



Report of the Chief Planning Officer

PLANS PANEL NORTH & EAST

Date: 5th September 2013

Subject: Planning Application 12/00725/OT – Outline application for employment park and laying out of access at Aberford Road, Garforth, Leeds

APPLICANT

Calest Holdings 5
Properties 1 Sarl

DATE VALID

21st March 2012

TARGET DATE

20th June 2012

Electoral Wards Affected:

Garforth and Swillington

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER AND DELEGATE to the Chief Planning Officer for approval, subject to the specified conditions and following completion of a Section 106 Agreement to cover the following additional matters:

1. Travel Plan (including monitoring fee of £11,665).
2. Improvements to bus stop 24237 at a cost of £10,000.
3. Public Transport Improvement Contribution at a cost of £449,683, inclusive of an extension to local bus services.
4. Implementation of a controlled pedestrian crossing over Aberford Road.
5. Implementation of speed limit amendment on Aberford Road.
6. Implementation of HGV weight limit restriction amendment on Aberford (to prevent HGVs from turning out of the site towards Garforth)
6. Agreement to undertake a feasibility study to investigate and implement as appropriate the need for waiting restrictions and/or residents parking on Aberford Road or other streets in the vicinity of the site.
7. Agreement to fund additional Traffic Regulation Orders on nearby roads if a need can be demonstrated.
8. Local training and employment initiatives (applies to both the construction and subsequent operation of the development).

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.

Conditions:

1. Time limit on permission (7 years).
1. Plans to be approved.
2. External appearance, siting, design and landscaping all reserved.
3. Masterplan condition.
4. Maximum floorspace cap conditions.
5. Restriction on uses.
6. Monitoring of vehicular trips.
7. Trigger for eastbound off-slip works to junction 47.
8. All parking areas to remain available for use.
9. Walling and roofing materials to be agreed
10. Surfacing materials to be agreed.
11. Permission required for all utility buildings.
12. No mechanical ventilation/air conditioning to be installed unless details are agreed.
13. Full details of balancing pond proposals required.
14. Full landscaping scheme to be agreed.
15. Site levels to be agreed.
16. Pre-start tree and hedge survey
17. Protection of trees and hedges to be retained
18. Provision for replacement trees
19. Landscape management plan
20. Development to be carried out in accordance with FRA.
21. Final drainage scheme to be agreed.
22. No building over sewers.
23. Surface water from car parks to be passed through interceptor
24. Contamination conditions.
25. Structural survey of the Weigh House including appropriate mitigation measures required.
26. Details of storage and disposal of litter/refuse required.
27. Statement of construction practice (including interim drainage arrangements and HGV routing strategy).
28. Restriction on hours of construction to 0800-1800 hours on weekdays and 0800-1300 hours on Saturdays, with no operations on Sundays and Bank Holidays (inclusive of deliveries).
29. Contractors parking during construction.
30. Lighting restrictions.
31. No burning of waste materials.

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

1.0 INTRODUCTION:

- 1.1 This outline planning application is presented to Plans Panel due to the size and sensitivity of the proposals, given their significance to Garforth and relationship with junction 47 of the M1 motorway. The application was originally intended to be presented to 8th August Plans Panel. However, following the publication of Plans Panel papers, further letters of representation were received querying the validity of noise information submitted with the application. The application was therefore deferred and following further analysis of the issues raised, the application is now presented for determination.

- 1.2 The main application site is identified within the UDP as a Key Employment site under Policies E4:13 and E8:7. The balancing pond element to the north west is within the Green Belt, as designated by Policy N32.
- 1.3 This is an application for a new outline planning permission for employment uses on the site, although there have been a number of previous planning permissions granted in recent years.
- 1.4 The first outline application (33/119/05/OT) involved the erection of offices, industrial units, warehousing and a balancing pond on the site, approved in 2007. Subsequently, a reserved matters approval (08/06887/RM) was granted in 2009 with respect to phase one of the development, comprising the laying out of an access road and erection of 8 two-storey office units, 1 three-storey office unit and one single-storey storage and distribution unit, with two-storey ancillary offices and car parking and landscaping. Simultaneously, planning permission 08/06877/FU approved the creation of a secondary access point onto Aberford Road.
- 1.5 Since that time, the economic climate has made it difficult to deliver development on the site. Central Government introduced measures to preserve the life of planning permissions through the economic downturn such that they could be implemented reasonably swiftly as and when market conditions improve. The applicant made use of this and application 10/00916/EXT provided approval to replace an extant outline planning permission (33/119/05/OT) in 2010 so that the time limit for implementation could be extended. However, that time limit expired in May 2013 and therefore there are now no extant permissions relating to the site.
- 1.6 The development is now being brought forward by an amended applicant team and with a revised proposal, which they consider meets current market requirements

2.0 PROPOSAL:

- 2.1 This outline planning application proposes an employment park and laying out of access with all matters reserved except for access.
- 2.2 The application is accompanied by an illustrative masterplan which shows a principal access being taken from a new roundabout on Aberford Road, approximately 250m south of the existing roundabout at junction 47 of the M1 motorway. This principal access is to be used as the vehicular access for the whole site, which is to be linked via a single spine road with a further roundabout junction in the centre of the site. An emergency access is also provided to the north of the proposed buildings and exits onto Aberford Road.
- 2.3 The indicative layout follows the series of plateaux that were established and approved through reserved matters application 08/06887/RM, following robust examination through a detailed landscape analysis. Accordingly, the lower buildings are located on the upper plateau – to the south-east of the site, with larger buildings on the middle plateau – to the north-east of the site and with capacity for even larger buildings on the lower plateau – on the western half of the site. The landscape analysis was designed to provide parameters within which buildings could be located without adversely affecting the wider landscape, particularly the Green Belt, to the north of the motorway. Other landscape mitigation measures have also been carried forward, including the creation of an earth bund along much of the northern boundary of the site, which is to be planted with trees, in addition to soft landscaping across the site.

- 2.4 In terms of the quantum of development proposed, the illustrative masterplan shows three smaller units on the upper plateau – two are shown to have a gross internal area of 1,858sqm, with the third being 2,230sqm. A larger warehouse building is shown on the middle plateau with a gross internal area of 16,388sqm. The largest warehouse unit is located on the western plateau and has a gross internal area of 71,488sqm.
- 2.5 A number of planning obligations are required and so the development will be subject to a S106 agreement which is expected to provide for the following:
1. Travel Plan (including monitoring fee of £11,665).
 2. Improvements to bus stop 24237 at a cost of £10,000.
 3. Public Transport Improvement Contribution at a cost of £449,683, inclusive of an extension to local bus services.
 4. Implementation of controlled pedestrian crossing on Aberford Road.
 5. Implementation of speed limit amendment on Aberford Road.
 6. Agreement to undertake a feasibility study to investigate and implement as appropriate the need for waiting restrictions and/or residents parking on Aberford Road or other streets in the vicinity of the site.
 7. Agreement to fund additional Traffic Regulation Orders on nearby roads if a need can be demonstrated.
 8. Local training and employment initiatives (applies to both the construction and subsequent operation of the development).

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is allocated in the UDP Review for employment land, under Policy E4:13. The site is constrained by strong physical boundaries, being bounded by the M1 motorway to the north, the A642 (Aberford Road) to the east, existing industrial development to the south and the 'Fly Line' public right of way and Hawks Nest Wood to the west.
- 3.2 The site has a long history of mineral extraction from the C19th onwards and was latterly used for opencast coal mining operations, between 1996 and 1998. Following the cessation of mining activity, the majority of the site was subject to controlled restoration and re-contouring, involving backfilling and compaction. The site has been monitored since 1998. Since this time, the site has naturalised as grassland and has been used for agricultural purposes, specifically grazing. The site includes an outcrop to the north-west, described as the 'pan handle', which extends beyond the Fly Line, adjacent to the motorway, as far as the western extent of Hawks Nest Wood.
- 3.3 The main body of the site is set at a lower level than Aberford Road. The greatest fall is immediately to the west of Aberford Road. The remainder of the site is set on a more gradual fall towards Hawks Nest Wood, to the west, and the motorway, to the south. The south-eastern corner of the site, around The Weigh House, is at a higher level than much of the main body of the site and is more aligned to the level of Aberford Road. The 'Pan handle' is relatively level and is set somewhat lower than the motorway embankment.
- 3.4 Given the historic uses of the main body of the site, any future development is constrained by the 'quarry walls', particularly to the western, southern and eastern areas of the site. Other constraints include a high pressure gas pipeline running across the north of the site and overhead services running across the south of the site.
- 3.5 To the north of the site, the M1 motorway runs east-west and intersects with the A642 (Aberford Road) at junction 47, to the north eastern corner of the site. The existing

motorway embankment and slip road already contain some degree of vegetation and young trees. Beyond the motorway lies open countryside, falling within the Green Belt.

- 3.6 To the east of the site lies Aberford Road, which continues southwards into the main settlement of Garforth. A two-storey residential property, known as The Weigh House, is adjacent to the eastern boundary of the site. The majority of Aberford Road is bounded on both sides by mature hedgerows, with open countryside to the east, including a significant area of polytunnels. This land falls within the Green Belt. To the south east of the site exists a recent housing development of predominantly two-storey dwellings.
- 3.7 To the south of the site is an area identified in the UDP Review as an existing supply of employment land, under Policy E3B:4. The development includes a number of recently developed single-storey warehouse units, known as Helios 47, in addition to a number of older commercial and industrial units. A footpath also exists immediately to the south of the application site.
- 3.8 To the west of the site lies the Fly Line, which is a level and straight public right of way extending from Ash Lane in the south, continuing under the M1 motorway to the north. To the west of the Fly Line, lies Hawks Nest Wood, containing predominantly mature deciduous trees. To the north west of the main body of site lies the 'pan handle', described above, and which falls within the Green Belt. The overall character to the west of the site is one of woodland and open countryside.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 11/04212/COND – Discharge of conditions 8, 11, 13, 16, 18, 21, 22, 23, 24 and 25 of Planning Application 10/00916/EXT – Approved.
- 4.2 11/04209/COND – Discharge of conditions 1, 2, 6 and 7 of Planning Application 08/06887/RM – Approved.
- 4.3 10/00916/EXT – Extension of time application for an outline application for offices, industrial units, warehousing and balancing pond – Approved.
- 4.4 10/00834/COND – Discharge of conditions 6 and 13 of Planning Application 33/119/05/OT – Approved.
- 4.5 09/05557/COND – Discharge of conditions 3, 5, 7, 8, 10, 27 and 28 of Planning Application 33/119/05/OT – Split decision.
- 4.6 09/05079/COND – Discharge of conditions 15, 16, 17 and 18 of Planning Application 33/119/05/OT – Split Decision.
- 4.7 08/06887/RM – Reserved Matters application to lay out access road and erect 8 two storey office units, 1 three storey office unit and one single storey storage unit, with two storey ancillary offices, with car parking and landscaping.
- 4.8 08/06877/FU – Creation of point of access onto Aberford Road – Approved.
- 4.9 33/119/05/OT – Outline application for offices, industrial units, warehousing and balancing pond – Approved.
- 4.10 33/234/94/FU - Stabilisation and reclamation of derelict opencast site – Approved.

5.0 HISTORY OF NEGOTIATIONS:

5.1 A significant amount of dialogue has taken place between the applicants, their agents and officers over the various planning application submissions in recent years. This has helped shape the basis of the outline proposals in this application, which was preceded by further pre-application discussions in 2011. It is understood that the applicant carried out pre-application consultation with Aberford Parish Council and has also been in regular contact with the occupants of The Weigh House, to the east of the site. Officers facilitated a meeting between the applicant and Ward Members in January 2012, attended by Cllr Tom Murray. More recently, officers have made endeavours to arrange a further briefing with Ward Members prior to the application being presented to Panel, but no meeting has been arranged to date.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 6 site notices have been displayed, posted 6th April 2012. The application has also been advertised in a local newspaper, published 19th April 2012.

6.2 One letter of representation has been received from Aberford and District Parish Council, stating no objection.

6.3 3 letters of representation have been received from local residents stating concern that:

- The proposals will result in more traffic on roads in and around Garforth.
- Speed limits are already ignored in the surrounding area and particularly on the northern stretch of Aberford Road.
- There is a lack of pedestrian crossings in East Garforth and walking around is therefore hazardous, as is cycling on Aberford Road.
- It is felt that full detailed drawings of all highway works should be submitted before the application is determined.
- The proposed footpath through the northern boundary of the site may become a place for anti-social behaviour.
- The 24 hour nature of the operation will result in an unacceptable level of light and noise pollution.
- The submitted details are inadequate to ascertain the noise impact, which is already considered to be unacceptable.
- The developers assertion that the proposal does not require an Environmental Impact Assessment is questioned.

6.4 Following the publication of Plans Panel papers for 8th August North and East Plans Panel (at which the item was deferred), three respondents submitted further detailed letters of representation, raising the following issues:

- It is considered that the noise report information submitted in support of the application is flawed and includes a number of inaccuracies that impact on the assessment of noise impact of HGV activity, external plant and staff / visitor car parking.
- The design of the development has changed since the noise report was written and therefore the data relied upon is unsound. It is queried that the anticipated number of deliveries is out of line with the number of loading bays indicated.
- The daytime baseline noise measurements were taken from a Friday afternoon to a Tuesday lunchtime at the end of January 2012, which is considered inappropriate as they were taken in a period of relatively low activity.
- Concern is expressed that a significant increase in traffic along Aberford Road will result in an increase in noise which will have a detrimental impact on nearby residents, exacerbated by traffic mix and traffic accelerating and braking.

- Concern is expressed about road safety issues, particularly the impact of increased traffic volumes in East Garforth Primary School. This is exacerbated by the lack of a continuous footpath on one side of Aberford Road from Cedar Ridge to Main Street. The 5-way junction at Sturton Lane, Ash Lane, Aberford Road and The Crescent has blind corners and is considered dangerous. The footpath from Ash Lane to Parkinson Approach is narrow and given the above, there is a need for pedestrians to cross back and forth and there are currently no crossing facilities. It is therefore considered essential that this is remedied given the increase in traffic volumes.
- The proposals fail to provide precise details of the highway improvements on larger scale plans.
- The proposals fail to enhance public transport facilities through providing bus shelters either side of Aberford Road with 'RealTime' information and fail to incorporate a shuttle bus service.
- There is no provision for bus lay bys on either side of Aberford Road to allow other traffic to pass.
- The proposals fail to provide 2m wide footways to each side of Aberford Road
- The proposals fail to show the location of the potential controlled crossing on Aberford Road. It is also considered that the requirements of the S106 are too vague.
- Cyclists are not adequately provided for as there are no dedicated cycle lanes to be provided, resulting in conflicts between road users.
- The proposals do not clearly show the relationship with the right of way to the west of the site, 'The Flyline' or how the new access path will be maintained and managed.
- Suggestions are made on the wording of the S106 agreement with respect to Traffic Regulation Orders and the wording of signage for a weight restriction on Aberford Road, south of the site.

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

Highways: - No objections in principle. Following negotiations through the application process, it is noted that mitigation measures with the Highways Agency for junction 47 of the M1 are agreed, the public transport contribution and its use towards an extension to local bus services is agreed, bus stop improvements, the revisions to the plans to include a bus lay-by within the site, a pedestrian link to Aberford Road and a Pelican crossing over Aberford Road, together with Traffic Regulation Orders to implement a speed limit reduction, waiting restrictions, HGV restrictions and residents parking permit scheme are all agreed. The level of parking provision is accepted and a further funding of additional TROs is agreed, should it be necessary, for a period of 5 years following full occupation of the development.

Highways Agency: - No objections. The initial holding direction has been lifted and conditions are recommended to restrict the level of floorspace created, the threshold of floorspace permitted before improvements to the eastbound off-slip at junction 47 of the M1 are required and details securing those improvement works.

Environment Agency: - No objections, subject to conditions.

Health and Safety Executive: - The HSE does not advise against the grant of planning permission.

Coal Authority: - No objections, subject to the inclusion of a condition such that earthworks are carried out in accordance with the submitted strategy.

7.2 **Non-statutory:**

TravelWise Team: - The Travel Plan has been subject to negotiations and is currently awaiting submission of the final draft. A monitoring fee of £11,665 is required.

Transport Development Services: - A Public Transport Improvement contribution is required totalling £449,683.

Metro: - The S106 agreement should reflect that agreed previously, including bus stop improvements and a shuttle bus.

Public Rights of Way: - A definitive public right of way (No. 6) runs adjacent to the western boundary of the site, along the 'fly line'. A claimed right of way runs adjacent to the southern boundary. It is noted that public safety warning signs should be erected if any of the paths are affected by access requirements and that the rights of way should remain open at all times.

West Yorkshire Archaeology Service: - A condition is recommended. However, it is noted that an Archaeology Report has been approved before and it is therefore suggested that this is conditioned.

Yorkshire Water: - The scheme is acceptable, subject to the imposition of drainage conditions.

Flood Risk Management Team: - The proposals meet the requirements for mitigating flood risk, although previous comments about the shape of ponds and their benefit to biodiversity is noted. Revised plans have subsequently been submitted, which accord with the previously approved details.

Environmental Protection Team: - No objections, the additional information provided demonstrates that the proposals would not result in significant noise and disturbance. Further to the additional letters of representation, a further response has been provided by the developer and officers maintain the position that the proposal is acceptable in noise terms.

Contaminated Land: - No objections, conditions recommended.

8.0 **PLANNING POLICIES:**

8.1 The development plan comprises the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage.

8.2 Leeds Unitary Development Plan (UDP) Review:

The main application site is identified within the UDP as a Key Employment site under Policies E4:13 and E8:7. The balancing pond is within the Greenbelt as allocated by Policy N32.

SA1: Secure the highest possible quality of environment.

GP5: seeks to ensure all development proposals resolve detailed planning considerations including issues of access, design and residential amenity.

GP7: Use of planning obligations.
T2: New development and highways considerations.
T2C: New development and Travel Plans.
T2D: Public transport contributions.
T24: Car parking provision.
N12 & N13: relate to urban design priorities and require new buildings to have regard to their surroundings.
N24: requires appropriate screening between developments and the Greenbelt.
N25 & N26: require landscaping proposals and boundary treatments to make a positive addition to the site and surrounding area.
N29: Archaeology.
N38a: Prevention of flooding.
N38b: Flood Risk Assessments.
N39a: Sustainable drainage.
N49, N50, N51: seek to ensure developments do not adversely affect nature areas either directly or in-directly.
BD5: General amenity issues.
LD1: Landscape schemes.

8.3 Supplementary Planning Guidance / Documents:

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

8.4 National Planning Guidance:

National Planning Policy Framework: Paragraph 19 requires that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.

8.5 Emerging Policy

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination. The following policies are of specific relevance:

Spatial Policy 8 – Refers to the importance of a competitive local economy, safeguarding allocated employment sites and support for training and employment initiatives.

EC1 – Refers to the carrying forward of allocated employment sites.

P10 – Refers to the need for high quality design.

T2 – Refers to accessibility requirements for new development.

EN5 – Refers to managing flood risk.

- 8.6 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination

9.0 MAIN ISSUES

1. Principle of development
1. Highway and access issues
2. Urban design
3. Landscape design and visual impact
4. Ecology
5. Drainage and flood risk
6. Impact on residential amenity
7. Employment and training opportunities
8. Planning obligations

10.0 APPRAISAL

Principle of development

- 10.1 Although the main development site currently has both a rural appearance and use (grazing), it is allocated for employment purposes on the Unitary Development Plan proposals map under Policy E4:13. Furthermore, Policy E8:7 also identifies the site as a 'Key' employment site which seeks to ensure employment opportunities are secured at a local level. Further guidance also indicates that development of the site is only acceptable following the construction of the M1 – A1 link Road and the provision of off-site drainage works and watercourse improvements including flow balancing works to Cock Beck (para 16.3.7).
- 10.2 In view of the main site's employment allocation, the fact the M1 – A1 link road has now been constructed and the proposed balancing pond would achieve the off-site drainage works referred to, the development is considered to be acceptable in principle. The balancing pond is not considered to be an inappropriate use within the Greenbelt providing it is well designed and does not adversely affect its openness or rural character.
- 10.3 One issue that has arisen since the previous grant of planning permissions is HS2. On the 28th January 2013, the Government announced its initial preferences for Phase 2 of the HS2 project extending high speed rail lines from the West Midlands to Manchester in the North West and to Leeds in the North East. Phase 1 of the HS2 project connects London to the West Midlands. The initial preference for the HS2 line is to follow the south side of the M1 motorway and thus through the centre of the application site. In light of this, officers have liaised with the Government's HS2 Team who have advised that the Council should have regard to the announcement of the Government's initial preference for Phase 2 and the Government's commitment in January 2012 to delivering Phase 2 as material considerations. It is understood that the Secretary of State intends to begin a consultation on a proposed Phase 2 route in 2013 and, following consultation, will make an announcement of the preferred route in 2014. As a result, the proposed route may be subject to some change as a result of detailed consultation. Given the current early stage of design and that consultation on the proposed route is due to take place later this year, officers consider that the initial preferences are no impediment to granting planning permission for employment uses on this site.

10.4 In light of the above and given that planning permission for similar schemes has been granted for the principle of the development twice before, it is considered that the principle of development in this instance is acceptable.

Highway and access issues

10.5 The Transport Assessment submitted with the application has been assessed by Council Officers and the Highways Agency and as a result of initial comments further revisions/explanation has been provided. The assessment indicates the requirement for a roundabout off Aberford Road to provide access into the site.

10.6 A mixed use development of B1 (office), B2 (general industry) and B8 (storage and distribution) uses was approved on the site under application 33/119/05/OT, providing permission for 77,990sqm of employment use. The current application seeks an increase in this floorspace to 93,822sqm, although the B1(a) office units have been removed entirely with a mix of only B1(c) (industrial process which can be carried out in a residential area), B2 (general industry) and B8 (storage and distribution) uses now proposed. Based on the previously agreed trip rates, the current proposals are considered to have an almost identical impact in terms of numbers of vehicles generated.

10.7 In considering the general traffic movements likely to be associated with the development, the Transport Assessment concludes that trip rates will not result in congestion problems on either the local highway or motorway network. The conclusion is based on the development not exceeding the assumed trip rates. Therefore, in order to provide greater certainty, it is recommended to condition the maximum level of floorspace and also phase development subject to trips, such that phase 1 is the amount of development that can take place before improvements are required to the eastbound off slip at junction 47 of the M1. These conditions and the required scheme have already been suggested and/or agreed by the Highways Agency.

10.8 With regard to car parking provision on site, this is extensive given the nature of the proposed development. Overall, highways officers accept the level of parking provision, provided that additional funding can be secured through the S106 agreement in order to fund further TROs in the future, should they be required. The developer has agreed to this in principle, provided that suitable triggers are agreed in the S106 agreement.

10.9 In addition, a number of other initiatives aimed at reducing the need to travel to and from the site by private motor car are recommended. These include the use of the Public Transport Improvement Contribution of £449,683, inclusive of an extension to local bus services (instead of the shuttle bus facility secured under the previous S106 agreement), as well as improved connections to Aberford Road (from the south east of the site), a Pelican crossing on Aberford Road and improvements to bus stop 24237, including the provision of a shelter. Traffic Regulation Orders will also be required to fund a speed limit reduction on Aberford Road, from 50mph to 30mph, as well as waiting restrictions, an amendment to the Aberford Road HGV restriction and a residents parking permit scheme if required, all as per the previously approved planning applications.

Urban design

10.10 Whilst an outline planning application with all matters reserved except for access, a great deal of work has historically been done on previous applications in terms of establishing an acceptable development envelope, given the site constraints and its

context on the edge of Garforth and within the wider landscape. The Design and Access Statement reiterates that the detailed design solution has been informed by:

- market requirements;
- the plateaux profile;
- the design framework
- visual and landscape impact;
- access; and
- urban design principles;

Market requirements

- 10.11 The detailed technical requirements for operation have informed the broad design and layout of the large warehouse units in order to achieve wide market appeal and a greater opportunity of finding an end user in a difficult economic climate. The applicant has stated that, following research undertaken, many enquiries are for units in excess of 150,000sqft (approximately 14,000sqm) in the Yorkshire region. In addition, there is also a market demand for larger facilities offering footprints over 500,000sqft and up to 800,000sqft (approximately 46,500sqm – 74,000sqm). Accordingly, the indicative layout shows buildings with the following floorspaces:

Unit 1 – 16,388sqm

Unit 2 – 71,488sqm

Unit 3 – 2,230sqm

Unit 4 – 1,858sqm

Unit 5 – 1,858sqm

- 10.12 Given the above quantum and disposition of development, it can be seen that the illustrative layout is intended to provide a range of unit sizes that will be attractive to the market. Whilst only an illustrative layout, unit 1 is indicated to have a footprint area of approximately 100m x 155m. Units 3, 4 and 5 are similar in size, approximately 50m x 40m each. Unit 2 is the largest unit, measuring approximately 180m x 370m.

The plateaux profiles

- 10.13 In terms of understanding the levels, these are described in the submitted Design and Access Statement as a series of plateaux – an upper plateau to the south east corner, a middle plateau to the north east corner and a lower plateau to the western half of the main body of the site. These plateaux are to be effected by a neutral ‘cut and fill’ exercise, utilising material from within the site.

- 10.14 The plateaux profile has influenced the location of the various forms of development. The upper plateau will be approximately 7m below the level of Aberford Road, at a point adjacent to The Weigh House. The applicant considers it therefore logical that the lower buildings on smaller footprints, which are more easily assimilated into the wider landscape, should be located on the upper plateau. Within the site, the middle plateau is approximately 4-5m lower than the upper plateau. As such, the applicant considers that the middle plateau is better able to accommodate a larger unit. The lower plateau is approximately 1-2m lower than the middle plateau and approximately 7-8m lower than the upper plateau. As the lowest part of the site and the largest plateau, it is considered most appropriate location for the largest unit. The thinking behind the plateaux strategy has previously been established and officers consider that this is an appropriate and acceptable approach.

Visual and landscape impact

- 10.15 A Design Framework was submitted with the previous reserved matters application and provided an assessment of the site and the landscape character of the local and

wider context, together with a visual assessment of views into the site. The essence of this document has been carried forward to the Design and Access Statement submitted with the current outline application. The document also proposes the use of landscape interventions in order to lessen the visual impact of the proposed buildings and to use planting, as appropriate, in the various character areas of the overall development. Officers are satisfied that the height and siting of the buildings, together with the proposed landforms and approach to a planting scheme are satisfactory for the purposes of mitigating the visual impact of the development.

Access

- 10.16 The primary access into the site has been considered and approved under the previous outline consent. Nothing has changed since this time and so the point of access is still considered to be appropriate. Detailed landscaping conditions can be used to ensure that appropriate boundary treatments and planting are secured around the site entrance.
- 10.17 The proposals also make provision for a permissive path adjacent to the northern boundary, through the landscaped belt, linking Aberford Road to the Fly Line public right of way. It is intended that the path is publicly accessible at all times and will be maintained by the developer. It is noted that concern has been raised in one of the letters of representation that the new path could give rise to anti-social behaviour and wildlife crime. Whilst this is possible, such activities could occur in any event, with or without the path and also on other rights of way in the locality. On balance, this is considered to be an important element of the scheme in terms of improving local connectivity and has been approved on the previous applications. Accordingly, the benefits are considered to outweigh any potential negatives, which are ultimately Police matters.

Urban design principles

- 10.18 The Design and Access Statement sets out a number of urban design principles in order to guide the future development of the overall site, again carried forward from the work on previous applications. Specifically, these include creating a sense of arrival, enveloping the built form with landscaping, using buildings to respond to the sensitivities of the upper plateau, using boundary treatments to respond to the sensitivities of the southern boundary and incorporating measures to ensure a sensitive interface with Hawks Nest Wood and the Fly Line.

Landscape design and visual impact

- 10.19 One of the key issues resolved in the previous reserved matters application was how and where the proposed buildings will be visible from in the context of the wider landscape. A Design Framework was therefore prepared and its conclusions have been adopted in the submitted Design and Access Statement and used as a basis for preparing the illustrative masterplan.
- 10.20 Essentially, the applicant tested what can be seen from various viewpoints. The intention was that the views from the various tested viewpoints form the basis of informing the masterplan regarding the height, scale and use of materials in the buildings. The Design Framework then summarised the key sensitivities, opportunities and their implications. The document found that subject to particular attention being given to the sensitive views from the north and west, the motorway junction and Aberford Road, the tested heights and assumed disposition are a suitable basis for assimilation of the development into the landscape. It is also stated that there needs to be particular attention paid to colour, reduction of reflectivity and reduction of perceived horizontality (referring to the horizontal mass of the large storage and distribution unit).

- 10.21 Subject to the considerations of the Design Framework, a series of design principles were set out, from which the development proposals should emerge. In terms of impact upon the wider landscape, it is important that the buildings are not overly prominent or give rise to visual intrusion by way of their siting, scale, colour or use of materials.
- 10.22 Given that these principles have been carried forward to this application, officers are satisfied that future reserved matters submissions can be made for buildings which will not have an adverse impact on the landscape or visual amenity.

Ecology

- 10.23 There are no nationally or internationally designated sites for nature conservation in the vicinity of the application site. Hawks Nest Wood, is however, a Leeds Nature Area of local importance for nature conservation.
- 10.24 The application site has, in the past, supported an active badger sett. Under licence from Natural England, the applicant created a new sett elsewhere. In the interests of the badgers safety, the location of the new sett cannot be publicly disclosed. A Great Crested Newt Survey was performed by consultants acting for the applicant in February 2007, which included a detailed amphibian survey and phase one habitat survey. The previous application was accompanied by an Environmental Impact Assessment (EIA) due to these sensitivities. The Great Crested Newts were subsequently relocated under licence from Natural England. In light of the above, there are now no protected species on site at the current time and hence the site is no longer sensitive and the current application is not accompanied by an EIA.
- 10.25 The approach to the proposed landscaping scheme is intended to foster a new bio-diverse framework by enhancing wildlife corridors along the northern and southern edges of the site, linking into Hawks Nest Wood, which has existing ponds and established woodland habitat. In addition, the larger balancing pond within the 'Pan handle', is also proposed to create a significant habitat.

Drainage and flood risk

- 10.26 The surface water run-off from the site currently drains into two unnamed watercourses. A ditch in the south west corner of the site runs for approximately 200m north along the western boundary before discharging into a marshland area in Hawks Nest Wood. The second watercourse flows in a westerly direction across the north of the site and is culverted along its full length within the main development site before reverting to an open ditch in the Pan Handle area. This watercourse discharges into the Shippen Dyke to the west of the site. Two land drains are known to discharge into the watercourse at its western end. The Flood Risk Assessments (FRAs) indicate that there are no recorded flooding events within the general area of the site, although the north west corner of the main site is known to pond during periods of consistent wet weather.
- 10.27 An existing Yorkshire Water public surface water sewer runs along the southern boundary of the site. This sewer discharges at the head of the western boundary ditch. There is an existing 150mm diameter Yorkshire Water foul sewer located in Aberford Road.
- 10.28 Both the FRAs previously prepared for the site conclude that the site is not at risk from fluvial flooding, tidal flooding, rising groundwater or overland flow. There are consequently no requirements to raise floor levels or create compensatory basins.

There are no aquifers present beneath the site and the site does not lie within a groundwater Source Protection Zone.

- 10.29 With respect to the surface water drainage, the FRAs conclude that the final surface water discharge rate will be limited and that the northern watercourse can accept this level of discharge, that on-site storage shall be provided for critical 1 in 100 year storms (plus 20% allowance for climate change) and that the surface water drainage strategy shall incorporate Sustainable Drainage Systems (SuDS) measures as appropriate for the site. Up to 12,000m³ of surface water storage in total will be required to satisfy the stated requirements. With regard to the physical appearance of the site, surface water will be received by a series of connected ponds and swales along the northern and southern boundaries of the site, before flowing northwards along the western boundary and then westwards into the Pan Handle area where a much larger pond is proposed, with a permanent depth of water of approximately 0.6m. A landscaped bund is proposed to the west of the Pan Handle as a fail safe in order to prevent any flooding of land to the west. No surface water runoff will be discharged to the existing watercourse adjacent to the Fly Line or to the existing sewer. A separate pond is proposed in the far south-western corner of the site and is designed specifically to be attractive as Newt habitat. This pond would remain completely separate from the surface water drainage system described above. It is also noted that the design of the ponds and swales has been amended since the previously approved schemes in order that they have a more naturalised appearance and are more easily assimilated into the landscape. These details have previously been approved through discharge of condition applications.
- 10.30 The near surface ground conditions comprising essentially cohesive impermeable strata and engineered fill will preclude the use of infiltration SuDS techniques. Thus ponds, detention tanks/basins, conveyance swales, rainwater harvesting and permeable car park paving are considered appropriate SuDS solutions for the site.
- 10.31 The roof drainage systems serving the development buildings will discharge to the receiving network via rainwater harvesting systems. The rainwater reclaimed will be used to provide water for landscape irrigation and toilet flushing. Harvested rainwater will be temporarily stored in proprietary tank systems before being passed through filters prior to pumped discharge to the buildings. Despite the harvesting of rainwater, the below ground surface water drainage system design will assume that the harvesting system storage will be full during storms and will overflow to the general surface water drainage network. The volume of the rainwater harvesting tanks will not therefore be used for surface water attenuation.

Impact on residential amenity

- 10.32 Concern has been expressed from local residents that the development has the potential to cause noise and disturbance problems, particularly in view of the site's size and the types of uses proposed and the stated 24 hour operation of the premises. In view of this, Environmental Health Officers were consulted and following the submission of further information, considered that the likely comings and goings and noise levels associated with the proposals would not have an unacceptable impact on the amenity of nearby occupiers of residential properties. Further letters of representation were received in August 2013 querying the accuracy of the noise report measurements and one resident has also provided their own noise readings. The developer has responded to the further objections, stating that the measurements were taken in accordance with British Standard BS7445 and demonstrates that an unacceptable impact will not occur. The site access is 140m north of the nearest dwelling, The Weigh House, and a greater distance from the properties on Aberford Road. In simple terms, it is understood that in order to create a discernible increase in

noise level, the volume of traffic would need to be doubled although this factor is reduced where a greater HGV content is present. It is noted that there are currently 16,842 vehicles using Aberford Road with a 1% content of HGVs. Assuming a HGV content of 12% (Based on data provided within the TA) of the total development generated flow, in order to create a discernible increase in noise level, this would mean that there would have to be some additional 10,000 vehicle movements. Following a review of the Transport Assessment, the distribution of traffic from the site is shown to be concentrated to vehicles using Aberford Road, to the north of the site access roundabout and not past the dwellings to the south. This ranges from 78% to 90% of the total development traffic flow in the peak hours with the trend expected to be consistent over the course of a day. Therefore, the developer asserts that the volume of vehicles required to cause a discernible increase in noise level at existing residential premises within proximity to the site will clearly not occur and therefore no further assessment is necessary. Environmental Health officers agree with these findings and on the basis of the HGV weight restriction amendment on Aberford Road (preventing HGVs turning right out of the site towards Garforth), are confident that the proposals are acceptable in noise terms. The developer has also suggested that they would accept a condition requiring them to adhere to a routing strategy for HGVs during the construction period.

- 10.33 A number of conditions shall be attached relating to hours of construction and lighting and it is also noted that the highway works relating to speed limit reduction, waiting restrictions and the HGV restrictions will assist in mitigating the effects of the development. It is also noted that the nature of the use necessarily involves a significant amount of HGV movements and given the location of the site, adjacent to the M1 motorway, together with the HGV restriction, will prevent the potential impact of HGVs travelling through Garforth that otherwise could occur.
- 10.34 The previous planning permission also considered the potential for the development to cause structural problems to the Weigh House due to its elevated position from the main site. It is therefore recommended that a condition be attached requiring a structural survey of the building be carried out to establish its current condition prior to any work taking place on site. This will enable future liability to be established in the event that problems do arise. Furthermore, proposed level details throughout the site will also be conditioned to help minimise this type of risk in the first instance. These conditions have previously been discharged, although it is considered that a new survey which is up to date should be required.

Employment / training opportunities and timing

- 10.35 The planning statement submitted with the application notes that in utilising job density assumptions published by the Homes and Communities Agency, between 1,340 and 1,979 jobs are likely to be created as a result of the proposals. It is acknowledged that this is a substantial range but this is due to the nature of uses for which planning permission is sought and the variations in job creation densities that are subsequently applied. The actual number of jobs that will be created will be dependent upon the nature of end users and their requirements. Therefore as an indication, a mean figure between the low and high job creation estimates has been used for the purpose of high level assessment. The mean figure shows that a potential 1,660 jobs would be created as a result of the proposals. This will have a positive effect upon the local economy and will provide for further choice in the jobs market and provide for further employment opportunities. It should be noted that even at the lower end of the estimate, the job creation potential that the site offers is substantial. Therefore, it is considered that the proposals will have a significantly beneficial impact upon the local economy and employment levels. It should also be noted that local training and employment initiatives are to be secured through the

S106 agreement and will include provision for both the construction of the development, as well as its longer term occupation and operation (The figures stated above do not include jobs created through the construction process).

- 10.36 It is noted that previous applications have been approved, but not implemented due to the economic downturn. This outline application seeks to promote a development that is responsive to current market needs. Nevertheless, the applicant has stressed that economic conditions remain challenging and this means that the rate of take up of sites and premises remains uncertain and generally well below the level experienced before the recent recession. Given that this is the case and given that the economic recovery remains slow and uncertain, it is requested that the implementation timescales should reflect this new 'norm'. The NPPF is also clear in that significant weight should be placed on the need to support economic growth through the planning system (NPPF paragraph 19), which should also include setting appropriate timescales for implementation.
- 10.37 Given the ability to set longer timescales for the implementation of planning permissions and the submission of reserved matters, the applicant has requested a 7 year implementation period (5 years to submit all of the reserved matters and 2 years to implement the development following approval of the last of the reserved matters). In light of the size, scale and nature of the development and the advice in the NPPF, officers are minded to agree a 7 year time limit condition.

Planning obligations

- 10.38 The applicant has previously entered into a S106 agreement on the outline planning consent. The requirements of the S106 are detailed below and the various clauses will become operational if subsequent reserved matters applications are approved and implemented.

1. Travel Plan (including monitoring fee of £11,665).
2. Improvements to bus stop 24237 at a cost of £10,000.
3. Public Transport Improvement Contribution at a cost of £449,683, inclusive of an extension to local bus services.
4. Implementation of controlled pedestrian crossing on Aberford Road.
5. Implementation of speed limit amendment on Aberford Road.
6. Agreement to undertake a feasibility study to investigate and implement as appropriate the need for waiting restrictions and/or residents parking on Aberford Road or other streets in the vicinity of the site.
7. Agreement to fund additional Traffic Regulation Orders on nearby roads if a need can be demonstrated.
8. Local training and employment initiatives (applies to both the construction and subsequent operation of the development).

- 10.39 From 6th 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:

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.

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. **And:**

Fairly and reasonably related in scale and kind to the development - Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

10.40 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.

11.0 **CONCLUSION**

11.1 In conclusion, it is considered that the principle of development on this allocated employment site continues to be acceptable. Many of the key issues have been resolved through the previously approved planning applications and this submission reflects the principles established previously through the creation of a series of plateaux and the appropriate size and siting of buildings. It is therefore considered that the site can be developed without having a detrimental impact on visual amenity or the wider landscape character of the area. The highway impact of the proposals, whilst varying in terms of type when compared with the previous approvals, has no worse an impact and measures are agreed that can be secured through the S106 agreement in order to prevent adverse impacts. Whilst the site has been ecologically sensitive in the past, issues with protected species have been resolved and the site is ultimately allocated for employment purposes. However, the illustrative layout and the drainage solutions have been designed to maximise the potential for enhanced habitat creation and biodiversity in the future. The proposed drainage system is considered to be acceptable and will have a positive effect on the surrounding landscape. Whilst the concerns raised regarding traffic and noise are understood, it is considered that the 24 hour operation of these types of premises is a fundamental element and that the information provided, together with the safeguards of measures to be imposed through the conditions will satisfactorily ameliorate any impact on residential amenity. Lastly, it is considered that the scheme provides an opportunity to provide a significant employment resource which will have the potential to provide a significant economic benefit to Garforth and the surrounding area.

11.2 Overall, the proposals are considered to be acceptable and the recommendation is therefore to defer and delegate to the Chief Planning Officer for approval and imposition of the specified conditions (and any others which he might consider appropriate) and following completion of a Section 106 Agreement.

12.0 **Background Papers:**

12.1 Application and history files.

Certificate of Ownership – Notice served on Leeds City Council (in respect of access works to Aberford Road).

notes :

1. This illustrative Masterplan shows one way the site could be developed in accordance with the parameters set in drawing 15246 / A1 / SK311
2. If this drawing has been received electronically it is the recipients responsibility to print the document to the correct scale.
3. All dimensions are in millimetres unless stated otherwise. It is recommended that information is not scaled off this drawing.
4. This drawing should be read in conjunction with all other relevant drawings and specifications.

Schedule Of Accommodation (GIA)

Middle Plateau		
	m ²	sq ft
Unit 1		
Warehouse	15,608	168,000
2 Storey Office (5%)	780	8,400
Total	16,388	176,400
Car Parking Spaces	230	
Cycle / motorcycle spaces	20	

Lower Plateau		
	m ²	sq ft
Unit 2		
Warehouse	66,146	712,000
3 Storey Office (5%)	3,484	37,500
2 Storey Ops Offices	1,858	20,000
Total	71,488	769,500
Car Parking Spaces	515	
Lorry Parking Spaces	86	
Loading Docks	80	
Level Access Doors	9	

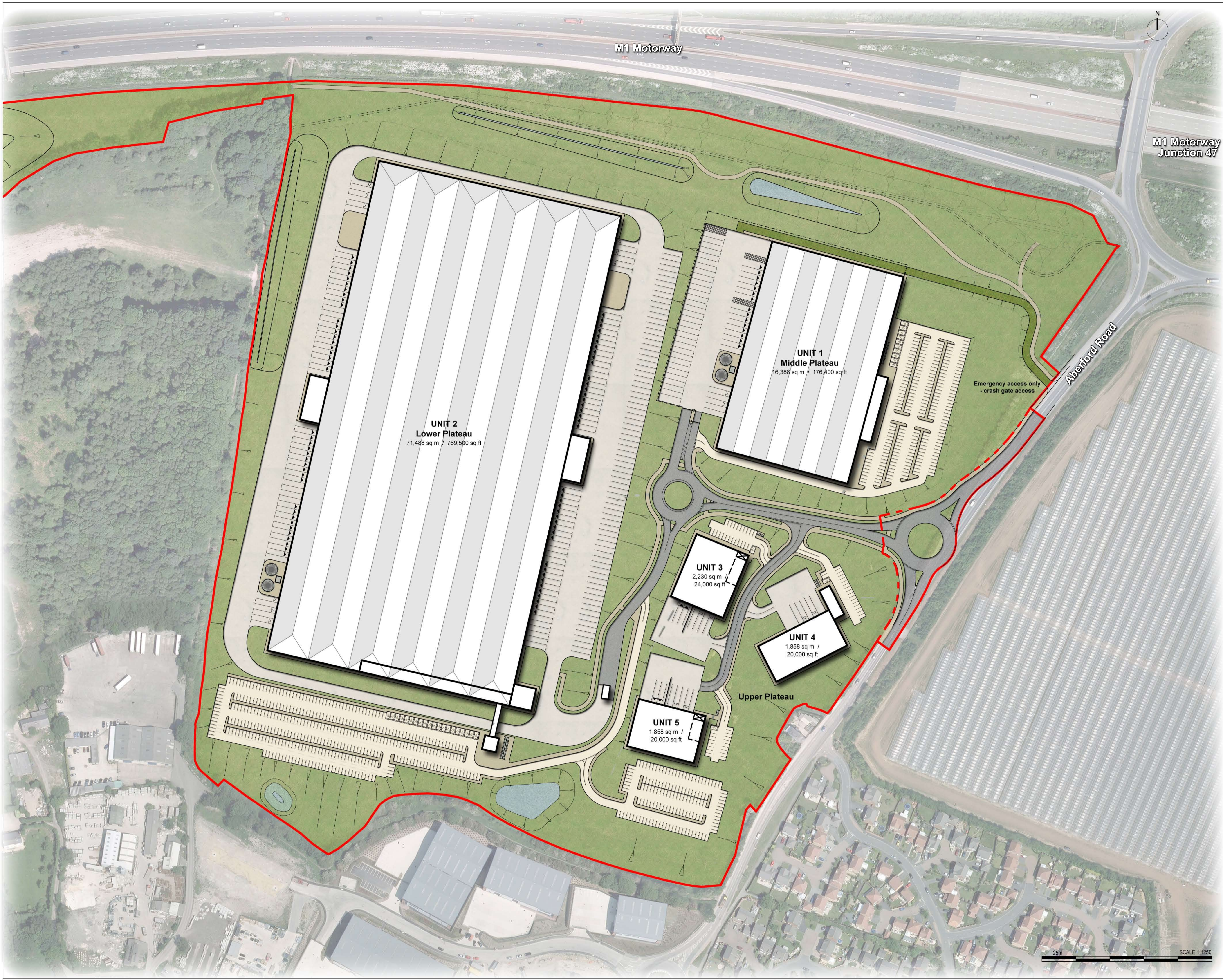
Upper Plateau		
	m ²	sq ft
Unit 3		
Warehouse	2,007	21,600
Mezzanine Office (10%)	223	2,400
Total	2,230	24,000
Car Parking Spaces	24 (inc 1no. accessible)	
Cycle spaces	10	

Unit 4		
Warehouse	1,672	18,000
Mezzanine Office (10%)	186	2,000
Total	1,858	20,000
Car Parking Spaces	20 (inc 1no. accessible)	
Motorcycle spaces	1	
Cycle spaces	10	

Unit 5		
Warehouse	1,672	18,000
Mezzanine Office (10%)	186	2,000
Total	1,858	20,000
Car Parking Spaces	20 (inc 1no. accessible)	
Motorcycle spaces	1	
Cycle spaces	10	

Total	5,946	64,000
Grand Total	93,822	1,009,900

Gross Site Area 75.8 acres 30.7 hectares



rev	amendments	by	date

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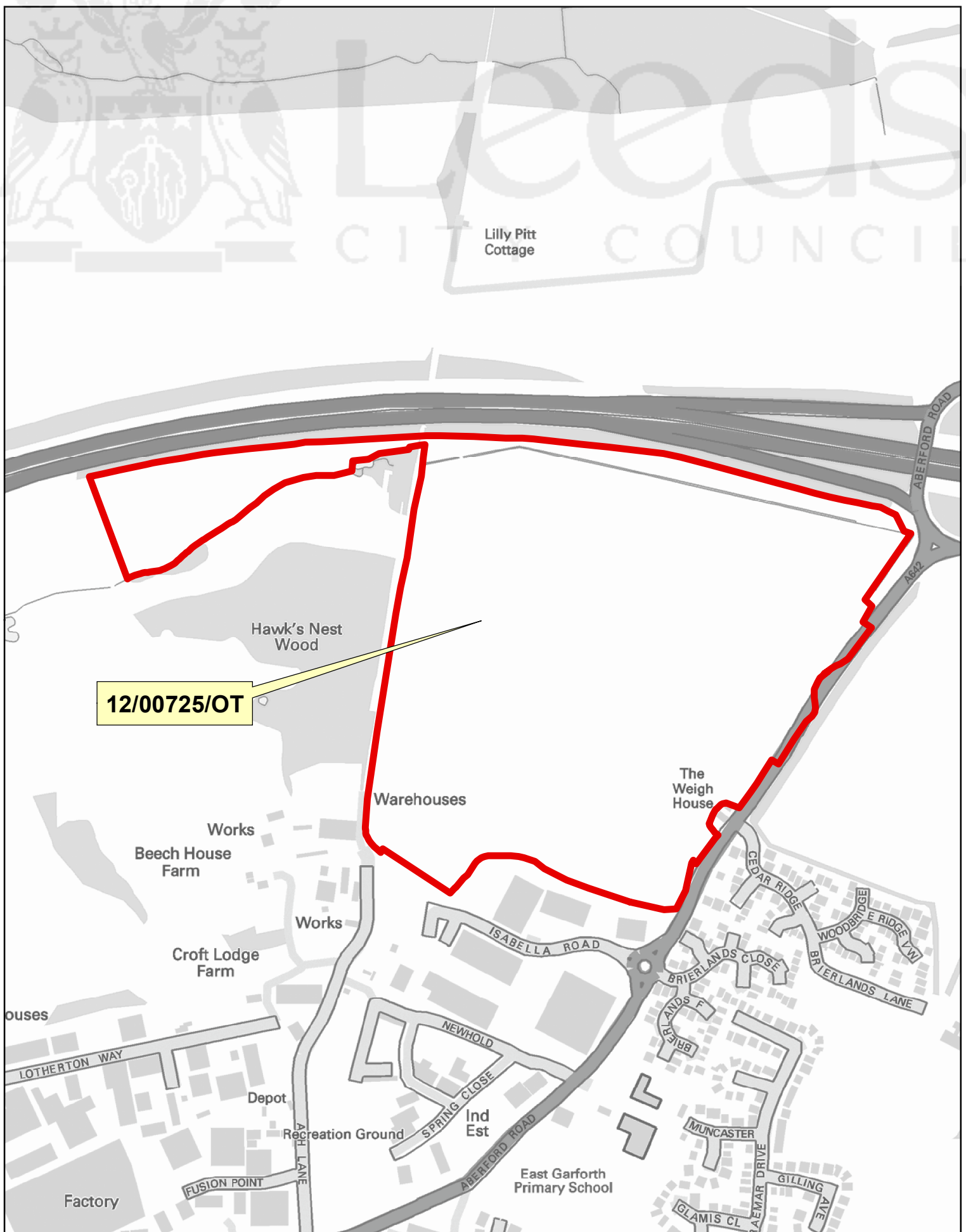
Client **CalEast Holdings
5 Properties 1 S.a.r.l.**

Project **Garforth, Leeds**

Title **Illustrative Masterplan**

Drawing Status **Preliminary** Date Created **25 / 05 / 2011** Drawing Scale **1:1250**
 Project Leader **DSU** Drawn By **DEB** Initial Review **MRD**

Drawing Number **15246 / A1 / SK309** Rev **D**



NORTH AND EAST PLANS PANEL

