

Report of the Chief Planning Officer

City Plans Panel

Date: 10th April 2014

Subject: 13/04318/TWA Submission of the Transport and Works Act Order application for the New Generation Transport (NGT) Scheme – update from 17th October 2013 City Plans Panel meeting

Electoral Wards Affected:

Implications city wide, with direct Impact on Hyde Park & Woodhouse and City and Hunslet.

Yes

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Recommendation: Members are requested to consider this report and provide their further support in principle for the project and updated draft planning conditions following the various changes and revisions as set out below.

1.0 Introduction

- 1.1 The purpose of this report is to update Panel Members on the outstanding planning issues arising from the meeting of the City Plans Panel of the 17th October 2013 where Members were asked to comment on outstanding NGT issues. This followed an earlier presentation to Members of City Plans Panel on the 25th June 2013 where the full scheme was presented and discussed as well as draft planning conditions, the draft design statement and any other material matters were also considered.
- 1.2 Metro and Leeds City Council have worked in partnership to develop a high quality trolleybus system for Leeds known as NGT (New Generation Transport). The NGT project is seeking to provide a high quality transport system that will help to support the growth of Leeds' economy and improve the local environment by helping to address congestion. The first phase of the scheme comprises a 14km route from Holt Park in the North through Headingley and the City Centre to Stourton. Major park and ride sites will be provided at Stourton and Bodington.

1.3 Members resolved at City Plans Panel on the 25th June 2013 to:

i) Support in principle the draft planning conditions as previously set out, the draft design statement and the siting of sub-stations together with views on the planning issues identified in order to inform the progression of the Transport and Works Act Order application.

ii) To support in principle the completion of a S106 agreement, or other suitable mechanism, to provide local training and employment initiatives which arise from the construction, management and operation of these NGT proposals.

iii) To support proposals for taxi parking at Meadow Lane on a temporary basis only, as this land is required as part of proposals for the city park, as proposed in the South Bank Planning Framework, and a replacement permanent facility will need to be identified and provided.

1.4 Members resolved at the City Plans Panel on the 17th October 2013 to:

(i) That the Panel provides its support to the details of the project set out in the submitted report subject to the various changes and revisions and amendments to conditions set out in the above minute and continued dialogue with key affected groups

(ii) That with regards to the compulsory purchase of land owned by the Leeds College of Art that a visit take place prior to the next meeting and that a progress report on these proposals be submitted for Members' consideration;

(iii) That a progress report be received in relation to the effect of the trolleybus route on the access arrangements to the businesses on Pym Street

(iv) That the NGT team continues further dialogue with the groups as requested by the Plans Panel

1.5 City Plans Panel Members will be aware that since the scheme was reapproved in July 2012, further design work has commenced. It was intended that the promoters of the scheme finalise its design in February 2012. However there was a need to undertake further design changes due to the fact that part of the route is affected by the Government's High Speed Rail (HS2) proposals. As a consequence, a Belle Isle route is now proposed and a design window created a three months extension that has allowed more time for design refinement.

1.6 Panel Members should also be aware that Executive Board approval was granted on the 13th March 2013. This resolution was threefold to: -

i) To approve that a report should be presented to Full Council recommending the submission of the required Transport and Works Act Order (TWAO) and associated applications for NGT to the Secretary of State for Transport.

ii) To approve expenditure of £19.2m from within the existing Capital Programme to meet the Council's share in the development costs to progress the scheme to the start of the construction phase, subject to the Director of City Development and the Director of Resources receiving regular updates in relation to proposed expenditure throughout the development phase.

lii) To approve that the Council to enter into a Joint Venture Agreement with Metro for the development of NGT and authority for the Director of City Development to finalise the detail of the JVA in accordance with the Heads of Terms and, subject to the Council approving the submission of the TWAO, to take all such steps as may

be necessary or expedient to carry the Resolution into effect, including all those steps required for the Council to apply for and thereafter to promote the Order.

- 1.7 The purpose of this report is to simply update Members on the remaining issues arising from the 17th October City Plans Panel meeting as well as reporting any other material key changes to the scheme.

2.0 Background

- 2.1 The application for the TWAO was lodged with the Secretary of State on the 19th September 2013. As a result local advertisements and notices were issued which for a 42 day period enabled members of the public and other interested parties the opportunity to inspect the application and to make representations to the Secretary of State.

- 2.2 On the 5th February 2014 the council received a communication from the Department for Communities and Local Government to notify the Council that the application would be considered by the Secretary of State and a public inquiry is to be held. The inquiry is timetabled to start on the 29th April at 10.00am at Regus Office, 5th Floor, 2 Wellington Place, Leeds. The Secretary of State has appointed Mr M J Whitehead LLB BSC CENG MICE as Inspector to conduct the inquiry into this application. The inspector held a pre-inquiry meeting should under rule 8 of the Inquiries Rules. The meeting was held at 10.00am on Tuesday 4th March at the Metropole Hotel, King Street, Leeds. The purpose of this meeting was to principally discuss the practical arrangements for the inquiry, to set an inquiry programme and to clarify the scope of the inquiry.

- 2.3 The Transport and Works Act Order (TWAO) process incorporates an application to the Secretary of State for planning permission as an integral part of the application process. Applications for conservation area consent and listed building consent have been submitted to the Local Planning Authority and have also automatically been called in by the Secretary of State. These applications will be considered at the aforementioned public inquiry.

3.0 NGT Route

- 3.1 Previously presented plans show the proposed trolleybus routes being developed which includes a North Leeds, City Centre and South line route. When the trolleybus system is completed it will run from Holt Park in the north to Stourton in the south, linking with two Park-and-Ride sites. The trolleybus will operate in exclusive designated road lanes along more than 40 per cent of its 8.7 mile length. The current NGT proposals largely follow an alignment similar to that of the supertram scheme between the City Centre and a park and ride site at Bodington apart from the sections up to Holt Park and across Monument (Woodhouse) Moor.

4.0 ROLE OF THE LOCAL PLANNING AUTHORITY

- 4.1 The role of the Local Planning Authority, at this stage in the process, is as a statutory consultee and not as a decision making body as the legislative framework is set out above in the form of the TWAO. The planning application submitted within the TWAO is similar to an outline planning application and it will be determined by the Secretary of State. Draft planning conditions have been submitted with the application and these will be supplemented by the Secretary of State where appropriate. These conditions will reserve much of the detail for subsequent approval and discharge by the Local

5.0 Policy Context:

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

5.3 RUDP policies include:

GP5 refers to development proposals should seek to avoid loss of amenity.

N12 refers to priorities for urban design to be respected.

N13 refers to the design of all new buildings should be of high quality and regard to character/appearance of surroundings.

N18-N22 Conservation policies

T2 refers to development that should be adequately served by existing or proposed highways, capable of being served by public transport and have provision for safe and secure cycle use and parking.

T5 refers to safe and secure access for pedestrians and cyclists to new development.

T6 refers to satisfactory access to new development for disabled people and people with mobility problems.

T7A refers to secure cycle parking required in new developments.

T12 refers to new forms of public transport.

T13 refers to Supertram and protected routes.

T24 refers to car parking provision guidelines.

The route passes through or directly adjacent to the following areas designated within the Leeds Unitary Development Plan Review (2006):

Holt Park Local Centre (UDP Policy S2)

Bodington Park and Ride (T17)

West Park Conservation Area (N18-22)

Far Headingley Conservation Area (N18-22)

Headingley Conservation Area (N18-22)

Headingley Local Centre (S2)

Hyde Park Corner Local Centre (S4)

Woodhouse Lane / University Precinct Conservation Area (N18-22)

Leeds City Centre (CC2)

Queen Square Conservation Area (N18-22)

Leeds City Centre Conservation Area (N18-22)

South Bank Regeneration Area (adopted Planning Statement)

Eastern Riverside Conservation Area (N18-22)

Aire Valley Area Action Plan (R1)

Hunslet Neighbourhood Regeneration Area (R2)

Hunslet Local Centre (S2)

Stourton Park and Ride (T17)

- 5.4 The Submission Draft Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. The examination of into the Core Strategy commenced on the 7th October 2013. There has been no specific challenge to NGT through the Core Strategy transportation policies.
- 5.5 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 examination.

5.6 Emerging Core Strategy Policies

SP3: Role of City Centre (v) improving public transport links between the city centre and the rest of the district, (viii) improving connections between the city centre and adjoining neighbourhoods

SP4: Regeneration Priority Areas (includes Aire valley and South Leeds)

SP5: Aire Valley Leeds Urban Eco-settlement (the NGT extension to Aire is one of the schemes listed within the £1billion West Yorkshire Transport Fund, but obviously needs the phase 1 scheme first)

SP8: Economic development Opportunities (iv) improving accessibility to employment opportunities by PT, particularly in the city centre and Aire valley

Map 9 Key Elements of Leeds Transport Strategy which clearly sets out the NGT route from north to south

SP11: Transport Infrastructure investment principles (i) Public transport improvements (including future NGT extension to St James Hospital) and investment in a rapid transit system to increase radial route capacity to the city and town centres and to improve reliability together with the provision of Park and Ride facilities. (ix) transport improvements to connect to and from the Aire Valley Leeds development area

Key Diagram - This sets out the NGT route and illustrates future extensions

CC3 Improving connectivity between the City centre and neighbouring communities

Map 11 Emerging City Centre transport Strategy – NGT route clearly shown

5.7 Local Transport Plan 3

5.8 The West Yorkshire Transport Plan for 2011 to 2026 (WYLTP3) sets out the strategy for the delivery of the local transport system for the period up to 2026. Within the context of the WYLTP3, the Leeds City Region Transport Strategy and the Vision for Leeds there is the need to secure the promotion and delivery of a fully integrated transport system for Leeds, which includes a high quality public transport system. The 'Enhancements' programme of the WYLTP3 includes strategic and public transport schemes across West Yorkshire including the further development of major schemes (Leeds New Generation Transport System, a new entrance to Leeds Rail Station and new stations at Low Moor and Apperley Bridge)

5.9 NGT helps with the LTP3 key 'Delivering Accessibility' objective to improve access to jobs, education and other key service

5.10 West Yorkshire Plus Transport Fund

5.11 The City Deal with Government was confirmed in July 2012. As well as changes to governance arrangements (establishing a Combined Authority) and rail devolution,

this also includes an intention to establish a £1 billion fund to invest in transport over the next decade. In March of this year the Integrated Transport Authority published the list of schemes that would be funded by this fund. High on the list was the expansion of the initial NGT network to provide a core rapid transit network for West Yorkshire. This could include further modern trolleybus schemes or tram-trains

5.12 National Planning Guidance

5.13 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and sets out the related planning considerations. The NPPF states that unless material considerations indicate otherwise development proposals which accord with the Development Plan should be approved. The NPPF identifies a presumption in favour of sustainable development and good design.

5.14 In particular NPPF paragraphs 6, 7 and 8: planning policies with a transport aspect, like other planning policies, should contribute to sustainable development and make simultaneous economic, social and environmental gains. NPPF paragraph 29: 'Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives.'

5.15 Policies to reduce carbon and pollution emissions and support the transition to a low carbon future

Based on:

NPPF sustainable development paragraph 7, Core Planning Principle paragraph 17: 'support the transition to a low carbon future in a changing climate' and paragraphs 30, 94, 95 & 156.

5.16 Policies to reduce the need to travel

Based on:

NPPF paragraph 34: 'Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.' and paragraphs 37, 38, 58 & 70.

5.17 Policies to promote sustainable transport and alternatives to the car and provide transport choice

Based on:

NPPF core planning principle paragraph 17: 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling' and paragraphs 29, 30, 32 & 35.

6.0 Response to the issues arising from City Plans Panel dated 17th October 2013

6.1 Leeds College of Art - Member issues raised

6.2 A Plans Panel site visit took place on the 21st November in which a number of issues were raised and are listed below.

6.3 A major concern raised by Members was the impact of the highway works at the junction with St Mark's Road / Woodhouse Lane on the front entrance to the College. Members were clear that the amount of space left outside the front entrance area was not acceptable as currently proposed for a major educational institution. Members indicated that the junction needs to be re-examined. Members

also raised the width of St Mark's Road and that it appears excessive given its function and questioned whether or not by reducing its width it would create more space outside the College. On site it was also noted by Members that it is not clear whether the access road and turning head serving the two remaining properties on Woodhouse Lane, on the other side of St Mark's Road, needs to be retained once these are demolished. Members raised the issue of whether or not this could possibly create some more space.

- 6.4 Members also considered that the land take on Blenheim Walk was excessive. Members felt that if the retaining wall is being kept in its existing position then the trees inside the wall and the terrace should be retained and not disrupted and the project will need to work round this.
- 6.5 Members also raised an issue with a set of steps off Blenheim Road which serve a secondary exit which is used from time to time and is a fire exit from the building. Members observed that the lower steps seem to come within the zone affected and raised concerns as to what the impact this would have upon this access. The Panel sought assurance that there is a solution here which means the College can continue to operate and that their entrances / exits are not adversely affected.

NGT Response

- 6.6 Metro and Leeds City Council officers met with Leeds College of Art (LCA) on 30 October 2013, 17 January 2014 and 13 March 2014. At the last meeting the Promoters tabled a revised technical plan for the area outside the Leeds College of Art which reduces the land take on the LCA. The LCA are now considering their position.
- 6.7 This revised design option for the St Marks Road / Woodhouse Lane / Blenheim Walk junction provides increased forecourt space between the northwest side of the College of Art building and the proposed carriageway by realigning St Marks Road. In order to achieve this realignment part of the access road and turning head which serve the two remaining buildings on Eldon Terrace are to be used. The current design option takes as much land on the northwest side of St Marks Road, in the vicinity of the access road, as is available within the TWAO limits. These amendments have been achieved through reviewing the traffic flow through the junction, which has enabled a northbound right turn lane to be removed. It should be noted that this design option for the junction still retains all current turning movements and also reduces the impact of the scheme on the Leeds College of Art site. As a result of the revised plan the scheme has;
- No direct impact on the College's external dining area;
 - No direct impact on the College's external steps to the secondary entrance; and
 - A larger area outside of the College main entrance than previously proposed, although it is recognised that the area is still smaller than currently exists.
 - Greater frontage area to the College than existing on St Marks Road
- 6.8 The Art College have concerns regarding the increase in traffic and one of these concerns relates to the noise increase from traffic: As part of the Noise and Vibration assessment for the Environment Impact Assessment a series of over 70 monitoring stations were set up along the proposed NGT route to record existing baseline noise levels and included a monitoring directly outside the Leeds College of Art main entrance. Baseline monitoring was undertaken 14th May 2013 showing current noise levels of between 66.8 and 72.2dB (averaged over 15 minutes). The maximum recorded noise peak at this location over the period was 102.6dB. This demonstrates the already relatively noisy environment at this location.

- 6.9 With regards to NGT construction, the College of Art was not specified as a sensitive receptor in the Environmental Statement (the majority of sensitive receptors are residential properties), however it is clear from other results and the scale of work proposed that the increase in noise during the construction phase will be in excess of the 5db considered to be significant. The Code of Construction Practice has limited noise levels to 65dB LAeq over any hour at any 'hospital, school, college or teaching facility during operational times of those establishments. The ES concludes that with the mitigation measures in place, as set out in the Code of Construction Practice, and given the transient nature of construction works that the impacts will not be significant at any point on the route.
- 6.10 Increases in traffic flows on Blenheim Walk, as a result of introducing a public transport / access corridor on Woodhouse lane, would result in increased noise levels on Blenheim Walk and St Marks Road. The ES considers this to be a 'moderate adverse' impact (3db increase averaged across 18 hours) in the short term on the Blenheim Walk external frontage of the LCA. The Promoters are investigating whether any further noise mitigation measures are required.
- 6.11 The Leeds College of Art also objected on principle of the Percival Street / Vernon Street parking arrangements. These issues are resolved in principle and NGT will withdraw the CPO powers relating to that area. Since the 17 January, the Promoters have continued to develop the NGT plan in the vicinity of the College of Art and on the 12th March the Promoters presented both a finalised technical design plan and also an accompanying landscaping and urban realm enhancements plan. These show proposals in the NGT scheme which could complement the College in the area of their main entrance, including a simpler and more direct layout for pedestrians at crossing points and also two metre wide footways which would allow for wider footway provision at key locations. A plan is appended (Appendix 1) showing the change to the College of Art arrangements since last presented to Plans Panel in October.
- 6.12 It is recognised that even with the amendments to the plans, the NGT proposals will continue to cause concern to the College as a result of the increasing traffic levels outside of the college building; however, the principles of the changes in traffic proposals outside of the College have remained broadly in-line with the original Supertram proposals. Metro and Leeds City Council are keen to continue the open dialogue with the College and a further meeting is being arranged.

6.13 Pym Street - Member issues raised

- 6.14 Pym Street is a small industrial/business access road and at its western end a junction is formed with the A61 Hunslet Road which is a left-in left-out arrangement; with right-turns prohibited by the continuous central reserve of Hunslet Road. At its eastern end Pym Street can be accessed via Donisthorpe Road from South Accommodation Road, and via Donisthorpe Road and Forster Street from Hunslet Road. Pym Street serves a number of businesses along this section of the highway.
- 6.15 In summary, the NGT proposals as presented on the 17th October would affect the current access arrangements to Pym Street as the junction of Hunslet Road would be closed (Pym Street is currently left in, left out only). This was objected to by commercial operators in the vicinity because they would no longer have direct access off Hunslet road and would be unable to attract passing trade. In response Plans Panel requested that NGT demonstrate that further options have been examined and discussed with the businesses affected.

NGT Response

- 6.16 In response the scheme has commissioned a traffic capacity model and developed/ appraised six high-level options concluding in an advice note, to ensure that this issue is appropriately investigated. Note: A manual classified turning count carried out on Thursday 18/7/13 identified a total of 76 vehicles entering and 183 vehicles exiting Pym Street via Hunslet Road over a 12hr period from 07.00 – 19.00. A meeting was held on site on 12th November 2013 with Pym Street business representatives to discuss these 6 concept options. At that meeting it was understood that certain options should be discounted on road safety grounds whilst others would be subject to further work, in particular to consider capital costs and junction capacity.
- 6.17 This resulted in three main options being reported back to the businesses at a meeting on 21/01/2014 and taken forward for detailed consideration. A further meeting took place on 26/03/14 where the preferred option of retaining the left turn into Pym Street was tabled. This would be provided using signals and realignment of Hunslet Road to create a left turn lane. This provides signal controlled access to the business site from Hunslet Road and would not impact on NGT run times and reliability. The NGT Promoters consider that this option mitigates the scheme impact and addresses the principle concern of the objectors relating to maintaining access for pass-by trade. The amendment has been approved by the NGT Project Board and is now reflected in the updated and newly issued technical drawings as appended (Appendix B). Businesses have indicated their support for this option but would prefer in addition a new right turn facility from South Accommodation Road onto Donisthorpe Street (as set out below). This junction lies outside of the TWA Order limits and the NGT team are currently investigating the design, cost and mechanism for undertaking this further work within the scheme. Two further options were also considered which were;
1. The realignment of NGT to run down the central reserve of Hunslet Road. This would require significant junction remodelling and this proposal adversely impacts on NGT and local highway operation. It also would not allow for the landscaping strip along the middle of the road as currently proposed by NGT and so would result in worse visual impact. It would also result in significant utility diversions of diversions carried out under previous highway schemes in preparation for supertram and NGT proposals. This would be the businesses preferred solution however this solution is unaffordable and is not being promoted.
 2. Additionally Pym Street remains shut but provides a new right turn from South Accommodation Road into Donisthorpe Street. Although the businesses raised the provision of a new right turn. It is likely that they would not agree to this solution as the only mitigation.
- 6.18 A further meeting with the objectors is being set up to finalise the agreements.

6.19 Update on planning conditions

- 6.20 A number of statutory consultees have made suggested changes to the planning conditions submitted with the TWA Order. In addition minor changes were suggested by the Council's City Plans Panel at the meeting on 17th October 2013. The planning conditions have been updated to reflect these proposed changes. The changes proposed by statutory consultees are as follows:

The changes proposed by statutory consultees are as follows

- West Yorkshire Archaeology Service: WYAS has submitted new wording to reflect more recent WYAS condition wording. A plan is included indicating areas that WYAS recommend for further investigation.
- Natural England: propose a condition to cover bat mitigation and monitoring strategy.
- Sport England: suggest new conditions
- Environment Agency: suggest four new conditions.

The changes proposed by the City Plans Panel on 17th October 2013 are as follows:

- Headingley Lane new public open space: “The proposed condition 7 relating to the landscaping scheme should list the new public open space”
- Lighting behind the Arndale Centre: “the proposed condition 13 relating to lighting should specify the area behind the Arndale Centre”.

6.21 The updated suite of proposed draft conditions are appended (Appendix 3) with changes and proposed new draft conditions underlined. In assessing these conditions, it is considered that the tests set out in the PPG have been satisfied.

7.0 Conclusion

7.1 Leeds City Council and the West Yorkshire Passenger Transport Executive (Metro) are promoting a trolleybus scheme from Holt Park to Stourton. New Generation Transport (NGT) is one of the city's key transformational projects. The trolleybus system will be an integrated rapid transit network for Leeds that supports the city's future development, transforms public transport and offers a real and attractive alternative to car travel.

7.2 NGT will be a high quality accessible and energy efficient transport system that offers passengers improved journey times and a frequent, reliable service. It will connect people to key employment sites, education, health and leisure facilities and will act as a catalyst and driver for Leeds and the City Region's economic growth and regeneration.

7.3 In response to the previous Member issues identified above, significant design changes and mitigation measures are now proposed in order to help improve and minimise against any adverse harm the proposals may have along these two sections of the route.

7.4 A full set of annotated plans which show the design changes that taken place since the previous Plans Panel will be on display to Members of City Plans Panel.

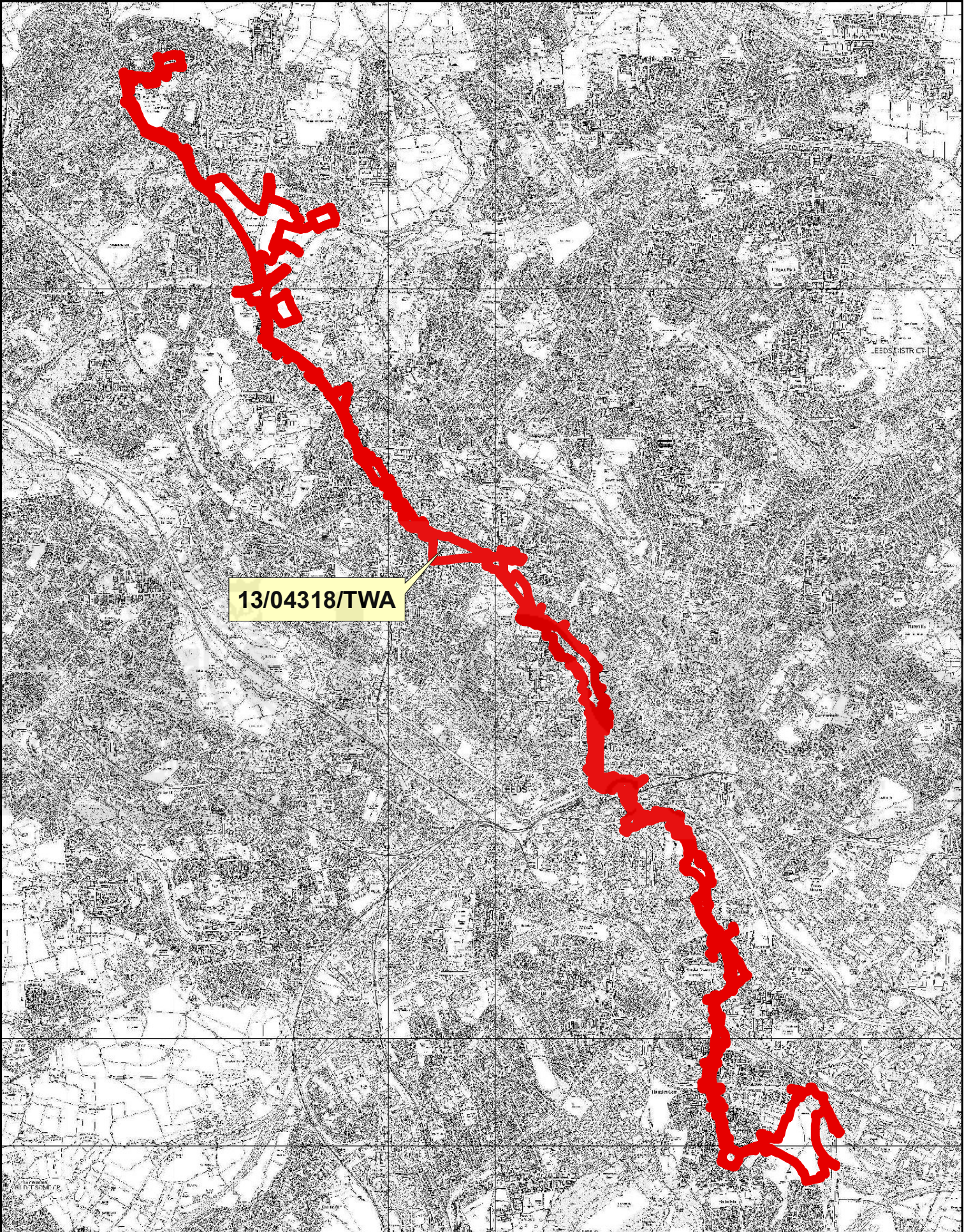
7.5 Background Papers:

7.6 City Plans panel reports of the 25th June and 17th October 2013.

Appendix 1 – Leeds College of Art

Appendix 2 – Pym Street

Appendix 3 – Draft revised conditions



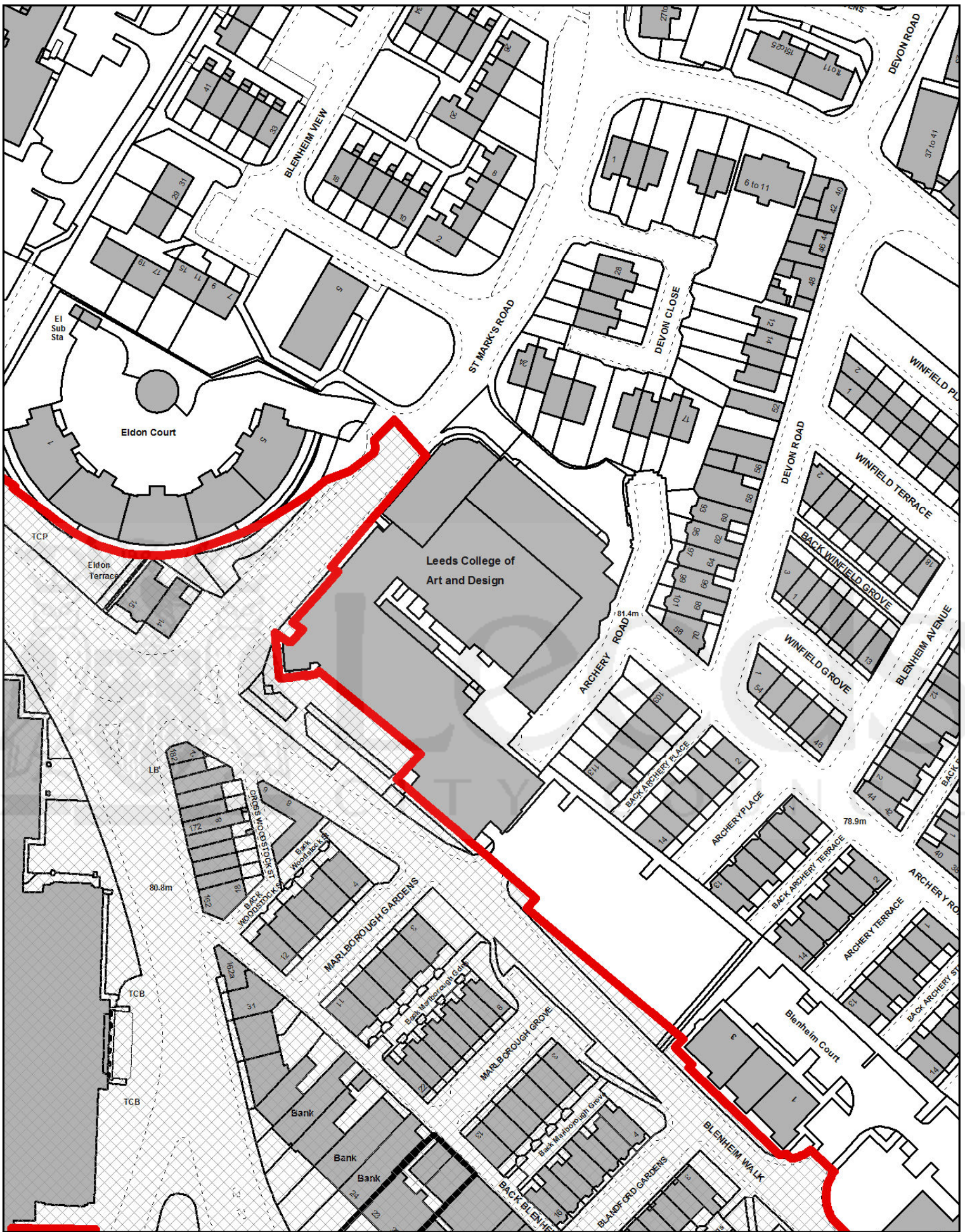
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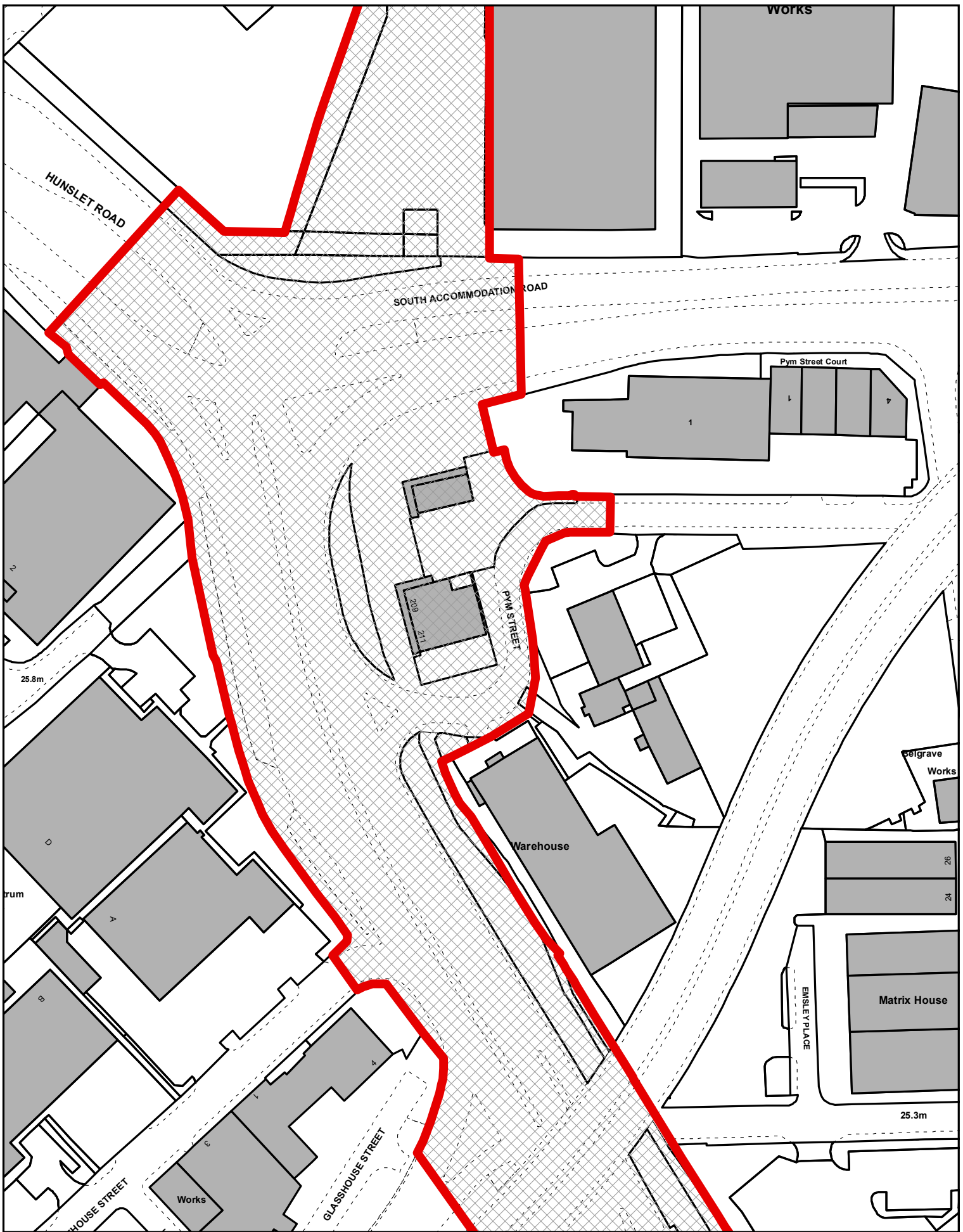
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