
Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 20th November 2014

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

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

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

APPLICANT: Thorpe Park
Developments

DATE VALID:
14/05481/OT – 24/09/14

TARGET DATE:
14/05481/OT - 24/12/14

Electoral Wards Affected:

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

☐ Yes

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

14/05481/OT – For Members to note the contents of the report and to provide feedback on the questions raised in section 10

14/05483/FU – For Members to note the contents of the report and to provide feedback

on the questions raised in section 10

14/05484/COND - For Members to note the contents of the report and to provide feedback on the questions raised in section 10

1.0 INTRODUCTION

- 1.1 In 1995 planning permission was granted for approximately 65 hectares of land known as Thorpe Park as a key business park, reserved for offices (B1). In 2004 the quantum of approved floor space was subsequently increased from 1.2million ft² (111,500m²) to 1.8m ft² (167,225m²) through the variation of the condition controlling the floorspace restrictions. To date, just over of 600,000 ft² (55,740m²) of office accommodation has been built out in addition to a hotel, a medical centre and some small supporting food uses. The development was also ultimately intended to facilitate various access works, significantly including the delivery of the Manston Lane Link Road (MLLR).
- 1.2 In September 2013 City Plans Panel considered detailed proposals for the MLLR and an outline application relating to the balance of land at Thorpe Park proposing a mixed use development which significantly included a large proportion of retail. The Panel resolved to approve these applications and the decision notice relating to the outline was formally issued in March 2014 following completion of the S106. Approval of the new outline application was an important step in developing a new masterplan for Thorpe Park, which would better reflect the type of business space and other amenities required by occupiers and employers. The broader mix of uses was also intended to help secure the early delivery of the MLLR with the retail component being accepted as enabling development facilitate this.
- 1.3 During the consideration of the new outline application, the potential to introduce some residential was discussed and whilst the applicant was receptive to this general suggestion, timescales were such that rather than delay the current proposals due to the requirement to revisit large parts of the current submission, a commitment was given to progress this option separately once the main outline permission had been granted. The current applications therefore comprise of the applicant's commitment to introduce some housing into the general mix of uses proposed at Thorpe Park.

2.0 PROPOSAL:

- 2.1 In simple terms and following Members request the above applications are interrelated submissions which seek permission for a residential and mixed use development (including office and other commercial i.e. retail) of up to 300 dwellings at Thorpe Park, together with a revised masterplan and landscaping details. All matters are requested to be reserved, other than for access. Access is proposed via a single access from a proposed signalised junction from the MLLR. This junction would effectively replace one of the roundabouts on the MLLR as currently approved.
- 2.2 The outline planning application covers the northern development zone B of the most recently approved Thorpe Park masterplan. The red line application boundary also includes what is termed 'Central Park', which is an important landscaping and open

space feature running east to west across the site, and which contains attenuation/balancing ponds. Consequent changes are sought to the masterplan, and changes to the balance in the quantum of uses are also proposed (to reflect the introduction of the housing element) as follows:

- 2.3 The proposed introduction of residential results in the need to amend the quantum of floor space previously agreed. Essentially the housing would replace some of the B1 office accommodation originally planned. The breakdown of uses (both existing and now proposed) is set out in the table below:

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

3.0 SITE AND SURROUNDINGS:

- 3.1 The proposals under consideration relate to the northern half of the employment allocation that totalled approximately 65 hectares. The site is located to the south of the Leeds-York railway line and Manston Lane, west of the M1 (junction 46), north of 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.
- 3.3 Manston Lane to the north includes primarily industrial and commercial premises but there are a limited number of long established residential properties and many new dwellings under construction.
- 3.4 Thorpe Park is allocated as employment land and a 'key business park' in the UDPR. It forms a key part of the Council's employment land supply and provides an attractive regionally significant business park. The land to the west is allocated as Proposed Open Space and to the east is the Green Belt. The UDPR designates a new cycle route running north-south through Thorpe Park and a scheduled ancient monument, Grims Ditch, is located to the immediate west of Thorpe Park. There is a group of protected trees on the western boundary of Thorpe Park and a small copse within the centre of the application site.

4.0 RELEVANT PLANNING HISTORY:

Thorpe Park:

- 4.1 32/199/94/OT – Outline application to layout business park, Green Park and access roads - Granted 04/10/95. This relates to the original outline permission and allows for up to 1.2million ft² (111,500m²).of office floorspace.
- 4.2 32/9/96/FU – Full permission for the Manston Lane Link Road, approved 20/05/96 and renewed in 13/11/01 by application 32/66/01/RE.
- 4.3 32/140/96/FU – Variation of condition application to allow up to 1.8m ft² (167,225m²) of office floorspace to be provided – Granted 31/03/04 4.3 Connected to the above permissions is a Section 106 agreement which requires the applicant to undertake various off-site highway improvement works to achieve satisfactory points of access from the A63 and M1 motorway (these works have been completed), to provide Green Park (via a series of trigger points) and the delivery of the MLLR which is triggered following occupation of 1million ft² of office accommodation.
- 4.4 06/05310/FU – Application to vary various conditions attached to the MLLR scheme so as to allow details to be agreed as and when phases come forward rather than everything at the outset – Granted 21/11/06.
- 4.5 12/03886/OT: Outline application for major mixed use development, approved 20/03/14.
- 4.6 12/03887/FU, 12/03888/FU, 12/05382/FU: Application for the north-south and east-west links of the MLLR, approved 28/10/13.
- 4.7 12/05150/LA - Formation of public park, playing pitches, park and changing rooms on land to west of Thorpe Park, approved 26/02/14.
- 4.8 14/01216/FU - Detailed application for the Manston Lane Link Road (North - South Route), approved 14.07.14.
- 4.9 14/02406/COND – Revised Masterplan relating to the approved application (12/03886/OT) for a major mixed use development at Thorpe Park – approved 27/06/14.
- 4.10 14/02488/FU – B1 Office building at Thorpe Park (Surgical Innovations Building) – approved 04/07/14.

Manston Lane applications:

- 4.11 08/00298/OT – Outline application for residential development of up to 256 units at Optare, Manston Lane, Crossgates – approved 15/11/12. A section 106 agreement requires the development to be phased with only the first of two phases permitted to be delivered prior to the upgrading of the MLLR. The reserved matters application for 204 units, 13/00288/RM, was approved 19/06/13. The first phase of development is nearing completion.
- 4.12 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 is currently under construction.

- 4.13 O9/04999/OT – Outline application for residential, employment, health centre, retail and ancillary uses and community building at the Barnbow site – Undetermined.
- 4.14 14/02514/OT – Outline application for 385 dwellings and retail and full application for 100 houses at the Barnbow site – Under consideration.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Following submission of the application officers have met regularly with the applicant to discuss improvements to the housing layout, masterplan and landscaping proposals, including Central Park. These discussions are on-going.
- 5.2 Members of the Outer East Area Committee have been updated regarding the current applications and the East Leeds Regeneration Board recently received an update on 02/10/14 and noted the position.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Application reference 14/05481/OT, was advertised by way of site notices on 03 October 2014 and an advert in the YEP on 23 October 2014.
- 6.2 In response to date one letter of objection has been received from Cross Gates Watch Residents Association (CGWRA). It raises concerns in respect of the housing proposals that a considerable amount of housing has already been approved, or is in the pipeline, along Manston Lane (Vickers and Optare totalling 891 homes), and that the application more. Concerned the local highway network barely copes at present and that whilst the link road will reduce heavy good traffic coming from the east, this will be outweighed by traffic generated by the approved and proposed residential developments, and that parking in Cross Gates is at saturation point.
- 6.3 CGWRA also express concern about a lack of local infrastructure to serve a housing development leading to the proposal becoming a dormitory and not communal living space, with a lack of schooling, health and a range of local services, and makes specific reference to distances to facilities set out in the 2014 Travel Plan. Concern is raised that there is a heavy reliance on facilities in the Cross Gates area some 2km from the development and that some of these facilities (such as doctor and dentist surgeries) are oversubscribed or reaching saturation point. They go on to say that any evaluation of traffic levels, parking requirements, and impact on air quality must extend to the impact on Cross Gates, and that any reliance on facilities in Cross Gates must be supported by evidence that these facilities can cope.
- 6.4 CGWRA point to the fact that the site is not allocated for housing and that UDPR policies identify a shortfall of office development, referring to the sites employment allocation. CGWRA go on to precise the evolution of the wider site over a 20 year period, in terms of the balance of uses, making the points:
 - Substantial amount of onsite parking is associated with the supermarket development

- The floor area of the development was increased by 28374 sqm when the retail and leisure concept was introduced in 2012
- There is a shortfall of 27868 sqm of office development due to the introduction of housing with a consequent loss of deliverable employment opportunity in the area
- Manston Lane area has already seen a loss of employment from the Optare and Vickers sites (now being used for housing)
- There is no over-supply of employment opportunities in the area
- Uncertainty over the mixed use element in zone B
- Leeds has a 5.8 year housing land supply as at 01st April 2014, and Manston Lane currently has 891 units built or in the pipeline, representing 8% of the five year requirement
- Concern over coal extraction and implications for the foundations of dwellings – opposing any extraction in zone B
- Concern over the positioning of the housing development adjacent to the railway line
- Concern over the narrowness of the landscaping area to the south [Central Park] with potential hazard to children from the proposed ponds
- Traffic impact from office development is very different to that of a housing development and the flow of traffic from a residential development is more likely to use the local network (Manston Lane) for day-to-day requirements.
- Removal of coal should be the subject of EIA and guarantees sought that all work will be via J46 of the M1 via the yet to be constructed MLLR.

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

7.1 Statutory:

7.2 Highways Agency: No objection.

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

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

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

7.6 Network Rail: Objection to the residential element, due to the inadequacy of the existing rail crossing [anticipated to be withdrawn, once the NR commentator is aware of the proposed MLLR bridge, which clearly will need to be built out before the residential element could be constructed/occupied and allows closure of the existing crossing].

7.6 Non-statutory:

7.7 Highways: Recommendation: No objections in principle but further information/clarification is required including the design of the proposed junction with MLLR (pre and post ELOR), Public Transport Strategy and Accessibility issues. Discussions are ongoing with the developer's highway consultant and colleagues in the highway authority. Updated comments will be provided in due course. Highways also comment that whilst the residential development is limited to no more than 300 units, as it is served by a single point of access, the additional mixed use area would in effect increase the amount of development off a single point of access. Comments are awaited from Travelwise.

7.8 Public Rights of Way: No objection – the developer is aware of the rights of way affecting the site and has submitted a Public Path Diversion Order for the site and the rest of Thorpe Park, following consultations with path users and local residents about the diversions, who have overall been supportive of the proposed diversions.

7.9 Yorkshire Water: No objection – conditions recommended with regard to discharge of foul and surface water from the site and informative advice given regarding mains water supplies.

7.10 Neighbourhoods and Housing: At the detailed planning stage request that the developer submits a Noise Report with regard to road and rail traffic adjacent to the site. This report should be carried out by a competent person in the field of acoustics and should include any mitigation measures which are to be taken in order to meet BS 8233 internal and garden noise standards.

7.11 Landscape: Basic principles of the layout/masterplan are acceptable however some concern exists over the narrowing of Central Park where it meets Green Park, over the potential impact on protected trees, and over the treatment of the landscape buffer to the railway to the north. Greater opportunities exist to better integrate Green Park with the residential element (green fingers). A strong design code/set of design principles is required, so that the aspirations of the Leeds Standard can be achieved going forward and so that the quality of design envisaged is not subsequently diluted.

8.0 PLANNING POLICIES:

8.1 Development Plan

8.2 The development plan includes the adopted Leeds Unitary Development Plan Review 2006 (UDPR) along with relevant supplementary planning guidance and documents.

8.3 The site is allocated for employment purposes under policy H4:6 and identified as a key business park under policy E18:2 of the UDPR, these policies state that:

8.4 '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).'

8.5 Leeds Unitary Development Plan Review (UDPR):

GP5: General planning considerations.

GP7: Use of planning obligations.

GP11: Sustainable development.

N10: Protection of existing public rights of way.

N8: Urban Green Corridor.

N25: Landscape design and boundary treatment.

N29: Archaeology.

N38b: Flood Risk Assessments.

N39a: Sustainable drainage.

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

T5: Consideration of pedestrian and cyclists needs.

T7/T7A: Cycle routes and parking.

T18: Strategic highway network.

E4, E18: Employment sites.

LD1: Landscape Schemes.

H4 Residential Development on Unallocated Sites

8.4 Relevant Supplementary Planning Guidance

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

8.6 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.

8.7 Neighbourhoods for Living – A Guide for Residential Design in Leeds

8.8 Leeds Interim Affordable Housing Policy 2011

8.9 Designing for Community Safety – A residential Design Guide

8.10 Street Design Guide – Supplementary Planning Document

8.11 Travel Plans – Supplementary Planning Document

8.12 Public Transport – Developer Contributions

8.13 National Planning Guidance

The National Planning Policy Framework (NPPF) came into force on 27th March 2012. The NPPF states that unless material considerations indicate otherwise development proposals which accord with the Development Plan should be approved. This is supplemented by the National Planning Practice Guidance (NPPG).

8.14 Emerging Policy

- 8.15 The 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. The Submission Draft Core Strategy was examined by an Inspector in October 2013 and May 2014. The Inspector has approved two sets of Main Modifications to the Core Strategy. Following the recent receipt of the Inspectors report the Core Strategy is considered sound with agreed modifications and the Strategy is expected to be adopted by Executive Board on 12th November 2014. The Plan is therefore at a very advanced stage and significant weight can be attached to its policies. Significantly in the context of this application it sets out the delivery of 70,000 new homes in the Leeds district up to 2028. Within that 70,000 is a commitment to a significant proportion of new affordable housing. Thorpe Park has been identified as 'amber' for housing in the Site Allocation Process.

9.0 **MAIN ISSUES**

- 9.1 The submission of these latest applications brings with them a number of issues which require careful consideration. Whilst the introduction of housing is in principle positive in terms of helping to achieve the Council's overall targets, this must be balanced against the loss of employment land which the site is formally reserved for. Consideration of the sustainability, amenity (e.g. noise from the railway) economic and land use implications of the proposed changes are also key as is the acceptability of introducing other commercial uses (i.e. retail) within zone B.
- 9.2 Although submitted in outline only, the need to ensure quality residential development is delivered is also critical, both in terms of the work currently being undertaken in respect of the 'Leeds Standard' but also to respond to the site's relationship as an integral part of Thorpe Park. A successful design and layout for 'central park' as the interface between the different components is therefore essential and this has been recognised by including it within the scope of the current applications.
- 9.3 The proposed access changes to this part of the site also need to be fully understood terms of any impact on the wider highway network. Again, the extent of any other commercial uses potentially allowed within zone B will have some bearing on how this revised junction arrangement operates. The delivery of the MLLR itself is also important in terms of providing access to essential services, such as schools.
- 9.4 As part of any major housing application, a number of S106 contributions are required, most notably in the form of affordable housing and education contributions. A fully policy compliant will be sought although it is not considered necessary to request the normal requirements for greenspace in recognition of the facilities which are to be provided both within central park and in the adjacent Green Park.

10.0 APPRAISAL

- 10.1 Whilst Thorpe Park is allocated as employment land and is a key part of the Leeds City Region office provision, the Council also has a significant Core Strategy housing target of 70,000 homes to 2028 to meet (at an agreed rate of 3,660 a year in the initial years). Members will recall the applicant having been asked to consider introducing housing to part of the site, without unduly diluting the employment offer. To date, Thorpe Park has currently delivered circa 55,740m² office floorspace as well as a major hotel and other supporting uses in the form of food outlets and a medical centre. As such, a further of 83,615m² would still be available for office development under the current proposal ensuring it continues to operate as a key employment site going forward.
- 10.2 The applicant has submitted this outline planning application for a maximum of 300 units, together with a mixed use commercial zone and revised landscaping details. Consequent changes are sought to the masterplan under Condition 5 of outline permission reference 12/03886/OT. At the same time, the developer has sought under application reference 14/05484/COND to vary condition 4 to formally revise the full development land use mix.
- 10.3 Although the number of plans which accompany the current applications is limited due to their outline nature, the agreed parameter plans and the masterplan need to be revised and would form the basis of any approval going forward. It is based on these plans and a residential design code that the following issues require further consideration and feedback from Members:
- 1. Are Members minded to support the proposed development of zone B for a maximum of 300 dwellings in principle?**
 - 2. Do Members have any comments relating to how officers were intending to deal with the S106 ask relating to the housing component?**
 - 3. Are Members supportive of the proposed variation in the changes proposed to the quantum of uses?**
- 10.4 Officers have some concerns regarding the extent of 'other' commercial uses which could come forward within the mixed use area identified which zone B. In particular the introduction of retail in this location could become rather isolated and not make for a fully integrated scheme.
- 4. Do Members have any concerns about widening the range of uses that could be introduced into this part of the site?**
- 10.5 The introduction of 'green fingers' into the residential component of the site is welcomed as is the more active frontage but the overall width of green park has been narrowed and a pinch point created in the area around the protected woodland. Further design details relating to this area and the railway boundary are anticipated but officers have some concern about how these areas be being treated.

5. Are Members satisfied with the overall design concept and layout for Central Park (including the intention to provide balancing ponds within this area) and the perimeter landscaping?

- 10.6 The full highway implications of the development have not yet been fully assessed and the range of uses served from the revised signalised junction will have some bearing on this. The need for the MLLR to be in place before development is brought into use has however been secured as part of previous schemes but is not referenced in these applications.

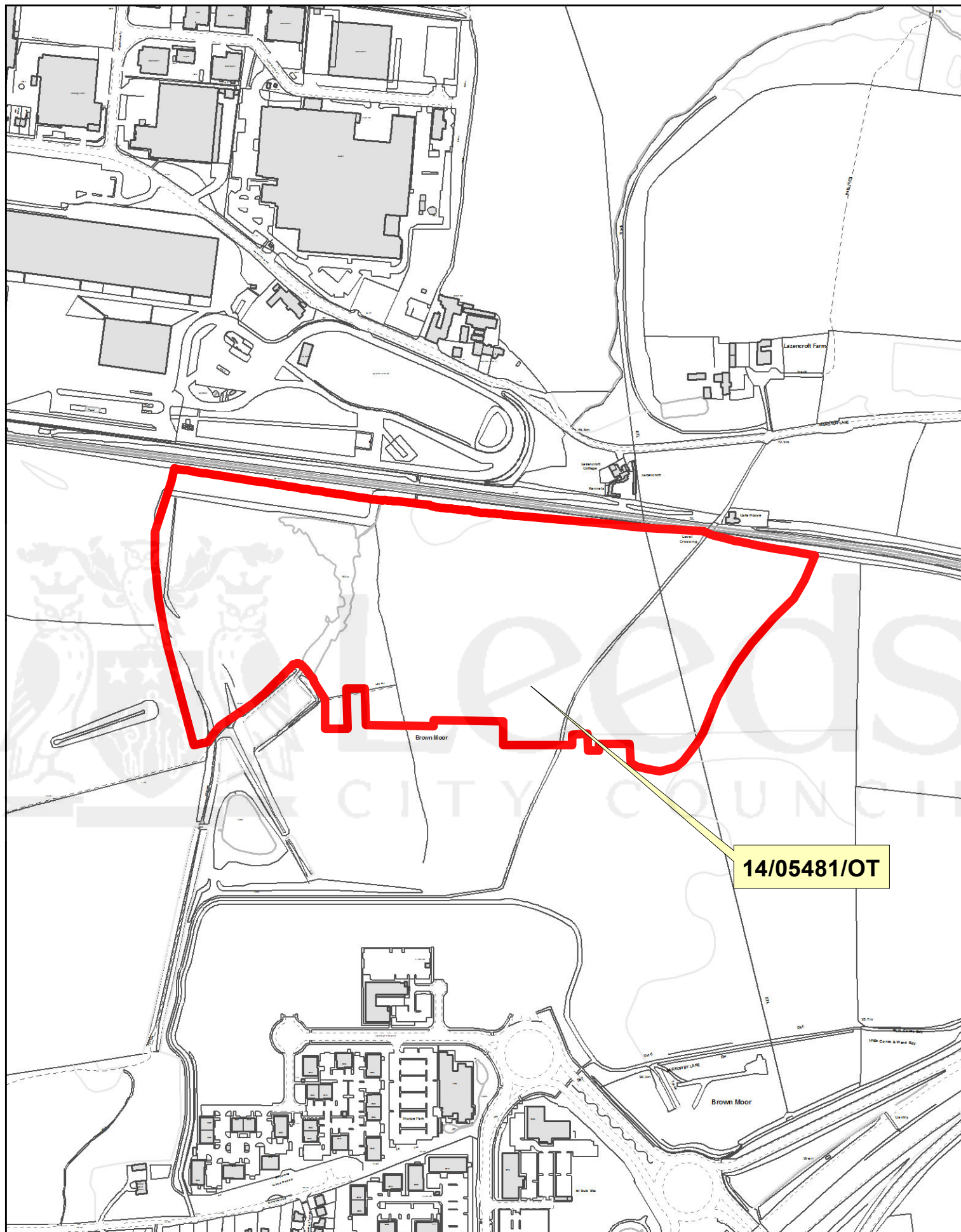
6. What are Members thoughts on this requirement relative to the current application for housing?

11.0 CONCLUSION

- 11.1 The developer has sought to acquiesce to the Council's request for consideration to be given to the proposed introduction of an element of housing. The proposals could deliver up to 300 dwellings at Thorpe Park, without unduly diluting Thorpe Park as a strategically important and significant employment B1 Business Park. This would represent a useful contribution to Core Strategy housing targets, and would mark an important step forward in the completion of Thorpe Park, and in turn assist with the delivery of the MMLR. There are issues in relation to the proposed layout, landscaping, masterplan and design principles to be considered in detail and to sustainability considerations.
- 11.2 Members are therefore requested to consider the details presented to them and to provide feedback on the questions specifically posed and any other matters which are considered to be of relevance.

12.0 BACKGROUND

- 12.1 Application and history files.
- 12.2 Certificate of Ownership – Certificate A completed.



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SCALE : 1/5000

