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## CITY PLANS PANEL

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Meeting to be held in Civic Hall, Leeds on  
Thursday, 23rd July, 2015  
at 1.30 pm

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### MEMBERSHIP

#### Councillors

P Gruen  
S Hamilton  
N Walshaw  
M Ingham  
J McKenna  
(Chair)  
A Khan  
K Ritchie  
E Taylor

C Campbell

R Procter  
G Latty

T Leadley

D Blackburn

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

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p data-bbox="678 322 975 356"><b>SITE VISIT LETTER</b></p> <p data-bbox="678 465 1402 533"><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p data-bbox="678 613 1382 757">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 data-bbox="678 797 1386 940">(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	

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

Item No	Ward	Item Not Open		Page No
5			<b>APOLOGIES FOR ABSENCE</b>	
6			<b>MINUTES</b>  To approve the minutes of the City Plans Panel meeting held on 11 <sup>th</sup> June 2015  (Minutes attached)	3 - 14
7	Morley South		<b>APPLICATION NO. 14/07352/OT - OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT INCLUDING MEANS OF ACCESS AT LOW MOOR FARM, ALBERT DRIVE, MORLEY, LEEDS, LS27 8SH</b>  To consider a report by the Chief Planning Officer which sets out details of an outline application for residential development, including means of access at Low Moor Farm, Albert Drive, Morley, Leeds, LS27 8SH  (Report attached)	15 - 46
8	City and Hunslet		<b>APPLICATION NO. 15/02470/FU - DEVELOPMENT OF NEW SECONDARY FREE SCHOOL WITH ASSOCIATED SPORTS AND RECREATION FACILITIES, PARKING AND LANDSCAPING AT BLACK BULL STREET, HUNSLET, LEEDS, LS10</b>  To consider a report by the Chief Planning Officer, which sets out details of an application for the development of a new secondary free school with associated sports and recreation facilities, parking and landscaping at Black Bull Street, Hunslet, Leeds 10.  (Report attached)	47 - 74

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9	Temple Newsam		<p><b>APPLICATION NO. 15/02217/OT - VARIATION OF CONDITIONS 4, 23, 28, 29 AND 30 OF OUTLINE PLANNING PERMISSION 14/05483/FU (MIXED USE DEVELOPMENT AT THORPE PARK, LEEDS) VARIATION OF CONDITIONS 4, 23, 28, 29 AND 30 OF OUTLINE PLANNING PERMISSION 14/05483/FU (MIXED USE DEVELOPMENT AT THORPE PARK, LEEDS</b></p> <p>To consider a report by the Chief Planning Officer which sets out details of an application seeking a variation of Conditions 4, 23, 28 and 30 of Outline Planning Permission 14/05483/FU (Mixed use development at Thorpe Park, Leeds) To introduce greater flexibility to allow the 9,000SQ.M of gross retail floorspace within the approved foodstore unit to be reconfigured to provide up to 2,000 SQ.M of gross convenience goods floorspace and 7,000 SQ.M gross for non-food operators (Including resultant changes to the total permitted net sales floorspace) to land between Barrowby Lane and Manston Lane, Thorpe Park, Leeds, LS15 8ZB.</p> <p>(Report attached)</p>	75 - 100
10			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>Thursday 13<sup>th</sup> August 2015 at 1.30pm</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.

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Use of Recordings by Third Parties– code of practice

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

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

To all Members of City Plans Panel

Contact: Angela M Bloor  
Tel: 0113 247 4754  
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angela.bloor@leeds.gov.uk  
Your reference:  
Our reference: site visits  
Date 15<sup>th</sup> July 2015

Dear Councillor

**SITE VISITS – CITY PLANS PANEL – THURSDAY 23<sup>RD</sup> JULY 2015**

Prior to the meeting of City Plans Panel on Thursday 23<sup>rd</sup> July 2015, the following site visits will take place:

9.40am		Depart Civic Hall
10.00am	Morley South	Application No. 14/07352/OT – Outline application for residential development including means of access at Low Moor Farm, Albert Drive, Morley, Leeds, LS27 8SH (Depart site at 10.30am)
10.45am	City & Hunslet	Application No. 15/02470/FU – Development of new secondary free school with associated sports and recreation facilities, parking and landscaping at Black Bull Street, Hunslet, Leeds 10. (Depart site 11.15am)
11.30am	City & Hunslet	(Not on the agenda) - Victoria Gate Development - visit to see progress on the John Lewis and retail arcade scheme which is currently under construction on phase 1. (Depart site 12noon)

12.00 noon 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 9.30am.

Yours sincerely

Angela M Bloor  
Governance Officer





## CITY PLANS PANEL

THURSDAY, 11TH JUNE, 2015

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

Councillors D Blackburn, G Latty,  
T Leadley, N Walshaw, M Ingham,  
C Campbell, A Khan, K Ritchie, M Harland,  
S McKenna and J Procter

### 1 Chair's opening remarks

The Chair welcomed everyone to the meeting, and asked Councillor Khan and Councillor Ritchie, who were new members of the Panel, to introduce themselves

### 2 Late Items

There were no formal late items, however the Panel was in receipt of supplementary information in respect of application 15/00415/FU – Low Fold, which had been circulated prior to the meeting and had been published on the Council's website (minute 6 refers)

### 3 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

### 4 Apologies for Absence

Apologies for absence had been received from the following Members: Councillor P Gruen, Councillor E Taylor, Councillor R Procter and Councillor Hamilton, with Councillors Harland; S McKenna and J Procter substituting for their respective colleagues

### 5 Minutes

**RESOLVED** - That the minutes of the City Plans Panel meeting held on 14<sup>th</sup> May 2015 be approved

### 6 Application 15/00415/FU - 312 dwellings including new open space and associated works - Low Fold South Accommodation Road Hunslet LS10

Draft minutes to be approved at the meeting to be held on Thursday 23<sup>rd</sup> July 2015

Further to minute 185 of the City Plans Panel meeting held on 14<sup>th</sup> May 2015, where Panel considered a position statement on proposals for a major residential development on a brownfield site close to the City Centre, the Panel considered a further report of the Chief Planning Officer setting out the formal application. A supplementary report which set out proposed conditions to be attached to an approval was considered alongside the main report

Plans, photographs, graphics, artist's impressions and precedent images were displayed at the meeting. A Members site visit had previously taken place and as part of the round of site visits earlier in the day, Members had driven past this site

The Deputy Area Planning Manager presented the report and outlined the scheme, highlighting detailed design elements of the proposed landscaping and elevations and referring to the generally supportive comments made by Panel about the proposals at the May meeting. Particular issues where concerns had been raised related to the level of affordable housing offer and the desire of the applicant to provide a bridge link in lieu of the required level of affordable housing; the durability of some of the proposed materials and the traffic implications arising from the absence of visitor parking within the scheme

Members were informed that the developer had agreed to increase the number of affordable housing units to 16, however these would not be a mix of houses and flats, but would be 1 and 2 bed flats. This would enable the developer to also provide the river bridge. Whilst the provision of this bridge was not necessary to make the development acceptable, in terms of the opportunities it would provide to link to sites in the wider area, it was seen as being of great importance

In terms of durability of the proposed cladding materials, details of these had been included in the submitted report

Concerning parking, no dedicated visitor parking would be provided on site, however the developer was of the view that based on previous experience, not all of the available parking for residents was likely to be taken up. Residents would have access to a Smart App to see where parking spaces were available so could inform their visitors where they could park. Additionally, as part of the S106 agreement, the developer would carry out a parking survey of the area from a walking distance of 800m from the site access road and resurvey this area after the development was complete. If parking problems arising from the development were evident, mitigation measures would be provided

Members were informed that the Environment Agency was now happy with the flood risk assessment and had withdrawn their objection, provided that the flood mitigation measures were carried out as proposed and were controlled by condition, which Officers were satisfied with

If minded to accept the Officer's recommendation, amendments to the Officer's recommendation would be required to clarify that the delivery of the bridge to be controlled by the S106 agreement should be for a pedestrian and cycle bridge, and that in the event the bridge was not delivered, the full level of affordable housing would be provided on site, along with additional necessary off site highway works. Also the S106 Heads of Terms would need to include the requirements for the carrying out of a parking survey pre

and post development and the provision of any off site mitigation measures, in accordance with the approach agreed with the developer

The Panel considered the application with the key areas of discussion relating to:

- the bridge link; the benefits it would bring to the local community and wider area and the importance of ensuring land was available for the bridge to land on the other side of the site. Members were informed that the proposed bridge landing could be provided on land owned by the Council, subject to detailed design
- the affordable housing and where this would be sited. Members were informed the exact location of these units would require discussion with the social landlord but that the intention was not to have them sited in one block
- the Community Interest Company; that this appeared to be a good model and would be of benefit when dealing with maintenance issues
- highways and parking issues, with concerns continuing to be raised at the absence of visitor parking spaces on the site and the possibility of this leading to parking problems occurring beyond the site. The Deputy Area Planning Manager outlined the proposed requirement for pre and post development traffic surveys and the provision of any necessary mitigation measures which would form part of the S106 agreement
- the durability of some of the materials and the need for prospective residents to understand that a level of maintenance of the exterior cladding would be required. Concerns were raised at the practicality of this, particularly for the highest blocks within the scheme
- the landscaping proposals and whether advice would be sought on what was being proposed. The Deputy Area Planning Manager advised that the landscaping was covered by conditions and that the Council's Landscape Officers would consider the proposals

The Panel considered how to proceed

**RESOLVED** – To defer and delegate to the Chief Planning Officer for approval in principle, subject to the specified conditions set out in the supplementary report (and any others which he might consider appropriate) and following the completion of a Section 106 Agreement to cover the following matters:

- affordable housing – the provision of 5% of the total units as affordable housing on site (16 units) plus the delivery of a publicly accessible pedestrian and cycle bridge across the River Aire. In the event the bridge did not proceed, the full 15% of affordable housing to be provided on site in accordance with adopted planning policy and the provision of the necessary additional highway improvement works
- travel plan monitoring fee £3650
- provision of two car club bays and £25,000 car club trial provision

- public access throughout the site
- co-operation with local jobs and skills initiatives
- management fee £750
- parking survey of an area 800m from the site access road prior to development and resurvey upon completion of development and provision of additional parking mitigation measures if required
- 

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

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

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

Officers presented a report of the Chief Planning Officer on an outline application for residential development, landscaping, open space and new access, with all other matters reserved, on a greenfield site, allocated in the UDP Review for housing at Great North Road Micklefield. A position statement on the proposals had been considered by City Plans Panel on 21<sup>st</sup> November 2013

Details of the access arrangements; the existing boundary treatments of the site and the relationship of the site to the adjacent newly built dwellings were highlighted. Members were informed that the small area of Green Belt land sited between the housing allocation site and the A1(M) was being proposed by the applicant to be incorporated into the red line boundary to provide additional green space. As this was a departure from the Development Plan, the application would require re-advertisement

In terms of highways issues, the applicant had been asked to consider a solution which improved the existing junction at Barnsdale Road and Church Lane, with the proposals being put forward to widen Barnsdale Road and introduce a right hand turning lane into Church Lane. This was considered to be acceptable to Highway Officers

In terms of the Grade II Listed mile stone, Members were informed this was outside of the development area and would not be affected by the proposals although a condition to protect it during the works was proposed

The proposals would involve tree loss, with this being outlined in the submitted report. Members were informed that most of the trees to be removed were classed as category C, i.e. trees of low quality or young trees, although some category B trees, i.e. trees of moderate quality or value, would be affected. It was stated that this tree loss was unavoidable as the housing allocation had to be delivered

Objections had been received to the proposals, with particular concerns relating to the highways scheme. Although an alternative

roundabout solution had been proposed, this would also impact on trees. Receipt of two further representations was reported, these raising issues relating to highways and flooding. Members were informed that Highways Officers were satisfied with the Stage 1 Safety Audit which had been undertaken on the proposed highway works. In respect of flood risk management, mitigation measures could be installed, with these being dealt with at the detailed design stage

Details of the planning obligations were provided, which would include affordable housing at 15%

In view of the need to re-advertise the application, Members were informed of a revision to the wording of the recommendation to accommodate this

The Panel then heard representations from two objectors who, with agreement of the Chair were on this occasion, given two minutes each to address Members

The concerns relating to the proposals were outlined and included:

- drainage issues
- school provision, particularly in view of the lack of land to expand the local primary school
- highways safety and concerns with the proposed junction layout
- that the application should be deferred for consideration of alternative highways solutions

The Panel then heard from a representative of the developer who provided information on the highways issues, which included:

- the design of the highways proposals which had been approved and reviewed by the Council
- that an independent Stage 1 Safety Audit had been carried out and accepted by Highways Officers
- the proposals provided betterment to existing and future road users
- that Members had all the information they required to consider the proposals

In response to queries regarding education provision and drainage, the Chair invited the developer to respond. In terms of education provision, the developer informed Members he was unable to respond on this point. Concerning drainage and recent ponding which had occurred on part of the site, that this could be mitigated by installing an infiltration trench/land drainage system between the new development and the existing houses on Great North Road

The Panel discussed the application, with the main issues being raised relating to:

- highways. The Transport Development Services Manager advised that much work had been undertaken in considering the proposed solution. The solution was tight and some of the standards were minimum and whilst other solutions might be available, this was what had been submitted and was considered to be acceptable and safe, with an independent Stage 1 Safety Audit having been undertaken and deemed acceptable

- education provision and concerns about the feasibility of this if land for expansion was not available. Members were informed that regarding the expansion of the primary school, a financial contribution for this would normally have been required prior to the adoption of CIL but this type of infrastructure improvement would now be delivered through the Community Infrastructure Levy (CIL). For clarity, the Chief Planning Officer stated that the need for the expansion of the local primary school related to the whole housing allocation site, with the extent of this being highlighted on the plan, for Members' information
- the green space being provided; the siting of the children's play area; (as indicated on the allocation wide masterplan), that providing green space within the Green Belt, might in this case be acceptable in view of the narrowness of the Green Belt at this point, however it was felt there was a need for justification of this course of action, to guard against similar proposals elsewhere
- the need to co-ordinate proposals across a wider area and that the application before Panel could be considered as premature

The Chief Planning Officer advised the Panel that in respect of the highways issues which had been raised, these had been addressed. On the issue of green space, there was a justification for the proposed incorporation of a narrow strip of Green Belt land and that a larger amount of green space was being provided which was acceptable. Finally on the primary school expansion, the financial contribution would be picked up by CIL and that future education provision would need to be picked up with other developers with sites near to the existing primary school. However, it was for Children's Services to advise what provision was needed and where this should be sited.

The Chief Planning Officer stated he did not consider the application to be premature

The Panel considered how to proceed

**RESOLVED** - To defer and delegate to the Chief Planning Officer for approval, subject to the revised red line boundary and re-advertisement of the application as a Departure from the Development Plan; subject to no new, material planning considerations being raised as part of that re-advertisement process and subject to the conditions set out in the submitted report; an additional condition to cover the protection of the Listed mile stone on Barnsdale Road during the construction work (and any others which he might consider appropriate) and the completion of a Section 106 Agreement to cover the following:

- affordable housing – 15% (with a 60% social rent and 40% submarket split)
- public open space on site of the size and locations set out on the revised masterplan
- improvements to bus stop 24237 at a cost of £10,000
- travel plan, including a monitoring fee of £2,500 and £1,000 contribution for cycle/scooter storage at the primary school
- residential Metrocards (bus and rail) at a cost of £605.00 per dwelling
- employment and training initiatives (applies to the construction of the development)

In the circumstances where the S106 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

During consideration of this matter, Councillor J Procter took his seat in the meeting

**8 Application 15/02023//RM - Reserved Matters application at Plot A2 of the wider Thorpe Park Masterplan - Thorpe Park Business Park Barrowby Lane/Manston Lane Leeds 15**

Plans, graphics, drawings and photographs 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 on a Reserved Matters application for a three storey office building with roof mounted plant housing and associated parking on Plot A2 at Thorpe Park

The design of the scheme was outlined and details of the proposed materials were provided. Members were informed what was proposed was a simple, high quality design which incorporated a range of sustainable elements, including provision on the roof for solar photovoltaics. No objections to the application had been raised and the scheme was policy compliant

**RESOLVED** - To defer and delegate to the Chief Planning Officer for approval, subject to addressing outstanding issues and the imposition of the conditions set out in the submitted report (and any others which he might consider appropriate)

**9 Application 15/01615/FU - Four storey office building with associated parking - 3175 Century Way Thorpe Park LS15**

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

The Panel considered a report of the Chief Planning Officer on an application for a four storey office building with associated parking on Plot 3175, sited off Century Way, west of the roundabout off Junction 46 of the M1

Members were informed that the Coal Board had removed their objection to the scheme

In view of the development being for office use, Officers recommended an alteration to the recommendation to include provision for an alteration of the S106 covering the original consent in terms of triggers for the provision of the Manston Lane Link Road (MLLR) which was linked to the amount of office accommodation on the site

**RESOLVED** - To defer and delegate to the Chief Planning Officer for approval, subject to addressing outstanding issues; the imposition of the conditions set out in the submitted report ( and any others which he might consider appropriate) and to include provision for any requisite variation of the S106 in terms of triggers for the provision of the MLLR

**10 Preapp/15/00275 - Proposed redevelopment of Tower Works Globe Road comprising offices, residential, supporting A1, A3, A4 and D1 uses and public open space - Tower Works 2 - 10 Globe Road Holbeck LS11 - Pre-application presentation**

Plans, photographs including a 1951 photograph of the site; an historic painting of Holbeck; graphics; precedent images and a fly-through were displayed at the meeting. A Members site visit had taken place earlier in the day

The Deputy Area Planning Manager introduced the proposals and referred to the number of proposed developments for Holbeck Urban Village including the Tower Works site which had been brought forward but had not progressed. Reference was also made to the Holbeck Urban Village Planning Framework, which set out the urban design framework and key principles for development within Holbeck Urban Village (HUV) and the number of historic buildings within the area, several of which were Listed

The Tower Works site was owned by the Homes and Communities Agency which had run a competition to develop the site, with Carillion Developments winning the competition and having now entered into pre-application discussions with Officers. The parameters for the competition had referenced the existing planning permission for the site and the adopted planning guidance for the area in relation to massing; scale; connectivity and preserving the setting of the Listed Buildings

Members were informed that an application proposal had also been received from the adjacent site owner, with pre-application discussions beginning to take place and that it was important that the developers of both sites worked collaboratively to ensure delivery of the planning objectives in the Holbeck Urban Village Planning Framework

The Panel then received a presentation from a representative of the developers of the Tower Works site, with Members being provided with information on the proposals which included:

- the mix of uses proposed, these being residential; flexible office space and a range of active uses, including shops, restaurants, cafes and bars, along with public open space
- that nine buildings were proposed to be arranged around the site
- the provision of a main square area which would include a water feature
- that 50% of the site would be Public Open Space and that the use of text within the floor plan would provide a history of the site to its visitors
- the use of greenery which would be used vertically and horizontally
- that to respect the Listed Buildings, the buildings on Globe Road would be kept to a lower level and that the original factory entrance would be used to access the site
- the treatment of Water Lane, with the historic factory wall being continued and new building being sited above it



- the residential accommodation and that this would be a mix of town houses and flats

In response to questions from Members, additional information was provided relating to:

- on-site parking. This would be at a low level as the site was in a highly sustainable location and was close to public transport links. Low level/minimal parking was specified in the HUV Planning Framework and to avoid vehicles coming into HUV, a multi-storey car park was proposed on the periphery of the village. The Listed Building posed limitations in terms of providing an underground car park, as did the risk of flooding. From agent feedback from the development at Granary Wharf, only 27% of residents had taken up the parking on this site, with the developers considering that people who would be interested in living on the site would be making a lifestyle choice not to have a car
- energy efficiency. That BREEAM 'excellent' was being aimed for and that in terms of the provision of solar panels, the number of these to be provided would be that required to meet this standard
- the relationship between blocks D and F and Verona Tower; that these buildings would step back to give the historic tower some breathing space and that a mini square would be created around Verona Tower, with building G benefitting from glazed walls to enjoy the views in this space
- the Engine House and future uses for this. It was noted this building was in Council ownership. The developer's representative stated that a number of uses were being considered for this building, including a micro-brewery and an art house cinema

Members discussed the proposals and commented on the following key issues:

- the attractiveness of much of the scheme, particularly at Globe Road and the use of the original entrance archway but concerns that the historic, listed towers were not being sufficiently respected within the scheme; that they were being crowded; that from some aspects, it would be difficult to glimpse views of them and from the canal view, any building on the adjacent site could obscure the towers entirely and that in previous discussions about the site, Members had stressed the importance of retaining views of the towers
- the Globe Quay building and that this would be dwarfed by the surrounding buildings and that a less dense development which provided more space around the Towers would be more appropriate
- the excellent use of brickwork in the scheme
- the green credentials being aimed for and the importance of buildings in this area meeting high BREEAM standards

- the use of green walls within the scheme which was welcomed as was the accommodation types, with some triplex units being provided
- that the considerable attention given to the Globe Road frontage had not been sustained in respect of buildings inside the site
- concerns about blocks G, J, K and L which were felt to create a closed in effect
- land ownership and commercial matters and how these could be affected if a less dense development was proposed
- that the low level of on site car parking provision must be justified, particularly for family sized units

The Panel considered the specific points Officers required Members' comments on, as set out in the submitted report. Prior to this, the Deputy Area Planning Manager highlighted that whilst ground floor active uses were generally supported by planning policy, the amount of A1 use was normally restricted. The developer's representative stated that the A1 use could be reduced to less than 372 sqm

In response to the questions posed in the report, the Panel made the following comments:

- that the mix of proposed uses were acceptable, in view of the comments made on behalf of the applicant about the extent of the A1 uses
- that the scale and arrangement of the buildings were not appropriate, especially with regard to the listed towers and buildings and that further consideration needed to be given to these matters, in light of the detailed comments by Members
- that Members were supportive of the emerging mix and standard of residential accommodation being proposed
- to note Members' concerns and views on the approach to car parking provision within the site and the need for accessibility improvements on Globe Road

The Deputy Area Planning Manager stressed the importance of the pedestrian access being as good as it could be to accommodate greater pedestrian trips generated by the proposals, with Officers being of the view that the width of the Globe Road footpath was not wide as was desired and that there were aspirations to better connect this site to the surrounding area to the south

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

**11 Preapp/15/00332 - Proposals for a roof top extension to the southern arcade block of the Victoria Gate development - land bounded by Eastgate, St Peters Street and George Street/Dyer Street - Pre-application presentation**

Plans and graphics were displayed at the meeting

Members received a presentation from the developer's architect on proposals for a roof top extension to the southern arcade block of the Victoria Gate development

The background to the project; the construction process and planning history were briefly outlined to the Panel. Members were reminded that the original approved scheme for the first phase of the development included a 3 storey block to the southern edge of the site. The developer then considered that not all 3 floors to this side of the Phase 1 site were required and submitted a variation application to remove the top floor of the southern block. In view of the level of demand for restaurant space within the scheme, the developer was now seeking to reintroduce a 3<sup>rd</sup> floor to the southern block

Due to the level of construction which had already been carried out, a lightweight solution to providing this additional accommodation was proposed, with corten steel and patinated brass being considered

The Panel also heard representations from an objector who expressed concern that the proposal would impact on the viability of the Templar Pub and other A3 and A4 uses in the immediate vicinity of the site and that Hammersons had appeared to have changed their views on what were appropriate uses in this area

The Panel discussed the proposals and sought reassurances about the access arrangements to the roof top restaurant by people with mobility issues. Members were reassured that as well as a spiral staircase, there was good lift provision

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

- that the scale, massing and layout of the proposed extension were acceptable
- that the design and materials proposed were acceptable. The confidence Members had in the developer's architect, Mr Ludewig, was stressed
- that the proposal could be delegated to Officers for the determination of any subsequent planning application

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

Thursday 2<sup>nd</sup> July 2015 at 1.30pm in the Civic Hall, Leeds

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Originator:	Kate Mansell
Tel:	0113 247 8360

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## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 23<sup>rd</sup> July 2015

**Subject: Planning Application 14/07352/OT: Outline planning application for residential development on land at Low Moor Farm, Albert Drive, Morley, LS27 8SH**

#### APPLICANT

Persimmon Homes West  
Yorkshire and Priestgate  
Morley Limited.

#### DATE VALID

18<sup>th</sup> December 2014

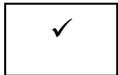
#### TARGET DATE

10<sup>th</sup> August 2015

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#### Electoral Wards Affected:

**Morley South**



Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

## **RECOMMENDATION:**

**DEFER and DELEGATE to the Chief Planning Officer for approval subject to conditions to cover those matters outlined below (and any others which he might consider appropriate) and the completion of a S106 agreement to secure the following:**

- i. Affordable Housing – 15% (with a 60% social rent and 40% submarket split)**
- ii. Public open space on site of the size to comply with Core Strategy Policy G4.**
- iii. Improvements to bus stop 11042 at a cost of £20,000 to comprise the provision of a shelter and real time passenger information.**
- iv. The provision of raised kerbs and a bus clearway to the above bus stop 11042 on Wide Lane;**
- v. Travel Plan including a monitoring fee of £2,925**
- vi. Residential Metrocards (Bus and Rail) at a cost of £605.00 per dwelling.**
- vii. Employment and training initiatives (applies to the construction phase).**
- viii. Upgrade Peter Lane to a bridleway**
- ix. The management and retention of buffer planting within the Green Belt for the foreseeable future in accordance with Saved UDP Policy N24.**

**In the circumstances where the S106 has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.**

## **CONDITIONS:**

1. Time limit for application for approval of Reserved Matters and commencement.
2. Approval of outstanding details following outline permission.
3. Plans to be approved.
4. Reserved Matters in accordance with the Parameters Plan to a maximum of 185 dwelling.
5. Samples of walling, roofing and surfacing material to be approved.
6. Large scale details – windows
7. Removal of Permitted Development
8. Existing and proposed levels
9. Retention of hedgerows.
10. Details of means of enclosure.
11. Details of bin stores.
12. Landscape scheme.
13. Implementation of landscape scheme
14. Landscape management plan.
15. Biodiversity enhancement conditions.
16. Lighting details
17. Details of drainage infrastructure and balancing pond.
18. Feasibility study into the use of infiltration drainage methods.
19. Details of surface water drainage.
20. Method statement for interim drainage measures.
21. Survey of the culvert up to its outfall to the north of the site
22. Intrusive investigation for mine entry.
23. Highway Condition Survey
24. Details of traffic calming along Albert Drive
25. Travel Plan
26. Access roads and car parking to be complete prior to first use.
27. Cycle provision.
26. Footpath connections
28. Statement of construction practice.

29. Contamination reports and remedial works.
30. Unexpected contamination.
31. Verification reports.
32. Soil importation condition
33. Details to achieve 10% of energy needs from low carbon energy.

## **1.0 INTRODUCTION**

- 1.1 This outline planning application is presented to Plans Panel given the nature of the application comprising a site that is designated as a Protected Area of Search (PAS) within the Saved Policies of the Adopted Unitary Development Plan (UDP).

## **2.0 PROPOSAL**

- 2.1 This application seeks outline planning permission for the demolition of the existing farm buildings and the residential development of a 7.65-hectare site comprising Low Moor Farm and associated farmland, which lies at the end of Albert Drive in Morley. The outline application seeks to consider means of access only such that matters of appearance, landscaping, layout and scale are reserved for future consideration.
- 2.2 Given the outline submission, the application is supported by a Design and Access Statement and an illustrative plan, which indicates that the site can accommodate up to 185 new homes (maximum), which forms the basis for the assessment of the proposal. The red line boundary of the application also extends into adjoining farmland within the Green Belt to the north of the application in order to accommodate a balancing pond and drainage works. The adjoining land to the northern boundary and part of the eastern boundary is within the blue line of the application comprising land that is also within the applicant's control although no development is proposed within this land.
- 2.3 Means of access is defined within the Town & Country Planning (General Development Procedure) Order 1995 to cover accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site. In this case, vehicular access to the site is proposed from Albert Drive comprising a continuation of the existing road. Within the site, the access road extends directly northwards with two-cul-de-sac roads branching off to the north-west and south-east. The access road crosses beneath the electricity lines that run across the site from south-east to north-west to a further area of development in the north-east corner of the site, which is also served by a secondary road from within the site. Pedestrian connectivity will be achieved from two pedestrian access points from the southern boundary onto Peter Lane connecting into an existing Public Right of Way.
- 2.4 All other details relating to the Reserved Matters of layout, scale, appearance and landscaping are for indicative purposes only such that they will be considered in detail at Reserved Matters stage.
- 2.5 The indicative layout indicates that the residential development will be constructed within the six parcels created by the proposed road network. A sterilized area will need to be retained beneath the high voltage power line that runs across the site, which the applicant has identified as open space/green corridor with a further area of green space within the south-east corner of the site. The Design and Access Statement indicates that approximately 5.24 hectares of the site would be utilised to accommodate up to 185 dwellings (maximum) with approximately 1.99 hectares

used to provide an area of open space (circa 25% of the total area) and 0.41 hectares within the Green Belt required to accommodate a balancing pond and drainage infrastructure. These proportions are indicative only. In the course of the application, a Parameters plan has also been prepared which indicates a requirement to address the minimum distances to secure amenity and privacy in relation to the existing houses that adjoin the site such that an 'amenity zone' is indicated between the existing and proposed dwellings comprising a minimum of 21 metres between main facing windows and a minimum of 12 metres between main facing windows and a flank elevation.

- 2.6 The appearance of the houses will be determined at Reserved Matters stage albeit that the Design and Access Statement sets three character areas within the site – formal frontage either side of the main access road from Albert Drive, a general character within the site and a green edge to form the transition to the surrounding Green Belt. These character areas are identified to determine building type, height, materials and architectural details. In each case, it is proposed that the dwellings be constructed in brick with artstone cills and lintels to the windows. To the formal frontage, the dwellings will be designed with a pitched roof whilst to the general character and green edge it is indicated that there may be a mix of pitched roofs and gable fronts. In terms of house types, to the formal frontage and green edge, a mixture of detached and semi-detached are envisaged whilst the general character will include semi-detached and detached as well as occasional short terraces.
- 2.7 With regard to scale, the Parameters Plan and the Design and Access Statement indicate that the development will be predominantly 2-storeys to the formal frontage and green edge with the opportunity for 2.5 storeys at key locations within the general character part of the site, subject to a visual and design assessment. A buffer zone to the Green Belt is also provided beyond the boundary but on land that is within the applicant's ownership.
- 2.8 The landscaping strategy outlined within the Design and Access Statement indicates that the objectives of the strategy include the visually and physical softening of the eastern and northern edges with copses, trees and hedgerows, the creation of a new wetland and marginal habitats associated with the Sustainable Urban Drainage scheme, a new central park within the site to include a recreation area and a new footpath network linking the central park with the existing public rights of way to the east of the site.
- 2.9 It is intended that any development be broadly in accordance with the Parameters Plan outlined above and any specific requirements determined by this outline application. To support their submission, the application also includes a Planning Statement, a Landscape and Visual Assessment, a Transport Assessment and Travel Plan, a Flood Risk Assessment, a Phase 1 Ecological Appraisal and a Heritage Statement. In addition, a full Bat Survey was undertaken in May 2015.

### **3.0 SITE AND SURROUNDINGS**

- 3.1 The application site comprises 7.65 hectares of open farmland, farm buildings and a stable block at Low Moor Farm positioned on the urban fringe of Morley. It is a broadly rectangular site with a (circa) 150 metre southern boundary that adjoins Peter Lane, beyond which are the rear gardens of 5 to 33 Newlands Crescent. The western boundary extends to circa 410 metres and adjoins the rear gardens of 51 to 85 Rydal Drive, 60 Albert Drive and 15 to 37 Rydal Crescent. The northern and eastern boundaries adjoin the Green Belt with the southern half of the eastern boundary adjoining an area of existing vegetation whilst the remainder of the Green



Belt boundary is open with views to the wider area. In this part of the City, the Green Belt provides a gap between the urban areas of Morley and Middleton with the White Rose Shopping Centre lying approximately 1.5 kilometres to the north-east. Low Moor Farm is a collection of farm buildings with the farmhouse itself comprising a traditional circa Victorian stone terrace.

- 3.2 A key feature of the land is the high-voltage electricity cable that runs just off-centre through the site in a south-east to north west direction with two pylons positioned towards the east of the site. It also slopes gently from the western boundary to the northern boundary with a varying gradient from 1:20 to 1:50.
- 3.3 To the east of the application site, within the main urban area of Morley, the character of the adjoining area is entirely residential comprising post-War two storey red brick housing.
- 3.4 A public footpath runs along the southern and part of the eastern boundary of the site proving a connection towards Dewsbury Road and also towards the White Rose Centre.

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

- 4.1 There is no planning history directly relevant to the consideration of this application.

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

- 5.1 The applicant did engage in limited pre-application discussions with the Council, which focused at that time on an assessment of the site against the Council's interim policy to release Protected Areas of Search (PAS). At that time, the applicant was advised that the site did meet the criteria for release and that the site therefore contributed to the Council's five-year supply of deliverable land for the period 2014 to 2019, which is addressed further in the report below.

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

- 6.1 The application was initially advertised by means of a press notice in the Morley Advertiser and site notices as a major development posted on 9<sup>th</sup> January 2015.
- 6.2 A total of 33 objections have been received as well as a petition with 168 signatures.

The signatories of the petition oppose the scheme on the grounds that Morley is already overpopulated and they need to protect the green land that they have and the wildlife.

- 6.3 The letters objecting to the application are in the form of a template letter that raises the following issues:

1. The application breaches the NPPF as the site is not sustainable and local infrastructure cannot cope with this level of over-development, which makes it unsustainable.

2. The proposed access onto Albert Drive cannot cope with the additional traffic generated by this proposal. They consider local roads to already be congested and the additional highway movements associated with this development will make a difficult highway situation much worse.

3. The site contributes in a positive way to preventing the merger of Middleton and Morley and provides a positive Greenfield barrier to prevent communities coalescing.

4. Wide Lane already suffers from high levels of congestion, as does Dewsbury Road and the additional traffic generated by this site will make congestion much worse.

6.4 Morley Town Council objects to the application on the following grounds:

6.4.1 At present the site is under two tenancies divided roughly along a continuation of the line of Albert Drive, though it is used more or less as one for horses and other livestock; the southerly part has an all-weather outdoor ménage. Both the application site and adjoining blue-lined land to the north and east are owned by Dartmouth Estates through their Priestgate Morley subsidiary; Persimmon Homes seem to have a contractual interest which would give them first refusal if the land were to be released for house-building, as well as binding them to promote actively the development of the land through the Planning system. A claim made in the application that no development is proposed on the blue-lined land seems a bit disingenuous in view of the fact that it has been put forward for housing in the Strategic Housing Land Allocation Assessment (SHLAA), an informal mechanism closely associated with the Leeds Local Development Framework (LDF); it seems likely that release of this land for housing will be pursued through the LDF site allocations process which will not be finished until well into 2016.

6.4.2 Development of the PAS would be constrained by an overhead power line, which crosses the site on its long axis; three pylons stand within it. A central green swathe is proposed running roughly north and south beneath the power line; to compensate for this, the houses shown in the indicative layout would be pushed close to the northern and eastern PAS boundaries, with no buffer planting between them and the adjoining Green Belt. This layout would be unacceptable and they object to it most strongly.

6.4.3 There might be negotiations with the power line owners to try to have the cables buried, as took place at Churwell New Village, but, the indicative layout currently proposed would breach guidance which requires substantial transitional planting buffers on the Green Belt edge.

6.4.4 Any Green Belt edge buffer planning must be within the boundaries of the PAS site itself, particularly because of the narrowness of the Green Belt gap here, a developer must not be allowed to steal a few extra yards for housing by pushing buffer planting into adjoining Green Belt.

6.4.5 Because this PAS land occupies part of the strategic green gap between Morley and Middleton, and Morley and the White Rose Shopping Centre, sometimes called the A653 Dewsbury Road corridor, any development should be held back by UDP and LDF phasing as long as possible, and, if eventually allowed, must have careful and extensive planting within what is now PAS along its Green Belt boundaries.

6.4.6 No roadway stubs or other gaps should be left on the edges of the PAS which might encourage attempts to extend development into adjoining Green Belt. The Parish Council would hope that late phasing would protect this land against development within the life of the LDF, which lasts until 31/3/2028. If implementation of the LDF falls well short of its new dwellings target of 74,000, which it surely will, appropriate phasing would give this land protection against development for many years.

- 6.4.7 Although the nearby Newlands Primary School has been rebuilt recently and expanded to three form entry, this was to cope with existing growth of numbers of children within the schools natural catchment hexagon and did not give spare capacity to cater for new housing.
- 6.4.8 Cumulative impact of recent Planning permissions in Morley, including Persimmons Daisy Hill and Owlars Farm, must be taken into account; hard-pressed infrastructure and essential community services such as education and health care must be given time to catch up. This application must be refused.
- 6.4.9 There would be one vehicular access to the site, from the end of Albert Drive, and two further pedestrian accesses across the southern boundary to Peter Lane, one a road from Morley to Middleton by way of Middleton Mill, but now no more than a grassy track only reaching Dewsbury Road. Newlands council estate, of which Albert Drive is a part, was laid out in the 1950s when few council house tenants had cars; its road network would be incapable of absorbing cars and other traffic generated by adding about 185 houses at Low Moor Farm.
- 6.4.10 Flood control earthworks are proposed on Dartmouth Estate Green Belt land to the north of the application site, made up of a ditch and detention pond. On their own merits in form and purpose these works should be acceptable, though not the development that they would support.
- 6.4.11 There is no mention of affordable housing, an omission to which they object, though there is a mention of footpath and cycle path improvements which might be paid for by Sec 106 contributions.
- 6.4.12 For the above reasons, the Parish Council objects to the development.
- 6.5 Councillor Dawson has also submitted an objection to the development raising the following points:
  - 6.5.1 Areas of land such as Low Moor Farm were included in the Unitary Development Plan (UDP) adopted in 2006 as a Protected Area of Search (PAS). The intention was that PAS sites were reserved for longer-term development needs. Quoting from the plan it states it is intended that no development should be permitted on this (PAS) land that would prejudice the possibility of longer term development, and any proposals for such development will be treated as departures from the Plan.
  - 6.5.2 He believes there are still sufficient other areas earmarked for housing development in Leeds and Morley that mean there is no current requirement to use the land at Low Moor Farm in the first phase of the LDF plan. There are currently around 26,000 dwellings approved for new housing build in Leeds but for a variety of reasons developers/builders are not building on these sites.
  - 6.5.3 Morley should keep its distinctive community feel and this is done by ensuring that areas adjacent to the Greenbelt around the town are preserved and not eroded further with housing development that would be welcomed in other parts of Leeds particularly on Brownfield and regeneration sites.
  - 6.5.4 Any development should be curtailed for the next five years until there is a clear demonstration that this land is required for development.
  - 6.5.5 The development goes against the proposed framework to be adopted in the new

LDF plan as development at Low Moor Farm could lead to the unrestricted sprawl of large built up areas, there is a requirement to prevent neighbouring towns from merging (i.e. the green corridor between Middleton and Morley), and to assist in safeguarding the countryside from encroachment. This proposed development does not comply with these aims.

- 6.5.6 This site is at the outer boundary of the built up area of Morley and is adjacent to the Green belt that acts as a buffer against the erosion of the Green belt between Morley and Leeds. Land at Low Moor farm should not be a priority development site and in any phasing plan to support the LDF process this land should be held back for development until the later years of the plan.
- 6.5.7 Highways and Traffic issues: Access is through a route which is in a built up residential near to a school, church and other amenities which has high number of elderly people and high number of children. Further traffic through the estate will increase the possibility of road traffic accidents and injuries on the narrow access road to the proposed development. This is a quiet cul-de-sac which currently has very little traffic and will now be faced with many more vehicles which makes this road much more unsafe for children and pedestrians with an expected additional 200 plus new vehicles per day travelling along this quiet street.
- 6.5.8 The transport assessment submitted with the outline application shows for the most recently available period between January 2009 and October 2014 inclusive that in the area covered (which includes a section of the B6123 Wide Lane extending from its junction with Magpie Lane up to and including its roundabout with the A653 Dewsbury Road) there have been 72 collisions with 107 injuries. The report states this is not high; however it does represent a significant number that can only increase as the number of car journeys in the area increases to and from new developments in the area.
- 6.5.9 The proximity of an extra high voltage overhead power line in the area is a potential hazard for local residents and children and as a planning condition Councillor Dawson would ask that a review is undertaken on whether this line overhead line should be removed or put undergrounded as part of the development of the site.
- 6.5.10 There are references in the design and access statement to the proximity of Morley railway station and as the crow flies it may be 800 metres but to walk to the station from the proposed development via a safe walkway would more than double the estimated distance and would take a minimum of 20 minutes to walk. The reference to using the public rights of way to reach the station would not be feasible as these are very basic footpaths through open countryside and present many safety hazards for anyone walking to the station.
- 6.5.11 Other: Development on this site may lead to further proposed development on nearby green belt sites. The houses shown in the indicative plan are adjoining the northern and eastern PAS boundaries, with no buffer between them and the adjoining Green Belt. This layout is not acceptable and should be altered. Any Green Belt edge buffer planning must be within the boundaries of the PAS site itself.

The population growth in housing from other nearby developments has not being adequately assessed when taking account essential community services such as education and health care for the community.

- 6.5.12 The Councillor also believes that the application is contrary to Policy H1 of the LDF. This site does not meet the above criteria in Policy H1. This site is not located in a

regeneration area; it does not have the best public transport accessibility, reasonable but not the best when compared with other sites; the site has limited access to a few services and most services will be a 35-minute walk from the development; This development will have an impact on the green belt, as it is adjacent to the green belt with no buffer. Development here will lead to possible moves to develop further into the green belt; the development of this site has a negative impact on the existing green space, green corridors and the rural feel of this land on the edge of town.

## **7.0 CONSULTATION RESPONSES**

### **7.1 Statutory:**

**Environment Agency:** Referred comments on this scheme to the Council's Flood Risk Management Team.

**Coal Authority:** The Coal Authority originally objected to the application by letter dated 9<sup>th</sup> January. However, following the submission of additional information prepared by Wardell Armstong and dated 31<sup>st</sup> March 2015, which analyses additional information and also takes account of the findings of intrusive site investigations on the site, the Coal Authority is now satisfied that this adequately addresses the issue of coal recovery potential and therefore addresses their previous objection. The Coal Authority therefore raises no objection subject to a recommended condition in relation to site investigations prior to commencement.

### **7.2 Non-Statutory:**

**Highways:** No objections in principle subject to conditions and a Section 106 agreement.

**Flood Risk Management:** No objection subject to conditions.

**Public Rights of Way:** No objections in principle subject to improving the quality of the footpaths that adjoin the site.

**Air Quality Management:** They do not see the development as an area which will suffer from adverse air quality for the future residents, but the development will inevitably increase the amount of car journeys past other nearby areas which may not be so fortunate. It is therefore proposed that, regardless of any other conditions that are requested through the Travelwise SPD, this development should be conditioned that all residential property with off-street parking available should have included a separately fused 32amp rated spur cable to an external power point. Such a commitment would represent an element of future proofing the development and providing an easily deliverable, low cost mitigation measure against future emissions and negate the need to assess the impact on air quality to surrounding residential properties. This is proposed as a condition of this recommendation.

**Nature Conservation:** In response to the original submission, the Nature Conservation Officer advised that the Extended Phase 1 Habitat Survey had identified 4 farm buildings with High bat roosting potential. Dusk and dawn activity surveys should therefore be carried out by an appropriately qualified consultant as recommended in the applicant's report prior to determination. These surveys were subsequently undertaken in May 2015 and find no evidence of bat roosts within the farm buildings and no recommendations for further surveys.

TravelWise Team: In accordance with the SPD on Travel Plans the Travel Plan should be included in the Section 106 Agreement along with the following:

- a) Leeds City Council Travel Plan Review fee of £2925
- b) Residential MetroCards

Walking routes to the rail station also require improvements and conditions should cover provision of cycle parking and electric vehicle charging points

West Yorkshire Combined Authority: The Transport Assessment (TA) provides a comprehensive appraisal of the public transport accessibility of the site and highlights a number of bus services that are within the vicinity of the development. Whilst WYCA acknowledge that the size of the site will inevitably mean that parts of the site will fall outside 400 metres of bus stops, it should be noted that the TA includes these services in their appraisal. They note that the Council Highways Officer comments indicate that the site meets the bus service level that is contained in the Public Transport SPD. Whilst this may be the case in terms of service frequency and destinations served, the walk distance to access these services is greater than usual 400m walk distance they recommend and it is unlikely that bus services can be diverted to reduce the walk distance to the site. They therefore recommend that the developer needs to ensure that the final site layout is designed in a way to minimise walk routes to the existing main public transport corridors on Dewsbury Road and Wide Lane including the suggestions made by the Council Highways Officer, which are secured by condition and the Section 106 agreement to enhance the accessibility.

In terms of influencing travel behaviour, they welcome the commitment within the Travel Plan to enter in to the Residential MetroCard scheme (Bus and Rail Zone 1-3). This allows each dwelling to receive a free MetroCard (funded for by the developer) for 1 year with a discount on the ticket for the subsequent 2 years provided by the MetroCard partners. The developer would be expected to pay for the cost of the ticket at the time of completion of the first dwelling. The current cost of this based on 2015 prices would be £605 per ticket (Total based on 181 dwellings £109,505). This will be incorporated into a S106 agreement.

They have identified bus stop 11042 located on Wide Lane that would benefit from a shelter with real time passenger information display. This is the closest Leeds bound bus stop to the site. The cost of this provision would be £20,000. Raised kerbs and bus clearway should also be provided; this is not included in the £20,000 quoted. This will again be included within the Section 106.

Yorkshire Water: No objections subject to conditions.

## **8.0 PLANNING POLICIES**

8.1 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 Leeds comprises the Adopted Core Strategy (2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

8.2 The site is identified on the LDF Policies Map as a Protected Area of Search site (PAS), which is a saved UDP policy designation.

### Adopted Core Strategy

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

Spatial Policy 1: Location of development  
Spatial Policy 4: Regeneration Priority Programme Areas  
Spatial Policy 6: Housing requirement and allocation of housing land  
Spatial Policy 7: Distribution of housing land and allocations  
Spatial Policy 11: Transport infrastructure investment priorities  
Policy H1: Managed release of sites  
Policy H3: Density of residential development  
Policy H4: Housing mix  
Policy H5: Affordable housing  
Policy P10: Design  
Policy T1: Transport Management  
Policy P12: Landscape  
Policy T2: Accessibility requirements and new development  
Policy G4: New Greenspace provision  
Policy G8: Protection of species and habitats  
Policy G9: Biodiversity improvements  
Policy EN2: Sustainable design and construction  
Policy EN5: Managing flood risk  
Policy ID2: Planning obligations and developer contributions  
Map 5D: Core Strategy Regeneration Priority Areas – South Leeds

### Saved Policies - Leeds UDP (2006)

- 8.4 The following saved policies within the UDP are considered most relevant to the determination of this application:

GP5: Development Proposals should resolve detailed planning considerations.  
N23/25: Landscape design and boundary treatment  
N24: Development proposals abutting the Green Belt  
N34: Protected Area of Search sites (PAS)  
T7A: Cycle Parking  
T24: Parking guidelines  
LD1: Detailed guidance on landscape schemes.

### Relevant supplementary guidance:

- 8.5 Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are most relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes:

Street Design Guide SPD  
Neighbourhoods for Living SPG13  
Affordable Housing SPG (Interim Policy)  
Sustainable Design and Construction SPD

### National Planning Policy Framework (NPPF)

- 8.6 The National Planning Policy Framework (NPPF), published on 27<sup>th</sup> 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.
- 8.7 The NPPF constitutes guidance for Local Planning Authorities and its introduction has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.8 The NPPF confirms that at its heart is a presumption in favour of sustainable development. For decision taking, this means approving proposals that accord with the development plan without delay and where the development plan is silent, absent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 8.9 The NPPF establishes at Paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental of which the provision of a strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations is identified as a key aspect of the social role. Within the economic role, it is also acknowledged that a strong and competitive economy can be achieved by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.
- 8.10 Paragraph 17 sets out twelve core planning principles, including to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, ensuring high quality design but also encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 8.11 With specific regard to housing supply, the NPPF states at Paragraph 47 that to boost the supply of housing, local planning authorities must identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional of 5% (moved forward from later in the plan period) to ensure choice and competition in the market of 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. It states that where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.
- 8.12 In terms of housing delivery, Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. It also notes that 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.
- 8.13 Also of relevance to this application is guidance within the NPPF in relation to policy implementation and the status to be given to emerging plans. Paragraph 216 of the



NPPF advises decision-takers may also give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
2. The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
3. The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

This is pertinent to the site allocation process in Leeds.

## **9.0 MAIN ISSUES**

9.1 The main issues to consider in the determination of this application include the following:

- i. Principle of development – Policy and Land Use
- ii. Housing density and mix;
- iii. Affordable Housing
- iv. Means of Access – Highways
- v. Layout, Scale and Appearance (including Green Space)
- vi. Landscaping
- vii. Green Belt
- viii. Residential Amenity
- ix. Ecology
- x. Sustainability
- xi. Flood Risk
- xii. Demolition of the existing buildings

9.2 The Council must also consider representations received as part of the public consultation exercise.

## **10.0 APPRAISAL**

### Principle of development

10.1 Within the January 2014 Policies Map, which comprises the Saved UDP Review 2006 policies and the Adopted Natural Resources and Waste Local Plan, the application site is identified as a Protected Area of Search for long-term development (PAS). It is situated just outside the Main Urban Area and it is also outside the Green Belt. It does, however, lie within the boundary of the South Leeds Regeneration Priority Areas as identified at Map 5D of the Core Strategy.

10.2 Within the UDP, Policy N34 advises that within those areas shown on the proposal map under this policy, development will be restricted to that which is necessary for the operation of the existing uses together with such temporary uses as would not prejudice the possibility of long term development. 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 (Paragraph 5.4.9). The Site Allocations Plan is the means by which the

Council is reviewing and proposing allocations, which are consistent with the wider spatial approach of the Core Strategy and are supported by a comparative sustainability appraisal. It also phases 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

- 10.3 As Panel Members will be aware, on 13<sup>th</sup> March 2013 Executive Board agreed an interim policy to release selected Protected Areas of Search (PAS) for development in advance of the Site Allocations Plan within the context of the National Planning Policy Framework and (at that time) to provide for the need for the Council to strengthen its five year housing land supply and to provide a broader diversity of sites. The Interim Policy was introduced as an interim measure to guide the release of sites, which gave rise to the fewest sustainability concerns and identified criteria to be applied to PAS sites to ensure a consistent approach to their release. The policy was designed to release a selection of smaller sites adjoining the main urban areas which were sustainable when measured against Core Strategy policy, so as to continue the PAS protection of larger sites and sites adjacent to smaller settlements which had potential to raise more significant sustainability concerns which needed to be addressed through the plan making process i.e. the Site Allocations Plan. This site did satisfy the tests of the Interim PAS policy in being well related (adjacent to) the main urban area of Morley, not exceeding 10ha in size and not needed or potentially needed for an alternative use.
- 10.4 The Council's Interim PAS policy was withdrawn on 11<sup>th</sup> February 2015 by a decision at the Council's Executive Board, which also agreed a series of site allocations as the basis on which to prepare the Site Allocations Plan. At this time the interim policy was considered to have served its purpose in supplementing the Council's five-year supply of deliverable sites with a limited release of Greenfield land, which in line with national policy helped choice and competition in the market for land. It had also served to ensure protection for sites which did not meet the criteria as the Council had by that time taken its views on which sites (including former PAS) would be allocated for housing via the Site Allocations Plan and which sites would form the Council's PAS land for the LDF plan period and beyond. This application was validated on 18<sup>th</sup> December 2014 such that at the time of submission, the Interim Policy to release Protected Areas of Search (PAS) for development was still in place and the proposed site was compliant with it.
- 10.5 However, the report to Executive Board proposing the withdrawal of the PAS Interim Policy advised at Paragraph 4.19 that the Council would determine applications on PAS sites having regard to all material considerations including:
- i. The decision of Executive Board on the proposed status of the sites in the SAP (Site Allocations Plan) (and AVLAAP)
  - ii. The Adopted Core Strategy policies, in particular on sustainability, location, settlement hierarchy and phasing
  - iii. The National Planning Policy Framework, including: i) "that planning permission for the permanent development of safeguarded land should only be granted following a local plan review which proposes the development", ii) Core Planning Principles, including on the importance that plan-making should "be genuinely plan-led, empowering local people to shape their surroundings", iii) the issue of prematurity in advance of the Site Allocations Plan and iv) the weight to be attached to emerging plans, including the "extent to which there are unresolved objections to relevant

policies (the less significant the unresolved objections, the greater the weight that may be given)

- iv. Evidence about local land supply
- v. Emerging Site Allocations Plan evidence in particular on the sustainability and infrastructure needs / context of sites
- vi. Site specifics

Each of the above will be considered within this report.

#### (i) Site Status

- 10.6 In first considering the site status, it is advised that as part of the proposed site allocations agreed by Executive Board on 11<sup>th</sup> February 2015 to form the basis of the preparation of the SAP, within Appendix 4iii Outer South West Site Schedule, the application site is classified as a Preferred Housing Allocation 1320 – Albert Drive Lower Moor Farm PAS, Morley. It is identified as a 7.2 Hectare Greenfield site within the Major Settlement Extension Settlement Hierarchy with a capacity for 190 houses. For the purpose of this report, the application is therefore primarily assessed as a Greenfield site. It is acknowledged that the site allocations proposals set out to Executive Board in February to agree in principle those sites which the Council were proposing for allocation, which would then, subject to further work including setting out site requirements and phasing, form the basis on which to prepare the Publication Site Allocations Plan for consideration by the Development Plan Panel and also for approval by Executive Board prior to being placed upon deposit for the purposes of public consultation in late Summer 2015.
- 10.7 On 26<sup>th</sup> June 2015 a subsequent report was submitted to and agreed by Development Plan Panel to consider the Site Allocations Plan (SAP) – Publication Draft. The focus of this report was the SAP Publication Draft Plan sections in relation to Housing, including phasing of development and safeguarded land (as relevant to this application) with a recommendation to the Executive Board that the Plan be agreed for public consultation. Significantly, within Appendix 11 of the SAP Publication Draft Plan the application site (HG2-154) is identified within Phase 1 for the outer south-west Housing Market Character Area. Phase 1 starts at 2012 (Year 0 of the Plan). A report has been submitted to Executive Board on 15<sup>th</sup> July 2015 with a recommendation that the Plan (including the delivery of this site within Phase 1) be agreed for public consultation. Plans Panel will be updated at the meeting on the outcome of the Executive Board's consideration.

#### (ii) and (vi) Core Strategy and site specific compliance with the Core Strategy

- 10.8 Spatial Policy 1 of the Adopted Core Strategy relates to the location of development and confirms the overall objective to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance between brownfield and Greenfield land. It confirms that the largest amount of development will be located in the main urban area and major settlements with small settlements contributing to development needs subject to the settlement's size, function and sustainability. As a consequence, the priority for identifying land for development is (i) previously developed land within the Main Urban Area/relevant settlement, (ii) other suitable infill sites within the Main Urban Area/relevant settlement and (iii) key locations identified as sustainable extensions to the Main

Urban Area/relevant settlement. This site is considered to constitute a sustainable extension to the Main Urban Area of Morley lying immediately adjacent to the boundary. Indeed, Morley is identified as a major settlement in Policy SP1 of the Adopted Core Strategy. At the Core Strategy Examination there was significant objection to the level of housing being proposed within the Outer South West Housing Market Characteristic Area in which Morley sits. However, the Core Strategy Inspector held a specific session dealing with these issues and considered that the plan as submitted was sound. In his report on the Core Strategy the Inspector said *"I have considered the concerns of residents, including those of Aireborough, Morley and Scholes. Morley is a small town with its own town centre, a railway station, easy access to the motorway network and is rightly defined as a major settlement. I agree with the Council that as such, it should play its part in meeting the identified need and that its contribution should be proportionate to its place in the settlement hierarchy. I understand residents' concerns but Leeds cannot meet its objectively assessed need without developing Greenfield land and it is inevitable that some land which communities' value will be lost to development."*

- 10.9 It is also the case that the site lays within the boundary of the South Leeds Regeneration Priority Programme Area. Spatial Policy 4 confirms that within this Regeneration Area, priority will be given to developments that improve housing quality, affordability and choice. This application is submitted in outline with all matters (except access) reserved but it is anticipated that the site can deliver up to 185 new homes including the provision of 15% affordable homes to ensure affordability and choice.
- 10.10 Spatial Policy 6 of the Core Strategy relates to the City's Housing Requirement and the allocation of housing land. It confirms that the provision of 70,000 (net) new dwellings will be accommodated between 2012 and 2028 with a target that at least 3,660 per year should be delivered from 2012/13 to the end of 2016/17. Guided by the Settlement Hierarchy, Spatial Policy 6 confirms that the Council will identify 66,000 dwellings (gross) (62,000 net) to achieve the distribution in tables H2 and H3 in Spatial Policy 7 using the following considerations:
- (i) Sustainable locations (which meet standards of public transport accessibility), supported by existing or access to new local facilities and services, (including Educational and Health Infrastructure),
  - (ii) Preference for brownfield and regeneration sites,
  - (iii) The least impact on Green Belt purposes,
  - (iv) Opportunities to reinforce or enhance the distinctiveness of existing neighbourhoods and quality of life of local communities through the design and standard of new homes,
  - (v) The need for realistic lead-in-times and build-out-rates for housing construction,
  - (vi) The least negative and most positive impacts on green infrastructure, green corridors, green space and nature conservation,
  - (vi) Generally avoiding or mitigating areas of flood risk.

In response to these considerations, the following is advised:

- 10.11 (i) In terms of a sustainable location, the accessibility of the scheme is considered fully in the Transport section below, which will acknowledge that the site does meet the Accessibility Standards established at Table 2, Appendix 3 of the Adopted Core Strategy such that it is considered to be a sustainable and accessible location with suitable access to local facilities and services. With regard to access to facilities and services, including education and health infrastructure, it is advised that the application will be liable for the Community Infrastructure Level at a rate of £45 per

square metre of development, which will contribute towards the provision of infrastructure within the locality including primary and secondary education. With regard to health infrastructure (including Doctor and Dentist services) the provision of health facilities falls within the remit of NHS England and at a local level, Leeds' three Clinical Commissioning Groups (CCGs). The amount of new housing identified for Leeds up to 2028 would equate to on average 5-6 new GPs a year across Leeds based on a full time GP with approximately 1800 patients. Leeds already has over 100 existing practices of varying sizes, so the addition of 5-6 GPs a year is not considered to be a significant number for the population of Leeds. The Site Allocations Plan cannot allocate land specifically for health facilities because providers plan for their own operating needs and local demand. Existing practices determine for themselves (as independent businesses) whether to recruit additional clinicians in the event of their practice registered list growing. Practices can also consider other means to deal with increased patient numbers, including increasing surgery hours. This is up to individual practices as to how they run their business. Practices consult with the NHS about funding for expansion albeit that funding is limited.

- 10.12 (ii) to (vi) Whilst it is a Greenfield rather than Brownfield site, neither Spatial Policy 6 nor the NPPF preclude the development of Greenfield sites and furthermore, the application site does lie within the South Leeds Regeneration Priority Programme Area where it is considered that new housing can be a lever for investment in regeneration areas and bring wider local benefits such as improving local housing markets and stimulating development on brownfield sites. The standards and design of the development, which will be determined at Reserved Matters stage, should offer the opportunity to enhance the distinctiveness of the locality and provide a high quality design standard for new homes. The applicant has also advised that should the site secure planning permission, they would aim to submit the Reserved Matters by the end of 2015 and look to start on site in Spring 2016 with build out rates of circa 30 per year. The impact on the adjacent Green Belt and with regard to Nature Conservation and flood risk have been fully considered and are addressed in the report below but none of these issues are considered to preclude development commencing in accordance with Spatial Policy 6.
- 10.13 Spatial Policy 7 considers the distribution of housing across the City and identifies the provision of 7200 dwellings (11% of the 66,000) within the Outer South West area within which the application site lies, with 3,300 dwellings envisaged as an extension to the main urban area and 10,300 as extensions to major settlements. The application site is included within the provision of dwellings outlined above on the grounds that it is included within the Council's current 5-year housing land supply. Accordingly, in the event that the application site was not brought forward for housing at this time, it would be necessary to identify alternative locations within the Outer South-West Housing Market Character Area to meet the requirements of Spatial Policy 7.
- 10.14 With specific regard to the managed release of sites, Policy H1 of the Adopted Core Strategy confirms that the LDF Allocations Documents will phase the release of allocations according to the following five criteria:
- i. Location in regeneration areas,
  - ii. Locations which have the best public transport accessibility,
  - iii. Locations with the best accessibility to local services,
  - iv. Locations with least impact on Green Belt objectives,
  - v. Sites with least negative and most positive impacts on existing and proposed green infrastructure, green corridors, green space and nature conservation.

- 10.15 Members will be aware that a report was presented to Development Plans Panel on 19<sup>th</sup> May 2015 setting out an overall approach to housing phasing having regard to the fact that the Leeds Core Strategy (Policies SP1, SP6 and SP7 above) and Policy H1 seek to ensure that housing areas are in sustainable locations, are managed and phased in a timely manner consistent with the spatial priorities of the Plan, provide an appropriate balance of brownfield and greenfield sites make best use of current and planned infrastructure and those sites that are sequentially less preferable are released only when needed. This is consistent with the objectives of the NPPF including the need to meet objectively assessed needs for market and affordable housing, identify and maintain a supply of 5 years' worth of deliverable sites and identify a supply of specific developable sites over the Plan period. Members were invited to comment on and to endorse the overall approach to Housing Phasing, which effectively seeks to translate the Core Strategy policy requirements into a realistic and deliverable approach. The report advocates 3 phases for the managed release of sites for the Site Allocations Plan and AVLAAAP. Of most relevance to this application is the list of sites identified within Phase 1 (which would start at 2012 (year 0 of the Core Strategy) as it includes Greenfield sites within Regeneration Areas. This application is a Greenfield site and it lies within the boundary of the South Leeds Priority Regeneration Area such that it is consistent with the proposed Phase 1 release. It should be noted that a number of sites within Phase 1 are large Greenfield sites, including within the Green Belt and the merits of their release will need to be considered through the SAP.
- 10.16 As noted above (and addressed fully in the report below) it is also considered to be accessible and it can be delivered with minimal impact on Green Belt objectives as well as providing some improvements to publicly accessible green space in the locality by providing open space and ecological enhancements. To this extent, it can address the five criteria outlined in Policy H1 above.
- 10.17 A site-specific assessment of the application pursuant to Core Strategy policies in relation to design and layout, highways, flood risk, ecology, green space, Green Belt and amenity is fully considered in the report below suffice to acknowledge that the scheme is considered compliant with the Core Strategy to warrant a recommendation of approval and to support the principle of development.

#### NPPF, Local Land Supply and Emerging Site Allocations

- 10.18 With reference to (iii), (iv) and (v) of Paragraph 4.19 of the Executive Board proposing the withdrawal of the PAS Interim Policy, this application must also be considered with regard to the NPPF, particularly in terms of local plan review and Paragraph 216 (the weight to be attached to emerging plans), evidence about local land supply and emerging Site Allocations Plan evidence.
- 10.19 The application site was originally included as a proposed housing allocation within the Issues and Options Draft of the Site Allocations Plan, which was subject to public consultation from the 3<sup>rd</sup> June to 29<sup>th</sup> July 2013. A total of 9 objections to the allocation of the site for housing were received raising specific issues of poor access through the existing estate, pressure on local services, full GPs/Dentists/Schools and loss of green space/ green corridor. The application site is still identified for housing within the Site Allocations Plan Publication Draft having had regard to the previous consultation. Development Plan Panel considered the SAP Publication Draft on 26<sup>th</sup> June 2015 with a further report to Executive Board on 15<sup>th</sup> July 2015 as noted above. The site was identified as a site for release as part of the Interim PAS policy and included in the Council's Five Year Land Supply; there has therefore been

an acknowledgement by the Council to the principle of its release in advance of the SAP. The release of this site for housing has been found to raise no harm to the policies of the Adopted Core Strategy.

10.20 Having regard to the 5-year housing supply, Members are advised that the Council submitted its Core Strategy to the Secretary of State with a base date of 2012 and a housing requirement that is in line with the NPPF and meets the full needs for objectively assessed housing up to 2028. The Council's Five Year Supply position 2014 to 2019 was subject to two recovered appeals during 2014. A decision on land off Grove Road, Boston Spa is expected in September. A decision on land at Bagley Lane, Farsley was received in March. The Secretary of State concluded that Leeds could demonstrate a five-year supply of land and that the Council has an overall requirement figure of about 24,440 homes and a supply in excess of this of some 26,500 homes. The Secretary of State concludes that a five-year housing land supply can be demonstrated with scope for some flexibility. Significantly, the five-year supply (as at April 2014) is made up of the following types of supply:

- Allocated sites
- Sites with planning permission
- SHLAA sites without planning permission
- An estimate of anticipated windfall sites – including sites below the SHLAA threshold, long term empty homes being brought back into use and unidentified sites anticipated to come through future SHLAAs
- An element of Protected Area of Search sites which satisfy the interim PAS policy (which includes the application site).

10.21 The Bagley Lane, Farsley decision by the Secretary of State has been challenged by the applicants and a High Court inquiry will be held in October 2015. Officers are currently updating the Strategic Housing Land Availability Assessment and a revised Five Year Supply. This will take into account significant major new planning permissions and align with the preferred draft Site Allocations Plan. Importantly, however, the application site is identified as contributing to the delivery of the City's five-year supply and it is therefore consistent with the objectives of the NPPF in this regard. Moreover, whilst it is a Greenfield site, 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 such that the development of a further Greenfield site still accords with the Core Strategy approach to encourage the development previously developed land as set out in Policy H1.

#### Conclusion – principle of development

10.22 This application was submitted in December 2014 in accordance with the Council's Interim Policy to release Protected Areas of Search (PAS) for development, with which the site was compliant and which was effectively the basis of the applicant's submission. The Interim PAS policy was then withdrawn on 11<sup>th</sup> February 2015 by a decision at the Council's Executive Board. However, the application site currently forms part of the Council's 5-year housing supply provision, which include an element of Protected Area of Search sites that satisfied the interim PAS policy such as this. A report to Executive Board on 15<sup>th</sup> July 2015 confirms the progression of the SAP Publication Draft for public consultation, which also includes the delivery of this site within the Phase 1 period (from 2012) such that it is currently consistent with the Council's objectives in relation to the 5-year housing supply. The failure to deliver this site would necessarily result in the need to identify further land within the

South West Market Area and potentially in more sensitive locations i.e. Green Belt. Whilst a Greenfield site, both the Core Strategy and the NPPF encourages the re-use of previously development land, but not to the exclusion of the development of Greenfield sites if such sites have been appropriately considered. In this case, the application site comprises Greenfield land immediately adjacent to the Main Urban Area such that it is effectively an extension to the Main Urban Area. As a consequence, it meets the Council's Accessibility Standards and it is appropriately accessible to local facilities and services. It is also within the South Leeds Priority Regeneration Area. In this regard, it is concluded that a refusal on housing policy grounds could not be substantiated. Moreover, it is also not considered to establish a precedent in relation to other Protected Areas of Search with this City; this site is distinguished by the fact that it was compliant with the Interim PAS policy before its withdrawal, it forms part of the current 5-year housing supply assessment and it is also identified for delivery within Phase 1. The principle of residential development is therefore considered to be consistent with the objectives of the NPPF as well as Spatial Policies 1, 4, 6 and 7 of the Core Strategy and Policies H1 and H2 of the Core Strategy and it is therefore acceptable in principle. A site-specific assessment of the site is considered below.

#### Housing Density and Housing Mix

- 10.23 Policy H3 of the Adopted Core Strategy relates to the appropriate density of development and advises that housing development in Leeds should meet or exceed the relevant net densities unless there are overriding reasons concerning townscape, character, design or highway capacity. In this case, as a 'fringe urban area' a minimum density of 35 dwellings per hectare would comply with Policy H3. The Design and Access Statement submitted to support this application envisages a density of circa 35.5 dwellings per hectare and the delivery of circa 185 dwellings albeit that the density of development will need to be balanced against a consideration of character, design, highway capacity and the delivery of on-site green space. It is therefore a matter that will be assessed fully at Reserved Matters stage with a condition to confirm that a maximum of 185 houses can be delivered.
- 10.24 Similarly, housing mix will also be assessed fully at Reserved Matters stage with the applicant needing to have regard to the preferred housing mix set out at Table H4 of the Adopted Core Strategy.

#### Affordable Housing

- 10.25 Policy H5 of the Adopted Core Strategy sets out the requirement for on-site affordable housing, which is expected to comprise 15% of the development in this part of the City. The proposed development is in accordance with Policy H5 and the delivery of affordable housing will be secured through the Section 106 agreement.

#### Housing for Independent Living

- 10.26 Policy H8 of the Adopted Core Strategy advises that developments of 50 or more dwellings are expected to make a contribution to supporting needs for independent living such as including the provision of bungalows or level access flats. The applicant is aware of the requirement, which will be considered fully as part of the Reserved Matters submission.

#### Means of Access – Highways



- 10.27 Means of access is the sole matter for determination as part of this application. With reference to the Development Plan, Policy T2 of the Core Strategy advises that new development should be located in accessible locations and with safe and secure access for pedestrians, cyclists and people with impaired mobility with appropriate parking provision. Appendix 3 of the Core Strategy also sets out accessibility standards for development. The NPPF seeks to support sustainable transport solutions and but it advises at Paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 10.28 As outlined above, vehicular access to the site is proposed from Albert Drive comprising a continuation of the existing road. Within the site, the access road extends directly northwards with two-cul-de-sac roads branching off to the north-west and south-east. The access road crosses beneath the electricity pylons that run across the site from south-east to north-west to a further area of development in the north-east corner of the site, which is also served by a secondary road from within the site to effectively create six development parcels within the site. Pedestrian connectivity will be achieved from two pedestrian access points from the southern boundary onto Peter Lane connecting into an existing Public Right of Way.
- 10.29 The application includes the submission of a Transport Statement to consider the highway impact of the proposed development on the basis of 185 dwellings. The Statement concludes that vehicular access can be provided from Albert Drive, the design of which accord with the LCC Street Design Guide and is within land under the control of the developer and/or adopted public highway. The Transport Statement includes a Highway Capacity Assessment focused particularly on junction capacity, which considered the Albert Road/Albert Drive Junction, the B6123 Wide Lane/Albert Road junction, the B6123 Wide Lane/Magpie Lane Signal Controlled junction, the A653 Dewsbury Road / B6123 Wide Lane Roundabout and the A653 Dewsbury Road / White Rose Shopping Centre Roundabout. It concludes that the junction capacity assessments indicate that traffic associated with the proposed development can be adequately accommodated on the surrounding highway network, without adverse impacts on the safe and free flow of traffic. With regard to Road Traffic Collisions, which have also been assessed, the Transport Assessment notes that on the highway network within the vicinity of the site a total of 72 collisions occurred over the five year study period, resulting in 107 injuries. Of these injuries, 101 were classified as slight, with 6 injuries of serious severity. No fatal injuries were reported during this period. It also notes that the most notable trend in the data is that the majority of the collisions have occurred at junctions and are the result of human driving error, most notably involving rear shunts into stationary/slowing vehicles on approach to junctions, caused by failure to look properly and failure to accurately judge other person's path and/or speed. There is no evidence to suggest that substandard road layout, inadequate or masked signs, or poor/defective road surfaces were significant contributory factors in any of the collisions. With regards to the development access proposals, no collisions have been recorded on Albert Drive during the study period.
- 10.30 The Council's Highways Officer has considered the site layout and submitted Transport Statement and advises that the proposal to extend Albert Drive as the single vehicular access is acceptable. Most properties along this road do not have off-street parking so there are vehicles parked along both sides of the road. However, the carriageway width is sufficient for the number of vehicles expected if the site were developed for housing. It is noted that the carriageway approaching the site is in a poor state of repair and the loading from construction vehicles would exacerbate this situation. Albert Drive will therefore need to be resurfaced or

reconstructed prior to the occupation of any dwelling, which would be secured by a condition or by inclusion in the Section 278 agreement.

10.31 With regard to accessibility, the submitted Design and Access Statement and Transport Statement clarifies how the application complies with the Council's Accessibility Standards. It is confirmed that with regard to local services, there are local shops within 300 metres on Albert Drive, White Rose Shopping Centre within 1100 metres (14 minute walk based on a walk time of 3mph) and Morley Town Centre is within 1300 metres (16 minute walk) but there are sufficient series to be within a 15 minute walk of local services. The site is also within a 5 minute walk of bus stops on Albert Road and Wide Lane that provide a 15 minute service frequency to a major public transport interchange. It is within 500 metres (6 minute walk) of Morley Newlands Primary School, 1900 metres from the Morley Health Centre (24 minutes) (also accessible by bus stops), within a 30 minute walk of both Leeds City College Joseph Priestley Campus (1200 metres) and The Morley Academy (2100 metres) and finally, there is a weekday 10 minute bus service to Leeds City Centre and White Rose from Wide Lane with further bus stops on Albert Road.

10.32 With regard to non-vehicular means of access, Highways advise that the buses that presently use the stops on Albert Drive and Wide Lane together provide a service that meets the Core Strategy requirements. However, they have recommended that as part of the reserved matters application with regard to layout, a pedestrian route should be provided directly into the site from:

- (a) The Peter Lane footway close to its junction with Rydal Crescent, and
- (b) The existing footpath the runs along the eastern frontage.

These connections will minimise the walking distance to existing bus stops to improve accessibility will form part of a condition of this recommendation. Highways also advise that the applicant should look at upgrading the Peter Lane track into a shared footway /cycleway. These improvements are proposed as part of the Section 106 agreement. This would provide a direct connection with Dewsbury Road where there are plans to widen the footway to include an off-carriageway cycleway.

10.33 In response to the Transport Statement, the Council's Highways Officer initially advised that the vehicle trip rates used were too low and recommended that the rates used in the Transport Assessment for the Owlers Farm scheme (13/00902/OT). This was subsequently undertaken by the applicant in January 2015. In response, the Highways Officer reviewed the revised capacity assessment of the Wide Lane/Dewsbury Road roundabout and concluded that whilst there would be a material impact at the junction with the additional trips, particularly in the PM peak, it is not, on its own, of a scale to warrant improvements at the roundabout and the development impact would still be below the severe' threshold as set out in the NPPF such that the proposal could not be refused on these grounds and the Highways Officer concludes that there are no highway objections to the scheme.

10.34 Overall, the Council's Highways Officer concludes that there are no specific concerns raised with the proposals subject to the requested pedestrian links being provided to upgrade the Peter Lane track to a bridleway between Dewsbury Road and Rydal Crescent, and to provide a direct link to the existing public footpath on the eastern site frontage. On this basis, and subject to the requirements of the Section 106 it is concluded that the proposed development is located in an accessible location and it will provide safe and secure access for pedestrians, cyclists and people with impaired mobility with appropriate parking provision such that the means

of access is acceptable. The development is not considered to result in a severe residual cumulative highway impact such that it must be concluded that the proposed means of access is acceptable and the development is in accordance with Policy T2 of the Core Strategy and guidance within the NPPF.

#### Layout, Scale and Appearance (including Green Space)

- 10.35 Core Strategy Policy P10 reinforces the requirement for new development that is based on a thorough contextual analysis to provide good design that is appropriate to its scale and function; that respects the scale and quality of the external spaces and wider locality and protects the visual, residential and general amenity of the area. Within the UDP, Saved Policy BD5 advises that new buildings should be designed with consideration of their own amenity. These policies reflect guidance within the NPPF. In this case, matters of layout, scale and appearance are reserved for future consideration at the Reserved Matters stage and are not part of the assessment of this outline application. However, this application submission includes a parameters plan to establish key layout principles and a Design and Access Statement, which also provides an indication of the form of future landscaping and development.

#### Layout

- 10.36 The indicative layout proposes that the residential development will be constructed within the parcels created by the highway network within the site. A sterilized area will need to be retained beneath the high voltage power line that runs through the site, which the applicant has identified as open space/green corridor with a further area of green space within the south-east corner of the site. The Design and Access Statement indicates that approximately 5.24 hectares of the site would be utilised to accommodate up to 185 dwellings with approximately 1.99 hectares used to provide an area of open space (circa 25% of the total area) and 0.41 hectares within the Green Belt required to accommodate a balancing pond and drainage infrastructure. These proportions are indicative only and not to be agreed as part of this application.
- 10.37 With regard to the provision of green space within the site, which will also influence the layout, Policy G4 of the Core Strategy requires the provision of 80 square metres of green space per dwelling, which is set as a requirement within the Section 106 agreement. The parameters plan indicates the provisional location for the green space, determined principally by the no build zone beneath the pylon and electricity cables. Guidance has been sought on the provision of green space below a high-voltage cable but the National Grid website advises only that overhead electricity lines are normally bare (un-insulated) and if an object gets too close it is possible that a 'flashover' can occur, where electricity will jump over a distance to reach earth via the object. In order to prevent this happening, National Grid advises that there are minimum safety clearances between overhead lines and the ground, roads or objects on which a person can stand such that the following advice is adhered to - never fly kites or model aircraft near overhead power lines, overhead lines, do not light fires beneath overhead lines and do not aim shotguns or pistols at overhead power lines. There is no suggestion that public open space cannot be provided beneath lines albeit that the area of land around the pylon base and a buffer of 5 metres in each direction is to be excluded from the green space calculation on the grounds that it is not useable.
- 10.38 The parameters plan also indicates a requirement to address the minimum distances to secure amenity and privacy in relation to the existing houses that adjoin

the site such that an 'amenity zone' is indicated between the existing and proposed dwellings comprising a minimum of 21 metres between main facing windows and a minimum of 12 metres between main facing windows and a flank elevation. This will be assessed fully at Reserved Matters stage.

#### Scale

- 10.39 The Parameters Plan indicates that the development will be predominantly 2-storeys with the opportunity for 2.5 storeys at key locations. This is acceptable in principle given the character of the surrounding area, which is predominantly two-storey. The appropriateness of 2.5 storeys on part of the site in key locations is likely to be acceptable in key locations subject to a visual and design assessment

#### Appearance

- 10.40 The appearance of the dwellings will also be determined at the Reserved Matters stage to ensure that it is a development that is based on a thorough contextual analysis to provide good design that is appropriate to its scale and function in accordance with Policy P10 and guidance within the NPPF. However, to support the submission, the Design and Access Statement does include a number of principles to guide the future Reserved Matters submission. This includes the identification of three character areas within the site; formal frontage along the main access road, general character adjoining the existing built-up area and a green edge on the parts of the site adjoining the Green Belt. The appearance of the dwellings will reflect these character areas with, for example, formal frontage houses comprising a mix of detached and semi-detached dwellings constructed in red brick with low boundary walls to the site frontage and extending to mainly two storeys. The 'general character' dwellings will also be constructed in red brick but may extend to up to 2.5 storeys in key locations subject to an assessment of visual amenity whilst dwellings within the green edge will extend to a maximum of 2 storeys but will be provided with a softer boundary treatment such as a hedge appropriate to their more rural position. It is recommended that a condition be imposed requiring the submission of a Reserved Matters application broadly in accordance with the parameters established within the Design and Access Statement.
- 10.41 Overall, it is therefore concluded that matters of layout, scale and appearance will be considered at the Reserved Matters stage but there is sufficient scope within the site and sufficient detail within the Design and Access Statement to ensure that a scheme can be delivered to meet the Council's design aspirations established within Core Strategy Policy P10, guidance within the NPPF and guidance within the Council's Neighbourhoods for Living SPG.

#### Landscaping

- 10.42 Policy P12 of the Core Strategy advises that the character, quality and bio-diversity of Leeds' townscapes and landscapes will be conserved and enhanced. Within the UDP, Policy LD1 provides advice on the content of landscape schemes, including the protection of existing vegetation and a landscape scheme that provides visual interest at street level.
- 10.43 In this case, landscaping is reserved for future consideration as part of a Reserved Matters submission. However, the submitted Design and Access Statement does establish a clear landscape strategy, which includes the intention to visually and physically soften the eastern and northern edges of the proposed development with

the use of copses, specimen trees and hedgerows, use the sustainable urban drainage system to create a new wetland and marginal habitat , create a central park within the site that is a focus for new and existing residents and create a series of streets and spaces that conform with best urban design practice and place making. It is considered that a successful landscape scheme can be established in accordance with the objectives of Core Strategy Policy P12 and UDP Policy LD1 with the details to be submitted as part of a Reserved Matters submission.

### Green Belt

- 10.44 The red line boundary of the application includes 0.41 hectares of land allocated as Green Belt within the Leeds LDF Policies Map. However, this land will accommodate the balancing pond and associated infrastructure only. There will be no built development within the Green Belt. The NPPF confirms that the Government attaches great importance to Green Belts and notes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. However, Paragraph 90 of the NPPF identifies certain forms of development (as relevant to this application) that are not inappropriate within the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This includes engineering operations. The provision of a balancing pond and associated infrastructure is considered to comprise engineering operations such that it is not inappropriate in principle within the Green Belt. On the basis that it will comprise a balancing pond and drainage infrastructure within the ground, the details of which will be secured by means of a planning condition, this is not considered to conflict with the objective of maintaining the openness of the Green Belt such that this incursion into the Green Belt is acceptable in principle in accordance with the NPPF.
- 10.45 It is also relevant to consider Saved Policy N24 of the UDP, which advises that where development proposals about the Green Belt, their assimilation into the landscape must be achieved as part of the scheme. It states that if existing landscape features would not achieve this, a landscape scheme will be required to be implemented that deals positively with the transition between development and open land. In this case, it is acknowledged that to the northern boundary and half of the eastern boundary, the Green Belt buffer is shown on land outside the red line boundary of the application but on land that it within the applicant's control whilst to the southern part of the eastern boundary, there is already an area of substantial landscaping such that it is intended that the proposed landscaping will adjoin this area (leaving the footpath clear of obstruction) effectively creating a continuous landscape buffer along the eastern boundary of the site. The principle of including the Green Belt buffer on land beyond the red line boundary of the application site is acknowledged within the supporting text of Policy N24; UDP paragraph 5.3.13 states that transition planting may be acceptable on land outside the development site but immediately adjacent to it, provided that the local planning authority is satisfied that the applicant has control over the land, that the planting will be retained for the foreseeable future and that the planting on adjacent land would not, in itself, be harmful to the appearance of nearby open land. The applicant has confirmed their interest in the land and they are willing to enter into a clause within the legal agreement to confirm that they do have control over the land and to ensure that the planting will be retained for the foreseeable future. The applicant has also advised that the Council have also previously agreed to this approach at Persimmon's sites at Owlars Farm and Daisy Hill (12/04048/FU). On this basis, it is concluded that the provision of the landscaped buffer within the Green Belt is not contrary to Policy N24 in this instance and the buffer will ensure that the proposed

development delivers a sufficient transition between the development and the Green Belt.

### Residential Amenity

- 10.46 Policy GP5 of the UDP advises that development proposals should resolve detailed planning considerations including seeking to avoid problems of loss of amenity. The application site does adjoin existing residential development to the south and west on Newlands Crescent, Rydal Crescent and Rydal Drive. However, as noted above, the parameters plan has been devised to ensure that any future development has regard to the privacy standards established within the Council's Neighbourhoods for Living. Furthermore, a detailed assessment of garden lengths and window to window distances will be undertaken at Reserved Matters stage, whilst conditions will ensure that means of enclosure, existing and proposed level changes within the site and any additional planting are also appropriate and adequate between existing and proposed properties. In view of the above, it is considered that the proposal will comply with the requirements of Saved UDP Policy GP5 in terms of impacts on residential amenity.

### Ecology

- 10.47 Policy G8 of the Core Strategy advises that enhancements and improvements to bio-diversity will be sought as part of new developments. These policies reflect advice within the NPPF to contribute to and enhance the natural and local environment. Paragraph 118 of the NPPF advises that when determining planning applications, local planning authorities should aim to conserve and enhance bio-diversity.
- 10.48 The application includes the submission of an Extended Phase 1 Habitat Survey, which confirms that the majority of the site comprises improved grassland with the south part of the site comprising grazing land for horses and a small area to the north comprising semi-improved grassland as well as hedgerows to the south and east boundaries. The survey reveals opportunities for nesting birds, primarily within the hedgerows and field edges including house sparrow and swallows within the farm buildings. The survey also identifies possible and confirmed bat roost records to the north, east and west with the farm buildings identified to have a high bat roosting potential and the site boundaries and grasslands considered to provide suitable foraging and commuting opportunities. Further bat surveys were deemed necessary as a consequence of the Extended Phase 1 Habitat Survey, which were subsequently undertaken in May 2015. However, these additional surveys found no evidence of bat roosts present within the farm buildings. The Survey does, however, make recommendations such as the retention of hedgerows and care with site lighting to avoid/minimise illumination of habitat features such as hedgerows and adjoining woodland and grassland, which will form a condition of this application. The provision of bird nesting opportunities will also be secured by condition. No evidence of badgers, reptiles or Great Crested Newts was found within the study area.
- 10.49 Overall, subject to the conditions outlined above, it is concluded that the proposed development will provide the opportunity to conserve and enhance bio-diversity in accordance with Policy G8 and guidance within the NPPF.

### Flood Risk

- 10.50 Policy ENV5 of the Leeds Core Strategy advises that the Council will seek to mitigate and manage flood risk by (as relevant in this case), reducing the speed and volume of surface water run-off as part of new-build developments.
- 10.51 The site is located within Flood Zone 1 of the Environment Agency's indicative flood map and as such, it is considered to be at a low risk of flooding. However, due to the size of the site in excess of 1ha, the application includes the submission of a Flood Risk Assessment and a Foul Sewerage, Surface Water Drainage and Utilities Assessment. This document confirms that with regard to surface water, it is proposed to implement a positive sustainable drainage system that restricts the rate of run-off to existing greenfield rates with an attenuation pond being provided to the north of the site to cater for storms up to and including the 100 year storm with due allowances for climate change. Foul drainage will be discharged to the public sewer system located along Albert Drive.
- 10.52 In response to the submitted documents, the Environment Agency confirmed that they have agreed with the Leeds City Council Flood Risk Management (FRM) team that FRM will provide comments in relation to the sustainable management of surface water. FRM raise no objection to the development subject to conditions relating to a scheme detailing surface water drainage, a feasibility study into the use of infiltration drainage methods and a survey of the culvert to the north of the site. With regard to the sewer system, Yorkshire Water has advised that the public sewer is not an option for surface water disposal but they raise no objection to the development subject to conditions requiring no objective 5 metres either side of the sewer that crosses the site and a requirement for further details of works to provide a satisfactory outfall for surface water. Overall, it is therefore concluded that the subject to conditions, the scheme will manage and mitigate flood risk in accordance with Policy ENV5 and guidance within the NPPF.

### Sustainability

- 10.53 Core Strategy Policy EN1 requires that all developments of 10 dwellings or more will be required to reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations and provide a minimum of 10% of total energy needs from local carbon energy. Policy EN2 then requires all developments of 10 or more dwellings to achieve Code Level 4 from 2013 and Code Level 6 from 2016. Following a fundamental review of technical housing standards the Government has withdrawn the Code for Sustainable Homes with effect from 27<sup>th</sup> March 2015 such that the objectives of Policy EN2 will not be sought. However, a condition requiring the applicant to provide a minimum of 10% of total energy needs from local carbon energy to comply with Policy EN2 will be sought as a condition of this recommendation.

## **11.0 DEMOLITION OF THE EXISTING BUILDINGS**

- 11.1 Since April 2011, the demolition of a building such as the application buildings at Low Moor Farm constitutes development such that it forms part of the consideration of this application. The application buildings comprise a mixture of agricultural and farmhouse buildings that reflect their function but they are not considered to be of particular architectural merit to warrant consideration as a heritage asset or to merit any listing.
- 11.2 It is acknowledged that the building is in relatively close proximity to existing residential properties such that its demolition will have to be carefully managed to protect the amenity of adjoining residents, with particular regard to noise and dust.

However, in this regard, it is noted that demolition also requires compliance with the Building Act 1984 and in issuing a Demolition Notice, it is the case that a number of conditions normally have to be complied with during the demolition works necessary to maintain public safety and public amenity such that this issue of amenity in relation to demolition is a matter dealt with under other legislation. There is therefore no objection to the demolition of the farm and associated buildings in this instance.

## **12.0 RESPONSE TO REPRESENTATIONS**

12.1 The objections from local residents raise four key objections, which are addressed below:

(i) As set out in the report above, the application does not breach guidance within the NPPF; the site is deemed accessible and it does not represent an over-development albeit that final housing numbers will be determined at Reserved Matters stage but it will not be in excess of the 185 dwellings indicated within the Design and Access Statement, which has formed the basis of the assessment of the application.

(ii) Following the submission and analysis of the submitted Transport Assessment, it is concluded that the proposed access onto Albert Drive and Wide Lane can cope with the additional traffic generated by this proposal as outlined in the report above;

(iii) Whilst noting the concerns of local residents that the site contributes in a positive way to preventing the merger of Middleton and Morley and provides a positive Greenfield barrier to prevent communities coalescing; the merging of settlements is one of the primary objectives of the City's Green Belt and the Green Belt that adjoins the site does serve that function of preventing the merger of Middleton and Morley. The Green Belt is unaffected by this proposal with no new built development within it.

(iv) The concerns raised by Morley Town Council in relation to buffer planting to the Green Belt and in relation to the overhead power line are fully addressed in the report above.

(v) With regard to the concerns of Morley Town Council that no roadway stubs should be left on the edges of the PAS, which might encourage attempts to extend development into the adjoining Green Belt, it is still the case that notwithstanding this application, any future proposal for development of land within the adjoining Green Belt would constitute inappropriate development in accordance with National Planning Guidance and would only be considered for development in very special circumstances.

(vi) The issue regarding school and health care infrastructure and affordable housing is fully addressed in the report above.

(vii) Councillor Dawson's concern relating to the development of this PAS site and its contribution to the 5 year housing supply is fully addressed in the report above.

## **13.0 PLANNING OBLIGATIONS AND COMMUNITY INFRASTRUCTURE LEVY**

13.1 The Community Infrastructure Levy (CIL) was adopted on 12<sup>th</sup> November 2014 with the charges implemented from 6<sup>th</sup> April 2015 such that this application is CIL liable on commencement of development at a rate of £45 per square metre of chargeable



floorspace. Due to the outline nature of this application, the floorspace is unknown at this stage.

- 13.2 There is also a requirement for a site specific Section 106 agreement as detailed below and the various clauses will become operational if a subsequent reserved matters application is approved and implemented:
- i. Affordable Housing – 15% (with a 60% social rent and 40% submarket split)
  - ii. Public open space on site of the size to comply with Core Strategy Policy G4.
  - iii. Improvements to bus stop 11042 at a cost of £20,000 to comprise the provision of a shelter and real time passenger information.
  - iv. The provision of raised kerbs and a bus clearway to the above bus stop 11042 on Wide Lane;
  - v. Travel Plan including a monitoring fee of £2,925
  - vi. Residential Metrocards (Bus and Rail) at a cost of £605.00 per dwelling.
  - vii. Employment and training initiatives (applies to the construction phase).
  - viii. Upgrade Peter Lane to a Bridleway.

- 13.3 From 6<sup>th</sup> April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

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

All contributions have been calculated in accordance with relevant guidance, or are otherwise considered to be reasonably related to the scale and type of development being proposed.

## **14.0 CONCLUSION**

- 14.1 This application seeks outline planning permission for the demolition of the existing farm buildings and the residential development of a 7.65-hectare site comprising Low Moor Farm and associated farmland, which lies at the end of Albert Drive in Morley. The outline application seeks to consider means of access only such that matters of appearance, landscaping, layout and scale are reserved for future consideration.

- 14.2 The application was submitted in December 2014 in accordance with the Council's Interim Policy to release Protected Areas of Search (PAS) for development, with which the site was compliant. The Interim PAS policy was withdrawn on 11<sup>th</sup> February 2015 by a decision at the Council's Executive Board. However, the application site forms part of the Council's current 5-year housing supply provision, which include an element of Protected Area of Search sites that satisfied the interim PAS policy such as this. The report to Executive Board on 15<sup>th</sup> July 2015 confirms

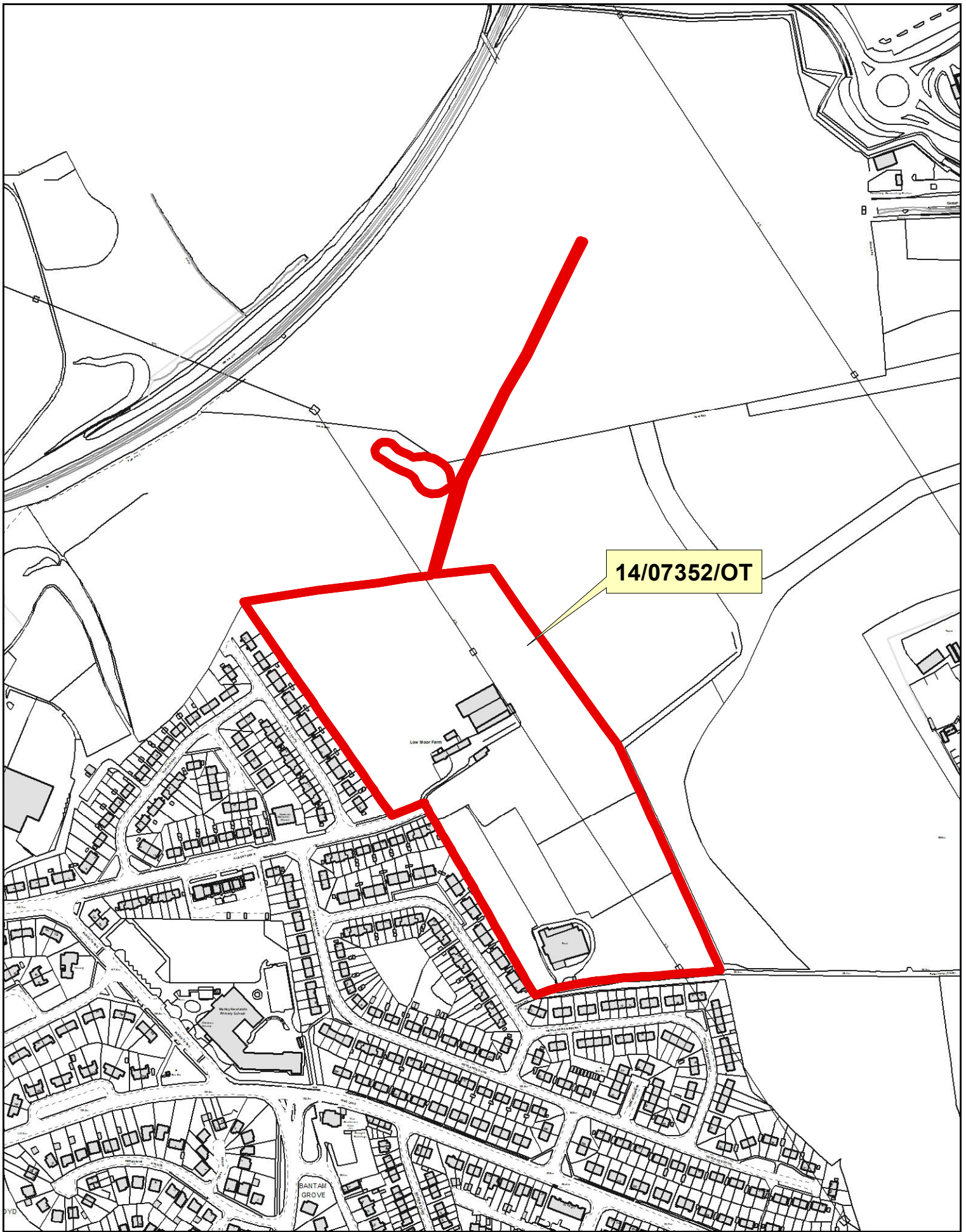
that the delivery of this site should be included within the Phase 1 period (from 2012) such that it is currently consistent with the Council's objectives in relation to the 5-year housing supply and the failure to deliver this site would necessarily result in the need to identify further land within the South West Market Area and potentially in more sensitive locations i.e. Green Belt. Whilst a Greenfield site, both the Core Strategy and the NPPF encourages the re-use of previously development land, but not to the exclusion of the development of Greenfield sites if such sites have been appropriately considered. In this case, the application site comprises Greenfield land immediately adjacent to the Main Urban Area such that it is effectively an extension to the Main Urban Area. As a consequence, it meets the Council's Accessibility Standards and it is appropriately accessible to local facilities and services. It is also within the South Leeds Priority Regeneration Area. It is therefore concluded that a refusal on housing policy grounds could not be substantiated and the principle of residential development is consistent with the objectives of the NPPF as well as Spatial Policies 1, 4, 6 and 7 of the Core Strategy and Policies H1 and H2 of the Core Strategy.

- 14.3 Additionally, it is concluded that an acceptable scheme can be secured at Reserved Matters stage in relation to urban design, protection of residential amenity, sustainability, landscaping and greenspace and that the approach to drainage is also compliant with up-to-date policy.
- 14.4 Overall, the report above demonstrates that the scheme is sufficiently compliant with current local and national planning policy such that having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 and Paragraph 12 of the NPPF, the application, it is therefore recommended the Members defer and delegate approval of the application to the Chief Planning Officer in order to finalise the wording of the S106 agreement and conditions.

### **Background Papers:**

Application and history files.

Certificate of Ownership



# CITY PLANS PANEL



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Originator: C. Briggs

Tel: 0113 2224409

## Report of the Chief Planning Officer

### *CITY PLANS PANEL*

Date: 23 JULY 2015

**Subject: PLANNING APPLICATION REF. 15/02470/FU FOR DEVELOPMENT OF NEW SECONDARY FREE SCHOOL WITH ASSOCIATED SPORTS AND RECREATION FACILITIES, PARKING AND LANDSCAPING AT BLACK BULL STREET, LEEDS LS10**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
BAM Construction Ltd	01.05.2015	31.07.2015

#### **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 resolution of the following detailed matters:**

- surface water drainage discussions with Yorkshire Water
- agreement of the commuted sum calculation towards the east-west pedestrian link at the southern end of the site
- the travel plan including measures regarding pupil pick up and drop off
- confirmation that all off-site highways works are acceptable
- confirmation that the construction management plan is acceptable
- confirmation that the concerns of West Yorkshire Combined Authority regarding relocation of bus stops and school bus provision can be addressed

**and 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:**

- Travel plan monitoring fee £2,500
- Local bus stop improvement £20,000
- Community use of facilities

- **Public access to east-west link across the northern end of the site**
- **Committed sum towards the future delivery of an east-west pedestrian route to the south of the site (sum to be agreed)**
- **Cooperation with local jobs and skills initiatives**

**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.**

## **1.0 INTRODUCTION:**

- 1.1 This application is brought to Plans Panel because it is a large-scale major planning application, which if approved would deliver a new educational facility for inner Leeds, and promote the regeneration of a large brownfield site in the South Bank of the City Centre and the Aire Valley regeneration area.
- 1.2 The Ruth Gorse Academy and their professional team made a pre-application presentation at Plans Panel 16<sup>th</sup> April 2015, and Members were generally supportive of the principle of the scheme, subject to the resolution of the detailed matters set out at paragraph 5.2 of this report.

## **2.0 PROPOSAL:**

- 2.1 The Ruth Gorse Academy is a Free School sponsored by The GORSE Academies Trust, a not-for-profit charity creating exceptional schools in areas of deprivation within the Leeds City Region. The development of the Academy at this site would add to the growing educational cluster in the South Bank with the nearby Leeds City College Printworks Campus and the Leeds College of Building. The Academy is keen to work with both colleges to deliver vocational training to prepare pupils for the workplace and further /higher education. The Academy state that there will be exponential growth in the secondary sector in Leeds over the next seven years, and without this free school it is forecasted that there would be a shortfall of approximately 1,250 secondary places in September 2018/19.
- 2.2 The Ruth Gorse Academy would focus on ensuring that young people currently living in the inner south area of Leeds can have access to a new secondary academy. It would be a large academy of 1580 students and would mirror the aspirations, expectations and standards at The Farnley Academy and The Morley Academy. For the next two years the Ruth Gorse Academy would be based on The Morley Academy site (part of the GORSE Academies Trust), acting as a completely separate school with its own core staff, buildings and entrance to the school. These premises opened in September 2014 with an intake of 95 students in year 7, increasing to a total of 285 students in September 2015 for years 7 and 8. Subject to the planning process, from September 2016, the Academy would operate from a new complex on Black Bull Street, with student numbers building from 527 in September 2016 to full capacity in September 2018. When at full capacity, the Ruth Gorse Academy would include approximately 1580 students and 150 full time and part time staff.
- 2.3 The Academy would comprise a new U-shaped building with a gross area of 12,234 square metres gross internal area, formed of three main elements. These joined buildings would provide teaching accommodation and support facilities arranged around a south facing courtyard:

- The Hub block, a three storey glazed and dark grey metal clad building would front the car park and house the Library Resource Centre (LRC), dining,

administration, services/deliveries, ancillary space, activity studios, the sports hall, and the main hall. The building features recessed window reveals with glazed slots, a fully glazed ground floor treatment to Black Bull Street, and a metal fascia detail which would act a transition to the upper level cladding. It also features a metal external escape ramp from the first floor sports hall and main hall in matching materials;

- The STEM (Science/Technology/Engineering//Maths) block, a three storey red brick and glazed block fronting Black Bull Street, which would house Maths, Science, Innovation, Design and Art. The building would feature deep window reveals and rooftop solar panels, which would be expressed to create a distinctive traditional warehouse roof-form similar to that at the Leeds College of Building;
- The Humanities block, a four storey glazed and light grey render building set slightly back from the Chadwick Street frontage, which would house English, Humanities, Drama, Modern Languages, Music, and ICT. The building would feature grey metal cladding to the southern gable and at floor spandrel levels. It would feature rooftop solar panels behind the parapet;
- The Spine block would link all three elements and front onto the internal south facing courtyard. The main entrance to the school would be marked by a glazed slot between the STEM and Hub blocks. It would be clad in dark grey metal cladding with glazed curtain walling to the south elevation.

- 2.4 The scheme would provide two external dining areas, a growing area with fruit trees, external games and performance area, a 100m running track, a formal hard surfaced playing pitch, and three Multi-Use Games Areas (MUGAs)
- 2.5 The scheme includes 41 car parking spaces for staff and visitors, 20 staff and visitor cycle spaces, 8 motorcycle spaces, and 2 mini-bus parking spaces. 40 cycle parking spaces are proposed for pupils, with space for future expansion if initiatives to encourage cycling are taken up (50 more spaces). One electric vehicle charging point is also proposed.
- 2.6 The frontage to Black Bull Street would feature 12 new trees. The boundary treatment to the car park area to the north would be a low hedge with vehicular access controlled by barrier. Low hedges would also demarcate the 3m wide pedestrian and cycle route to the NGT stop and Leeds Dock beyond. The Chadwick Street boundary would consist of retained brick piers and railings, and the southern boundary of the site would be formed by the 3m MUGA fencing and roof netting, and new 2.1m high railings to the remainder. Brick piers and railings would provide a secure infill between the end of the STEM block and the MUGA.
- 2.7 The normal school day would be 08:25 – 14:45, with pre-school breakfast clubs and extracurricular activities commencing from 07:20. A number of after school enrichment activities means most students will remain on site until at least 16.30, with some activities concluding at 22:00 or in some cases 23:00 for certain events such as school performances.
- 2.8 The pupil intake at The Ruth Gorse Academy will mainly come from areas of the southern part of Leeds such as:
- Beeston Hill
  - Beeston
  - Belle Isle

- Cross Green
- Holbeck
- Hunslet
- Middleton
- Stourton

2.9 A number of documents were submitted in support of the application:

- Scaled Plans
- Planning Statement including Section 106 Heads of Terms
- Statement of Community Involvement
- Design & Access Statement
- Sustainability Statement
- Desk Top Archaeological Report
- Noise Assessment
- Air quality assessment
- Transport Assessment
- Travel Plan
- Drainage Plans
- Flood Risk Assessment
- Flood Risk Sequential Assessment
- Land Contamination and Remediation Reports
- Coal Recovery Report
- Construction Management Plan

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

- 3.1 The 1.8ha brownfield site is located to the east of Black Bull Street at the former Yorkshire Chemicals site. The site lies unallocated within the City Centre and within flood risk zone 3. The surrounding area is a mixture of uses including residential, offices, food and drink and retail, at Brewery Wharf, Leeds Dock, Leeds City Office Park and Crown Point Retail Park. The nearest residential to the site is along the eastern side of Chadwick Street at Leeds Dock. A car showroom and workshop lies to the south of the site, along with unlisted heritage asset The Malthouse on Chadwick Street, now in office use. The Grade II\* listed Chadwick Lodge lies at the junction of Crown Point Road and Black Bull Street to the north-west of the application site. Immediately to the north lies a vacant 2 storey red-brick office building at 48-50 Black Bull Street. To the west lies the vacant former Tetley Brewery site at Waides Yard. The Leeds College of Building campus on the western side of Black Bull Street is also now complete and occupied. The conversion of the Grade II listed Alf Cooke Printworks to form a campus for Leeds City College on Hunslet Road has opened and phase two is currently underway. The site lies just outside the South Bank Planning Statement area, but could have an important strategic role in linking the City Centre core, the railway station and the future City Centre Park to visitor attractions, convenience shops, food and drink, homes and workspace at Leeds Dock.
- 3.2 The area is planned to be served in the future by the proposed NGT trolleybus system, with the nearest stop located on Chadwick Street directly adjacent to the site.
- 3.3 The site lies within the designated Aire Valley Leeds Urban Eco-Settlement. The scheme has potential to provide much needed educational facilities for the existing residential community in inner south Leeds and the City Centre, and for the planned new housing provision (over 6500 homes). The scheme also has strong potential to



contribute to the place-making of the South Bank, by bringing a long vacant site into active use.

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

- 4.1 Detailed discussions with the Council regarding this site have taken place since mid-2005 following the closure and subsequent demolition of Yorkshire Chemicals. This led to the submission of an outline planning application in 2006 (ref. 06/04601/OT), which was approved at Plans Panel (City Centre) in 2008, and subsequently granted permission in 2009 for a multi-level mixed use development comprising predominantly residential (678 flats and 43 townhouses), with office, hotel, leisure, retail, car showroom, community uses, public space and car parking. This permission expired in July 2012.
- 4.2 BAM Construction Limited have also recently submitted planning and listed building applications for the change of use of part of the nearby Braime Pressings factory on Hunslet Road, to a new University Technical College (UTC) including additional internal floors, new entrance, stair block and alterations to roof and windows (planning references 15/03836/FU & 15/03837/LI). Braime Pressings will still operate their business in the remainder of the Grade II listed building. Subject to planning and listed building consent, Leeds UTC will specialise in Advanced Manufacturing and Engineering, Science, Technology, and Mathematics for 14-19 year olds via project work, work experience, vocational and academic learning. The scheme is supported by local employers including Siemens, Kodak and Agfa, University of Leeds, Leeds City College, Leeds City Council, EEF The Manufacturers Organisation, Leeds Chamber of Commerce, Grant Thornton and over 25 other local businesses. If approved the UTC would add to the existing further education and vocational training facilities at Leeds City College Printworks Campus and Leeds College of Building Hunslet Road Campus.

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

- 5.1 Officers had two formal pre-application meetings with the Ruth Gorse Academy's professional team in early 2015. City and Hunslet Ward Members were consulted by email on 24 March 2014 at pre-application stage.
- 5.2 The Ruth Gorse Academy and their professional team presented their initial scheme to City Plans Panel on 16 April 2015, and Members made the following comments:
- the length of time a new high school for South Leeds had been discussed
  - the need for a clear mechanism for community use of the facilities to be established
  - the need to balance the safeguarding of pupils with providing connectivity through the site, possibly achievable through the proposed car park
  - the challenging timescales being proposed and that Panel, whilst recognising the need of a new school would not sanction a development which was not satisfactory
  - the design of the building, with concerns it did not make a strong enough statement, particularly in comparison to the Leeds College of Building; that the brick element was uninspiring; that the extent of the dark cladding to the community hub element appeared to 'push down on' and visually dominate the ground floor glazed elements
  - the level of car parking being proposed; that this was not sufficient; that car sharing would be difficult to insist upon and that additional car parking would be required off-site

- the access arrangements for the car park; the pickup and drop off points and how the pupil spill out areas would work
- the noise levels around the site due to the traffic along Black Bull Street; the need for traffic calming measures, with a 30mph limit being suggested and that acoustic fencing may be required
- highways issues and the need for the traffic lanes at Black Bull Street to be reduced before pupils were on site
- the need to consider the type of internal flooring materials to specialist classrooms to ensure this provided a level of comfort for teaching staff who had to stand for long periods of the day
- Members were informed that funding for the project was limited and that the applicants required the largest area of expenditure to be used where teaching and learning would take place. That requirements relating to daylight levels had to be satisfied, which affected the design of the building. Whilst the nearby Leeds College of Building had limited glazing on the workshop elements, this would not be possible for the academy. Similarly the funding streams differed between colleges and academies, with colleges having greater autonomy. The Chair noted these points, but summed up the view of the Panel that improvements could be made to the design of the building

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

- that the proposed use of the site would be appropriate in principle
- to note the qualified comments in respect of the form, massing, architectural treatment and materials in respect of the regeneration aspirations for the area
- in relation to the boundary treatment, concerns were raised about the proposed paladin fencing to the boundaries; that such fencing was easily vandalised and that an improved form of boundary treatment was required and that more screening should be provided to Black Bull Street to help mitigate against noise levels
- that it was necessary to secure a pedestrian and cycle connection through the site in order to enhance pedestrian connectivity between the South Bank and the rest of the City Centre
- to note Members' comments in respect of the highways and transportation issues

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

6.1 Planning application publicity consisted of:

6.1.1 Site Notice posted 22.05.2015

6.1.2 Press Notice published 28.05.2015

6.1.3 City and Hunslet Ward Councillors consulted by email 27.05.2015

6.2 Leeds Civic Trust supports the application proposal and has made the following comments:

The Trust is fully in accord with the aspirations of the Ruth Gorse Trust and development on the site selected – here it will contribute to the regeneration of the South Bank, help establish a sub-regionally significant education campus and deliver excellent education to the more deprived communities within the city centre rim. We also note and agree with the applicant's site analysis and how this translates into a workable model for both school and community use of the premises. However, notwithstanding their support of the principles, the Trust does have some observations on the plans as submitted.

1. Although many aspects of this will be outside the direct control of the Academy, it is essential that the building is linked into both existing and emerging patterns of pedestrian, cycle and vehicular movement in South Bank, and linking out to the wider communities it will serve. There is a working group looking at transport options for South Bank and we feel the Academy should be represented on this. The Academy site will be a 'blockage' for east-west movements and every effort should be made to minimise its impact by making the secure area as small as possible. We welcome the recent changes made to the northern end of the site to provide better access to the area allocated for the NGT stop.
2. The level of traffic on Black Bull Street has had an impact on the design of the buildings but there is potential for the use of this route to be reduced significantly in future by
  - narrowing the carriageway (as is proposed and we would support)
  - creating pavement-level crossings to slow traffic
  - introducing a 20 mph school speed limit
  - closing the link between St Peter Street and Crown Point Bridge (outside the Ibis Hotel) so all traffic is diverted to the north and east of the Gateway site – through traffic would be encouraged to use East Street as a route to the motorway and traffic for Black Bull Street would need to make a more deliberate backtrack.
3. We welcome the commitment to 'park & stride' to prevent too many pupils being dropped off around the school and we look forward to seeing how this works. With regard to on-site parking, we feel that the 'future car park expansion space' shown on the site plan should not form part of the current planning application – every effort should be made to reduce day-to-day car use and there are other public car parks in the vicinity for occasional use. The space should be fully landscaped to help ensure a high quality environment for the future NGT stop – we feel that, in partnership with the WYCA, an interim landscaping scheme should be implemented for the land intended for long term use by NGT vehicles.
4. With regard to cycling, it was disappointing to see the applicant's lack of knowledge of the plans for Hunslet Stray (which will provide a direct route to Leeds Bridge) and of the Council's significant investment in the CityConnect cycle superhighway and towpath enhancements which have the potential to deliver pupils (and staff) safely to school, largely on off-carriageway routes. To that end, provision should be made for many more cycle parking spaces in secure locations which can be monitored by both passers-by and CCTV – the Academy could have a major aspiration to raise cycle usage to more than the existing standards.
5. We feel the scale and design of the buildings is appropriate for the location although we have some concerns over the 'maintainability' of recessed windows, white render and other light-coloured surfaces in what will remain a dusty environment for some years.
6. We welcome the commitment to public access to the facilities within the building and hope that due consideration will be given to the practicability of such an operation as the design develops:
  - lockdown doors to minimise areas of the school to which there would be out-of-hours access
  - no hidden corners and corridors where people can hide from view

- provision for a 'reception desk' where users can pay for activities
- additional sports hall storage for adult-standard equipment – doors to this should open outwards for ease of access (and stretch across as much of the available width as possible)
- clear routes from the changing area to the outdoor pitches and the studios
- full provision of accessible change/WC/shower rooms.

7. We welcome changes to the proposed boundary treatment to Chadwick Street since our presentation – we feel the high quality brick and railing solution is far more appropriate for what will be a key elevation in the long term.

## 7.0 CONSULTATIONS RESPONSES:

### 7.1 Statutory:

#### 7.1.1 LCC Transport Development Services

The proposals are acceptable in principle - discussions are on-going with the applicant regarding a number of issues including:

- pupil drop off/pick up
- off-site highways works including the widening of footways on Chadwick Street
- A vehicular access is proposed from Black Bull Street to the car park / service area, the layout proposed on the drawings is acceptable.
- A secondary access is proposed on Chadwick Street for maintenance and occasional use, this will be at the location of an existing wide access point. The existing access should be reinstated as footway with a dropped kerb crossing that affords pedestrian priority along the footway.
- The car park area provides a suitable manageable area for deliveries and refuse collection.
- Whilst the proposed level of cycle parking has been accepted as a starting point, space has been identified for expansion of the facilities in the future by a further 30 spaces. This should be covered by condition
- Staff who need to have a predominantly car borne journey will be to utilise park and ride. A site on the A63 in the Aire Valley will open next year with stops on Hunslet Road in close proximity to the site, this will provide a good opportunity and should be highlighted more in the Travel Plan.
- Off-site highway works have been identified to narrow Black Bull Street to two running Lanes and provide a toucan crossing on a buildout and bus stop alterations. WYCA have been asked to comment on the bus stop alterations. As described above the crossing should be slid southwards to assist in planning for a second crossing on the future.
- In addition to the above, the existing redundant vehicular access points on Black Bull Street and Chadwick Street must be reinstated as footway, the vehicular access is required from Chadwick Street for maintenance purposes, this should be constructed as a dropped crossing.
- As described above in the accessibility section, alterations to Traffic Regulation orders will be required on Chadwick Street to relocate car parking to provide safe crossing points and sightlines to the secondary access, the crossings should be identifiable with dropped Kerbs and tactile paving.
- The car park management plan and servicing plan referred to in the TA should be conditioned.

Comments are awaited from Highways officers regarding the latest submitted off-site highways works plans, updated travel plan, and construction management plan. These matters will be updated verbally at the Panel meeting.

7.1.2 Environment Agency  
No objection subject to the implementation of the recommendations of the submitted Flood Risk Assessment

## **7.2 Non-statutory:**

7.2.1 LCC Flood Risk Management  
No objection

7.2.3 LCC Environmental Protection & Air Quality Management Team  
No objection

7.2.4 Yorkshire Water  
Yorkshire Water initially advised that the proposed surface water drainage strategy is not acceptable as submitted ( relates to run off rates from the site). The applicants are in discussions with YW at the time of writing.

7.2.5 LCC Forward Planning and Implementation  
No objection to the proposed use. The flood risk sequential and exceptions tests have been passed.

7.2.6 West Yorkshire Combined Authority  
WYCA made the following comments:

- The TA provides a comprehensive appraisal of the public transport accessibility of the site and highlights a number of public transport services that are located within the vicinity of the development. The general location of the site on the edge of the city centre inevitably means that the site is, at a strategic level, an accessible site.
- The walking environment is not ideal. As Black Bull Street is only one way, public transport users will have to cross Black Bull Street to access northbound services on Crown Point Road to or from the school. WYCA note that a pedestrian crossing will be provided which is supported.
- The proposals include the creation of additional bus laybys and the relocation of the existing bus stop (shelter) on Black Bull Street by converting the nearside lane into a bus drop off area. The existing public service stop (45011975) is proposed to be relocated north of its current position, north of the proposed school service stops. It is suggested that these bus stop locations should not be fixed as part of the application. Further discussions with the bus operators would be needed to get their preference on the final stop locations.
- A bus shelter with real time passenger information would be required at the relocated service bus stop (£20,000).
- With regard to the school bus provision, it is not clear what the school service provision is likely to be. The TA states that school bus services are likely to be required yet the application doesn't appear to have any firm commitments to quantify how many school buses will be required. The 2 bus bays for school services may not be adequate provision.
- It should also be noted that the TA indicates that the public service bus stops could be used for coaches / school services on Black Bull Street and Chadwick Street. This is not an acceptable strategy. School services and coaches must not be permitted to lay over at regular service bus stops.
- The site will benefit from the NGT scheme as this scheme is developed, and a temporary route across the site would be in principle subject to an Agreement with Ruth Gorse which could include:
  - o implementing a temporary, fit for purpose and clear access across the NGT site, which would be Ruth Gorses responsibility to maintain until implementation of NGT

- The Academy to be responsible for their own boundaries and security.
- Once NGT is under construction in this section it will be required for NGT but the design will allow for access into Ruth Gorse, subject to the NGT stop design.

#### 7.2.7 LCC Land Contamination

The submitted documents including remediation strategy are acceptable. The development shall be carried out in accordance with the agreed remediation strategy. A condition will require verification of the works and the applicant will need to demonstrate that the site is suitable for use prior to occupation.

#### 7.2.8 LCC Minerals

The Coal Recovery report is acceptable and meets the requirement of NRWDPD policy MINERALS 3.

### 8.0 PLANNING POLICIES:

#### 8.1 Development Plan

The Leeds 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 Leeds Unitary Development Plan Review 2006 (UDPR). Relevant Saved UDPR Policies would include

GP5 all relevant planning considerations

BD2 new buildings

T7A cycle parking

T7B motorcycle parking

T24 Car parking provision

LD1 landscaping

Relevant Core Strategy Policies include:

Spatial Policy 3 sets out the role of Leeds City Centre, including the comprehensive planning of redevelopment and re-use of vacant and under-used sites and buildings for mixed use development and new areas of public space. It also states that new development shall enhance streets and create a network of open and greenspaces to make the City Centre more attractive, family friendly and easier for people to use, and in consolidating and enhancing sense of place

Spatial Policy 4 identifies the Aire Valley Leeds as a Regeneration Priority Programme Area. Priority will be given to developments that include housing quality, affordability and choice, improve access to employment and skills development, enhance green infrastructure and greenspace, upgrade the local business environment and improve local facilities and services.

Spatial Policy 5 sets out the broad principles for development in the Aire Valley Regeneration Priority Programme Area including targets for housing (6,500 units) and employment land (250 ha) specific to the area.

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.

Spatial Policy 11 Transport Investment Priorities – includes a priority related to improved facilities for pedestrians to promote safety and accessibility, particularly connectivity between the edges of the City Centre and the City Centre itself.

Policies CC2 and CC3: Improving connectivity between the north and south parts of 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 CC2 makes specific reference to the creation of a new east-west links to Leeds Dock. It states that large scale edge of centre development which would prejudice the achievement of this priority will be resisted.

Policy G9 Biodiversity improvements

Policies EN1 & EN2 set targets for CO2 reduction and sustainable design & construction, including BREEAM Excellent and at least 10% low or zero carbon energy production on-site.

Policy EN5 – flood risk. A flood risk assessment and sequential test would be required as the site lies in Flood Zone 3.

Policy P9 sets out the policy position for new community facilities including a requirement that they should be accessible by foot, cycling, or by public transport.

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.

### **Natural Resources & Waste Plan**

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, and land contamination are relevant to this proposal. The site is within the Minerals Safeguarding Area for Coal (Minerals 3).

### **Emerging Aire Valley Area Action Plan**

The site is located within the Aire Valley Leeds Regeneration Programme Area for which an Area Action Plan has been drafted and agreed for public consultation. This seeks an east-west connection across the centre of this site between Black Bull Street and Leeds Dock as part of a network of new greened pedestrian and cycle connections. This will form part of the development plan when adopted and make allocations within the area (replacing or renewing existing UDP land use allocations). It has limited weight in decision making currently but signals the Council's aspirations and priorities for the future development of the area.

### **Relevant Supplementary Planning Guidance includes:**

SPD Street Design Guide

SPD Travel Plans

SPD Building for Tomorrow Today: Sustainable Design and Construction

SPG City Centre Urban Design Strategy

## **South Bank Planning Statement**

The site lies adjacent to the area covered by the South Bank Planning Statement (see attached Plan 1 South Bank Urban Design Principles). A key principle for the South Bank is that new enhanced landscaped connections would be formed across the wider South Bank area, eventually linking Holbeck Urban Village and the City Centre Core (including the railway station and central bus stops west of the bus station) to Leeds Dock via the City Centre Park. All new developments on sites adjacent to Crown Point Road, Black Bull Street and Hunslet Road/Lane would need to deliver the continuation of landscaped pedestrian and cycle routes across the wider area, and the necessary pedestrian connectivity improvements such as crossings to major roads like Crown Point Road and Black Bull Street, other upgraded crossing points, increased pavement widths and lane reductions, in order to make new development acceptable. This proposal has the potential to contribute towards a coordinated series of key pedestrian connectivity improvements as identified in the adopted South Bank Planning Statement. This would start from the City Centre core, via the Riverside and Bridge End, through the former Tetley Brewery site via a re-opened Hunslet Road (which has been secured via a Section 106 agreement attached to the Carlsberg temporary car park permission ref. 11/05031/FU – this route would also be retained as a link in the future City Centre Park in any permanent redevelopment), across Crown Point Road via the currently under construction pedestrian crossing, along the new pedestrian/cycle path through the Leeds College of Building site, then across Black Bull Street, linking to retail, leisure, food and drink facilities at Leeds Dock.

## **National Planning Policy Framework**

The National Planning Policy Framework (NPPF) 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:

- Seek high quality design
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
- 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 72 attaches great weight to the need to create, expand or alter schools and advises the following:

- The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
  - Give great weight to the need to create, expand or alter schools; and



- Work with schools promoters to identify and resolve key planning issues before applications are submitted.

In assessing school developments the decision maker must also be mindful of a policy statement issued jointly by the Secretary of State for Education and the Secretary of State for Communities and Local Government on the 15th August 2011. This sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. It states that the Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. It goes on to say that the Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

- i) There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.
- ii) Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.

## **9.0 MAIN ISSUES**

- 9.1 Principle of use
- 9.2 Design
- 9.3 Landscaping and connectivity
- 9.4 Amenity
- 9.5 Sustainability
- 9.6 Flood risk
- 9.7 Highways and transportation
- 9.8 Planning obligations

## **10.0 APPRAISAL**

### **10.1 Principle of use**

- 10.1.1 It is considered that the principle of the proposed use is appropriate to the vision for the regeneration of the South Bank and the Aire Valley, and would be acceptable in the context of the NPPF and the Core Strategy. It is noted that residential development forms part of the regeneration plans for the City Centre, South Bank and Aire Valley, and this will bring with it a need for new community facilities, such as schools, to serve the growing population. This is reinforced by the housing targets set out in the Core Strategy for the City Centre (10,200 in Spatial Policy 7) and Aire Valley Leeds area (6,500 in Spatial Policy 5) which will necessitate the need for additional/extended schools in the area. It is considered that the provision of a secondary school at this site would act as a catalyst for the regeneration of the surrounding area, and encourage family housing provision in the City Centre and Aire Valley urban eco-settlement. The vision for this part of the City Centre is for a mixed use environment with no dominant single land use. This is to encourage a range of residential, business and community uses that create activity at different times of the day and all year round. Recent developments in the area include new further

education facilities for Leeds City College and Leeds College of Building, and the future University Technical College in part of the Braimes Pressings factory (subject of a current planning application), but taking account of the wider mix of land uses and available development sites in the area it is considered that educational use on this site would not have an adverse impact on the emerging character of the area.

## 10.2 Design

10.2.1 The South Bank will form an extension of the City Centre core, with a broad mix of uses and facilities, making an attractive, well connected 'place' for 21st Century Leeds. The provision of a secondary school is an important facility which would assist in meeting these aims, however the integration of such a use in a City Centre environment needs careful consideration in place-making terms. The surrounding area features a range of modern commercial and residential buildings such as large scale 8 storey modern buildings at Leeds Dock and Brewery Wharf, and lower scale uses such as warehouse, car showrooms and light industry. It also features listed and unlisted industrial heritage assets such as Chadwick Lodge (Grade II\*), the former Alf Cooke Printworks (Grade II), and the Malthouse on Chadwick Street. In ranging between three and four storeys, with a mixture of red-brick, glazing, and metal cladding, it is considered that on balance the scheme features appropriate form, massing, architectural treatment and materials that respects the setting and scale of adjacent and nearby buildings.

10.2.2 The applicant has responded positively to Member comments at pre-application stage, and a number of changes to the architecture of the building have been made. Members had concerns regarding the design of the The Hub Block (sports block). Its height has now reduced and the 'kick-up' of the roof line omitted to reduce the overall massing and weight of block. The Hub Block structure has been redesigned to cantilever at first floor level to Black Bull Street which would allow the omission of the columns below the facade projection to give the appearance of the block floating over its plinth. The increased amount of full height glazing to the LRC would provide active frontage to the street. A lighter profile detail between the Hub Block cladding base and the plinth to further reduce the overall height of the cladding create an appropriate transition between the two elements. The proposed cladding panels have been changed to a higher specification metal panel with smoother finish, laid in vertical sections, with hidden fixings. The strong vertical window reveals to the Hub blocks would be recessed to 190mm. The proposed external walkway to the north elevation is not considered to be a desirable feature; however it is necessary to provide emergency escape for a large number of students and staff from the gym and main hall facilities at first floor level. The external detailing of the walkway has been revised to match the detailing and cladding of the main block, with dark grey metal balustrading and a lighter channel detail along the edge of the deck. The walkway is set well into the site from Black Bull Street, with car parking, soft landscaping and the NGT stop between it and the main areas of public highway it would be viewed from. Railings and soft landscaping immediately to the east of 48-50 Black Bull Street would improve the visual appearance of the northern boundary to Chadwick Street. The main entrance has been reconfigured to provide a full height glazed entrance screen in one plane, to a forming a clear glazed separation between the Hub and STEM blocks, which would also contribute positively to the streetscene.

10.2.3 The STEM block would front the remainder of Black Bull Street, featuring deep 175mm window reveals to the red brick façade. On the Black Bull Street elevation, the upper floor windows have been grouped into a singled glazed unit, allowing the recessed window elements to sit in-plane as fully glazed elements, by omitting the infill cladding. A 'saw tooth' roof profile to the STEM block has been introduced,

which would break up the building's roof line and responds to the views from Crown Point Bridge and Hunslet Road. The element also houses some of the buildings photovoltaic panels, making one of the buildings low carbon / sustainable features visible. The southern gable to the STEM block has also been revised, with the glazed slot to the STEM wing being recessed further into the facade to create relief and providing a clear break between the two masonry blocks.

10.3.4 To the Humanities block the blue/grey brick plinth would have approximately 140mm deep window reveals with approximately 160mm window reveals to the render above. The render material to the Humanities block is on balance considered acceptable. Render may be prone to an untidy appearance due to weathering, however if well maintained well, can be an appropriate material. Render buildings are found at Leeds Dock, and have weathered better than other more recent examples. Provided the Academy maintains the building by cleaning and repainting, the proposed materials to the Humanities block are considered on balance acceptable given the overall positive architectural treatment of the three main building elements.

10.3.5 Overall, the proposed changes are considered to be an improvement on the original pre-application design, and result in a design that would enhance the character of the Black Bull Street and Chadwick Street frontages. The proposal would integrate well into the emerging character of the area, and complement the Leeds College of Building, Leeds Dock, and the listed former Alf Cooke Printworks and Chadwick Lodge.

10.2.6 In considering how the Academy would integrate into a City Centre street context, the treatment of the site boundaries is particularly important. The building edge forming a boundary to Black Bull Street, including street tree planting is considered appropriate in an emerging City Centre context. The applicant has reconsidered the boundary treatments around the site and these are now considered to be appropriate to the character of the surrounding area. The secure boundary to the proposed NGT stop has been adjusted, moving the fence back and aligning the secure line with the escape walkway from the Hub block. This has opened up the site and greatly reduced the extent of fencing to the northern end of the site, whilst not compromising the schools secure line. Paladin fencing has been omitted from the scheme with the southern boundary now enclosed with railings. The paladin fence to the north boundary has been replaced with masonry piers and railings to match those areas of retained and modified boundary treatment. Brick piers have been also added to the corners of the MUGA fencing. The MUGA fencing is set back into the site, and would be concealed to some extent by the car showroom boundary fence, and the soft landscaping and trees to the Black Bull Street frontage, and therefore it is considered that visually this would be acceptable. The existing high brick wall to Chadwick Street is proposed to be retained. Given the security and safeguarding concerns that the school has, it is considered that the form and height of these boundary treatments are suitable for a City Centre environment. New tree planting to Black Bull Street and Chadwick Street would go towards meeting the aspirations for tree-lined and landscaped road frontages in the South Bank Planning Statement, and the overall planting scheme would help to soften the urban environment and promote biodiversity. However the constraints of the competing space demands of different school functions on the site, and the applicant's daylight requirements for classrooms, means that less street frontage planting has been proposed than would be desirable along Black Bull Street and Chadwick Street. On balance, when weighed against the overall benefits of the scheme, this more limited provision of soft landscaping is considered acceptable.

### 10.3 Pedestrian and cycle connectivity

- 10.3.1 The school would have a duty of care for its pupils and this requires that a secure boundary treatment is provided around the site to ensure students are safeguarded. Given the level of accommodation and facilities proposed at this site, a public route through the centre of the site to link from the proposed new crossing on Black Bull Street to Leeds Dock cannot be achieved. The Academy has stated that they would offset this lack of pedestrian connection with community use of facilities, which would help integrate the school into the community. Whilst this is welcomed as a community facility, it would not meet the place-making and connectivity aspirations of the South Bank Planning Statement, and the requirements of Core Strategy Policies P10, SP3, CC2 and CC3. It is considered that the creation of a large impermeable development without taking the opportunity to provide and continue the emerging network of pedestrian connections east to west through the South Bank would potentially undermine the successful regeneration of this area. It is considered that the proposed east-west connection through the site does not achieve the quality of pedestrian permeability sought by the Council's planning policies. Since the pre-application presentation the proposed link at the northern end of the site has been moved south further into site with potential for improved onward connections with NGT and Leeds Dock beyond. The proposed link has also increased to 3m wide with landscaped edges. However the safeguarding issues raised by the introduction of a school community into this location are recognised and the school's willingness to provide limited accessibility through the northern part of the site and the proposal for achieving potential future connectivity along the southern boundary are noted. With reference to paragraph 72 of the NPPF, which states that local planning authorities are to *"give great weight to the need to create, expand or alter schools"*, it is therefore considered that on balance the benefits that the development would bring to this area would outweigh the limited provision for improvements to east-west pedestrian and cycle connectivity across the site.
- 10.3.2 The proposed development provides the opportunity for a future east / west link to be constructed to the southern boundary of the application site. It would be expected that the completed route would be delivered in conjunction with adjacent development proposals if and when this occurs in the future. This would be based on the likely costs for laying out the space and provision of appropriate surfacing, lighting and other work requirements. The Academy secure boundary line is set 1.5m away from the existing boundary walls (in 3rd party ownership) across the southern edge of the site. This 1.5m wide zone has been created to avoid the risk of damage to the 3rd party walls and to allow maintenance access. This zone would be gravel finished for low maintenance and ease of construction of a future 3m wide permanent paved link. The Academy has agreed to contribute this area of land to facilitate the future link, when the land to the south of the Academy comes forward for development. Officers have advised that the Academy will be required to contribute towards the future surfacing and lighting of the route in combination with the neighbouring landowners.
- 10.3.3 Officers have also requested that an interim landscaping scheme be developed by the Academy to link to Chadwick Street prior to the delivery of new public realm at the NGT stop. The applicant would provide a fully finished east/west footpath through the car park within the application site demise as shown on the site masterplan. A temporary continuation across WYCA land to provide a completed east / west connection would need to be provided pending completion of the proposed NGT stop works. The Academy is unable to provide this footpath continuation because the land is not within the applicant's control, that needs to a section of boundary wall removed, needs to be decontaminated, drained and surfaced and enclosed with fencing, and there is also a large stockpile of potentially contaminated material on the land.

## **10.4 Amenity**

10.4.1 It is considered that in the context of a busy mixed-use former industrial City Centre environment, the proposed school use would not result in significant adverse impact on the amenities of nearby residents at Leeds Dock. It is considered that the buildings would be sited sufficiently far away to avoid overlooking and loss of privacy to existing residents at Leeds Dock on the opposite side of Chadwick Street. It is considered that the appropriate regeneration of this long vacant site would enhance the amenities of the surrounding area compared to a cleared rough surfaced site.

## **10.5 Sustainability**

10.5.1 The application has been assessed against the requirements set out in Core Strategy Policy EN1 (carbon dioxide reduction) and EN2 (sustainable design). It is noted that the building is likely to achieve a high BREEAM Very Good rating which falls marginally below the Core Strategy BREEAM Excellent standard set by Core Strategy Policy EN2. However, this should be weighed against the positive sustainability credentials of the proposals, such as exceeding the 20% reduction in carbon emissions compared to Building Regulations (25%), its overall energy performance (which would meet exceed the mandatory level for BREEAM Excellent) and renewable energy generation by solar PV panels (which would also exceed the level required by BREEAM Excellent), its accessible location, the re-use of a brownfield site, and wider contribution to the surrounding area.

## **10.6 Flood risk**

10.6.1 The site is located within Flood Zone 3 according to the Environment Agency's Flood Risk Map. In accordance with NPPF the applicant has undertaken a flood risk sequential assessment. This has assessed potential alternative sites within the Aire Valley Leeds AAP area. The applicant has assessed proposed mixed use sites from the emerging draft AAP document (as agreed for consultation by Executive Board in February 2015) and found that none of the sites situated in a lower flood risk zone is of sufficient size and/or available immediately to accommodate the application scheme. It is considered that this approach is robust and that the sequential test has been satisfied. According to the flood risk vulnerability classification in Table 2 of the NPPG advice on flood risk, educational uses are classified as 'more vulnerable' and therefore a flood risk exception test is also required in accordance with Table 3 of the NPPG. The applicant has undertaken an exception test and it is considered that the sustainability benefits of the proposals have been demonstrated and that this outweighs flood risk as required by part (i) of the test set out in NPPF para 102. Part (ii) of the test relates to the safety of the development and the Council's Flood Risk Management team have confirmed their agreement on these matters. The site is considered sustainable given its location on a previously developed City Centre brownfield site, within an identified regeneration area, built to high sustainability standards, accessible to pedestrians and cyclists and close to public transport links. These wider sustainability benefits are therefore considered to outweigh potential flood risk matters in this case, subject to the implementation of the recommendations of the agreed flood risk assessment.

## **10.7 Highways and transportation**

10.7.1 Since the pre-application presentation a number of changes to the scheme have taken place in response to Member and Officer comments:

- alterations to white lining on Black Bull Street to tie into existing, remove the deceleration lane and improve cycle lane provision
- bus stops on Black Bull Street moved slightly south to allow more space for service buses (to be subject of further negotiation with WYCA)
- dropped kerbs and tactile paving at car park entrance shown on plans
- on Black Bull Street the proposed signalised pedestrian crossing has moved further south to link path across the north of the Leeds College of Building and the Academy student entrance. The crossing has been widened to 5m to provide increased capacity for children crossings
- access plans amended to show proposals for Chadwick Street including footway extension into the site on Chadwick Street and informal crossing point to link to Leeds Dock
- car park capacity has been increased from 32 to 41 spaces.
- cycle parking provision increased with further locations identified for future additional storage to be introduced.
- an access barrier has been introduced to car park with queuing space on the highway side to prevent unauthorised parking or drop off in the car park.

10.7.2 The Saved UDPR maximum parking standard for a school is 1 space per 2 staff plus visitor parking. At this site, given its sustainable location, good access to public transport, walking and cycling alternatives, a car park management plan controlled by condition, and the provision of a robust travel plan, it is considered that a significantly lower parking provision would be acceptable. Parking in the immediate surrounding area is controlled and enforced, and members of staff that decide to drive to work would be able to park nearby at Leeds Dock where there is a circa 1600 space multi-storey car park with sufficient capacity.

10.7.3 It is considered that the scheme would feature appropriate levels of car, cycle and public transport provision. The catchment for the school is generally low car ownership and higher bus usage areas of the city. Under Core Strategy P9, the location of the site within the city centre and close to existing bus stops and services and a proposed stop on the NGT trolleybus network provides an accessible location which should encourage journeys (both students and staff) by non-car modes of travel. The site lies within walking distance from the City Station, the bus station and bus services/stops along Chadwick Street (university bus), Black Bull Street, Hunslet Road and the City Centre core. Recent sustainable travel improvements for the South Bank include a water taxi linking Granary Wharf and Leeds Dock, and a new South Bank shuttle bus from Boar Lane. The Aire Valley and Elland Road Park and Rides would benefit the site, and NGT would serve the site from the north and south in the future if approved.

10.7.4 The scheme includes an updated Travel Plan, which includes measures to ensure low car usage for staff, pupil pick up and drop off, and “park and stride” initiatives. This is currently under assessment and progress will be updated verbally at Panel.

10.7.5 The provision of a new pedestrian crossing on Black Bull Street would improve pedestrian connectivity from the city centre core via the former Tetley Brewery site and the new crossing on Crown Point Road delivered by the Leeds College of Building scheme. Bus drop off–lay-bys and footway build-outs would reduce the width of Black Bull Street from three lanes of traffic to two lanes of traffic. Other off-site highways works would include amendments to traffic regulation orders (TROs) on Chadwick Street, creation of new bus lay-bys to Black Bull Street, and changes to lining and signing on Chadwick Street and Black Bull Street. These matters would be controlled by condition, and provided prior to the first occupation of the school.

10.7.6 The comments made by WYCA on 13 July 2015 will be responded to verbally at Panel. The applicant has responded to two of the points. Firstly, their current understanding is that there will be a service, but pupils will have to pay for it. Details of routes, numbers of pupils using the services, numbers of buses, and timings have not been determined at this stage, particularly as the home locations of many of the pupils who will attend in 2016/17 are currently unknown. School bus services would be implemented as part of the Travel Plan, therefore details would become available by the end of Summer Term 2016. With regards to coach parking, the TA states that *“For school trips and other outings, buses will be able to pick up and drop off from the proposed Black Bull Street [specific school bus bays] bus stops or Chadwick Street, depending on timings, traffic conditions and the number of buses. This is only an occasional event so will be managed by TRGA to minimise disruption to traffic.”* Coaches would be managed by staff and use the specific school bus stops on Black Bull Street (subject to their not being in use by dedicated school services at that time) and not the public service bus stops.

## **10.8 Planning obligations**

10.8.1 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.’

The Council’s adopted policies would result in the following Section 106 matters, which are considered to be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development:

- Travel plan monitoring fee £2,500
- Community use of facilities
- Public route across the site east to west at the northern end of the site
- Contribution towards the delivery of an east-west route at the southern end of the Site - sum to be agreed
- Local bus stop improvement £20,000
- Cooperation with local jobs and skills initiatives
- Management fee £1,500

10.8.2 The proposed development is not liable for the Community Infrastructure Levy (CIL) because the applicant’s agent has confirmed that it is a publicly funded non-profit making scheme.

## **11.0 CONCLUSION**

11.1 In response to other comments made in representations by Leeds Civic Trust that have not been discussed above, regarding the community use of facilities, the Ruth Gorse Academy will work with other education establishments and wider community to maximise the use of their facilities. This is outlined in the document submitted with the application. It is envisaged that the detailed arrangements will be set out in a community use agreement which would be secured via the Section 106 agreement.

The comments raised by Leeds Civic Trust have been passed to the Academy and discussed in more detail during the s106 negotiations.

- 11.2 The above matters are considered to be the main planning issues. As a publically funded school proposal, paragraph 72 of the NPPF is relevant. This requires local planning authorities to “give great weight to the need to create, expand or alter schools”. All other matters raised by consultees 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. The proposal would lead to the delivery of a new educational facility for the City Centre and inner south Leeds within the South Bank and Aire Valley regeneration area, and deliver the regeneration of a longstanding cleared brownfield City Centre site in a sustainable location.

**Background Papers:**

Application file 15/02470/FU

**Appendix 1 Draft conditions**

**Appendix 2 South Bank Planning Statement Urban Design Principles Plan 1**



## **Appendix 1 - Draft Conditions for application reference 15/02470/FU**

- 1) The development hereby permitted shall be begun before the expiration of three years 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 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.

- 4) Notwithstanding details shown on the plans hereby approved, no external walling or roofing shall be constructed until typical 1:20/1:50 scale elevations/section/plan working drawings showing the following details junctions between materials including rooftop parapets, window and door openings and all junctions of materials 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) External surfacing or landscaping works 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.).
  - (h) lighting
- Soft landscape works shall include
- (i) planting plans
  - (j) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
  - k) schedules of plants noting species, planting sizes and proposed numbers/densities.
  - l) 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) 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).

11) Prior to the installation of cycle/motorcycle facilities, 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.

12) Prior to the installation of bin stores, 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, including provision for recycling. 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. Bins shall be stored in the approved location and not externally, except immediately before and after collection.

In the interests of amenity and visual amenity, in accordance with Leeds UDPR Policy GP5, Leeds Core Strategy Policies T2 and P10 and the NPPF.

14) Prior to the installation of car park access controls, details of the access controls to the car park shall be submitted to and approved in writing by the Local Planning Authority. 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

15) 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 development, 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

16) No development shall take place until details for the provision of relevant off-site highways works as shown on Fore Consulting drawing nos. .... 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 sustainable development, and vehicular and pedestrian safety, in accordance with Leeds Core Strategy Policies T1 and T2, and the NPPF.

17) 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.

18) 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.

19) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 27 April 2015. The mitigation measures including

- a) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven;
- b) Finished floor levels are set no lower than 26.30m above Ordnance Datum (AOD); shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

To ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants, in accordance with the NPPF.

20) 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 protect the waterway and 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.

21) 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 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.

22) Prior to the commencement of development an updated Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority, which will include a detailed scheme comprising (i) a recycled material content plan (using

the Waste and Resources Programme's (WRAP) recycled content toolkit); (ii) a Site Waste Management Plan (SWMP); (iii) Details of photovoltaic cells; (iv) an energy plan showing the percentage of on-site energy that will be produced by the selected Low and Zero Carbon (LZC) technologies and that it produces a minimum of 10% of total demand and a carbon reduction target and plan showing a minimum of 25% betterment of the building regulations emissions target rating; and (v) a BREEAM Very Good design stage pre-assessment

The development shall be carried out in accordance with the detailed scheme, and

(a) Within 6 months of the first occupation of the development a post-construction review statement shall be submitted to and agreed in writing by the Local Planning Authority

(b) The development and buildings comprised therein shall be maintained thereafter 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, and the NPPF.

23) 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, guardrails 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. Works shall be carried out in accordance with the approved details and retained as such thereafter.

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.

24) The noise rating level from fixed plant items shall 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

25) The development shall be carried out in accordance with the approved Construction Management Plan.

In the interests of highways safety and residential amenity, in accordance with Saved Leeds UDPR Policy GP5, Leeds Core Strategy Policy T2 and the NPPF.

26) No building operations 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

27) The gradient of all pedestrian ramps shall meet BS8300:2009+A1:2010.

In the interests of accessibility in accordance with Leeds Core Strategy Policy P10

- 28) Once occupied the hours of delivery to and from the school shall be restricted to 0700 hours to 2000 hours Monday to Saturday and with no deliveries on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

- 29) Prior to the first occupation of the development, a plan to identify bird nesting opportunities (for species such as House Sparrow and Starling) on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed plan shall show the number and specification of the bird nesting features, where they will be located, and a timescale for implementation. The approved details shall be implemented within the timescales agreed and retained as such thereafter.

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

- 30) The development shall not be occupied until a Car Park and Servicing Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented and operated in accordance with the approved timescales.

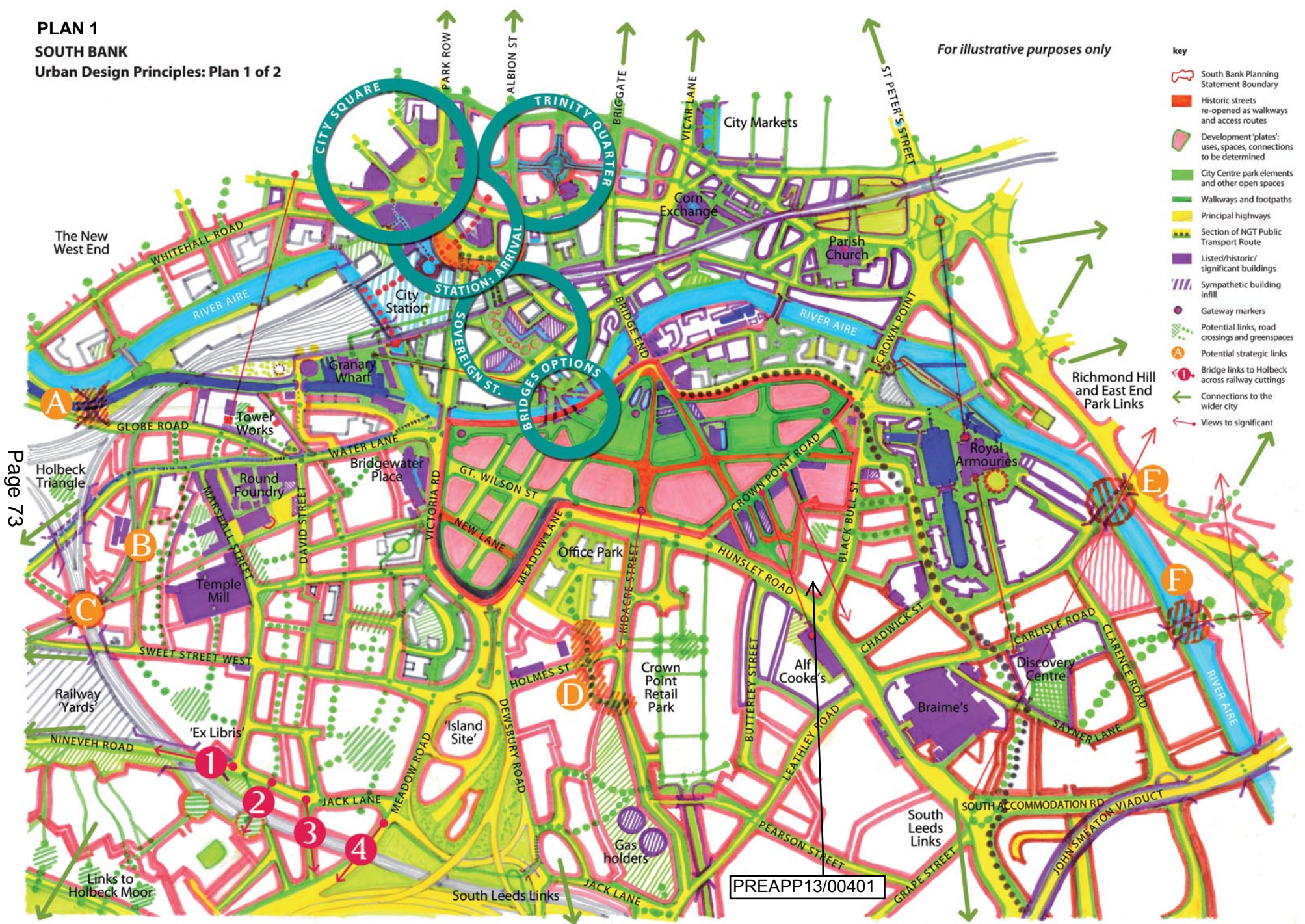
To ensure the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policy T2

- 31) Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor.

In the interest of satisfactory drainage

# PLAN 1 SOUTH BANK Urban Design Principles: Plan 1 of 2

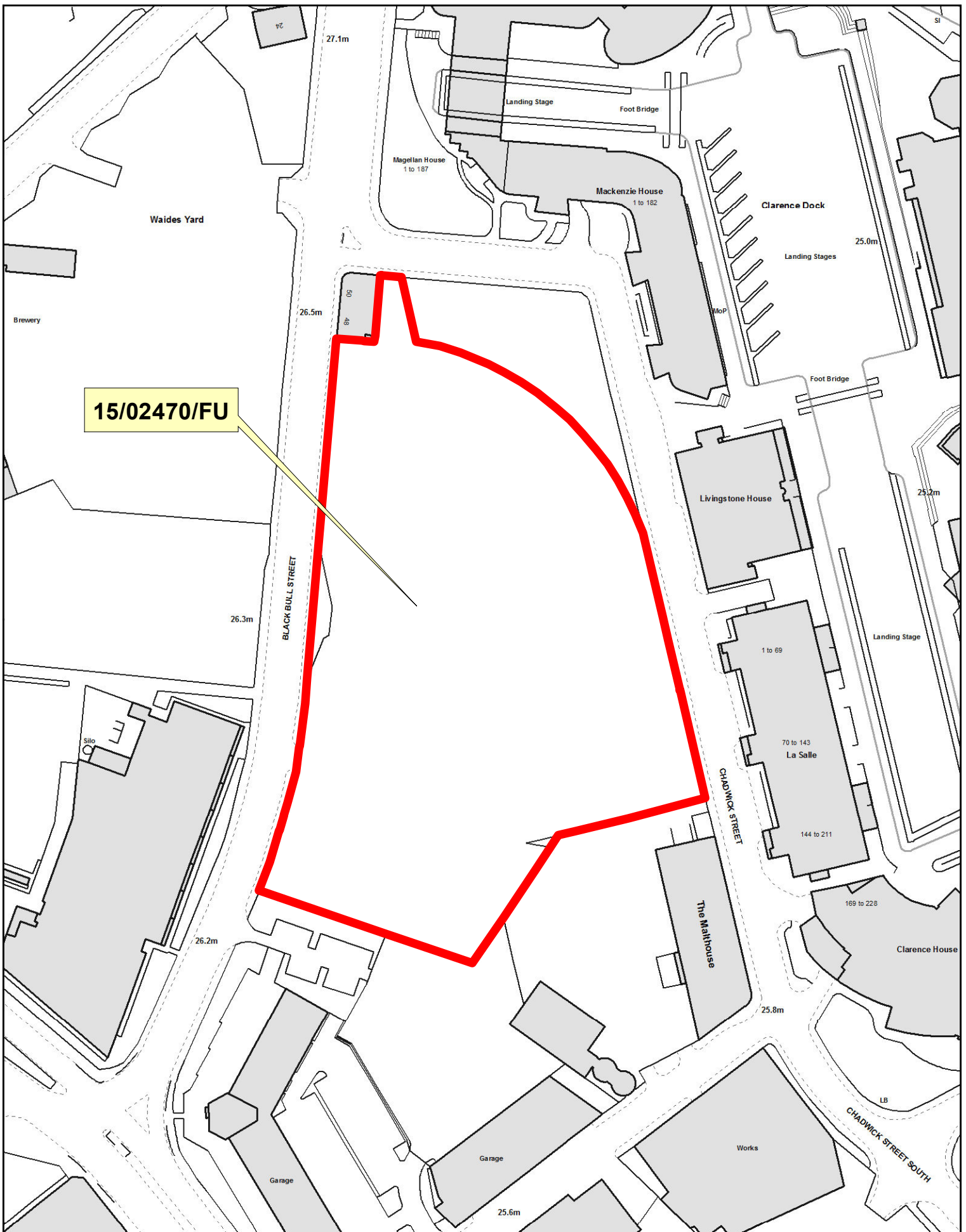
For illustrative purposes only



- key**
- South Bank Planning Statement Boundary
  - Historic streets re-opened as walkways and access routes
  - Development 'plates': uses, spaces, connections to be determined
  - City Centre park elements and other open spaces
  - Walkways and footpaths
  - Principal highways
  - Section of NGT Public Transport Route
  - Listed/historic/significant buildings
  - Sympathetic building infill
  - Gateway markers
  - Potential links, road crossings and greenspaces
  - Potential strategic links
  - Bridge links to Holbeck across railway cuttings
  - Connections to the wider city
  - Views to significant

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PREAPP13/00401



15/02470/FU

# CITY PLANS PANEL







**Report of the Chief Planning Officer**

**CITY PLANS PANEL**

**Date: 23<sup>rd</sup> July 2015**

**Subject: PLANNING APPLICATION REFERENCE 15/02217/OT VARIATION OF CONDITIONS 4, 23, 28, 29 AND 30 OF OUTLINE PLANNING PERMISSION 14/05483/FU (MIXED USE DEVELOPMENT AT THORPE PARK, LEEDS) TO INTRODUCE GREATER FLEXIBILITY TO ALLOW THE 9,000 sq.m OF GROSS RETAIL FLOORSPACE WITHIN THE APPROVED FOODSTORE UNIT TO BE RECONFIGURED TO PROVIDE UP TO 2,000 sq.m OF GROSS CONVENIENCE GOODS FLOORSPACE AND 7,000 sq.m FOR NON-FOOD OPERATORS (INCLUDING RESULTANT CHANGES TO THE TOTAL PERMITTED NET SALES FLOORSPACE)**

**APPLICANT**

Thorpe Park Developments Ltd

**DATE VALID**

15.05.15

**TARGET DATE**

14.08.15

**Electoral Wards Affected:**

Crossgates and Whinmoor, Garforth and Swillington, Temple Newsam and City

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: satisfactory outcome from the consideration of cumulative retail impact; REFERRAL of the application to the Secretary of State for the Department of Communities and Local Government under the Town and Country Planning (Consultation)(England) Direction 2009 as a departure from the Statutory Development Plan; the suggested conditions in Appendix 1 (and any others which he might consider appropriate), and; a Section 106 agreement to cover the terms of the original agreement and to cover any consequential variations in respect of amended Manston Lane Link Road trigger points.**

**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.**

## 1.0 INTRODUCTION

- 1.1 This report is presented to City Centre and Strategic Panel due to the fact that the proposal is development which has strategic implications and which does not accord with the Development Plan.
- 1.2 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 ft<sup>2</sup> (111,500m<sup>2</sup>) to 1.8m ft<sup>2</sup> (167,225m<sup>2</sup>) through the variation of the condition controlling the floorspace restrictions. To date just over of 600,000 ft<sup>2</sup> (55,740m<sup>2</sup>) of office accommodation has been built out in addition to a hotel, medical centre, and some small supporting food uses. The development is also ultimately intended to facilitate various access works, most significantly including the delivery of the Manston Lane Link Road (MLLR), and the delivery of Green Park.
- 1.3 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 (18,000 sq.m (9000m food and 9000m non-food retailing)). 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 earlier delivery of the MLLR, with the retail component being accepted as enabling development to facilitate this.
- 1.4 In January this year Members considered and approved an outline proposal for the introduction of up to 300 residential units on land north of the proposed Central Park and consequential variations to the approved floorspace of the overall development to reflect the introduction of the housing element (reduction in office space). In June this year Members also considered and approved the details of two further office buildings on the business park; one on Plot A2 and one on Plot 3175.

## 2.0 PROPOSAL:

- 2.1 In simple terms the current proposal seeks to shift the balance between the food and non-food retail elements within the approved total quantum of 18,000 sq.m. Currently conditions restrict retail floor space to 9,000 sq.m of food retail and 9,000 sq.m of non-food retail. The proposal is to allow for a lower level A1 food retail of between 2,000 sq.m and 9,000 sq.m and for a higher level of non-food retail of between 9,000 sq.m minimum and 16,000 sq.m maximum, but overall remaining within the 18,000 sq.m total quantum of retail floorspace.

2.2 The proposed change in the balance of retail uses is set out in the following table:

Use	Approved	Proposed
B1	83,615	83,615
A1 (Food store)	9,000	2,000 - 9,000
A1 (other)	9,000	9,000 - 16,000
Total A1	18,000	18,000
A2, A3, A4 and A5	4,200	4,200
C1, D1 and D2	16,340 (no more than 14,050 hotel and 2,290 gym)	16,340 (no more than 14,050 hotel and 2,290 gym)

2.3 The original application was 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

2.4 This application is accompanied by the following documents:

- Planning Statement
- Retail Statement
- Updated Health Checks
- Location Plan

### 3.0 SITE AND SURROUNDINGS:

3.1 The site is located to the south of the Leeds-York railway line and Manston Lane, west of the M1 (junction 46), north of A63 Selby Road and existing Thorpe Park buildings. Austhorpe Lane is to the west. The proposed building is adjacent to the tree belt that separates Thorpe Park from Green Park. The proposal under consideration relates to the northern half of the employment allocation that totalled 63 hectares. Members will recall earlier this year proposals for the introduction of up to 300 dwellings on the northern end of the remainder of the northern half of the site were approved by Panel. Members will also recall the most recent office developments approved in June.

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, Drive, Avenue etc and Austhorpe Lane, Avenue, Drive 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 Thorpe Park is allocated as employment land and a 'key business park' under saved policies of the 2006 UDP (Review). 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 (which will ultimately become Green Park). 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.

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

- 4.1 14/05483/FU – Variation of condition of 12/03886/OT to reflect the introduction of residential development under 14/05481/OT. Granted 02/04/15.
- 4.2 14/05481/OT - Outline application for residential development (maximum 300 units) together with other uses and revised landscaping. Granted 02/04/15.
- 4.3 12/03886/OT - Outline Planning Application for mixed use development comprising offices (business park) (B1A), (B) and (C), retail and bar/restaurant (A1, A2, A3, A4 and A5), hotel (C1), leisure facilities (D1, D2), multi-storey car park, together with internal roads, car parking, landscaping and drainage – Granted 20/03/14.
- 4.4 32/140/96/FU – Variation to outline condition to extend the total permitted floorspace within the development - Granted 31/03/04
- 4.5 32/356/01/RM – Laying out of new access and roundabout diverting footpaths and bridleway and construction of cycleway/footpath (option 2) – Granted 22/01/02
- 4.6 32/185/00/FU – Re-profiling to proposed business park – Granted 27/04/01
- 4.7 32/199/94/OT – Outline permission Thorpe Park – Granted 04/10/95
- 4.8 Under 14/05483/FU above are conditions and a Section 106 agreement which amongst other general planning policy related requirements for contribution and travel plan monitoring covenant the applicant to provide Green Park (via a series of trigger points) and the Manston Lane Link Road (which is triggered following occupation of any retail development (i.e. non-B1 office space) or 37,000m<sup>2</sup> or B1 office space).

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

- 5.1 The applicant engaged in pre-application discussions with officers in early 2015. Officers gave advice on the need for consideration of retail impacts. The proposals duly consider retail impact and advice is given in this regard below.

#### **6 PUBLIC/LOCAL RESPONSE:**

- 6.1 Public consultation on the application has taken the form of formal statutory consultations. Site notices were displayed throughout the business park, wider area and on adjoining residential streets on 29<sup>th</sup> May 2015, and the application was advertised in the press on 28<sup>th</sup> May 2015. Both site and press notices publicise the fact that the application is a departure and that the development affects a public right of way (though the right of way aspects remain unchanged and are already provided for under previous decisions).

6.2 The expiry date for these consultations was 19<sup>th</sup> June 2015 and in response one letter of objection was received from CBRE Ltd, on behalf of their client John Lewis. No Ward Councillor comments have been received in respect of the application at the time of writing this report.

6.3 Summary of objection received:

- **Investment in Leeds City Centre:** Whilst the overall retail floorspace will remain the same at 18,000 sq.m the amount of comparison goods sales would potentially increase from 9,000 sq.m to 16,000 sq.m and the amount of convenience retail space will potentially decrease from 9,000 sq.m to 2,000 sq.m;
- John Lewis will be the anchor for the new Victoria Gate scheme. John Lewis will be opening in 2016 and is committed to investing in the city centre and have spent time working with Hammerson and Leeds City Council to bring forward the scheme. The proposed comparison floorspace proposed at Thorpe Park poses a risk to this city centre investment as it is likely to have an impact on the letting strategy for Victoria Gate;
- As the Thorpe Park scheme is seeking to attract high profile national retailers it could attract similar retailers to those targeted by the Victoria Gate Scheme. This could pose the risk of retailers locating at Thorpe Park instead of Victoria Gate (this was identified as a potential concern when significantly less comparison floorspace was proposed at Thorpe Park). The Council alleviated these concerns by placing condition on the original permission that controlled the size of units. However the proposals will exacerbate this risk, especially as Victoria Gate is not yet fully let;
- There is a risk that retailers willing to commit to Victoria Gate will scale back the level of investment in their stores due to the risk of poorer sales created by competition from out-of-centre stores. City centre investment should be prioritised in order to secure a viable future;
- The revised scheme at Thorpe Park does not adhere to the town centre first principle set out in national planning policy;
- There is a danger that the revised scheme would result in an out of centre retail park type destination which would no longer be complimentary to the convenience floorspace and this would drastically change the proposed character of the scheme.
- **Vitality and Viability of Nearby Town Centres:** PBA has undertaken an updated Retail Statement on behalf of the applicant to assess the impact of the additional comparison floorspace and have concluded that the impact individually and cumulatively with other commitments will not have a significant adverse impact on Leeds City Centre or any of the other surrounding town centres [Garforth – 14%, Rothwell – 14% and Crossgates – 11%]. They have not however done an updated health check for these town centres and have not therefore provided context to demonstrate why there would not be a significant adverse impact on them. Figures of 14% are usually considered to have a significant adverse impact;
- PBA have calculated the cumulative impact of the floorspace on Seacroft Town Centre as 18% and this figure is high and without any context on the current health of the town centre its is difficult to assess whether this would result in a significant adverse impact;
- **Commitments:** The Council's attention is drawn to the Five Towns Retail Park scheme in Casltford in the Borough of Wakefield (14/01440/OUT). This application proposes up to 53,093sq.m of retail floors space. Whilst

undetermined it has been resolved to grant planning permission. Leeds City Council submitted representations in respect of this scheme in February 2015, expressing concern over the impact of the scheme on the centres in Leeds and not just on those within Wakefield District. We think the impact could be much greater cumulatively and therefore consider the Five Towns Retail Park application should be included as a commitment in the impact assessment under this [Thorpe Park] planning application.

- Sequential Assessment: We note that the applicant has not undertaken an updated sequential assessment. Given that the last retail study was undertaken in 2012 we think that an exercise should be undertaken to ensure that there are no other sequentially preferable sites that have come forward.
- Whilst the applicant has said the proposals will only represent a 1-2% increase in impact from the approved scheme this impact needs to be considered as a whole in context.
- In summary we feel that the application is contrary to planning policy which seeks to prioritise town centres; it will drastically alter the proposed character of the scheme; it has not been adequately demonstrated that it will not have a significant adverse impact on surrounding centres; cumulative impacts have not been properly assess and; and up to date sequential test has not been undertaken.
- Should the Council be minded to grant planning permission then appropriate conditions should be attached which restrict the use and size of the comparison units as per the original planning permission for the scheme.

## **7.0 CONSULTATION RESPONSES:**

### **7.1 Statutory:**

Highways England: The Highways Agency offer no objection.

Coal Authority: The application site does fall within the defined Development High Risk Area; however, it is noted that none of the conditions to which the variation of condition application relates are concerned with land stability and, as such, the planning application is for an application type (variation of condition) which is listed as exempt from the requirement (under Section 3.3 of The Coal Authority's Guidance for Local Planning Authorities, version 3, 2014). Accordingly, there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted as part of this planning application.

Health and Safety Executive: The Health and Safety Executive does not advise on safety grounds against the granting of planning permission in this case.

### **7.2 Non-statutory:**

LCC Transport Development Services: No objection in principle subject to further information/clarification with regard to the Transport Assessment prior to a decision being made and conditions to control the maximum size of retail unit(s) to ensure that a very large individual unit is not permitted without the traffic impacts being better understood, otherwise a full Transport Statement with an agreed scope would be required.

## 8 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 (2014), 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. Some saved policies of the UDP Review also apply. The following policies within them are relevant:

Spatial Policy 1	Location of Development
Spatial Policy 2	Hierarchy of centres and spatial approach to retailing, offices, intensive leisure and culture
Spatial Policy 8	Economic development priorities
Spatial Policy 9	Provision for offices, industry and warehouse employment land and premises
Policy EC1	General employment land
Policy EC2	Office development
Policy EN2	Sustainable design and construction
Policy EN4	District heating
Policy EN5	Managing flood risk
Policy T1	Transport management
Policy T2	Accessibility requirements and new development
Policy P8	Sequential and impact assessments for town centre uses
Policy P10	Design
Policy P12	Landscape
Policy ID2	Planning obligations and developer contributions
Policy N24	Transition between development and the Green Belt

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

GP1	Land use and the proposals map
GP5	General planning considerations
BD5	Design considerations for new build
E4(6)	Austhorpe business park allocation
N23/N25	Landscape design and boundary treatment
T7A	Cycle parking guidelines
T24	Parking guidelines
LD1	Landscape schemes

- 8.4 Relevant Supplementary Planning Guidance:

SPG10 Sustainable Development Design Guide (adopted)  
SPG22 Sustainable Urban Drainage (adopted)  
SPD Street Design Guide (adopted)  
SPD Travel Plans (draft)  
SPD Public Transport Improvements and Developer Contributions (adopted).  
SPD Designing for Community Safety (adopted)

Natural Resources and Waste Local Plan (adopted).

## 8.5 **National planning policy guidance:**

8.6 The National Planning Policy Framework was published on 27<sup>th</sup> March 2012 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. In this case the following sections are relevant:

Achieving sustainable development

Section 1 Building a strong, competitive economy

Section 2 Ensuring the vitality of town centres

Section 4 Promoting sustainable transport

Section 7 Requiring good design

Section 8 Promoting healthy communities

Section 10 Meeting the challenge of climate change, flooding and coastal change

Section 11 Conserving and enhancing the natural environment

Decision-taking

Section 12 Conserving and enhancing the historic environment

Annex 1 Implementation

## 9.0 **MAIN ISSUES:**

- Principle of the development
- Sequential test
- Retail impact
- Highways considerations
- Representations

## 10.0 **APPRAISAL:**

### 10.1 Principle of the development:

10.2 Core Strategy policy P9 identifies that a minimum of 706,250sq.m of office floor space will be provided over the Plan period. This provision comprises of new and existing locations. Policy P9 notes that a third of the existing supply is located outside the City Centre and includes permissions at Thorpe Park Business Park. Saved UDP Review policy E4(6) allocates the application site for employment use as a business park and outline and reserved matters planning permissions have previously been granted for an office and retail development of the site. The consented scheme delivers significant infrastructure benefits, including the delivery of Green Park and the Manston Lane Link Road.

10.3 The introduction of the retail element has already been considered in general terms and planning permission for up to 18,000sq.m of retail uses remains extant under existing permissions on which the Secretary of State determined not to intervene. The uses applied for have been previously held to meet sequential test requirements. The principle of retail uses at Thorpe Park is therefore well established and acceptable in principle. What falls to be considered is the impact of the shift in the balance of retail uses on the viability and vitality of existing centres and this is considered in more detail under 'Retail impact' below.



#### 10.4 Sequential test

10.5 Under Section 2 Ensuring the vitality of town centres of the National Planning Policy Framework Paragraph 24 requires local planning authorities apply a sequential test to planning applications for main town centres uses that are not in an existing centre and are not in accordance with and up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

10.6 As was the case under application reference 12/03886/OT the applicant wishes to stress that the retail development, in the terms sought following changes in the food retail market, is a critical component of the package of development that will fund the MLLR within the timescales of the recently entered into Network Rail agreement. Under application reference 12/03886/OT a viability assessment was submitted to justify this assertion and the direct link between the ability of the development to fund the MLLR is well established under the existing approvals. In sequential terms, the proposed uses are complementary to the office and leisure uses, as part of a wider package of development that funds the delivery of the MLLR, and clearly that needs to be in this specific location. Given the overall scale of the wider development, and in light of the consideration that it is part of an inextricably linked mixed use development at Thorpe Park, it is not considered that a more sequentially preferable site of this scale is available.

#### 10.7 Retail impact

10.8 The application is accompanied by updated health checks of the various centres within the Thorpe Park catchment area. These refresh those carried out under the original application in 2012.

10.9 With regard to Cross Gates the applicant stated in their original assessment that Cross Gates appears to be a healthy and busy centre with high levels of pedestrian footfall and low level of unit vacancy. The retail offer at Cross Gates includes Tesco Metro, Marks and Spencer, Iceland, Fultons Foods, Cooplands and a range of independent butchers, greengrocers and bakers. There is also a range of comparison retailers, including New Look, Peacocks, Superdrug and various independents. The applicant suggests that this is quite different from the proposal at Thorpe Park. Though the centre lacks a large format food superstore the applicant considers that the centre is adequately meeting local shopping needs and that there are no major deficiencies in its retail offer. The applicant points to few opportunities in the centre as it is constrained. Taking all these considerations into account the applicant concluded that that Cross gates was a viable centre which was trading well and was therefore unlikely to suffer any adverse impacts.

10.10 The updated assessment states that Cross Gates remains a stable and healthy town centre with high levels of pedestrian footfall in all parts of the core retail area. A GOAD analysis is stated as demonstrating that Cross Gates is broadly in line with the national average in terms of the number of convenience and comparison good outlets (accounting for 10 per cent and 38 percent of total units respectively). The composition of the town centre remains very similar with the main notable changes being the loss of Tesco Metro and Superdrug from the shopping centre. The assessment notes a low number of vacant units and the addition of Officers Club and Costa Coffee. The applicants suggest that Cross Gates is at least as vibrant as it was in June 2012 if not more so and that it can withstand any potential impacts arising from the revised Thorpe Park scheme.

- 10.11 With regard to Garforth the applicant stated in their original assessment that Garforth contains a good range of convenience retailers including Co-operative, Sainsbury's Local, Cooplands, Fulton Foods and a number of independent butchers, greengrocers and bakers. The centre is also served by a large out-of-centre Tesco Superstore on Aberford road and contains a good range of comparison retail and service outlets. It was assessed as a generally healthy and viable centre with no obvious signs of acute decline or concentrations of vacancy. In summary their assessment found that Garforth is able to adequately meet local needs and was unlikely to suffer any significant adverse impacts arising from the [original] proposal. It was considered that the majority of any trade diversion from the [original] proposals would be from the out-of-centre Tesco superstore which was performing strongly at that time.
- 10.12 The updated assessment states that Garforth Town Centre has not changed significantly since June 2013. The centre contains a good range of services which are broadly in line with national averages in terms of the number of convenience and comparison retail outlets. Whilst the out of centre Tesco on Aberford Road is the main location for weekly food shopping, the proportion of vacant units within the centre is well below the national average and it is considered that Garforth is a healthy town centre.
- 10.13 With regard to Rothwell the applicant stated in their original assessment that Rothwell was performing well and appeared to be a healthy town centre. Anchored by Morrison's the centre has a strong convenience offer, matched by a limited comparison offer. There were no apparent concentrations of vacant units, reflecting the healthy nature of the centre. Service provision is strong, with a library, college and a working men's club.
- 10.14 The updated assessment states that the retail offer in Rothwell remains relative unchanged since the original assessment, and has in fact improved to a small degree as a result of four additional retail units being developed opposite the Morrison's store. The proportion of vacant units is significantly below the national average, which reflects the healthy nature of a centre which has benefitted from recent investment.
- 10.15 With regard to Seacroft the applicant stated in their original assessment that Seacroft was a strong and healthy town centre, anchored by the large Tesco but supported by a range of smaller retail units, in addition to other services located behind the main retail element of the centre. Footfall was high and the physical condition of the centre was considered good.
- 10.16 The updated assessment states that the retail offer in Seacroft remains relatively unchanged since the original assessment. The centre is still dominated by the large Tesco and has a very strong convenience offer. The comparison offer is, however, below the national average. There are no vacant units within the centre and footfall is still high. Seacroft is considered a successful and healthy centre.
- 10.17 The Five Towns retail development in Castleford has recently been the subject of a decision by the Secretary of State not to intervene in that case. It therefore seems likely that planning permission will ultimately be granted for it, subject to any legal challenges. Whilst there is no current permission for that scheme, it is however therefore necessary to consider the cumulative impact of the proposed scheme at Thorpe Park with the Five Towns scheme. Further work is required in this regard and further information has been requested and will be reported at the Panel meeting. In addition recent supermarket permissions have been granted at Garforth and Rothwell

which will need to be factored into the cumulative impact of the scheme. This will also be reported at the meeting.

#### 10.18 Highways considerations

10.19 There are no objections in principle in highways terms to the shift from food to non-food retailing proposed under the application. Highways comment that the submitted layout is not consistent with the recently approved Manston Lane Link road, but this is a matter easily resolved by way of amended plans which have been requested and are awaited. Accessibility issues were addressed under the relevant conditions and obligations placed upon the recently varied permission 14/05483/OT (which reflected the introduction of an element of housing and consequent reduction in the amount of office space). Conditions of this permission also address travel plan, internal layout and servicing requirements.

10.20 The key highway issue is the impact of the degree of flexibility sought in terms of type of retailing on traffic generation. Highways comment that in traffic impact terms food retail uses would generate more traffic than typical non-food retail uses, and that given that the overall quantum remains unchanged at 18,000sq.m, there are no objections (subject to clarification over the maximum size of non-food retail units, in order to ensure that a very large individual unit is not permitted without the traffic impacts being better understood). Notwithstanding the requirements for some clarification, the proposed variation sought is policy compliant in highway safety terms, the road safety considerations having been dealt with under application 12/03886/OT and 14/05483/FU. Clearly however if planning permission is to be forthcoming the terms of existing planning conditions and obligations should be carried forward, except in terms where the variation is sought.

#### 10.21 Representations

10.22 One objection has been received, submitted by CBRE on behalf of John Lewis, and this is summarised above. Essentially the objection is that the proposed variation at Thorpe Park poses a risk to the John Lewis led Victoria Gate investment in the City Centre and the viability and vitality of nearby town centres. The objection suggests that updated health checks should be carried out for affected centres and that the cumulative impact needs reassessment in light of recent significant commitments. The objector recommends a sequential test is carried out.

10.23 The applicant has responded to the objection commenting that it does not raise any substantive new points not already considered and previously addressed under the consented scheme. The applicant asserts that there is no basis for concerns regarding possible dilution of operator interest in the Victoria Gate scheme in Leeds City Centre, citing the following: the [Victoria Gate] scheme is expected to open in 2016 and John Lewis is a very high-profile anchor; this follows the high profile Trinity Scheme which is now fully trading, and; their estimate of the city centre's comparison goods turnover in 2015 is £1,500 million, which it is suggested is a conservative estimate. The applicant suggests therefore that there can be 'no credible concern' that the Thorpe Park scheme will have any effect on lettings at the John Lewis anchored scheme more than six miles away, noting that some lettings at Victoria Gate have already been secured.

10.24 The applicant further comments that the application only seeks additional flexibility to permit a reduced level of convenience retail sales area floorspace, compensated for by an increase in comparison retail, but that the character of the scheme would not materially change. The applicant also emphasises that they are not seeking to amend

the provisions of Condition 23 of planning permission 14/05483/FU, which restricts the size of comparison retail units to no more than 4,000sq.m gross external floor area (3,200sq.m net sales area).

- 10.25 In response to the objector's assertion that a sequential test should be carried out the applicant comments that, as was explained at length in previous submissions, the Thorpe Park scheme will deliver a wide range of considerable benefits that would not be realised if the scheme was split up and/or located elsewhere. The applicant suggests that to do so would dilute the overall mix of uses and render the scheme undeliverable and that this has been accepted by the council and its retail planning advisor, England and Lyle. The applicants have re-submitted the relevant advice received by the Council in respect of the original scheme (12/03886/OT) and suggest that because the site has an extant permission and the proposal does not seek to increase the gross retail floorspace already permitted that it is not necessary to revisit sequential test issues. They emphasise that they are not seeking to circumvent any planning conditions or vary the restrictions on the use and size of comparison retail units. The applicant suggests that whilst the comparison retail turnover of the Thorpe Park scheme will increase, without any significant change in trade diversion impacts on defined centres, this would be more than compensated for by a reduced convenience retail turnover so that the overall retail turnover would reduce by some £12 million.

## **11.0 CONCLUSION**

- 11.1 The site is allocated for employment use under Saved UDP Review policy E4 (6) and the development of a mixed-use development of offices and retail at Thorpe Park is well established in principle under existing permissions.
- 11.2 The proposed shift from food to non-food retail, reflecting changing market circumstances, will result in a different impact over and above the consented scheme. Whilst additional information has been requested from the applicants and is awaited it is not anticipated that the proposal would have such significant adverse impacts on Leeds City Centre, or existing centres, such that the impact would outweigh the established significant benefits of the infrastructure the development will deliver. Approval of the application will ensure that this significant development will continue to maintain the momentum already gained, as it moves towards the triggers for delivery of the Manston Lane Link Road and Green Park.
- 11.3 It is therefore recommended that Members defer and delegate approval of the application to the Chief Planning Officer, subject to the consideration of the outstanding cumulative impact issues, the conditions listed under Appendix 1 and a Section 106 Agreement to repeat the terms of 14/05841/FU, following referral of the application to the Secretary of State as a departure.

### **Appendix 1:**

Proposed Conditions

### **Background files:**

- 11.1 Application case files 15/02217/OT, 14/05481/OT, 14/05843/FU & 12/03886/OT  
11.2 Certificate of Ownership – Certificate A completed.

## Appendix 1 Draft Conditions 15/02217/OT (Conditions of 14/05483/FU\*)

\*To be varied in the terms sought, with regard to Conditions 4, 23, 28, 29 & 30

- 1) Applications for approval of all reserved matters for the first phase of development shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Thereafter, applications for approval of all subsequent reserved matters relating to all additional phases shall be made to the Local Planning Authority before the expiration of two years from the date of approval of the reserved matters of the preceding phase.

The development of the first phase shall be begun within five years of the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be agreed for that phase, whichever is the later. All further phases shall be commenced within two years of the approval of the last reserved matters consent for that phase.

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

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.

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

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

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

- 4) The development hereby permitted under this permission shall not exceed the total quantum of development/uses as listed below (all Gross External Area (GEA)).

B1 - 83,615sq m.

A1 (food store) - 9,000sq m.

A1 not within the food store - 9,000sq m.

A2, A3, A4 and A5 - 4,200sq m.

C1, D1 and D2 - 16,340sq m. Of which no more than 14,050sq m shall be in C1 hotel use and 2,290sq m shall be in D2 gym use.

For the avoidance of doubt and because the highway and retail impacts have been assessed on that basis in accordance with adopted Core Strategy policies SP1, SP2, SP3 and T2.

- 5) The development shall be carried out in accordance with the approved masterplan. Any variation to the approved masterplan or parameter plans shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the phase of development to which the variation relates.

To allow an appreciation of the possible layout of the development proposed and delivered to date in accordance with adopted Core Strategy policy P10.

- 6) The development shall be carried out in accordance with the approved parameter plans and Design Code.

In the interests of visual amenity in accordance with saved UDPR policies GP5 and LD1, and adopted Core Strategy policy P10.

- 7) The total occupied gross external floor area shall be limited to 73,030sq m until such time as an approved assessment of traffic conditions in the Study Area (to be submitted no sooner than the occupation of 63,030sq m of the total occupied gross external floor area) has been submitted to and approved in writing by the Local Planning Authority. Any mitigation measures deemed necessary by the approved assessment shall be implemented prior to exceeding 73,030sq m of development (or another figure identified in the assessment) and be retained and maintained thereafter.

To ensure that the level of development can be accommodated within the safe operation of the highway network in accordance with adopted Core Strategy policy T2.

- 8) Typical detailed 1:20 scale (or other appropriate scale) working drawings of the following elevational features shall be submitted to and approved in writing by the Local Planning Authority prior to their construction on a phase:

- (a) Sections through external windows and door reveals;
- (b) External entrance areas at ground floor level;
- (c) Junctions of materials;
- (d) Changes in plane to the building elevations; and
- (e) Details of roof parapets, eaves line and soffits to the buildings.

The works shall be implemented as thereby agreed.

In the interests of visual amenity and providing a high quality design in accordance with adopted Core Strategy policy P10.

- 9) The construction of any external finishing materials for a phase shall not commence until full details of the siting, design and external appearance of all external plant, flue pipes, external vents, roller shutters, lighting, solar panels or other excrescences to be located on the roof or sides of the buildings within that phase have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented and retained thereafter.

In the interest of visual amenity in accordance with saved UDPR Policy GP5 and adopted Core Strategy policy P10.

- 10) The construction of external facing materials for each phase shall not take place until details and samples of all external walling, window, door and roofing materials for that phase 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 building works shall be constructed from the materials thereby approved.

In the interests of visual amenity in accordance with saved UDPR Policy GP5 and adopted Core Strategy policy P10.

- 11) No external surfacing works for a phase shall take place until details and samples of all surfacing materials for that phase have been submitted to and approved in writing by the Local Planning Authority. The surfacing works shall be carried out in accordance with the approved materials prior to first occupation of that phase and be retained and maintained thereafter.

In the interests of visual amenity in accordance with saved UDPR policy GP5.

- 12) Development of a phase shall not be occupied until all areas shown on the approved plans to be used by vehicles within that phase have been fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

To ensure the free and safe use of the highway in accordance with adopted Core Strategy policy T2 and Street Design Guide SPD (2009).

- 13) Notwithstanding the details shown on Pell Frischman drawing W50002/MP/211 D, full details of the proposed public rights of way affecting the whole application site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development of each phase. Any changes to existing public rights of way required as part of that phase shall be implemented prior to first occupation of that phase and be retained and maintained as such thereafter.

To ensure appropriate public rights of way are provided across the site in accordance with paragraph 75 of the National Planning Policy Framework.

- 14) Dust generated by vehicles on roads, haul routes and circulation areas within the site in dry weather conditions shall be suppressed by the use of equipment able to deliver sufficient volumes of water and provided on site for this purpose. Immediate preventative action, including the suspension of operations shall be taken if dust generated by machinery on site becomes airborne and can be seen being carried by the wind beyond the site boundary.

In the interests of general amenity and the amenity of occupants of nearby premises and public spaces in accordance with saved UDPR policy GP5.

- 15) No works shall begin on a phase until full details of the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development of that phase, have been submitted for the approval in writing of the Local Planning Authority. The methods thereby approved shall be implemented at the commencement of work on site, and shall thereafter be retained and employed until completion of works on site.

To ensure that mud is not deposited on nearby roads in accordance with saved UDPR policy GP5.

- 16) No works shall take place on a phase until full details of provision to be made for the storage, parking, loading and unloading of contractors' plant, equipment and materials, routing of contractors vehicles to and from the site during construction and the parking of vehicles of the workforce for that phase, has been submitted to and approved in writing

by the Local Planning Authority. Such facilities shall be provided for the duration of the development works for that phase.

In the interests of the free and safe use of the highway in accordance with saved UDPR policy GP5 and adopted Core Strategy policy T2.

- 17) Prior to the commencement of development of a phase full details of the location and number of parking spaces allocated to the development within that phase plus details of any car share spaces and any parking charges to be introduced shall be submitted to and agreed in writing by the Local Planning Authority. The parking shall be introduced as agreed prior to first occupation of that phase and be retained and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

To ensure appropriate parking is provided across the development in accordance with saved UDPR policy T24 adopted Core Strategy policy T2.

- 18) Unless otherwise agreed in writing by the Local Planning Authority, no development in a phase shall take place until a plan showing details of an oil interceptor for that phase has been submitted to and approved in writing by the Local Planning Authority. Such oil interceptor as may be approved shall be designed to intercept all surface water from areas to be used by vehicles and any other areas likely to be subject to contamination. The phase shall not be brought into use until the oil interceptor has been provided, and it shall thereafter be retained and maintained in a satisfactory condition. Roof drainage should not be passed through an oil interceptor.

To prevent pollution of the any watercourse and protect the environment in accordance with saved UDPR policy GP5.

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

In the interests of amenity and to promote recycling in accordance with saved UDPR policy GP5.

- 20) Development of a phase shall not commence until details of the cycle/motorcycle parking and facilities for that phase have been submitted to and approved in writing by the Local Planning Authority. Details shall include the method of securing the cycles and motorcycles and their location, provision of showers and storage lockers. The approved cycle/motorcycle parking and facilities shall be provided prior to occupation of that phase of development and thereafter be retained for the lifetime of the development.

In order to meet the aims of saved UDPR policies T7A and T7B, and adopted Core Strategy policy T2.

- 21) Prior to the commencement of development of a phase, full details of the sound insulation and management measures to be incorporated into that phase shall be submitted to and agreed in writing by the Local Planning Authority. The details shall highlight how future occupiers of that phase will be protected from noise from other occupiers within the phase and adjacent developments and from external traffic noise. The agreed details shall be implemented prior to first occupation and be retained and maintained thereafter.



In the interests of amenity in accordance with saved UDPR policy GP5.

- 22) Notwithstanding the provision of the Town and 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 the A2, A3, A4, or A5 premises referred to in this permission, to any use within Use Class A1 as detailed in the Town and Country Planning (Use Classes) Order 2010 (or any Order revoking or re-enacting that Order with or without modification).

In order that the Local Planning Authority can retain control over further uses which it considers could be harmful to the vitality and viability of the designated centres in accordance with adopted Core Strategy policies SP1, SP2 and SP3.

- 23) The approved retail floorspace (excluding the foodstore) shall not exceed 9,000 sqm GEA and 7,200 sqm net sales area, within which there shall be a minimum of 7,000 sq.m GEA (5,600 net sales area) of A1 retail floorspace which is to be provided within units of no less than 500 sq.m GEA (400 sqm net sales area) and no more than 4000 sqm GEA (3,200 sqm net sales area).

To reduce the potential impact upon designated local centres which mainly contain relatively small units and to prevent larger department stores locating at Thorpe Park that the Council would prefer to see located within the City Centre in accordance with adopted Core Strategy policies SP1, SP2 and SP3, P1, P2 and CC1.

- 24) Any retail units below the 500 sq.m threshold referred to in condition no. 23 shall not to be used for the sale of clothing/fashion and footwear goods.

To allow the Local Planning Authority to exercise control over the use of the smaller units for fashion and footwear to ensure such units do not have an adverse impact on existing fashion and footwear retailers in the nearby designated local centres in accordance with adopted Core Strategy policies SP2, P1, P2 and the NPPF.

- 25) There shall be no more than 800sq m (GEA) of small retail units with no single unit having a floorspace of more than 100 sq.m (GEA).

To protect the vitality and viability of designated local centres in accordance with adopted Core Strategy policies SP2, P1 and P2, and the NPPF.

- 26) Otherwise than in the circumstances set out at (ii) below, no retail floorspace hereby approved shall be occupied by any retailer who at the date of such occupation or within a period of 6 months immediately prior to occupation, occupies retail floorspace which exceeds 500 sqm (GEA) within the following designated town centres:

- o Cross Gates
- o Garforth
- o Rothwell

ii) Such occupation will only be permitted where a scheme which commits the retailer to retaining their presence as a retailer within the relevant designated town centre for a minimum period of 5 years following the date of their occupation of retail floorspace within the development, or until such time as they cease to occupy retail floorspace within the development, whichever is sooner, has been submitted to and approved in writing by the Local Planning Authority.

To ensure that those retailers which presently occupy the largest units in local centres (Cross Gates, Garforth and Rothwell) cannot open stores at Thorpe Park in the initial occupation phase in accordance with adopted Core Strategy policies SP2, P1 and P2, and the NPPF.

- 27) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that Order with or without modification) and sections 55(2) and 55(2A) of the Town and Country Planning Act 1990 (as amended), no part or parts of the A1 units may be subdivided, if such a subdivision would contravene the floorspace limits established in Conditions 23, 25 and 30. Furthermore no additional floorspace may be created within the A1 retail units if such floorspace would contravene the floorspace limits established in Conditions 4, 23, 25 and 29. Within these floorspace limits no mezzanine floorspace may be created unless otherwise agreed in writing by the Local Planning Authority. Outside of these floorspace limits no mezzanine floorspace may be created.

To prevent subdivision and mezzanine development from resulting in more net retail floorspace than approved and to ensure such floorspace is within permitted unit size limitations in order to protect the vitality and viability of the designated local centres and planned city centre investment in accordance with adopted Core Strategy policies SP2, P1 and P2, and the NPPF. Furthermore, restrictions have been placed upon mezzanine development, to ensure that the Local Planning Authority can accurately monitor the provision of retail floorspace at the site.

- 28) With the exception of the A1 food store, no retail unit over 100 sqm (GEA) will be permitted to sell convenience goods.

To protect the vitality and viability of designated local centres in accordance with adopted Core Strategy policies SP2, P1 and P2, and to protect planned city centre investment, in accordance with the NPPF.

- 29) The Gross External Area (GEA) of the retail foodstore hereby permitted shall not exceed 9000 sqm. In addition, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification), the net sales area of the foodstore shall not exceed 5,400 sqm and, of this the net convenience floorspace shall not exceed 3,618 sqm and the net comparison floorspace shall not exceed 1,782 sqm.

As these figures reflect the retail assessment carried out and to protect the vitality and viability of designated local centres in accordance with adopted Core Strategy policies SP2, P1 and P2, and the NPPF.

- 30) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any order revoking and re-enacting that Order with or without modification), the foodstore hereby permitted shall not include any post office, pharmacy, travel agent, dry cleaner, optician operations or be subdivided for those uses.

In the interests of the vitality and viability of local centres in accordance with the adopted Core Strategy policies SP2, P1 and P2, and the NPPF.

- 31) Development shall not commence until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority and:

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

(b) Where remediation measures are shown to be necessary in the Phase I/Phase II Reports and/or where soil or soil forming material is being imported to site, development shall not commence 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 saved UDPR policy GP5.

- 32) 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 saved UDPR policy GP5.

- 33) 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 saved UDPR policy GP5.

- 34) Prior to the commencement of construction of a phase an updated Sustainability Statement following the guidelines of the Supplementary Planning Document (SPD) Building for Tomorrow Today shall be submitted for that phase which will include a detailed scheme comprising:

(i) a proposal to use the Waste and Resources Programme's (WRAP) Net Waste Tool kit and an appropriate Site Waste Management Plan (SWMP),

(ii) a pre-assessment for each phase of development using the BREEAM assessment method to a minimum of an Excellent standard, and

(iii) an energy plan showing that a minimum of 10 percent of on-site energy will be produced by Low and Zero Carbon (LZC) technologies and a carbon reduction plan including a target of 20% above Current Building Regulations,

The Statement shall be approved by the Local Planning Authority and the phase of development shall be carried out in accordance with the detailed scheme; and

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

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

To ensure the adoption of appropriate sustainable design principles in accordance with saved UDPR policy GP5 and adopted Core Strategy policies EN2 and P10.

- 35) Prior to the commencement of development a programme of archaeological work including a Written Scheme of Investigation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording.
  2. The programme for post investigation assessment.
  3. Provision to be made for analysis of the site investigation and recording.
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
  5. Provision to be made for archive deposition of the analysis and records of the site investigation.
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the Written Scheme of Investigation approved under this condition and the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

To ensure appropriate archaeological recording in accordance with saved UDPR policy ARC6.

- 36) Development of a phase shall not commence until a scheme detailing foul and surface water drainage works for that phase has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme for that phase shall be implemented in accordance with the approved details before the development is brought into use.

To ensure sustainable drainage and flood prevention in accordance with saved UDPR policy GP5 and the NPPF.

- 37) The development shall be carried out to generally accord with the UK Police 'Secured by Design' and Crime Prevention through Environmental Design (CPTED) principles.

In the interests of public safety in accordance with saved UDPR policy GP5.

- 38) Prior to the commencement of development of a phase a CCTV strategy for that phase (to include details of the location of cameras and type of system) shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to first occupation of that phase and be retained and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

In the interests of public safety in accordance with saved UDPR policy GP5.

- 39) Prior to the commencement of each phase, a report to demonstrate that the opportunity to recover any coal present within each phase boundary has been considered, shall be submitted to and approved in writing by the Local Planning Authority. The report shall set out whether any coal present should be removed prior to or during development unless:

- a. it can be shown that it is not economically viable to do so, or
- b. it is not environmentally acceptable to do so, or
- c. the need for the development outweighs the need to extract the coal, or
- d. The coal will not be sterilised by the development.

If the approved report recommends that coal is present and should be removed, an implementation strategy shall be submitted to and approved in writing by the Local Planning Authority. Subsequent actions or works shall then be carried out in accordance with the approved implementation strategy.

In order to accord with Leeds Natural Resources and Waste DPD policies Minerals 3 and 9, and the NPPF.

- 40) No mechanical ventilation or air conditioning system or any other plant machinery shall be installed or operated until details of the installation and operation of the system have been submitted to and approved in writing by the Local Planning Authority. The system shall thereafter only be installed and operated in accordance with the approved details.

In the interests of amenity in accordance with saved UDPR policy GP5.

- 41) Prior to the commencement of development of a phase, details of any extract ventilation system for that phase, including details of a filter to remove odour, and the methods of treatment of the emissions, shall be 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.

In the interests of amenity and visual amenity in accordance with saved UDPR policy GP5.

- 42) No site clearance, demolition 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 with the Council.

To ensure the protection of wild birds during the breeding season in accordance with adopted Core Strategy policy G8 and the NPPF.

- 43) Prior to the commencement of development of a phase, an Ecological Protection & Enhancement Plan for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The Plan shall be based on the mitigation measures proposed in Table 7.16 of Section 7.9 of the Thorpe Park Developments Ltd. Environmental Statement by Arup dated 10 September 2012 Job number 217349 and will include a programme of ecological monitoring to inform the long-term management of the site. The Plan will include an Annual Work Programme with clear timelines for each mitigation measure to be carried out for the upcoming 12-month period. The mitigation measures shall be implemented in accordance with the timescales set out in the agreed plan.

To ensure the protection and retention of biodiversity in accordance with adopted Core Strategy Policy G8 and the NPPF.

- 44) Development of a phase shall not commence until full details of both hard and soft landscape works for that phase, 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. public art, 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 and arboricultural method statement (including soil depths, tree pits (including the load bearing root zone volume), cultivation and other operations associated with plant and grass establishment) and
- j) schedules of plants noting species, planting sizes and proposed numbers/densities.
- k) details of the consideration given to the transplantation of existing stock, from Brown Moor, to areas of Central Park.

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 saved UDPR policies GP5, N23, N25 and LD1.

- 45) 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 saved UDPR policies GP5 and LD1.

- 46) a) No works shall commence on a phase until all existing trees, hedges, bushes shown to be retained on the approved plans within the scope of that phase of development are fully safeguarded by protective fencing and ground protection in accordance with approved plans and specifications and the provisions of British Standard 5837 (2012) Trees in relation to design, demolition and construction, unless otherwise agreed in writing by the Local Planning Authority. Such measures shall be retained for the duration of any demolition and/or approved works.

b) No works or development shall commence on a phase until a written arboricultural method statement for a tree care plan for that phase has been submitted to and approved in writing by the local planning authority. Works or development shall then be carried out in accordance with the approved method statement.

c) No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services, without the prior written approval of the Local Planning Authority.

d) Seven days written notice shall be given to the Local Planning Authority that the protection measures are in place prior to demolition and/or approved works, to allow inspection and approval of the works.

To ensure the protection and preservation of trees, hedges, bushes and other natural features during construction works, in accordance with saved UDPR policies GP5, N23 and LD1.

- 47) 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 saved UDPR policies GP5 and LD1.

- 48) Prior to the commencement of development a phasing plan for the works to Central Park shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall include details of the works to create the levels, SUDS basins and any public rights of way and the provision of early cultivation and seeding. The agreed details shall be carried out in accordance with timescales set out in the phasing plan.

To ensure an appropriate temporary landscape is provided within Central Park in accordance with saved UDPR policy LD1.

- 49) The development hereby permitted shall not include a school, cinema or concert venue.

As these uses are significant traffic generators that have not been assessed as part of this application and could cause significant highway safety issues to ensure compliance with adopted Core Strategy policy T2.

- 50) No non-B1 development, nor any B1 office development of 37,000sqm or greater shall be first brought into use until the highways works detailed in planning application 14/01216/FU and either 12/03888/FU or 12/05382/FU (whichever of the two alignments is pursued), or such further planning permission(s) as may be agreed with the Local Planning Authority, have been practically completed and opened to traffic (subject to any further maintenance period).

To ensure the delivery of adequate highway infrastructure to address the highway and accessibility implications of the proposed development and to facilitate the wider long term strategic benefits associated with the expanded road proposals, in accordance with saved UDPR policy GP5 and adopted Core Strategy Policy T2.

- 51) Prior to the occupation of a phase, Travel Plan Statements and Full Travel Plans shall be submitted to and agreed in writing by the Local Planning Authority for all uses within that phase that fall within/exceed the relevant thresholds in Table 6.1 of the approved Framework Travel Plan . The approved Travel Plans shall be fully implemented and operated in accordance with the agreed timescales.

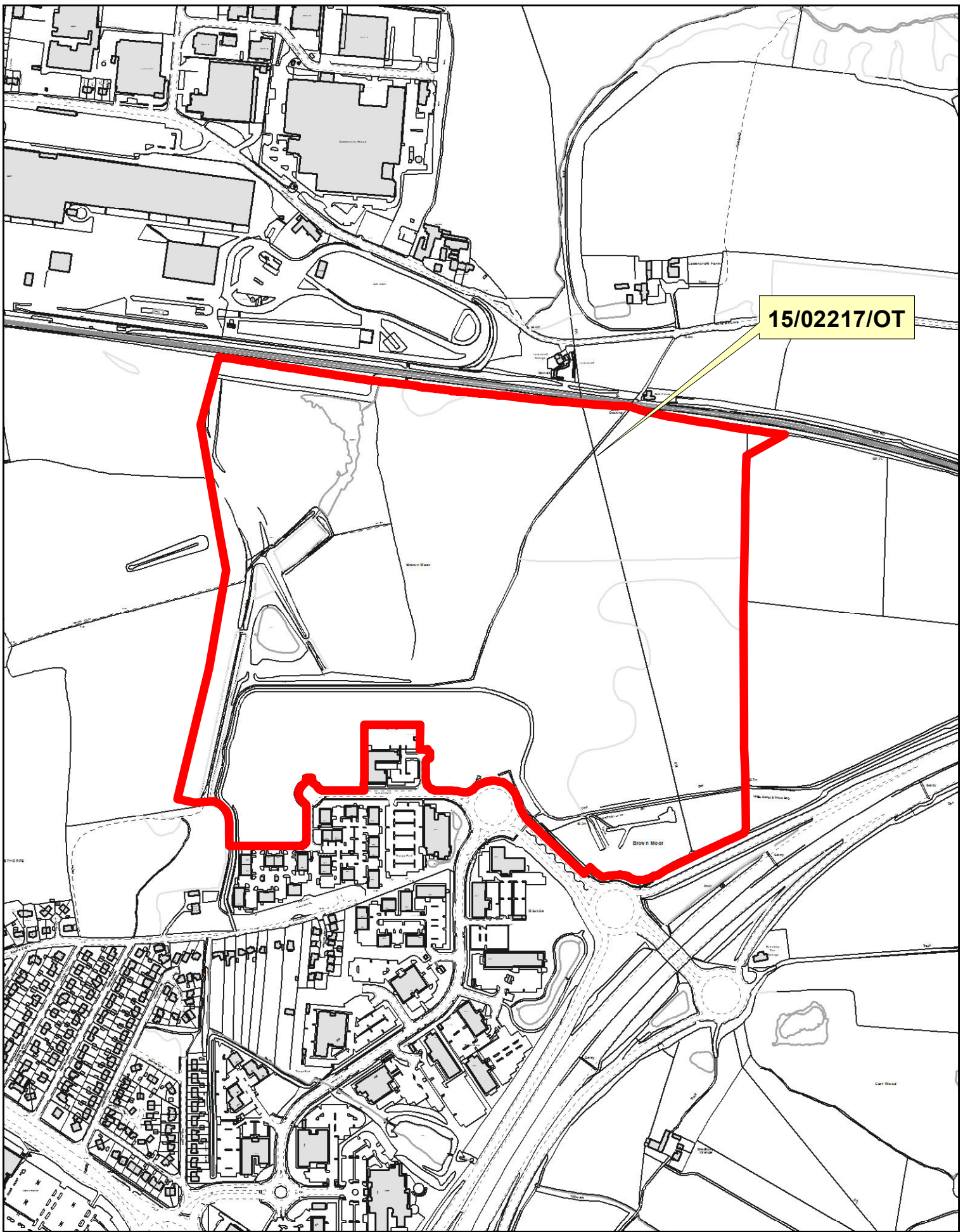
In the interests of encouraging transport other than single car occupancy in accordance with sustainable transport principles and adopted Core Strategy policy T2.

- 52) Within three months of the date of this permission a statement shall be submitted setting out the anticipated timetable for the commencement, delivery and completion of the Manston Lane Link Road (MLLR). Thereafter statements shall be submitted to the Local Planning Authority every three calendar months until completion of the MLLR, and the applicant shall use all reasonable endeavours to adhere to the timetable.

In the interests of proper planning and for the avoidance of doubt, in accordance with the resolution to grant planning permission as a departure from the allocated

employment use of the site, for which the earlier delivery of the Manston Lane Link Road is used in justification.





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# CITY PLANS PANEL



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