses/mix of the retail element, though the retail element which been proposed for the eastern corner of the current site had been removed, with Officers being more comfortable about this revision. Officers advised that the layout had been amended to take into account TPO trees and that the layout would provide generous amounts of landscaping, and that the opportunity existed for a creative design to be provided overall.
- 1.6 Overall the feedback from Members was positive, in terms of the principle of providing housing on the site and also in terms of the consequent changes that are necessary to the existing permission to facilitate this. A decision to visit the York development shown in the position statement presentation was made, and this occurred just before Christmas. A fuller account of Members feedback on the position statement is provided in the negotiations section of this report, and a copy of the minutes is also provided at Appendix 1.
- 1.7 Since the position statement, officers have continued to assess these applications and sought further details and/or clarification from the applicant regarding the various comments made by Members. These applications are now put before Members for formal consideration.

2.0 PROPOSAL:

- 2.1 In simple terms and following Members request the applications are interrelated submissions which seek permission for a residential and mixed use development (including office and other commercial i.e. retail) of up to 300 dwellings at Thorpe Park, together with a revised masterplan and landscaping details. All matters are requested to be reserved, other than for access. Access is proposed via a single access from a proposed signalised junction from the MLLR. This junction would effectively replace one of the roundabouts (R5) on the MLLR as currently approved.
- 2.2 The outline planning application covers the northern development Zone B of the most recently approved Thorpe Park masterplan. The red line application boundary also includes what is termed 'Central Park', which is an important landscaping and open space feature running east to west across the site, and which contains attenuation/balancing ponds. Consequential changes are sought to the masterplan (application 14/05484/COND), and changes to the balance in the quantum of uses (application 14/05483/FU), are also proposed to reflect the introduction of the housing element.
- 2.3 The proposed introduction of an element of residential results in the need to amend the quanta of floor space previously agreed. Essentially the housing would replace some of the B1 office accommodation originally planned. The breakdown of approved uses (both existing and now proposed) is set out in the table below and is in addition to that already provided on site:

Use	Approved	Proposed
B1	101,290	83,615
A1 (Food store)	9,000	9,000
A1 (other)	9,000	9,000
A2, A3, A4 and A5	4,200	4,200
C1, D1 and D2	16,340 (no more than 14,050 hotel and 2,2290 gym)	16,340 (no more than 14,050 hotel and 2,2290 gym)
C3 (Residential)	0 units	Maximum 300 units

- 2.4 The application is accompanied by the following documents:
- Planning Statement
 - Environmental Statement Addendum
 - Revised Masterplan
 - Indicative Sections
 - Parameters Plans
 - Flood Risk Assessment
 - Design & Access Statement including Residential Design Code
 - Residential Development Flood Risk and Drainage Design Note
 - Travel Plan
 - Coal Mining Assessment
 - Draft Noise Assessment
 - Draft S106 heads of terms

3.0 SITE AND SURROUNDINGS:

- 3.1 The proposals under consideration relate to the northern half of the employment allocation that totalled approximately 65 hectares. The site is located to the south of the Leeds-York railway line and Manston Lane, west of the M1 (junction 46), north of the A63 Selby Road and existing Thorpe Park buildings. Austhorpe Lane is to the west.
- 3.2 In terms of the wider area, Cross Gates centre is located to the west, Garforth to the east, and Colton Retail Park is located across the A63 to the south. A number of residential properties are nevertheless located between the northern side of the A63 and the built component of Thorpe Park (namely Barrowby Lane, Road and Avenue, and Austhorpe Drive, Avenue and Grove etc.). In addition to existing development, the East Leeds Extension housing allocation (UDPR policy H3-3A.33) is located across the railway line to the north.
- 3.3 Manston Lane to the north includes primarily industrial and commercial premises but there are a limited number of long established residential properties and many new dwellings under construction.
- 3.4 Thorpe Park is allocated as employment land and a 'key business park' in the UDPR. It forms a key part of the Council's employment land supply and provides an attractive regionally significant business park. The land to the west is allocated as Proposed Open Space and to the east is the Green Belt. The UDPR designates a new cycle route running north-south through Thorpe Park and a scheduled ancient monument, Grims Ditch, is located to the immediate west of Thorpe Park. There is a group of protected trees on the western boundary of Thorpe Park, and a small copse within the centre of the application site.

4.0 RELEVANT PLANNING HISTORY:

Thorpe Park:

- 4.1 32/199/94/OT – Outline application to layout business park, Green Park and access roads - Granted 04/10/95. This relates to the original outline permission and allows for up to 1.2million ft² (111,500m²).of office floorspace.
- 4.2 32/9/96/FU – Full permission for the Manston Lane Link Road, approved 20/05/96 and renewed in 13/11/01 by application 32/66/01/RE.
- 4.3 32/140/96/FU – Variation of condition application to allow up to 1.8m ft² (167,225m²) of office floorspace to be provided – Granted 31/03/04 4.3 Connected to the above permissions is a Section 106 agreement which requires the applicant to undertake various off-site highway improvement works to achieve satisfactory points of access from the A63 and M1 motorway (these works have been completed), to provide Green Park (via a series of trigger points) and the delivery of the MLLR which is triggered following occupation of 1million ft² of office accommodation.

- 4.4 06/05310/FU – Application to vary various conditions attached to the MLLR scheme so as to allow details to be agreed as and when phases come forward rather than everything at the outset – Granted 21/11/06.
- 4.5 12/03886/OT: Outline application for major mixed use development, approved 20/03/14.
- 4.6 12/03887/FU, 12/03888/FU, 12/05382/FU: Application for the north-south and east-west links of the MLLR, approved 28/10/13.
- 4.7 12/05150/LA - Formation of public park, playing pitches, park and changing rooms on land to west of Thorpe Park, approved 26/02/14.
- 4.8 14/01216/FU - Detailed application for the Manston Lane Link Road (North - South Route), approved 14.07.14.
- 4.9 14/02406/COND – Revised Masterplan relating to the approved application (12/03886/OT) for a major mixed use development at Thorpe Park – approved 27/06/14.
- 4.10 14/02488/FU – B1 Office building at Thorpe Park (Surgical Innovations Building) – approved 04/07/14.

Manston Lane applications:

- 4.11 08/00298/OT – Outline application for residential development of up to 256 units at Optare, Manston Lane, Crossgates – approved 15/11/12. A section 106 agreement requires the development to be phased with only the first of two phases permitted to be delivered prior to the upgrading of the MLLR. The reserved matters application for 204 units, 13/00288/RM, was approved 19/06/13. The first phase of development is under construction.
- 4.12 08/03440/OT – Outline application for mainly residential development of up to 151 units at former Barnbow site – approved as a phased development subject to a Section 106 agreement linked that restricts the construction of no more than 122 units until the MLLR is constructed. The reserved matters application for 129 houses and 19 flats, 11/02315/RM, was approved 28/11/11. The first phase is nearing completion.
- 4.13 09/04999/OT – Outline application for residential, employment, health centre, retail and ancillary uses and community building at the Barnbow site – Undetermined and not being progressed (as essentially superseded by 14/02514/OT below).
- 4.14 14/02514/OT – Outline application for 385 dwellings and retail and full application for 100 houses at the Barnbow site – Under consideration.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Prior to the formal submission of these applications, officers entered into extensive pre-application discussions with the applicant's development team.

- 5.2 The proposals have also been presented to the Outer East Area Committee and East Leeds Regeneration Board, with both noting the position. More recently, Members will recall these applications were presented as a position statement at the 20th November 2014 meeting of City Plans Panel. The officer report contained a number of questions on which Members provided feedback and this is summarised below:
- 5.3 Officers confirmed the affordable housing provision and education contributions were to be in accordance with the Council's policies. With regard to greenspace on the site, Officers advised that it was not considered necessary to provide more space due to the provision of Green Park and Central Park already, but that consideration should focus on what facilities were to be provided due to the introduction of housing. Members noted this, and stated it was essential for any play facilities to be innovative, creative and to meet the needs of the wider community. The basic approach to drainage was understood but it was considered that the balancing ponds needed to be appropriately designed with child safety in mind. Accordingly some Members had reservations about the use of these features within a public park setting. The proposed boundary treatment to the west of the residential development was also discussed, with the view expressed that it should be less 'harsh'.
- 5.4 Panel discussed the proposals with the main issues relating to the amount of housing and queried if more would follow. Officers advised that the number of units couldn't exceed 300 units, as applied for, given that this is the maximum number that could be accessed from a single access in policy terms, and if provided elsewhere, they would need to be flats where the market isn't very strong. Members were advised that given the importance of Thorpe Park as an office location, to further dilute the office use would not be beneficial in any event.
- 5.5 Members discussed the opportunities to design in infrastructure for the provision of health and education services, and some concern was expressed about linkages with the existing wider built environment. In particular, Members queried the possibility of a footbridge over the railway, though advice was given that there were no proposals for such a link, and that the proposed residential community would add to the mix of uses at Thorpe Park, so in that sense the proposal would not be isolated and the MLLR would provide linkages.
- 5.6 In considering the position statement, Members clearly recognised that the location represents an opportunity for a mixed-use scheme which includes housing, and that a unique approach could be taken to design, rather than simply being a development of standard housing types commonly generated in volume house building. In this respect Members considered that balconies should be explored to maximise the benefits of views, especially for those dwellings which would overlook the greenspace and that an award winning design should be the goal.
- 5.7 Members expressed some concern over the siting of an office block in the eastern corner of the site and expressed the view that they would welcome alternative uses such as a nursery. Members were however satisfied with the overall design concept and layout for Central Park, although further information was required on the provision of balancing ponds in this area. Members highlighted the need for the MLLR to be in place to serve the proposed housing and resolved to visit Derwenthorpe, York. A site visit to Derwenthorpe was subsequently undertaken on the 19th December 2014 with the overall scheme being well received by members but with some detailed concerns.

5.8 In conclusion, Members resolved that they were minded to support in principle the proposed development of Zone B for a maximum of 300 dwellings (14/05481/OT), and that they were supportive of the proposed variation in the quanta of uses (14/05483/FU).

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Application reference 14/05481/OT was advertised by way of site notices on 03 October 2014 and an advert in the YEP on 23 October 2014.

6.2 In response one letter of objection has been received from Cross Gates Watch Residents Association (CGWRA). It raises concerns in respect of the housing proposals that a considerable amount of housing has already been approved, or is in the pipeline, along Manston Lane (Vickers and Optare totalling 891 homes), and that the application more. Concerned the local highway network barely copes at present and that whilst the link road will reduce heavy good traffic coming from the east, this will be outweighed by traffic generated by the approved and proposed residential developments, and that parking in Cross Gates is at saturation point.

6.3 CGWRA also express concern about a lack of local infrastructure to serve a housing development leading to the proposal becoming a dormitory and not communal living space, with a lack of schooling, health and a range of local services, and makes specific reference to distances to facilities set out in the 2014 Travel Plan. Concern is raised that there is a heavy reliance on facilities in the Cross Gates area some 2km from the development and that some of these facilities (such as doctor and dentist surgeries) are oversubscribed or reaching saturation point. They go on to say that any evaluation of traffic levels, parking requirements, and impact on air quality must extend to the impact on Cross Gates, and that any reliance on facilities in Cross Gates must be supported by evidence that these facilities can cope.

6.4 CGWRA point to the fact that the site is not allocated for housing and that UDPR policies identify a shortfall of office development, referring to the sites employment allocation. CGWRA go on to precise the evolution of the wider site over a 20 year period, in terms of the balance of uses, making the points:

- Substantial amount of onsite parking is associated with the supermarket development
- The floor area of the development was increased by 28374 sqm when the retail and leisure concept was introduced in 2012
- There is a shortfall of 27868 sqm of office development due to the introduction of housing with a consequent loss of deliverable employment opportunity in the area
- Manston Lane area has already seen a loss of employment form the Optare and Vickers sites (now being used for housing)
- There is no over-supply of employment opportunities in the area
- Uncertainty over the mixed use element in zone B
- Leeds has a 5.8 year housing land supply as at 01st April 2014, and Manston Lane currently has 891 units built or in the pipeline, representing 8% of the five year requirement

- Concern over coal extraction and implications for the foundations of dwellings – opposing any extraction in zone B
- Concern over the positioning of the housing development adjacent to the railway line
- Concern over the narrowness of the landscaping area to the south [Central Park] with potential hazard to children from the proposed ponds
- Traffic impact from office development is very different to that of a housing development and the flow of traffic from a residential development is more likely to use the local network (Manston Lane) for day-to-day requirements.
- Removal of coal should be the subject of EIA and guarantees sought that all work will be via J46 of the M1 via the yet to be constructed MLLR.

7.0 CONSULTATIONS RESPONSES (14/05481/OT ONLY):

7.1 Statutory:

7.2 Highways Agency: No objection.

7.3 Health and Safety Executive: The HSE does not advise on safety grounds against the granting of planning permission.

7.4 Natural England: The proposal is unlikely to affect any statutorily protected sites or landscapes. In respect of protected species the Council is referred to standing advice (advice being sought as required with regard to European Protected Species) [Newts, Bats etc]. Biodiversity and Landscape enhancements referred to as being required in terms of National Planning Policy Framework and NERC Act requirements.

7.5 Coal Authority: The Coal Authority concurs with the recommendations of the Coal Mining Assessment that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. Conditions are recommended to require on site investigation works prior to commencement, and any remedial works required to treat mine entries and shallow-mine workings, to ensure the stability of the development. Subject to such conditions the Coal Authority has no objection to the proposed development.

7.6 Network Rail: Having initially objected to the proposals due to the inadequacy of the existing rail crossing, this objection has been withdrawn, subject to a clause within the S106 agreement to require the submission and implementation of a Footpath Mitigation Scheme, in the unlikely event that the Footpath Diversion Order to extinguish the existing route is not confirmed.

7.7 Non-statutory:

7.8 Highways: No objections in principle to deletion of roundabout and introduction of signalised junction, subject to conditions. The residential use should not be used prior to the opening of the MLLR (both north-south and east-west sections). Access proposals will need to be supported by a Stage 1 Road Safety Audit [now received] prior to determination.

- 7.9 Travelwise: It is understood that the Manston Lane Link Road (MMLR) will be in place prior to the residential development. The travel plan should explain when the site will be served by buses using the new MMLR. Once the site is served by public transport the residents should be provided with a residential MetroCard to encourage them to use public transport. City Car Club has advised £15,000 should be secured through the S106 agreement and the residential development should provide 2 parking spaces for the Leeds City Council Car Club provider. Conditions should cover details and location of cycle parking, location of car club parking spaces and provision of electric vehicle charging points in the garages. The commercial units/offices will need long and short stay cycle parking, showers and motorcycle parking. Walking and cycling routes to local schools by children from the development (including Austhorpe Primary, Temple Moor and John Smeaton) should be identified on a plan. More information is needed with regard to the current bus services and the location of bus stops for the new services.
- 7.10 Public Rights of Way: No objection – the developer is aware of the rights of way affecting the site and has submitted a Public Path Diversion Order for the site and the rest of Thorpe Park, following consultations with path users and local residents about the diversions, who have overall been supportive of the proposed diversions.
- 7.11 Yorkshire Water: No objection – conditions recommended with regard to discharge of foul and surface water from the site and informative advice given regarding mains water supplies.
- 7.12 Neighbourhoods and Housing: At the detailed planning stage request that the developer submits a Noise Report with regard to road and rail traffic adjacent to the site. This report should be carried out by a competent person in the field of acoustics and should include any mitigation measures which are to be taken in order to meet BS 8233 internal and garden noise standards.
- 7.13 Landscape: Basic principles of the layout/masterplan are acceptable however some concern exists over the narrowing of Central Park where it meets Green Park, over the potential impact on protected trees, and over the treatment of the landscape buffer to the railway to the north. Greater opportunities exist to better integrate Green Park with the residential element (green fingers). A strong design code/set of design principles is required, so that the aspirations of the Leeds Standard can be achieved going forward and so that the quality of design envisaged is not subsequently diluted.
- 7.14 Children's Services: There is no spare capacity in the schools in the area. Therefore a total contribution of £1,429,144.65 is requested.
- 7.15 Greenspace: The current layout results in an indicative contribution of £161,061.66.
- 7.16 West Yorkshire Archaeological Advisory Service: No objections to post development evaluation.
- 7.17 Architectural Liaison Officer/Crime Prevention: Prior to submission of any reserved matters application, prior consultation with the developer is requested. Advice given with regard to Secured by Design.

- 7.18 Contaminated Land: The Buro Happold contaminated land work considers that the site has been subject to previous potential contaminative land uses. Potential sources of contamination are considered to be made ground associated with coal extraction. Based on the previous site investigation it is not considered that the site is significantly contaminated and it concludes that the risk to site users is low, but recommends surface and ground water and soil sampling is considered to be needed as part of further works. A full phase 1 desk study report is recommended and a phase 2 site investigation and remediation statement may also be required.
- 7.19 Combined Authority: The recent consent (12/03886/OT) incorporated a 10 year public transport strategy to improve bus services to improve accessibility. Since withdrawal of the 844 service this has worsened. WYCA anticipates that the delivery of the MLLR will improve public transport options and allow for other service options such as the 64 service. WYCA have been advised by operators that without the MLLR link it is unlikely that the pattern of bus services will change. Trigger points for the S106 required 15 minute service to Cross Gates and 30 minute service to Leeds City Centre needs to be amended to reflect the residential element with bus service required prior to occupation of the residential development. The delivery of this in the most efficient manner involves the delivery of the MLLR. Provision should be made for pedestrian links into the commercial side of the development and should the residential element come forward first £10,500 should be secured to provide a bus stop and bus pole (the latter for alighting). This would only be required however if the residential development is completed in advance of the commercial part of the site. The developer would usually be required to enter into Metro's Residential Metro Card Scheme A (bus only). Based on current costs this would be £142,725, however, the priority should be to deliver the MLLR and establish the bus service in the first instance. Elective vehicle charging points for ultra-low emission vehicles should be provided in dwellings.

PLANNING POLICIES:

- 8.0 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area consists of the adopted Core Strategy, saved policies within the Unitary Development Plan Review (UDPR) and the Natural Resources and Waste DPD, along with relevant supplementary planning guidance and documents.

8.1 Local Development Framework Core Strategy policies:

SP1	Location of Development
SP2	Hierarchy of centres and spatial approach to retailing, offices, intensive leisure and culture
SP3	Role of Leeds City Centre
SP4	Regeneration Priority Areas
SP6	Housing requirement and allocation of housing land
SP7	Distribution of housing land and allocations
SP8	Economic development priorities
SP9	Provision for offices, industry and warehouse employment land and premises
SP11	Transport Infrastructure Investment Priorities

SP13	Strategic green infrastructure
H1	Managed release of sites
H2	New housing development on non-allocated sites
H3	Density of residential development
H4	Housing mix
H5	Affordable housing
G4	New greenspace provision
G8	Protection of important species and habitats
G9	Biodiversity improvements
EC1	General employment land
EC2	Office development
EN1	Climate change
EN2	Sustainable design and construction
EN4	District heating
EN5	Managing flood risk
T1	Transport management
T2	Accessibility requirements and new development
P9	Community facilities and other services
P10	Design
P11	Conservation
P12	Landscape
ID2	Planning obligations and developer contributions

8.2 Saved Policies of Leeds Unitary Development Plan Review (UDPR):

GP1	Land use and the proposals map
GP5	General planning considerations
N8	Urban Green Corridor
N25	Landscape design and boundary treatment
N29	Sites of archaeological importance
T7A	Cycle parking guidelines
E4	Employment Allocations

8.3 The site is allocated for employment purposes under UDPR policy E4:6 “Austhorpe (63.8 HA).”

8.4 Relevant Supplementary Planning Guidance:

Building for Tomorrow Today – Sustainable Design and Construction (2011):
Sustainability criteria are set out including a requirement to meet BREEAM standards.
Natural Resources and Waste Development Plan Document
Neighbourhoods for Living – A Guide for Residential Design in Leeds
Leeds Interim Affordable Housing Policy 2011
Designing for Community Safety – A residential Design Guide
Street Design Guide – Supplementary Planning Document
Travel Plans – Supplementary Planning Document
Public Transport – Developer Contributions

8.5 National Planning Policy:

The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

9.0 MAIN ISSUES

- **Development plan and principle**
- **Housing land supply**
- **Design and visual amenity**
- **Residential amenity**
- **Highways issues and accessibility**
- **Section 106 contributions**
- **Ecology and biodiversity**
- **Archaeology**
- **Flood risk and drainage**
- **Railway safety**

10.0 APPRAISAL

10.1 A total of three applications are under consideration. The main application (14/05481/OT) is submitted in outline and proposes up to 300 residential units, together with a mixed use commercial zone and revised landscaping details on the most northern part of Thorpe Park. In order to facilitate this change, it is also necessary to formally revise the quantum of land uses currently approved and a separate application to vary condition 4 (14/05483/FU) has been submitted. Consequent changes are also sought to discharge condition 5 of the outline permission (14/05484/COND) which relates to the site's masterplan as this also needs revising to reflect the introduction of housing.

Development plan and principle

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

10.3 For this reason it is important to note Thorpe Park is formally allocated by saved UDPR policy E4:6 as employment land and is afforded further policy support within the Core Strategy under policies SP9 and EC2. Combined, these policies seek to ensure Leeds retains an adequate supply of employment land (including office accommodation) up to the year 2028. Both the proposed housing and other uses sought through these applications therefore represent a departure from the statutory development plan and accordingly these applications have been advertised on this basis. This also necessitates the officer recommendation of approval in principle only followed by defer and delegate as referral to the Secretary of State for the Department of Communities and Local Government is necessary under the Town and Country Planning (Consultation) (England) Direction 2009.

- 10.4 Members will recall considering this same main issue as part of the previous Thorpe Park application, which sought primarily to introduce a significant amount of retail floorspace at the site as the enabling development for delivering the MLLR within the timeframe of the current Network Rail agreement. As part of the earlier application some 10,290m² of office accommodation was removed from the development relative to the extant permission and was replaced by 28,347m² of retail and complimentary uses. The current proposals do not seek to alter the agreed floorspace associated with the retail or complimentary uses and focus on the introduction of up to 300 houses on the most northern part of the site which is identified as Zone B. Some mixed uses are retained on part of Zone B towards the MLLR boundary but in order to accommodate the housing a reduction in the total amount of floorspace given over to offices is necessary and equates to a loss of 17,675m² over the most recent approval. The land take required to provide to the 300 units is sizable but the reduction in office floorspace has been kept to a minimum by increasing the amount to be delivered across the remainder of the site. As such, the total office floorspace now proposed equates to 83,615m².
- 10.5 In coming to a view regarding the overall acceptability of the reduction in office floorspace now proposed, it is worth noting 55,740m² has already been delivered at Thorpe Park which combined with the other supporting uses currently employs in the region of 4,000 people. Accordingly the provision of a further 83,615m² of office space still offers the potential to employ a significant number of people and the dominant use will remain as offices. Further employment opportunities will nevertheless be realised via the other uses proposed and accordingly there is no doubt Thorpe Park will continue to perform a major role in the economic success of the Leeds City region.
- 10.6 With respect to the formal policy position, a requirement of 706,250m² of office floorspace within the district up to the year 2028 has been identified through the Core Strategy. Planning permission already exists for 840,000m² (which includes Thorpe Park) but to provide greater flexibility a further 160,000m² is to be provided as part of the site allocations process to be in, or on the edge of the City Centre or Town Centres – therefore bringing the total provision to circa 1,000,000m². The reason for the over provision is to help promote a ‘centre first’ approach to office development going forward as advocated by the NPPF thereby allowing existing out of centre permissions to be reviewed should they expire and fresh applications made. These wider employment policies provide a clear policy steer in terms of future office provision more generally and suggest the removal of some office space from Thorpe Park is compatible with the Council’s wider and longer term employment land strategy, providing overall delivery at the site is not adversely affected. In this context the impact of the reduced office accommodation is not considered to prejudice delivery of the remaining balance as the retailing and complimentary uses already agreed through the previous approval have made the site more attractive to the modern out of centre office market. The introduction of housing only adds to compliment the mixed use approach now favoured by most occupiers and accordingly may help to secure the take up of offices going forward.
- 10.7 In addition to the above, Thorpe Park is noted to fall within the Outer East area as identified by the Employment Land Review which is not an area considered to have a shortfall of employment land provision. Again this suggests the proposed reduction in office accommodation at Thorpe Park can be accepted.

10.8 For the above reasons the principle of replacing some to the office floorspace originally proposed at Thorpe Park with housing is considered to be acceptable. Furthermore, no objection is raised to the retention of the same amount of retail and complimentary uses agreed via the previous permission as the enabling development justification previously advanced, to assist with the delivery of the MLLR remains applicable.

Housing land supply

10.9 The proposed mixed use development at Thorpe Park and delivery of the MLLR are strategically important developments. The MLLR will form the final southern section of the ELOR that will become the new orbital route around East Leeds and therefore relieve traffic congestion on the existing outer Ring Road from Red Hall to the M1. The opportunity to deliver further housing development along Manston Lane is limited until the MLLR is provided whilst the delivery of the MLLR will also unlock the potential for housing in the southern quadrant of the East Leeds housing allocation in the UDPR. As such, these applications and the key infrastructure they deliver are extremely important if the Council is to meet the requirements of the NPPF in ensuring an adequate housing land supply.

10.10 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.

10.11 The Council's Five Year Supply requirement between 1st April 2014 and 31st March 2019 is set out below and rests at 22,570 homes. The Council are advocating that a local approach to calculating the housing requirement is used whereby any backlog against Core Strategy targets since 2012 (the base date of the plan) is caught up by spreading under delivery over a ten year period rather than the five years stated as the aim in the National Planning Practice Guidance (NPPG). The Council does not consider that the authority is one where a 20% buffer is required, which the NPPF advises should only apply where persistent under delivery has occurred but does not define what this means.

COMPONENT	HOMES
Base requirement	20,380
NPPF Buffer 5%	1,019
Under delivery	1,171
Total	22,570

10.12 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."

- 10.13 In addition to the land supply position, the Site Allocations Document is in the process of identifying specific deliverable sites for the remainder of the plan period. It is this document which will create the pool of sites from which the 5 year supply can be based in future years.
- 10.14 In this context the proposed development will provide a useful contribution to the Council's wider housing land supply and will give some relief, albeit limited, to pressure on the development of Green Belt sites which is to be welcomed.

Highways issues and accessibility

- 10.15 The residential development is to be accessed directly from the proposed MLLR. The MLLR has 4 recent planning permissions, with different alignments (2 options for the east-west section and 2 options for the north-south section). The application relies on the alignment of planning application reference 14/01216/FU being diverted, and the approved roundabout R5 being replaced with a signalised junction. Satisfactory detailed plans of this arrangement have been submitted (including expansion layout details for a 4th arm from the junction to access land to the east) and there are no objections in principle to the deletion of the roundabout and introduction of a signalised junction, in terms of highway safety or the free flow and distribution of traffic.
- 10.16 Objection received has played on the sustainability of the site and lack of local services. Provision is made in the wider development for a range of uses, such as for banks, post office, local retail and leisure uses. The potential for support services such as a nursery and medical centre is also possible, although these would be left to the market to bring forward. The MLLR will create significant linkages with existing facilities and services. A westwards footpath link through Central and Green Parks is necessary, and it is recommended that the precise details of this and delivery prior to occupation of the housing be a requirement of any permission granted.
- 10.17 The accessibility standards set out under the Core Strategy require for housing developments in Leeds of more than 5 dwellings that local services (small convenience shops, grocers, post offices, newsagents etc) are within a 15 minute walk, employment is within a 5 minute walk to a bus stop offering a 15 minute service frequency to a major public transport interchange. They also require primary health and education facilities can be accessed within a 20 minute walk or a 5 minute walk to a bus stop offering a direct service at a 15 minute frequency (30 minute direct walk or 5 minute walk to a bus stop to a major public transport interchange for secondary education). Accessibility to town centres/City Centre should be within a 5 minute walk to a bus stop offering a direct 15 minute frequency. In this regard, and as the Combined Authority clearly recognises, the delivery of the MLLR as a key piece of infrastructure that is fundamental to the establishment of bus services and improved accessibility of the site, and priority should therefore be given to the delivery of it. Having regard to these considerations, and the monies required for the delivery the

MLLR and a bus services, in terms of the overall development, it is not considered that Metrocard contributions ought to be required in this instance. City Car Club contributions of £15,000 are sought and there is agreement with the applicant for this. Two spaces should be provided in agreed locations within the development and a condition is recommended in this respect.

10.18 The applicants comments that the Travel Plan identifies the location of local amenities (retail, education, health, doctors, dentist, pharmacy), and makes reference to the Institution of Highways & Transportation's (IHT) 'Providing for Journeys on Foot', suggesting a maximum preferred walking distance of 2km for commuting. It should be noted that the 2km distance also relates to trips for education purposes. The applicants further comment that the letter from the Residents Association suggests that a 2km walk distance is unrealistic - however, it should be noted that the Guidelines are a recognised industry standard, with their preparation having been supported by a Steering Group including key figures from the then Government, along with industry professionals. It remains the current national guidance against which assessment of walking distances is considered from a planning perspective. The supplied Table 1, below, is an extract from the guidance, whilst Table 2 relates this back to the development and surrounding amenities.

10.19

Table 1 - Guideline Walking Distances, IHT

	Commuting / School	Elsewhere
Preferred Maximum	2000m	1200m

Table 2 - Application to Proposed Development

Facility	Name of Nearest Facility	Guideline Preferred Maximum Walk Distance	Measured Distance	Walk Time
Nursery	Busy Bees, Colton Mill	2000m	1500m	18min
Primary School	Austhorpe Community School		1200m	14min
Secondary School	John Smeaton Community College		2000m	24min
Doctors	Colton Mill	1200m	1500m	18min
Dentist	Dentistry@130		2600m	31min
Pharmacy	Boots, Colton		1300m	15min
Supermarket	Sainsbury's Colton		1200m	14min

- 10.20 The applicants highlight that the above distances are based on the worst case scenario, following the road network, rather than making use of potential routes through Green Park which would make journeys on foot more attractive. The above table demonstrates that the nearest primary and secondary education facilities are available within the maximum preferred walking distance of 2km. Whilst healthcare facilities are slightly outwith a 1.2km walk such journeys are less frequent and would not generate an undue number of trips, as the applicant points out. The masterplan makes provision for a mixed use element which includes the potential for further healthcare facilities and others are likely to be brought forward as part of the wider East Leeds Extension. Whilst supermarket trips are a 1.2km walk away, these would typically be taken by car except perhaps for top-up shops, though the wider Thorpe Park development also includes a supermarket as well as other local retail and leisure facilities which would further reduce the need for car borne journeys for these uses.
- 10.21 Key to consideration of the accessibility credentials of the application is that it will assist in the delivery of the MLLR. As the Combined Authority recognises, this is a vital piece of infrastructure that will bring with it opportunities within the existing public transport strategy to enhance public transport provision. It should also be recognised that the existing S106 agreement under 12/03886/OUT makes provision for 15 and 30 minute bus services to Cross Gates and Leeds City Centre respectively, and the completion of the MLLR will contribute to facilitating the delivery of these wider accessibility improvements. Consideration does however need to be given to the trigger points for the delivery of this (capped at £2m), because clearly for the housing development to be an attractive offer for a developer, the public transport accessibility requirements of the wider Thorpe Park development should not place such an unduly prohibitive cost requirement on the residential element alone that it becomes undeliverable. Otherwise, the key benefit of the delivery of the MLLR would not be achievable, and this is not in the interests of good planning.

Design and visual amenity

- 10.22 The main application for housing is submitted in outline with only the means of access applied for at this stage. Nevertheless, the submission is supported with a design and access statement, a land use plan, an indicative layout plan and parameter plans which fix matters such as developable/non-developable areas, maximum building heights and areas for landscaping. The content of the design and access statement has also been widened to include a residential design code component which will be used to guide the detailed housing proposals at the reserved matters stage.
- 10.23 In basic terms, the design approach for the housing is to provide a series of outwardly facing perimeter blocks comprising of predominantly family houses whereby rear gardens for the most part back onto other rear gardens thereby creating a secure environment and active frontages throughout. This general arrangement ensures all prominent boundaries and the greenspace areas are well overlooked and overall, logical and well-ordered street scenes can be delivered. Another main feature is the introduction of 'green fingers' penetrating between key blocks to achieve greater integration between the housing and Central Park itself but also to align with the grid layout proposed for the land to the south where the main mixed uses are focused. This provides a continuation of landscaping between the two components and importantly direct views to ensure these different areas are integrated despite being separated by Central Park.

- 10.24 During the position statement presentation, Members commented that the relationship between the proposed housing and Green Park along the western boundary was not as generous or integrated as other boundaries and that something more relaxed should be provided. In responding to this point it should be noted the area directly opposite the proposed housing, although falling within the wider Green Park boundary is the area where the majority of Thorpe Park's existing colony of Great Crested Newts can now be found. The approved Green Park layout therefore identifies this area as the permanent home for these protected species and the incomplete ponds already present will be finished to fulfil this function. This proposal is the main element of the wider newt strategy which has already been agreed with Natural England and essentially means this part of Green Park will become an area of nature conservation which will not be accessible to the general public. In view of the lack of public access, the need to 'feather in' the development in the way that is proposed elsewhere is not as strong and the more formal approach adopted is therefore considered acceptable. Notwithstanding this, it is still the intention to provide a generous landscaped buffer between any access road or built development and the boundary of the nature conservation area in order to help with the transition between the different uses and provide an appropriate setting to this feature.
- 10.25 In addition to the basic design approach as discussed above, the change from offices to mostly housing in Zone B will ensure the overall building heights relative to the office scheme is much lower. As views from the north (including from the train) are available this is one of Thorpe Park's more visually sensitive boundary's and accordingly the impact of a residential scheme on the skyline across most of Zone B will be much less due to the smaller scale and massing of houses. Notwithstanding this, a commercial building with greater visual presence is still anticipated at the most eastern part of Zone B where it abuts with the MLLR and road bridge over the railway line.
- 10.26 Again as part of the feedback from the position statement presentation, some Members were concerned about this concept and were worried such a building could appear out of character and unduly prominent. These concerns are understood but as the scheme is submitted in outline only the application does not seek approval of a detailed building on this plot and, accordingly, no specific proposals have been prepared. It is however important to note this part of Zone B is the entrance into Thorpe Park when travelling from the north, and itself the north eastern corner plot will be over a storey below the road level. The need for a 'gateway' building in this location is therefore considered appropriate and the parameter plan reflects this.
- 10.26 In terms of other matters, the submission of further information by the applicant before the position statement presentation (and shown to Members via the PowerPoint presentation during the meeting) was such that officers initial concerns about the width of Central Park adjacent to the retained woodland, the treatment of the space immediately around the small group of isolated TPO trees and the extent of the main landscape buffers were satisfactorily resolved. The removal of retail uses was also welcomed therefore allowing the potential introduction of support services such as a nursery or medical centre.
- 10.27 As part of the PowerPoint presentation, Members were shown images relating to other completed residential developments to provide a favour of some design ideas

which could be explored further. In particular Members were interested to visit the Derwenthorpe scheme in York to see the relationship provided between the houses and an adjacent area of greenspace which contained substantial water features as the Thorpe Park scheme also proposes something similar. Some concern about this relationship and the overall suitability of providing open water features within a publically accessible park were also expressed during the position statement.

- 10.28 The Derwenthorpe site visit was undertaken just before Christmas and the general view of the Members who were present was positive and that an attractive environment could be created which was no more dangerous than the relationship often found in many public parks which include more formal water features such as ponds/lakes. Other elements of the scheme were also praised in terms of the design quality of the houses themselves albeit the composite of external materials used would not necessarily be appropriate at Thorpe Park. Some elements were however less successful and the design of the parking courtyards and how parking was handled more generally could have been improved on and the members had concerns about the long term durability of painted brickwork.
- 10.29 In concluding on the design and visual amenity considerations, the outline nature of the application is very relevant as at this stage only the means of access is applied for. A single point of access into the site is considered acceptable from a highway perspective and dissects Zone B in a central location therefore ensuring reasonable development plots are provided either side.
- 10.30 An indicative layout plan has been provided to show how the housing in particular could come forward but it is the parameter plans and design and access statement which sit behind this which are of most relevance as these will ultimately steer subsequent reserved matters applications.
- 10.31 The use of parameter plans has been adopted already at Thorpe Park and fixes the main development principles. For example the extent of the developable and non-developable areas and the types of land uses which can come forward are set. In addition to the above, the approved design and access statement for Thorpe Park has been updated and amended to respond to the introduction of housing. It now includes a residential design code component to ensure the high design quality which Members have already set for the commercial elements of Thorpe Park is followed through in this housing scheme. In the light of the above, officers are supportive of the overall design approach being adopted and raise no concerns in respect of the outline application or the condition discharge application for the updated masterplan.

Residential amenity

- 10.32 The main residential amenity considerations relate to the potential for noise disturbance to occur as a result of the close proximity to the railway line, the M1 motorway. Noise concerns are also raised by the residents association in its objection letter.
- 10.33 In response to this issue, the applicant has submitted a noise assessment which confirms appropriate mitigation can be achieved at the detailed application stage. Notwithstanding this, the indicative layout already picks up on this issue by ensuring the houses closest to the railway front on to it therefore allowing the rear gardens to

be protected by the houses themselves. The use of double glazing with acoustic vents is another example of the type of measures which might be needed but overall the issue is not considered to be serious.

- 10.34 Environmental Health officers raise no objection to the introduction of housing and recommend a planning condition to ensure the issue is fully addressed at the reserved matters stage. This advice was received prior to the receipt of the noise assessment and remains the same following its consideration. The noise environment is also not dissimilar to that experienced on the Vickers site directly to the north and is substantially better than the Colton Mill site to the south, both of which now contain residential development. Accordingly officers are confident the noise issue can be adequately dealt with by condition.
- 10.35 In terms of other potential amenity issues, noise from Thorpe Park itself is not anticipated and reserved matters application will in any event be assessed on the basis of residential coming forward should this application be approved, furthermore no existing residents are impacted on due to the absence of houses near to the application site. Like the noise issue, all other residential considerations as set out in Neighbourhoods for Living will be addressed at the reserved matters stage.

Section 106 contributions

- 10.36 A detailed Section 106 agreement is already under consideration and is being advanced on the basis the decision will be issued before the formal introduction in April of the now approved fixed charges, based on floorspace under the Community Infrastructure Levy (CIL). The Section 106 is being progressed to secure the following:
- 10.37 Affordable Housing:
In policy terms the application generates an affordable housing requirement of 15% with a split of 40% social rent and 60% submarket. On the basis of a 300 dwelling scheme generates a requirement for 45 units split between 18 units for social rent and 27 for submarket. The applicant is agreement to this requirement and is therefore policy compliant in this regard.
- 10.38 Education provision:
The scale of the housing proposal is such that a contribution towards the provision of new school places is required. Children's Services advise that local schools have either no or a very limited capacity and therefore a full contribution towards both primary and secondary places is required. Education contributions are only justified in respect of properties likely to be occupied by families. Whilst it is anticipated the vast majority of units likely to be delivered will be family houses, an element of flats could also be provided and depending on their size may not attract an education contribution. For this reason a contribution of £4,763.82 per family unit is to be provided which would equate to £1,429,144.65 if all 300 units qualified for a contribution. The applicant has agreed to this sum, consistent with policy requirements.

- 10.39 Greenspace provision:
Core Strategy policy G4 relates to the provision of new greenspace within residential developments and expects both on-site provision and improvements to higher order facilities such as playing pitches.
- 10.40 The existing approval at Thorpe Park includes the provision of Green Park which is a significant new addition to the City's green infrastructure and is to be transferred to the Council. The park itself contains a number of playing pitches, a pavilion, formal and informal landscaped areas and various leisure routes. In addition, a further area of publically accessible greenspace is to be provided within Thorpe Park itself and is included within the red line boundary of the outline application.
- 10.41 The covering report which accompanied the position statement indicated that officers were of the opinion sufficient greenspace is provided within both Green Park and Central Park to meet the wider needs of future residents associated with the housing proposal but that it was still necessary to revisit the content of these areas to ensure appropriate play and leisure facilities were being provided. On the whole, Members were comfortable with this approach but stressed the need to ensure any play facilities were innovative, creative and served the needs of the wider community.
- 10.42 The applicant is receptive to Members comments and the masterplan indicates the provision of a centrally located area for play equipment within one of the green fingers if this is deemed to be the most appropriate location. At this stage detailed proposals are not advanced due to the outline nature of the application, but can readily be secured under the S106 agreement. Members' basic comments will nevertheless be taken into consideration when assessing a detailed proposal and the S106 agreement will also ensure that delivery of greenspace keeps pace with the development and that appropriate facilities are available before any residential units are first occupied.
- 10.43 Ecology and biodiversity
The existing site is greenfield in nature and accordingly accommodates a variety of ecological habitats. The site is nevertheless formally designated for development and an extant consent for its redevelopment already exists. The proposed development echoes the previous application, in terms of ecology and biodiversity proposals, and allows for a co-ordinated approach to the retention of the best existing features (e.g. the protected trees), and the introduction of new features such as the balancing ponds and significant areas of new landscaping, which will offer further biodiversity enhancements.
- 10.44 Natural England has offered no objection to the proposed development in terms of statutory nature conservation considerations and there are no adverse implications for the agreed strategy to contain the existing Great Crested Newt colony within a dedicated nature conservation area within Green Park. The existing S106 agreement relating to application reference 12/03886/OT already made provision for an ecology contribution. The Council's ecologist recommends the use of conditions to address on site biodiversity considerations, in accordance with the requirements of Section 11 Conserving and enhancing the natural environment of the NPPF.

Archaeology

- 10.45 The issue of archaeology was fully considered as part of the previous 2013 application and ultimately the proposed switch from office to residential has very little if any impact on issue, bearing in mind the extent of consented ground works to be undertaken at the site. Appropriate site investigation is still necessary, and it is the preference of the West Yorkshire Archaeological Advisory Service (WYAAS) that further evaluation be undertaken at this stage, due to some of the finds made in the area (but not specifically on the application site). WYAAS states however that it is not opposed in principle to post determination evaluation.
- 10.46 As the approach adopted on the previous application was to condition the requirement for further evaluation, which itself is a continuation of the same process which has been used at the site to date, all archaeological matters are again recommended to be the subject of conditions, in accordance with 'saved' UDPR policy N29 and guidance contained within Section 12 Conserving and enhancing the historic environment of the NPPF.

Flood risk and drainage

- 10.47 The site is not at risk of flooding but only has a single main outlet (close to the railway line and heading north). This is the reason why the surface water drainage strategy for the site includes (amongst other measures) a series of large water features within Central Park, so as to hold water and achieve the required discharge rate.
- 10.48 The use of balancing ponds (some of which will be permanently wet) is supported in principle as Central Park was always envisaged to contain water features. Overall the introduction of housing will reduce the amount of surface water produced on Zone B, due to the increased level of permeable surfaces – primarily in the form of gardens. Accordingly both the Environment Agency and the Council's Flood Risk Management team (FRM) raise no objections to the development, subject to conditions aligned to those previously attached with regards to the overall drainage strategy.

Railway safety

- 10.49 The application site is adjacent to an active railway which includes a gated level crossing within the site confines. Network Rail has therefore been consulted and initially objected to the proposed development on the basis there is still the possibility the Closure Order for the right of way across the railway might not be approved.
- 10.50 The removal of the existing level crossing was a key factor in Network Rail's original decision to allow the railway to be bridged over, and accordingly their most recent response seems to be overly cautious. Particularly as no such comments were raised during consideration of the previous application. In the light of this, further discussions have taken place which has removed the objection. This is however subject to a requirement for a Footpath Mitigation Scheme to be agreed and followed in the event that the Footpath Diversion Order, however remote this may be, is not confirmed. An appropriate clause to secure this requirement is therefore recommended.

CONCLUSION

- 11.0 Thorpe Park is allocated as employment land and identified as a key business park within both the Core Strategy and saved UDPR policies, and therefore remains a key contributor towards the Council's overall provision of office accommodation going forward. Whilst the introduction of housing on the majority of Zone B results in a reduction in the amount of office accommodation which can ultimately come forward, the total loss has been minimised relative to the land take required, by increasing the office provision within other parts of the site. As such, the reduction is limited to 17,675m, and gives a total of 83,615m in terms of future office provision. This level of provision is still considered to be significant and when added to the office accommodation already provided, ensures the primary employment function of Thorpe Park remains intact. As such, the non-compliant nature of the housing component of this new application is considered to be acceptable in terms of employment policies.
- 11.1 In addition to the above, this latest application clearly contributes positively to the Council's overall housing targets, which in turn will help reduce the overall pressure to bring forward Green Belt land. Importantly, the revised scheme helps to facilitate the early delivery of the MLLR, as a condition restricting occupation before it is opened is proposed. This aligns fully with the previous mixed use application on Thorpe Park and is again considered to be beneficial, as this piece of public infrastructure is critical in terms of relieving traffic pressure in Crossgates. It is critical to improving local public transport options and fully realising the housing development already approved along Manston Lane, and more significantly, that due to come forward as part of the wider East Leeds Extension housing allocation situated to the north.
- 11.2 The detailed design of the housing is reserved for later approval, but the high aspirations set for the wider Thorpe Park development as currently shown indicatively are appropriately captured in a combined design and access statement and residential design code, to ensure the quality that has been presented with the application and witnessed in Derwenthorpe as a good example of what can be achieved is carried forward.
- 11.3 For the above reasons, and noting that the highway and environmental impacts of the scheme are considered to be comparable to the mixed use scheme already accepted, the proposed development along with its revised S106 offer to address housing related contributions is considered to provide an attractive business park, but with a widened but yet still integrated range of mixed uses, which now includes an element of housing. On balance, therefore, the Panel is recommended to support the main application, and those which follow from it, in terms of varying the condition which controls the existing floor space restrictions and also agreeing a revised masterplan.

BACKGROUND

- 11.1 Application and history files.
- 11.2 Certificate of Ownership – Certificate A completed.
- 11.3 Appendix 1 – Minutes of City Plans Panel meeting of 20th November 2014.

Thorpe Park Appendix 1

86 Application 14/05481/OT/14/05483/FU and 14/05484/COND - Northern Development Plots Land South of Railway Line Thorpe Park LS15

Prior to consideration of this matter, Councillor R Procter left the meeting

Plans, photographs, graphics, artist's impressions and images of similar schemes in Salford and York were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented a report which outlined the current position in respect of proposals for a residential and mixed use development of up to 300 dwellings at Thorpe Park, together with a revised masterplan and landscaping details

Members were informed that there were no changes to the uses/mix of the retail element, although the retail element which been proposed for the corner of the site had now been removed, with Officers being more comfortable about this revision

The layout of the residential units had been amended to take into account TPO trees and would provide generous amounts of landscaping. The proposed addition of residential accommodation into the site would create an opportunity for creative design, whilst still ensuring the site felt part of Thorpe Park

In terms of consultation responses, Network Rail had lodged an objection but it was felt this was based on a lack of understanding how the proposals linked and that Officers would go back to Network Rail with further information so they could revisit their comments

Objections had been received from the Cross Gates Residents' Association and these would need to be considered in greater detail

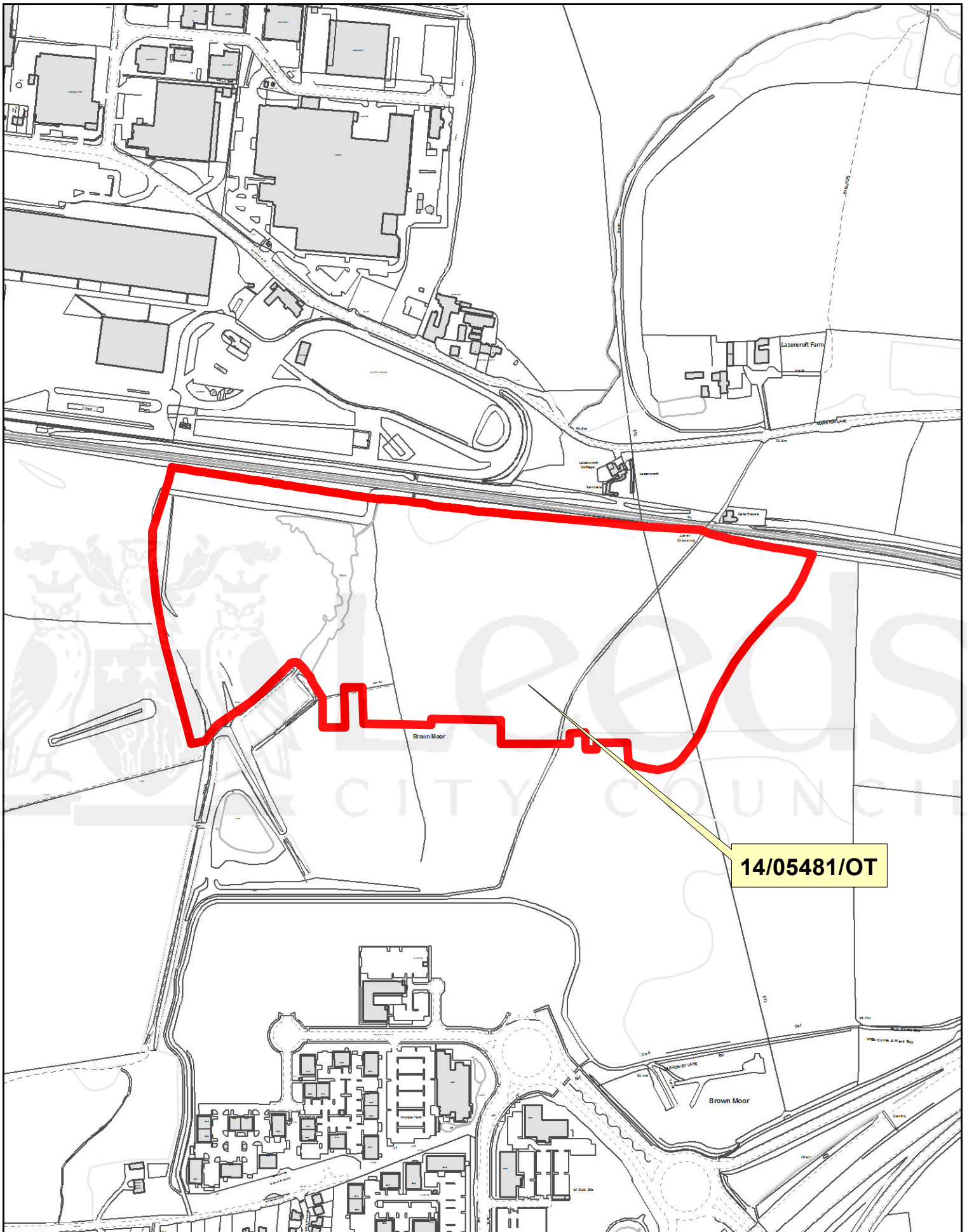
On the S106 contributions, it was reported that the Developer was happy to meet the Council's normal requirement on Affordable Housing and Education (both primary and secondary). Regarding public open space provision, Officers considered it was not necessary to provide more POS however it would be appropriate to look at the nature of the POS on the site and what facilities could be provided within this, due to the introduction of housing

The Panel discussed the proposals, with the main issues relating to:

- the amount of housing proposed for the site and whether this would increase. Officers considered this was not likely to increase in view of 300 dwellings being the maximum number which could be constructed off a single access and if provided elsewhere, the accommodation would have to be flats. The Chief Planning Officer stated that Thorpe Park was an important office location and to further dilute the office use would not be of benefit

- that the proposals afforded the opportunity to design in infrastructure such as education and health provision
- the area proposed for housing, with concerns this was isolated and the possibility of creating a footbridge over the railway to link this into the adjacent residential development. Members were informed there were no proposals for such a link but that the proposed residential community would add to the mixed uses at Thorpe Park, so in that sense, the new residential community would not be isolated
- drainage details and the need for balancing ponds to be appropriately designed with children's safety in mind
- the boundary treatment of the west of the residential accommodation; the view that the estate and park should merge, rather than a harsh boundary being sited at this location
- that the location presented an opportunity for a mixed-use scheme which included housing, however a unique approach

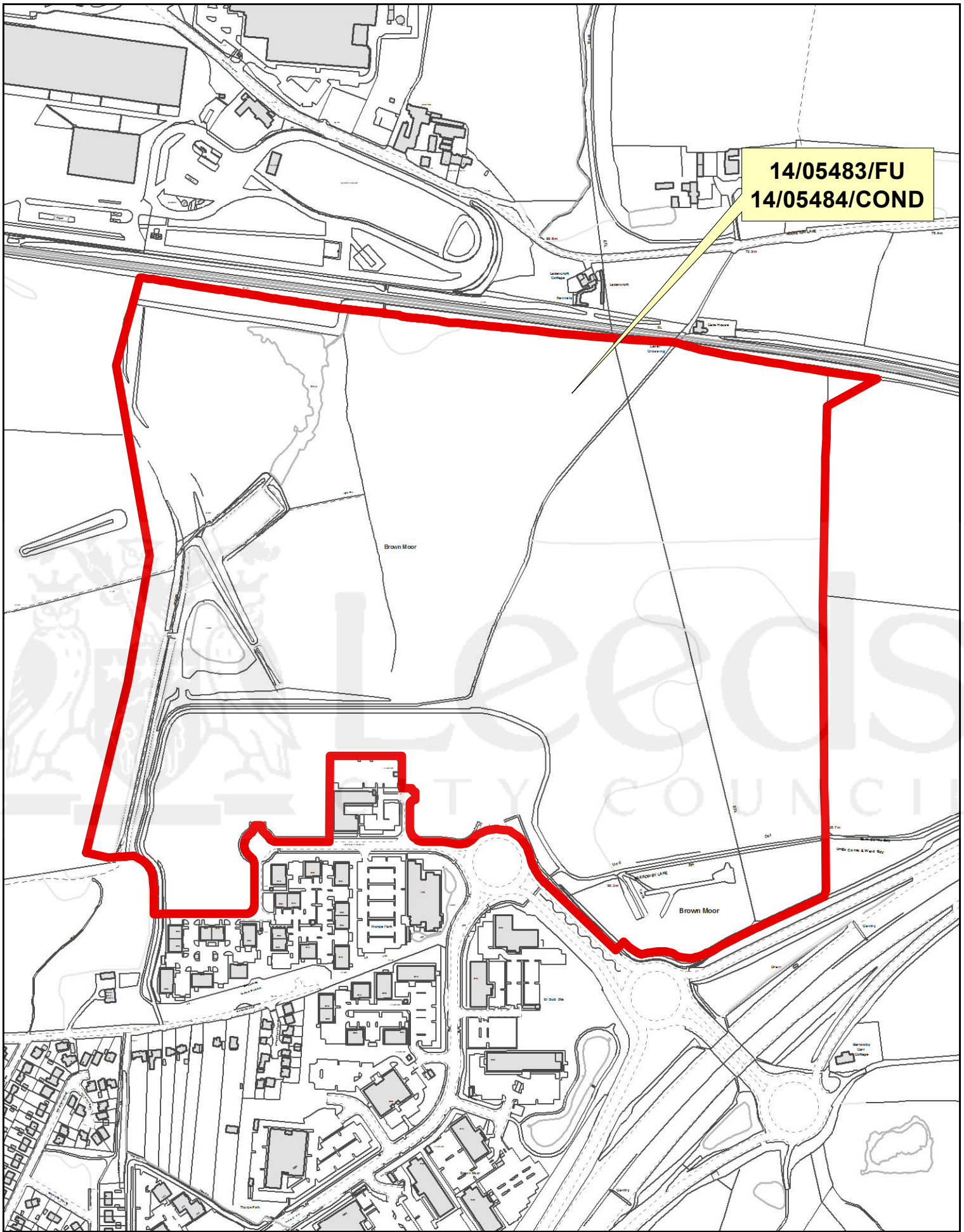
Draft minutes to be approved at the meeting
to be held on Thursday, 11th December, 2014



14/05481/OT

CITY PLANS PANEL





14/05483/FU
14/05484/COND

CITY PLANS PANEL



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Originator: C. Briggs

Tel: 0113 2224409

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 22 JANUARY 2015

Subject: PLANNING APPLICATION REF. 14/04641/FU MIXED-USE, MULTI-LEVEL DEVELOPMENT COMPRISING THE ERECTION OF 4 NEW BUILDINGS, WITH 744 RESIDENTIAL APARTMENTS, 713SQM OF FLEXIBLE COMMERCIAL FLOORSPACE (A1-A5, B1, D1, D2 USE CLASSES), CAR PARKING, LANDSCAPING AND PUBLIC AMENITY SPACE AT SWEET STREET AND MANOR ROAD, HOLBECK, LEEDS LS11 9AY

APPLICANT	DATE VALID	TARGET DATE
Ingram Row Limited	7 August 2014	19 February 2015 (Extended)

Electoral Wards Affected:

City and Hunslet

Yes Ward Members consulted referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

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

- Affordable Housing contribution commuted sum £809, 523 or provision of 37 on-site low cost market flat units with measures to control occupancy to key workers
- £11 011 to be allocated to either public transport or Holbeck Urban Village public realm if on-site low cost housing provision is pursued
- Specific travel plan measures contributions – car club trial provision £27, 000
- Travel plan monitoring fee £6040
- Public access through the site
- Cooperation with local jobs and skills initiatives
- Management fee £1500

In the circumstances where the Section 106 Agreement has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer. If the application were to be determined after April 2015, the introduction of the Community Infrastructure Levy would not affect this case.

Draft Conditions for 14/04641/FU

The full wording of the draft conditions is set out in Appendix 4 at the end of this report.

1.0 INTRODUCTION:

1.1 City Plans Panel Members were presented with a Position Statement on this application on 30 October 2014. Details of the Member comments made on this application are in the Appendix 1, with changes to the scheme set out in the Proposal section of the report, and the relevant main issues discussed in the Appraisal section.

1.2 In summary, Members requested that the scheme be revised to take account of the following issues:

- that the proposed use of the site for a predominantly residential scheme was appropriate
- that whilst in general Members agreed with the siting of the buildings, provision of landscaping; public realm and provision of active street frontages, to note Members detailed comments on these matters. That the arrangement of the taller block should be explored further and a clear rationale for it should be provided. Consideration of orientating the tall building towards The Mint building should be considered
- to note that more work was required regarding the height of the buildings, together with requirements for rooftop plant and the distribution of building heights around the scheme
- to note Members' detailed comments about the proposed landscaping
- that issues of sustainability needed to be addressed
- regarding the mix of units; their size; proportions and quality of the proposed flats, to note Members' comments and the Chief Planning Officer's comments about the work in progress on trying to achieve a Leeds Standard for units and for this work to be shared with Panel Members
- to note the requests for further detailed sun path surveys, information on proposed materials and the size of units in relation to average furniture sizes
- To note the comments made during the discussion regarding the viability of the scheme and planning obligations.

2.0 PROPOSAL:

2.1 The applicants, Ingram Row Limited have advised that the economic downturn resulted in their previous planning permission not being built at this site. Ingram Row Limited are now in a position to bring the site forward as a Private Rented Scheme (PRS) to be built and thereafter managed long term by a partner institution, and have submitted a full planning application for a revised scheme. They advise that a PRS development is managed as a whole in perpetuity as part of an institution's investment portfolio. This means a continued lettings and management presence on-site which should ensure that the development is managed and is retained long term so that the development remains attractive to tenants. Ingram Row Limited advise that PRS developments are a concept to increase housing delivery and provide high

quality and managed rented homes, which allow people to remain in the same development but move to a smaller or larger apartment if their circumstances change.

- 2.2 The scheme proposal would consist of a total of 744 flats made up of
- 81 studio flats at 29.1 sqm
 - 295 one-bedroom flat at 44.4 sqm
 - 358 two-bedroom flats at 59.7 sqm
 - 10 three-bedroom flats all at ground floor level at 89.7sqm
- 2.3 There would also be 713 sqm of commercial floor space (A1 retail, A3 café/restaurant, B1 office, D1 non-residential institution, D2 leisure) facing onto Sweet Street.
- 2.4 There would be 263 car parking spaces (including 2 electric vehicle charging points, the normal requirement would be 26 however this is part of the viability considerations) accessed from two points on Ingram Street, and 744 cycle spaces.
- 2.5 With reference to Plan 3 attached to this report, open space provision is 21.5% (3063sqm of 14113sqm) of the total site area. The landscaped courtyards offer 2500sqm of greenspace, as well as soft landscaping and street tree planting to all the streets around the site. The new development has been designed with reference to the Holbeck Urban Village Revised Planning Framework (see Appendix 2, Plan 1), with building, courtyards and streets aligned to reflect the historic street patterns. The proposal is a perimeter block approach promoted by the Framework. The buildings would be set back from the edge of the footpath and feature new planting to the edges of the streets and spaces. The proposal would provide significant improvements to Ingram Row, including traffic calming, surface improvements, soft landscaping including 10 trees.
- 2.6 The prevailing height of the surrounding buildings is between seven and nine storeys. The proposed development would contain buildings of a mixture of heights in order to create interest and allow daylight into the two new courtyard areas. The proposed building heights would range between 6 and 12 storeys – see Appendix 2, Plan 3.
- 2.7 Since the 30 October Plans Panel, the applicant has made a number of changes to the scheme proposals in an attempt to deliver a financial surplus to meet the Council's policy requirement for planning obligations, and at the same time address Member concerns regarding design. The changes include:
- The scheme would meet Level 3 Code for Sustainable Homes (rather than a policy compliant Level 4). The scheme would not deliver the Council's targets of 10% low/zero carbon energy on site and would not deliver a 20% reduction in carbon emissions compared to current building regulations.
 - The concrete panel to the building façade has been replaced with a timber composite panel (Prodema or similar)
 - Glass balustrades were explored instead of metal railings to the balcony edges. However, as part of the consideration of the viability of the scheme, the railings remain as a bronze-coloured metal finish.
 - A change from natural surfacing materials including Yorkstone to reconstituted stone surfacing materials across the whole site

- All planters to be timber construction

These changes would enable the viable delivery of the overall scheme for new dwellings, commercial floorspace, off-site highways works, and public realm enhancement, which are weighed against the Council's policy requirements in the Appraisal section below.

- 2.8 A number of documents were submitted in support of the application:
- Scaled Plans
 - Design and Access Statement (including refuse management and servicing strategy)
 - Landscape Statement and Masterplan
 - Sustainability Statement
 - Code for Sustainable Homes Energy Statement for Level 3
 - Revised Transport Assessment
 - Flood Risk Assessment (including Flood Risk Sequential Test Assessment)
 - Planning Statement
 - Drainage Impact Assessment
 - Noise Impact Assessment
 - Biodiversity Report
 - Daylight and Sunlight Study
 - Wind study
 - Statement of Community Involvement
 - Land Contamination Report
 - Coal Recovery Report
 - Revised Travel Plan
 - Housing Needs Assessment
 - Development Viability Assessment

3.0 SITE AND SURROUNDINGS:

- 3.1 The 1.9 hectare site lies between Manor Road, Ingram Road and Sweet Street, Leeds, in the Eastern Gateway Area of the Holbeck Urban Village regeneration area, within Leeds City Centre's South Bank. The site lies in flood risk zone 2. The application site consists of two temporary long stay car parks with landscaped boundary treatments. To the east lies the Velocity residential scheme (part 5, 7 and 8 storeys), and the Lateral office building (5 storeys). Immediately to the west is the stone office building, The Mint (8 office storeys), and the Manor Mills residential block (9 residential storeys). To the south lies the cleared City One site, currently in use as temporary car park, and to the north lies a number of occupied low rise office buildings (3-4 office storeys).
- 3.2 Over the last ten years, a mix of offices, residential, and supporting retail and food and drink uses have been developed in Holbeck Urban Village at the Granary Wharf, Round Foundry, Tower Works, Marshall's Mill, Manor Mills, and The Mint. A number of planning proposals have also been agreed by Plans Panel in the immediate area for large scale redevelopment of vacant or cleared sites for a mixture of residential and offices at the Oakapple Site, Sweet Street, City One site on Sweet Street, the former Reality Depot Site to the south of Sweet Street, and an office and multi-storey car park scheme at 10-12 Sweet Street. These are yet to be implemented. Temple Mill, a Grade I listed building on the western side of Marshall Street, has a temporary permission for a public event space.

- 3.3 The development of the Leeds Station Southern Entrance has commenced on-site, which will improve public transport connectivity to the South Bank and Holbeck Urban Village.
- 3.4 Leeds South Bank (including Holbeck Urban Village) covers a total of 136 hectares, has over 300,000 sq.m of development land and is the largest regeneration project in the North. With the close proximity to the future City Centre Park, and the proposed arrival of High Speed Rail at New Lane, the scheme has potential to contribute to new housing provision, place-making opportunities and economic benefits.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Reference 11/05238/FU Use of Site as Car Park (278 Spaces) at Ingram Street - temporary permission granted until 2017.
- 4.2 Reference 11/05239/FU Use of site for car park (225 spaces) at Ingram Row - temporary permission granted until 2017.
- 4.3 Reference 20/61/05/OT Outline application for mixed use development comprising 3 new buildings, including 50,167sqm of residential use (720 flats), 13,192sqm of Class B1 office space and 929sqm of A1/A2/A3/A4 uses at the lower 2 floors of the buildings and 795 car parking spaces – approved, now expired.
- 4.4 Reference 20/64/06/OT Outline application to erect multi-level development with 788 flats and A1/A2/A3/A4/A5/B1 uses (amendment to 20/61/05/OT) and reserved matters application for multi-level development up to 20 storeys with 788 flats A1/A2/A4/A4/A5/B1 uses, 720 basement car parking spaces and courtyard landscaping. This was made up of 112 studio flats, 401 one-bedroom flats and 275 two-bedroom flats. This was approved in principle at Plans Panel (City Centre) March 2006 with planning permission granted 28 August 2009 following the completion of the Section 106 agreement. Reference 20/160/06/RM, a parallel reserved matters application was also approved at the same time. (See Appendix 2, Plan 2). These approvals expired in 2014.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Officers had three pre-application meetings with the applicant and their professional team in 2014.
- 5.2 The applicant undertook local community engagement and held a public event which took place on Tuesday 17 June 2014 at Bewleys Hotel, close to the application site. The event was advertised via a direct mailshot to over 1,200 addresses and in the local press. All of the residents in both Velocity and Manor Mills were directly invited. The public exhibition was held between 3pm and 8pm for all those that wished to attend and discuss the proposals. If anyone could not attend, a freephone community information line was set up and managed by consultants at PPS Group who received and responded to enquiries. The exhibition boards and invites also included an email address, where people could contact the PPS Group at any time with any queries. The exhibition generated a moderate response and of the 40 that attended, 30 left comments on the feedback form. Overall, the response was positive as detailed in the Statement of Community Involvement submitted with the application. In total, the scheme received a total of 206 good or very good responses to various elements. The top rated aspects were: the proposals met housing needs, the site layout, the

courtyard space and the range of units. Only 25 poor or very poor ratings were given. Concerns were mainly related to parking.

- 5.3 City and Hunslet Ward Members were consulted by email on 16 May 2014 at pre-application stage, and the applicant made a pre-application presentation to Councillors at City Plans Panel on 5th June 2014, and the Minutes are attached at Appendix 1. City Plans Panel Members visited two residential schemes built by the applicant in Salford and Manchester on 15 July 2014. City Plans Panel discussed the progress of this application on 30 October 2014, and the Minutes are also attached at Appendix 1.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Planning application publicity consisted of:

6.1.1 Site Notice of Proposed Major Development posted 15.08.2014

6.1.2 Press Notice of Proposed Major Development published 21.08.2014

6.1.3 City and Hunslet Ward Councillors consulted by email 8 August 2014 and 11 August 2014

6.1.4 Holbeck Neighbourhood Forum were consulted by email 8 August 2014

6.1.5 Leeds Civic Trust were consulted by email 8 August 2014, and responded by letter dated 14 August 2014 noting the following comments:

Leeds Civic Trust welcomed the incorporation of public amenity space between the two groups of buildings in the scheme and its connection to the pedestrian link to the city centre. However, concerns were expressed that there should equally be an attractive pedestrian link to the south of Sweet Street to connect to the rest of Holbeck in the context of the wider South Bank area. This should involve the creation of a green corridor along the line of St. Barnabas Road as part of this scheme. Subject to the incorporation of the green corridor, the Leeds Civic Trust would have no objection to the proposed scheme.

- 6.2 Objections have been received from/on behalf of 9 individual residents at the neighbouring Velocity flats and its Management Company, noting the following concerns:

- There is an oversupply of City Centre flats
- Insufficient car parking and cycle storage
- Impact of increased traffic and congestion
- Negative impact on the local economy due to the loss of temporary car parks
- Concerns regarding the viability of the commercial unit
- Excessive height, density and overdominance
- Inadequate daylight and shadow analysis
- Overlooking
- Overdevelopment of the site
- Housing mix not in accordance with draft Core Strategy policy H4
- Monolithic design with little visual interest
- Wind tunnelling and microclimatic effect
- Absence of an appropriate Section 106 agreement
- The status of the expired planning permission

- Other concerns including the nature of works to Ingram Row, bin storage provisions, and the impact of construction on local residents in terms of noise, traffic, dirt and dust

6.3 1 objection has been received from a resident at the neighbouring Manor Mills flats, Manor Road, to the west of the application site, stating the following concerns:

- There is no construction project plan provided for the construction phase
- My only window and balcony door opens towards the site. My flat is like a greenhouse during summer. Construction noise and pollution will make it impossible to live here.
- Traffic is another issue, during busy hours it takes me 30 min to drive 200 m to get to motorways, bringing another 744 residents to this area is absolute madness. There is no space.
- What about parking: considering the current situation and number of people live and work in the area, its impossible to find a parking space even on Sundays. Bringing another 744 residents and their visitors will make this worse.

6.4 1 objection from a resident at Dock Street, LS10 on the grounds of a poor quality design. The resident has *“no objection to the scheme itself, new residential development will greatly improve this area. The scheme is far too uniform, blocky and it has the appearance of 1960's council social housing. It lacks impressive scale of the similar proposed Manchester scheme and design quality. Some variation in the appearance and shape of the individual blocks is needed. The metal balustrades look incredibly cheap, how about glass balustrades? Leeds deserves better than this”*.

6.5 All contributors were notified of the revised plans and supporting Transport Assessment and Travel Plan on 8 December 2014.

6.6 A further letter of objection has been received following the reconsultation from Cunnane Planning on behalf of Velocity (Sweet Street) Management Company Limited, who are responsible for the management of the Velocity flats which neighbour the application site. They summarise their outstanding concerns as follows:

Insufficient car parking

Their client welcomes the increase in cycle stands to 744 at a ratio of 1 stand per unit, however they remain deeply concerned about the shortfall in car spaces. The applicant proposes providing 263 car parking spaces which will be rented to residents, and has argued in their revised Transport Assessment that there is a precedent for such a low provision in the city. However Cunnane Planning state that to provide sufficient car parking spaces for only 35% of the units is unacceptable. The inadequate provision of car parking spaces will have a serious negative impact on amenity and safety of the surrounding area. They state that there is already a serious parking issue in the streets surrounding the site and that hazardous parking is a regular occurrence along these streets restricting movement and resulting in dangerous driving conditions through reduced sight lines. They state that there is currently insufficient parking in the area to meet the existing needs of the adjacent residential and office developments, and the proposal will exacerbate this. The current temporary car parks on the site are used to capacity by workers in the nearby offices. The combination of these displaced cars and the inadequate provision for the residents of the new development will be severely detrimental to the amenity and safe use of the area. The applicant has also still failed to explain why it is only possible in this instance to provide 263 car parking spaces, when a previous application for the site managed to provide 784 car parking spaces. Cunnane Planning urge the Council

to pursue this matter and seek an adequate explanation, other than the cost of providing underground parking. The economic cost to the applicant is not a sufficient reason to permit something which will have such a detrimental impact on residential amenity.

Excessive height

Cunnane Planning's client remains concerned about the height of the proposed development. They note based on the revised drawings submitted by the applicant that the buildings appear to have increased in height. A number of the blocks now appear to include a parapet wall at roof level. Irrespective of the purpose, the result is a further increase in height to which our clients strenuously object. It will exacerbate the overbearing and claustrophobic feeling we already believe these buildings will have on the surrounding street network. Additionally in light of this increased height a revised daylight and shadow analysis ought to be prepared to demonstrate that this increase will not alter the impact of the proposed development on any adjoining buildings.

Housing Mix

Cunnane Planning's client remains concerned about the mix of unit types proposed as part of the development. We note the Council were also concerned about the lack of three bedroom properties as it seems to contradict the applicants rational and business model. If it is intended that people will move into the development and move up or down between units as their personal circumstances change, then more three bed units are required to make this a viable option for families. They would request the Council to review the housing mix proposed and refuse permission until such time as the applicant presents a more balanced mixture of units which complies with planning policy.

Design

Cunnane Planning's client remains concerned that the proposed development does not represent the optimum design for the site. While the applicant has changed the materials proposed for the facades, they have done little else to alter the design. They are concerned that the blocks are monolithic and provide little visual interest. Aside from the variation in height, there is little to break up the vast expanse of façade or provide visual interest as one progresses along the street. It is an endless expanse of glazing. This is not conducive to developing a character for the area. We would suggest the design be re-examined to incorporate a greater degree of vertical expression to break up the façade and provide visual interest, though preferably without increasing the height.

Cunnane Planning conclude by stating that their client remains concerned that the proposed development will have a negative impact on the residential amenity of the area due to:

- Inadequate parking arrangements,
- Impact on traffic;
- The viability of the commercial unit/s;
- Arrangements for deliveries to the commercial unit/s;
- Excessive height;
- Inadequate daylight and shadow analysis;
- Potential for overlooking;
- Overdevelopment of the site;
- Poor housing mix;
- A poor quality design which fails to contribute to the character of the area;
- Absence of the Section 106 agreement.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.1.1 LCC Transport Development Services

The travel plan, travel plan review fee £6040 and car club contribution £27,000 need would be secured through the S106. Travelwise have concern that the requested 26 (10%) electric vehicle charging points would not be provided.

Cycle parking (1 space per flat), motorcycle parking, showers for staff and 2 electric vehicle charging points should be secured by condition.

The extension of Ingram Street to the north would be adopted. The existing on-street parking on Ingram Street would be removed. The materials for the adoptable shared surface areas such as on Ingram Row would need to be agreed prior to commencement of development.

In relation to the pedestrian and cyclist linkages to the city centre and local facilities such as schools and places of employment, the updated Transport Assessment identifies the key routes.

Given the scheme characteristics (including location and parking provision) there will be a significant proportion of journeys on foot and by cycle. The 2011 census indicates that 40% of trips in the City and Hunslet ward are on foot.

The following improvements were requested and would be provided in order to ensure that the site is connected to the existing pedestrian and cycle route network:

- Resurfacing of the existing footway between St. Barnabas Road and Manor Road that runs alongside the northern block. It is uneven and in a poor state of repair.
- Upgrade the existing pedestrian route between Ingram Street and Manor Road to a shared pedestrian/ cycle route at least 3m in width.
- Provision of an informal dropped crossing with tactile paving on Manor Road to the east of David Street (to assist pedestrian movements to the existing leisure/ employment uses along Water Lane and the new southern entrance to Leeds Station).

The proposed accesses on Ingram Street are acceptable. The TA states that Ingram Row will become a pedestrian focussed “calmed street”, and the extended northern part of Ingram Street will be closed off to vehicles.

The basement car parking roller shutter gates will need to be set back from the highway by at least 6m to accommodate a waiting car without obstructing other road users. Fast acting roller shutters would be required for security and this would be secured by condition.

The servicing and refuse strategy is acceptable

Revised capacity assessments have been provided as requested to address technical issues identified in the traffic model. These assessments indicate that the proposals would have a minor impact on the surrounding network. There is currently queuing on the Sweet Street approach to the Meadow Road roundabout which often extends through the mini-roundabout in the PM peak.

Whilst the scheme would add to this it is not considered that this is of a scale to justify mitigating improvements. Many of these trips are related to the temporary commuter parking in the area and as these permissions expire there would be fewer vehicles at weekday peak periods in this area.

Construction traffic: There are existing residential properties adjacent to the site. The office buildings in this area also generate pedestrian traffic at the start and end of the working day as well as at lunchtime. A Construction Management Plan would be required to control items such as vehicle routing and hours of operation. This would also include details of the storage, parking, loading and unloading of contractors' plant, equipment and materials, and the parking of workforce vehicles.

A Section 278 agreement will be required to deal with the works on Ingram Row and Ingram Street as well as the identified off-site improvements. All off-site highway works as shown on drawing 169-01/GA-01 rev B. must be completed before first occupation of the development. There will be a need to amend existing Traffic Regulation Orders as part of the proposals. A new TRO will also be required for the service turning head and the loading bay.

Personal injury accident data has been considered in the vicinity of the site. The proposals do not raise any specific safety concerns

The Travel Plan and car club space will be covered by the Section 106 agreement.

Conditions would be required to control the following matters:

- Maximum gradient to access (at car park ramps)
- Cycle/motorcycle facilities
- Refuse storage
- Details of the electric car charging points
- Car Park and Servicing Management Plan (including timescales)
- The gates to the car park shall be set back at least 6m from the back of the footway and shall be fast action roller shutter types
- A Section 278 agreement would be required to deal with the works on Ingram Row and Ingram Street. There will be a need to amend existing Traffic Regulation Orders (TROs) as part of the proposals. A new TRO will also be required for the service turning head and the loading bay. The following improvements are also required in order to ensure that the site is connected to the existing pedestrian and cycle route network:

- Resurfacing of existing footway between St. Barnabas Road and Manor Road that runs alongside the northern block. It is uneven and in a poor state of repair.
- Upgrade the existing pedestrian route between Ingram Street and Manor Road to a shared pedestrian/ cycle route at least 3m in width.
- Provision of an informal dropped crossing with tactile paving on Manor Road to the east of David Street (to assist pedestrian movements to the existing leisure/ employment uses along Water Lane and the station).
- Provision of a cycle route to the existing cycle lane on Meadow Lane to include conversion of the pedestrian link between St. Barnabas Road and Meadow Road to a shared pedestrian/ cyclist facility.

7.1.2 Environment Agency:

No objection subject to a condition requiring the development to be carried out in accordance with the submitted flood risk assessment.

7.1.3 Coal Authority

No objection

7.2 Non-statutory:

7.2.1 Yorkshire Water

The submitted drainage strategy is not satisfactory - the developer must provide robust evidence of existing positive drainage to the public sewer from the site to the satisfaction of YWS/the LPA by means of detailed investigations. This must clearly demonstrate connections points to the sewer and the areas being served. The submitted reports do indicate that further investigations are required on this matter. The applicant is in discussions with Yorkshire Water regarding this. A condition is considered appropriate in this case.

7.2.2 LCC Environmental Protection

No objection subject to conditions regarding construction practice, construction working hours (not before 08.00 hours on weekdays and 09.00 hours on Saturdays nor after 18.30 hours on weekdays and 13.00 on Saturdays), commercial unit delivery times (8am to 18:30 hours Monday to Saturday and 9am to 13:00 hours on Sundays and Bank Holidays), details of extract ventilation, provision of grease trap for any food businesses.

7.2.3 LCC Flood Risk Management:

No objection subject to conditions regarding surface water drainage and implementation of the scheme in accordance with the submitted Flood Risk Assessment.

7.2.4 West Yorkshire Combined Authority:

WYCA would support the Council in achieving the following:

- Low levels of car parking provision within the scheme
- Electric vehicle parking charging points
- Travel Plan
- Car club provision
- Application of the public transport contribution in accordance with SPD5
- Local pedestrian and cycle improvements

7.2.5 LCC Children's Services

No comments

7.2.6 LCC Waste Management

The bin storage arrangements are acceptable.

7.2.7 LCC Air Quality Management

10% of parking spaces should be for electric vehicle charging points.

PLANNING POLICIES:

8.2 Development Plan

8.2.1 Leeds Core Strategy 2014

The adopted Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The Core Strategy was adopted by the Council on 12th November 2014. This now forms the development plan for Leeds together with the Natural Resources & Waste Plan and saved policies from the UDP. A number of former UDP saved policies have been superseded by Core Strategy policies and have been deleted as a result of its adoption. Appendix 1 of the Core Strategy provides a full list of 'deleted' UDP policies and policies that continue to be 'saved' (including most land use allocations).

Relevant Saved Policies would include:

The site is allocated as a strategic housing site in the Saved Policies of the Unitary Development Plan Review under Policy H3-1A.44 and Proposal Area 31 Holbeck Urban Village. This states that the area should be developed in accordance with the Holbeck Urban Village Revised Planning Framework 2006, to promote a large scale contribution to housing supply, with supporting employment uses, environmental improvements to the public realm and new pedestrian routes. The overall aim is to regenerate the area as a sustainable community. Relevant Saved Policies include:

GP5 all relevant planning considerations
BD2 new buildings
N25 boundary treatments
BD4 all mechanical plant
H3-1A.44 Holbeck Urban Village Strategic Housing and Mixed Use site and Holbeck Urban Village Proposal Area Statement Policy CC31A
T7A cycle parking
T7B motorcycle parking
T24 Car parking provision
LD1 landscaping

Spatial Policy 1 sets out the broad spatial framework for the location and scale of development. This policy prioritises the redevelopment of previously developed land within Main Urban Area, in a way that respects and enhances the local character and identity of places and neighbourhoods.

Spatial Policy 3 Role of Leeds City Centre seeks to maintain and enhance the role of the City Centre as an economic driver for the District and City Region, by

- 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
- Expanding city living with a broader housing mix (including family housing)

Paragraph 5.1.14 City Centre strategic Themes and Character – 'A Growing Residential Community' of the Core Strategy states that:

'With significant house building between 1995 and 2010 a substantial residential population exists in the City Centre. Despite the recession and pause in construction activity, city living remains extremely popular with little vacancy. Considerable land opportunities exist in the City Centre to boost the residential population further. It is important that efforts are made to make best use of this opportunity in order to make efficient use of land and provide a wide housing offer for Leeds as a whole, as delivery of housing in the City Centre is key to the overall delivery of the Core Strategy. However, with some of the first residents putting down roots and wanting to continue to live in the City Centre it is important that a wider variety of sizes and types of housing are made available than have previously been built. In line with Policy H4

Housing Mix, major housing developments across the City Centre will be expected to contribute to a wider mix of dwelling sizes. Potential for creation of family friendly environments exist on the fringes of the City Centre where densities can be lower, and more greenspace and supporting services can be delivered, including medical and education services.'

Spatial Policy 8 states that training/skills and job creation initiatives would be supported by planning agreements linked to the implementation of appropriate developments given planning permission.

Core Strategy Policy CC1 outlines the planned growth within the City Centre for 10, 200 new dwellings. Policy CC2 (City Centre South) states that areas for development opportunity south of the river will be prioritised for large scale office development, delivery of a new park, residential, cultural and leisure uses.

Policy CC3: Improving connectivity between the City Centre and neighbouring communities – provide and improve routes connecting the City Centre with adjoining neighbourhoods to improve access and make walking and cycling easier.

Policy H2 refers to new housing development. The development will be acceptable in principle providing the development does not exceed the capacity of transport, educational and health infrastructure and the development should accord with accessibility standards.

Policy H3 states that housing development should meet or exceed 65 dwellings per hectare in the City Centre.

Policy H4 says that developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long-term taking into account the nature of the development and character of the location.

Table H4: Preferred Housing Mix (2012 – 2028)

Type*	Max %	Min %	Target %
Houses	90	50	75
Flats	50	10	25
Size*	Max %	Min %	Target %
1 bed	50	0	10
2 bed	80	30	50
3 bed	70	20	30
4 bed+	50	0	10

*Type is applicable outside of city and town centres; Size is applicable in all parts of Leeds

Policy H5 states that the Council will seek affordable housing from all new developments either on-site, off-site or by way of a financial contribution if it is not possible on site.

Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and enhancing existing landscapes and spaces.

Policy P12 states that landscapes will be conserved and enhanced.

Policies T1 and T2 identify transport management and accessibility requirements for new development.

Policies EN1 and EN2 set out the sustainable construction and on-going sustainability measures for new development. In this case, Code for Sustainable Homes Level 4 is required.

Other relevant Core Strategy policies include:

Policy EN4 district heating

Policy EN5 Managing flood risk

Policy ID2 Planning obligations and developer contributions

Policy G1 Enhancing and extending green infrastructure

Policy G2 Creation of new tree cover

Policy G3 Standards for open space, sport and recreation

Policy G5 Open space provision in the City Centre

Policy G9 Biodiversity improvements

8.1.3 **Leeds Natural Resources and Waste DPD 2013**

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

8.2 **Relevant Supplementary Planning Guidance includes:**

SPD Street Design Guide

SPD5 Public Transport Improvements and Developer Contributions

SPD Travel Plans

SPD Building for Tomorrow Today: Sustainable Design and Construction

SPG City Centre Urban Design Strategy

SPG Neighbourhoods for Living

SPG6 Self-contained flats

Holbeck Urban Village Revised Planning Framework 2006

The Holbeck Urban Village Revised Planning Framework was adopted in 2006 as a guide for the sustainable regeneration of the area. The Framework encourages residential and commercial uses as part of a mixed use sustainable community.

The site is identified within the Eastern Gateway area of the Urban Village (see attached Appendix 2 - Plan 1). The Area Statement for the Eastern Gateway states that there is the opportunity to redevelop the area and create character where none exists. This could be achieved through high quality architecture, use of high quality facing materials, the development of perimeter blocks to reinforce the enclosed traditional street pattern of the area, and give character and continuity to Sweet Street and Manor Road.

The Framework envisages that a building height of around seven to nine storeys in the east at the Ingram Row site, stepping down to approximately four/five storeys to the west of this site, creating a more modest building form along Marshall Street opposite Temple Mill.

The Framework would encourage the provision of new pedestrian routes towards Marshall Street running east to west, through the public square between The Mint and Manor Mills, and north to south between Manor Road and Sweet Street. The Framework states that 20% of each development site area shall be public open space, which in this case would take the form of two courtyards. Schemes in Holbeck Urban Village will also contribute financially to strategic public realm improvements within the designated area, in accordance with the schedule in the Framework, in order to realise the vision for improving the attractiveness of the urban village, and create a distinct sense of place, appropriate to the historical importance of the area.

Buildings in Holbeck Urban Village should meet BREEAM Excellent for the commercial unit and Code for Sustainable Homes Level 4 for residential, or equivalent standards, and accord with the guidance in the SPD Building for Tomorrow Today: Sustainable Design and Construction and the Core Strategy.

8.3 National Planning Policy Framework (NPPF)

National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) came into force in March 2012 and represents the government's commitment to sustainable development, through its intention to make the planning system more streamlined, localised and less restrictive. It aims to do this by reducing regulatory burdens and by placing sustainability at the heart of development process. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so.

The NPPF identifies 12 core planning principles (para 17) which include that planning should:

- Proactively drive and support sustainable economic development to deliver homes
- Seek high quality design and a good standard of amenity for existing and future occupants.
- Encourage the re-use of existing resources, including conversion of existing buildings.
- Conserve heritage assets in a manner appropriate to their significance.
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

The NPPF states that LPA's should recognise that residential development can play an important role in ensuring the vitality of centres (para 23). Housing applications should be considered in the context of the presumption in favour of sustainable development (para 49). LPA's should normally approve applications for change to residential use where there is an identified need for additional housing in the area (para 50).

Planning should proactively support sustainable economic development and seek to secure high quality design. It encourages the effective use of land and achieves standards of amenity for all existing and future occupiers of land and buildings. One of the core principles is the reuse of land that has previously been developed. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF states that local authorities should deliver a wide choice of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (para 50).

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

- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimising the potential of the site to accommodate development;
- Respond to local character and history;
- Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments; and
- Development to be visually attractive as a result of good architecture and appropriate landscaping.

8.4 Other material considerations

8.7.1 Best Council Plan

The Plan identifies 6 objectives in order to achieve the best council outcomes identified between 2014-2017. One of the three best Council outcomes (Best Council Plan 2013-17) is to “improve the quality of life for our residents”, and the priority “Maximising housing growth to meet the needs of the city in line with the Core strategy” within the Best Council objective “Promoting sustainable and inclusive economic growth” which gives a strong foundation to improving the quality of housing and ‘liveability’ of places delivered under this ambitious programme for the city. Also, the objective “Promoting sustainable and inclusive economic growth” is of relevance to this proposal. This would be achieved by improving the economic wellbeing of local people and businesses, meeting the skills needs of business to support growth, boosting the local economy, creating ‘more jobs, better jobs’ by working with employers and businesses, and continuing to secure local training and recruitment schemes.

8.7.2 Vision for Leeds 2011-2030

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

8.7.3 City Priority Plan 2011-2015

The Plan states that Leeds will be the best city to live in. The City Priority Plan includes an objective to maximise investment to increase housing choice and affordability. The sustainable growth of a prosperous Leeds’ economy is also a priority. The key headline indicators relevant to this proposal would be the creation of more jobs, more skills, and the growth of the local economy, and an increase in the number of hectares of vacant brownfield land under redevelopment.

8.7.4 The Leeds Standard 2014

The Leeds Standard was adopted by the Council’s Executive Board on 17 September 2014. The introduction of a Leeds Standard to ensure excellent quality in the delivery of new council homes under three themes: Design Quality, Space Standards and Energy Efficiency Standards. It sets out how the Council can use the Leeds Standard in its role as Council landlord through its delivery and procurement approaches. Through its actions the Council can also seek to influence quality in the private sector. Those aspects of the Standard concerned with design quality will be addressed through better and more consistent application of the Council’s Neighbourhoods for

Living guidance. The Leeds Standard sets out the importance of excellent quality housing in supporting the economic growth ambitions of the council.

8.7.5 **Emerging Site Allocations Plan – Site Allocation Proposals (Housing & Safeguarded Land) 2015**

Although at an early stage, the proposed allocations presented to Development Plans Panel 13 January 2015 provide the basis for producing a draft Site Allocations Plan, which would then be placed on deposit to enable public comment to be made. This site is identified as Housing site no. 407, as a brownfield City Centre infill site for 748 units.

9.0 **MAIN ISSUES**

- 9.1 Principle of use
- 9.2 Urban design and landscaping
- 9.3 Highways and transportation
- 9.4 Amenity
- 9.5 Sustainability
- 9.6 Flood risk
- 9.7 Wind
- 9.8 Section 106 obligations

10.0 **APPRAISAL**

10.1 **Principle of use**

- 10.1.1 The National Planning Policy Framework, the Leeds Core Strategy, the Saved Policies of the Leeds Unitary Development Plan Review, and the Holbeck Urban Village Revised Planning Framework would all support the principle of a residential development of significant scale with some supporting small scale town centre commercial uses in this City Centre brownfield site location, in an identified regeneration area.
- 10.1.2 The UDPR Saved Policy designates Holbeck Urban Village as a strategic housing and mixed use site, and encourages a significant contribution to housing supply in the City Centre in this location. This policy also states that community, cultural, leisure and service facilities shall be provided by development proposals, in order to contribute to vitality and vibrancy in the area, to encourage active ground floor frontages to promote natural surveillance and place making, and offer local facilities for the benefit of residents and workers. The Holbeck Urban Village Revised Planning Framework reinforces these principles in order to promote a sustainable community with a strong sense of place within the City Centre. The provision of 713 square metres of flexible retail, financial and professional services, restaurant, bar, take-away, office, non-residential institution, and assembly and leisure use would be acceptable in this context. The flexible uses sought would allow a sufficiently wide range of uses to react to market demand in the future. A1 retail use classes provision would be limited by condition to be no more than 200 square metres and to convenience goods only in order to protect designated retail centres including the City Centre Prime Shopping Quarter, in accordance with Core Strategy Policy CC1.
- 10.1.3 The applicant has submitted a Housing Needs Assessment, which is currently being assessed against the targets in Policy H4.

Studio/one-bed flats (376)	50.6% (policy range 0-50% of total flats proposed)
Two-bedroom flats (358)	48.1% (policy range 30-80% of total flats proposed)
Three bedroom flats (10)	1.3% (policy range 20-70% of total flats proposed)

With regard to these guidelines, there is a significant shortfall in three-bedroom flat provision and a slight overprovision of studio/one-bed flats across the scheme as a whole. The applicant states in their Housing Need Assessment that part of the rationale for the scheme is to assist tenants to stay living within the development as their accommodation needs change, by providing a mix of sizes of dwellings. This rationale would be helped if more 3 bed units were available for initial tenants to progress onto as their lifestyle changes. The creation of family friendly environments on in and around the City Centre with developments of a wider mix of dwelling sizes is a Core Strategy objective. However, the policy is not prescriptive. It acknowledges that the nature of the development and character of the location should be taken into account, such as the nature of the proposal as a “build-to-rent” scheme. It is acknowledged that demand for rental accommodation will be predominantly in the age group 20-30 years, and the City Centre will be particularly attractive to economically and geographically mobile households that will tend to be smaller and childless. This is borne out by the research that informs the applicants’ Housing Need Assessment, including Dandara’s experience of typical residents, and feedback from a local letting agent, Eddisons. On balance, in the context of the above issues, following five years of a depressed housing market with very little residential building activity in the City Centre, and little robust present-day evidence of oversupply, it is considered that the delivery of the proposed new homes on previously developed brownfield land in an identified regeneration area within the City Centre is an overriding factor in this case. It is therefore not considered that full compliance with Policy H4 is a sufficient reason for refusal in this case.

10.2 Urban design and landscaping

10.2.1 The scheme proposes four pairs of linked blocks which would create two landscaped courtyards above the semi-basement car parking. The ground floor level of the flats needs to be lifted for flood risk reasons. The courtyards are significantly larger and more open than the previous scheme, and are considered to offer a good standard of landscape amenity for residents. Level disabled access and permeability through the courtyards would be achieved. Enhancements to Ingram Row (which would be 25m wide), and private forecourt gardens to the ground floor flats, which would feature front doors to the street, and within the courtyards, would enhance a good quality provision of public realm. The public realm benefits of the scheme would include 2500sqm of greenspace in the courtyards, plus landscaping improvements to Ingram Row, a new pedestrian/cycle route at the northern end of Ingram Street, and soft landscaping and street trees to Sweet Street, Ingram Street, Ingram Row, St. Barnabas Row and the pedestrian route north of St. Barnabas Row. The 10 three-bedroom flats would be at ground floor level to benefit from the private terraces fronting the street and the courtyard edges. These flats would have front-doors onto the wide pavements or courtyard edges, which is considered to improve the setting of the street and improve natural surveillance.

10.2.2 The Eastern Gateway Area Statement within the Holbeck Urban Village Revised Planning Framework gives indicative guidance on building heights for new development. This site has been indicated in the Framework ranging between seven and nine storey buildings. The neighbouring building to the east, The Mint, has been approved and built at part 8/part 9 storeys including its rooftop plant, which is higher than the 7 storeys indicated in the Planning Framework. The 2006 Ingram Row scheme proposed a range of heights between 6-10 storeys around the perimeter with a 20 storey tower. It is considered that the current scheme proposes a more open and greener public realm, and a range of heights from 6 to 12 storeys, which would remove the tower block element. The changes to the approved scheme that result in the loss of the 20 storey tower are considered an improvement, and the proposed

distribution of heights has been amended since the pre-application presentation. The tallest element of the scheme is now facing Ingram Street opposite The Mint (12 storeys), with the height to the southern part of St. Barnabas Road now reduced from 13 to 11 storeys. The varied storey heights would also allow daylight and sunlight into the courtyards in varying degrees throughout the year, to a level that is considered appropriate to this urban City Centre context, taking account of the heights of nearby buildings and spaces between them and the proposal. It is considered that in this context, the proposed height of the buildings proposed and the distribution of building heights around the scheme is acceptable.

- 10.3.3 Regarding objector comments about the introduction of a rooftop parapet, it is considered that this would improve the appearance of top of the buildings, and provide a screen for the lift over-runs, building cleaning equipment and the rooftop inspection safety railings. It is considered that this 1.1m high parapet would not lead to a significant impact in the context of the overall building heights and the spaces in between them.
- 10.2.4 The applicant has revised the architectural treatment of the buildings since the position statement presentation. The architectural approach features modern and traditional materials. The low level brick walls and gables would be complemented by a 'hanging' framed multi-storey bay in pre-cast concrete, with a full width useable balcony. The base-middle-top ordering is achieved by a brick wall providing backdrop to 'lighter weight' bay framing which ends below eaves height. The brick elements would provide a consistent and robust feel to the elevations, and that based on the material precedent proposed, there would be sufficient interest in the brickwork to avoid a uniform appearance. A timber composite product, Prodema (or similar) has now been proposed following Member's comments at Panel. It is considered that this would give warmth and contrast to the elevations compared to the previously proposed concrete finish to the balcony back panels. Officers consider that the layering of the proposed materials on the façade gives the buildings a simple expression, avoids blandness and creates a sense of place across the development. It is therefore considered that the proposed design and architectural treatment and materials are acceptable.

10.3 Highways and transportation

- 10.3.1 Objectors have raised concerns regarding the lack of car parking spaces for the flats and the potential for adverse traffic impacts in the area. However, the site has a good level of accessibility by sustainable modes of transport including walking, cycling, bus and rail access, which would be improved following the completion of the Leeds Station Southern Access. There is good public transport availability bus within walking distance of the site, including the Elland Road Park and Ride. Given the location of the proposed development within the city centre, Highways Officers have considered that 263 car parking spaces provided would be acceptable for this scheme. The 263 spaces would be available for rental to the residents in the proposed scheme only, and this would be managed by the landlord. Residents would have the option of renting one or more car parking spaces, and flats without an allocated space would not be able to park in the basement. The applicant has confirmed that the allocation of parking spaces to residential units would be made clear in all tenancy agreements. The exact details of the management of the spaces would be controlled by condition, along with details of servicing and deliveries. Those tenants without access to a car parking space and trying to park within the car park will be in breach of their tenancy agreement. All tenants will be aware, prior to taking up residency at the proposed development, whether they have access to a car parking space. Visitors to the site can access the development by a number of means, including walking, cycling,

mainline train or local bus services. There are widespread local pay and display parking spaces on-street to meet demand for visitor parking for the flats or the commercial premises. The site lies within a controlled parking zone, which is enforced regularly to ensure that road safety issues are avoided. The maximum commercial unit provision would be 4 spaces for staff, but demand is expected to be low given the availability of sustainable modes such as pedestrian links and public transport availability, and alternative parking provision on-street for visitors.

- 10.3.2 Analysis of the 2001 Census (data was not available for the 2011 Census) for the former City and Holbeck Ward, demonstrates the low level of car ownership compared to the rest of Leeds district. Approximately 60% of residents do not own a car, compared to approximately 35% of the residents in Leeds district as a whole. Saved UDPR policy states that developers will not be required to provide more spaces than they wish unless there is road safety, traffic management or environmental implications. Reduced provision may be allowed for parking in locations which have good access to other means of transport, such as this site. This reflects the level of parking proposed for the development, and in the context of good public transport availability, widespread local on-street parking controls, and the sustainable location of the site within the City Centre, this is considered acceptable.
- 10.3.3 The agreed Travel Plan sets out specific measures to reduce private car use. This package includes walking, cycling, public transport and car club provision. The applicant has committed to £27, 000 for car club trial provision for residents and commercial tenant use.
- 10.3.4 Highways Officers have confirmed that the submitted revised Transport Assessment and Travel Plan are acceptable, with the exception of the shortfall in electric vehicle charging points. This provision has been considered as part of the applicant's viability case, and on balance is considered acceptable. Given the above considerations, it is considered on balance that the proposal would not give rise to significant adverse road safety or amenity issues.

10.4 Amenity

- 10.4.1 It is considered that the amenities of future occupiers would be acceptable. All flats would benefit from a balcony or ground floor terrace, and have good sized windows, and an appropriate level of outlook and privacy in the context of a City Centre urban environment. The residential accommodation proposed is a mixture of studio, one-bed and two-bed flats. Under the Government's consultation on minimum housing unit sizes, the HCA level 1 standard and the Leeds Standard guidance, studio flats would be a minimum of 38sqm, one-bedroom units 47sqm, two-bedroom units 60 sqm and three-bedroom units 73 sqm. In this proposal, the studio apartments would be 29.1 sqm, the one-bedroom flats would be 44.4 sqm, the two-bedroom flats would be 59.7 sqm, and the three-bedroom flats would be 89.7 sqm. Whilst the studio units are below the Leeds Standard size requirement, it is considered on balance that due to their shape, large windows, balcony provision and internal layout, that these units would provide adequate space for internal circulation and carrying out expected residential functions, and are considered acceptable. The one and two bedroom units would be marginally under the standard, but not to a significantly detrimental extent. On balance, it is considered that the accommodation would have appropriate size, outlook, and natural light.
- 10.4.2 Regarding the impact on Velocity flats, the relationship between blocks B1 (10 storeys) and C1 (11 storeys) is considered acceptable with respect to the impact on daylight and sunlight and outlook on the Velocity flats, which ranges between 5 and 8

residential storeys in height, at a distance of approximately 25 metres at its nearest point. Along the Manor Road frontage, block B1 would be 9.7m from the gable of the Velocity flats. However the two flats on each floor in this gable end are dual aspect with windows facing west and north or south respectively. The windows on the proposed block would not align with these windows. It is therefore considered on balance in a City Centre context this relationship is acceptable in privacy, outlook and overshadowing terms.

- 10.4.3 Regarding the impact on Manor Mills flats and The Mint offices, Manor Mills (9 storeys) would be approximately 15 metres from Block A2, which would be a slightly lower building height of 8 residential storeys. It is considered that this relationship is acceptable, as it is common to many City Centre streets. Similarly the relationships between blocks C2 and B2 within the development, and between block D1 (12 storeys of residential) and The Mint (8 storeys of office) at 16m are considered reasonable in a City Centre context. It is considered that in the more densely built character of a City Centre location, the proposal would give appropriate space between buildings, and not have significantly adverse effects on the amenities of neighbouring properties.
- 10.4.4 Regarding other matters raised by objectors, refuse storage and collection and the treatment of Ingram Row has been resolved through detailed discussions with Highways officers. Delivery hours, construction hours of operation, construction traffic, noise, dirt and dust, and membership of the Considerate Constructors' scheme would be controlled and advised by conditions and informatives – see appendix 4.

10.5 Sustainability

- 10.5.1 The scheme would not achieve all the standards set out in the adopted sustainable design and construction SPD Building for Tomorrow Today, but the proposal would meet at least a BREEAM Excellent standard for the commercial unit and Code for Sustainable Homes Level 3 for the dwellings. The scheme does not propose that energy generation would be developed through on site low carbon energy sources. The scheme would not deliver a 20% reduction in carbon emissions over building regulations standards. The sustainability targets are not in accordance with adopted policy due to viability reasons, and on balance, this is considered acceptable in this case, as it would enable the delivery of new dwellings on a longstanding cleared site, representing efficient use of City Centre land in a sustainable location, close to public transport provision, in a manner that would reduce reliance on the private car.

10.6 Flood risk

- 10.6.1 The application site lies in Flood Risk Zone 2. The proposed uses are classed as 'less vulnerable' in the case of office, retail, cafe and restaurant, non-residential institutions, and leisure uses, and as 'more vulnerable' for the residential use according to the flood risk vulnerability classification table set out in the NPPF technical guidance on flood risk. Therefore in accordance with the requirements set out in the NPPF (para 100) a flood risk sequential tests has been submitted on behalf of the applicant and are considered acceptable. This demonstrates that no sequentially preferable sites within a lower flood risk are available to deliver this project on a site that is within the Holbeck Urban Village area as defined by the UDPR. The site is considered sustainable given its location within an identified regeneration area, accessible to pedestrians and cyclists and close to public transport links, the site is previously developed land, and through the submission of an acceptable flood risk assessment, the proposal would adequately safeguard against potential flooding impact. The proposed uses are appropriate for the City Centre as identified in the NPPF, and the site is within the specific Holbeck Urban Village

Revised Planning Framework, which identifies the potential to deliver the regeneration of the area through new development.

10.7 Wind

10.7.1 The applicant has submitted a qualitative wind assessment in support of the proposal which states that the wind environment would be acceptable for all users in the vicinity of the building and that the building is unlikely to generate wind conditions that would cause distress to pedestrians, or result in a danger to high-sided or other road vehicles. The Local Planning Authority instructed an independent wind expert to peer review the report, and they have confirmed that the assessment is sufficiently detailed and likely to be robust in terms of the range of wind conditions that have been assessed.

10.8 Section 106 obligations

10.8.1 Adopted policies would require the following Section 106 obligations:

- Affordable Housing on-site 5%
- Public transport contribution £ 163, 254
- Holbeck Urban Village Public Realm Contribution £1, 915, 379
- Specific travel plan measures contributions – car club trial provision £27, 000
- Travel plan monitoring fee £6080
- Public access through the site
- Cooperation with local jobs and skills initiatives
- Management fee £2250

10.8.2 However, the applicant has submitted a development appraisal which demonstrates that the scheme is not viable based on the proposed scheme. Officers have instructed the District Valuer to independently assess the viability report, and they have agreed that the appraisal is reasonable. The findings are discussed at Confidential Appendix 3 of this report. This part of the report is classed as Exempt under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4 (3) which provides financial information concerning the 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.

10.8.3 Following changes to the proposed scheme regarding reducing the level of Code for Sustainable Homes from Level 4 to Level 3, and the design changes described above, a surplus sum of £842,563 has been identified. The travel plan measures and monitoring fee are considered necessary to the transportation case for the development. In the context of the confidential report at Appendix 3, it is considered in this case that a commuted sum to be used towards local affordable housing schemes or the provision of 37 (5%) low cost key-worker flats in perpetuity would be acceptable. On the basis of the viability case, the Section 106 obligations recommended are as follows:

- Affordable Housing commuted sum £809, 523 or provision of 37 on-site low cost market flat units with measures to control occupancy to key workers
- £11 011 to be allocated to either public transport or Holbeck Urban Village public realm if on-site low cost housing provision is pursued
- Specific travel plan measures contribution – car club trial provision £27, 000
- Travel plan monitoring fee £6080
- Public access through the site
- Cooperation with local jobs and skills initiatives

- Management fee £1500

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

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

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

As listed above there are matters to be covered by a Section 106 agreement (subject to the consideration of the developer's viability appraisal). These matters have been considered against the current tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

11.0 CONCLUSION

11.1 The above matters are considered to be the main planning issues. All other matters raised by consultees and objectors have been assessed and are not considered to outweigh the conclusion that on balance, the proposals are considered to comply with the Council's substantive adopted policies, and would constitute acceptable sustainable development. This proposal would lead to the early delivery of much needed new homes within an existing and proposed strategic housing allocation, and deliver the regeneration of a longstanding cleared brownfield site in the City Centre, close to public transport links, in a sustainable location. The scheme would also contribute towards off-site affordable housing provision, support sustainable travel patterns, provide improved public realm and pedestrian connectivity, provide active employment uses in part of the ground floor, and further the regeneration of the Holbeck Urban Village area of Leeds South Bank.

Background Papers:

Application file 14/04641/FU

Appendices:

Appendix 1 Minutes of City Plans Panels 30th October 2014 and 5th June 2014

Appendix 2 Plans

Plan 1 Holbeck Urban Village Revised Planning Framework 2006 Eastern Gateway

Plan 2 Outline Planning Permission 20/64/06/OT (now expired)

Plan 3 Current application proposal

Appendix 3 Confidential Assessment of the Applicant's Viability Appraisal

Exempt report under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4 (3) which provides financial information concerning the business affairs of the applicant.

Appendix 4 Draft Conditions

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Appendix 1

Minutes of City Plans Panel 30th October 2014 (Position Statement stage)

4 Application 14/04641/FU - Mixed use multi level development comprising the erection of 4 new buildings with 744 residential apartments, 713 sqm of flexible commercial floorspace (A1-A5, B1, D1, D2 use classes) car parking, landscaping and public amenity space - Sweet Street and Manor Road Holbeck LS11 - Position Statement

Further to minute 198 of the City Plans Panel meeting held on 5th June 2014, where Panel considered pre-application proposals for a residential-led mixed use development at Sweet Street, to consider a further report of the Chief Planning Officer setting out the current position in respect of the proposals. An exempt supplementary report which provided financial viability information had been circulated to Members in advance of the meeting. Plans, drawings, photographs, graphics and sample materials were displayed at the meeting. It was noted that following the pre-application presentation in June 2014, Members had visited two residential schemes built by the applicant in Salford and Manchester. Officers presented the report and informed Members that revisions to the scheme had been made, with the 13 storey building being reduced to 11 storeys in height and the 12 storey block now being proposed to be sited opposite The Mint building. The lower buildings would be sited to the south of the public realm to maximise sunlight in these areas, with the taller blocks around the other edges of the public space. In terms of unit sizes, Members were informed these were as had been viewed in Manchester and Salford; the number of studios within the scheme had been reduced and the amount of 3 bed units had been increased from 5 to 10. The proposed materials would be brickwork, concrete, acid-etched screening and bronzed balcony railings. At this point, having previously resolved to exempt the public, the Panel considered the financial information contained in the exempt supplementary report, in private. A representative of the District Valuer was in attendance to respond to Members' queries and comments.

The main issues discussed in respect of the exempt information included:

- the reasons why the development was unviable
- the nature of the development, in that following construction it would be sold to a single investor and the units subsequently leased, so generating profit
- that details of who purchased the land should be provided
- the approach taken by the DV to financial viability assessments, and concerns that this varied across the 3 plans panels. The Chief Planning Officer stated that training by the DV would be arranged for Members of Plans Panels
- that developing the site for residential use would ease pressure on greenfield sites
- the differences between developing to level 3 or level 4 of the Code for Sustainable Homes and the need for better explanations to be provided in reports. However, Level 4 should be the objective in accordance with the Leeds Standard
- that the proposals would not ease the pressure on accommodation for existing residents within the City and Hunslet Ward
- the need for high quality to be provided on a scheme in this location which would ensure the desirability of the units, but not at a cost to the Council in terms of reduced S106 contributions
- the extent of what could be taken into account when considering financial viability
- the need for figures to be provided on the value of the development when built and when fully let

Following consideration of the exempt information, the public were readmitted to the meeting, with Panel proceeding to discuss other elements of the scheme, which included:

- the level of car parking being proposed and the need to demonstrate that sufficient car parking was being provided
- cycle parking and the need for secure cycle spaces to be provided
- whether a wind analysis had been undertaken. Members were informed that a wind study had been submitted which had been independently assessed and declared sound
- the design of the balconies and that glass balconies as seen in Manchester should be provided
- the need for improvements to the public amenity space and for the balconies to be of sufficient proportions to ensure they could be well used. The possibility of incorporating sliding panels was suggested which could help in increasing the usability of the balconies
- concern about the use of concrete and that the finish of the scheme was ordinary and uninspired
- the need for electric vehicle charging points to be included
- the need for the liveability of the scheme to be considered; the increase in renting rather than home ownership and that facilities were required to support this, in terms of provision of recreation and education facilities in the City Centre

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

- agreement that the proposed predominantly residential scheme was appropriate for this City Centre brownfield site
- regarding the proposed mix of flat units, to note the mixed views on this, although the majority view was the mix and size are appropriate
- that further work was required on the general siting of the buildings, provision of landscaping and public realm and provision of active street frontages
- in respect of the revised height of the buildings and revised distribution of building heights around the scheme, in general this was considered to be acceptable but there were concerns about the lower blocks in the middle of the site; the amount of amenity space which would be available and the extent of shadowing to the POS, as seen on the sun path diagram displayed at the meeting
- that the proposed design and architectural treatment and materials were not acceptable
- that further information was required to convince Members that the proposal would give appropriate space between buildings and not have significantly adverse effects on the amenities of neighbouring properties
- that Members were unsure on the information provided that the development would provide accommodation of an appropriate size, outlook and sufficient natural light
- that further information was needed on the financial viability appraisal
- that further details were required about parking to justify the low level of car parking proposed in the scheme

The Chief Planning Officer accepted the amount of work required to bring this scheme forward but stated that if the applicant worked with the Council, a successful scheme on the site could be envisaged

RESOLVED – To note the report and the comments now made.

During consideration of this matter, Councillor R Procter and Councillor D Blackburn left the meeting

Minutes of City Plans Panel 5th June 2014 (Pre-application stage)

198 PREAPP/14/00337 - Proposal for residential development at Sweet Street, Holbeck, Leeds

Members discussed the proposals and commented on the following matters:

- the amount of natural light residents would receive for much of the year
- the maintenance of the landscaped areas, particularly the raised beds
- the need for problems of litter and vermin around the landscaped areas to be fully addressed
- the use of tree pits and whether sufficient space would be available for trees to grow adequately
- a suitably sized play area for children would be required
- issues of security for residents
- the high number of studios and one bed room flats in the scheme and the need to understand the market the development would be aimed at
- community identity and how this would be forged
- S106 contributions which would be required
- Issues of sustainability and whether photovoltaics and grey water could be included in the proposals
- the size of the units with concerns these were not as generous as hoped
- the location of public seating areas and the need to address potential issues of noise nuisance and anti-social behaviour for tenants of units in close proximity to these areas
- whether a public seating area was necessary
- concerns about the proliferation of studios and that these did not help create a permanent community
- appropriate tree species and that Councillor Nash should be consulted on this, in the event the pre-application proposals progressed to a formal application
- the need for the different sized units to be mixed across the scheme to prevent segregation
- the changes to the heights of blocks; that the shortfall would need to be made up elsewhere in the scheme; the siting of the 13 storey block and whether this was appropriate
- the need for any development on this site to be of a high quality and distinct character, rather than just standard residential apartment blocks
- the need for detailed sunlight surveys to be provided as well as a proposed colour palette
- that more family accommodation was needed, particularly in view of proposals for a large school to open in the area within a few years
- the buoyancy of the private rented market and that city centre apartments were welcomed as were some elements of the design principles, i.e. the proposals to activate the streets and provide front doors and private courtyards space. However it was felt the scheme lacked a sense of place; that buildings of greater architectural merit were required for this key location;
- that the mix of units was not suitable and that more family accommodation should be provided

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

- that the proposed use of the site for a predominantly residential scheme was appropriate
- that whilst in general Members agreed with the siting of the buildings, provision of landscaping; public realm and provision of active street frontages, to note Members detailed comments on these matters. That the arrangement of the taller

block should be explored further and a clear rationale for it should be provided. Consideration of orientating the tall building towards The Mint building should be considered

- to note that more work was required regarding the height of the buildings, together with requirements for rooftop plant and the distribution of building heights around the scheme
- to note Members' detailed comments about the proposed landscaping
- that issues of sustainability needed to be addressed
- regarding the mix of units; their size; proportions and quality of the proposed flats, to note Members' comments and the Chief Planning Officer's comments about the work in progress on trying to achieve a Leeds Standard for units and for this work to be shared with Panel Members
- to note the requests for further detailed sun path surveys, information on proposed materials and the size of units in relation to average furniture sizes

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

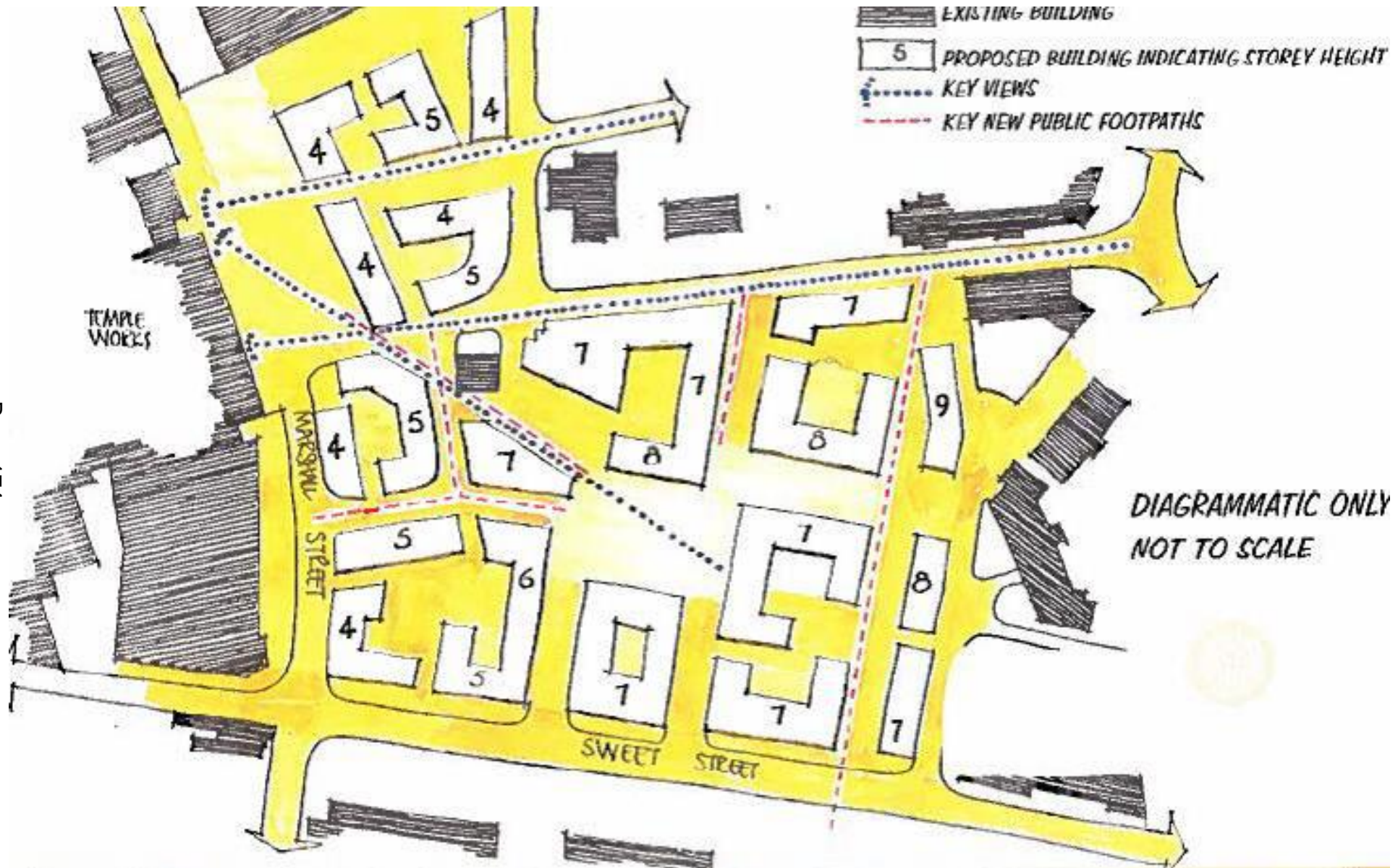
Appendix 2 Plans

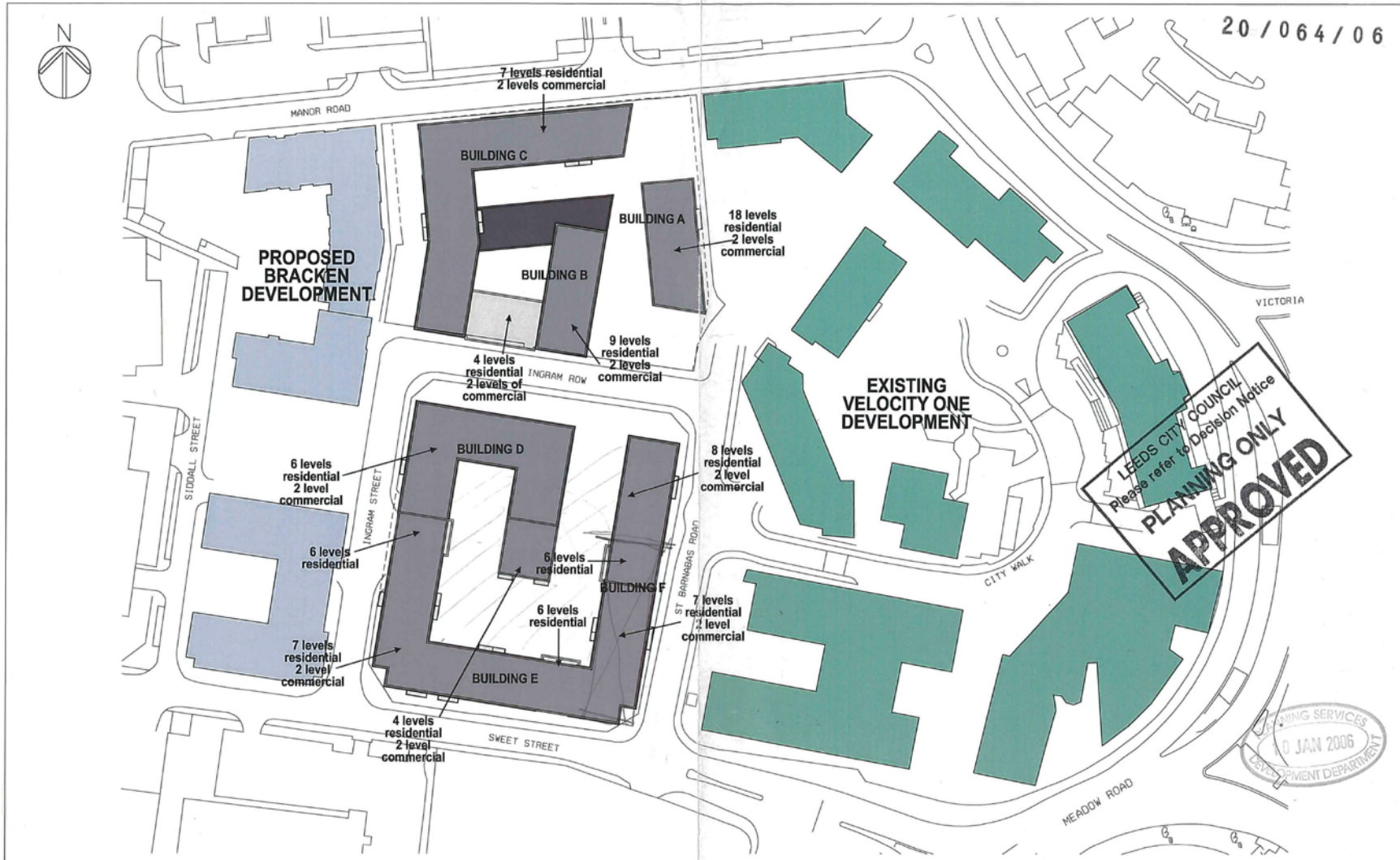
Plan 1 Holbeck Urban Village Revised Planning Framework 2006 Eastern Gateway

Plan 2 Outline Planning Permission 20/64/06/OT (now expired)

Plan 3 Current application proposal

Plan 1 - Holbeck Urban Village Revised Planning Framework 2006 Eastern Gateway



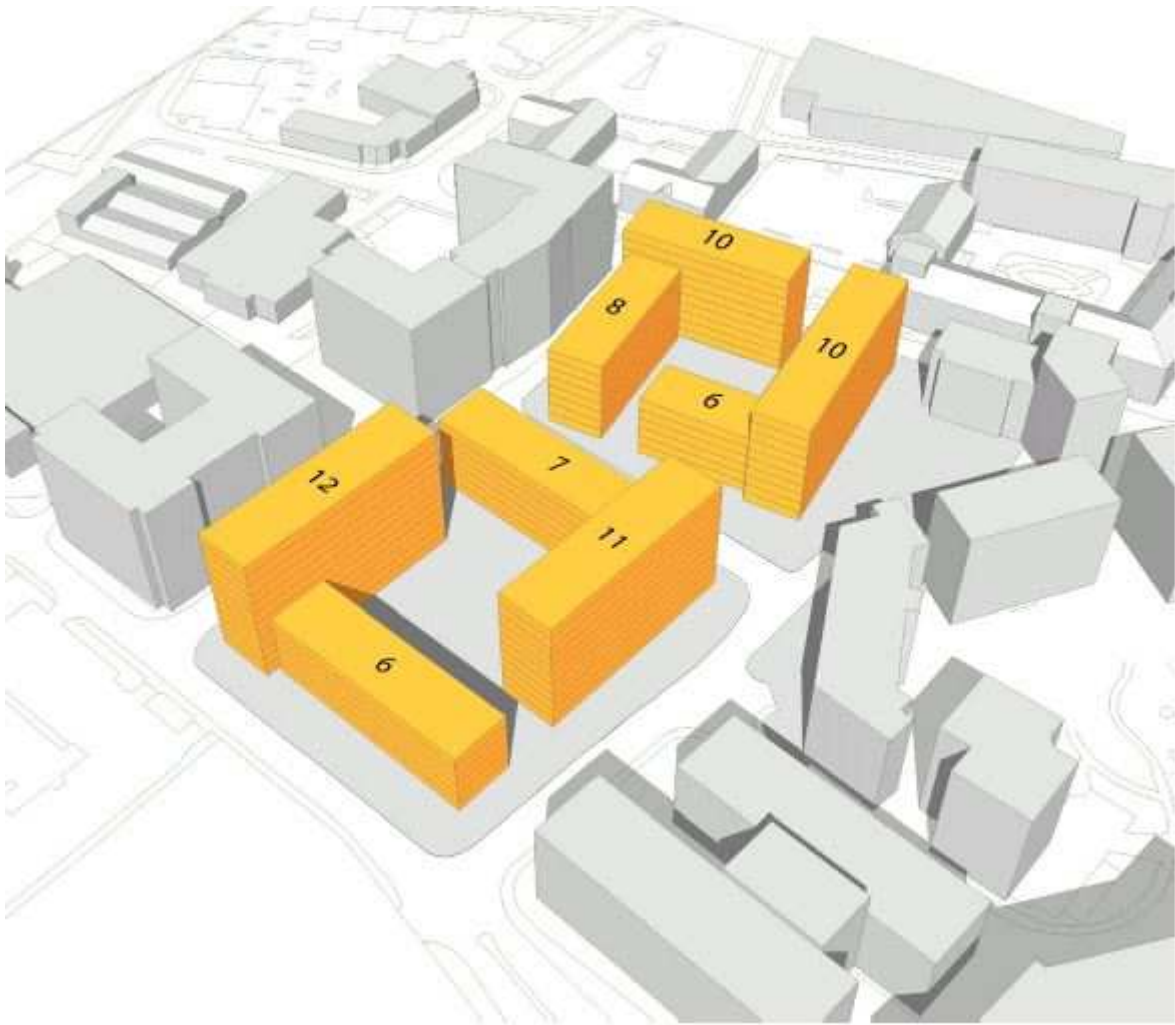


Rev A: Amendments to Building Heights following Client Review 11.07.05
 Rev B: Amendments to Building Heights following Planning Review 25.07.05
 Rev C: Amendments to Building Heights following Client Instruction 23.08.05
 Rev D: Amendments to building envelope, Building Heights and roof plan. Issued for Scheme Design Report 17.10.05
 Rev E: Building A updated and issued with Outline Planning Application 06.01.06



DRAWING: Building Heights Plan
 DATE: 06/06/05
 SCALE: 1:1000
 DRAWING NO.: 2696_00_402_E

Plan 3 - Current application proposal



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Appendix 4

Draft Conditions

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

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

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

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

- 3) No development shall commence until details of a phasing plan have been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include associated highways works, any affordable housing provision on-site, and landscaping works within a given phase where relevant. Details for each relevant condition below shall then be submitted in accordance with the phasing plan. Any subsequent changes to the phasing schedule shall be submitted in writing to and approved by the Local Planning Authority. The scheme shall be built out in accordance with the approved phasing plan.

In order to accord with the provisions of the Leeds Core Strategy, Saved Policies of the Leeds Unitary Development Plan Review, Leeds Natural Resources and Waste DPD, and the Holbeck Urban Village Revised Planning Framework, in the interests of amenity, visual amenity, the provision of affordable housing, pedestrian connectivity, highways safety, sustainable development, and in order that the Local Planning Authority is informed of the phasing in order that the relevant sections of the conditions may be discharged.

- 4) No construction of external walling or roofing shall take place until details and samples of all external walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. This shall include a large sample panel of all external facing materials and glazing types to be used. The external cladding and glazing materials shall be constructed in strict accordance with the sample panel(s) which shall not be demolished prior to the completion of the development.

In the interests of visual amenity in order to accord with Leeds UDP Review Policies GP5 and BD2, Leeds Core Strategy Policy P10 and the NPPF.

- 5) Notwithstanding details shown on the plans hereby approved, no external walling or roofing shall be constructed until typical 1:20/1:50 scale working drawings showing the details shown on drawings have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the details thereby approved and retained as such thereafter.

In the interests of visual amenity in order to accord with Leeds UDP Review Policies GP5 and BD2, Leeds Core Strategy Policy P10 and the NPPF.

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

In the interests of visual amenity, in accordance with Leeds UDPR Policies GP5 and LD1, Leeds Core Strategy Policy P10 and the NPPF

- 7) Development shall not commence until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include
- (a) proposed finished levels and/or contours,
 - (b) boundary details and means of enclosure,
 - (c) car parking layouts,
 - (d) other vehicle and pedestrian access and circulation areas,
 - (e) hard surfacing areas,
 - (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),
 - (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).
- Soft landscape works shall include
- (h) planting plans
 - (i) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
 - (j) schedules of plants noting species, planting sizes and proposed numbers/densities.
 - (k) tree pits and soil volumes

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

To ensure the provision and establishment of acceptable landscape in accordance with adopted Leeds Core Strategy Policy P12, Saved Leeds UDP Review (2006) policies GP5 and LD1, Leeds Natural Resources and Waste DPD, and the NPPF.

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

To ensure maintenance of a healthy landscape scheme, in accordance with adopted Leeds Core Strategy Policy P12, Saved Leeds UDP Review (2006) policies GP5 and LD1, the Leeds Natural Resources and Waste DPD, and the NPPF.

- 9) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in

writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

To ensure successful aftercare of landscaping, in accordance with adopted Leeds Core Strategy policy P12, Saved Leeds UDP Review (2006) policies GP5 and LD1, the Leeds Natural Resources and Waste DPD, and the NPPF.

- 10) No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before (within 24 hours) the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the LPA within 3 days of works being carried out.

In order to protect nesting birds in accordance with the NPPF.

- 11) Prior to the commencement of development, a Plan shall be submitted to and approved in writing by the LPA of bat roosting and bird nesting opportunities (for species such as House Sparrow, Starling, Swift, Swallow and House Martin) to be provided within buildings and elsewhere on site. The agreed Plan shall show the number, specification of the bird nesting and bat roosting features and where they will be located, together with a commitment to being installed under the supervision of an appropriately qualified bat consultant. All approved features shall be installed prior to first occupation of the dwelling on which they are located and retained thereafter.

In order to maintain and enhance biodiversity.

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

To ensure the free and safe use of the highway in accordance with adopted Leeds Core Strategy Policy T2 and Street Design Guide SPD (2009).

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

In order to meet the aims of adopted Leeds UDP Review (2006) policies T7A, and T7B, Leeds Core Strategy Policy T1, the Travel Plans SPD and the NPPF.

- 14) Prior to the commencement of development full details (including siting, materials and means of enclosure) of the proposed residential bin store(s) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the bin store(s) thereby approved have been provided. The bin store(s) shall thereafter be retained and maintained as such in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

To ensure that adequate provision for bin storage is made and in the interests of visual and residential amenity, in accordance with Leeds UDPR Policy GP5, Leeds Core Strategy Policies T2 and P10 and the NPPF.

- 15) Prior to the occupation of each commercial unit full details (including siting, materials and means of enclosure) of the proposed bin store(s) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the bin store(s) thereby approved have been provided. The bin store(s) shall thereafter be retained and maintained as such in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

To ensure that adequate provision for bin storage is made and in the interests of visual and residential amenity, in accordance with Leeds UDPR Policy GP5, Leeds Core Strategy Policies T2 and P10 and the NPPF.

- 16) Prior to commencement of development, details of the access controls to the basement car park shall be submitted to and approved in writing by the Local Planning Authority. Any roller shutter shall be set back at least 6m from the back of the footway and shall be a fast action roller shutter type. The approved details shall be installed prior to first occupation of the development and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of pedestrian and vehicular safety, in accordance with Leeds UDPR Policy GP5 and Leeds Core Strategy Policy T2

- 17) Prior to the first occupation of the development hereby approved, details including the locations of the proposed electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be provided in accordance with the approved details for use prior to first occupation of the building, and retained as such thereafter.

In the interests of encouraging more sustainable forms of travel, in accordance with the NPPF, Leeds Natural Resources and Waste DPD, Leeds Travel Plans SPD, Leeds UDPR Policies GP5 and Leeds Core Strategy Policy T2

- 18) No development shall take place until details for the provision of off-site highways works as shown on drawing no. 2007-221/002E as follows:

- (a) Resurfacing of existing footway between St. Barnabas Road and Manor Road that runs alongside the northern block.
- (b) Upgrade the existing pedestrian route between Ingram Street and Manor Road to a shared pedestrian/ cycle route at least 3m in width.
- (c) Provision of an informal dropped crossing with tactile paving on Manor Road to the east of David Street to assist pedestrian movements to the existing leisure/ employment uses along Water Lane and the station
- (d) Provision of a cycle route to the existing cycle lane on Meadow Lane to include conversion of the pedestrian link between St. Barnabas Road and Meadow Road to a shared pedestrian/ cyclist facility.
- (e) Amendment of existing Traffic Regulation Orders (TROs) and new TROs for the service turning head, loading bays and car club space
- (f) Works to Ingram Row
- (g) Works to Ingram Street

have been submitted to and approved in writing by the Local Planning Authority for inclusion in the section 278 Highways Agreement or to be secured by such other procedure as may be agreed between the applicants and the Local Planning Authority.

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

- 19) Prior to the occupation of the commercial uses hereby approved, details of secure cycle storage, shower facilities and lockers for staff for each unit shall be submitted to and approved in writing by the Local Planning Authority. Secure cycle storage, showers and lockers shall be available for all units/floorspace prior to its occupation and retained as such thereafter.

In the interests of promoting walking, running and cycling as more sustainable means of travel to work, in accordance with the NPPF, Leeds UDPR Policy GP5, Leeds Core Strategy Policy T1 and the Travel Plans SPD.

- 20) Prior to the occupation of the development hereby approved, details of a car park and servicing management plan shall be submitted to and approved in writing by the Local Planning Authority. Car parking spaces shall only be allocated to residential or commercial tenants based at this site. The car park and servicing shall be operated in accordance with the approved management plan thereafter.

In the interests of sustainable development, and vehicular and pedestrian safety, in accordance with Leeds Core Strategy Policies T1 and T2, and the NPPF.

- 21) Unless otherwise approved in writing by the local planning authority, no construction of buildings or other structures shall take place until measures to divert or otherwise formally close the sewers that are laid within the site have been implemented in accordance with details that have been submitted to and approved by the local Planning Authority.

In the interest of satisfactory and sustainable drainage, in accordance with the NPPF

- 22) Development shall not commence until a scheme detailing separate surface water and foul drainage works has been submitted to and approved in writing by the Local Planning Authority. This shall include drainage plans and summary of calculations and investigations. The works shall be implemented in accordance with the approved scheme before the development is brought into use.

To ensure sustainable drainage and flood prevention in accordance with Leeds UDP Review (2006) Policy GP5 the Council's Minimum Development Control Standards for Flood Risk, Leeds Core Strategy Policy EN5, the Leeds Natural Resources and Waste DPD and the NPPF.

- 23) Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal, in accordance with the Leeds NRWDPD and the NPPF.

- 24) Development shall not commence until a scheme detailing the surface water drainage works (ie drainage drawings, summary calculations and investigations) has been submitted to and approved in writing by the Local Planning Authority. The surface

water drainage scheme shall comply with Council's Minimum Development Control Standards for Flood Risk - see the Natural Resources and Waste LDF and be in accordance with the WSP Drainage Strategy Report. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.

To ensure sustainable drainage and flood prevention in accordance with LCC's Natural Resources and Waste LDF 2013 and the NPPF

- 25) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by WSP and the finished floor levels are set no lower than 150mm above the surrounding ground levels (with the exception of the basement). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

To reduce the risk of flooding to the proposed development and future occupants, in accordance with the NPPF.

- 26) The approved Phase I Desk Study report indicates that a Phase II Site Investigation is necessary, and therefore development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority.

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

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site 'suitable for use' in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

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

To ensure that any necessary remediation works are identified to make the site suitable for use in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

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

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

- 29) Prior to the commencement of development an updated Sustainability Statement shall be submitted which will include a detailed scheme comprising (i) a recycle material content plan (using the Waste and Resources Programme's (WRAP) recycled content toolkit) (ii) a Site Waste Management Plan (SWMP), (iii) a pre-assessment using the Code for Sustainable Homes assessment method demonstrating how a credit score to meet at least Level 3 standard will be achieved. The development shall be carried out in accordance with the detailed scheme, and

(a) Within 6 months of the first occupation of each phase a post-construction review statement for that phase shall be submitted by the applicant including a certified Code for Sustainable Homes Level 3 final assessment and associated accreditation,

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

To ensure the adoption of appropriate sustainable design principles in accordance with Leeds Core Strategy Policies EN1 and EN2, Leeds SPD Sustainable Design and Construction, the Sovereign Street Planning Statement 2011, and the NPPF.

- 30) Prior to the occupation of any commercial unit, details of a signage/window manifestation strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall set out signage zones on the building for appropriate signage or obscure window manifestation for the building itself and for building occupiers in order that all future additions would be in keeping with the architectural features of the host building.

In the interests of visual amenity and the character and appearance of the nearby Conservation Area, in accordance with the NPPF and Leeds UDPR Policies GP5, BD6 and BD8.

- 31) No installation of externally mounted plant or equipment shall take place until details of the installation and/or erection of any air conditioning or extract ventilation system, flue pipes, window cleaning equipment or other excrescences proposed to be located on the roof or sides of the building, including details of their siting, design, noise attenuation, and external appearance have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works approved in accordance with this condition have been completed. Such works shall thereafter be retained, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of amenity and visual amenity, in accordance with Leeds UDPR Policies GP5, BD2 and BD4, Leeds Core Strategy policy P10 and the NPPF.

- 32) The opening hours of the commercial units brought forward for any A1/A2/A3/A4/A5/D1/D2 uses shall be restricted to 0700 to 2300 hours Monday to Saturday, and 1000 hours to 2200 hours on Sundays and Bank Holidays.

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

- 33) Any A1/A2/A3/A4/A5/D1/D2 unit shall be acoustically insulated and treated to limit the break out of noise and vibration in accordance with a scheme of acoustic treatment that has been submitted to and approved in writing by the Local Planning Authority prior to first occupation. The scheme shall be implemented in full before the approved use commences, and retained as such thereafter.

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

- 34) Notwithstanding the description of development, no more than 200 square metres gross internal area of the 713 square metres commercial uses proposed shall be used for Class A1 Retail as defined in the Town & Country Planning (Use Classes Amendment) Order 2005 (or any order revoking or re-enacting that order with or without modification) and this shall be for convenience goods only.

In the interests of the vitality and viability of existing retail centres, in accordance with Leeds UDPR Policy GP5, Leeds Core Strategy policies SP2, SP3, P8 and CC1 and the NPPF.

- 35) The hours of delivery to and from the premises shall be restricted to 0800 hours to 2000 hours Monday to Saturday and 0900 hours to 1700 hours on Sundays and Bank Holidays.

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

- 36) The noise rating level from fixed plant items associated with fixed plant items should not exceed the prevailing background (LA90) noise level minus 5 dB at nearby noise sensitive receptors, when assessed in accordance with BS 4142:1997.

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

- 37) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) planning permission shall be obtained before any change of use of any of A2 financial and professional service/A3 restaurant or café/A4 drinking establishment/A5 hot food take-away units hereby approved, to any use within use class A1 as defined in the Town & Country Planning (Use Classes Amendment) Order 2005 (or any order revoking or re-enacting that order with or without modification).

In order that the Local Planning Authority can retain control over uses which it considers could be harmful to the character of the area and the viability of the City Centre, in accordance with the NPPF, and Leeds UDPR Policies S1, S2 and CC21.

- 38) No works shall begin on the relevant phase of development until a Statement of Construction Practice for that phase has been submitted to and approved in writing by the Local Planning Authority. The Statement of Construction Practice shall include full details of:

a) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;

- b) measures to control the emissions of dust and dirt during construction;
- c) location of site compound and plant equipment/storage;
- d) details and location of contractor and sub-contractor parking
- e) a local resident communications strategy for the duration of the works

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

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

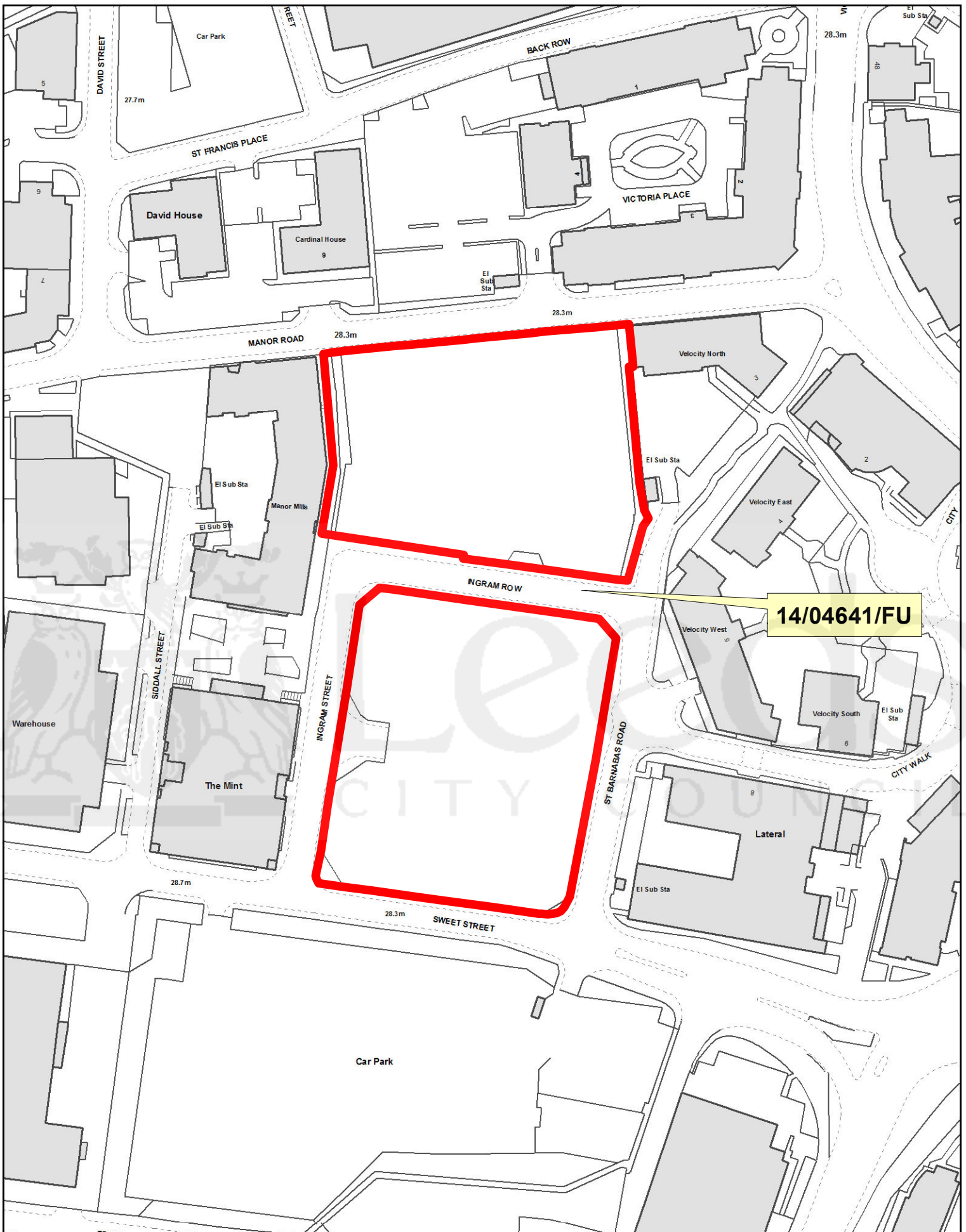
- 39) No demolition or building operation shall take place before 08.00 hours on weekdays and 09.00 hours on Saturdays nor after 18.30 hours on weekdays and 13.00 on Saturdays, with no works on Sundays or Bank Holidays, unless agreed in writing with the Planning Local Authority.

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

- 40) The vehicular access gradient shall not exceed 1 in 40 (2.5%) for the first 15m and 1 in 20 (5%) thereafter, unless otherwise agreed in writing by the Local Planning Authority. The gradient of the pedestrian access shall not exceed 1 in 20 (5%).

To ensure the free and safe use of the highway, and in the interests of disabled access in accordance with the adopted Leeds UDP Review (2006) policy T2, T5, T6 and the adopted Street Design Guide SPD (2009).

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CITY PLANS PANEL



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Originator: Paul Kendall

Tel: 2478000

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 22nd January 2015

Subject: POSITION STATEMENT FOR OUTLINE APPLICATION FOR MIXED USE REDEVELOPMENT INCLUDING A1, A3, A4 and A5 USES, OFFICES (B1), RESIDENTIAL (C3), MEDICAL CENTRE (D1), COLLEGE (D1), STUDENT RESIDENTIAL ACCOMODATION, MULTI-STOREY CAR PARK, BASEMENT CAR PARKING, ACCESS AND OPEN SPACE ON LAND AT QUARRY HILL (APP. REF. 14/06534/OT)

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 Members to note the contents of the report and to provide feedback on the questions raised in section 10.

1.0 INTRODUCTION:

1.1 A previous outline planning application for the central part of the Quarry Hill site was approved in principle by Members at Plans Panel in August 2005. However, the associated S106 agreement was never signed and hence the application was never approved. The original applicant, Caddick Developments Ltd, bought the site from L.C.C. earlier this year and has reconsidered the contents of the original scheme. Given the period of time which has elapsed since the original consideration of this by Members at Panel, and the changes in planning policy which have taken place, it was considered that the best and most robust approach was to submit a new application with documents submitted to reflect current planning policy. As Members will see from the presentation, very little has changed about the physical form of the development, which is still considered to be based on sound urban design principles. Members will be asked for their response to a number of questions raised at the end of the report.

2.0 PROPOSAL

- 2.1 The proposal is in outline with 'access' and 'layout' being the matters for consideration. 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, Computer Generated Images (CGI's) have been provided as part of the application.
- 2.2 The scheme contains the following uses and floor spaces:
- 10,000 sqm office
 - 3,200 sqm A3 (cafes restaurants), A4 (bars) and A5 (take-aways)
 - 700 sqm A1 (retail) as submitted (amount being discussed with applicant against requirements of Core Strategy policy)
 - 1,200 sqm D1 medical centre
 - 705 (approx.) residential units The current mix of units is identified as follows:
 - 44% 2 bed – individual unit size 700-750 sqft
 - 48% 1 bed – individual unit size 475-525 sqft
 - 8 % studio – individual unit size 300-350 sqft(of which approximately 280 units could be used as student accommodation to provide approx. 720 student bed spaces)
 - 6,000 sqm education use (This would replace approx. 110 flats or 280 student residential units in building B located in front of Quarry House)
 - 1,100 car parking spaces in 2 levels of basement
- 2.3 The scheme retains the line of the existing central pedestrian route through the site with secondary routes connecting to both north and south. The existing landscaping would be replaced by a series of linked public spaces which would improve pedestrian access and permeability. Along the central route, at its narrowest point, the buildings would be 15m apart at the upper levels. However, this increases to 21m at ground floor level due to the set back of the building-line to either side in the form of a colonnade. It is the intention that these areas remain available for public use 24 hours a day but will be privately maintained. Pedestrian only public realm covers approximately 35% of the application site area.
- 2.4 To either side of this primary route are proposed three residential buildings and one office building creating the main crossroads at the centre of the site. These would have double-height units at the lower levels fronting onto the colonnades and be given to a range of commercial uses – bars, restaurants, retail and leisure as well as a medical centre. These buildings will be 8 storeys immediately adjacent the main route, rising to 14/15 storeys to the rear.
- 2.5 Three of these centrally located buildings are proposed to have a U-shaped plan which allows the courtyard style spaces within to be accessed from, and therefore included as, extensions to the public realm (ave. dimensions 18m x 25m). It also allows light to be brought in to what would otherwise be deep floor plates. The fourth building addresses the angled route to the eastern side of the Playhouse and results in an acute-angled corner fronting on to Playhouse Sq. This has been slightly remodelled from the original application in order to create a better entrance approach to the western side of the scheme, which is clearly visible from Eastgate.
- 2.6 The four central buildings are to be built above a dual-deck car park, accessed by vehicles from the southern side of the site – the only point of access. This would

provide dedicated parking for the residential, office and commercial units above (approx. 500 spaces). Direct access to the individual buildings will be contained in the basement and there will be an additional pedestrian stair and lift access constructed within the main west-east route which runs through the site. Servicing takes place for each building within dedicated service bays.

2.7 In front of Quarry House (18m from it) are proposed a multi-storey car park, with commercial unit fronting the northern side of the main open space area, and a flexible use office/residential/education building (5 – 7 storeys) which will sit to the south of the main open space area. This space measures 40m x 45m and creates a setting to the main Quarry House building behind. The width of the gap (20m) between the two buildings retains the view of the Quarry House entrance atrium and screens the wings of Quarry House from view. The office/education building would have its own dedicated basement parking area.

2.8 In respect of the multi-storey car park (MSCP), this would have 578 spaces, 78 of these are to be for use by occupiers of commercial and residential elements within the proposed development.

In respect of the remaining 500 spaces these are to be used as follows:

- A minimum of 250 spaces will be available for short stay parking at all times.
- The remainder of the spaces (up to 250) will be used for contract/season ticket parking, Mon-Sat.
- A guaranteed 350 short stay spaces will be available after 6:00pm for West Yorkshire Play House (WYPH) patrons, which can be provided as the majority of the 250 contract/season ticket parking will have left by this time. In reality more than 350 short stay spaces should usually be available after 6:00pm.

A pricing policy which can be reviewed periodically will make sure the car park remains short-stay and does not become entirely long stay due to customer's willingness to pay for long stay parking.

2.9 Disabled parking will be retained in the Square with 8 spaces being indicated on the submitted plan.

2.10 There are a number of existing trees which are located through the centre of the site. While the removal of the trees would have some short term negative visual impact, the new development contains significant new landscaping areas which offer good opportunities for extensive new tree planting as part of a longer term landscaping scheme. This has the potential to improve the site's long term tree cover. There are areas within the open space and along routes which are not above basement car parks and would enable trees to be planted in the ground, thereby enabling larger species to be considered and improving their chance of survival.

2.11 A number of documents have been submitted in support of this proposal and these are:

- Design and Access Statement
- Transport Statement
- Travel Plan
- Flood Risk Assessment and Drainage Strategy
- Air Quality Statement

- Wind Test Analysis
- Acoustic Statement
- Coal Mining Risk Assessment and Ground conditions
- Shadow Casting Study
- Tree Survey

3.0 SITE AND SURROUNDINGS:

- 3.1 This is the area of land which runs through the centre of the Quarry Hill site linking Eastgate roundabout to Quarry House. It currently consists of a mix of hard and soft landscaped areas with a central pathway containing steps and ramps with vacant and cleared sites to either side. The sites have vehicular access from the A64 York Rd/Inner Ring Road to the north and from York St to the south. The sites to the north are currently used as surface car parking. There are currently 414 (approx.) car parking spaces on site.
- 3.2 To the west is the WYPH and to the south are the Leeds College of Music (LCM) and its associated student residential tower and the Northern Ballet HQ. Pedestrian access is gained from the west using the existing set of pedestrian steps and ramp arrangement to Eastgate roundabout which is outside the application site. A pedestrian bridge across the A64 to Mabgate is accessed from the north-eastern corner of the site.

4.0 RELEVANT PLANNING HISTORY AND HISTORY OF NEGOTIATIONS

- 4.1 A previous planning application for the central part of the Quarry Hill site was approved in principle by Members at Plans Panel in August 2005. However, the associated S106 agreement was never signed and the application therefore never approved.
- 4.2 Officers have had a number of meetings with the site owners and their team to discuss the content and scope of the new submission along with the design changes to the buildings facing out over Playhouse Sq.
- 4.3 Certificate of Existing Lawful Use granted for surface car parking on land which largely coincides with the current application site boundary app. ref. 13/02275/CLE
- 4.4 To the north is an extant permission for a 14 storey office building with fitness centre and shop with attached multi-storey car park 12/03110/EXT.
- 4.5 To the west is an extant permission for a 13 storey hotel with casino, bars/restaurants and basement parking app ref. 12/03111/EXT.

5.0 PUBLIC / LOCAL RESPONSE

- 5.1 A letter has been received from the Leeds Civic Trust which it refers to as a holding objection until the following are resolved:
- o support the general layout and massing of the scheme but consider that blocks A and B are positioned too closely together at the entrance to Quarry House and think that a larger area of public realm should be retained immediately in front of the entrance thereby enabling a larger area of green space to be created.

- support the principles of basement car parking and servicing to free up the ground level to pedestrian routes and public space
- there appears to be a conflict with the position of the vehicular access to the MSCP and servicing in relation to the pedestrian route over the footbridge from Mabgate. Question whether it is necessary for the MSCP to penetrate so deeply into the site.
- feel that the existing surface car parking areas for the Playhouse and other users should not be developed until the MSCP is operational otherwise there will be a detrimental impact on current users.
- some of the residential development should be designed for families.

5.2 This application was advertised as a major application on site on 28th November 2014 and in the press by notice in the Yorkshire Evening Post on 4th December 2014. Ward Members were consulted formally on 14th November 2014.

6.0 CONSULTATION RESPONSES

6.1 Statutory:

Environment Agency: No objection

The Coal Authority: No Objection subject to condition controlling the removal of any coal discovered on the site once investigation works have taken place on the site given the presence of a shallow coal seam and the requirement to excavate two levels of basement car parking.

Yorkshire Water: No objection subject to conditions

6.2 Non-statutory:

Highways Services: Need further information on how to access the footbridge over the A64. Coach layover parking needs to be considered. Service vehicle routes and turning areas need to be considered further. Extent of highways adoption needs to be agreed. UTC have to analyse impact on junctions – this may lead to the requirement for off-site highway works.

NGT – Public Transport Infrastructure Contribution: Given the flexible nature of the application it is not possible to give definitive final figures for each use/building, so instead rates per unit per use have been calculated. These are:

- A3/4 = £24.95 per 1sqm
- B1 = £10.33 per 1sqm
- C3 student accommodation = £82.61 per bedroom
- C3 flats = £82.61 per flat
- D2 college = £25.47 per sqm

When the Reserve Matters applications are submitted and the actual floor spaces and uses are known the definitive amounts can be calculated. At the current point in time though the figures for each use would be: Offices £114,000; A3-A5 £75,000; Student Accommodation £36,000; Residential £58,000; Education £156,263.

Environmental Protection: The mix of residential with commercial uses means that conditions should be used to protect the amenity of future occupiers from noise generated by these units as well as from plant & equipment, servicing & deliveries and air extracts from kitchens.

Flood Risk Management: No objection subject to condition

L.C.C. Wind Consultant - Rowan Williams Davies & Irwin Inc. (RWDI) Consulting Engineers & Scientists: Have carried out a peer review of the submitted wind study and have sought further clarification on a range of points. They agree with the applicants submission that the proposed development will be beneficial to the site as it is currently open and exposed.

7.0 RELEVANT PLANNING POLICIES

7.1 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. Now that the Core Strategy has been adopted, this can now be given full weight as part of the statutory Development Plan for Leeds. For the purposes of decision making, the Development Plan for Leeds currently comprises the following documents:

1. The Leeds Core Strategy (Adopted November 2014)
2. Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013) – with the exception of remitted Policy Minerals Policies 13 and 14, which are subject to further consultation, prior to submission and examination
4. Any Neighbourhood Plan, once Adopted

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.

7.2 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 NPPF also promotes economic growth in order to create jobs and prosperity and consolidate Leeds City Centre's role as the economic driver of the Yorkshire region. Leeds should be the focus for investment in highly skilled and competitive businesses, as advocated by the emerging Core Strategy.

7.3 Leeds Core Strategy

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The most relevant policies are set out in the paragraphs below:

7.4 Spatial Policy 1 sets out the broad spatial framework for the location and scale of development. This policy prioritizes the redevelopment of previously developed land within Main Urban Area, in a way that respects and enhances the local character and identity of places and neighbourhoods.

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 for 10,200 new dwellings, including office growth.

Policy G3 Requires that for sites within the city centre, for mixed use developments, they should provide the greater area of either 20% of the total site area, or a minimum of 0.41 hectares per 1,000 population.

Policy H2 refers to new housing development. The development will be acceptable in principle providing the development does not exceed the capacity of transport, educational and health infrastructure and the development should accord with accessibility standards.

Policy H4 says that developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long-term taking into account the nature of the development and character of the location.

Table H4: Preferred Housing Mix (2012 – 2028)

Type*	Max %	Min %	Target %
Houses	90	50	75
Flats	50	10	25
Size*	Max %	Min %	Target %
1 bed	50	0	10
2 bed	80	30	50
3 bed	70	20	30
4 bed+	50	0	10

*Type is applicable outside of city and town centres; Size is applicable in all parts of Leeds

Policy H5 states that the Council will seek affordable housing from all new developments either on-site, off-site or by way of a financial contribution if it is not possible on site.

Policy P10 requires new development to be based on a thorough contextual analysis to provide good design appropriate to its scale and function, delivering high quality innovative design and enhancing existing landscapes and spaces.

Policies T1 and T2 identify transport management and accessibility requirements for new development.

Policies EN1 and EN2 set out the sustainable construction and on-going sustainability measures for new development. In this case a BREEAM 'Excellent' and Code for Sustainable Homes Level 4 are required.

Other relevant Core Strategy policies include:

Policy EN4 district heating

Policy EN5 Managing flood risk

Policy ID2 Planning obligations and developer contributions

Policy G9 Biodiversity improvements

7.5 Leeds Unitary Development Plan Review 2006 (UDPR) Saved Policies

The site lies within the designated City Centre. Saved policies that are relevant to this scheme are:

GP5 all relevant planning considerations

BD2 new buildings

N25 boundary treatments

N29 archaeology

BD4 all mechanical plant

T7A cycle parking

T7B motorcycle parking

T24 car parking provision

7.6 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, e.g. 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 most relevant policies are: Water 4 (Flood Zones); Water 6 (Submission of Flood Risk Assessments); Land 1 (Contamination); Land 2 (Trees); Air 1 (Air Quality)

7.7 Relevant Supplementary Planning Guidance includes:

SPD5 Public Transport Improvements and Developer Contributions

SPD Tall Buildings Design Guide – States that Quarry Hill is a location for tall buildings as it is a gateway location on one of the main approaches to the city.

SPD Travel Plans

SPD Building for Tomorrow Today: Sustainable Design and Construction

SPD Street Design Guide

City Centre Urban Design Strategy

Leeds Waterfront Strategy

7.8 Through the Site Allocation Plan this site has been identified for mixed use development containing offices and residential. Due to its early stage of preparation this allocation has limited weight at this time.

8.0 MAIN ISSUES

1. The principle of the proposed uses
2. Building footprints
3. Building heights
4. Open space provision
5. Highways and Transportation
6. Sustainability
7. Flood Risk
8. Wind
9. Section 106 Obligations

9.0 APPRAISAL

9.1 It must be remembered that this is an outline application where the only matters submitted for consideration are the means of access and layout. There is a considerable amount of other information which has been submitted and this assists in creating a clearer impression of the scale and detail of what is proposed as well as the potential urban grain and character of the development. This assists officers and Members in understanding the potential impact of the proposal on the City. Each key issue will be addressed in turn for clarity.

9.2 Principles of Proposed Uses

9.3 Offices

The NPPF promotes economic growth in order to create jobs and prosperity. The proposed office use of the site is in accordance with Core Strategy and UDP saved policies and the location of prime office development within the City Centre, meets the requirement to locate such uses in sustainable locations. The scheme would provide block sizes which would be able to accommodate Head-Quarter operations as well as being able to be subdivided for use by occupiers with a smaller footplate requirement. This reinforces Leeds' position as a regional commercial centre and accords with national government advice on concentrating work places in major centres.

9.4 Further Education

One of the office buildings is proposed to also be used as an educational establishment. There are other examples of this type of use on Quarry Hill with The Leeds School of Music and the Northern Ballet establishments already in place. Educational use would be supported under current planning policy.

9.5 Residential

This scheme is central to the Quarry Hill site and there are no major roads which the buildings front on to, thereby avoiding potential problems in respect of noise and air quality. The pedestrianized nature of the environment is therefore considered to lend itself well to the location of residential uses. These buildings and the pedestrian areas they front on to are regarded as suitable locations for bar/restaurant uses and hence a series of conditions would be used to ensure that residential amenity is protected through restrictions on hours of opening, external noise sources, and acoustic attenuation schemes.

9.6 The applicants have indicated that the current demand for unit mix in Leeds is for 1 and 2 bedroom apartments and studios. They have also stated that, as the proposal consists of 6 buildings, of which 4 could contain residential uses, these would be

phased, and at the point of their submission for reserved matters, if demand for larger units was identified then this could be addressed at that time. Core Strategy would require a minimum of 20% of the units contain 3 bedrooms, as set out in the policy section above.

- 9.7 Officers consider that, as this scheme is in outline and the provision of residential uses within the buildings is not fixed, it is reasonable to consider that unit mix at reserved matters stage. Therefore, it is proposed that when this application is brought forward for determination, a condition is used to require a Housing Needs Assessment to be submitted for each phase of development which contains residential accommodation. This would allow the position at that time to be considered which officers consider would be more accurate and less open to unpredictable market variations.
- 9.8 The size of the units would also be fully considered as part of any subsequent Reserved Matters application. At the time of writing this report discussions were on-going regarding the affordable housing provision to be made within the scheme.
- 9.9 There is also the possibility of student residential being provided on site. The Core Strategy supports purpose built student accommodation and, as previously stated, there are existing educational establishments on Quarry Hill as well as in the wider City Centre.

In this situation, where the application is flexible and the number of residential buildings and the timing of their provision are unknown, are members happy with the approach stated above, which sees the housing need assessed closer to the point of likely construction?

Is the provision of student housing considered to be acceptable here?

- 9.10 Retail
Small scale convenience retail use up to 200 sqm is acceptable in principle anywhere within the City Centre as it supports and services other uses without undermining the retail strategy for both the City Centre and other designated centres. This is in accordance with Core Strategy policy CC1. The total amount of retail floor space proposed is approximately 700 sqm and the nature of the controls over the provision of this use needs to be the subject of further negotiation with the applicant to ensure compliance with the Council's policies. The retail content would exist at the lower levels only and would support the objective of providing lively and active frontages.
- 9.11 Leisure and Entertainment
There would be large areas at ground floor level which open out on to pedestrian dominated routes and which would benefit from the localised worker and residential customer base. The provision of bars and restaurants would ensure that this part of the city does not become a sterile place, ensuring life and vitality outside normal office hours.

Do Members consider that the range of city centre uses proposed is acceptable on this site?

- 9.12 Building Footprints
The plan of buildings proposed creates a largely pedestrian dominated environment with levels of permeability appropriate to this city centre location. The layout opens

up the centres of three of the main buildings to create courtyards. This adds to both the variety and hierarchy of the open spaces and the levels of visual interest.

- 9.13 Since its construction Quarry House has existed as a dominant presence on the skyline of the eastern half of the city centre, clearly visible along the Headrow. This has been due largely to it being seen 'out of context' with no development around it. The two buildings which sit immediately to the west of it have been designed to respect the symmetry of Quarry House but mask its two outer wings, leaving only the central glazed atrium visible at the end of the main pedestrian route. This remains unchanged from the previous scheme and the relationship is still considered to be acceptable. This will also be impressive at night as this is internally illuminated.

Do Members consider that the footprints of the buildings, including the readjustment to the building corners at the western end of the site, are acceptable?

- 9.14 The network of internal pedestrian routes will enable access to be gained to the footbridge across the A64 and the detail of this is being discussed with the applicant as part of the highways considerations. In addition, the development is likely to generate significant pedestrian traffic to the west towards Eastgate and the markets area. The pedestrian steps up to Quarry Hill from Eastgate are on land in Council ownership and their quality and alignment are currently under discussion to ensure that they will act as an acceptable link across the Loop to the city centre, the new Victoria Gate scheme and the bus station.

- 9.15 Building Heights

The heights of the buildings have been carefully considered to allow light penetration to both the main pedestrian route through the site and into the courtyards within the proposed buildings. This naturally produces a built form which has a more human scale fronting the pedestrian route, with the taller elements of the buildings set back from this to provide height and therefore an appropriate scale of building on this important site. The heights will also relate well to those of the existing and proposed buildings on the remainder of the Quarry Hill site and this will result in the production of a well-planned and coherent development, when viewed from both within the site and from a distance, on the city's skyline where it will enhance vistas and continue to act as a landmark.

Do Members consider that the heights of the buildings proposed are acceptable?

- 9.16 Open Spaces

Approximately 35% of the site is to be given over to pedestrian only, publicly accessible open space. This is well in excess of policy requirements and is welcomed by officers. The entire site is unified by the central route which passes through 3 main spaces. These will act as focal points for activity and access points to the buildings themselves. The bar and restaurant uses at the lower levels have been included to maximise the potential to 'spill out' into the primary routes and spaces to provide life and vitality throughout the day and night. These will have glazed elevations to both the main thoroughfare and the internal courtyards to maximise visibility, interest and security through natural surveillance. The routes and spaces will be open 24 hours a day and will therefore act as an extension to the existing pattern of city centre streets. There are also pedestrian routes through to the pedestrian footbridge over the A64 and the surface treatments and demarcation of this route are currently under consideration.

Do Members consider that the amount of open space on the site is acceptable?

- 9.17 It is likely, given the scale and multiple building nature of the proposal, that the scheme will not all be constructed at the same time. This means that once buildings are constructed there will be areas of public realm in the immediate vicinity that will need to be surfaced and landscaped but this will not be able to be rolled out across the whole site. Similarly, when initial phases are constructed there will be a need to ensure that pedestrian routes around and through the site are maintained, diverted, made good and lit.

Do Members consider that, as development commences, a strategy for the phasing and layout of open space and routes is required to ensure that the site can be properly accessed as the development progresses?

- 9.18 Car Parking, Vehicle Access and Servicing
The scheme has been designed to avoid conflict between pedestrians and the private motor vehicle. Cars will enter the site from the south and be directed into the basement car parking areas before they reach the main east/west pedestrian route. Taxis can access the site from both the north and south and there are drop-offs close to the building entrances. Servicing will take place from within each building and therefore will not be visible on the surface. This will also minimise the potential for refuse and other items to be stored in external areas and reduce noise and other undesirable environmental impacts which might otherwise arise. This approach is considered entirely consistent with the objectives of producing a high quality environment.
- 9.19 The method of operating the proposed multi-storey car park has been carefully considered to provide short stay spaces for the use of the WYPH and other businesses in the area, and the provision of up to 250 contract spaces, also with the potential for use by businesses in the area. With regard to the Council's adopted Transport Strategy, given there are currently approximately 414 long stay parking spaces on the site, in the long term, this means that there would be a net reduction in long stay spaces of a minimum of 164 spaces. This is considered to provide the correct balance between servicing the requirements for short stay parking, the requirements of businesses in the area, as well as meeting the Council's Transport Strategy, which seeks to restrict the growth of commuter parking in the City Centre.
- 9.20 Playhouse Square is currently used as a drop-off area for the WYPH as well as an informal coach lay-over area. This informal lay-over arrangement will no longer be able to occur when the development proposed or consented on Quarry Hill is in place. For this reason an area of land has been set aside adjacent the Northern Ballet HQ for this purpose. This is held under a development agreement with L.C.C. such that the applicant cannot develop its building adjacent Playhouse Square without the reserved lay-over area having been laid out for coach parking. The details of this provision, and its control through the planning application, is being discussed with the applicant at this stage.
- 9.21 Environmental Issues
Noise impact on the residential units from primarily traffic sources around the site would be mitigated by the presence of the existing and proposed buildings at its periphery. Facades would be constructed to provide the required level of noise reduction appropriate to the intended use of the internal space. The other sources of noise are from within the A3, A4 and leisure units proposed by the development

itself. Therefore acoustic attenuation schemes to prevent noise break-out from these uses would be required and can be controlled by condition.

9.22 Wind

At the time of writing this report the comments of RWDI had been passed to the applicant/agent to provide the necessary clarifications. However, the review states that, subject to clarifications, the wind environment would be suitable for the desired uses on the site. When the application is brought before Members for determination a full response to the wind issue will be provided.

9.23 Sustainability

The application sets out that the following will be included in the subsequent detailed building designs:

BREEAM 'Excellent' to be targeted
Solar thermal and photo-voltaics to be included on the roof areas
Green roof areas
Rainwater harvesting
Low water use appliances
High levels of insulation

Officers have asked for clarification on the intended Code for Sustainable Homes level and the proportion of renewable energy and carbon reduction to be targeted. A full consideration of sustainable measures will be included when the application is brought to Members for determination.

9.24 Obligations

Adopted policies require the following obligations to be provided:

- Affordable Housing on-site 5% (this level of provision is being discussed with the applicant)
- Public Transport Contribution
- Possible off-site highways works contribution
- Specific travel plan measures contributions – incl. 3 no. car club spaces
- Travel plan monitoring fee (final amount to be confirmed)
- Possible Education Contribution for 3 bed units, if these are to be included.
- Public access through the site
- Open space to be retained for public use and maintained
- Cooperation with local jobs and skills initiatives
- Management fee (amount to be confirmed dependant on number of matters to be covered by the associated Legal Agreement)

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

- '122(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and

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

9.26 As listed above there are matters to be covered by a Section 106 agreement. The matters listed above represent an interim position with the final list of obligations being included in the subsequent report to Panel for determination. However, those that have been discussed have been assessed against the current tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

9.27 If the application is determined after 6th April 2015 then it must be determined in accordance with the new CIL regime and the Public Transport Contribution and possible Education Contribution would be omitted as the CIL payment would ensure contribution to key strategic infrastructure schemes.

9.28 Consultee comments

9.29 There are a number of consultee comments still to be received and some which are in the process of being considered. These matters will be addressed when the application is returned to Plans Panel for determination in due course.

10.0 CONCLUSION

10.1 The proposal will clearly remove from the city an area of land which is environmentally unattractive, open to abuse and one which does not contribute to its life, vitality or economic prosperity. The scheme would potentially provide high quality and well-designed buildings which relate well to each other and the surrounding developments centred on well planned public routes and spaces. The uses will provide life and vibrancy at all times of the day and ensure that there is a presence on the site at night through the inclusion of the residential element.

10.2 Members are asked to consider the following matters:

In this situation, where the application is flexible and the number of residential buildings and the timing of their provision are unknown, are members happy with the approach stated above, which sees the housing need assessed closer to the point of likely construction?

Is the provision of student housing considered to be acceptable here?

Do Members consider that the range of city centre uses proposed is acceptable on this site?

Do Members consider that the footprints of the buildings, including the readjustment to the building corners at the western end of the site, are acceptable?

Do Members consider that the heights of the buildings proposed remains acceptable?

Do Members consider that the amount of open space on the site is acceptable?

Do Members consider that, as development commences, a strategy for the phasing and layout of open space and routes is required to ensure that the site can be properly accessed as the development progresses?

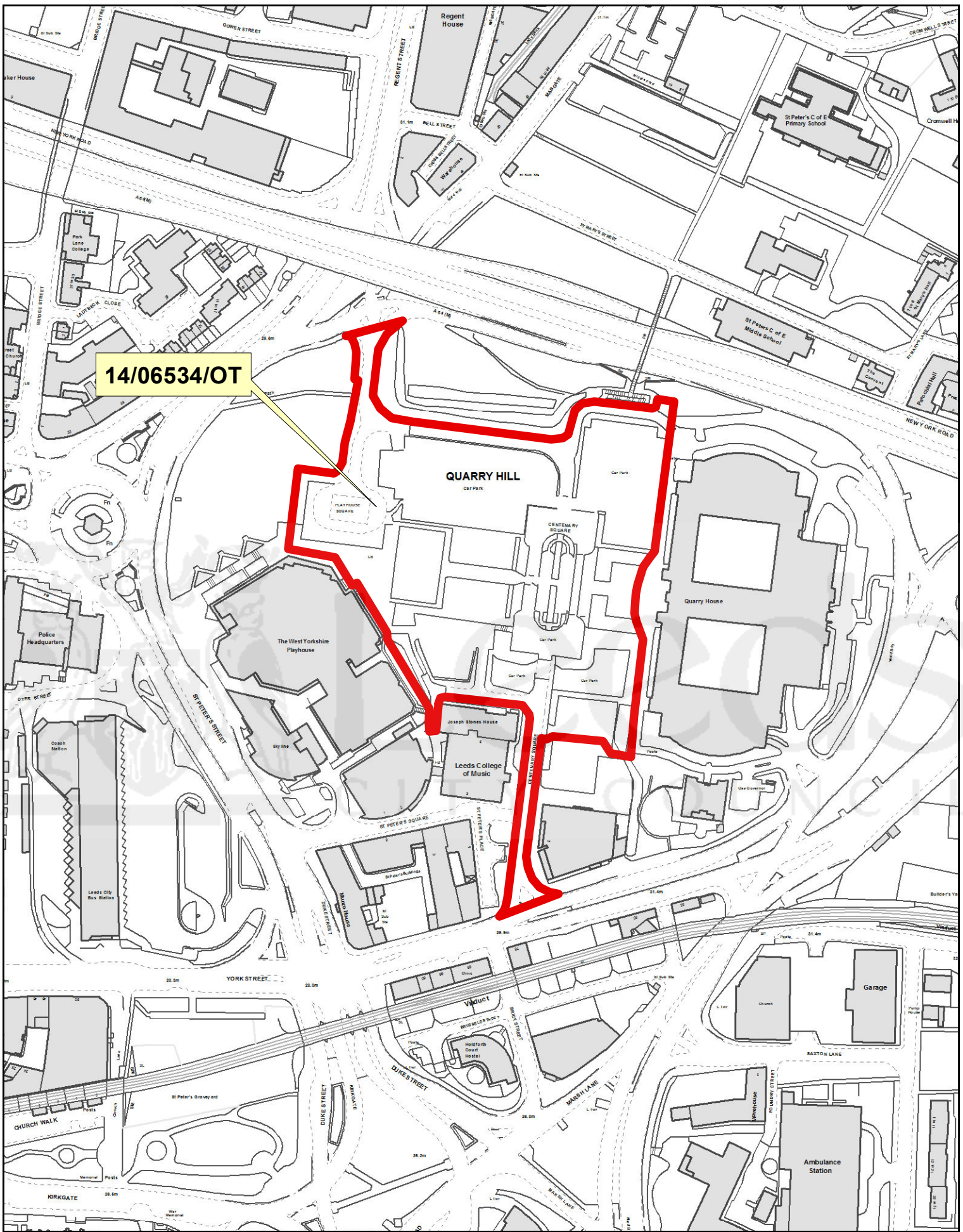
BACKGROUND PAPERS:

Previous Application file: 20/523/04/OT

Certificate of Existing Lawful Use for surface car parking app. ref. 13/02275/CLE

14 storey office building with attached multi-storey car park 12/03110/EXT.

13 storey hotel with casino, bars/restaurants and basement parking 12/03111/EXT.



14/06534/OT

CITY PLANS PANEL





Originator: Matthew Walker

Tel: 3952082

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 22nd January 2015

POSITION STATEMENT: PROPOSALS FOR NEW ADVERTISEMENT HOARDING LOCATIONS AS PART OF THE FUTURE MANAGEMENT AND RATIONALISATION OF THE CURRENT LEEDS CITY COUNCIL ADVERTISEMENT PORTFOLIO BY J.C.DECAUX UK LTD

14/06617/ADV – LAND AT INNER RING ROAD, WOODHOUSE LANE; 14/06618/ADV – LAND OFF CLAY PIT LANE; 14/06619/ADV – LAND OFF WELLINGTON ROAD; 14/06620/ADV – LAND ON A643,NR DOMESTIC ROAD; 14/06621/ADV – LAND OFF CROWN POINT ROAD; 14/06622/ADV – LAND ON HUNSLET ROAD; 14/06623/ADV – LAND OFF WOODHOUSE LANE; 14/06624/ADV – LAND AT MEADOW LANE; 14/06625/ADV – LAND OFF JUNCTION OF INNER RING ROAD AND CLAY PIT LANE; 14/06626/ADV – LAND OFF KIRKSTALL ROAD; 14/06627/ADV – LAND OFF VICTORIA ROAD AND MEADOW LANE

REMOVAL OF 22 HOARDINGS AT THE FOLLOWING SITES: VIADUCT ROAD, JACK LANE, TONG ROAD/WORTLEY MOOR ROAD, COMMERCIAL ROAD, SYDENHAM STREET, GELDARD ROAD, 4 TONG ROAD, BRIDGE STREET/SWEET STREET/HOLBECK LANE, 18/28 BRADFORD ROAD, 139 TOWN STREET STANNINGLEY.

Electoral Wards Affected:

City and Hunslet
Armley
Beeston & Holbeck
Hyde Park & Woodhouse

Specific Implications For:

Equality and Diversity
Community Cohesion
Narrowing the Gap

RECOMMENDATION : For Members to note the contents of the report and to provide feedback on the questions raised at section 9.

1.0 INTRODUCTION

- 1.1 This presentation is intended to inform Members of 11 Advertisement Consent applications under consideration for 10 large scale illuminated advertisement hoardings and 1 digital advertisement unit. The proposal relates to 11 individual sites located within or close to the City Centre Boundary, mainly located along main arterial routes in and out of the city. As part of an overall rationalization programme, 22 hoardings at 10 existing sites within the Leeds City Council Advertisement Portfolio are also programmed for removal. The sites programmed for removal are as follows:

Viaduct Road, Jack Lane, Tong Road/Wortley Moor Road, Commercial Road, Sydenham Street, Geldard Road, 4 Tong Road, Bridge Street/Sweet Street/Holbeck Lane, 18/28 Bradford Road, 139 Town Street Stanningley.

- 1.2 A pre-application presentation of each of the sites was presented to City Plans Panel by the applicant on 17th July 2014. The minutes of that meeting are attached as Appendix 1 to this report. Members were generally supportive of the potential impact of the signs, subject to further addressing the likelihood of distraction from the digital sign at Clay Pit Lane Bridge and the visual impact of the Crown Point Road sign on the setting of nearby heritage assets. In addition, members wanted assurance that the signs would not result in any road safety issues or require road closures for servicing.
- 1.3 This report is brought to City Plans Panel for information as the proposed advertisement hoardings / digital advertisement unit represent an evolution of the Local Authority's own advertisement portfolio and involve a contract between Leeds City Council and J.C.Decaux UK LTD for the ongoing management of this portfolio. Officers will present the current position reached in respect of these applications to allow Members to consider how the submitted applications respond to comments made regarding the pre-application proposals put to Members in July 2014.

2.0 SITES AND SURROUNDINGS

The proposal relates to 11 individual sites located within or close to the City Centre Boundary, mainly located along main arterial routes in and out of the city. The individual sites and their respective contexts are outlined in paragraph 3.0 of this report.

3.0 PROPOSALS

- 3.1 New advertisement hoardings to the following sites are proposed:

- 3.2 14/06617/ADV – One illuminated freestanding advertisement sign: Land at Inner Ring Road/Woodhouse Lane

The proposal is for a single sided, internally illuminated display panel, 7.45 metres x 5 metres with associated monopole support structure to a height of 14.6 metres located to the central reservation adjacent to the Woodhouse Lane MSCP facing westbound traffic.

- 3.3 14/06618/ADV – One double sided, free standing illuminated advertisement sign: Land at Clay Pit Lane

The proposal is for a double sided, internally illuminated display panel, 7.45 metres x 5 metres with associated steel monopole support structure to a height of approximately 15 metres, located to the central reservation adjacent to the Junction of Clay Pit Lane and Chapeltown Road.

3.4 14/06619/ADV – One illuminated freestanding advertisement sign: Land off Wellington Road, Holbeck

The proposal is for a single sided, internally illuminated display, 6.5 metres x 3.4 metres with associated monopole support structure to a height of 8 metres, located to an area of grass banking to the western edge of the Armley Gyratory. This proposal for a freestanding sign was not presented as part of the package of proposals in July 2014 due to the location and formatting of the sign not being finalised in advance of the panel meeting.

3.5 14/06620/ADV – One illuminated freestanding sign: Land at A643 nr Domestic Road

The proposal is for a single sided, internally illuminated display panel, 7.45 metres x 5 metres with associated steel mono-pole support structure, to a height of 14.69 metres, located to the central reservation adjacent to Sydenham Street, facing the inbound carriageway. The central reservation features a number of semi mature trees.

3.6 14/06621/ADV – One double sided freestanding illuminated advertisement sign: Land at Crown Point Road

The proposal is for a double sided, internally illuminated display 12.45 metres x 3.28 metres with associated structure to a height of 9.72 metres. The hoarding is proposed to be located to the existing landscaped area adjacent to the public pedestrian and cycle route at the junction of Crown Point Road and East Street. The proposed siting location has been revised since pre application stage, with the applicant now proposing the sign be located due south of the suggested location illustrated to members at pre-application stage by approximately 10 metres (in order to reduce the impact of the proposed sign on the setting of the nearby Leeds Minster and Conservation Area). The site is approximately 40 metres from the City Centre Conservation Area boundary to the west of the site and also approximately 100m from the Grade I Listed Leeds Minster also located to the west.

3.7 14/06622/ADV – One illuminated freestanding advertisement sign: Land at Hunslet Road

The proposal is for a double sided, 48 sheet display 3.4 metres x 6.5 metres with associated steel monopole support structure to a maximum height of 8 metres located adjacent to the junction of Hunslet Lane and Pym Street. The hoarding would be located to a landscaped strip between Hunslet Road and the pedestrian footway.

3.8 14/06623/ADV – One illuminated advertisement sign: Land at Inner Ring Road/Woodhouse Lane

The proposal is for a single sided, 48 sheet, 6.27 metre x 3.325 metre backlit display located to the bridge on the eastbound approach to the Woodhouse Lane Multi Storey Car Park.

3.9 14/06624/ADV – One illuminated freestanding advertisement sign: Land at Meadow Lane

The proposal is for a single sided, internally illuminated display 12.45 metres x 3.28 metres with associated structure to a height of 11.25 metres with a steel monopole/cantilever support structure to a height of 9.72 metres. The hoarding would be located at 2.5 metres from ground level and located to the landscaped central island at the junction of Meadow Lane and Great Wilson Street.

3.10 14/06625/ADV – One digital advertisement sign: Land at Clay Pit Lane Bridge

The proposal is for a single sided, internally illuminated display, 3 metres x 12 metres, located to the Clay Pit Lane bridge above the Inner Ring Road, facing eastbound traffic. The proposed sign would be located within existing views of the First Direct Arena and sited adjacent to a non-pedestrian portion of the bridge which is predominantly non-landscaped at the pedestrian level. The applicant proposes a tiered double layer of planting troughs to be introduced immediately to the rear of the advertisement display.

3.11 14/06626/ADV – One illuminated freestanding advertisement sign: Land at Kirkstall Road

The proposal is for a single sided, internally illuminated display, 12.45 metres x 3.28 metres with associated monopole/cantilever support structure to a height of 9.7 metres, located to the existing landscaped bank adjacent to the junction of West Street and Kirkstall Road. The banking is a greened area which treats the transition of levels between Kirkstall Road and the West St. flyover, and includes a series of mature trees to its perimeter.

3.12 14/06627/ADV – Two illuminated freestanding hoarding signs: Land at Victoria Road and Meadow Lane, Holbeck

The proposal is for a double sided, internally illuminated 48 sheet display, 3.4 metres x 6.5 metres with associated steel monopole support structure to a maximum height of 8 metres located on a cleared area of land within the central reservation at the junction of Victoria Road and Meadow Lane.

4.0 PLANNING HISTORY AND CONSULTATION

4.1 In January 2014, J.C. Decaux UK LTD submitted an overview proposal for 13 hoardings and 2 digital screen advertisements in response to the tendered opportunity from Leeds City Council.

4.2 In May 2014 a series of detailed proposals were submitted to the Chief Planning Officer in relation to the 15 sites for consideration prior to pre-application discussions between planning officers and highways officers.

4.3 On 5th June 2014, representatives of J.C. Decaux UK LTD met with the Chief Planning Officer, planning officers and highways officers and feedback on the merits of each scheme were provided. Negotiations took place and a rationalized proposal prepared for consideration by officers which was received on 8th June 2014.

4.4 On 17th July 2014, representatives of J.C. Decaux UK LTD provided a pre-application presentation to the members of City Plans Panel (minutes attached to this report as appendix 1)

4.5 On 12th November 2014, 11 applications for Advertisement Consent were submitted for consideration and determination by the Local Authority.

5.0 PUBLIC/LOCAL RESPONSE

5.1 A letter of objection from Leeds Civic Trust was received by officers on 12th December 2014. The Leeds Civic Trust have considered the applications and is concerned about their adverse visual impact on Leeds City Centre. They state that the proposals are for very large signs that represent an increase in street clutter in their locations.

However, Leeds Civic Trust have stated that they recognize the financial needs of the city and have therefore only maintained an objection to those signs where they consider the visual impact to be extremely unacceptable.

5.2 14/06618/ADV – One double sided, free standing illuminated advertisement sign: Land at Clay Pit Lane

Leeds Civic Trust object to this proposed sign, considering it to be visually intrusive within an already hostile traffic dominated scene and consider that as local residents live close by to the site, attempts should be made to try and reduce the impact of traffic and signage in the area.

5.3 14/06621/ADV – (One double sided freestanding illuminated advertisement sign) Land off Crown Point Road, Leeds

Leeds Civic Trust object to this application as they consider the sign would be erected in close proximity to the Grade I Listed Leeds Minster and in the visual foreground to the city's cultural quarter on Quarry Hill. The site is located to the edge of, but not within the City Centre Conservation Area which Leeds Civic Trust considers should be enhanced visually and the traffic impact considerably reduced in future. Leeds Civic Trust further considers the erection of this sign to be contrary to Core Strategy and NPPF guidelines for protecting the quality of the urban environment.

5.4 14/06626/ADV – One illuminated freestanding advertisement sign: Land at Kirkstall Road

Leeds Civic Trust objects to this proposal as they consider the location to be currently cluttered with signs, scrubby vegetation and is car-dominated. Leeds Civic Trust considers that any sign erected in this location should be supported by a significant investment in improving the existing landscaping. Leeds Civic Trust further considers that the proposed cantilever cable supports are unattractive and the overall design should be reconsidered.

5.5 14/06624/ADV – One illuminated freestanding advertisement sign: Land at Meadow Lane

Leeds Civic Trust objects to this proposal as they consider the advertisement structure would constitute a visual intrusion into the landscape of the 'South Bank'. Leeds Civic Trust further considers that the proposed cantilever cable supports are unattractive and the overall design should be reconsidered.

6.0 CONSULTATIONS RESPONSES

Statutory:

There are no statutory consultations in reference to the applications under consideration.

Non-statutory:

Highways

Highways currently object to a number of the proposed sites, on the basis that there is currently insufficient information to make an accurate and informed assessment with regard to highway safety and servicing of the proposed signs. The applicant has advised they are unable to provide this information for signs which are not digital in format as the supply of this information for signs would be inconsistent with their existing approach to applications for non-digital format signage. Members were advised at the pre application presentation stage (17th July 2014, minutes attached as Appendix 1 to this report) that as part of the formal application process, the applicant would undertake road safety audits and present these alongside the application.

It is considered that the road safety audits are required and must cover the following issues:

- Exact siting in relation to highway users (pedestrians/cyclists/motorists)
- Review of accident stats
- Extent of visibility of sign
- Conflict of sign in front or behind existing traffic signals or road signs
- Control of illumination levels
- Consideration of frequency/means of servicing
- Any other site specific considerations

The audits should identify any potential problems and provide suggested solutions.

Officers further consider that a servicing strategy should be submitted for each site which must show where vehicles would be parked in relation to the advert and describe how the advertising displays would be accessed and serviced in order that the safety of members of the public, motorists and the people servicing the signs is secured.

7.0 PLANNING POLICY

7.4 National Planning Policy Framework

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.

7.5 Local Development Framework - Core Strategy (2014)

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. It is the adopted development plan for the City of Leeds. The Core Strategy includes policies requiring that matters such as good urban design principles, sustainability, flood risk, highways and transportation issues, public realm, landscaping, and access for all are addressed through the planning application process.

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.

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:

Saved UDPR Policies within the Core Strategy of relevance:

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.

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

With regard to application 14/06621/ADV(Land off Crown Point Road) the application site is located 37 metres due east of the eastern boundary of the City Centre Conservation Area which in the immediate locale includes the setting of the Grade I Listed Leeds Minster and it's grounds. The remaining proposed application sites are not within proximity of the Conservation Area boundary or key listed buildings. With regard to application 14/06621/ADV, saved UDPR policy BD9 within the Core Strategy is also of relevance:

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.

7.6 Supplementary guidance

The Leeds City Council Advertisement design guide advises where advertising would and would not generally be acceptable, encourage design excellence, innovative ways of advertising and high standards of maintenance. The guide identifies the following locations as generally suitable:

- Predominantly commercial areas
- Predominantly industrial areas
- Entertainment areas e.g. the City Centre, District Centres and Neighbourhood Centres (but not the most sensitive areas of these i.e. major squares, Conservation Areas or settings of Listed Buildings)

- Untidy/derelict sites that could be screened on a temporary basis by advertising that provides a splash of colour pending redevelopment or improvement of the visual amenity.
- Building sites (other than purely residential development sites) where temporary hoardings are required during the construction period.

The guide also details generally unsuitable locations:

- Predominantly residential areas
- Rural areas and villages
- Open countryside, Green Belt areas, Urban Green Corridor areas and where the character or setting of historic parks and gardens would be affected.
- Main routes into Leeds that have been landscaped and benefit from environmental enhancement to create “green routes” into the city and would not generally be acceptable locations for advertising.
- Main roads designated as Urban Motorways
- Public open spaces e.g. parks and town squares
- Listed buildings and their settings
- Conservation areas (although much of the City Centre is within a Conservation Area, appropriately sited and well-designed advertising may be acceptable)
- Sites where express advertising consent has been refused or discontinuance notices served
- Near schools or where schoolchildren cross
- Sites or lengths of roads with history of accidents causing injury
- Playing fields

The guide also states that if applicants are seeking approval for advertising within generally unsuitable locations, they are required to submit a justification as to why the presumption against advertising in these areas should not prevail.

7.7 Other material considerations

7.7.1 Best Council Plan

The Plan identifies 6 objectives in order to achieve the best council outcomes identified between 2014-2017. Two of these have relevance for the development: (2) promoting sustainable and inclusive economic growth; and (6) Becoming a more efficient and enterprising council.

7.7.2 Vision for Leeds 2011-2030

One of the aims is in 2030 Leeds’ economy will be prosperous and sustainable. Leeds will be the best city to live including the provision of high quality buildings, places and green spaces.

7.7.3 City Priority Plan 2011-2015

The Plan states that Leeds will be the best city for business. One of the priorities to achieve this is supporting the sustainable growth of the Leeds’ economy. To help make Leeds the best city, growth will be enabled whilst protecting the city’s distinctive green character.

8.0 MAIN ISSUES

Visual Amenity
Public/Highway Safety

9.0 CONSIDERATION OF MAIN ISSUES

9.1 General update to members

Proposals for Advertisement Consent may only be assessed on two criteria – Visual Amenity (which includes the impact upon Conservation Areas and the setting of Listed Buildings) and Public Safety which includes highway safety.

9.2 Public Safety

The information provided as part of each site application is not significantly advanced beyond the information submitted for the pre-application presentation to City Plans Panel in July 2014 with the same level of detail submitted for each application as was illustrated for the purposes of the pre-application enquiry and presentation. A lack of road safety information for a number of the sites or details of how each sign would be serviced has led to significant objections from highways officers. Objections could potentially be withdrawn subject to a full assessment of site specific highway safety and servicing issues. Officers have requested the provision of appropriate road safety audits and details of the strategy for servicing each of the proposed sites.

9.4 The applicant has responded and advised they do not consider it necessary to provide road safety audits for any signs which are not digital in format and that this is consistent with their existing policy nationwide. The applicant asserts that the provision of a servicing strategy should not be a determining factor in the decision making process for each site and that this information should be provided after the grant of Advertisement Consent. This matter is still being discussed and members will be updated at panel on the outcome of these discussions.

9.5 Visual Amenity

Officers have requested that further information be supplied within the supporting documentation for each application which demonstrates that each structure would not have an adverse impact upon trees, landscaping or any adjacent street furniture.

The applicant has responded to this request by stating that, in their view, the proposals do not have any impact on any existing signage or trees and as such these are not referenced. The applicant states that they do not propose to relocate any trees nor any street furniture and as such, detailed information relating to trees and street furniture have not been shown within the proposals.

9.6 Site Appraisals

(i) 14/06617/ADV - Land at Inner Ring Road, Woodhouse Lane, Woodhouse, Leeds

The proposed siting is considered acceptable to officers in visual amenity terms however, fundamental public/highway safety issues have been identified since pre-

application stage and the proposal cannot currently be supported by officers. The advertisement structure is proposed to be sited on the adopted urban motorway A64(M) between running carriageway lanes on the central reserve area. No pedestrian access is permitted on the motorway and Highways officers have no understanding of how the applicant proposes service vehicles and operatives access the site in a safe manner. Vehicles could not be parked in any proximity without a full closure of the road. This would require a very long lead in time and co-ordination with any other highway operations that may be taking place, the proposed siting of the advert would not be practical and also raises safety considerations given the need to maintain visibility between slip roads. Electrical supply could not be accommodated under the urban motorway. It is therefore considered by officers that the structure should be re-sited to be accessible by vehicle without having to enter the A64(M).

(ii) 14/06618/ADV - Land off Clay Pit Lane, Chapeltown, Leeds

The proposal reflects the pre-application presentation to members on 14th July 2014 and officers have no objection to the proposal with regard to visual amenity however a letter of objection from Leeds Civic Trust outlines an objection to this sign. Leeds Civic Trust consider that the sign would be visually intrusive within an already hostile traffic dominated scene and consider that as local residents live close by to the site, attempts should be made to try and reduce the impact of traffic and signage in the area.

Officers have considered the objection but consider the sign would be understood as part of a commercial context. Whilst the comments regarding the impact upon residential areas has been noted, the two most proximate residential areas to the application site are Oatland Gardens (located over 180 metres from the application site and located behind a landscaped buffer such that the road network is predominantly screened from views out of the residential estate) and Leopold Street, which is over 300 metres from the application site and therefore not understood as part of the same visual context. Officers consider that the sign would be located within a gateway location to the City Centre and would be understood as part of the highway network rather than a residential street scene. Therefore the visual impact of the sign is considered acceptable.

The proposal as a whole is not currently supported in terms of highway safety due to lack of understanding of the required access/servicing proposals. Highways officers have yet to be satisfied that regular servicing would be practical at this particular site and sufficient information has not been provided to fully assess the implications of the proposed siting.

Highways officers further consider that the view of the advert must be completely clear of all signal heads, however this information and relationship is not currently included within the submitted supporting information. Officers consider this relationship must be successfully addressed within a Road Safety Audit to accompany the application before this proposal can be supported.

(iii) 14/06619/ADV - Land off Wellington Road, Holbeck, Leeds

In terms of visual amenity, in principle officers have no objection to the siting of this sign given its location within a wide and deep landscaped banking but further detail by way of a Road Safety Audit and Servicing Strategy is considered to be required.

(iv) 14/06620/ADV - Land on A643, Near Domestic Road, Holbeck, Leeds

In terms of visual amenity, in principle, officers have no objection to the siting and appearance of this sign. However, highways officers have identified potential problems regarding servicing access to the structure. Without an understanding of the applicant's proposed servicing strategy, it is currently considered that the site cannot be safely accessed without excessive traffic management measures that would need to be employed every time the advert was changed and therefore based on the current level of information the proposal cannot be supported in highway safety terms at this time.

(v) 14/06621/ADV - Land off Crown Point Road, Leeds

In regard to visual amenity, the view of officers is that the structure would not offer a detrimental impact in this location however Leeds Civic Trust have objected to this proposal as detailed in para. 5.3 of this report.

The site is approximately 40 metres from the City Centre Conservation Area boundary to the west of the site and also approximately 100m from the Grade I listed Leeds Minster and so consideration must be given to the setting of the Conservation Area and the setting of this important building.

The proposed hoarding consistent with other examples within the portfolio would be a cantilever style hoarding with a modern, bespoke, sculptural appearance and would be identifiable as part of a city wide family of signage. From eastbound, northbound and southbound views, the hoarding would be read against the backdrop of commercial buildings including the Ibis hotel, Quarry House and Northern Ballet.

The A61 forms an existing visual and physical division between the commercial context of modern buildings (to the east of the A61 are the Ibis hotel, the Gateway building and Merchants Quay) and to the west of the A61 is the City Centre Conservation Area (and therefore a more heritage sensitive context).

Whilst it is acknowledged that from southbound and from some westbound views along the highway network the hoarding and the Leeds Minster would be read within the same view, it should be noted that the hoarding would be identifiable as part of the more modern and commercial setting within a wide landscaped area which will help mitigate its overall impact. Furthermore the proposed siting has been amended since pre-application stage with the sign now proposed to be located approximately 10 metres further south than was originally suggested. This revision is intended to reduce the prominence of the sign in its relationship with the adjacent conservation area and setting of the Grade I listed Leeds Minster from southbound and westbound views.

The loop road takes the driver immediately away from the siting of the hoarding towards the Leeds Minster and therefore from southbound views, the juxtaposition of the hoarding and Leeds Minster would be fleeting and in the moments that the proposed structure and the conservation area/Leeds Minster are read together, the structure would be read against the backdrop of the more modern context to the south. There are no views containing both the Leeds Minster and the proposed hoarding from a northbound direction from Crown Point. Therefore the visual impact of the sign is considered acceptable.

With regard to public safety, highways officers presently object to this proposal as there is currently an identified issue with late lane changes by north bound traffic heading toward York in this location. Highways officers consider that a large scale advertisement structure in this location could further distract drivers and this relationship must be addressed within a Road Safety Audit for the site. Additional lane designation signs may also be required on the north bound approach along Crown Point Road however a full assessment cannot be made on the basis of the submitted information.

(vi) 14/06622/ADV - Land on Hunslet Road, Hunslet, Leeds

In visual amenity terms, there are no officer objections to the proposal as presented in principle, subject to the removal of the adjacent hoarding to avoid visual clutter and the prevention of an over-proliferation of advertisements in this location. The structure would need to be removed to accommodate the New Generation Transport scheme, but it is believed at this point that a minimum of 3 years would be achieved by siting the structure at the proposed location.

(vii) 14/06623/ADV – One illuminated advertisement sign: Land at Inner Ring Road/Woodhouse Lane

The proposed siting is considered acceptable to officers in visual amenity terms however, fundamental public/highway safety issues have been identified since pre-application stage and the proposal cannot currently be supported by officers. The advertisement structure is proposed to be sited to a bridge on the adopted urban motorway between two lanes. No pedestrian access is permitted on the motorway and Highways officers have no understanding of how the applicant proposes service vehicles and operatives access the site in a safe manner. Vehicles could not be parked in any proximity without a full closure of the road. This would require a very long lead in time and co-ordination with any other highway operations that may be taking place.

(viii) 14/06624/ADV - Land at Meadow Lane, Holbeck, Leeds

Leeds Civic Trust object to this proposal as they consider the advertisement structure would constitute a visual intrusion into the landscape of the 'South Bank'. Leeds Civic Trust further considers that the proposed cantilever cable supports are unattractive and the overall design should be reconsidered.

With regard to visual amenity, the proposal is supported by officers in principle as the appearance of the proposed structure would be softened by the existing landscaped backdrop, whilst being seen against the modern visual context of Bridgewater Place when approaching from the south east. Officers further consider that the cantilever design would be understood as part of a family of signage which in this case would also include the proposed design of signage under applications 14/06626/ADV – Kirkstall Road and 14/06621/ADV - Land off Crown Point Road, Leeds.

Officers have however identified potential for conflicts with the location of trees, street furniture, existing lighting columns, traffic signals. Currently officers have insufficient details of how the sign would be serviced. In highway safety terms, the advertisement structure must not be placed directly behind signal heads, however the detail provided within the application indicates the advertisement structure would be directly behind a signal head. Officers consider that clarification of this relationship should be addressed within a Road Safety Audit.

(ix) 14/06625/ADV – One digital advertisement sign: Land at Clay Pit Lane Bridge

With regard to highway safety matters, the submitted supporting highway safety report by White Young Green is acceptable as a supporting document but it does not identify potential dazzle effect for drivers entering the tunnel and what could be done to mitigate the potential effect. Further to the submitted report, highways officers consider that additional information should be provided giving consideration to illumination of the display in relation to lighting and luminance within the tunnel, a structural assessment must be provided and a Servicing Strategy agreed.

In regard to visual amenity, the officer opinion remains that this is a visually acceptable form of development subject to agreement on the visual treatment to the rear of the structure. The species of soft landscaping to the rear of the structure may be controlled by planning condition if members are minded to support the principle of the proposal.

Officers consider that the structure would be seen against the modern backdrop of the highway system, the Leeds Arena and the Halifax/Bank of Scotland Building at Lovell Park and would be understood as part of a modern visual context rather than an area with heritage sensitivities. Therefore the visual impact of the sign is considered acceptable.

(x) 14/06626/ADV – Kirkstall Road

The plan provided with the application does not identify any existing directional signage. Based on the submitted information the officer view is the structure should be placed further back and the supporting structure should not be as tall as is indicated. Suitable supporting information should be provided which demonstrates that the structure would not conflict with existing directional signage.

Leeds Civic Trust object to this proposal as they consider the location to be currently cluttered with signs, scrubby vegetation and is car-dominated. Leeds Civic Trust considers that any sign erected in this location should be supported by a significant investment in improving the existing landscaping. Leeds Civic Trust further considers that the proposed cantilever cable supports are unattractive and the overall design should be reconsidered.

Officers consider the hoarding would be read against the backdrop of high sided landscaping which will soften the visual impact of the sign, which will be read against the backdrop of trees, planting and alongside the modern 'West One' building within an otherwise generally commercial context.

(xi) 14/06627/ADV- Land off Victoria Road And Meadow Lane, Holbeck, Leeds

Highways officers have substantive concerns that directional signage is not illustrated on plan for assessment and therefore, in highway safety terms the proposal cannot currently be supported. The proposed site is located within a commercial environment and the signage would be read against the backdrop of modern buildings and tree belts but not located in such proximity to trees as to place pressure on the existing landscaping in the area and is therefore supported in visual amenity terms.

- 9.16 Members are asked to comment on the proposals and to consider the following matters:
- 9.17 Visual Amenity
 - 9.17.1 As a result of comments received, do Members agree that the visual impact from the proposals are acceptable and appropriate for these locations?**
- 9.18 Public/Highway Safety
 - 9.18.1 In light of highway officer concerns with a number of the proposed advertisements, do members feel that road safety and servicing assessments are required to support the applications?**

Background papers:

Application files: 14/06617/ADV 14/06618/ADV, 14/06619/ADV, 14/06620/ADV,
14/06621/ADV, 14/06622/ADV, 14/06623/ADV, 14/06624/ADV, 14/06625/ADV,
14/06626/ADV, 14/06627/ADV.

Letter of objection from Leeds Civic Trust received 12th December 2014.

Appendix 1: Minutes of City Plans Panel, 17th July 2014.

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

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

Plans, photographs and graphics were displayed at the meeting. Members were provided with an overview of the proposals for 10 individual sites located within or close to the City Centre boundary, mainly on arterial routes.

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

The following information was provided:

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

Members commented on the following matters:

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

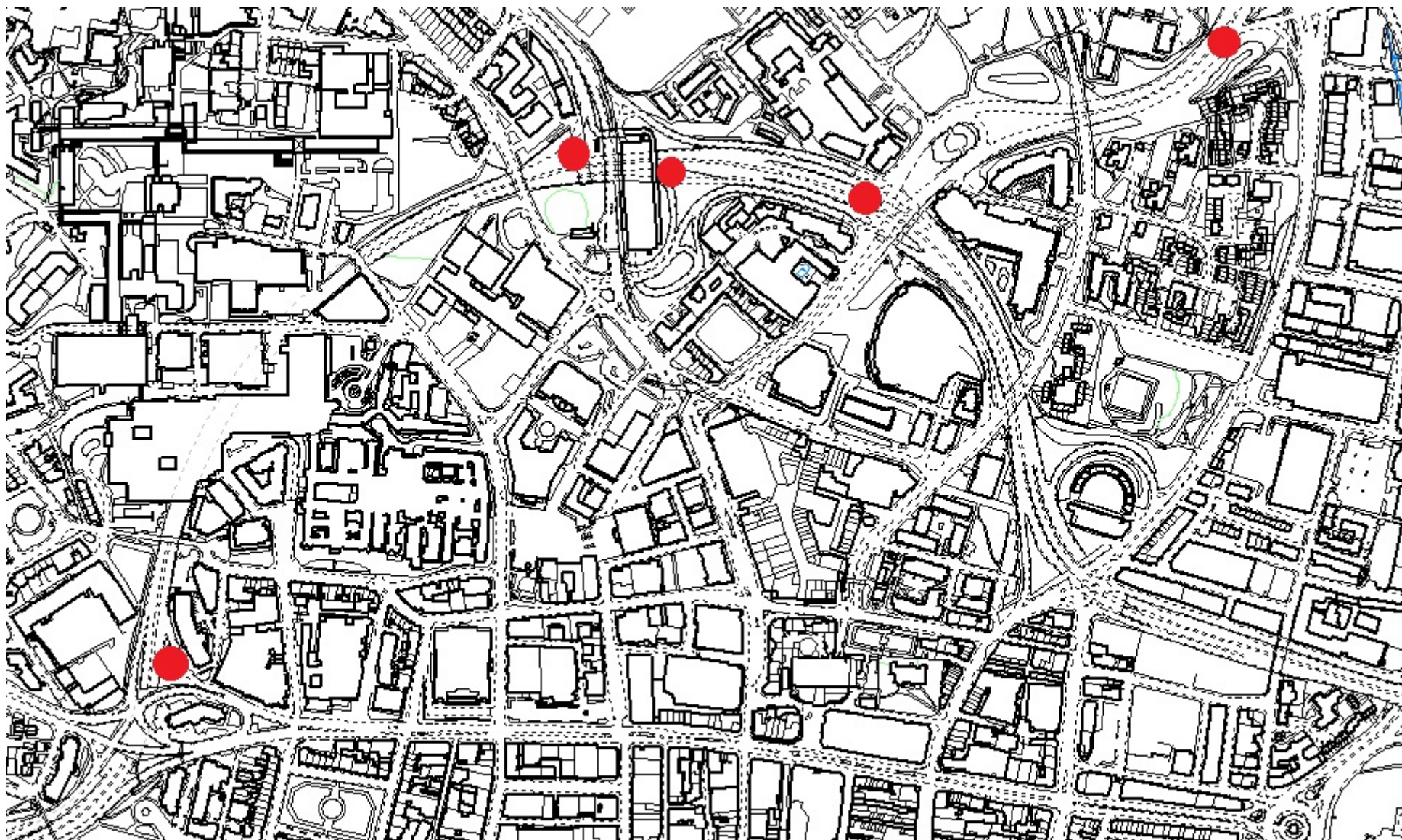
In response to the specific issues raised in the report, Members provided the following responses:

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

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

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

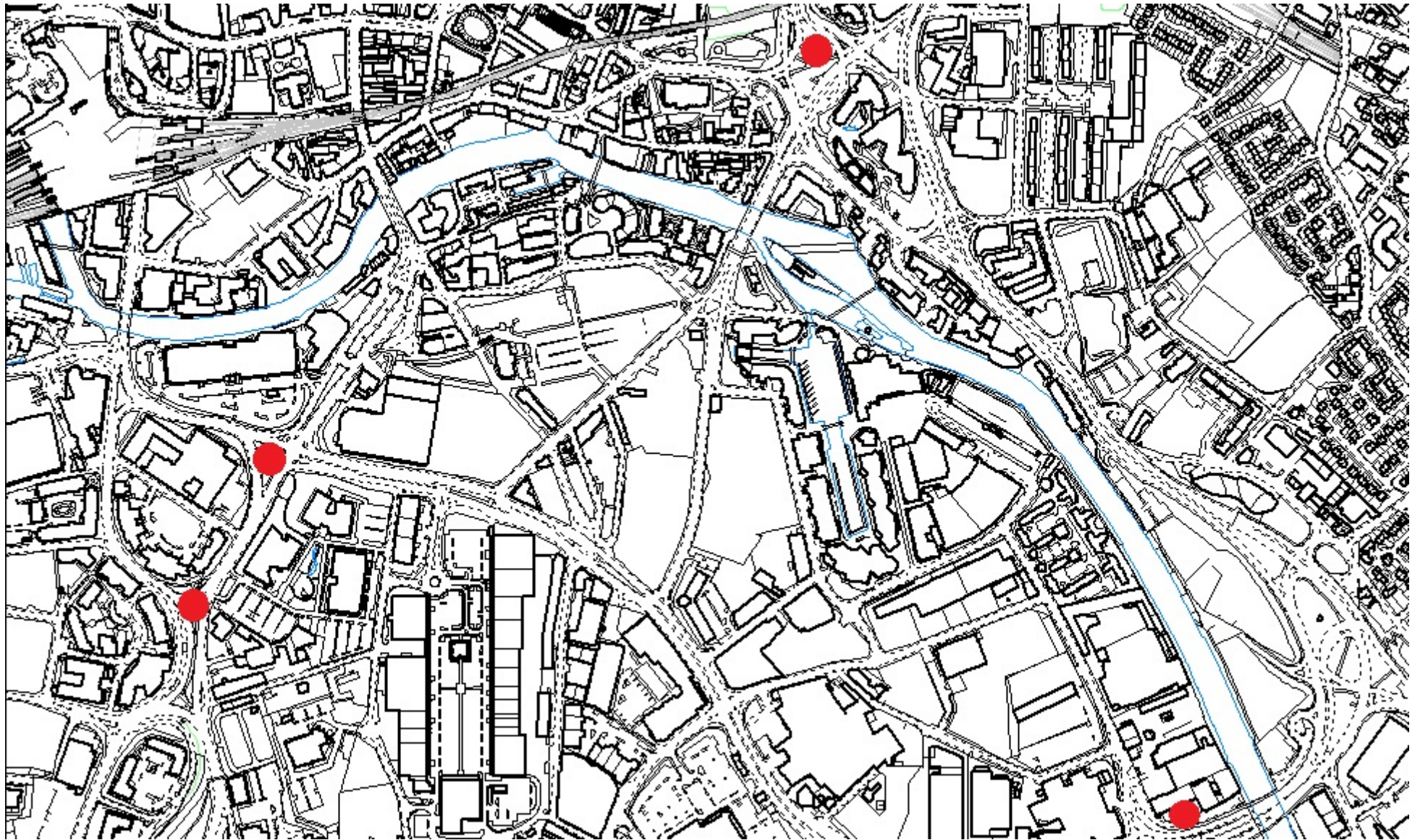
J C Decaux UK Ltd - 5 X HOARDING LOCATIONS – CITY CENTRE NORTH



CITY PLANS PANEL

NOT TO SCALE

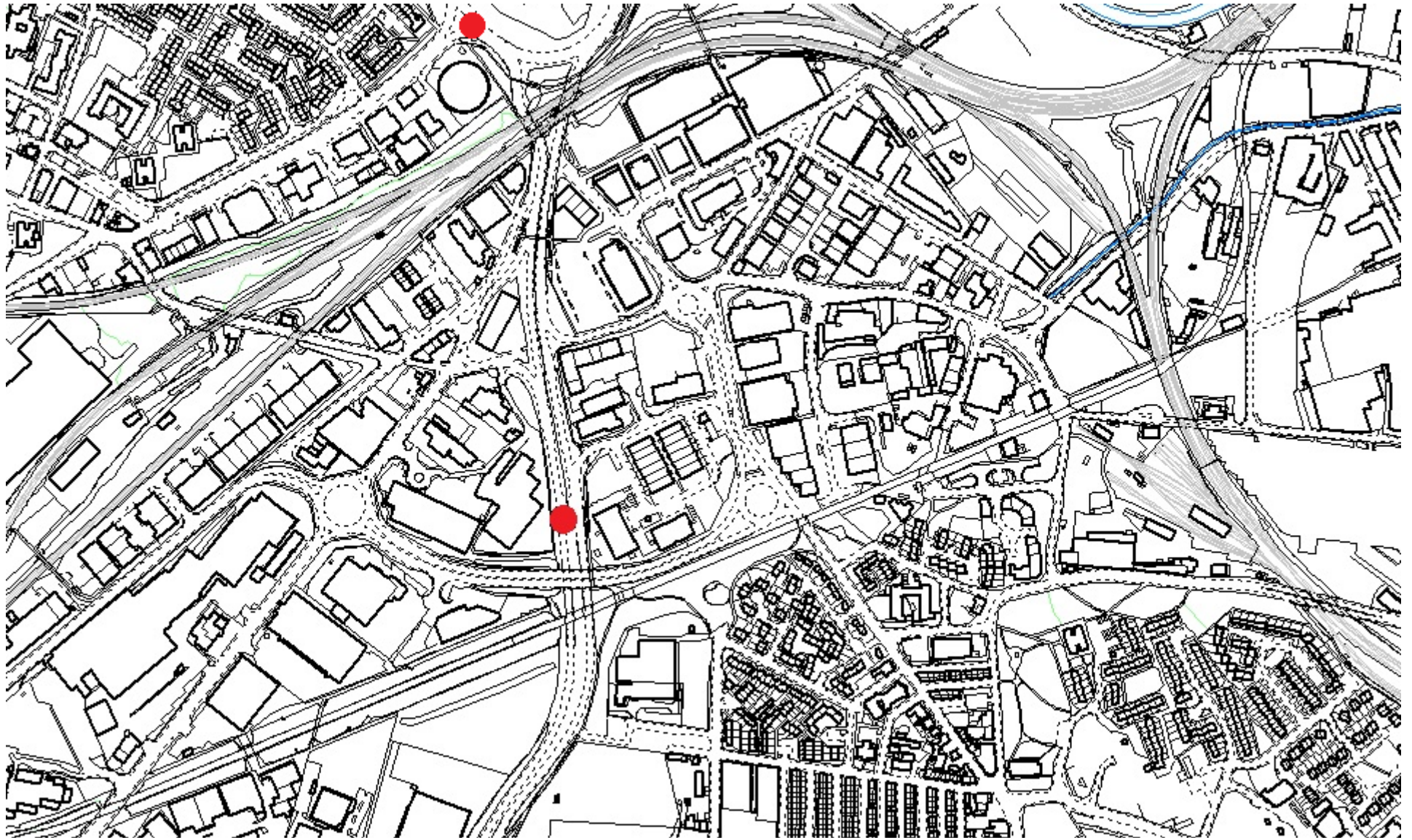
J C Decaux UK Ltd - 4 X HOARDING LOCATIONS – CITY CENTRE SOUTH



CITY PLANS PANEL

NOT TO SCALE

**J C Decaux UK Ltd - 2 X HOARDING LOCATIONS
CITY CENTRE AT WELLINGTON ROAD GYRATORY & SYDENHAM STREET**



CITY PLANS PANEL

NOT TO SCALE