



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 19th September 2013

Subject: APPLICATION A - 12/03886/OT – OUTLINE 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 AND DRAINAGE AT LAND BETWEEN BARROWBY LANE AND MANSTON LANE, THORPE PARK, LEEDS.

APPLICATION B - 12/03887/FU – DETAILED APPLICATION FOR THE MANSTON LANE LINK ROAD (NORTH - SOUTH ROUTE) AT LAND BETWEEN BARROWBY LANE AND MANSTON LANE, THORPE PARK, LEEDS.

APPLICATION C - 12/03888/FU – DETAILED APPLICATION FOR THE MANSTON LANE LINK ROAD (EAST – WEST ROUTE) AT MANSTON LANE, LEEDS.

APPLICATION D - 12/05382/FU – DETAILED APPLICATION FOR THE MANSTON LANE LINK ROAD (EAST - WEST ROUTE) AT MANSTON LANE, THORPE PARK, LEEDS.

APPLICANT	DATE VALID	TARGET DATE
Thorpe Park Developments Ltd	24/9/12 (12/05382/FU=20/12/12)	21/5/13

<p>Electoral Wards Affected:</p> <p>Crossgates and Whinmoor, Garforth and Swillington, Temple Newsham</p> <p><input type="checkbox"/> Yes Ward Members consulted</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION:

(A) - 12/3886/OT: Approve in principle and defer and refer to the Secretary of State for the Department of Communities and Local Government as a Departure from the Statutory Development Plan and for consultation under the Town and Country Planning (Consultation) (England) Direction 2009, and delegate approval to the Chief Planning Officer subject to the suggested conditions in

Appendix 1 (and others which he might consider appropriate) and the completion of a Section 106 Agreement to cover the following matters should the Secretary of State decide not to call the application in for determination:

- **Delivery of the Manston Lane Link Road (MLLR) prior to first occupation any non-B1 office development or prior to occupation of 37,000m² of any B1 office development.**
- **Delivery of the playing pitches and changing rooms at Green Park prior to first occupation of any development and further phased (index linked) contributions for the delivery of the remainder of Green Park.**
- **Ecological mitigation contribution of £5,000 at first occupation of any development and every subsequent year for 9 years (total of £50,000 index linked).**
- **Public Transport provision (to be agreed).**
- **Public Access to Thorpe Park and the provision of 50 parking spaces within Thorpe Park to be utilised by visitors to the playing pitches within Green Park.**
- **Compliance with the Local Employment Strategy.**
- **At first occupation of any retail development and for two subsequent years a contribution of £20,000 that can be used to mitigate against any adverse retail impact in designated local centres.**
- **Ensure compliance with the Travel Plan and secure a Travel Plan Review Fee of £20,000.**

(B) - 12/03887/FU: DEFER and DELEGATE to the Chief Planning Officer for approval subject to the suggested conditions identified at Appendix 2 (and any others which he might consider appropriate)

(C) - 12/03888/FU: DEFER and DELEGATE to the Chief Planning Officer for approval subject to the suggested conditions identified at Appendix 3 (and any others which he might consider appropriate)

(D) 12/05382/FU: DEFER and DELEGATE to the Chief Planning Officer for approval subject to the suggested conditions identified at Appendix 4 (and any others which he might consider appropriate)

1.0 INTRODUCTION:

1.1 Under Policies E4:6 and E18:2 of the Leeds Unitary Development Plan Review 2006 (UDPR), 63 hectares of land, known as Thorpe Park, is allocated as employment land and identified as a key business park reserved for offices (Class B1). In 1995, planning permission was initially granted for 1.2million ft² (111,500m²) of office floorspace. However the total quantum permitted was increased to 1.8million ft² (167,225m²) in 2004 when the relevant condition was varied. In the region of 600,000 ft² (55,742m²) of offices have been built out on almost half of the total available land. The main permissions which control the quantum of development permitted at Thorpe Park include a Section 106 agreement that requires the developer to undertake various off-site highway works to facilitate access into the site and to provide a new public park (known locally as Green Park) to the immediate west of the site. Delivery of the Manston Lane Link Road (MLLR) is also secured but only when 93,000m² (1million ft²) of office development is occupied.

1.2 Members will recall a position statement being presented to the 26th March City Plans Panel regarding a new outline application for a revised quantum of development on the balance of the Thorpe Park site and an alternative mix of uses.

At the same Panel full planning applications for the highways works associated with the major mixed use scheme that create the Manston Lane Link Road (MLLR) were also presented. These applications have been revised since the March Panel and are now presented for determination.

1.3 'Green Park' is to the immediate west of Thorpe Park and is a 47 hectare allocation of proposed open space within the UDPR (policy N5). Application 12/05150/LA proposes a new public park on this site and is also examined in detail in a separate report presented to this Panel. The proposal includes playing pitches, a nature area (including utilisation of the half built newt ponds towards the northern end of the site) and a variety of further green infrastructure. As with the current S106 agreement, the developer will deliver this new public park.

2.0 PROPOSALS:

2.1 Outline consent is sought for a major mixed use business park whilst three full planning applications seek permission for the associated highway infrastructure, further details are highlighted below. Since the previous Panel presentation in March, just over 20,000m² of B1 office space have been removed from the proposals. The retail content has been reduced by 4,100m², leisure/hotel content reduced by 1,460m² and the food and drink uses have increased by 1,000m².

2.2 A - 12/03886/OT – Mixed use outline proposals.

2.3 The proposal entails the provision of up to 139,830m² (Gross External Area (GEA)) of development including up to 101,290m² of B1 offices, 18,000m² of retail (including a large supermarket of 9,000m²), 16,340m² of leisure uses (hotels/gym) and 4,200m² of food and drink uses. The proposed 139,830m² of floorspace would increase the level of development at Thorpe Park by 28,347m² over the current permission of up to 167,225m² of B1 offices. The table below provides a summary.

Table 1. Summary of Development existing, approved and proposed (all Gross External Area (GEA))

	Amount of office floor space currently built	Amount of development yet to be constructed or proposed	Total amount of floor space allowed or proposed
Existing Consent	(circa) 55,742m ²	111,483m ² (offices)	167,225m²
Revised Application	(circa) 55,742m ²	101,290m ² offices 18,000m ² retail 14,050m ² hotel 2,290m ² gym 4,200m ² food & drink	195,572m²

2.4 The outline application uses simple parameter plans to identify development zones and maximum heights of buildings and is supported by a design code that guides the future detailed design. Buildings heights are generally greater than the previous approval increasing from the majority of the existing development at 2-4 office storeys. The proposed parameter plans identify maximum heights of between 3 and 6 office storeys (or equivalent). These maximum heights vary across the site with the buildings located in more sensitive locations such as adjacent to the protected woodland to the west being restricted to no more than the equivalent to

three storeys but those buildings in the centre of the site within the main 'heart' of the development being permitted to be up to 6 office storeys.

- 2.5 The proposals include a large area of open space that would be publicly accessible and run through the site linking Green Park to the west and Brown Moor to the east. This parkland area is referred to as Central Park and totals 30 acres. This greenspace and the adjacent Green Park will form part of the continuous green/landscaped route that will be incorporated into the East Leeds Extension to link Temple Newsam with Roundhay Park. This new parkland will be maintained by the developer and will be available for public access throughout the year.
- 2.6 New footpaths, bridleways and cycle routes are created across the site that continue and enhance links. The cycle route will form part of the strategic cycle route that is intended to provide a route from Temple Newsam through Thorpe Park and the East Leeds Extension to Roundhay Park via Red Hall plus communities and villages to the north as far as Wetherby.
- 2.7 The application includes a significant S106 package and full details can be found in section 10. In brief the scheme would deliver the MLLR prior to occupation of any non-B1 office development or 37,000m² of any B1 office development, deliver the Green Park, provide financial contributions to ecological mitigation and to designated local centres, enhance public transport to the site and permit public access across the proposed development. In addition, an Employment Strategy has been submitted and will be appended to the S106. The Employment Strategy states the proposals will create over 10,000 jobs and sets targets of delivering 25% of these jobs within the local area whilst also introducing training schemes and apprenticeships for local people and undertaking school visits every year. The 'local area' is defined as being within the following wards, Gipton and Harehills, Burmantofts and Richmond Hill, Cross Gates and Whinmoor, Killingbeck and Seacroft, Garforth and Swillington and Temple Newsam.
- 2.7 B - 12/03887/FU – MLLR north-south route (linking Thorpe Park with the East Leeds Extension).**
- 2.8 As highlighted above, a key piece of highway infrastructure is associated with both the extant approval at Thorpe Park and the current outline proposals. This planning application provides full details of the location and design of the MLLR from the existing M1 link road within Thorpe Park, through the new outline masterplan and over the railway line. This section of the MLLR is a dual-carriageway and includes two additional roundabouts within Thorpe Park. An additional wide grass verge is also included in the proposals that can be removed and replaced with a third carriageway once housing development within the East Leeds Extension necessitates greater capacity. The north-south MLLR includes a landscaped central reservation and provides a pedestrian underpass in its southern half. This pedestrian underpass is 5m wide and 2.7m in height and provides both a footway and cycleway as part of the Central Park infrastructure. To ensure there is no break in the Central Park landscape and its link to Brown Moor, the MLLR bridges over Central Park. The bridge will leave a minimum headroom of 4m and is 40m wide. To provide light into the underpass below the bridge the carriageway above is split into two and separated by 5m.
- 2.9 The N-S MLLR includes footways and cycle ways and bridges over the railway line at the northern boundary of Thorpe Park. The new rail bridge will allow for the removal of the level crossing. After bridging the railway line the N-S section of the MLLR terminates at a new roundabout connection with Manston Lane. This

roundabout can accommodate a northern arm to allow it to link into the next section of the East Leeds Orbital Road (ELOR) that would continue northward through the UDPR housing allocation as far as Red Hall.

- 2.10 Landscaping is incorporated into the central reservation, roundabouts, verge and embankments. There will be feature trees plus 'avenue' trees set along the central reservation to soften the visual impact of the road.
- 2.11 C - 12/03888/FU – MLLR east – west route (upgrade of Manston Lane, southern alignment – Option 1).**
- 2.12 The roundabout to the north of the railway line links into the existing Manston Lane. At this location the existing Manston Lane has the character of a country lane and therefore needs upgrading to accommodate the increase in traffic flows from the development proposed at Thorpe Park, proposed residential developments on Manston Lane, existing commercial traffic using Manston Lane rerouting and other traffic rerouting to gain access to the M1 motorway.
- 2.13 The east-west route of Manston Lane is proposed to be enhanced with a wider (single) carriageway with footpath to one side (2m wide) and a shared footpath/cycleway (3m wide (plus 0.5m 'shyness zone') to the other. The proposed carriageway is set above existing ground levels by up to 5m and will therefore requires changes in the existing topography. To accommodate the changes in topography and soften the visual impact of the road, landscaping will be required with details required by condition. This landscaping will include new hedgerows and other landscape planting. The introduction of new landscaping along Manston Lane will allow for a continuation of the enhancements delivered by the residential developments currently under construction on Manston Lane.
- 2.14 The new E-W MLLR requires land from various third parties that will be acquired by the developer therefore new vehicular access points are proposed to those relevant properties.
- 2.15 D - 13/05382/FU – MLLR east-west route (upgrade of Manston Lane, northern alignment – Option 2).**
- 2.16 As highlighted above the E-W MLLR requires land from various third parties. At present there are two possible alignments that are proposed for the E-W MLLR that each require different third party land. This full application has a similar character to the E-W MLLR referenced above with regards to topography and planting but is set slightly further north and therefore requires agreement with different third parties. The applicant has submitted both applications to keep their options open whilst negotiations continue with the third party land owners.
- 2.1 The applications are supported by the following documents:
- Planning Statement.
 - Environmental Statement.
 - Design and Access Statement.
 - Design Code.
 - NPPF Statement.
 - Economic/Regeneration Statement.
 - Sustainability Statement.
 - Flood Risk Assessment.
 - Transport Assessment.

- Coal Mining Risk Assessment Report.
- Statement of Community Engagement.
- Tree Survey.
- Landscape Visual Impact Assessment.

3.0 SITE AND SURROUNDINGS:

- 3.1 The proposals to expand Thorpe Park relate to the northern half of the employment allocation that totalled 63 hectares. The site is located to the south of the Leeds-York railway line and Manston Lane, west of the M1 (junction 46), north of A63 Selby Road and existing Thorpe Park buildings, Austhorpe Lane is to the west.
- 3.2 In terms of the wider area, Cross Gates centre is located to the west, Garforth to the east and Colton Retail Park is located across the A63 to the south. A number of residential properties are nevertheless located between the northern side of the A63 and the built component of Thorpe Park (namely Barrowby Lane, Road, 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. A planning application has been submitted for 2,000 houses on that part of this allocation between the A58 and A64 and is also considered at the 19th September City Plans Panel.
- 3.3 Manston Lane to the north includes primarily industrial and commercial premises but there are a limited number of residential properties. Many of the industrial sites are subject to applications/approvals for residential development therefore it is envisaged that the character of the area will significantly change in the coming years.
- 3.4 Thorpe Park is allocated as employment land and a 'key business park' in the UDPR. It forms a key part of the Council's employment land supply and provides an attractive regionally significant business park. The land to the east and west is allocated as Proposed Open Space. Beyond the Proposed Open Space to the east is the Green Belt. The UDPR designates a new cycle route running north-south through Thorpe Park and a scheduled ancient monument, Grims Ditch, is located to the immediate west of Thorpe Park. There is a group of protected trees on the western boundary of Thorpe Park and a small copse within the centre of the application site.

4.0 RELEVANT PLANNING HISTORY:

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

- 4.4 32/9/96/FU – Full permission for the Manston Lane Link Road, approved 20/5/96 and renewed in 13/11/01 by application 32/66/01/RE.
- 4.5 06/05310/FU – Application to vary various conditions attached to the MLLR scheme so as to allow details to be agreed as and when phases come forward rather than everything at the outset – Granted 21/11/06. This application is the latest permission relating to the provision of the MLLR and was submitted in recognition that part of the road had already been constructed (i.e. the section that links Thorpe Park with junction 46 of the M1).
- 4.6 08/00298/OT – Outline application for residential development of up to 256 units at Optare, Manston Lane, Crossgates – approved 15/11/12. A section 106 agreement requires the development to be phased with only the first of two phases permitted to be delivered prior to the upgrading of the MLLR. The reserved matters application for 204 units, 13/00288/RM, was approved 19/6/13.
- 4.7 08/03440/OT – Outline application for mainly residential development of up to 151 units at former Barnbow site for Threadneedle – approved as a phased development subject to a Section 106 agreement linked that restricts the construction of no more than 122 units until the MLLR is constructed. The first phase of development is now under construction.
- 4.8 12/05150/LA - Formation of public park, playing pitches, park and changing rooms on land to west of Thorpe Park. This application is subject to a separate report to the 19/9/13 Panel.
- 4.9 12/02571/OT – Outline application for up to 2,000 dwellings on land between Wetherby Road, Skelton's Lane and York Road. Pending consideration.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant has been engaged in pre-application discussions with the Council since November 2011. A number of extensive meetings have taken place with officers, the Council's retail consultant and the Highways Agency.
- 5.2 The developer made a pre-application presentation to the former East Plans Panel on 9th August 2012. Members were asked to respond to a number of specific questions and responses are noted below. A copy of the full minutes relating to this presentation is provided at Appendix 5.
- Regarding the provision of a significant amount of retail at Thorpe Park, there were concerns relating to highways; the type and quantity of retail being proposed and how this would fit with policy requirements; the height of the supermarket and the fact that it was separated from the rest of the retailing; the need for Members to see the retail assessment and the demonstration of the special circumstances in this case to set aside policy. On this point, the question of whether retail being considered acceptable on the site was also raised.
 - Members considered that the approach of the concept/parameter plans and indicative masterplan for the site was beneficial.
 - That Members appeared happy with the nature and location of the open space on the site and how this linked through to Green Park.
 - That in respect of the proposed MLLR, that this should be delivered early in the scheme, if not before the start of the development and that building the MLLR

per se would not be sufficient to deal with the increased traffic coming to the development from further afield.

- Concerning the proposed layout and facilities at Green Park, there was the need for the parking for the sports pitches to be located in Thorpe Park and that further information on the parking/access arrangements and the timescale for its delivery be provided at the outline application stage.
- That a dangerous precedent could be set if policy was set aside to accommodate the proposals.
- That other proposals were being considered in the area and that it would be necessary to have regard to the combined implications of any applications which were submitted.

5.3 A position statement regarding the current applications was presented to the 26th March City Plans Panel. An alternative layout, including a proportion of residential development was also proposed by Council Officers. Members were asked to respond to a number of specific questions and responses are noted below. A copy of the full minutes relating to this presentation is provided at Appendix 6 and the issues raised by Members are considered in the Appraisal section below.

- Members shared Officers' concerns regarding the retail impact on local centres, Colton and the wider planning objectives for the Centre City and East Leeds, although some Members were willing to see a smaller retail scheme on the site. The Chief Planning Officer stated

that Officers were trying to steer a careful line between the impact of the development on viability and the delivery of the road and that more work was required on these issues.

- Members shared Officers' concerns regarding the impact of the proposals on the highway network including the areas in and around Cross Gates, the A63 'cracked egg' roundabout and junction 46 of the M1. Members also stated that the entire MLLR was required and that there was concern about piecemeal development.
- Members were supportive of the introduction of the MLLR to help alleviate traffic congestion in the area and the delivery of the rail bridge by March 2015.
- Regarding the new masterplan layout and maximum building heights, that little discussion had been given to this as the location of the proposed supermarket had raised many concerns, particularly it being sited on stilts and the impact of this location on Brown Moor.
- Concerning the exploration with the application of an alternative location for the foodstore, closer to the commercial uses, that if a smaller store was proposed and relocated, this could be brought back for further discussion.
- Members supported the principles set out in the S106 offer, particularly those relating to jobs and training.
- A viability assessment should be provided by the applicant in relation to the mix and quantum of development proposed (and alternatives) and the likely capital receipts for adjoining development sites and to the costs and timing of the delivery of the MLLR.
- Members support Officers in continuing discussions with the applicant to further consider the alternative proposals with reduced retail and traffic impacts, new housing provision and better integration of land uses.

- 5.4 Officers and the applicant have also made a number of presentations to the Outer East Area Committee and East Leeds Regenerations Board. These groups are generally supportive of the principle of the development provided a strong employment plan is in place to ensure the creation of jobs for local people. There have also been requests for the MLLR (and ELOR) to be delivered early in the development.
- 5.5 The outline planning application is accompanied by a Statement of Community Engagement (SCE) that highlights how the applicant has attempted to engage with the local community via a series of public consultation events in June and July 2012. Over 70 hours of events took place in five different locations and were attended by over 800 people. 37,000 leaflets were posted to local residents and businesses, posters were put up in prominent locations and an advert was placed in the Yorkshire Evening Post. The SCE states that of those that returned comment forms, 72% were either fully or broadly supportive of the proposals. More recently the applicant has emailed leaflets to update those local residents who had previously left their email address at one of the consultation sessions. The same updates were also made available at the various locations used for the consultation sessions.
- 6.0 PUBLIC/LOCAL RESPONSE:**
- 6.1 13/03886/OT – Mixed use outline proposals.**
- 6.2 Site notices highlighting this application is a major development, is a departure from the development plan, affect a right of way and is accompanied by an environmental statement were posted around the surrounding area 12/10/12. An advert was placed in the Yorkshire Evening Post (YEP) 17/10/12. Following the receipt of revised plans and updated information, further site notices were posted 30/8/13 and letters sent to previous respondents on 22/8/13. 33 representations have been received.
- 6.3 A letter sent on behalf of Taylor Wimpey the owners of land within and intending developers of part of the East Leeds Extension (ELE) is generally supportive of the proposals. Taylor Wimpey consider the Thorpe Park proposals to be an important contribution to the full realisation of the ELE but to achieve the maximum benefits of the ELE a holistic planning, transport and urban design approach is necessary. The provision of new homes and jobs close to each other is extremely important as is the co-ordinated delivery of the ELOR. The Thorpe Park proposals should ensure there are significant commitment and a co-ordinated approach to public transport serving the ELE. There are some concerns expressed regarding the retail content as it is felt there should be no adverse impact on existing nearby centres or inhibit the establishment of local centres in the ELE.
- 6.4 Gent Visick, representing the landowner of the Vickers Tank Factory site support all the planning applications as the delivery of the proposals will allow for the release of housing development land on their site.
- 6.5 Two letters of objection have been received from the owners/operators of Crown Point Retail Park (CPRP). CPRP occupies a sustainable location within the city centre and is supported within the Core Strategy. However, the Council continues to seek to control the range of goods that can be sold from CPRP to ensure it does not compete with the Prime Shopping Quarter (PSQ). The retail content at Thorpe Park is in an out of centre location and would directly compete with CPRP and the

PSQ. The letters also question some of the more detailed findings of the applicant's retail study including its sequential and impact test.

- 6.6 A letter of objection has been received on behalf of Hammerson UK Properties Plc, the Victoriagate developer. Hammerson have concerns regarding the supporting justification for the application and the impact it could have on their City Centre investment. Hammerson believe the application should be refused as the sequential test has not been passed, because there will be an adverse impact on investment in the City Centre and vitality and viability of Cross Gates, Seacroft and Garforth town centres and because the proposal is contrary to the UDPR and Core Strategy.
- 6.7 Two letters of objection have been received from Royal London Asset Management, the owners of Colton Retail Park. Royal London state there is sufficient retail space in the City Centre and the proposals will have a considerable impact on existing centres. Royal London stress that Colton Retail Park is identified in UDPR policy S6 as a site that can meet convenience retail deficiencies in the area and that if the Thorpe Park proposals are approved there could be a serious decline at Colton Retail Park.
- 6.8 A letter has been received on behalf of John Lewis who object to the application stating it has not satisfied the sequential test and will have a major adverse impact on retailers and retail development in the City Centre.
- 6.9 Leeds Civic Trust objects to the application. The retail component of the scheme is contrary to policy that seeks to ensure retail development is located in existing centres.
- 6.10 Thirteen letters of objection (some representing more than one objector) have been received from residents in the local area including nearby Scholes and the Save our Scholes Community Forum (representing 21 objectors). The objections are highlighted in brief below:
- The introduction of a mixed use scheme will result in a loss of employment land.
 - There is no need for a new food superstore in this remote location.
 - Will the MLLR be able to cope with future traffic growth?
 - The site proposes cul-de-sacs that include too much development to operate appropriately.
 - A rail halt should be included in the proposals.
 - The proposed public rights of way need enhancing.
 - There is a lack of thought in the landscape proposals.
 - There is a significant loss of woodland on Brown Moor.
 - There are insufficient safety features around the water features.
 - The proposals result in an overdevelopment and are not sustainable.
 - There will be an adverse impact on local retail centres.
 - There will be a loss of natural habitat (affecting bats, birds, deer etc).
 - Development on this land will exacerbate flooding problems.
 - Thorpe Park is already a blot on the landscape.
 - There will be an increase in carbon emissions, noise and air pollution.
 - There is no justification for the expansion of the business park.
 - There are sites of archaeological importance affected.
 - It will increase rat running through nearby villages.
 - There was not widespread genuine consultation.
 - Development should be focused closer to the centre of Leeds.

- Increased traffic flows will create highway safety problems, particularly at local schools.
- The proposed Green Park is no compensation for the loss of countryside.
- A variety of technical highways queries have been raised

6.11 One letter of objection has been received from a resident of Doncaster who grew up in Scholes. The objector states the further development of Thorpe Park will make it more of an eyesore when viewed from Scholes and will increase drainage problems in the area and have adverse impact on local shops and ecology.

6.12 Two letters from local residents make the following general comments:

- It is concerning that the application does not seek to encourage more public transport to the site.
- A rail halt should be provided.

6.13 Two local residents support the proposals stating they will encourage new businesses to the area and provide much needed employment and training opportunities and the highways infrastructure is essential.

6.14 12/03887/FU – MLLR north-south route.

6.15 Site notices highlighting this application is a major development, is a departure from the development plan, affect a right of way and is accompanied by an environmental statement were posted around the surrounding area 12/10/12. An advert was placed in the Yorkshire Evening Post (YEP) 17/10/12. 13 letters of objection have been received. Many of the comments repeat those highlighted above relating to increase in noise, pollution, impact on wildlife, rat running,

6.16 The Vickers Tank Factory owner also supports this application and a Scholes resident has written in support stating the proposed road will remove commercial traffic from Cross Gates, ease pressure on the Halton Ring Road and provide good access to the Aire Valley. One resident requests measures be implemented to reduce traffic volumes on Austhorpe Lane.

6.17 12/03888/FU – MLLR east-west route (southern alignment).

6.18 Site notices highlighting this application is a major development affecting a right of way and is accompanied by an environmental statement were posted around the surrounding area 12/10/12. An advert was placed in the Yorkshire Evening Post (YEP) 17/10/12. Following the receipt of revised plans and updated information, further site notices were posted 30/8/13 and letters sent to previous respondents on 22/8/13. Eight representations have been received including three objections, four of general comment, one of support from the owners of the Vickers Tank Factory.

6.19 Three letters of general comment requested the new road be carefully designed to ensure the visual and noise impact is kept to a minimum through the use of well planned landscaping and 'quiet' tarmac. It was also requested that the footpath/bridleway be segregated from the new highway. Cross Gates Watch Residents Association supports the broad principle but has some concerns regarding the potential noise and congestion caused during construction and request the road is constructed from the east to avoid the need for construction vehicles to gain access through Cross Gates.

6.20 Two letters object to the loss of a quiet country road.

6.21 The third letter of objection is from the owners of Lazencroft Cottage, a kennels and cattery on Manston Lane, one of the third party land owners affected by the proposed new road. The owners of Lazencroft Cottage are concerned regarding the loss of their land, lack of consultation with the developer and potential highway safety issues. They fear for a loss of privacy and enjoyment of their land and state patrons who leave their pets at their site do so because of its quiet rural setting and this will be lost and therefore affect their business. The objectors also make reference to a failure of the Council to highlight the proposed road when carrying out site searches when purchasing the property.

6.22 13/05382/FU – MLLR east-west route (northern alignment).

6.23 Site notices highlighting this application is a major development affecting a right of way and is accompanied by an environmental statement were posted around the surrounding area 11/1/13. An advert was placed in the Yorkshire Evening Post (YEP) 4/1/13.

6.24 The owners of Lazencroft Cottage repeat their objections highlighted above for this application.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.2 Highways: The mixed use development generates a significant amount of traffic. The highway proposals are a long held aspiration and are supported. The highways implications are considered in detail below.

7.3 Highways Agency: A scheme of mitigation has been identified and detailed drawings are being drafted. The Travel Plan is acceptable. A holding direction preventing the Council making determining the application is in place until 30th September 2013.

7.4 Network Rail: No objection in principle. Drainage and lighting should be directed away from the railway lines and advice is provided on the construction of the railway bridge.

7.5 Environment Agency: No objection subject to a condition that requires a drainage scheme that maintains greenfield surface water run-off rates.

7.6 Natural England: No objection. New newt ponds are welcomed but there is some concern regarding the provision of appropriate habitats during construction. The large greenspace provides opportunities to introduce features that are beneficial to wildlife.

7.7 Health and Safety Executive: 12/03886/OT, 12/03888/FU and 12/05382/FU - No objection. 12/03887/FU – A gas pipeline runs north – south through this part of East Leeds. As this highway is a dual carriageway it has a greater sensitivity rating than single carriageways and the proposed mixed use development therefore it triggers advice that states there is the potential of harm from major hazard pipelines in the area therefore there are sufficient reason to advise against granting permission.

7.8 Non-statutory:

- 7.9 Police Architectural Liaison Officer: Underpasses should be avoided or kept as wide open and as straight as possible, CCTV is recommended.
- 7.10 Parks and Countryside: The S106 should ensure the developer constructs the playing pitches and changing room in Green Park and provides a capital contribution for the construction of the remainder of the park and its future maintenance.
- 7.11 Neighbourhoods and Housing: Conditions are recommended to protect nearby residents.
- 7.12 Neighbourhoods and Housing (Air Quality): There will be a minor increase in noise and regulated pollutants. Provided the Travel Plan measures are adhered to there is no objection to the minor increase in pollutants. The new road will clearly change ambient noise levels therefore the mitigation identified by the applicant should be introduced. The main increase in noise levels will be on existing properties on Manston Lane and some properties on Austhorpe Lane. It may be necessary to add a condition to ensure mitigation measures are introduced such as lower speeds or quieter road surfacing.
- 7.13 Flood Risk Management: No objection. Discharge rates and methods of attenuation have been agreed.
- 7.14 Yorkshire Water: No objection subject to conditions.
- 7.15 Licensing: A premise licence would be required for some of the proposed uses.
- 7.16 Transport Policy: The revised Travel Plan is acceptable. A Travel Plan Review Fee of £20,000 is required.
- 7.17 Metro: The site does not meet current accessibility criteria. However, the developer has committed to funding a bus service to Cross Gates on a 30 minute frequency for a period of ten years. The developer should also examine the possibility of operating the existing Coastliner service earlier in the day so the first service arrives before 9am. The applications for new highway infrastructure are supported.
- 7.18 Public Transport Contribution Officer: The scheme generates a significant number of trips and would trigger a contribution of between £2-3.8m. However, the site does not currently meet accessibility standards therefore enhancements are required and currently being considered. It is therefore vital that a public transport strategy is agreed. There is a potential benefit of delivery of the MLLR earlier than what would be the case under the extant permission. The requirement for, and size of, any public transport contribution must be weighted against these two elements of the scheme with further discussions to take place.
- 7.19 Public Rights of Way: The additional footpath, cycleway and bridleway links are welcomed. Further minor improvements could be made to the proposed layouts and should be conditioned.
- 7.20 Contaminated Land: No objection subject to conditions.
- 7.21 English Heritage: The proposals will have an impact on the surviving archaeological features of the First World War munitions factory at Barnbow. This site is currently being considered for designation as a Scheduled Monument. Any impact needs to be fully justified and a recording strategy conditioned as necessary.

- 7.22 West Yorkshire Archaeological Advisory Service (WYAAS): The proposed new highway will impact on a number of archaeological sites including a former WW1 shell filling factory and its internal railway, a medieval settlement, pottery manufactory and large earthworks. The application should be refused or the road realigned to avoid these features.
- 7.23 Coal Authority: No objection subject to a condition requiring the developer to carry out further intrusive work to identify existing coal mining conditions and a remediation strategy that considers the extraction of any residual shallow coal.
- 7.24 Wakefield Council: No objection. However, the retail assessment does appear to present an overly positive view of the vitality and viability of Castleford centre.
- 7.25 LCC Retail consultant: The sequential test has been passed and the impacts on local centres will not be significantly adverse. There are some concerns regarding the potential impact on planned investment in the City Centre. Conditions are recommended to ensure the impact on local centres and the City Centre is restricted to an acceptable level.

8.0 PLANNING POLICIES:

8.1 Development Plan

- 8.2 The development plan includes the adopted Leeds Unitary Development Plan Review 2006 (UDPR) which is supplement by relevant supplementary planning guidance and documents. The site is allocated for employment purposes under policy E4:6 and identified as a key business park under policy E18:2 of the UDPR, these policies state that:

‘E4: Land for employment uses is allocated at the following locations:

.....6. Austhorpe (63.8 HA).’

‘E18: The following employment sites allocated under E4 are identified as key business park sites, and reserved for B1 use:

.....2. Austhorpe (E4:6: 63.8 HA)’

8.3 Leeds Unitary Development Plan Review (UDPR):

Other relevant development plan policies include:

GP5: General planning considerations.

GP7: Use of planning obligations.

GP11: Sustainable development.

N10: Protection of existing public rights of way.

N8: Urban Green Corridor.

N5: Improvement in the quantity and quality of greenspace provision.

N12: Urban design principles

N23/N25: Landscape design and boundary treatment.

N29: Archaeology.

N38b: Flood Risk Assessments.

N39a: Sustainable drainage.

N49/50: Biodiversity protection and enhancement.

BD5: Design considerations for new build.

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

T5: Consideration of pedestrian and cyclists needs.

T7/T7A: Cycle routes and parking.

T18: Strategic highway network.

T24: Parking guidelines.

E4, E18: Employment sites.

LD1: Landscape schemes.

SA5: Shops should be accessible by a choice of means of transport.

SP7: Priority is given to the maintenance and enhancement of the City Centre and Town Centres.

S5: Retail development outside centres.

S6: Sites identified to meet deficiencies in convenience retailing.

ARC6: Archaeological recording.

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

8.5 Relevant Supplementary Planning Guidance

- 8.6 Public Transport Improvements and Developer Contributions (2008): Developments that have a significant local travel impact will be subject to a requirement for paying a contribution towards public transport improvements.

- 8.7 Building for Tomorrow Today – Sustainable Design and Construction (2011): Sustainability criteria is set out including a requirement to meet BREEAM standards.

8.8 National Planning Guidance

- 8.9 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

8.10 Emerging Policy

- 8.11 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination. An Inspector has been appointed and the draft plan is due to be examined at hearings scheduled for October.

- 8.12 As the Council has submitted the Publication Draft Core Strategy for 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.

- 8.13 In line with the NPPF the Council may attach some weight to the document and its contents. The Core Strategy sets out a need for 70,000 new homes up to 2028 and identifies the main urban area as the prime focus for these homes alongside sustainable urban extensions and delivery in major and smaller settlements.

8.14 Within the context of 'Place making' and the focus of Spatial Policies 2 & 3 upon a strategy of 'centres first', detailed Core Strategy policies are also set out, to designate Town & Local Centres and appropriate uses within them. Policies P1, P2, P3, P4, P5 and P6, set out the approach in planning for shopping development (including the creation of new centres, in appropriate circumstances, linked to regeneration and longer term opportunities for growth). Integral to this overall approach, is the desire to safeguard, enhance and develop the role of Leeds City Centre as the primary destination for major retail, commercial, leisure and cultural development. This also recognises its key role at the heart of the strategic transport hub (including Leeds City station and interchange facilities). Within this context, it is critically important to ensure that major investment opportunities (including major retail development at Victoriagate) within the City Centre, are secured as a priority. The Core Strategy also places an importance on closer pedestrian links between Crown Point Retail Park and the Prime Shopping Quarter. Thorpe Park is also referenced in the Core Strategy as being key to delivering a significant portion of the over 700,000m² of office space needed in Leeds up to 2028.

9.0 MAIN ISSUES

1. Background and introduction to enabling development.
2. Principle of development and proposed uses.
3. Highways.
4. Urban design.
5. Landscaping.
6. Residential amenity.
7. Ecology.
8. Archaeology.
9. Gas Pipeline.
10. Section 106.
11. Economic impact.
12. Viability Appraisal.
13. Letters of representation
14. MLLR north-south road (12/03887/FU)
15. MLLR east-west road (12/03888/FU)
16. MLLR east-west road (12/05382/FU)
17. Alternative proposals.

10.0 APPRAISAL

10.1 Background and introduction to enabling development

- 10.1.1 The effect of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 is that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.1.2 Under Policies E4:6 and E18:2 of the Leeds Unitary Development Plan Review 2006 (UDPR), 63 hectares of land, known as Thorpe Park, is allocated as employment land and identified as a key business park reserved for offices (Class B1). Thorpe Park is also referenced in the Core Strategy as being key to delivering a significant portion of the over 700,000m² of office space needed in Leeds up to 2028 and is considered to be a key element of ensuring economic development in the Leeds City Region in the coming years. There is an extant outline planning consent for 167,225m² (1.8m ft²) of B1 offices of which approximately 55,742m² (600,000ft²) of offices have already been built out on almost half of the total

available land. The current consent includes a Section 106 agreement that requires the developer to undertake various off-site highway works to facilitate access into the site, all the necessary highway work required to date has been complete. Once 600,000ft² has been built (ie the current level of development) the S106 requires the delivery of a new public park (known locally as Green Park) to the immediate west of the site. Delivery of the Manston Lane Link Road (MLLR) is also secured by the S106 but only when 93,000m² (1million ft²) of office development is occupied.

- 10.1.3 The applicant considers that the current consent and the illustrative masterplan do not fit today's office market and would not deliver a business park that is considered to meet the needs of future occupiers. The out of town office market is flat and greater preference is being expressed for the City Centre as a location for office development. As such, the applicant seeks a new consent that includes a greater mix of uses that is intended to provide a much more attractive destination to work and also provide retail and leisure opportunities and therefore create a place that operates more than just 9am-5pm. In addition this new application seeks to deliver a more attractive business park in terms of its urban design and enhance Thorpe Park's relationship to the adjacent greenspace.
- 10.1.4 The development proposals for Thorpe Park also need to be fully integrated into the future land uses to the north. These are likely to be housing based and in addition to integrating uses and access there is a comprehensive approach to the provision of footpaths, cycleways and structural landscaping to allow further integration.
- 10.1.5 The proposed mixed use development at Thorpe Park and delivery of the MLLR are strategically important developments. The MLLR will form the final southern section of the ELOR that will become the new orbital route around East Leeds and therefore relieve traffic congestion on the existing outer Ring Road from Red Hall to the M1. The opportunity to deliver further housing development along Manston Lane is limited until the MLLR is provided whilst the delivery of the MLLR will also unlock the potential for housing in the southern quadrant of the East Leeds housing allocation in the UDPR. As such, these applications and the key infrastructure they deliver are extremely important if the Council is to meet the requirements of the NPPF in ensuring a 5 year+5% housing land supply.
- 10.1.6 The timescales for delivery of the MLLR are restricted by a legal agreement with Network Rail that requires works to commence to bridge the railway line by March 2015. The applicant states that if they are to meet this deadline they are required to carry out the necessary site investigation and preparatory works ASAP therefore a positive resolution on the planning applications at the 19th September Panel is a necessity for the applicant.
- 10.1.7 Enabling development
- 10.1.8 Enabling development is development that would be unacceptable in planning terms but for the fact that it brings public benefits at a scale sufficient to justify it being carried out. Case law has confirmed that where the two elements are directly linked it is permissible to take account of the benefits of the one as offsetting the possible planning objections to the other.
- 10.1.9 As highlighted above, the proposed development is closely linked with the delivery of key infrastructure, the MLLR, and the timescales within a legal agreement with Network Rail for bridging the Leeds-York railway line. To ensure the timescales within the agreement are met and avoid the need to renegotiate the agreement, and therefore incur significant time and cost implications, the applicant has proposed a

number of uses that are not policy compliant and would be a departure from the development plan. These uses have been proposed as the applicant believes they can generate sufficient funds within the timescales available to comply with the Network Rail agreement and pay for the necessary highway infrastructure. In turn the MLLR is a crucial in the phasing of the provision of the East Leeds Orbital Road (ELOR) and the provision of approximately 6,000 houses in the East Leeds housing allocation that forms a significant part of the Council's housing land supply.

10.1.10 The proposed development is considered to be an enabling development that, subject to the more detailed assessments below, would bring significant public benefits in the form of important highway infrastructure. Viability assessments have been carried out and are currently being verified to ensure any profits generated, and therefore funding made available from the non-policy compliant uses, are proportionate to public benefits delivered.

10.2 Principle of development and proposed uses

10.2.1 As highlighted above, the site benefits from an employment and business park designation in the UDPR plus an extant consent for a significant amount of office space therefore the principle of a largescale office based business park on this site is considered acceptable. The intentions of the previous outline approval plus other full planning permissions granted at the site have also resulted in other non-office uses being introduced to Thorpe Park including a hotel, restaurant and small scale ancillary retail. However, the current proposal includes a small reduction in the amount of office development but additional non-office uses that are not considered to be ancillary. Each use is considered in turn below.

10.2.2 Offices (B1)

10.2.3 The UDPR designation promotes B1 offices. The current existing consent permits up to 167,225m² of which around 55,742m² has been built. The proposed development seeks 101,290m² of B1 office that would be a less than that currently approved on the site by 10,193m². In light of the UDPR designation and previous approval highlighted above, this continued provision of office development at Thorpe Park is considered acceptable. As highlighted above, the draft Core Strategy also supports office development on this site as it one of the key elements of the Council's employment land offer.

10.2.4 Retail

10.2.5 Although Thorpe Park is allocated for employment and a business use, a number of ancillary complementary uses have subsequently been granted full planning permissions including the introduction of a hotel, retail (Greggs) and a small restaurant. The current proposals before Panel include up to 18,000m² of retail development. 9,000m² of retail development would be in the form of a food store containing up to 1,782m² of 'comparison goods' floorspace. To help Members appreciate the scale of the proposed food store, the Tesco Extra at Seacroft is 9,651m² and the Sainsbury's at Colton is 5,000m². The remaining 9,000m² is proposed to be provided over several retail units intended to be primarily occupied by 'high end' retailers such as TK Maxx, Next at Home, Boots and River Island.

10.2.6 The NPPF requires retail developments proposed out-of-centre to be assessed against their impact on existing, committed and planned public and private investment in the centres within a defined catchment area and to assess the impact

on vitality and viability of centres for a number of years after the application is submitted. The NPPF also requires sequential tests to be carried out.

10.2.7 Retail consultants have been employed by both the applicant and Council to fully assess the potential impact of this scale of out of centre retail development on other centres in a defined catchment area as well as the City Centre. A catchment area was agreed that covers much of north, south and east Leeds plus areas within Selby District. Sequential and impact tests have been carried out.

10.2.8 Factors such as existing/proposed sales density, trade diversion and turnover plus the types of goods sold and vehicular routes have been considered and the impact on existing sites are summarised in the table below. The table predicts the percentage of trade at existing centres/sites that would be lost to the proposed Thorpe Park retail provision.

10.2.9 Table 2: Trade Diversion from existing centres/sites (revised retail proposals)

<i>UDPR Designated Centres</i>	<i>Convenience</i>	<i>Comparison</i>	<i>Overall</i>
Cross Gates town centre	-	10%	9%
Garforth Town centre	-	9%	7%
Morrisons, Rothwell/ Rothwell town centre	13%	16%	14%
Morrisons, Wetherby/ Wetherby town centre	9%	5%	8%
Tesco, Seacroft/ Seacroft town centre	19%	21%	19%
<i>Other Non-Designated Sites</i>			
Sainsbury's, Colton/ Colton Retail Park	18%	25%	20%
Asda, Killingbeck/ Killingbeck Retail Park	15%	19%	17%
Tesco, Garforth	15%	-	15%

Source: LCC Retail Consultant (England & Lyle) September 2013 Statement

10.2.10 The Council's retail consultant estimates an overall trade diversion of 9% of turnover from Cross Gates, 7% from Garforth, 14% from Rothwell, 8% from Wetherby and 19% from Seacroft. The impacts on all designated centres have been reduced following the reduction in retail content of the scheme from 22,100m² to 18,000m².

10.2.11 The impact on Cross Gates and Garforth are substantially reduced, from 18% and 22% to 9% and 7% respectively. The impact is now considered to be at a level that would not have a significant adverse impact on the vitality and viability of these centres.

10.2.12 The impact on Rothwell and Seacroft are principally on the existing food stores in these centres and as these food stores are considered to be overtrading therefore it is considered that they would be able to withstand the competition, without having a significant adverse impact upon the vitality and viability of these centres.

- 10.2.13 The impact on Wetherby is largely on the Morrison's supermarket that is considered to be overtrading and the remaining relatively minor impact on Wetherby Centre is considered acceptable as this centre is performing very well.
- 10.2.14 The retail proposals comply with the NPPF impact test in not having a significant adverse impact on the vitality and viability of the designated local and town centres within the defined catchment.
- 10.2.15 The three retail locations at the bottom of the table, Colton Retail Park, Killingbeck Retail Park and Tesco at Garforth are not designated town centres and therefore do not benefit from protection under planning policy relating to town centre designations. Whereas, the Colton site is identified in the UDPR to meet a deficiency in convenience goods retailing it is considered this planning objective can still be achieved on the site. If retail trips to Colton were to be reduced this may help alleviate some of the highways issues associated with the Colton site. The increased distances some people may travel to shop at the Thorpe Park foodstore as opposed to their more local (out of centre) supermarket is not considered to significantly outweigh other benefits and issues relating to this application.
- 10.2.16 The 9,000m² of retail development not located in the food superstore is for non-food retail units which the developer intends to be occupied by high end retailers such as TK Maxx and Next Home and not those retailers currently operating in the nearby local centres. With the imposition of conditions preventing occupation by existing national retailers currently located in large units within Cross Gates, Rothwell and Garforth, preventing no more than 8 'small' units (of no more than 100m²) and restricting 'ancillary' uses such as post offices, pharmacies and dry cleaners within food store, the potential impact on local centres is considered acceptable.
- 10.2.17 Despite being outside the defined catchment area agreed with the applicant, detailed consideration of the impact on the City Centre has also taken place. Conclusions indicate that the proposals are unlikely to have a significant adverse impact on the vitality and viability of the existing retailers in the City Centre as the City Centre currently has a high level of vitality and viability and any trade diversion that may occur would be in the region of 3% that is not considered detrimental to the overall vitality and viability. However, the aspiration for 'high end' retailers in the larger units proposed brings greater consequences with regard to the Council's aspirations for the future of the City Centre in relation to the proposed planned investment in the Victoriagate development.
- 10.2.18 The concerns about the possible impact on the delivery of the Victoriagate development are a material consideration in the determination of the application. The current proposals include the potential for 7,000m² of the 9,000m² of non-food retail content to be in 'large' units over 500m². These units are intended to attract high profile national retailers and therefore could attract similar retailers to those the Victoriagate developer intends to attract. The applicant for Thorpe Park asserts that the premium and luxury brands intended for the first phase of the Victoriagate development would be unlikely to locate at Thorpe Park instead of a prime City Centre location; however, they do acknowledge that some retailers may consider locating a second store at Thorpe Park that could have an impact on the second phase of the Victoriagate scheme which is likely to comprise a wider mix of units.
- 10.2.19 The potential impact on the planned investment in the Victoriagate development is increased by the presence of a current planning application to extend the White Rose Centre that may also create competition for retailers. To fully understand the

impact of both proposals the Council commissioned an assessment of the cumulative impacts of both schemes. This assessment has concluded that the White Rose scheme is not expected to have a significant impact on the planned investment in Victoriagate but as indicated above, there is still some concern regarding the potential impact the 'large' units proposed at Thorpe Park may have. In order to overcome this concern it is proposed to limit the size of extent of retail units at Thorpe Park to be no more than 4,000m² (GEA). This condition will prevent a particularly large retail units locating at Thorpe Park that could have been one of the key tenants in the Victoriagate development.

- 10.2.20 As previously stated, an extensive catchment area was agreed with the applicant; Crown Point Retail Park was outside this catchment area that was considered a sufficient scale to 'capture' the retail trade associated with Thorpe Park and is not expected to experience substantial impacts. Crown Point is designated as a location for retail warehousing and is closely linked to the City Centre and therefore benefits from this close relationship and is trading well. The introduction of greater connectivity between the City Centre and Crown Point through the introduction of the city park will help ensure the continued success of Crown Point. Any adverse impact that may occur due to Thorpe Park is not considered to outweigh the enabling development justification for retail development at Thorpe Park.
- 10.2.21 It is accepted by the applicant and Council officers that there will be some impact on local centres. However, as highlighted above, the reduction in the amount of retail floorspace proposed and change of approach toward 'high end' comparison goods retailers has reduced the likely impact on local centres and with the addition of those conditions highlighted that further restrict the significance of the retail content at Thorpe Park, the impact on local centres within the catchment is considered acceptable. The proposals will not have a significant impact on the vitality and viability of the City Centre but could compete with potential occupiers of the Victoriagate development. To help overcome this concern a condition will be added to restrict the size of the 'large' retail units at Thorpe Park to restrict the potential for a large department type store to locate there instead of Victoriagate. Sequential and impact tests have been carried out in accordance with the NPPF and the scheme generally satisfies those tests.
- 10.2.22 The applicant has stressed the retail development is crucial in funding the delivery of the MLLR within the timescales of the existing Network Rail agreement and a separate viability assessment has been submitted in support of this assertion. Officers are currently verifying the assertions of this viability appraisal and further comment will be provided at the Panel meeting. This direct link between the ability to fund the road prior to the deadline in the agreement with Network Rail plus the scale of impact from the retail proposals does, on balance, lead to the conclusion that the retail content is acceptable subject to the conditions imposed.
- 10.2.23 Leisure and food and drink
- 10.2.24 Sequential and impact assessment have been undertaken for these uses. The applicant has stressed the uses are complementary to the office and retail uses and are not necessary to providing a critical mass of development at Thorpe Park. The type of food and drink operator targeted for Thorpe Park are the high profile and high quality operators that normally locate in large town centres or leisure parks associated with multiplex cinemas. It is considered that the leisure and food and drink uses have been adequately assessed and will not have an adverse impact on the catchment area or Leeds city centre.

10.3 Highways

10.3.1 Background and location

10.3.2 Thorpe Park is a major business park adjacent to Junction 46 of the M1 located on the eastern fringe of the city. Currently vehicular access is taken from the A63 (via the Cracked Egg junction) and the M1/A63 (via the M1 J46 elongated roundabout). At the northern extent of the Thorpe Park land is the Leeds / York railway line.

10.3.3 The current proposal is part of a wider site that already benefits from a planning permission as a business park. This permission granted 1,800,000sqft of B1 offices subject to the opening of Manston Lane Link Road (MLLR) as a single carriageway. The MLLR is not yet built and would pass over the Leeds York railway line and provide a vehicular link between Manston Lane and J46 of the M1 motorway passing through and serving Thorpe Park. The permission also allows up to 1,000,000sqft of B1 to be occupied prior to the opening of the MLLR. Around 600,000sqft of B1 is currently built / occupied.

10.3.4 The developer's fallback position therefore allows up to a further 400,000sqft of B1 to be occupied without a requirement to build the MLLR and in total a further 1,200,000sqft of B1 offices to be developed (subject to the opening of the MLLR) in addition to what has already been developed. It is clear that there is no short term planning requirement for MLLR to be built. The crossing of the Leeds York railway line is the subject of a legal agreement that currently requires that the construction of bridge begins before April 2015.

10.3.5 To the north of Manston Lane is a major housing allocation the East Leeds Extension (ELE) which wraps around the eastern fringe of the city between Manston Lane and the A6120 (to the north-east of Red Hall). This allocation could accommodate c6,000 homes and requires a new strategic orbital route to connect with the M1 at J46 and relieve congestion on the existing outer ring road A6120. This new orbital route is called the East Leeds Orbital Road (ELOR). To gain access to the M1 at J46 the ELOR would have to connect with the MLLR. The MLLR would effectively be the southern section of ELOR.

10.3.6 There is currently a live application for a portion of the ELE allocation between the A58 and A64. This application is for 2000 homes and is known as the Northern Quadrant (NQ).

10.3.7 Due to the scale of development in east Leeds wedge of the city Officers are currently developing an East Leeds Transport Strategy. ELOR is part of that strategy, and separately Officers are exploring how the road might be delivered in its entirety.

10.3.8 Proposed developments

10.3.9 The Outline application (12/03886/OT) is for a revised mix of uses at Thorpe Park consisting of the following :

- Office - 1,090,275 sq.ft (101,290sqm)
- Retail - 96,876 sq.ft (9000 sqm) of mixed retail use,
- Restaurants - 45,209 sq.ft (4,200sqm)
- Fitness/gym - 24,650 sq.ft (2,290sqm)
- Foodstore - a 96,876 sq.ft foodstore (9,000sqm)
- Hotels- two hotels of a total of 151,234 sq.ft (14,050sqm)

- Total of 1,503,000sq.ft of development

10.3.10 This total scale of development has been reduced from an initial 1,531,000sqft following negotiations with Officers.

10.3.11 A key part of the proposed infrastructure is the early provision of the MLLR which aims to reduce traffic congestion in Cross Gates. The details of MLLR are covered by three applications. The north-south section of MLLR (12/03887/FU) would pass over the Leeds York railway line and provide a vehicular link between Manston Lane and J46 of the M1 motorway (passing through and serving Thorpe Park). The applicant proposed to build the north-south section of MLLR as a dual carriageway (2 lanes in either direction) and proposes to reserve / safeguard land to enable further improvements to be carried out to increase capacity. The road will also be well landscaped. This additional capacity would be required on the completion of ELOR to accommodate the additional traffic it would bring. For the avoidance of doubt these further improvements do not form part of the current application. The further works are referred to as the Expansion Layout and are discussed later in these comments.

10.3.12 The MLLR also includes improvements to a significant length of Manston Lane which is currently substandard to the north of Thorpe Park. Two applications are submitted for this east-west part of MLLR (ref 12/03888/FU and 12/05382/FU). Each application shows the east-west route on a slightly different alignment affecting different third party land. In technical terms either option could be delivered.

10.3.13 Developers Fallback Position

10.3.14 As stated above the application site is part of a wider site that already benefits from a planning permission as a business park. This permission granted 1,800,000sqft of B1 offices subject to opening of the MLLR. The permission allows up to 1,000,000sqft of B1 to be occupied prior to the opening of the MLLR. Around 600,000sqft of B1 has been built / occupied.

10.3.15 The developer's fallback position therefore allows up to a further 400,000sqft of B1 to be occupied without a requirement to build the MLLR and in total a further 1,200,000sqft of B1 offices to be developed (subject to the opening of the MLLR) in addition to what has already been developed. In the current market it is highly unlikely that the required office floorspace will be developed within the timescales of the existing Network Rail agreement.

10.3.16 MLLR design and layout issues

10.3.17 A key aspect of the new Masterplan is the location and design of the MLLR and the foodstore. The foodstore is to the east of MLLR with the majority of the other uses to the west. Appropriate crossings of the MLLR for pedestrians and cyclists are therefore required close to the desire lines and to access bus stops on either carriageway. The new Masterplan also introduces an additional roundabout to MLLR (when compared to the approved Masterplan).

10.3.18 Following the completion of the ELE/ELOR it would be necessary for MLLR to function as a strategic route in addition to serving the Thorpe Park development. The developer has prepared an Expansion Layout to demonstrate that a longer term strategic solution could be delivered. The Developers Expansion Layout shows

additional lanes to the north-south section of MLLR and the signalisation of the roundabouts between J46 and Manston Lane

- 10.3.19 Highway Officers want to be satisfied that the Expansion Layout submitted not only works but is the best 'Strategic' route to the M1 while also adequately serving the development. The developments access requirements and numbers of junctions (i.e. the additional roundabout) and their design are key issues in this regard. Different access options are currently being jointly explored by Officers and the developer's highway consultant. This is discussed below under the Expansion Layout section.
- 10.3.20 The following comments relate to the current MLLR designs and Masterplan. New areas of Highway will need to be constructed to the Council's adoptable standards and commuted sums will be required for their future maintenance (S278 works, Highway Structures and enhanced landscaping areas). These areas need to be offered to the Council for formal adoption.
- 10.3.21 The latest drawings of the MLLR show off carriageway shared cycling routes as requested by the cycling officer on both the north-south and east-west routes (minimum 3m wide with 0.5m buffers)
- 10.3.22 Detailed highway layouts and cross sections are provided of the north-south route. The route shows a dual carriageway with two lanes in either direction starting from the existing roundabout in Thorpe Park known as R1, and terminating in a new roundabout junction with Manston Lane. The route includes the creation of an off carriageway shared pedestrian cycle route on the western flank. However, the current Masterplan creates other desire lines that need to be safely resolved. This will be subject to further discussion with the applicant before the design of the road is finalised. Appropriate signal controlled crossings of the MLLR for pedestrians and cyclists are therefore required close to the desire lines (also providing safe access to bus stops on either carriageway). These crossings will need to be indicated on the approved road plan and illustrative masterplan. Notwithstanding the submitted drawings, final details, signal controlled crossings, levels and cross sections need to be agreed and confirmed prior to commencement of development. Appropriate planning conditions are proposed.
- 10.3.23 Detailed highway layouts and cross sections are also provided of the east-west route. The route shows the upgrade of a significant length of Manston Lane to a suitable standard (7.3m carriageway) to allow the industrial traffic a safe route to the M1 via MLLR. Approximately 700m of Manston Lane west of the new roundabout needs upgrading as the road is substandard in terms of its width, alignment and lack of footways. Again the route includes the creation of an off carriageway shared pedestrian cycle route which is located on the southern flank plus landscaping. Notwithstanding the submitted drawings, final details, levels and cross sections need to be agreed and confirmed prior to commencement of development, together with a 2.4m x 90m visibility splay from the Lazencroft Farm access. Appropriate planning conditions are proposed.
- 10.3.24 The precise details (structural and dimensional) of all structures need to be agreed and approved by the Highway Authority and Network Rail (in the case of the railway bridge).
- 10.3.25 In addition to the MLLR details / plans, proposed PROW and cycle routes have been provided on plans. The proposals on the whole appear to enhance infrastructure for non motorised use.

10.3.26 The overall level of car parking for the proposed uses accords with UDPR standards and is accepted. Conditions relating to the quantum of development and associated car parking provision, phasing and management are required.

10.3.27 Cycle and motorcycle parking provision will be agreed at the detailed stage in accordance with the UDPR standards.

10.3.28 Expansion Layout

10.3.29 A strategic assessment has been required of the developer to demonstrate that wider planning issues / requirements / allocations (e.g. ELE and ELOR) in east Leeds are not prejudiced by the current proposals and to ensure the best strategic solution can be delivered while also serving the development. To accommodate future traffic using the MLLR following the completion of ELOR significant amendments/widening will need to take place over that shown for planning application 12/03887/FU. The extent of this additional area of land needs to be agreed and safeguarded. It is particularly important that highway structures are built to the appropriate width to avoid costly widening and disruption in the future.

10.3.30 This strategic assessment assumes that all of the proposed Thorpe Park and ELE developments are built and occupied together with other sites and general growth in the city. The aim is to ensure that the ELOR and MLLR are future proof.

10.3.31 The developer has submitted an Expansion Layout for this scenario which indicates that the route can operate within capacity with signalised roundabouts. However, highway officers want to be satisfied that the Expansion Layout submitted not only works but is the best 'Strategic' route that could be achieved while also adequately serving the Thorpe Park development. The developer is cooperating with this requirement and different access options are currently being jointly explored by Officers and the developer's highway consultant.

10.3.32 Accessibility and Travel Plan

10.3.33 As stated above, due to the scale of potential development in East Leeds Officers are currently developing an East Leeds Transport Strategy. The Strategy is intended to inform development proposals and assist in the determination of future planning applications and has been presented to East Leeds Regeneration Board. The strategy is being prepared by the Council in conjunction with Metro and will build on the overarching strategic approach set out in the West Yorkshire Local Transport Plan 2011-26 (WYLTP3) and the local strategy for Leeds which is incorporated into the Leeds Core Strategy Publication Draft which was published in February 2012. It is important that the Council and its partners have a vision to ensure that new developments are adequately served and integrated and linked to the wider East Leeds area including employment areas at Aire Valley, Thorpe Park and the City Centre.

10.3.34 It is noted that the site does not currently meet accessibility standards within the LCC draft Core Strategy and the Public Transport SPD. The SPD states that where a development site does not meet accessibility standards that the developer must fund measures to bring it up to the appropriate standard. However, regard also has to be given to the developer's fallback position and the proposed early delivery of MLLR (which will improve accessibility and options for public transport routing).

10.3.35 For employees at the proposed site, the nearest designated town centre is at Cross Gates. The Cross Gates town centre has many local facilities including banking and

other financial or professional services. From the centre of the development site to the centre of Cross Gates town centre is a walk of approximately 3km. The distance to bus stops on Selby Road (providing regular services) is approximately a 750m walk from roundabout R1. The whole of the new Masterplan is therefore beyond the normally acceptable walk distance to these entry points. However, this is also the case for the extant position. Less frequent bus services have been recently introduced along Century Way that are within an acceptable walk distance. It is approximately a 3km walk to Cross Gates railway station from roundabout R1 (via the MLLR or Century Way).

- 10.3.36 A Public Transport Strategy (PTS) has been put forward by the applicant in relation to public transport, which includes the subsidising of new bus services. This PTS was requested by Officers in pre-application discussions. The PTS acknowledges and highlights existing PT deficiencies and anticipates that delivery of the MLLR will improve PT penetration into Thorpe Park. The PTS highlights how the TransDev 844 service has been introduced through the existing infrastructure at Thorpe Park (as discussed above). This service gives access to Leeds and York on a 30 minute frequency. However, the 844 service operates during the day and does not extend into the peak periods. The PTS recommends a new bus services to provide a half hourly frequency of service from Thorpe Park into Cross Gates, from where individuals can if necessary make a connection to either local bus services, city centre bus services, or rail services linking to local, regional or national destinations. The proposed routing uses the MLLR, Austhorpe Road and the Ring Road. It is stated that a half hourly service linking Thorpe Park to Cross Gates as a standalone service could be readily achieved with one vehicle. The developer proposes to fund this 30 minute service for ten years.
- 10.3.37 The proposed development when fully built will become a major mixed use destination. While the proposed local bus service will provide potential to link with other services in Cross Gates, the development would still not benefit from a direct service to the city centre. Discussions regarding the PTS are ongoing and further updates will be provided at Panel.
- 10.3.38 In the longer term it is hoped that the proposed mix and scale of development would result in public transport operators providing frequent services to the site. Should such a service not arise it is considered that funding should be set aside to provide such a service.
- 10.3.39 The new mix that is proposed at the site will give choice to existing and new office employees that do not exist at present. However, it is important that accessibility for pedestrians and cyclists at the site is enhanced where practical to imbed the proposal into an adequate network of routes that promote and encourage sustainable travel choices. This is achieved by the Masterplan and early provision of MLLR through the provision of new pedestrian and cycle links.
- 10.3.40 Separate comments have been submitted by the Public Transport SDP coordinator, TravelWise and Metro and discussions are on-going regarding the public transport offer. The TravelWise section have agreed the Travel Plan and note that a Travel Plan Manager/Coordinator is already in post. The Travel Plan and review fee of £20,000 is included in the S106 agreement.
- 10.3.41 Traffic Impact
- 10.3.42 The MLLR is intended to reduce traffic in the Cross Gates area. Without intervention traffic congestion in the locality will continue to increase. In the longer

term the MLLR effectively forms the first southern section of ELOR and completion of both of these routes is expected to provide significant improvement to traffic conditions on the existing outer ring road in east Leeds. However, the introduction of the MLLR in isolation needs to be understood in the interim.

10.3.43 The MLLR is a major piece of infrastructure that on its own would likely relieve congestion in some areas but potentially introduce issues elsewhere as it provides alternative journey options. I.e. existing traffic will re-assign to a new highway network. It is expected that the opening of the MLLR will relieve congestion / rat-running in some locations, but providing a link to the M1 via MLLR may also increase traffic in other parts of the network. The effect of MLLR has therefore been modelled to identify those parts of the existing network that will benefit from its opening, and those parts that will be subject to additional traffic. The effect of the additional trips associated with current proposed development mix (over the extant permission) also needs to be understood.

10.3.44 In order to understand the range of impacts of this proposal a number of scenarios have been assessed. The current highway network has been assessed for existing and future traffic levels including a scenario where Thorpe Park continues to develop up to 1,000,000sqft of B1 (the trigger point beyond which MLLR would be required under the current permission). The highway network with MLLR in place has also been assessed to understand the benefit of early delivery, the lawful fall back position (for the existing office consent) and the proposed level of development as a result of the outline application.

10.3.45 The tested scenarios confirm that without MLLR congestion in the area will continue to increase on both the strategic network and along local residential roads. Particular problems can be expected at key junctions such as the Whitkirk / Colton roundabout, Austhorpe Road / A6120 signals and the Cracked Egg signalised roundabout. Significant problems would also arise at the on Austhorpe Road at its junctions with Austhorpe Lane and Pendas Way. The current fall back position with MLLR in place has a significantly higher trip generation as a result the consented 1,800,000sqft of B1 offices. In this scenario there are also problems on the strategic network and local roads. The additional development trips have eroded the benefits of MLLR and added additional traffic along the Austhorpe Road and Manston Lane corridor. It is notable however that the Austhorpe Road / A6120 junction is within capacity. Without planning controls the effect of the current proposal would therefore be to exacerbate these problems.

10.3.46 Benefits of the MLLR

10.3.47 The above mentioned development scenarios include situations where the totality of both the fall back positions and the current proposal are fully developed. These scenarios are in the long term and would be mitigated by ELOR which itself would only be possible with the creation of MLLR. It is also important to recognise the significant benefits that early delivery of MLLR (without ELOR) could bring about. Additional testing has been carried out to give an indication of how the early delivery of the MLLR would affect traffic in the area. From this testing it is anticipated that the early delivery of the MLLR would result in significant reductions in traffic in both peak periods on the outer ring road between Cross Gates town centre and J46 of the M1. The radial routes to the east of the outer ring road, i.e. the routes leading to Thorpe Park, also on the whole appear to benefit despite the creation of the new link. Although general benefits are seen there would be some traffic increases on Manston Lane and the Sandeas Way route to Barwick Road, although these routes are currently well within capacity. Therefore the current proposal to deliver the

MLLR early and prior to first occupation of any retail or commercial development is welcomed and will be secured by condition. The early introduction of the MLLR prior to additional development will provide significant benefit to traffic in Cross Gates town centre and strategic network. However, it is important to recognise, as detailed above, that over time these benefits would be eroded as development progresses.

- 10.3.48 There are significant existing industrial uses operating via Manston Lane, which also impact on Austhorpe Road. The opening of the MLLR has the potential to remove this traffic from these sensitive routes and those to the north and some of these sites may well come forward for residential development. This could be backed up with weight restrictions to prevent HGV through traffic between the Ring Road and motorway.
- 10.3.49 The opening of the MLLR will also reduce some journey lengths to Thorpe Park or to the motorway network or to the east. Thorpe Park and the adjacent commercial / retail area would become more accessible to the area north of the railway line. The opening of MLLR would also give the opportunity to improve bus services in the area and potentially reduce the percentage of car trips generated at Thorpe Park.
- 10.3.50 In the longer term the MLLR is needed to enable wider transport strategy objectives to be achieved. The MLLR route would form the southern section of the ELOR helping to provide traffic relief to the wider east Leeds area. Currently there is no prospect of delivering the MLLR within the short term or the timescale required in the Network Rail agreement.
- 10.3.51 With reference to J46 of the M1 and associated dumbbell roundabouts The Highway Agency are currently developing a scheme of mitigation that would be able to accommodate the combined impacts of the proposed Thorpe Park, ELE/ELOR and wider growth in the city.

10.3.52 Traffic Impact Findings

- 10.3.53 The proposed development is a very significant travel generator. The early delivery of MLLR would provide significant benefits to the area and is an essential component of ELOR allowing traffic relief and regeneration in east Leeds. The early delivery of the MLLR is therefore welcomed. However, it is considered that given the significant increase in development over the extant permission, conditions are required to protect or mitigate for the additional traffic impact in the longer term. It is therefore recommended that the full development mix be approved subject to conditions to secure the early delivery of MLLR within a timescale that is compatible with the Network Rail agreement, and that the impact of the development is limited to that of the fallback position through the use of suitable planning conditions, but allowing for this restriction to be reviewed and reassessed at an agreed milestone when the actual traffic impact and other infrastructure changes will be known.

10.4 Urban Design

- 10.4.1 The previous illustrative masterplan indicated a low density office park that spread across almost all the land designated for employment. The office buildings constructed at Thorpe Park are primarily large blocks constructed in the centre of plots with sizable parking areas to the front and landscaping around the boundaries. The existing layout offers no real heart to Thorpe Park and is very car orientated. This type of office park is no longer sought after by occupiers and developers therefore a new business park is proposed that intends to create a greater sense of

place that will offer a more usable office environment attractive to not just car users but pedestrians also.

- 10.4.2 The application seeks consent for the principle of development and means of access only therefore matters such as layout are reserved. However, to inform future reserved matters applications the outline application includes a set of parameter plans that identify building plots, key vehicular and pedestrian routes and building heights. These parameter plans are supported by a design code that explains how the site will be developed through the reserved matters applications and highlights the design quality, landscape constraints and aspirations for the future design. These parameters and design code stress a determination to achieve a high quality business park that includes large areas of public open space, a mixed use 'heart' space that attracts office workers and visitors throughout the day and night and close integration between the different uses and plots. The delivery of a high quality business environment is crucial to the Council's employment land portfolio and the ability to retain and attract top quality occupiers.
- 10.4.3 There are a variety of ways the site could be developed within the limits set out by the parameter plans and design code but there are a number of key characteristics that would be evident no matter how the site was developed out. These include the majority of the development being laid out on a north-south and east-west grid that allows for clear permeability, well landscaped streets and spaces and ordered building lines. This ordered form would gently meet a large 30 acre public open space, Central Park, and allows for some buildings to penetrate into the open space to enhance that space and create attractive areas close to buildings but within a largely open area. To the north of the open space there would be buildings that sit in an elevated position fronting onto Central Park, these building also reflect the north-south grid found elsewhere in the development. There are two building plots to the east of the MLLR, one small plot to the north and a large plot to the south of Brown Moor. The parameters and design code also highlight how many of the existing trees are retained, protected and afforded a suitable setting.
- 10.4.4 Ground levels and maximum building heights for each development plot are defined on the parameter plans. The proposed heights are greater than the previous indicative heights approved on the site. In the more sensitive areas adjacent to the protected woodland the scale has been kept down to around 3-5 office storeys. However, around 6 office storeys have been considered acceptable in the central areas around the mixed-use 'heart'. The maximum heights identified in the parameter plan cannot be met on all plots by the quantum of development proposed therefore some building heights will always be lower than those stated. For example, a number of plots within the 'heart' of the development have a maximum building height of the equivalent of 6 office storeys. However, this is to allow flexibility in the possible location of the taller, probably hotel developments, within this area, other buildings in the 'heart' would be at lower heights.
- 10.4.5 To understand how the parameter plans and design code could be applied, an indicative masterplan has been provided that indicates how buildings and open spaces could be arranged across the site. This masterplan indicates well laid out buildings and spaces in and around the 'heart' with small 'pavilion' type buildings merging into Central Park. There are wide, tree lined streets fronted by prominent buildings with the majority of car parking set behind the buildings or within a multi-storey car park.
- 10.4.6 The large plot to the east of the MLLR would be expected to accommodate the 9,000m² food store around a surface car park. The Design Code includes a

number of principles have been agreed that will inform the future development of this plot that include creating strong active building frontages to the MLLR, close integration and pedestrian connectivity with development on the western side of the MLLR and to ensure the visual impact on Brown Moor is kept to a minimum. The inclusion of a large development plot in this location gives the applicant the ability to deliver a food store on the site and therefore fund the key highway infrastructure whilst the controls within the design code ensure the Council has sufficient control over the future design quality.

10.4.7 The indicative layout for this plot is yet to be agreed therefore the indicative masterplan does not highlight buildings within this plot. Negotiations will continue and a further indicative masterplan that includes an indicative layout of this plot will be required by condition.

10.4.8 Through the parameter plans and design code the applicant proposes to substantially improve the quality of the existing business park at Thorpe Park by introducing a well laid out development that includes significant areas of open space and good connections with the surrounding open spaces. The design code stresses the high design quality of the development to ensure attractive buildings and spaces are created.

10.5 Landscaping

10.5.1 The parameter plans and design code identify the 30 acre Central Park, allow for large areas of landscaping at the site plus the retention of existing protected trees. The design characteristics for the new vehicular and pedestrian routes are highlighted in the design code. These new streets are largely pedestrianised and will incorporate wide footways and good areas of landscaping whilst the vehicular routes within the development allow for the creation of avenue tree planting and focal spaces. Central Park will be an attractive public space that will provide a green link from Central Park up onto Brown Moor and the various footpaths, bridleways and cycleways that extend into and out of Brown Moor. The delivery of Central Park will commence in the first phase of development when levels are established and the Public Rights of Way provided therefore ensuring this facility is accessible early in the development phases. The remainder of the landscape works will follow as development phases are delivered.

10.5.2 Whereas the protected trees within the site have been retained and incorporated into the potential layout, a number of the existing trees on Brown Moor will be removed. Where this occurs the developer has committed to examining the possibility of relocating the trees that are to be removed to new locations within Thorpe Park or Green Park. Such relocations will allow for a more sustainable approach to be taken with regard to the proposed planting and ensure the new landscaped areas will have a more immediate and positive visual effect. A condition will be added to the outline planning application requiring this be examined further prior to the commencement of each phase of development.

10.5.3 Whereas there are many positives with regard to the landscaping of the site, the plot to accommodate the foodstore requires a significant land take and a flat plateau and results in a significant loss of Brown Moor, mature Oak trees and creation of a 13m high escarpment that would not be desirable. Whereas this is not ideal, the parameter plans and design code require significant screening buffer planting within and around this part of the site. It is also hoped that the steep sandstone escarpment could be an interesting feature within its own right.

10.5.4 The proposed development does result in the loss of some mature trees. However, there are significant areas of new publicly accessible landscaped areas that will be more attractive than the current landscape. All protected trees are retained and vehicular and pedestrian routes within the scheme are well designed therefore on balance the proposal is considered acceptable in terms of its impact on the landscape.

10.6 Residential amenity

10.6.1 Due to the nature of the uses proposed and the distance to existing residential properties there are no direct amenity concerns relating to the proposed development of the business park. Whereas the increased capacity and therefore increased use of Manston Lane may increase traffic noise and general comings and goings into existing mixed use areas it is not considered that these will be significantly greater than the existing situation that includes large numbers of HGV traffic in these areas. The introduction of the MLLR will allow for the reduction in HGV traffic toward Cross Gates..

10.7 Ecology

10.7.1 Whereas the existing site is a greenfield site and therefore accommodates a variety of ecological habitats, there is an extant consent and UDPR designation for development across the site. The proposed development allows for a co-ordinated approach to ecology and the introduction of new features such as the balancing ponds.

10.7.2 In previous years, newt ponds were created without consent to the west of Thorpe Park within Green Park. These ponds still exist and have been well populated and are shown to be retained in the associated application for Green Park.

10.7.3 A condition will require ecological protection and mitigation and a clause within the S106 will require a financial contribution of £50,000 to be put toward ecological mitigation.

10.8 Archaeology

10.8.1 West Yorkshire Archaeology Service (WYAAS) object to the proposed MLLR due to the route extending over a number of sites of archaeological importance to the north of the railway line including surviving features of a First World War munitions factory. The MLLR has historically been proposed along a similar route to that now proposed without objection from WYAAS. English Heritage have been asked by WYAAS to consider the archaeological remains for designating as a Scheduled Monument therefore further discussions took place with English Heritage to understand the implications. The proposed MLLR only impacts on a very small section of the former munitions factory (any further development on the residential allocation to the north would have a greater impact). The applicant has attempted to locate the roundabout in the southernmost position possible based on limitations of the main railway line to ensure the impact on archaeological features is kept to a minimum. English Heritage has confirmed that provided the impact can be justified they have no objection in principle. In light of the limited impact of the proposed development and previous extant approval for highway works in the area, it is considered that the impact on sites of archaeological interest in the area is justified and does not outweigh other benefits and material considerations associated with the development.

10.9 Gas Pipeline

- 10.9.1 A gas pipeline extends north-south through the application site roughly along the route of the north-south MLLR. The Health and Safety Executive (HSE) raise no objection to the mixed use outline application and the two east-west MLLR applications. The uses within the outline application are in the 'outer zone' of the pipeline whilst the east-west sections of the MLLR are considered less sensitive by the HSE as they are only single carriageway and therefore raise no objection despite crossing the 'inner zone' of the pipeline.
- 10.9.2 The north-south MLLR is a dual-carriageway and is therefore given a more sensitive rating by the HSE and triggers a response that states there is a potential of harm from major hazard pipelines in the area therefore there are sufficient reason to advise against granting permission. This position is acknowledged but it is not possible to overcome the statement from the HSE. Ideally all development would be set well away from any pipelines but this is not possible and there are no deliverable alternatives for the location of the road. Instances of similar conflict occur already in the area as to the south, the pipeline extends through the existing Thorpe Park, alongside the M1 and along the A63. The development has been designed to locate buildings away from the pipeline but the location of the road over the pipeline is something that cannot be amended.

10.10 Section 106

- 10.10.1 A draft Section 106 agreement has been received and negotiations continue on the detail within. The Section 106 will include clauses to cover the following:
- Green Park – The extant application and S106 agreement requires the developer to deliver the playing pitches and changing room once 600,000ft² have been built. The Council believes this trigger has been reached. The developer has repeated their commitment to fund the design and delivery of the enhanced proposals for Green Park. The developer will deliver the sports pitches and changing rooms prior to the occupation of development (and therefore accord with the intentions of the current agreement) and provide financial contributions on a phased basis to allow LCC Parks and Countryside to deliver the remainder of Green Park.
 - MLLR – Prior to first occupation of any retail development or 37,000m² of any other development, the developer will deliver the MLLR.
 - Public Transport Strategy – The applicant will fund a 30 minute bus service that links Thorpe Park with Cross Gates for 10 years. Officers are currently negotiating further improvements to this provision as it does not meet policy requirements.
 - Ecological Mitigation - £5,000 will be provided on an annual basis for 10 years to assist with the enhancement and maintenance of the off-site ecological habitat within Green Park.
 - Public Access – Public access will be available to all footpaths, cycleways and bridleways.
 - Employment – A Local Employment has been agreed with Employment Leeds. The Local Employment Agreement aims to create jobs for 2,691 local people (25% of the 10,700 expected gross FTE) and a significant number of work placements and apprenticeships. Further details are provided on this document/commitment below.
 - Retail impact mitigation – Whereas the impact on local centres is considered acceptable the applicant has offered to provide a financial contribution of

£20,000 for three years that can be used to help promote and develop local centres.

- Travel Plan – The S106 will ensure compliance with the measures and targets of the agreed Travel Plan and secure a Travel Plan Review Fee of £20,000.

10.11 Economic Impact

10.11.1 Thorpe Park is a key site within the City and City Region in terms of economic activity and job creation. The delivery of the MLLR will also allow for the delivery of further housing in the area on both allocated and windfall sites and therefore greatly enhance the Council's ability to meet its five year housing land supply requirements. The proposed development will allow Thorpe Park to compete more effectively with other out of centre business parks across the country by offering a wider choice of amenities that are now sought by businesses and their employees by delivering a further 101,290m² of high quality office space in addition to 38,540m² of other uses in an attractive landscape setting. The applicant states the proposed development will create in excess of 10,000 jobs with between 4,600-5,600 new jobs being created in the Leeds City Region. The deliverability of the proposed scheme will also ensure the long held aspiration of the MLLR is delivered in the near future to provide connectivity benefits and unlock residential developments along Manston Lane.

10.11.2 The developer is committed to creating a significant number of local jobs and apprenticeships and has agreed a Local Employment Strategy with Employment Leeds. Currently, an estimated 470 (just over 10%) of Thorpe Park's 4,500 employees come from the east Leeds area, however the relatively narrow variety of occupations and sectors currently represented on the park has limited the opportunities available to the local population.

10.11.3 The target area for local employment is within the following wards, Gipton and Harehills, Burmantofts and Richmond Hill, Cross Gates and Whinmoor, Killingbeck and Seacroft, Garforth and Swillington and Temple Newsam.

10.11.4 The development is expected to create in the region of 3315 Construction jobs, with the Employment Strategy recording a local employment target of 1127 jobs (34%). Commitments also include, liaison with schools and colleges, workshops and lesson plans, contractor work experience available to 16-18+ year olds, opportunities for higher level skills development including a management trainee scheme or industrial placements, meet the buyer events, job shops and apprenticeships.

10.11.5 Operating/Management opportunities will include landscaping and grounds maintenance, security and estates management. The management of Green Park will also provide important apprenticeship and employment opportunities for local people. Officers in Parks and Countryside have also committed to the development of a jobs and skills programme focused around an apprenticeship programme.

10.11.6 Once completed and fully occupied, it is expected that Thorpe Park will see more jobs and a wider range of opportunities for local people ranging from those with entry level skills to university degrees. It is estimated that the park will provide 10,050 gross additional jobs on site. There are expected to be a mixture of full- and part-time job opportunities and apprenticeships, with the application of various local employment targets generating c.2,489 jobs within the local area. Specific activities

to promote local employment & training opportunities on Thorpe Park are likely to include: a launch event for the strategy to which current and prospective occupiers will be invited alongside key employment & training organisations, local school and FE college representatives, identifying and publicising pathways to employment available to students, work experience placements and apprenticeships and bilateral meetings between occupiers and key employment & training organisations.

10.11.7 The Employment Strategy also targets 5 school/college visits, 4 workshops, 5 work experience placements and a number of apprenticeships annually during construction and operation of the expanded business park.

10.11.8 The applicant will work with Employment Leeds to track outcomes allowing early identification of any weak areas in delivery and improve performance where necessary. As a result, formal annual reviews can develop plans to improve performance against targets.

10.11.9 It is considered the Local Employment Agreement provides significant commitment to providing employment in local Wards and is fully supported.

10.12 Viability Appraisal

10.12.1 The applicant asserts that the viability of the proposals and their ability to deliver further employment development and key infrastructure (MLLR, Green Park) rests on the ability to include retail and leisure uses at the site. As requested by Members at the March 29th Panel, a viability assessment has been provided by the developer to allow this assertion to be verified. Further details on the viability assessment will be provided in an exempt appendix to be provided to Members prior to the Panel on the 19th. The information contained in this exempt appendix is confidential as it relates to the financial or business affairs of the applicant. It is considered that it is not in the public interest to disclose this information as it would be likely to prejudice the affairs of the applicant. It is therefore considered that the supplementary report should be treated as exempt under Access to Information Procedure Rule 10.4 (3).

10.13 Letters of representation

10.13.1 Many of the issues raised in the letters of representation have been discussed elsewhere in this report. Those issues raised in the letters of representation and not discussed elsewhere in the report are briefly responded to below.

10.13.2 The extent of public consultation is highlighted in the history of negotiations section and is considered to be extensive and thorough. This has included a re-consultation by both the applicant and council in recent weeks following the submission of revised plans and documentation.

10.13.3 The objection from Lazencroft Cottage is a land issue and is not relevant to this report. The property was purchased after site searches failed to highlight the proposed route of the MLLR. Whereas the impact on amenity and highway safety at Lazencroft Cottage is a planning matter and have been considered above, the activities of other Council departments are not to be considered in this report.

10.13.4 The Council is continuing work into the potential provision of a rail halt at Micklefield and not at Thorpe Park. However, there is still the potential in the long term for a rail halt within or close to Thorpe Park.

10.14 MLLR north-south route (12/03887/FU)

10.14.1 As discussed in detail throughout this report and in particular detail in section 10.3 above, the north-south road of the MLLR is part of a key strategic route that will link with ELOR to provide as new orbital route around East Leeds. The design of the road allows for it to be expanded providing sufficient capacity to facilitate the release of a large housing allocation of around 6,000 dwellings. The road is well designed with landscaping to its central reservation and incorporates buffer planting to the adjacent development plots.

10.15 MLLR east-west road (12/03888/FU)

10.15.1 The east-west section of the MLLR will upgrade the existing Manston Lane and link to the north-south road referenced above. This will allow for an alternative route to the M1 for large number of commercial and residential properties on and around Manston Lane and therefore alleviate some of the traffic entering Cross Gates. The road is raised above the existing topography therefore careful landscaping will be required to ensure the impact on existing properties is kept to a minimum, this landscaping will be closely examined when submitted via conditions. This section of the MLLR is also linked with the release of housing development already approved on Manston Lane and its introduction may see further residential development proposed on brownfield sites in the area.

10.16 MLLR east-west road (12/05382/FU)

10.16.1 The alignment of the road proposed under 12/05382/FU is very similar to that proposed under 12/03888/FU and the benefits and issues are largely the same.

10.17 Alternative proposals

10.17.1 At the 26/3/13 Panel, Members were informed that officers had recently requested the applicant considers introducing residential uses into Thorpe Park. The applicant is willing to consider the introduction of residential uses and has provided a formal letter outlining their commitment. However, they have not been in position to introduce such uses within this current application. The applicant has stated they will give further consideration to the inclusion of residential accommodation into Thorpe Park following the determination of the current application. Officers welcome the applicant's willingness to consider the alternative proposals.

11.0 **CONCLUSION**

11.1 Thorpe Park is allocated as employment land and identified as a key business park within the UDPR and is key to the delivery of employment and housing in the East Leeds area as required by the Draft Core Strategy. The office content proposed within the outline application supports this allocation. However, the town centre uses are contrary to policy and would be a departure from the development plan. These uses have been proposed by the applicant so that the delivery of the MLLR can be brought forward within the timescales of the Network Rail agreement regarding the bridging of the railway line. As such the non-compliant uses are considered to be enabling development that ensures key infrastructure of a proportionate scale and public benefit can be delivered in the necessary timescales and to support the delivery of much needed housing development. The scheme will also deliver an enhanced Green Park whilst also providing for a significant amount of local employment supported by a comprehensive and innovative jobs and skills package. The impact of the non-compliant retail and commercial uses have been examined in detail and on balance both the retail and highway impacts generated

are considered acceptable in light of the enabling development referenced above. The proposed development will provide an attractive business park that will play a key role in the economic development of the Leeds City Region whilst also permitting further residential development to take place to the north of the site. On balance, therefore, the Panel are recommended to support the applications.

12.0 BACKGROUND PAPERS

- 12.1 Application files 12/03886/OT, 12/03887/FU, 12/03888/FU, 12/05382/FU and application file 12/05150/FU.
- 12.2 Notice has been served on Leeds City Council, Network Rail regarding 12/03886/OT and 12/03887/FU. Notice has been served on Leeds City Council, and three land owners on Manston Lane (PK Jordan and J Jordan, CA Eade and L Michael, Zurich Assurance Ltd) for applications 12/03888/FU and 12/05382/FU.

Appendix 1 – Conditions 12/03886/OT

- 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 shall not exceed the total quantum of developments as listed below (all Gross External Area (GEA)).

B1 - 101,290sq m.

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

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

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

C1, D1 and D2 - 16,340sq m.

For the avoidance of doubt and because the highway and retail impacts have been assessed on that basis in accordance with UDPR policies T2, S1 and S2.

- 5) Within 6 months of the date of this decision a revised indicative masterplan shall be submitted to and agreed in writing by the Local Planning Authority. 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 variations relate. The development shall then be carried out in accordance with the approved plans.

To allow an appreciation of the possible layout of the development proposed and delivered to date in accordance with UDPR policy N12.

- 6) Unless otherwise agreed in writing by the Local Planning Authority, 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 adopted UDPR policies GP5, N12 and LD1.

- 7) 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 adopted UDPR policy N13 and GP5.

- 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 UDPR policy N13.

- 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 adopted UDPR policies GP5 and N13.

- 10) 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 adopted UDPR policy GP5.

- 11) 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 adopted UDPR policy GP5.

- 12) 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 adopted UDPR policy GP5.

- 13) 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.

- 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 adopted 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 adopted 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 adopted UDPR policies T2 and GP5.

- 17) 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 adopted UDPR policy GP5.

- 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 adopted 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 adopted 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 adopted Leeds UDP Review (2006) policy T2 and T7A and T7B.

- 21) Prior to the commencement of development of a phase a CCTV strategy for that phase (to include details of the location 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 adopted 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 UDPR policies S1 and S2.

- 23) The approved retail content (excluding the foodstore) shall not to exceed 9,000 sq.m of retail floorspace (GEA), within which there shall be a minimum of 7,000 sq.m (GEA) of A1 retail floorspace which is to be provided within units of no less than 500 sq.m (GEA) and no more than 4000 sqm (GEA), unless otherwise agreed in writing by the Local Planning Authority.

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 UDPR policies S1 and S2 and the NPPF.

- 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, unless otherwise agreed in writing by the Local Planning Authority.

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 have an adverse impact on existing fashion and footwear retailers in the nearby designated local centres in accordance with adopted UDPR policy S2 and the NPPF.

- 25) Unless otherwise agreed in writing by the Local Planning Authority there shall be no more than 800sq m (GEA) of `small¿ retail units with a 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 UDPR policy S2 and the NPPF.

- 26) First occupation of the retail floorspace hereby approved must exclude the following named retailers:

- o Wilkinson
- o United Carpets
- o Home Bargains
- o Peacocks
- o Bodycare

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 UDPR policy S2 and the NPPF.

- 27) Unless otherwise agreed in writing by the Local Planning Authority, if any of the retailers listed in condition 26 intend to take retail floorspace at the approved Thorpe Park scheme at some time in the future, they shall legally commit to retaining their presence in Cross Gates designated local centre for a minimum of 5 years post any occupation of the development hereby approved at Thorpe Park.

To protect the vitality and viability of Cross Gates designated local centre in accordance with adopted UDPR policy S2 and the NPPF.

- 28) Unless otherwise agreed in writing by the Local Planning Authority, the Gross External Area (GEA) of the retail foodstore hereby permitted shall not exceed 9000 sqm and within that limit 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 UDPR policy S2 and the NPPF.

- 29) Prior to the commencement of development for a phase an Ecological Protection & Enhancement Plan for that phase shall be submitted to and agreed in writing by the Council. 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 UDPR policies N49 and N51.

- 30) 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 national and Leeds City Council's planning guidance.

- 31) If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. An

amended or new Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Statement.

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

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

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

- 33) Unless otherwise agreed in writing by the Local Planning Authority, 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 Policies GP5, GP11 and GP12 of the UDPR.

- 34) 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 adopted UDPR policy ARC6.

- 35) Development of a phase shall not commence until a scheme detailing 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 policies GP5, N39A of the adopted Leeds UDP Review (2006).

- 36) 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 UDPR policy N49.

- 37) 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 Leeds UDP Review (2006) policy T2 and Street Design Guide SPD (2009).

- 38) 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 unless otherwise agreed in writing by the Local Planning Authority.

To ensure appropriate public rights of way are provided across the site in accordance with adopted UDPR policy N10.

- 39) 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 charging 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 adopted UDPR policies T2 and T24.

- 40) 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 UDPR policy GP5.

- 41) The total occupied gross external floor area shall be limited to 85,000sq m until such time as an approved assessment of traffic conditions in the Study Area (to be submitted no sooner than occupation of 75,000sq m of 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 85,000sq m of development (or another figure identified in the assessment) and be retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

- 42) The foodstore hereby permitted shall not include any post office, pharmacy, travel agent, dry cleaner or optician operations or be subdivided for those uses.

In the interests of the vitality and viability of local centres in accordance with the adopted Leeds UDP (2006) policy S2 and the NPPF.

- 43) Development shall not commence until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include
- (a) proposed finished levels and/or contours,
 - (b) boundary details and means of enclosure,
 - (c) car parking layouts,

- (d) other vehicle and pedestrian access and circulation areas,
- (e) hard surfacing areas,
- (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),
- (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).

Soft landscape works shall include

- (h) planting plans
- (i) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- j) schedules of plants noting species, planting sizes and proposed numbers/densities.
- k) 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 adopted Leeds UDP Review (2006) policies GP5, N23, N25 and LD1.

- 44) 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 UDP Review (2006) policies GP5 and LD1.

- 45) a) No works shall commence until all existing trees, hedges, bushes shown to be retained on the approved plans 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 until a written arboricultural method statement for a tree care plan 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 adopted Leeds UDP Review (2006) policies GP5, N23 and LD1.

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

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

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

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

Appendix 2 – Conditions 12/03887/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) The highway approved under this application shall not be opened prior to the opening of highway approved under planning application 12/03888/FU or 12/05382/FU unless otherwise agreed in writing by the Local Planning Authority.

As the current Manston Lane is not of a sufficient standard in accordance with adopted UDPR policy T2.

- 4) Notwithstanding the details on the approved plans and prior to the commencement of development, full details of the design of the highway hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The highway shall be constructed in accordance with agreed details and be retained and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety and to ensure the optimum highway layout is delivered in accordance with adopted UDPR policy T2.

- 5) Prior to the commencement of development full details of the public transport infrastructure (including bus lay-bys, shelters and real time information systems) shall be submitted to and approved in writing by the Local Planning Authority. the agreed details shall be implemented prior to first use of the highway and be retained and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

To assist in ensuring an attractive public transport service is provided in accordance with adopted UDPR policy T2.

- 6) 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 adopted UDPR policy GP5.

- 7) 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 adopted UDPR policy GP5.

- 8) 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 adopted UDPR policies T2 and GP5.

- 9)
 - a) No works shall commence until all existing trees, hedges, bushes shown to be retained on the approved plans 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 until a written arboricultural method statement for a tree care plan 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 adopted Leeds UDP Review (2006) policies GP5, N23 and LD1.

- 10) Development shall not commence until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include
- (a) proposed finished levels and/or contours,
 - (b) boundary details and means of enclosure,
 - (c) car parking layouts,
 - (d) other vehicle and pedestrian access and circulation areas,
 - (e) hard surfacing areas,
 - (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),
 - (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).
- Soft landscape works shall include
- (h) planting plans
 - (i) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
 - (j) schedules of plants noting species, planting sizes and proposed numbers/densities.

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

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

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

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

- 12) A landscape management plan, including long term design objectives, management responsibilities and ten years 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 UDP Review (2006) policies GP5 and LD1.

- 13) Prior to the commencement of development for a phase an Ecological Protection & Enhancement Plan for that phase shall be submitted to and agreed in writing by the Council. 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 UDPR policies N49 and N51.

- 14) 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 adopted UDPR policy ARC6.

- 15) Development of a phase shall not commence until a scheme detailing 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 policies GP5, N39A of the adopted Leeds UDP Review (2006).

- 16) 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 UDPR policy N49.

Appendix 3 – Conditions 12/03888/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) The highway approved under this application shall not be opened prior to the opening of the highway approved under planning application 12/03887/FU unless otherwise agreed in writing by the Local Planning Authority.

As the current Manston Lane is not of a sufficient standard in accordance with adopted UDPR policy T2.

- 4) Notwithstanding the details on the approved plans and prior to the commencement of development, full details of the design of the highway hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The highway shall be constructed in accordance with agreed details and be retained and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety and to ensure the optimum highway layout is delivered in accordance with adopted UDPR policy T2.

- 5) Prior to the commencement of development full details of the public transport infrastructure (including any bus lay-bys, shelters and real time information systems) shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to first use of the highway and be retained and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

To assist in ensuring an attractive public transport service is provided in accordance with adopted UDPR policy T2.

- 6) 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 adopted UDPR policy GP5.

- 7) 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 adopted UDPR policy GP5.

- 8) 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 adopted UDPR policies T2 and GP5.

- 9) Notwithstanding the details shown on the approved plans, no development shall take place until a plan showing visibility splays of 2.4 x 90m for the access to Lazencroft Farm have been submitted to and approved in writing by the Local Planning Authority. The approved visibility splays shall be laid out to an adoptable standard prior to occupation and retained for the lifetime of the development.

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

- 10) a) No works shall commence until all existing trees, hedges, bushes shown to be retained on the approved plans 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 until a written arboricultural method statement for a tree care plan 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 adopted Leeds UDP Review (2006) policies GP5, N23 and LD1.

- 11) Development shall not commence until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include
- (a) proposed finished levels and/or contours,
 - (b) boundary details and means of enclosure,
 - (c) car parking layouts,
 - (d) other vehicle and pedestrian access and circulation areas,
 - (e) hard surfacing areas,
 - (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),
 - (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).
- Soft landscape works shall include
- (h) planting plans
 - (i) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
 - (j) schedules of plants noting species, planting sizes and proposed numbers/densities.

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

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

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

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

- 13) A landscape management plan, including long term design objectives, management responsibilities and ten years 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 UDP Review (2006) policies GP5 and LD1.

- 14) Prior to the commencement of development for a phase an Ecological Protection & Enhancement Plan for that phase shall be submitted to and agreed in writing by the Council. 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 UDPR policies N49 and N51.

- 15) 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 adopted UDPR policy ARC6.

- 16) Development of a phase shall not commence until a scheme detailing 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 policies GP5, N39A of the adopted Leeds UDP Review (2006).

- 17) 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 UDPR policy N49.

Appendix 4 – Conditions 12/05382/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) The highway approved under this application shall not be opened prior to the opening of the highway approved under planning application 12/03887/FU unless otherwise agreed in writing by the Local Planning Authority.

As the current Manston Lane is not of a sufficient standard in accordance with adopted UDPR policy T2.

- 4) Notwithstanding the details on the approved plans and prior to the commencement of development, full details of the design of the highway hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The highway shall be constructed in accordance with agreed details and be retained and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety and to ensure the optimum highway layout is delivered in accordance with adopted UDPR policy T2.

- 5) Prior to the commencement of development full details of the public transport infrastructure (including any bus lay-bys, shelters and real time information systems) shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to first use of the highway and be retained and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

To assist in ensuring an attractive public transport service is provided in accordance with adopted UDPR policy T2.

- 6) 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 adopted UDPR policy GP5.

- 7) 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 adopted UDPR policy GP5.

- 8) 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 adopted UDPR policies T2 and GP5.

- 9) Notwithstanding the details shown on the approved plans, no development shall take place until a plan showing visibility splays of 2.4 x 90m for the access to Lazencroft Farm have been submitted to and approved in writing by the Local Planning Authority. The approved visibility splays shall be laid out to an adoptable standard prior to occupation and retained for the lifetime of the development.

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

- 10) a) No works shall commence until all existing trees, hedges, bushes shown to be retained on the approved plans 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 until a written arboricultural method statement for a tree care plan 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 adopted Leeds UDP Review (2006) policies GP5, N23 and LD1.

- 11) Development shall not commence until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include
- (a) proposed finished levels and/or contours,
 - (b) boundary details and means of enclosure,
 - (c) car parking layouts,
 - (d) other vehicle and pedestrian access and circulation areas,
 - (e) hard surfacing areas,
 - (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),
 - (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).
- Soft landscape works shall include
- (h) planting plans
 - (i) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
 - (j) schedules of plants noting species, planting sizes and proposed numbers/densities.

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

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

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

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

- 13) A landscape management plan, including long term design objectives, management responsibilities and ten years 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 UDP Review (2006) policies GP5 and LD1.

- 14) Prior to the commencement of development for a phase an Ecological Protection & Enhancement Plan for that phase shall be submitted to and agreed in writing by the Council. 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 UDPR policies N49 and N51.

- 15) 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 adopted UDPR policy ARC6.

- 16) Development of a phase shall not commence until a scheme detailing 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 policies GP5, N39A of the adopted Leeds UDP Review (2006).

- 17) 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 UDPR policy N49.

Appendix 5 – Minutes of 9th August 2012 East Panel relating to Thorpe Park

Prior to consideration of these pre-application proposals, Councillor Nash and Councillor Wilkinson left the meeting

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

Officers presented the report which outlined pre-application proposals for the redevelopment of the remaining land at Thorpe Park Business Park, Junction 46 of the M1, in LS15

Details of the residential planning permissions granted in the Crossgates/Manston area were provided with Members being informed that in the case of the former Optare site and the adjacent Threadneedle site, phasing conditions had been implemented to control the amount of development which could take place before the Manston Lane Link Road (MLLR) was required to be built

Due to the strategic importance of the site locally and the city as a whole and the issues raised by the scheme, the proposals were being brought to Members at an early stage for comment, with East Leeds Regeneration Board and East Outer Area Committee also receiving a similar presentation and the opportunity for comment

The Panel then received a presentation on behalf of the developers

With reference to the consented scheme, Members were informed that this was a product of its time; the site was unwelcoming; lacked greenspace and amenities and facilities for the 4500 staff employed there. To attract new occupiers this shortfall in amenities had to be addressed as higher standards of staff welfare were now expected from large employers

The proposals were to create a sense of place; to create amenities; to stimulate demand and by doing so, to create 5500 – 6500 new job opportunities in a broader range than the predominantly professional jobs currently available on the site. A key part of the proposals was the delivery of the MLLR

As well as providing additional office accommodation, the site would also provide new retail opportunities, including food and drink uses together with a large – approximately 12,000 sqm - supermarket in one corner of the site which was considered to be the best location for this which would add to the offer on Thorpe Park and for local residents. A landscape and visual impact assessment of the proposals had been carried out and a decision had been taken to reduce the floor level of the foodstore to minimise its visual impact

A considerable amount of greenspace would be provided. The amount of Brown Moor to be retained would be enhanced with a central area of parkland connecting to this. The nearby Barrowby Woods would be respected in the scheme and good pedestrian links would be provided, including a new footbridge. A new public park to be known as ‘Green Park’ would be created, with the possibility of an additional hotel on the site to add to the increased leisure and recreational uses being proposed

Employment and training opportunities would be provided in the scheme and the creation of a successful Thorpe Park to the standard of a European Quality Business Park would reinforce the position of Leeds in the city region and could help to attract greater investment

Details of the level of consultation on the proposals was provided with Members being informed that 70 hours of face to face consultation time had been provided to supplement the letters and leaflets distributed across a wide area

Over 800 people attended the consultation events with considerable support being given to the proposals

In terms of timescale, dependent upon obtaining outline planning permission for the scheme, it was hoped to commence on phase 1 of the development in 2015

Members commented on the following matters:

- the proximity to the site of an existing supermarket and the future for this store
- whether a retail impact study had been carried out in the neighbouring wards
- the decision to site the supermarket away from the rest of the development and the reasons for this
- the need to guarantee jobs and apprenticeships for local people
- the need for early delivery of the MLLR
- the impressive images of Green Park and that such a new facility was welcomed
- car parking proposals and concerns that local residents visiting the site might park in the surrounding streets in order to easily access the pedestrian links to the retail areas
- that as sports pitches were being provided, some thought had to be given to ensuring visiting teams knew where to park
- whether discussions on the scheme had taken place with public transport providers
- that clarification of the route of the MLLR was needed, together with details about how this would be secured and how the financial contributions from other developments for the MLLR would be secured
- the concept of creating a European Quality Business Park, and that whilst the comments for the need for enhanced facilities for office workers on Thorpe Park could be understood, as could for example, the provision of a small convenience-type supermarket, the suggestion of introducing a large supermarket and bulky goods retailing would have an impact on other district and town centres
- the considerable policy objections to the proposals; the guidance contained in the NPPF which strongly defended the role of traditional town centres and concern that if a special case to deviate from policy was accepted on this site, similar applications would be brought forward on other sites

The following responses were provided by the development team:

- that in drawing up the proposals, 15 defined centres and been taken into account, 12 of these being local and that whilst there would be impacts, these were of a low order due to the catchment areas of the site and that a retail impact study had been carried out and had been submitted to the Council for consideration by its retail consultant
- in respect of the supermarket located close to Thorpe Park, if the current operator vacated, the unit would most likely be taken over by someone else
- that the location of the major foodstore had been carefully considered. As there was a move towards creating a sense of place and the provision of an urban grid, the decision had been taken to site the foodstore on the east side of the MLLR which would create minimal disruption to the street pattern and would enable more of Brown Moor to be retained

- that there was now a strong duty towards developments providing local employment and this scheme would seek to do this
- that concerns about increased on-street parking had been one of the issues raised by local residents throughout the consultation process and that whilst there was an acknowledgement of the need to carefully handle this issue, it was felt that the proposed centrally located multi-storey car park would address this issue
- that the point raised about visiting sports teams had not been considered but this could be managed by the provision of good signage and information to encourage use of the formal car parking areas
- concerning the delivery of the MLLR, a commitment had been made to deliver all of the MLLR in the first phase of development and although there were issues about the East Leeds Orbital Road linking in to the MLLR, that was a separate issue
- about how contributions to the MLLR from developers would be ensured, this might be dealt with corporately or through planning, with discussions taking place with all relevant parties and highways. In terms of third-party land issues, the possibility of the Council using its powers of CPO could be considered
- the MLLR would be provided, as previously approved with the only element of discussion on this being the possibility of some minor reorientations to the line of the link road and some possible impact on private land owners
- that the creation of a small district centre to serve the business park was not possible and would not be viable and that for a major improvement in the status of Thorpe Park and the possible benefits flowing from that, good shopping and leisure facilities were needed

In answer to the specific questions contained in the report for Members' comments, the following responses were provided:

- regarding the provision of a significant amount of retail at Thorpe Park, there were concerns relating to highways; the type and quantity of retail being proposed and how this would fit with policy requirements; the height of the supermarket and the fact that it was separated from the rest of the retailing; the need for Members to see the retail assessment and the demonstration of the special circumstances in this case to set aside policy. On this point, the question of whether retail being considered acceptable on the site was also raised
- Members considered that the approach of the concept/parameter plans and indicative masterplan for the site was beneficial
- that Members appeared happy with the nature and location of the open space on the site and how this linked through to Green Park
- that in respect of the proposed MLLR, that this should be delivered early in the scheme, if not before the start of the development and that building the MLLR per se would not be sufficient to deal with the increased traffic coming to the development from further afield
- concerning the proposed layout and facilities at Green Park, there was the need for the parking for the sports pitches to be located in Thorpe Park and that further information on the parking/access arrangements and the timescale for its delivery be provided at the outline application stage
- that a dangerous precedent could be set if policy was set aside to accommodate the proposals

- that other proposals were being considered in the area and that it would be necessary to have regard to the combined implications of any applications which were submitted

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

Appendix 6 – Minutes of 26th March City Plans Panel relating to Thorpe Park

Members considered a report of the Chief Planning Officer relating to four applications in respect of a mixed use development at Thorpe Park, together with proposals for the Manston Lane Link Road (MLLR), north to south and east to west

Plans, photographs, drawings and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day. The Panel noted that the former Plans Panel East had considered a preapplication presentation on the proposals for Thorpe Park at its meeting on 9th August 2012, with a copy of the minute detailing the discussions being appended to the report, for information

Officers presented the report which outlined the proposals for an increase in the levels of B1 office space and introduce 22,100 sqm of retail, including a large supermarket of circa 12,000 sqm together with 17,800 sqm of leisure uses including hotels and 3,200 sqm of food and drink uses, together with delivery of the MLLR. A large area – 30 acres - of POS would run through the centre of the site and be known as Central Park which would link to Green Park to the west of the site and Brown Moor to the east. The large supermarket would be sited on the east side off the MLLR and on Brown Moor. The centre of the site would see a mix of additional retail and leisure uses together with restaurants and the multi-storey car park. Paragraph 10.6 of the submitted report outlined that the principle of a large scale office-based business park was considered acceptable but that the current proposal included additional non-office uses that were not considered to be ancillary, therefore further consideration of these uses was required. Members were informed that Thorpe Park was a business park of its day and that the new owners were seeking to create a heart to the development, increased usage of the site and greater job opportunities. The delivery of the MLLR was a key feature of the scheme. On the north/south route, the MLLR would bridge the existing Leeds-York railway line, with the Council having an agreement up to March 2015, to bridge the railway line. This key date was one which the developer was working back from in terms of drawing up their proposals.

Retail assessments had been undertaken by consultants both for the Council and the developer. Whilst it was accepted that the proposals would have some impact on nearby centres, the extent of this was in dispute. As well as the impact on local centres of introducing the amount of proposed retail on the site, the impact on the city centre had also to be considered with a late representation having been received from John Lewis which would form one of the anchor stores of the forthcoming Eastgate and Harewood Quarter development.

The S106 considerations were outlined, with these being:

- delivery of Green Park
- delivery of the MLLR as far as necessary for this development, with the cost of works over and above being recovered from other developers who would benefit from the MLLR
- retail mitigation impact
- public transport contribution
- public access

- local employment, jobs and skills

Members were informed that a number of issues remained in respect of the current proposals, with these being outlined in the submitted report. Officers had put forward alternative proposals which sought to overcome some of these problems, these included a scheme providing a similar level of office use to that proposed but locating the supermarket into the heart of the development and providing a smaller level of retail use and introducing housing into the site. This proposal would remove the need for an extra roundabout which Officers were concerned about and would also have less of an impact on Brown Moor. A second, similar scheme had been drawn up by Officers which was similar to the first one but had reduced office space with this being replaced by increased housing, including the possibility of introducing some sheltered housing on the site.

The Chief Planning Officer provided further clarification of the issues associated with the proposals

- in terms of the retail position, this was currently subject to debate and the applicant's consultant was of the view that the impact of the scheme would be less than that suggested by the Council's consultant. Employment was a key consideration and the amount of jobs created through the scheme and possibly lost through its impact on existing centres and potential development in the City Centre had to be fully considered
 - that the high-end retail proposed for the site had drawn representations from Crown Point Retail Park, Hammersons and John Lewis
 - that the two proposals drawn up by Officers reduced the level of retail in the scheme, so there would be less of an impact. These proposals also helped address housing land supply
 - that currently office development on the site had stalled and there was a need for the MLLR
 - that in terms of traffic issues, that an evaluation of the impact of the scheme on Cross Gates and around the motorway junctions had not been completed, but that with the suggested alternative schemes there was better integration
 - that in drawing up alternative proposals, Officers were seeking a way to reign back all of the development whilst still providing a scheme which delivered the MLLR but without serious impacts elsewhere
- Members were then given the opportunity to ask questions on the information which had been provided and raised the following points:
- the retail impact mitigation, who would be offered compensation and the level of this
 - the introduction of sheltered housing on the site and where this would be located in view of the likely noise and disturbance from the retail uses
 - whether the Supermarket at Colton was overtrading
 - public transport and whether there were proposals for a rail halt in this location
 - if some housing was accepted on the site, how the phasing would work to ensure this did not become just a shopping centre with some offices

- whether other facilities would be included to support the sheltered housing which was being proposed
 - that in 18 years, only one third of the proposed offices had been constructed on the site, whether if retail was accepted in this location, further requests for more retail would come forward
 - where the profits were from the development which had already taken place on the site
 - whether the additional office space proposed by the developer would be built in view of the surplus office space which existed citywide, including some on Thorpe Park
 - the route of the MLLR and the cost of this
- Officers provided the following responses:
- that at this stage it was not known the level of retail impact mitigation and to whom this would be paid, that agreement would need to be reached on the retail impacts after which detailed discussions could commence on where the money was to be directed
 - that the introduction of housing on the site was an Officer proposal and had been presented to see if there was an appetite to pursue these options. In terms of location, the sheltered housing was likely to be in the central area where people could easily access the greenspace and shops
 - that the Supermarket at Colton was overtrading as were other operators in the area
 - in terms of public transport, discussions were continuing with Metro and that a consistent approach would be adopted. That the possibility of a new railway station at Micklefield was being looked at and when the Thorpe Park proposals were presented to Plans Panel East, that Panel favoured a park and ride scheme
 - in relation to phasing, it was expected that the first phase of the scheme would be the delivery of the food store and other retail which would provide the funding for early delivery of the MLLR and Green Park
 - that inclusion of sheltered housing was indicative at this stage but that there would be other facilities provided in the heart of the development e.g; cafes and restaurants and that if residential use was accepted on the site, then other facilities e.g. medical and community facilities would be expected to be provided and there would also be facilities in the nearby Northern Quadrant scheme
 - that Officers could not account for where site owners put their profits and that it was not possible to say with any certainty what the future demand would be for office use but that currently, on business parks, this was stagnant, although it was important to retain office capacity in attractive locations close to the motorway network. On the original scheme, the trigger for the delivery of the MLLR was when 93,000 sqm of the office development was occupied and this was a long way off being met, therefore an alternative way of securing the MLLR had been put forward that would ensure delivery in the first phase of development. Officers were suggesting there might be a case for an

exception to the retail policy, but care had to be taken and that a pragmatic approach which would provide something which would be acceptable, should be explored. The inclusion of residential uses on the options drawn up by Officers also addressed the shortfall of housing in the Garforth area due to the likely impact of HS2

- in terms of costs already incurred by the developer, £6m had been spent on providing the dumbbell roundabouts within Thorpe Park, J46 signals and works to the 'cracked egg' roundabout
- that the cost of the MLLR had been quoted by the developer as being £11m

Members then discussed the proposals and commented on the following matters:

- the need for sheltered housing to be located at the centre of a community and to be in easy reach of local facilities and shops but not next to a 24 hour large supermarket
- the need for a mix of uses and opportunities on the site was important but that the level of retail on the site must be addressed
- the proposed increase in office accommodation which was also seen as a town and city centre use in the NPPF, as was retail, leisure and food and drink uses
- the possibility of discussing an extension to the March 2015 deadline with Network Rail in respect of the bridge
- that this development could have a detrimental impact on the delivery of the whole of the Eastgate and Harewood Quarter scheme
- that the retail assessments showed the proposals would have a significant impact on existing retail centres with concerns that a domino effect could take place if shops in local centres began to close and that the offer to pay compensation was too vague
- that the site would be an appropriate location for housing and that a smaller retail centre might not be as damaging as the current proposals could be
- concerns that if the scheme was allowed in its current form, it could set a damaging precedent and was likely to result in further applications for retail use coming forward on the site in the future
- that the MLLR had to come forward at an early stage
- that the position of the developers could be understood if they had recently acquired the site and were not fully aware of issues connected with it
- the view that a different offer in terms of supermarket might be acceptable, i.e. on the lines of a French hypermarket, or even a flagship store for a local supermarket, but that what was currently being proposed could not be supported
- that a more modest retail scheme together with residential use, including sheltered housing should be considered and the need to ensure the scheme did not become a second White Rose Centre
- that more detail was needed, particularly on the impact of the scheme on Cross Gates and Garforth
- the possibility of increasing the level of residential use on the site by

also decreasing the level of additional offices proposed and that siting residential dwellings overlooking the park would be an excellent location

- an acceptance that some level of retail use was needed
- that 2015 was a critical year for the scheme, in view of the complex discussions which were had with Network Rail to agree this date
- that the suggestions put forward by Officers were interesting but that ultimately it would be the developer's application which Panel would consider and it was hoped that they had listened to Members' comments

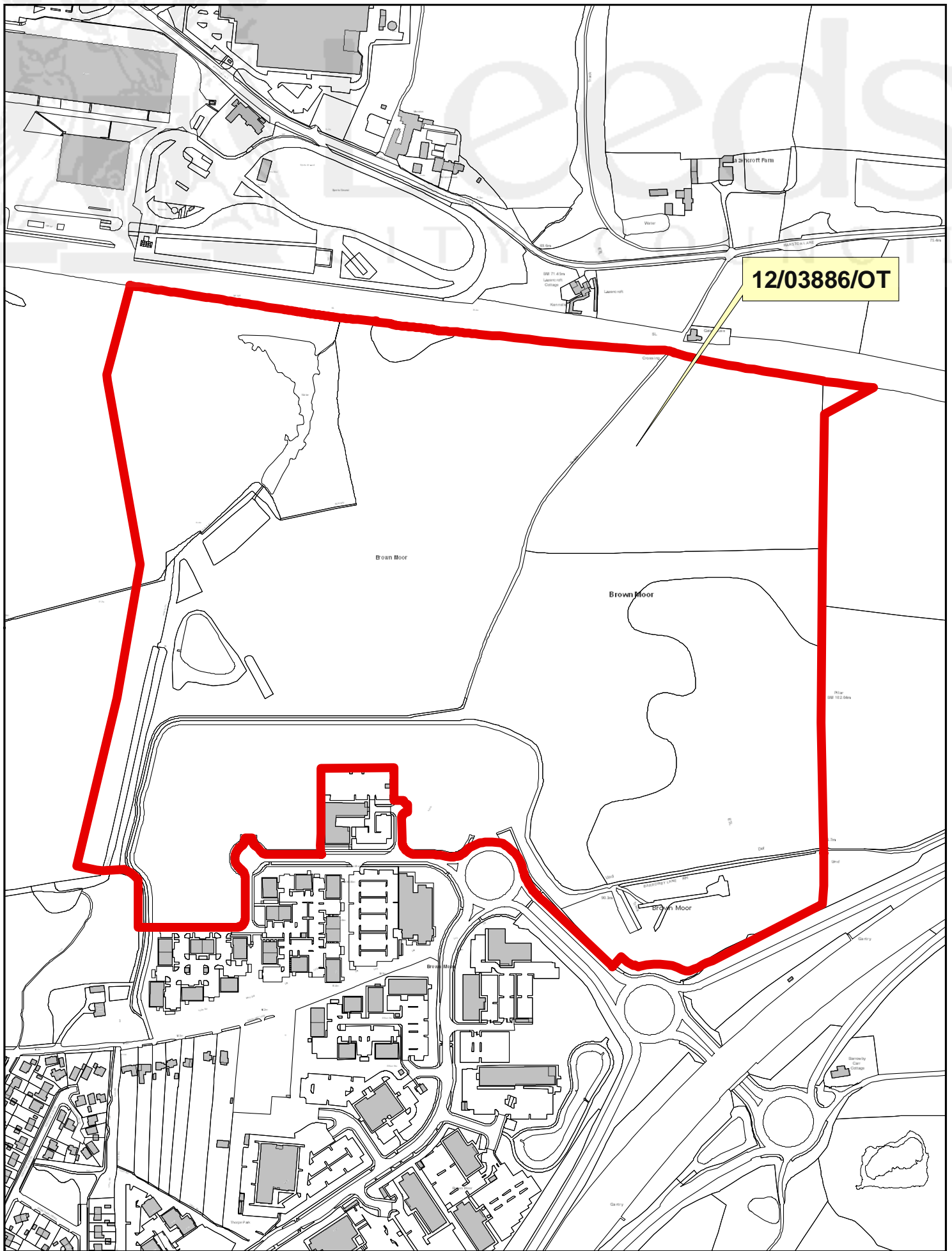
In addressing the specific points raised in the report, Panel provided the following responses:

- that Members shared Officers' concerns regarding the retail impact on local centre, Colton and the wider planning objectives for the Centre City and East Leeds, although some Members were willing to see a smaller retail scheme on the site. The Chief Planning Officer stated

that Officers were trying to steer a careful line between the impact of the development on viability and the delivery of the road and that more work was required on these issues

- that Members shared Officers' concerns regarding the impact of the proposals on the highway network including the areas in and around Cross Gates, the A63 'cracked egg' roundabout and junction 46 of the M1. Members also stated that the entire MLLR was required and that there was concern about piecemeal development
- that Members were supportive of the introduction of the MLLR to help alleviate traffic congestion in the area and the delivery of the rail bridge by March 2015
- regarding the new masterplan layout and maximum building heights, that little discussion had been given to this as the location of the proposed supermarket had raised many concerns, particularly it being sited on stilts and the impact of this location on Brown Moor
- concerning the exploration with the application of an alternative location for the foodstore, closer to the commercial uses, that if a smaller store was proposed and relocated, this could be brought back for further discussion
- that Members supported the principles set out in the S106 offer, particularly those relating to jobs and training
- that a viability assessment should be provided by the applicant in relation to the mix and quantum of development proposed (and alternatives) and the likely capital receipts for adjoining development sites and to the costs and timing of the delivery of the MLLR
- that Members support Officers in continuing discussions with the applicant to further consider the alternative proposals with reduced retail and traffic impacts, new housing provision and better integration of land uses

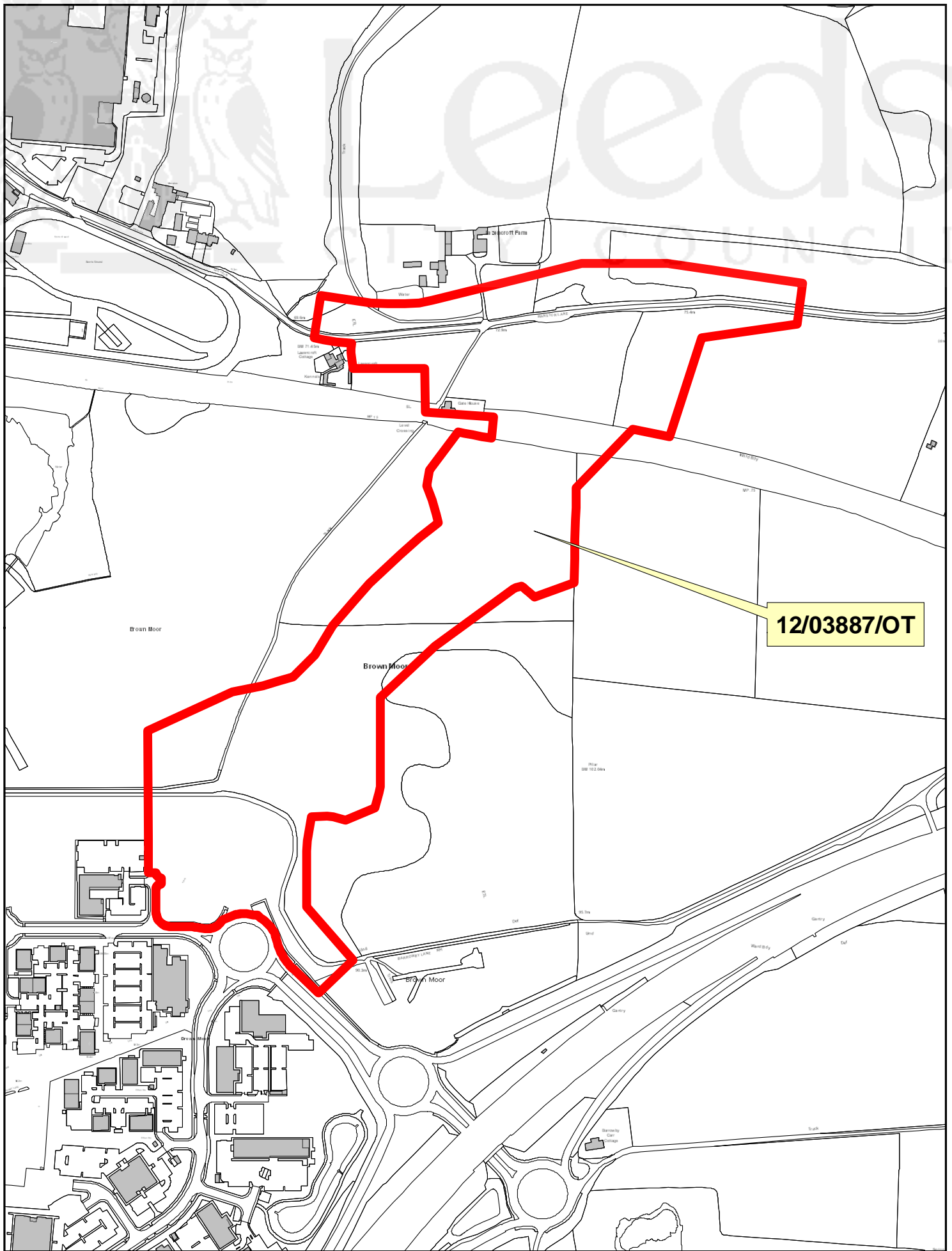
RESOLVED - To note the report and the comments now made.



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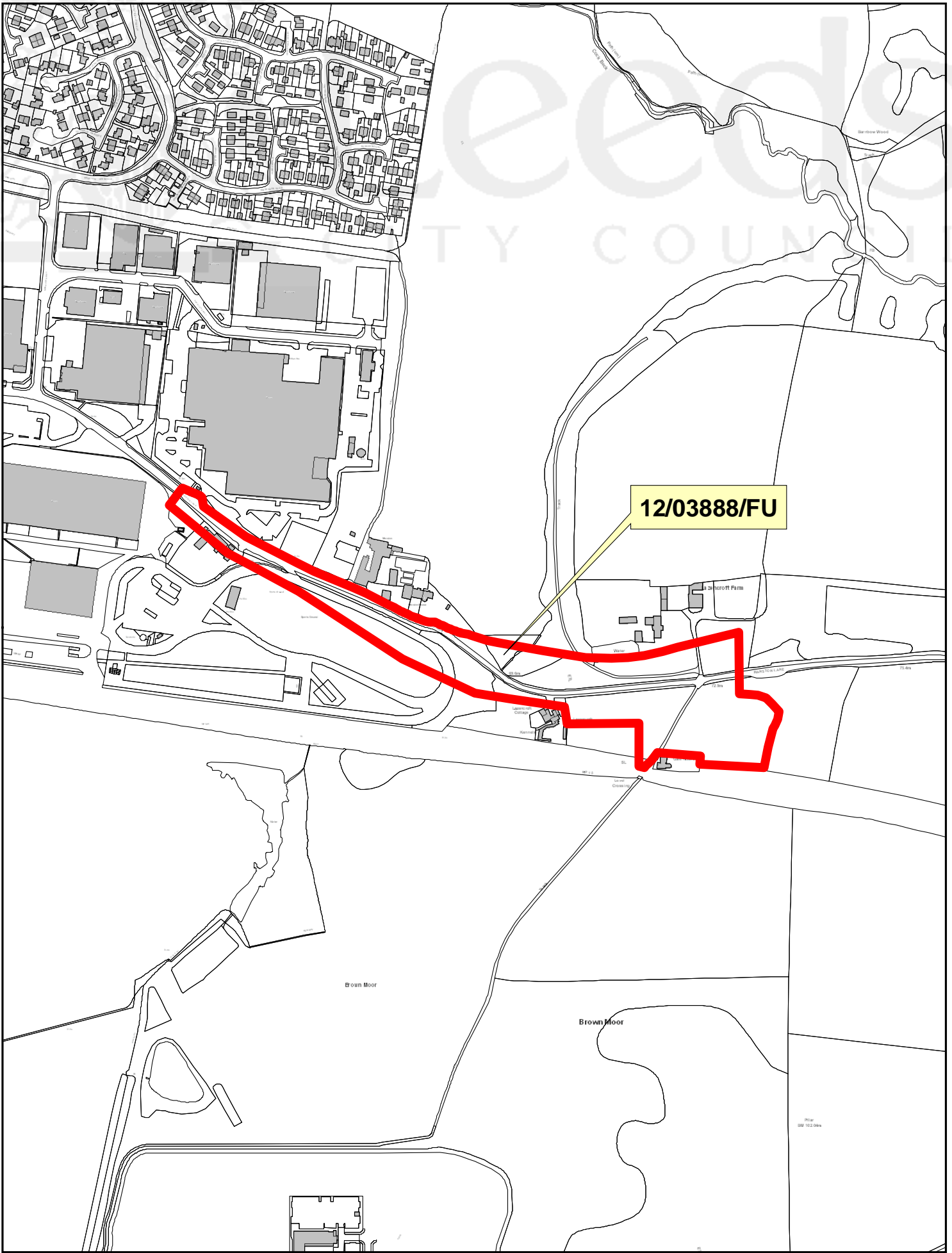
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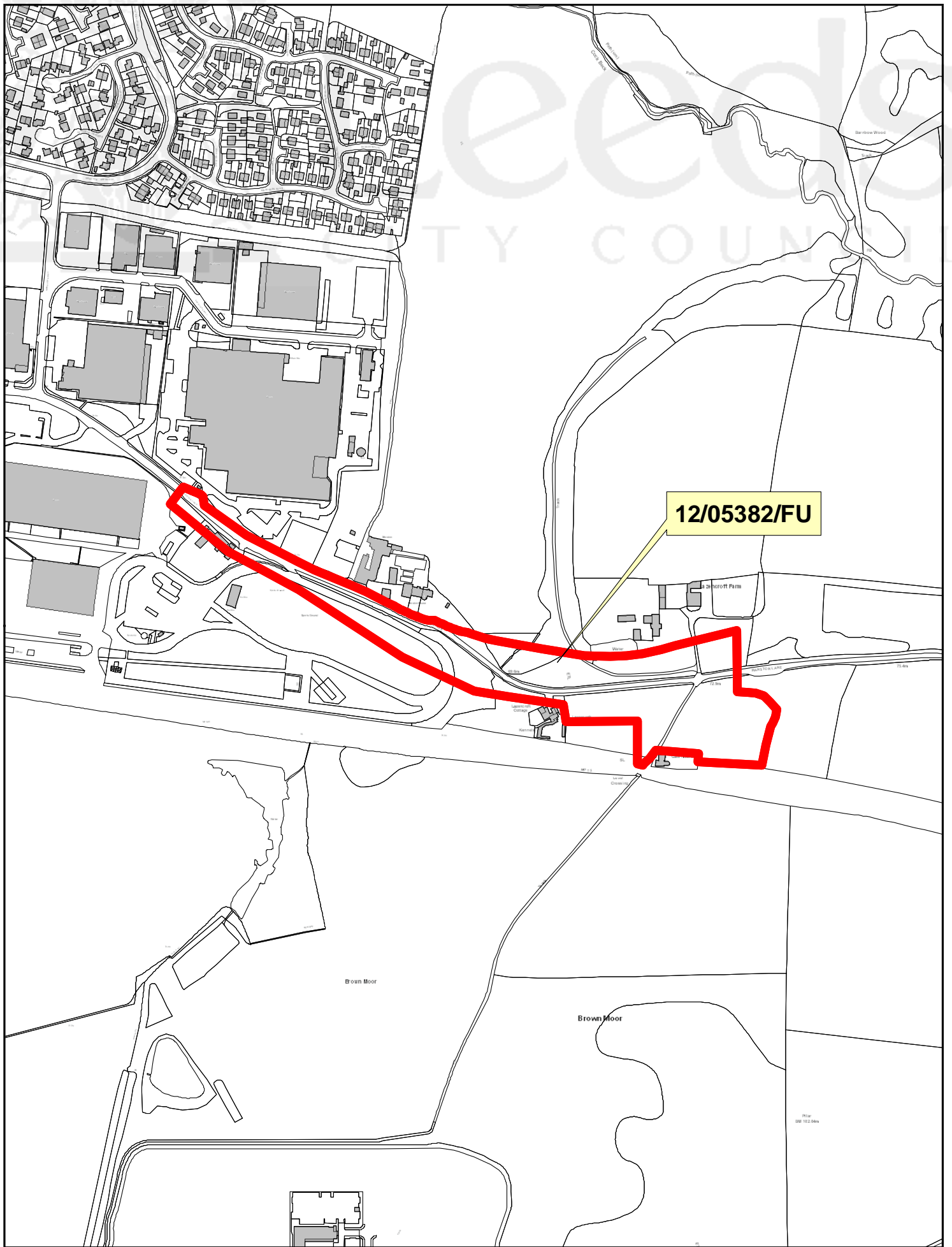




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