



Leeds
CITY COUNCIL

Originator: David Jones
Tel: 247 8000

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 22nd January 2015

Subject: APPLICATION 12/02470/OT, OUTLINE APPLICATION FOR PROPOSED EMPLOYMENT DEVELOPMENT FOR UP TO 92,148 SQM OF USE CLASSES B1(B) (RESEARCH AND DEVELOPMENT), B1(C) (LIGHT INDUSTRIAL USES), B2 (GENERAL INDUSTRIAL USES) AND B8 (STORAGE AND DISTRIBUTION USES), WITH TWO POINTS OF ACCESS FROM GELDERD ROAD AND ONE POINT OF ACCESS FROM ASQUITH AVENUE, LAND BETWEEN GELDERD ROAD, ASQUITH AVENUE AND NEPSHAW LANE NORTH, GILDERSOME

APPLICANT	DATE VALID	TARGET DATE
COMMERCIAL DEVELOPMENT PROJECTS LTD	01.06.12	31.08.12

Electoral Wards Affected: Morley North & Morley South

YES

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions below (and any others which he might consider appropriate) and the completion of a Section 106 agreement to cover the following:

Travel Plan – including monitoring fee.

Highway and transport mitigation measures – to include:

Weight limit restrictions through Gildersome, including Branch End, Town Street, College Road and Street Lane to be in place before first occupation of the development;

Improvements to the junction of Victoria Road / Asquith Avenue / Bruntcliffe Lane / Brunswick Street to be completed before first occupation of the

development;

**Traffic Management works on Asquith Avenue from Victoria Road to the M621 Motorway Bridge;
Nepshaw Lane North resurfacing (c.£20,000);
£60,000 towards improvement of two existing bus shelters on Asquith Avenue and one shelter on Gelderd Road;**

Woodland Management Plan - for woodland management within applicants ownership;

Public transport contribution is also required to comply with up-to-date SPD guidance. The sum is under negotiation, but is calculated at £316,000. (£20,000 of this money is to provide enhanced bus stop facilities);

Drainage £300,000 contribution towards off site flood alleviation works and drainage works to Gildersome tunnel. The £300 000 includes £50, 000 towards a study of possible schemes in Farnley Wood Beck/Dean Beck, plus £250, 000 towards a major scheme to address flooding in the catchment as follows, as required by the Study:

Flood Doors at Old Close (£70k); maintenance of the channels and grilles downstream of the Treefields site to just below Old Close, Churwell (£1k / annum – £30k) and storage of storm flows in 2 potential locations (£75k each – total £150k)

Provision for Local Training and Employment Initiatives

In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

Conditions

- 1. Application for the approval of all reserved matters for the first phase of development, as defined by the Phasing Plan to be submitted and Approved under Condition 3, shall be made to the Local Planning Authority before the expiration of five years from the date of this permission. Applications for the approval of all remaining reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be agreed.**
- 2. Approval of the following details (hereinafter referred to as the reserved matters) on any part of the site shall be obtained from the Local Planning Authority, in writing before the development of that part of the site is commenced.**

Access

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.

3. The development hereby permitted shall be carried out in accordance with a phasing scheme which shall be submitted to and approved in writing by the Local Planning Authority before approval is given for any of the reserved matters.
4. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule, and for the avoidance of doubt, shall comply with development parameters as shown on the Parameters Plan (Ref; COMY2003) and Schedule of Parameters presented in the approved Design and Access Statement and in accordance with the Illustrative Masterplan. Approved plans not to be varied without prior written consent of LPA.
5. The gross internal floor area for the development hereby permitted shall not exceed the maximum limit of 92,148sqm (gross) as specified on the Parameters Plan and associated table of Parameters in the Design and Access Statement.
6. Unit 3 adjoining Belle Vue Terrace to be within Class B1b/c.
7. Development adjacent to Belle Vue Terrace to be carried out in accordance with approved details of acoustic fencing, mounding and landscaping
8. The development shall not generate a level of passenger car units (PCUs) in excess of 643 during the evening peak period, when calculated in accordance with the following formula:

$$\frac{(B2 \times 1.130)}{100} + \frac{(B8a \times 0.410)}{100} + \frac{(B8b \times 1.909)}{100} = 643\text{PCUs}$$

Where:

B2= total gross external floor area (in sq.m) of any class B2 development.

B8a= total gross external floor area (in sq.m) of any class B8 use except a parcel distribution type occupier.

B8b= total gross external floor area (in sq.m) of any parcel distribution type occupier within use class B8.

Monitoring of trips to be carried out in accordance with a method Statement, to be agreed.

9. Details of external walling and roofing materials
Submit and implement drainage works
10. Flood risk measures to be carried out in accordance with agreed Flood Risk Assessment
11. Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity
12. Achievement of BREEAM Excellent , sustainability standard
13. Parking and hard surfaces to be hard surfaced and sealed and retained
14. Protection of trees to be retained
15. Submit and implement appropriate landscape scheme
16. Replace any dead trees
17. Noise mitigation measures to be carried out in accordance with Noise Assessment
18. Submission and approval of a Construction Environmental Management Plan
19. Submission and approval of a Biodiversity Enhancement & Management Plan
20. Submission and approval of a "Lighting Design Strategy for bats"
21. No site clearance 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.
22. The accesses onto Gelderd Road and Asquith Avenue and associated alterations to these roads and the link road through the site joining them

- should be completed before first occupation of the development. The link road to be constructed to adoptable standards and offered for adoption.
23. The link road through the site to have 'No waiting or loading at any time' restrictions.
 24. The access from Gelderd Road to the smaller area of development and associated works to Gelderd Road to be completed before occupation of that element of the site.
 25. Construction Management Plan.
 26. Details of Cycle parking, showers and lockers to be provided before commencement of each building and installed before occupation.
 27. Details of Motorcycle parking to be provided before commencement of each building and installed before occupation.
 28. Details of electric car charging points to be provided before commencement of each building and installed before occupation.
 29. Details of car share spaces to be provided before commencement of each building and installed before occupation.
 30. Development in accordance with Coal Mining Risk Assessment Report.
 31. Contaminated Land report to be submitted.
 32. Amended Remediation Statement to be submitted (if necessary)
 33. Verification Report to be submitted.

1.0 INTRODUCTION:

1.1 Plans Panel meeting 11th December 2014

- 1.1.1 The application was considered at City Plans Panel on 11th December 2014, following a members' site visit. The application was deferred, and members resolved:

“That determination of the application be deferred for one cycle and that the Chief Planning Officer be asked to submit a further report which provides greater precision on the application, including details about the width of the landscaping strip around the nearby houses to form a buffer to the industrial units and highway impacts of the proposals, including further details in respect of an access through Nepshaw Lane and why this was not being provided, more information on phasing, concerns about the widths of 'notional' planting generally, and not just around the houses, concerns at 'safeguarding' residents, concerns at joining of Gildersome and Morley settlements, wanting to settle the location of the accesses, not convinced on the strategic need for the smaller units.”

Current position

- 1.1.2 Following further discussions with the applicant to address the points raised by Panel Members, a number of changes have been made to the layout, particularly in respect of landscaping and location of buildings in close proximity to Belle Vue Terrace. Access positions are under consideration, and these positions have not been amended, but are considered in the report.
- 1.1.3 The current report considers the issues raised above. As there are now no technical objections to the proposal, the application is recommended for approval, subject to conditions and the completion of a Section 106 Agreement, which address issues of concern and enable the development to be supported. The current report should be read in conjunction with the previous two panel reports, which are appended to the current report. Where new conditions have been referred to, they are emboldened in the report.
- 1.2 A copy of the draft minute appears on the Panel papers.

2.0 ISSUES RAISED

Clarify what members are being asked to consider.

Consideration of access points

The strategic need for the smaller units

Concerns at the joining of Gildersome and Morley

Details of phasing

Planting provision within the site

Impact on residents at Belle Vue Terrace

Traffic impacts in Gildersome.

Traffic impacts at Asquith Avenue/the mini-roundabout in Morley

The applicant's stance regarding this access is un-changed from the previous report

Non-provision of the Nepshaw Lane South access

3.0 CONSIDERATIONS

3.1 Clarify what members are being asked to consider.

3.1.1 This is an outline application, with the principle being sought. A normal requirement is for a plan to be submitted which sets out the minimum information required for an outline application, as well as the maximum amount of development which would be permitted. It is also then common practice to provide an illustrative Masterplan which shows how that maximum amount of development can be accommodated on the site.

3.1.2 Members were concerned that the application would be uncontrolled. Whilst this form of application does allow flexibility for the form of development to vary, it would not be acceptable to have a completely unfettered permission. This application would be tied to the parameters plan which fixes a whole range of factors, including access, minimum landscaping, the position of the main attenuation pond and the maximum heights of development by plot. This permission would also need to be linked to the table of parameters in the Design & Access Statement (DAS) which sets out the maximum floorspaces by use class.

3.1.3 To provide clarity to members, details of the proposed conditions are included within the report.

3.2 Consideration of access points

3.2.1 As noted in 2.1 above, the conditions and approved plans will fix the access points into the site as shown on both the Parameters Plan and Masterplan. There are no other feasible access points which would alter the assumptions made on vehicle generation or distribution around the network. Fixing the access point is one of the minimum information requirements for an Outline application, as defined in planning legislation, and the Parameters Plan fulfils this requirement. To clarify, therefore, Members are being asked to consider the access points into the site as part of this application.

3.3 The strategic need for the smaller units

3.3.1 The need for more general employment space has been established through the Core Strategy. The site is allocated for employment purposes in the 2006 UDP and forms an important strategic component of employment land supply which will play an important role in providing for jobs in this part of the city. The site is well located to the motorway network and there are no other suitable and comparable sites of this size which are available in this part of the city. The Core Strategy also followed an evidence based approach to determining the amount of employment land

required, of which this site forms a strategically important part. It is crucial that these sites are delivered if the UDP and Core Strategy visions and objectives are to be realised. This establishes the need for development of this type, and there is no policy or other requirement for the applicant to demonstrate need for employment units.

3.3.2 Members noted the existence of vacant stock in this, and other areas. This reflects the state of the market as well as their age, energy performance and most importantly their ability to meet the changing operational requirements of modern businesses. Paragraphs 10.90 – 10.91 of the Plans Panel report in December 2014 consider these points.

3.3.3 The key point is that at 70 acres (28.3 ha) of allocated employment land, this site is an essential part of realising the economic vision of the City. If the need is not met on this site, the Council would need to allocate alternative land of an equivalent size elsewhere in the City, which will certainly require additional releases from the Green Belt, which will be difficult to justify as there is already suitable provision available, outside the Green Belt, on this site.

3.4 Concerns at the joining of Gildersome and Morley

3.4.1 Members were concerned about loss of countryside at this location, and noted that it was not their decision to release this land for development. As a matter of fact, this site is not in the Green Belt, and is not designated as open countryside. It is an employment allocation. The decision to include this land in the 2001 UDP was based on the Inspector's view that this land does not perform Green Belt functions (which include separating settlements). It was considered that the separation of Morley and Gildersome could be adequately maintained by the M621 motorway and Dean Wood, which itself would be little changed by the proposal. The UDP Inspector stated that the Council's proposed Green Belt boundary towards Gildersome Spur had no physical definition along its long northern boundary, and instead considered Asquith Avenue would be the nearest satisfactory physical feature, and would be a strong and defensible long term boundary. It was also considered that the site was quite well contained visually. On this basis, the UDP was adopted.

3.4.2 The 2006 UDP review did not look to review the employment allocations, and did not seek to reverse the Inspectors decision. Furthermore, the Core Strategy has shown this site as a strategic employment location, which is based on the Employment Land Review which also assumes the delivery of this site.

3.4.3 It is worth acknowledging that the retention of Dean Woods, both within the applicant's and LCC ownership will provide a substantial buffer between Morley and Gildersome, with a distance in excess of 200m being achieved between buildings either side of Dean Woods. The woodland is to be retained and enhanced in width, which will assist in providing a substantial buffer between the settlements. The area of woodland within the employment allocation is approximately, 10 hectares, which is a substantial area of woodland planting within the application site.

3.4.4 In terms of the size of the buffer and the amount of open areas, the strategic landscaping, balancing ponds and retained Dean Woods within the application site amounts to 7.1ha, and the amount of Dean woods retained (outside the red line boundary) amounts to 4.19 ha. This amounts to 31.9% of the overall allocation, and is considered to be acceptable in providing a buffer and green edges to the development.

3.5 Details of phasing

3.5.1 In terms of phasing, the site requires a significant "cut and fill" exercise which balances across the site as a whole, in order to avoid vehicles movements for the import or export of bulk materials. This means that the development will need to be preceded by an infrastructure phase, where levels are established, access points, provided, the first access road to some of the plots, and key structural landscape is

planted. It is likely that the site will be delivered in two main infrastructure phases, beginning with the Gelderd Road side, including the storm water pond, and then moving on to the southern plot. This is due to access requirements and the need to bridge over Dean Beck. The applicant envisages structural landscaping being delivered in this stage and all works will involve tree protection measures to ensure the safety of retained landscaping. A 'phasing' condition is recommended (see draft condition 3 above).

3.5.2 This approach is necessary with a site of this size as it is not possible to define the operational requirements of each of the occupiers of each of the possible units at this stage.

3.5.3 Members also queried the timescales for the submission of reserved matters. To assist Members, clearly it will be necessary to submit Reserved Matters application before any development is undertaken. However the applicant expects the first phase progressing fairly quickly, as it forms part of the applicant's 2015 development programme, with applications for infrastructure works and potentially the first building to be submitted early in 2015. However, the applicant has requested for generous timescales as it is not clear how long it will take to detail all of the units which this site could accommodate and also, crucially, because it is now no longer possible in law to extent the timescales for a permission.

3.6 Planting provision within the site

3.6.1 The landscaping shown on the parameters plan, which is reflected in the landscape drawings, is marked as being the *minimum* planting. The illustrative master plan shows much more planting in and around the proposed units, which illustrates that much more landscaping will be secured through the reserved matters submissions.

3.6.2 An up-dated landscaping scheme has been submitted which shows various sections throughout the site. For example, the 10m strip of structure planting adjacent to Nepshaw Lane North would adjoin the M621 embankment at a similar width, to provide a substantial overall belt of planting to the M621 motorway. The Asquith Avenue frontage, which would abut the Green belt shows a 12-13m wide belt of planting, but when you add the planting within the adjoining plot, this belt of planting extends to between 20m and 45m, which would provide a satisfactory width of planting to the development and green belt edges. The main estate road into the site off Gelderd Road would have 8m wide verges, which would contain tree and shrub planting, and would provide sufficient space to provide a landscaped setting to the main road through the estate. Overall, the coverage of the site by buildings is only 30%, and such developments can often cover between 35 – 45% of the site.

3.6.3 It is considered therefore that there are significant areas of landscaping which can provide a satisfactory landscaped setting, with the 10m figure being a minimum, and in many cases, the actual provision would be well in excess of that amount.

3.6.4 The applicant has also indicatively shown greater tree planting within the car park areas.

3.6.5 The draft proposed conditions set out above provide control over the detailed landscaping proposals. Clearly, when Reserved Matters applications are submitted if members are not satisfied that the landscaping is adequate, those applications could be refused.

3.7 Impact on residents at Belle Vue Terrace

3.7.1 The Parameters Plan shows a minimum width of landscaping of 10m between the houses and the development. It also restricts building heights in the areas directly facing the habitable windows of these properties, as shown by the hatched area in Plot D.

3.7.2 The submitted landscape proposals drawing (SF1995 LL01 Rev E) shows how this area would be treated in Section D, which includes a 1m high bund with tree

planting, as well as the 3.5m acoustic fence (which allowing for the bund, would stand at 2.5m, within the middle of the planting) specified in the noise report.

- 3.7.3 The updated illustration of the unit which is likely to be pursued immediately behind Belle Vue Terrace, shows a 60m gap between the proposed building and the closest rear elevation of the houses. On the previous layout, which was presented at Panel in December, the distance was 35m. The height of that unit has been set at 14m, which is below the maximum height parameter allowed for, and which reflects a real enquiry, rather than a speculative enquiry.
- 3.7.4 To the side of the dwellings, the scheme has been amended to extend the landscape buffer in this area to 15m rather than 10m. This arrangement still allows for the acoustic noise fencing in this area, which the noise report has shown to be acceptable. Draft condition 7 would ensure the details are carried through at reserved matters stage.
- 3.7.5 In addition, it is proposed to condition that Unit 3 immediately adjacent to the front of the properties on Belle Vue Terrace is only used for Classes with Class B1, and shall not be used for Class B2 or B8 uses. Draft condition 6 is recommended in this respect.
- 3.7.6 It is considered that the resiting of the nearest unit to the rear of the properties, the increase in planting width to the side of the terrace and the restriction to prevent general industrial use of the nearest building, would produce an acceptable relationship of the nearest employment buildings to Belle Vue Terrace, and that these revisions represent a significant improvement over the previous layout.

3.8 Traffic impacts in Gildersome.

- 3.8.1 This issue was considered in paragraphs 10.16 – 10.17 of the Plans Panel report in December 2014. The Highways Officer concluded that whilst there will be a slight increase in traffic through Gildersome, no further traffic calming works are required as all routes through Gildersome are traffic calmed, there have not been any recent requests for more features, or removal of features, which, along with the accident record is a good indicator of a satisfactory level of provision.
- 3.8.2 It was acknowledged that commercial vehicles from the site could be tempted to cut through Gildersome particularly to reach the Outer Ring Road for destinations to the north. College Road and Street Lane are particularly unsuitable for commercial vehicle movement and although Town Street is a 'B' classified road, the 'village' nature of the centre of Gildersome and the extensive traffic calming also make this route inappropriate for commercial vehicles. Therefore it will be necessary to introduce a weight limit on environmental grounds through Gildersome to mitigate against a potential severe impact on the village. The applicant will provide £15,000 through the S106 agreement for these works.

3.9 Traffic impacts at Asquith Avenue/the mini-roundabout in Morley

- 3.9.1 The applicant's stance regarding this access is un-changed from the previous report. This issue was considered in paragraphs 10.19 – 10.26 of the Plans Panel report in December 2014. The Highways Officer concluded in respect of these junctions that the impact at this junction is not considered to be of sufficient severity to warrant refusal of the application

3.10 Non-provision of the Nepshaw Lane South access

- 3.10.1 The applicant's stance regarding this access is un-changed from the previous report. This issue was considered in paragraphs 10.27 – 10.34 of the Plans Panel report in December 2014. The highways officer concluded (in paragraph 10.28) that *"there would be no benefit to the development or the highway network of providing an access via Nepshaw Lane."*

In the opinion of the applicant, an access from Nepshaw Lane:

Is not commercially deliverable, as it involves third party land. Some of which is subject to option agreements at extremely unfavourable rates, which will not be exercised by the applicant, and some of which requires several home owners to agree to signalling their private drive, as well as providing some of their land to do this.

Removes the USP of this site in market terms, as it would reduce the scale of the potential large unit on Plot E (Unit 10).

Is not attractive to future users of the site, as it involves more traffic lights, is more congested and will therefore result in more delays than an equivalent access taken from Gelderd Road or Asquith Avenue.

- 3.10.2 On the basis of the above, the applicant considers this access route demonstrates a poor cost to benefit ratio, as it will cost a lot to deliver, with little benefit for the site or its users. The applicant has requested that the application be determined on the basis that the access onto Nepshaw Lane will not be provided.

Parcel Distribution

- 3.10.3 The development has been assumed to have a mix of uses consisting of B2 industrial, B8 commercial warehousing and B8 parcel distribution, the Transport Assessment tested a mix of these uses that generated 643 trips in the evening peak hour. A B2 use can generate two and a half times more traffic than a commercial warehouse use, and a parcel distribution use can generate nearly four times the traffic of a commercial warehouse use for the same floor area. In order to provide flexibility to the applicant in the mix of uses whilst seeking to limit the traffic generated to that tested in the Transport Assessment, the level of development will be limited, by planning condition, to that which would produce a calculated traffic generation of 643 trips. This condition is added as condition 8.
- 3.10.4 The level of background traffic used to assess the development impact has had a growth factor applied that represents the increased level of traffic expected from the residential and employment development proposed through the core strategy.

4.0 SITE ALLOCATIONS CONSIDERATIONS

- 4.1 The application site has been advanced as an employment site in the Issues and Options stage of the Site Allocations Plan and is subject to a current planning application for general employment uses.
- 4.2 Local Members consider the site would be better re-allocated for housing use, or at least for mixed use with housing on the northern part and employment on the southern part. The different allocation options for the site were discussed at the Development Plan Panel meeting of 6th January 2015, with no clear outcome. At the time of writing further discussion is expected at the second Development Plan Panel meeting of 13th January 2015.
- 4.3 Further assessment in the report to Development Plan Panel of 13th January 2015 concludes that the most prudent course for the advancement of the Site Allocations Plan would be to maintain the allocation for general employment. This is because the total city wide quantity of general employment land as proposed is only just in surplus and a reduced surplus would create risk for the advancement of the Plan.
- 4.4 The application site is suitable, available and achievable for general employment. The site is a relatively good site in terms of motorway access and proximity to labour markets. This site is not required to meet local HMCA *housing* numbers.

Recommendation

- 4.5. Development Plan Panel on 13th January 2015 was recommended to support the proposed allocation of the site for general employment and recommend to Executive Board that this provides the basis to prepare a Publication draft Plan for deposit in 2015. The resolution of that Panel will be reported verbally to Plans Panel.
- 4.6 Notwithstanding, the application site is currently allocated for employment use in the development plan, and the planning application must be determined in accordance with the development plan unless material considerations dictate otherwise. Only very limited weight can be given to any proposal at present to change the designation from the current development plan given that a draft plan is at early stages of preparation and will be subject to significant consultation.

5.0 REPRESENTATIONS

- 5.1 The latest revised plans have been readvertised and any further representations will be reported verbally to members.

6.0 CONCLUSION

- 6.1 The application is made in outline to approve the principle of development and to consider the access points, with a limitation on the maximum amount of development. There have been a number of significant changes to the previous scheme considered by members. The proposed development fulfils an allocation policy within the adopted UDP and employment policies within the Core Strategy and will bring employment uses into Morley and Gildersome, allowing the area to sustain economic growth. There are recognised concerns about congestion on the local highway infrastructure and existing flooding problems within the local catchment, however, planning conditions and obligations, contained within a Section 106 Agreement, are proposed to address these issues.
- 6.2 Since the December Plans Panel meeting, it has been clarified as to what the application is actually considering, and access points are to be considered. The applicant has not amended the access points, and has requested the application be considered as submitted in this respect. For the reasons set out in the December report, no highways objections are raised. Greater explanation of the landscaping issues has been set out, and Officers consider the arrangements acceptable. In respect of the impact on Belle Vue Terrace, the revised plans are now considered to address concerns by the location of the nearest units to rear, increased planting width and restriction of general industrial use.
- 6.3 Subject to the completion of the Section 106 Agreement, and the imposition of the additional conditions, the proposal is recommended for approval.



Report of the Chief Planning Officer

PLANS PANEL CITY

Date: 11th December 2014

Subject: APPLICATION 12/02470/OT, OUTLINE APPLICATION FOR PROPOSED EMPLOYMENT DEVELOPMENT FOR USE CLASSES B1(B) (RESEARCH AND DEVELOPMENT), B1(C) LIGHT INDUSTRIAL USES), B2 (GENERAL INDUSTRIAL USES) AND B8 (STORAGE AND DISTRIBUTION USES), LAND BETWEEN GELDERD ROAD, ASQUITH AVENUE AND NEPSHAW LANE NORTH, GILDERSOME

APPLICANT	DATE VALID	TARGET DATE
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Electoral Wards Affected: Morley North & Morley South

YES Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER and DELEGATE to the Chief Planning Officer for approval subject to the specified conditions below (and any others which he might consider appropriate) and the completion of a Section 106 agreement to cover the following:

Travel Plan – including monitoring fee.

Highway and transport mitigation measures – to include:

Weight limit restrictions through Gildersome, including Branch End, Town Street, College Road and Street Lane to be in place before first occupation of the development;

Improvements to the junction of Victoria Road / Asquith Avenue / Bruntcliffe Lane / Brunswick Street to be completed before first occupation of the development;

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Flood Doors at Old Close (£70k); maintenance of the channels and grilles downstream of the Treefields site to just below Old Close, Churwell (£1k / annum – £30k) and storage of storm flows in 2 potential locations (£75k each – total £150k)

Provision for Local Training and Employment Initiatives

In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

Conditions

- 1 Submit reserved matters
- 2 Time limit for submission of details (5 years)
- 3 Development in accordance with approved plans
- 4 Phasing Plan and development in accordance with Supplementary Design & Access Statement
- 5 Details of external walling materials
- 6 Submit and implement drainage works
- 7 Flood risk measures to be carried out in accordance with agreed Flood Risk Assessment
- 8 Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity
- 9 Achievement of BREEAM Excellent , sustainability standard
- 10 Parking and hard surfaces to be hard surfaced and sealed and retained
- 11 Protection of trees to be retained
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- 17 Submission and approval of a “Lighting Design Strategy for bats”

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- 27 Development in accordance with Coal Mining Risk Assessment Report.
- 28 Contaminated Land report to be submitted.
- 29 Amended Remediation Statement to be submitted (if necessary)
- 30 Verification Report to be submitted.

1.0 INTRODUCTION:

- 1.1 This application is a substantial application for commercial uses on land allocated for employment use in Gildersome. The application has been subject of extensive negotiations, especially in respect of flooding, technical highways issues and the impact on Junction 27 of the M62. Members considered a Position Statement in December 2012, following a Panel site visit. A number of key questions were asked of Panel, and the views of Panel are set out in the following section. The original 2012 Position Statement report is appended to this report AT Appendix DJ2.
- 1.2 The current report addresses the points raised by City Plans Panel, and up-dates the policy considerations, consultation responses and representations. As there are now no technical objections to the proposal, the application is recommended for approval, subject to conditions and the completion of a Section 106 Agreement, which address issues of concern and enable the development to be supported.

Previous Position Statement/Panel resolution

- 1.3 A copy of the approved Minute is attached as Appendix DJ1. The issues raised by Panel members are considered in this report.

2.0 PROPOSAL

- 2.1 The development comprises of an employment led scheme of business units (suitable for research and development purposes or light industrial uses), general industrial uses and for warehousing/storage and distribution units (provided for by use classes B1 (b), B1(c), B2 and B8). At the City Plans Panel meeting in December 2012, when this application was considered as a Position Statement, site access, structural landscaping and amount of development was considered, however those

matters have now been removed from consideration, so all matters are reserved, and only the principle of development is under consideration.

- 2.2 An indicative layout has been submitted, for illustrative purposes, details of which are set out below:

Access

- 2.3 The outline planning application proposes two vehicular access points into the application site at Gelderd Road and one from Asquith Avenue. The location of a proposed road bridge crossing within the application site over Dean Beck, which will enable full access over the entire site, is also shown on submitted plans.
- 2.4 These access arrangements and improvements including extended pedestrian footpaths, traffic lights and crossing are included as part of the current outline proposals.
- 2.5 Pedestrian access to the site will be also provided from Gelderd Road and Asquith Avenue in tandem with the proposed vehicular access points. The outline application also proposes to upgrade public footpaths and rights of way through the site and at Stone Pits Lane and from Nepshaw Lane. The paths will also be made available and upgraded to accommodate the provision of cycle routes which will link to other existing cycle ways adjacent the site.

Landscaping

- 2.6 Indicative structural landscaping around the perimeters of the site and adjacent to Dean Wood but not formally included as part of the current application. Advance structural planting would enable this to be planted and established for amenity purposes ahead of future building phases. Dean Woods is owned by the applicant.

Draft Section 106 Agreement

- 2.7 The application has been submitted with Draft Heads of Terms for the Section 106 Agreement. These take account of the previous applications submitted for the site and include for the following (subject to confirmation and agreement with Leeds City Council including compliance with CIL Regulations 2010 and the National Planning Policy Framework). The headlines of the Section 106 are set out on the front page of this report.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is an undeveloped site of approximately 28.3 hectares (70 acres). The site is characterised by open fields, used recently for grazing with Dean Woods lying centrally on the site. The fields are separated by Dean Woods and Dean Beck. A public right of way (PROW) cuts centrally across the site from Nepshaw Lane to Stone Pitts Lane public footpath which runs down the western site boundary.
- 3.2 The site is undulating in nature, reflecting the nature of the sites previous use for opencast coal extraction with significant gradients to Dean Beck in the woodland area. The site itself is located within the 150m AOD contour (across north and south parts of the site) and the 160m contour in the higher, south western side of the site. The lowest part of the site is at Dean Beck, roughly central in the site, at 143.3m AOD. The highest point is 161.3m AOD. The site gradient falls steeply to Asquith Avenue. Trees and woodlands are present on some of the boundaries of the site and centrally on the site in woodland known as Dean Woods. The larger part of Dean Woods is outside of the applicant's ownership. A local watercourse, Dean

Beck, runs through the site from the west, adjacent Treefields Industrial Estate, through Dean Woods and towards Asquith Avenue to the east of the site.

- 3.3 The site is to the south of mainly residential properties with some commercial properties and a petrol filling station along Gelderd Road. To the west and south of the site are industrial estate developments of Treefields Industrial Estate and Gildersome Spur with allotment gardens to the far west corner above Treefields and along Gelderd Road. To the east side is Asquith Avenue and where it adjoins the site is characterised by woodland and with some residential properties served off this road. To the south east, served off Nepshaw Lane North/Asquith Avenue, are some larger residential properties and a commercial caravan storage business.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The site has previously been part of a larger site used for opencast coal mining in the 1980's, and has been restored to grassland with some tree planting to the boundary.

- 4.2 In the 1986 Morley Local Plan, the site (and adjoining sites) formed part of a buffer between Morley and Gildersome.

4.3 Draft UDP

- 4.3.1 In the draft UDP, the only part of the site allocated for employment was a 200m wide strip of land abutting Gildersome Spur, as 'rounding off' the existing industrial estate. The UDP Inspector, however, stated that the whole site should be allocated to provide a suitable range of employment sites. The Inspector noted that the site was well located for employment uses, being close to an existing industrial area, a centre of population and the motorway corridor. At the time, the site was served by buses along Asquith Avenue and Gelderd Road.

- 4.3.2 It was considered that the separation of Morley and Gildersome could be adequately maintained by the M621 motorway and Dean Wood, which itself would be little changed by the proposal. The Inspector stated that the proposed Green Belt boundary had no physical definition along its long northern boundary, and considered Asquith Avenue would be the nearest satisfactory physical feature, and would be a strong and defensible long term boundary. It was also considered that the site was quite well contained visually.

- 4.3.3 Finally, the Inspector stated that highways and drainage works did not appear to be 'insuperable in either cost or technical terms'.

- 4.3.4 The UDP Inspector recommended that the whole site should become an employment allocation, and since the adoption of the UDP in 2001, the site has been allocated for this purpose.

4.4 Planning applications

- 4.4.1 Three planning applications were submitted, between them covering the whole employment allocation. The applications are:

4.4.2 23/35/01/OT

Outline application to layout access and erect business park – land off Nepshaw Lane North, Gildersome

4.4.3 23/60/03/OT

Outline application to erect business industrial and storage and distribution development - Gelderd Road & Asquith Avenue, Gildersome

4.4.4 23/248/04/OT

Outline application to layout access road and erect distribution centre - Treefields Industrial Estate, Off Gelderd Road, Gildersome

- 4.5 Plans Panel (East) on the 14th July 2011 considered Position Statements for all three applications, and raised the following key issues:
- 4.6
- Travel Plan Framework and site accessibility – Members considered that the site was poorly served by public transport and that there were no bus stops within reasonable walking distance of most of the site. Lack of service on the A62 and A650 was a concern. The accessibility issues would encourage the use of cars. Members were of the opinion that more work needed to be undertaken to make the site sustainable including the mitigation fund.
- 4.7
- Where primary office development was proposed Members were of the view that the applicant would need to undertake a sequential test to aid the consideration of this element.
- 4.8
- The proposed developments would generate significant traffic including private cars and HGV's and the mitigation measures did not go far enough. Further information was required before a view could be reached as to whether the off site highway works were sufficient. An updated Traffic Assessment would need to be submitted.
- 4.9
- Members expressed major concerns about the flood risk, especially for residents at Old Close. It was considered that the developer would need to do more to ease Members concerns:
 - There should be no increase in flood risk downstream.
 - It was the opinion of Members that the £300k contribution was not sufficient to address flooding issues.
 - In light of the comments made above Members, were not satisfied with the Heads of Terms of the Section 106 Agreement.
 - An appropriate landscaping scheme was required for the site boundaries and within the site itself, including within parking areas. Further information requires submitting in respect of a scheme to secure pedestrian safety and access along Nepshaw Lane North which should be gated (beyond the access to the Moorfields site).
- 4.10 The schemes were not progressed by the applicants and legal agreements were not completed to deal with the concerns raised. As such the three applications were refused on the grounds that there were no measures in place to deliver sustainable transport measures, and flood alleviation measures, and there was no strategy in place to deal with transportation issues.
- 4.11 Subsequently, single site ownership has now been secured by CDP Ltd across the whole site area and therefore full control is now in place over the delivery of the site.

Relevant application in the locality

- 4.12 10/04597/OT - Planning application of relevance, which is in the vicinity, and contributes traffic on the local highway network - Outline application to layout access road and erect light industry, general industry and warehouse development (Use Classes Class B1c, B2 and B8), a 115 bed hotel and pub/restaurant, with car parking at Wakefield Road, Gildersome. This application was granted outline planning permission in June 2014, following consideration by City Plans Panel in May 2013. No reserved matters submissions to date.

5.0 HISTORY OF NEGOTIATIONS

5.1 There have been extensive ongoing negotiations with the Highways Agency, the Highways Authority and Flood Risk Management section regarding the impact of the site and the extent of works required. These considerations are dealt with in the Appraisal section below.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Site notices for a major development affecting a right of way were originally posted on 14th June 2012 and in the press on 22nd June 2012. Representations have been received from the following:

6.2 Councillor Gettings objects to the application. This piece of land is the only green space between Gildersome and the densely populated Town of Morley. If localism is to mean anything then local views must be taken into account. If we are to have a “child friendly city” then the environment in which our children grow and develop is important. I strongly oppose this development personally –this is strongly objected to by local residents –for all the reasons previously stated.

6.3 78 letters of objection from local households on the following grounds

Increase in noise pollution

Increase in air pollution

Introduction of light pollution

Visual intrusion

Adverse impact on wildlife in the fields and adjoining woodland

There are large numbers of vacant units on adjoining estates. No need for these units in the current economic climate.

Existing businesses would be affected by the proposal.

Any benefits of the proposal would be massively outweighed by the harm.

Increase in traffic and hazards to road safety.

Increase in HGVs in the village would be extremely harmful to the village. Extra commercial traffic would be harmful to the five local schools.

Branch End junction is already over capacity.

Junction 27 has been improved, but the traffic generated by this proposal would result in congestion and nuisance.

Parking on Gelderd Road, and accessing houses would become problematic.

Loss of green fields, which are a vital local green resource.

Will lead to coalescence of Gildersome and Morley.

Loss of strategic green field site.

Site should be used by schools/community groups as resource, rather than being developed.

UDP should be reviewed and land returned to Green Belt, rather than employment allocation.

Brownfield sites should be regenerated rather than developing green fields.

The development is not in accordance with the UDP, as no access is proposed via Nepshaw Lane.

Major adverse impact on residential amenity, especially Belle Vue Terrace, which would be surrounded by development, with loss of privacy and overshadowing from large warehouse units.

The pleasant PROW through the site would be harmed.

Vibration of houses from HGVs.

Houses would be prone to flooding, and the development would exacerbate existing drainage difficulties, locally, and further down the watercourse into Leeds.

Proposal contrary to Local Agenda 21, in that it would be an unsustainable development.

The proposal would not be acceptable in North Leeds, but sites close to new section of M1 should be considered.

Due to coal mining on the site, there is a possibility of subsidence.

Decrease in value of property.

- 6.4 Morley Town Council (MTC) objects to the proposal, and make the following comments:
- 6.5 This application from new owners covers land entirely in Gildersome, but the site is close to the Morley boundary and will have significant effects on traffic flows within the town, so Morley Town Council Planning Committee members decided, at their meeting on 20th November, to update their comments.
- 6.6 Former Plans Panel East visited the CDP site earlier this year (in 2012); as this and the Joseph Rowntree site are now under City Plans Panel, which has different membership, another site visit would be appropriate. In general terms, like Green Belt to the east of Asquith Avenue, this seventy acre site is important in maintaining a green gap between Morley and Gildersome. It was unfortunate that the UDP Inspector decided to grant what was in effect a large extension of the Treefield and Gildersome Spur employment estates, to take in most of the block bounded by Wakefield Road (A650), Gelderd Road (A62), Asquith Avenue and the M621.
- 6.7 If there is to be development, the Asquith Avenue frontage should be planted thickly and to considerable depth with trees, to give an illusion of a northward extension of Dean Wood. The narrow tree barrier shown on layouts, which admittedly are indicative, would not be enough. Similarly, there should be generous planting on the Gelderd Road frontage to mask new buildings and to give protection from noise and visual intrusion to Belle Vue Terrace.
- 6.8 There would be no vehicular access by Nepshaw Lane South to Wakefield Road or elsewhere through the existing industrial estate; the largest new access would be onto Gelderd Road between Belle Vue Terrace and the northern apex of the site, with a lesser access to Asquith Avenue. We are not convinced that this lesser access would be suitable for the size and number of vehicles visiting the big shed warehouses shown on indicative layouts.
- 6.9 There are no bus services on the Gelderd Road frontage, and Asquith Avenue has limited services which are likely to be reduced early in 2013 should Metro withdraw support for evening and Sunday journeys on the Arriva 205 Dewsbury-Morley-Pudsey route. Westerly parts of the site would be a long way from the nearest bus stops, and there is little in the travel plan to show that the development would be other than highly car-dependent.

- 6.10 Commuter traffic flows would be important. Gildersome Roundabout (M62 J27) works far more freely and safely since the installation of traffic signals, but it often seems at or near capacity, as do sections of the local highway network. Asquith Avenue and Wakefield Road (A650) seem overloaded in the morning and evening peaks, with long queues at junctions such as Branch End and The Angel crossroads. It would not be acceptable for local highways to become saturated, or for J27 to return to being pushed beyond its capacity. When J27 became overloaded, drivers caused congestion elsewhere, for example by rat-running through Gildersome village; we would not want this to reoccur. We note that a Highways Agency holding notice is in place and is being renewed monthly. Lifting it would depend on a three-way agreement being reached with regard to the CDP development at Gildersome, the Barratts housing proposal on the A650 at Street Farm in Morley, and the Joseph Rowntree site near J27. Highways Agency should be satisfied in full that all three developments can take place without overloading the highway network.
- 6.11 MTC still have fears about flood risk. Quick run-off in wet weather northwards from a watershed roughly defined by the line of the A650, including the application site, can flood houses at Old Close immediately north of Churwell railway viaduct, parts of the Millshaw industrial estate and the Leeds Outer Ring Road near Sulzer Pumps and the Drysalters public house. As well as causing loss and distress to householders and businesses, such flooding would cause traffic chaos throughout Morley and South Leeds, including the White Rose Shopping Centre, if it affected the Outer Ring Road. We are not convinced that the flow attenuation and watercourse improvement and maintenance shown by the applicants would be enough; also, some of the works would be on third party land and so dependent on the goodwill and cooperation of those landowners.
- 6.12 We do not believe that the noise assessment gave enough regard to nearby householders; there was little account of the effect on Belle Vue Terrace, and there seemed to be an assumption that College Road top, College Court and Hadleys Court were affected by traffic noise already, so a bit more noise from the new development hardly would be noticed.
- 6.13 Despite the passing of nearly twelve years under different development banners, MTC do not believe that a comprehensive and fully acceptable account has yet been made showing how this land could be developed without causing unacceptable harm, so we would object to any grant of planning permission for the application as it stands.
- 6.14 Gildersome Parish Council objects strongly to the proposal. A Public meeting was held by the Parish Council on 18th July 2012, and attended by approximately 100 residents, local Ward members and LCC Officers, the following objections being raised:
- The cottages on Belle Vue Terrace would be overshadowed and surrounded by industrial development. Noise and disruption to residents.
- Existing flooding difficulties.
- Preponderance of empty commercial premises within a three mile radius. Should these units come back into use, there would be a huge increase in HGVs and traffic on local roads.
- The Highways Agency has carried out significant improvements at Junction 27. The road system would go back to being congested if this development was allowed.
- The access onto Asquith Avenue is not supported as the road is very busy, and a Primary school is located at the southern end of Asquith Avenue. Any highways assessment of traffic should be carried out in term time.

Children in the area must be kept safe. There are two primary schools in the village, and commercial vehicles would drive through the village to avoid congestion on the primary routes.

Serious flooding and drainage issues need to be addressed.

The valued open green space would be lost forever, to an industrial eye-sore, and is not appropriate in a rural village environment.

- 6.15 The application was then advertised upon the receipt of additional information, on 26th October 2012. The following representations were received. A further 41 letters of objection, including a letter from Councillor Gettings, reiterating previous objections were submitted in response to that information.

Representations submitted since Position Statement (December 2012)

- 6.16 Subsequent to consideration of the Position Statement in December 2012, revised plans, and Highways information, and the up-dated Noise Assessment have been out to consultation, and the following representations have been received:
- 6.17 Since December 2012, an additional 444 objection letters, mainly on highway safety grounds, from local residents have been submitted. The previous objections have been reiterated.
- 6.18 Objections from Gildersome Parish Council – Heavy duty vehicles, plus cars and other vehicles would gridlock the roads, and this cannot be avoided. The Gildersome roundabout (M62/A650) has been improved at great expense, but is now becoming overloaded again at peak times. Many more vehicles are passing through Gildersome and a great worry is the safety of the village community and schools.
- 6.19 The Parish Council carried out a survey in November 2012 at the crossroads from Asquith Avenue, in close proximity to the application site, and almost 4000 vehicles were recorded in the two hour period from 4.00pm to 6.00pm. It is considered that it is a very busy and dangerous place to have a site entrance of exit for heavy vehicles, and the Parish Council has the local knowledge of these difficulties. In the spirit of localism, the City Council should take heed of the views expressed locally.
- 6.20 Objection from Councillor Gettings – previous objections apply.
- 6.21 Objections from Morley Town Council - CDP's proposed development needs two ways in and out. One might be made onto Gelderd Road, but Asquith Avenue seems impractical. The UDP Inspector's intention was that there should be access onto the A650 by Nepshaw Lane South, near the West Yorkshire Trading Standards building and onto Gelderd Road. Some improvements to the A650 - Nepshaw Lane South junction were shown on a plan submitted to Leeds Planning Services on 24/2/14, together with widening of the first few yards of Nepshaw Lane South. Although welcome in themselves, these changes were not enough. The entire length of Nepshaw Lane, up to the site boundary would have had to be widened and improved.
- 6.22 Improvement further along Nepshaw Lane South would be impossible because frontagers either wanted large sums of money for narrow strips of roadside land, or refused to sell at all because there would be little or no space remaining between their buildings and potentially large numbers of passing heavy vehicles serving the CDP site.
- 6.23 We do not believe that Asquith Avenue would be suitable. It is narrow and its use would tend to encourage traffic from the CDP site to pass through Morley town and Gildersome village. Any road down to Asquith Avenue from the main part of the CDP land, which is essentially a rolling plateau, would be quite steep in a high lying north-

east facing hollow, and so likely to suffer unduly from ice and snow. Clearly the UDP Inspector's access requirements have not been matched.

6.24 One letter from adjoining landowner along Nepshaw Lane South, to state that new industrial investment is supported, and that the owner is prepared to enter into negotiations to provide the necessary land to provide a widened and improved access onto Bradford Road A650.

6.25 Pre-application Consultation

Methodology:

6.26 The pre application process for undertaking the consultation was developed having regard to the Council's adopted Statement of Community Involvement (SCI) and to the nature of the proposals. The methodology is set out as below:

- Meeting with Morley Town Council / Gildersome Parish Council to discuss proposal and pre app consultation programme (e.g. to identify any other bodies/interest groups).

- Letter and leaflet - by post to:

- residents and businesses in frontage properties nearest to site boundaries
- to objectors identified from previous planning proposals as per Leeds Council Public Access records on the web
- to the MP and Ward Councillors of both the wards of Morley North and Morley South,
- Morley Town Council
- Gildersome Parish Council

- Site Notices - notices posted around site boundaries to direct residents/business with details of proposal, contact address and website

- Website - for further information (as per leaflet/site notice) and with comments form for on line or by post comments with the Website to be made available to tie into adverts/leaflet distribution.

Letters were sent to the MP, Councillors, Parish and Town Council for their formal comments and for their awareness of potential interest/contact from those receiving the letter/leaflet or from the site notices.

Pre application Consultation process

6.27 A meeting was held with Morley Town Council and Gildersome Parish Council on the 30th March at Morley Town Hall and a representative from CDP Ltd. Officers from Leeds City Council was also present. Information that was to be provided in the leaflets was presented together with details of the pre application consultation process to be undertaken. Formal views of the Parish and Town Council were to be sought by letter and the informal views of those present at the meeting were noted.

6.28 Letters were sent out on the 4th April by first class post and the site notices were posted and website available from the 5th April. The consultation gave 14 days for comments thereby ending on the 17th April. Comments were requested by post or by email.

Feedback and Analysis of comments

6.29 A total of 153 individual letters to residents/previous objectors were sent out in addition to those sent to the MP, Ward Councillors, Parish and Town Council. Site notices were posted in prominent locations around the site as shown in Appendix 2.

A total of 95 letters or email comments were received with further letters of objection were also received from Morley Town Council, Gildersome Parish Council and Councillor Gettings. These formal letters reiterated the informal views previously obtained from the meeting.

6.30 A total of 98 letters/comments were received with all but 1 letter objecting to the proposed development/application.

Key reasons for objections to proposed development are given below

Principle

Loss of fields/greenfield site 30

Merger of Gildersome and Morley 27

Green belt 8

Leave area as it is 7

Use brownfield sites 4

7.0 CONSULTATIONS RESPONSES:

Statutory:

7.1 Highways Agency – At the time of consideration of the Position Statement, the planning application was subject of a Holding Direction by the Highways Agency.

7.2 In October 2013, the Holding Direction was lifted, and No Objections were raised. The following comments were submitted by the Agency.

7.3 Following the publication of NPPF and the draft policy document ‘The Strategic Road Network and the delivery of sustainable development’, we have been carrying out a review of all our existing TR110 directions of non-approval. The intention of the review is to facilitate the lifting of these directions where possible, to support economic development. Each application has been considered on its own merits but we are trying to take a pragmatic view to releasing existing directions of non-approval.

7.4 In the case of the above mentioned application, The Highways Agency is satisfied with the Travel Plan although we understand Leeds City Council still require some amendments. Once the final Travel Plan is agreed with Leeds City Council we would like to see a copy and we also understand it will be secured by s.106 agreement. We also have an agreed scheme of mitigation for M62 J27 which deals with the cumulative impacts of this and 2 other developments in the area. Due to existing congestion at this location the Highways Agency is also intending to pursue a larger improvement scheme which would encompass the above mentioned mitigation scheme. The intention is to pursue funding for the scheme with a view to delivery in 2015/16. Although we do not have any guarantee of funding for this scheme we believe it is highly likely to receive funds and that this represents the most realistic route for funding and delivering an improvement at this location. The timing of the scheme would also mean it is operational well in advance of the majority of the build out at the Gildersome sites.

7.5 As a result of the above considerations we have taken the decision to lift the direction of non-approval on this application. The Agency will not require any provisions within the s.106 for addressing the contribution towards the mitigation scheme but as stated above will expect the Travel Plan to be appropriately secured.

7.6 Highways Development Control

No objections subject to the completion of a Section 106 Agreement and appropriate conditions, to mitigate against the impact of increased traffic in the vicinity of the site. See ‘Highways’ Appraisal in Section 10.

7.7 Environment Agency: No objections. The proposed development will only be acceptable if the measures detailed in the Flood Risk Assessment dated July 2008 & the subsequent addendum dated 27 April 2009 submitted with the current application are implemented and secured by way of planning conditions. It is understood that a contribution of £300,000 from the developer has been offered to Leeds City Council to help alleviate flooding problems further downstream.

Non-statutory:

7.8 Public Transport Infrastructure Contributions – A contribution has been requested, and is agreed..

7.9 Neighbourhoods & Housing – A revised Noise Assessment was submitted in October 2013. No objections are raised to the proposal, subject to suitable conditions.

7.10 Yorkshire Water – no objections subject to conditions

7.11 Metro – Do not object to the development in principle.

7.12 Flood Risk Management (FRM) – no objections subject to conditions. The applicant has confirmed the intention to carry through the off-site agreements with regard to protecting the old railway cutting and the contribution of £300k towards the necessary flood mitigation scheme downstream of the site. Therefore in principle FRM would not object to these proposals, however it is an outline application and FRM do not have sufficient detail to determine whether the on-site balancing is sufficient to meet the requirements of their proposals. Therefore, FRM would request that the design of these and the surrounding development is conditioned. The implementation of their proposed drainage should be made a condition of any approval.

7.13 Public Rights of Way – No objections in principle, although details to be submitted under reserved matters will require proper consideration.

Morley Byway No.52

7.14 The landscaping does not appear to encroach onto the byway, as originally thought, and as long as the byway is not narrowed in any way this office has no objection to the proposal.

Morley Footpath No.51

7.15 No objection to the diversion of this footpath. Approval would be required from this office. Orders should be made and confirmed before work commences on site and a Traffic Regulation Order will be required during construction. The developer should be advised to contact this office for further information regarding the diversion order.

7.16 Unrecorded Footpath

If the developer is accepting of the unrecorded footpath which runs through the middle of the site, they may wish to enter into a Creation Agreement so that the path is recorded on the definitive map and statement and this office would be responsible for the maintenance of the footpath in the future.

7.17 Coal Authority

- 7.18 No objections, subject to conditions: The Coal Authority concurs with the recommendations of the Geo-Environmental Desk Study Report; 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.
- 7.19 The Coal Authority recommends that the LPA impose a planning condition should planning permission be granted for the proposed development requiring these site investigation works prior to the commencement of development. In the event that the site investigations confirm the need for remedial works to the mine entries, areas of surface mining and/or areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.
- 7.20 The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of the above condition.

8.0 PLANNING POLICIES:

Development Plan

- 8.1 The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

Unitary Development Plan Review

- 8.2 Under the UDP the application site forms the large part (28.3 hectares) of the 41.0ha site designated under E4 (14) for employment use, subject to:
- i. PROVISION OF SATISFACTORY MEANS OF ACCESS, WITH AT LEAST TWO POINTS OF ACCESS, AT NEPSHAW LANE AND GELDERD ROAD;
 - ii. CREATION OF A HIGH QUALITY ENVIRONMENT THROUGH THE USE OF QUALITY MATERIALS AND THE APPROPRIATE DESIGN OF BUILDINGS AND THEIR SETTINGS;
 - iii. ESTABLISHMENT OF A SATISFACTORY LANDSCAPE FRAMEWORK, INCLUDING BELTS OF STRUCTURE PLANTING;
 - iv. PROTECTION OF THE AMENITY OF OCCUPANTS OF NEARBY DWELLINGS;
 - v. ANY NECESSARY LEGAL AGREEMENTS;
 - vi. PREPARATION OF A PLANNING AND DEVELOPMENT BRIEF TO GUIDE DEVELOPMENT, IN PARTICULAR, LOCATION OF ACCESS POINTS AND ANY OFF-SITE WORKS, ENHANCEMENT AND

PROTECTION OF DEAN WOOD LNA, AND PROTECTION OF ADJOINING RESIDENTIAL PROPERTIES.

- 8.3 The areas excluded from the allocation in this application are the area used for caravan storage off Nepshaw Lane and Dean Woods.
- 8.4 The supporting UDP text states:
The site has largely been restored to agricultural use following open cast coal mining. The site is proposed for employment use as an extension to the existing Gildersome Spur industrial estate, thus helping to consolidate employment opportunities in the area. Development of this site will be subject to a Traffic Impact Assessment with regard, in particular, to the impact on the M621/M62/A650/A62 junctions. Careful consideration would need to be given to Dean Woods, a designated Local Nature Area. Opportunities for environmental improvements, including woodland creation, will be sought under Policy N41B. Policy N24 will also apply. These and other details, including means of protecting adjoining residential properties, will be dealt with through a Planning and Development Brief.
- 8.5 The following saved UDP policies are relevant for consideration of this application;
- GP5 – General planning considerations.
 - N10 – Development not permitted where it adversely affects a Public Right of Way.
 - N23 – Design of incidental open space around developments.
 - N24 – Proposal abutting open land should provide for suitable assimilation into the landscape.
 - N37A – All new development in the countryside should have regard to character of the landscape and contribute positively to it.
 - LD1 – consideration of landscape issues
 - T24 – Parking provision.
- 8.6 The following DPD policies are also relevant:
- GENERAL POLICY1 – Presumption in favour of sustainable development.
 - MINERALS3 – Surface Coal resources
 - AIR1 – Major development proposals to incorporate low emission measures.
 - WATER1 – Water efficiency, including incorporation of sustainable drainage
 - WATER4 – Effect of proposed development on flood risk.
 - WATER6 – Provision of Flood Risk Assessment.
 - WATER7 – No increase in surface water run-off, incorporate SUDs.
 - LAND1 – Land contamination to be dealt with.
 - LAND2 – Development should conserve trees and introduce new tree planting.

Core Strategy (2014)

- 8.7 The following Core Strategy policies are also relevant:

SP1 – Setting out the overall approach to the location of development.

SP 8: Economic Development Priorities requires the safeguarding and provision of a sufficient supply of housing land. This policy supports training and job creation initiatives via S106 Agreements and supports employment proposals which have high levels of accessibility and infrastructure.

SP 9: Provision For Employment Land requires the provision of a minimum of 493 hectares of employment land across the whole of the district.

P10 – High quality design.

P12 – Good landscaping.

EC1 – General employment Land – policy to guide the identification of employment land allocations.

T1 – Transport Management

T2 – Accessibility.

G2 – Creation of New Tree Cover

G9 – Biodiversity improvements.

EN1 – Carbon dioxide reduction in developments of 10 houses or more, or 1000 m² of floorspace

EN2 – Achievement of Code Level 4, or BREEAM Excellent (in 2013) for developments of 10 houses or more or 1000 m² of floorspace.

EN5 – Managing flood risk.

EN7 – Protection of mineral resources (coal, sand, gravel).

ID2 – Planning obligations and developer contributions.

8.8 The Leeds Employment Land Review (August 2011) provides the evidence base to the Core Strategy for assessing the overall employment need within Leeds. The Review outlines that the application site should be retained for employment use, as the site is identified in 'Appendix C: Employment sites with recommendation to 'retain' in the employment land portfolio'. The site is shown as a "Strategic Location for Job Growth"

8.9 Relevant supplementary guidance –

Leeds Street Design Guide - gives advice on design of roads and parking layouts.

Public Transport Improvements and Developer Contributions SPD – sets out circumstances under which a contribution is required for public transport improvements.

Travel Plans SPD – gives advice and guidance on the use of travel plans.

Sustainable Construction SPD.

National Planning Policy

8.10 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

- 8.11 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.
- 8.12 The NPPF includes policy guidance on sustainable development, economic growth, transport, design, and climate change. Paragraph 32 states:
All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.13 Paragraph 100 states that ‘Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.’
- 8.14 Section 7 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:
- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - Optimising the potential of the site to accommodate development;
 - Respond to local character and history;
 - Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - Create safe and accessible environments; and
 - Development to be visually attractive as a result of good architecture and appropriate landscaping.

Other National guidance

- 8.15 Noise Policy Statement for England (March 2010)

9.0 MAIN ISSUES

1. Principle of development and sustainability
2. Highway, transportation and access issues
3. Urban Design and Landscaping
4. Ecological interests
5. Flood risk management
6. Noise implications
7. Delivery of remainder of Employment Allocation

8. Section 106 Agreement and CIL Regulations

10.0 APPRAISAL

Principle of development and sustainability

Development Plan

- 10.1 The application site forms the vast majority of a larger area allocated for employment uses and forms an extension of the existing Treefield and Gildersome Spur industrial estates on the edge of Morley. Section 38(6) of the Planning and Compensation Act 2004 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. As the site is allocated for employment in the development plan, the starting point would be that the proposal is acceptable in principle, but that material considerations need to be taken into consideration.
- 10.2 To ensure the potential for future job growth, the Leeds Employment Land Review (LELR) has identified a requirement for 493 hectares of industrial and warehousing land to be provided to 2028, and as such, this 28 hectare site is considered an important component in delivering jobs and employment opportunities. The Review provides the evidence base to the Core Strategy for assessing the overall employment need within Leeds. The Review outlines that the application site should be retained for employment use, as the site is identified in 'Appendix C: Employment sites with recommendation to 'retain' in the employment land portfolio'. The site is shown as a "Strategic Location for Job Growth"
- 10.3 The applicant has stated there is a clear regional demand for well located and well specified warehouse buildings and an active market for buildings in the range of 75 000 to 200 000 sq ft which would be well suited to this site. It is also noted that there is only a very limited number of sites in Leeds which meet these requirements. The site has potential to generate significant inward investment directly into the Leeds economy. The applicant states that in the region of 1500 jobs would be created as result of the construction and operation of the development.
- 10.4 Furthermore, recent guidance from the Government highlights the need to provide for economic growth. The National Planning Policy Framework makes it clear that the Government expects that development and growth should be approved unless it compromises key sustainable development principles set out in national planning policy. Appropriate weight should be given to the need to support economic recovery and applications that secure sustainable economic growth, such as this application, should be treated favourably. As the site is allocated for employment use, and the proposal is for employment uses, there are no objections to the principle of development, as proposed. Unless material considerations indicate otherwise, the proposal should be acceptable in principle.

Highways and access issues

Site layout

- 10.5 A masterplan has been submitted for the site and whilst it can only be considered as indicative of what could potentially be delivered on the site, the application is for B1(b), B1(c), B2 and B8 uses. The plan shows new access points, and although means of access is a matter to be reserved, the access points proposed on the indicative layout have been assessed by Highways Officers. The developable area of the site remains unfettered for whatever size units the market demands.
- 10.6 The masterplan layout includes main access point on Gelderd Road as a signalised junction, a road through the site connecting to Asquith Avenue at a priority T-

junction . A small area of site is accessed separately from Gelderd Road by a priority T-junction with a central ghost island right turn lane.

The layout does not include a vehicular link to Nepshaw Lane South, it also does not provide a link to the remainder of the UDP allocated site outside the applicant's ownership.

Traffic Counts and Growth:

10.7 Traffic counts were undertaken in October and December 2011.

In order to anticipate traffic growth, a growth factor has been applied to the traffic counts, the Highways Agency requested that a growth rate of 2.1% per annum be applied which is higher than the National Transport Model local growth factor for Morley of 1.55%.

The Council is currently carrying out transport modelling for site allocations in the LDF, this modelling based on the expected allocation of development across Leeds shows the growth rate of traffic on Gelderd Road to be ****% per annum, which demonstrates that the assumptions made for this development are robust.

Trip Rates

10.8 A mix of uses have been agreed for the site that represents a reasonable assumption of a typical site based on the masterplan layout. The use assumptions include an element of parcel distribution occupiers, these tend to occupy smaller units but have a higher trip rate per square metre than other warehouse uses. The applicant's desire is to attract a large warehouse occupier on the site, the trip generation per square metre of even an online shopping distribution warehouse would be expected to be lower than the assumed warehouse trip rate, therefore the traffic generation assumptions for the site are considered to be reasonable.

The expected traffic generation from the site during the morning and evening peak hours is expected to be:

	Am peak			Pm peak		
	Arr	Dep	2-way	Arr	Dep	2-way
Trips	310	236	546	256	387	643

10.9 The above represents the traffic movements in the morning and evening peak hours, clearly there will significant traffic movements throughout the day, these would be expected to have a high proportion of commercial vehicle movements. Throughout the course of the day, a third of the total vehicle movements would be goods vehicles.

Distribution

10.10 The distribution of traffic from the site has been reconsidered and agreed as a sensitivity test, the distribution of employee trips is expected to be as follows:

%	AM peak 2-way	PM peak 2-way	Direction To/from	Comment
56	306	360	J27	Predominantly onto M2 east and west
21	115	135	A62 Gelderd Road	Towards City Centre / M621 /

				Outer Ring road
15	82	96	Asquith Avenue	Various Routes through Morley
8	44	51	Gildersome	Various routes towards Pudsey and A58

- 10.11 Commercial Vehicle trips are expected to differ from employee trips, because they predominantly occur outside the congested times on the network when there is no advantage to trying to cut through residential areas, also the journeys are likely to be mostly longer distance and so to be more directed along Gelderd Road either towards J27 or the Outer Ring Road / City Centre. There is a concern that commercial vehicles may be tempted to travel through Gildersome to access the Outer Ring Road. There seems to be little reason for commercial vehicles to head towards Morley other than for local journeys.

Main Entrance

- 10.12 An arrangement for the main access has been agreed, it comprises a signalised junction with pedestrian crossing phases across Gelderd Road and the site access road. Traffic modelling of the junction using Linsig has shown it to operate within acceptable capacity with the worst degree of saturation being 62% of capacity.

Asquith Avenue Access

- 10.13 Asquith Avenue has a 40mph speed limit from approximately 100m west of the motorway bridge to its junction with Asquith Avenue, the proposed access into the development is proposed along this section of the road. A layout plan 1292/13/B has been submitted which provides a ghost island right turn of 3.7m, tracking of the turning movement of a 16m articulated vehicle is shown to be achievable, which is a likely sized vehicle. A central refuge is provided in the mouth of the junction and a pedestrian refuge introduced to on Asquith Avenue assist pedestrians to cross to the adjacent bus stops.

- 10.14 To achieve the layout described above, the carriageway has been realigned along its western side, the layout demonstrates that 2.4 x 120m visibility splays can be achieved and that the alignment of Asquith Avenue is not compromised. At peak hours, queues towards the Gelderd Road traffic lights are likely to extend across the mouth of the junction, as such a yellow box marking should be provided on the west bound lane to allow traffic to exit the site when this condition prevails.

Traffic modelling of the access using Picady shows the access to work well within practical capacity with the worst degree of saturation being 65% of capacity.

.Secondary Access from Gelderd Road

- 10.15 A layout plan 1292/17/C has been submitted which provides a widened ghost island right turn of 3.7m, tracking of the turning movement of a 12m rigid vehicle is shown to be achievable, which is a likely sized vehicle that can be associated with a group of small industrial units. A small section of the existing central refuge on Gelderd Road is maintained and a second pedestrian refuge introduced to assist pedestrians to cross Gelderd Road. To achieve the layout described above, the carriageway has been realigned along its southern side, the layout demonstrates that 2.4 x 120m visibility splays can be achieved and that the alignment of the A62 is not compromised. The footway along the site frontage will be made continuous from the existing footway to the east to the footpath connection along the northern boundary of the site to the west.

Gelderd Road / Asquith Avenue/Branch End junction

- 10.16 Traffic modelling of the junction shows that currently it operates close to capacity in the morning peak and above theoretical capacity (100% RFC) in the evening peak. Traffic growth up to 2019 has been considered which would result in the junction operating over its theoretical capacity in the morning peak also. Whilst the development would add additional traffic to the junction, the link through the site would provide an alternative route for traffic between Asquith Avenue and Gelderd Road to the west. It has been assumed in the modelling that 70% of the traffic making the right turn from Gelderd Road to Asquith Avenue and the left from Asquith Avenue to Gelderd Road will divert through the site. This level of diversion still results in some turning movements being over capacity, but in all cases the with-development and link road scenario is better than the no development scenario. The junction has pedestrian crossings on all arms to facilitate pedestrian movement from the site to bus stops.

Off Site mitigation Works

Gildersome

- 10.17 The section of the B6126 Town Street/Scott Green through Gildersome is on the Council's Length for Concern register, ranked 42. The road has been subject to extensive vertical and horizontal traffic calming over recent years and the introduction of a 20mph zone. The road passes through the centre of Gildersome that has a 'village' feel and a small roundabout junction arrangement. Accident levels have fallen consistently since 2008, in 2011 and 2012 there was only 1 slight accident in each year. The road is still monitored but providing the accident rate remains low it is likely to not feature in next year's report. Whilst there will be a slight increase in traffic through Gildersome, no further traffic calming works are required as all routes through Gildersome are traffic calmed, there have not been any recent requests for more features, or removal of features, which, along with the accident record is a good indicator of a satisfactory level of provision.
- 10.18 However it is acknowledged that commercial vehicles from the site could be tempted to cut through Gildersome particularly to reach the Outer Ring Road for destinations to the north. College Road and Street Lane are particularly unsuitable for commercial vehicle movement and although Town Street is a B classified road, the 'village' nature of the centre of Gildersome and the extensive traffic calming also make this route inappropriate for commercial vehicles. Therefore it will be necessary to introduce a weight limit on environmental grounds through Gildersome to mitigate against a potential severe impact on the village. The applicant will provide £15,000 through the S106 agreement for these works.

Asquith Avenue

- 10.19 Asquith Avenue is an important link into Morley, there is a considerable amount of commercial development within the town and as such the route is used by commercial vehicles. It is not considered appropriate or necessary to restrict commercial vehicles from the development from using the route. The development is unlikely to generate a significant number of commercial vehicle movements in this direction as unlike the route through Gildersome it does not offer a significantly beneficial route for long distance journeys, some local trips may occur in this direction.
- 10.20 Asquith Avenue carries significant volumes of traffic at peak times, north of the motorway there is only a footway on the western side. South of the motorway to the east is a significant residential area, it is likely that people will walk from this area to the site. Having examined the historical accident record, it is clear that the straight alignment and generous width of Asquith Avenue encourage higher than desirable speeds and of the 8 personal injury accidents recorded between the motorway bridge and Victoria Road, 3 have resulted in serious injuries. A scheme is proposed

to narrow the running carriageway by means of build-outs at junctions and crossing places, creating lengths of sheltered parking bays, particularly along the terraced frontages and providing islands for safe crossing points for pedestrians between the site and residential areas.

The existing 40/30 speed limit change lacks conspicuity and whilst the developer is proposing an extension to the 30 limit to encompass the development access onto Asquith Avenue, the introduction of a gateway feature immediately SE of the motorway bridge where the character of the road changes and where lower speeds are necessary should be provided. The gateway could consist of a narrowing, possibly by means of a central island, but this would need to be established during detailed design. The applicant has submitted plan 1292/28 Proposed Traffic Management Scheme: Asquith Avenue containing these works which will be subject to a planning condition should consent be granted.

A643 Bruntcliffe Lane, Victoria Avenue / B6126 Asquith Avenue, Brunswick Street

- 10.21 The junction of the A643 and B6126 is in the form of two mini roundabouts. The junction has just over 2000 movements through it in each peak hour, the development will increase the traffic by 4%. However, the increase in traffic has an impact on the performance of the junction.
- 10.22 In the morning peak, the Victoria Road, Asquith Avenue and Bruntcliffe Lane the RFC value (ratio of flow to capacity) are below 1 (0.95, 0.89, 0.79 respectively) in the base situation, the increase in traffic from the development queue increases the RFC values to 1.04, 1.02 and 0.99 respectively, this increase in RFC to above theoretical capacity causes an increase in queue lengths; Victoria Road by 16 vehicles, Asquith Avenue by 16 vehicles and Bruntcliffe Lane by 12 vehicles. Average vehicle delay increases by 1.5mins on the Victoria Road and Asquith Avenue approaches.
- 10.23 In the evening peak, the Bruntcliffe Lane arm, which is already over capacity in the base case goes further over capacity from 1.1 to 1.16 with a consequential increase in queue of 42 vehicles on that approach and delay increases by 3mins from 4.5mins in the base scenario, whilst the Asquith Avenue RFC value does not exceed 1 the queue increases by 8 vehicles and delay by 50secs..
- 10.24 The applicant has offered a minor improvement to the Asquith Avenue/Bruntcliffe Lane roundabout, that the model suggests will relieve the evening Bruntcliffe Lane queue and significantly reduce it below the existing condition and reduce delay by 2mins,. A consequence of this alteration is that the Asquith Avenue increases to 18 vehicles in the evening peak and delay by 1.5mins. In the morning peak the RFC values on Victoria Road and Asquith Avenue remain at or above 1, with increases in queuing above the base situation of 11 and 10 vehicles respectively and delay by 1min.

The Council and the applicant have investigated whether a substantial improvement to the junction, such as signalisation is possible to address the impact. However no improvements are possible that are proportional to the development and its impact at the junction.

Whilst the modelling of the development shows a slight worsening of conditions at this junction in the evening peak hour, there are several factors that need to be considered; the Council and the applicant differ in their view as to the amount of traffic that will pass through the junction as alternative routes are available, so the predicted level of traffic may not materialise, the level of growth applied to base traffic is very robust and the development is bringing forward other transport benefits in the area, as a result the impact at this junction is not considered to be of sufficient severity to warrant refusal of the application.

A650 Bruntcliffe Road / A643 Bruntcliffe Lane junction

- 10.25 The junction suffers congestion at the peak hours, the Barratts residential development near the A650 / Scotchman Lane junction is funding MOVA, which manages the traffic signals more efficiently than a fixed time operation to improve capacity and reduce queuing to some extent. In order to increase the capacity of the junction significantly, it would be necessary to widen both Bruntcliffe Road and Bruntcliffe Lane which would require extensive third party land.
- 10.26 Based on the sensitivity test traffic distribution, the traffic impact of the development on the junction is to add 34 movements in the morning peak and 40 movements in the evening peak, predominantly turning between Bruntcliffe Lane and Bruntcliffe Road to the east. This compares with the 2019 future design year base flows of 608 and 742 movements on the same turning movement. A LINSIG model of the junction shows that in the morning peak, the development traffic can be accommodated without increasing traffic queues. In the evening peak the predicted queue on Bruntcliffe Lane increases from 71 pcus to 84pcus, an increase of 13 pcus. The applicants own prediction of the impact on the junction is less as they suggest that more traffic would be routed on the motorway than on local roads. Given the impact of the development relative to the situation without the development and alternative routes available to traffic, the impact of the development cannot be considered to be so severe as to warrant refusal on this junction alone.

Nepshaw Lane South

- 10.27 The UDP identifies Nepshaw Lane South as an access route to the site. The section that is constructed to adoptable standards stops short of the site boundary, in order to extend Nepshaw Lane South at a suitable width for use as an industrial access road would require third party land. The junction of Nepshaw Lane South and the A660 would need to be signalised to accommodate additional traffic from the development as existing traffic finds it difficult to exit, a suitable junction arrangement would require third party land and agreement of residents of a private access to signalise their access. The use of Nepshaw Lane South as an access to the site would therefore be very difficult to achieve.
- 10.28 Consideration has been given to the development traffic likely to use Nepshaw Lane South were it to be provided, traffic heading towards the motorway is likely to use the A62 as it is less congested and no further. The only traffic identified as likely to use Nepshaw Lane South, is that that is otherwise predicted to travel along Nepshaw Lane South and Bruntcliffe Lane to the A650, i.e. a proportion of approximately 6% of development traffic. The traffic would still impact on the A650 / A643 junction and whilst the increase in queues would be split between two approach directions, a similar overall impact would occur as without Nepshaw Lane South. It is therefore concluded that there would be no benefit to the development or the highway network of providing an access via Nepshaw Lane South.
- 10.29 In respect one of the major areas of concern, i.e. the potential of a proposed access off Nepshaw Lane South, the applicant has made the following comments:
- 10.30 *The applicant is not able to provide a vehicular access to this site off Nepshaw Lane North. It is recognised that Plans Panel members have requested such an access, and also that Officers feel that this offers the opportunity to further spread traffic around the network and thus to reduce effects at all junctions in the area. However, there are practical reasons why the provision of this access is not possible:*

1. The applicant does not own the land required to signalise the junction of Wakefield Road and Nepshaw Lane South. There is an option agreement in place, but the terms achieved reflect the fact that when the landowner negotiated the agreements, they were ransomed at that time, and hence were unable to secure a reasonable market rate for the land. The applicant has no intention of exercising these options for this reason.

2. The signalisation of the junction would require the shared access point for the three houses opposite the junction to be either: (i) included in the signalisation, or (ii) moved so that it is outside the signal control.

Either of these options would need the agreement of all three home owners. This is not guaranteed, and we consider it to be unlikely given that it will hamper their access and result in more traffic passing in front of their properties.

3. The provision of an access will require road widening between the access to the existing industrial units and the site, where the existing surface ends. This will require third party land, and is extremely close to the corner of one building. The applicant holds options which would take an element of car parking from the existing units, but these are again on very un-commercial terms.

These points demonstrate that there are real issues with third party land in achieving an access in this direction. Whilst the applicant has options which on face value make it possible to deliver an access on this route, all of these were negotiated from a position of being ransomed and hence significantly favour the other landowners. Renegotiating these would be challenging given this position, and hence the applicant will not exercise these options on viability grounds.

A Nepshaw Lane South access is not a deliverable option for this site due to land ownership constraints.

There are also market and operational considerations which mean that such an access won't be attractive for commercial vehicle movements. These reasons are set out below:

4. The provision of such an access would significantly reduce the developable area of the main plot at the rear of the site, making it less attractive and marketable. The road would reduce the 580,000sqft building to 470,000sqft. This is still a large building, but one which will be more difficult to market as it is less flexible and more constrained. This effectively removes the market USP of the site, which is to deliver a single building over 500,000sqft, which no other site in Leeds can currently deliver in the eyes of the market.

5. The route from Nepshaw Lane South to the Motorway is less attractive than the alternative via Gelderd Road because: (i) it is longer, (ii) there are more traffic signals to pass through, and (iii) Wakefield Road is more congested than Gelderd Road, and (iv) HGV's would not be likely to use this route in favour of the Gelderd Road option.

6. Staff movements will come from a variety of directions, but the majority are likely to use the Gelderd Road or Asquith Avenue access points. This is for similar reasons to those set out above, but also because they are likely to operate with better capacity than the Nepshaw Lane South junction. There may be some residents who would benefit from such an access point, but these will not be the majority.

10.31 On this basis, the applicant considers the provision of a Nepshaw Lane South access is not justified as it is likely to attract very little traffic from the site. The cost-benefit ratio is too high to be justified, even if the route were deliverable.

It is the applicant's position that an access from Nepshaw Lane South:

Is not commercially deliverable

Removes the USP (unique selling point) of this site in market terms

Is not attractive to future users of the site

Demonstrates a poor cost to benefit ratio

10.32 *The main issue that results from the lack of this access point is a small percentage (c.2.5%) impact on the double mini-roundabout at the end of Asquith Avenue in Morley. The cost of providing the Nepshaw Lane South junction is not warranted as a means of rectifying that small impact.*

10.33 *In the context of a scheme which delivers a functioning access strategy, with minor dis-benefits at one junction, the applicant is of the view that the residual cumulative impacts of the junction are not severe, and hence the NPPF suggests that the application should not be refused on highways grounds.*

10.34 The highways implications of the Nepshaw Lane South access not being provided has been considered above.

Nepshaw Lane North cycle route

10.35 Nepshaw Lane North is part of the North Morley Spur (route 6) of the core cycle network, the route when complete will help encourage cycling to the site from a substantial residential area of Morley, the scheme is not within the current LTP funding, so won't be delivered in the foreseeable future. Therefore it is reasonable that the development provides some improvement as an interim measure to support access to the site, a figure of £20,000 has been agreed in principle.

Bus stops

10.36 The bus routes closest to the site are along Asquith Avenue and Gelderd Road/Branch End. Services on Asquith Avenue are the 205 (Pudsey/Dewsbury 60min frequency), 425/427 Wakefield, Morley, Bradford, 30 min frequency), 74 (Middleton, Aberford 30 min frequency). Buses on Gelderd Road and Branch End are 219/229 Leeds / Huddersfield service at 60 min frequency. Whilst none of the services are high frequency, they do serve a wide area of West Yorkshire, overall there are 4 buses per hour which connect to bus stations across in various towns.

10.37 It is proposed to upgrade the two bus stops on Asquith Avenue to provide shelters, real-time and raised kerbs. Additionally subject to there being space the two stops on Branch End would also be similarly upgraded, however the narrow footway and carriageway width may preclude this.

Bus penetration

10.38 Parts of the development proposals are currently over our 400m standard walk routes to bus stops. Attracting and maintaining public transport use at the site will be challenging. Improvements to the local existing public transport infrastructure to encourage the use of public transport is therefore supported.

The current bus network in the area is operated on a commercial basis. This means Metro do not have the powers to dictate what route the services take in the area. Any changes are therefore reliant on the incumbent operator making a commercial decision to do so. The development type proposed is for relatively low density employment uses. The B8 uses on the site are likely to have an element of shift working. A combination of these factors make it unlikely that operators will be willing to divert services into the site. Neither First Group nor Arriva have expressed willingness to divert into the site.

- 10.39 Following further analysis of the site, it is Metro's view is that the operational sustainability of operating a bus service into the site is low. Even with developer funding, it is unlikely that the level of demand for a service into the site will firstly generate enough revenue to cover the costs and second, the dis-benefit to existing passengers would also not make the route changes an attractive option for operators. Delivering a service through the site is therefore not considered achievable on this occasion.
- 10.40 Metro recommend that the lower density uses should be located in the least accessible areas to minimise the number of people that are outside the 400 metre walk routes to public transport stops. The higher density uses should be located in the most accessible areas. The design and layout of buildings also needs to be configured to assist pedestrian access. By incorporating walk routes and pedestrian access points within developments can significantly reduce walk routes in large sites. The indicative layout shows the more intensive/smaller units close to the Gelderd Road frontage, with the largest unit located furthest from existing bus stops.

Internal Layout

- 10.41 An indicative layout has been provided based on the tracking of two 16m articulated vehicles passing on the proposed bends through the site and also shows the envelope of Stopping Site Distance (SSD). As required by the Council's Street Design Guide, the layout should conform to Design Manual for Roads and Bridges as the link road will perform the function of both a new link road and an industrial road serving more than 20Ha.
- 10.42 Notwithstanding the requirement of a DMRB compliant design, in terms of the layout presented, Manual for Streets 2 (MfS2) provides further guidance on roads that are likely to have higher volumes of HGV movement, as will be the case on this section of road and offers a method of calculation of Stopping Sight Distance based on the deceleration rate of HGVs as opposed to light vehicles. Recalculating based on the HGV figure means that the SSSD is 63m rather than 56m. The forward visibility envelope will eat into the plots and has been indicated on a plan. The forward visibility envelope will be part of the future adopted highway. The swept path track of HGV's shows that some adjustment of the building position as shown on the masterplan will be required. A Traffic Regulation order to prevent waiting and loading at any time should be promoted on the internal road to ensure the free flow of traffic.

Construction

- 10.43 A Construction Management Plan should be conditioned to deal with access to the site during construction, parking of vehicles, cleanliness of the highway. It should be noted that Network Rail works on to a bridge on Gelderd Road are likely to mean the road will be closed for several months to the south of the site during 2015 / 2016.

Conclusion on highways issues

- 10.44 The traffic impact of the development on the highway network has been assessed, in all locations the impact has been shown to be within acceptable except the Asquith Avenue, Victoria Road, Brunswick Lane roundabout, an improvement scheme proportionate to the impact is not available and the council does not consider that the impact of the development at this junction is so severe as to justify the refusal of the planning application.

Measures are proposed to reduce the impact of the development including a link road through the site, improvements to Asquith Avenue, a weight restriction in Geldersome and public transport and cycling improvements.

The application will generate significant traffic which will require a section 106 Agreement and suitable planning conditions, as follows:

- The accesses onto Gelderd Road and Asquith Avenue and associated alterations to these roads and the link road through the site joining them should be completed before first occupation of the development. The link road to be constructed to adoptable standards and offered for adoption.
- The link road through the site to have 'No waiting or loading at any time' restrictions.
- The access from Gelderd Road to the smaller area of development and associated works to Gelderd Road to be completed before occupation of that element of the site.
- Weight limit restrictions through Geldersome, including Branch End, Town Street, College Road and Street Lane to be in place before first occupation of the development.
- Improvements to the junction of Victoria Road / Asquith Avenue / Bruntcliffe Lane / Brunswick Street to be completed before first occupation of the development.
- A contribution of £20,000 towards improvements to Nepshaw Lane North to improve cycle access.
- Traffic Management works on Asquith Avenue from Victoria Road to the M621 Motorway Bridge.
- Construction Management Plan.
- Funding for bus stops, £60,000.
- Details of Cycle parking, showers and lockers to be provided before commencement of each building and installed before occupation.
- Details of Motorcycle parking to be provided before commencement of each building and installed before occupation.
- Details of electric car charging points to be provided before commencement of each building and installed before occupation.
- Details of car share spaces to be provided before commencement of each building and installed before occupation.

Urban Design and Landscaping

- 10.45 The application proposes large scale development. The visual impact of the large industrial units and their service yards on views from the M621, Gelderd Road and Asquith Avenue are significant issues. The location and size of buildings, and the widths and locations of structure planting to reduce the impact of the development will be important to mitigate against adverse impacts.
- 10.46 The proposal is for outline planning permission with all matters reserved. An indicative plan and parameters plan is included with the planning submission to illustrate how future development may be accommodated on the site. This assists in providing the maximum and minimum heights, widths and lengths of units within the identified plot areas.
- 10.47 The proposed scheme parameters and arrangements set out above and in the application details allow a smaller, more domestic relationship from the proposed

units to residential properties along Gelderd Road whilst maximising the development potential and opportunities for a wide range of commercial industrial and warehousing units on the application site dependent upon further reserved matters applications.

10.48 The detailed appearance of the buildings will be the subject of future planning applications. The indicated scale of the proposals and the proposed uses that the development will bring forward together with the use of modern building techniques. The detailed appearance of the building will be subject to reserved matters approval. A detailed Supplementary Design & Access has recently been submitted, to ensure quality design and landscape proposals are brought forward.

10.49 The principles agreed between Officers and the applicant include the following key areas:

Establish a future use for the site which is complementary to the surrounding land uses.

Ensure development proposals protect and enhance Dean Woods.

Locate medium scale development to the mid-southern extents of the site

Provide strong frontage onto main road corridors and use built form to define key gateways into the site

Implement high quality landscape treatment along boundaries and within car parking where possible.

Set a maximum height parameter of 8.5m (or 2 storeys) within the northern extent of the development site to respond to the Gelderd Road context.

Locate smaller scale development to the Gelderd Road frontage

Locate smaller scale buildings towards the northern extents of the development site

Provide a high quality frontage along Gelderd Road.

Mitigate sensitive views into the site through high quality landscape planting.

Provide an appropriate setback distance from Belle Vue terraces to prevent shadowing and exclusion of views to open sky

Enclose views from the Belle Vue Terrace gardens through appropriate landscape screening into the site.

Provide appropriate vehicular access into the site from Gelderd Road and Asquith Avenue

Upgrade and enhance Nepshaw Lane North (52)

Retain and enhance pedestrian connectivity through the site and divert Footpath 51 where necessary.

Form a strong roadside landscape along Gelderd Road linking to local features such as trees, hedges and stone walls

Restrict views into the site from Gelderd Road

Retain existing tree planting along Stone Pits Lane North

Create a new gateway feature into the application site along this key approach.

Locate taller buildings / larger building footprints on flatter plateau areas to the south of the site

Mitigate impact of large scale blocks on higher ground through landscape structure planting.

Retain all existing woody vegetation (and protect during construction works) where possible

Protect and enhance Dean Wood as part of the proposals

Ensure detailed landscape proposals mitigate any tree loss with replacement native tree planting.

Mitigate sensitive views into the site through high quality landscape planting.

Provide an appropriate setback distance from Belle Vue terraces to prevent shadowing and exclusion of views to open sky

Enclose views from the Belle Vue Terrace gardens through appropriate landscape screening into the site.

- 10.50 These principles will need to be complied with in any reserved matters submissions.
- 10.51 The proposal involves the retention of Dean Woods within the central part of the site. The wood would be augmented by a band of 'structured' landscaping, which is likely to take the form of additional woodland planting. Dean Woods is a designated Leeds Nature Area (LNA) and part of the wood has been identified as Ancient Replanted Woodland. Any reserved matter scheme would be required to have no direct impact on the woodland.
- 10.52 A Woodland Management Plan would be subject of a Section 106 Agreement. The woodland straddles boundary of all three application sites, therefore the Plan would provide some consistency for dealing with woodland management issues and how detailed proposals would address the woodland area.
- 10.53 The provision of perimeter landscaping also sets parameters for the future location of buildings beyond these areas with particular regard being paid to the residential properties at Belle Vue Terrace. Structural landscape zones have been positioned adjacent potentially sensitive areas such as site boundaries in accordance with the Landscape Masterplan. The access points to the site will be taken from Gelderd Road and Asquith Avenue with a central bridge crossing point over Dean Beck. The bridge crossing location has been assessed as providing the most practical location available whilst minimising tree loss due to the land available, location of Dean Beck for the drainage outfall and the topography of the site.
- 10.54 Landscaping proposals would be subject to a reserved matters application, however, indicative landscape proposals have previously been put forward. With respect to illustrative proposed structural landscape provision, the Landscape Officer has recommended that a minimum width of 10 metres be stipulated, to allow for the mature growth of larger broadleaf tree canopies without conflict with development or highways. Given the potential scale and visual impact of industrial buildings, landscape provision will need to at least attempt to match the scale of development, to provide necessary setting and amenity screening.
- 10.55 Large-scale buildings may well demand more than the 10 metres width, unless alternative acceptable proposals could address the concerns of setting and amenity screening. Such landscape provision (minimum 10 metres width) should also apply to internal planting provision along arterial access routes, to continue to provide the required structural setting to the overall development, and particularly where large built developments are proposed. Lesser widths of secondary planting within individual development sites may prove acceptable but will need to be considered in respect of actual developments as proposed.
- 10.56 Officers consider there is a need to ensure that a comprehensive approach is taken to the landscape development of this site. Phased provision on an *ad hoc* basis as different sites come forward is insufficient in respect of the structural landscape provision and subsequent management. Whilst it might be unreasonable to expect the full boundary and internal structural landscape to be provided on the basis of an initial small-scale development proposal, the same could not be said if substantial development proposals are proposed in the initial development.
- 10.57 Further consideration of the different landscape areas is needed, to define primary structural landscape, secondary landscape in association with development plots, and tertiary amenity planting in close association with particular developments e.g. around offices and car parking. There is an opportunity to provide boulevard style

planting along the main estate roads, and advance planting in these areas would be beneficial to the proposal.

- 10.58 A condition is required to ensure future consideration of such phasing be subject to approval. We need to consider both the timing and scale of developments coming forward, in defining what landscape works should be provided at any one time. As parts of this infrastructure, the arterial access route into the site, the proposed bridge crossing across Dean Beck and associated landscape provision demand particular consideration in respect of their visual amenity and biodiversity impacts.
- 10.59 The proposed storm water ponds are significant new features in association with proposed built development. These will need to be developed to provide biodiversity opportunities to be acceptable, particularly the one proposed on the line of the current Beck. The illustrative over-engineered forms do not inspire confidence in this regard and will require detail reconsideration to maximise biodiversity and landscape benefits. Again a condition is required to ensure that this particular concern is given detailed consideration.
- 10.60 Long term management of landscape provision should also be secured. A prime concern will be to achieve the timely and effective development of landscape structure, setting and amenity, in order to minimise the potential impact of development on the wider area. Positive responses to landscape issues if and when these arise, need to be addressed through positive proactive management and not just pre-determined visits for maintenance.
- 10.61 The visual impact assessment work carried out by the applicant is of value in establishing local context but more detail work will be required in support of Reserved Matters applications. Additional work has already been carried out to consider views from the motorway corridor and from the city centre. Whilst this is welcome it is still inevitably limited by not knowing the form and extent of proposed development, as the existing scheme is indicative only. Again further detail consideration will be required and accurate photo-montages will be essential in assessing detail design proposals as they come forward.
- 10.62 Subject to suitable conditions, including compliance with the Supplementary Design & Access Statement, to address the above points, no objections are raised.

Nature Conservation interests

- 10.63 The proposed scheme will have an adverse impact on nature conservation due to the loss of an area of designated woodland LNA and loss of semi-improved grassland areas (that are used by ground nesting birds such as Skylark and Meadow Pipit). There will also be adverse impacts on bats commuting and foraging east-west along the Dean Beck and its wooded becksides through the removal of a section of woodland for a new road crossing over the beck (and long-term disturbance through increased lighting at this location). The indicative landscape proposals should offset these adverse impacts through provision of storm-water features provided that they are designed to benefit wildlife, together with new woodland planting adjacent to the Dean Beck and the new storm-water features.
- 10.64 It will be important to ensure the new road crossing over Dean Beck is designed in a way to continue the ecological function of the open watercourse – this will essentially need a bridge that spans the beck (at a sufficient height) allowing becksides vegetation to be retained/re-establish – rather than a piped culvert. This issue can be addressed as a reserved matter and a suitably worded condition.

- 10.65 In addition to the requirement for a long-term Woodland Management Plan as part of the S106, detailed conditions should be attached in respect of the following matters:
Submission and approval of a Construction Environmental Management Plan
Submission and approval of a Biodiversity Enhancement & Management Plan
Submission and approval of a “Lighting Design Strategy for bats”
No site clearance 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.

Flood Risk Management

- 10.66 The applicant has resubmitted the detailed Flood Risk Assessment (FRA) submitted with application 23/248/04/OT, submitted in July 2008 (and subsequent addendum in 2009) which was acceptable to Environment Agency and FRM, subject to the mitigation measures identified in the FRA being carried out.
- 10.67 The application now being submitted by CDP Limited is consistent with the previous modelling assumptions, development density and provides the same on site attenuation measures. The flood risk modelling thus remains entirely valid and forms the basis of the FRA submitted. The assessment of surface runoff and exceedance flows from the site and potential impacts of the development has been undertaken using Microdrainage modelling of the Dean Beck and Farnley Wood Beck catchments, including food depths in this area. An assessment of the flows spilling into the Gildersome tunnel cutting has also been made.
- 10.68 The modelling addendum was accepted by the Environment Agency in May 2009, and the Environment Agency has suggested a planning condition to support the mitigation measures set out in the FRA.
- 10.69 The results of this assessment suggest the following:
The proposed flood storage basin has the effect of attenuating flows, introducing lag into the flows from Dean Beck.
Peak flows in both Dean Beck and Farnley Wood Beck are lower following development of the site.
Within the development sites all design flows up to the 1 in 100 year event are contained without any flooding to the site. In addition the accident event shows that for the plot considered, flooding arising from the 1 in 200 year accident event can be contained on site.
The flows from Tree fields Industrial Estate (pre and post development) are small (less than 10%) compared to the total Farnley Wood Beck catchments flows.
The post development flows indicate lower peak flows entering the high flood risk areas of Old close and Millshaw industrial estate.
A significant proportion of the proposed attenuated site runoff does not enter the watercourse until after all other inflows have returned to base flows.
Flood depths in the Old Close and Millshaw areas are reduced for the post development case, and flood volumes are reduced by up to 2889m³ for the 100 year event.
Flows spill into the Gildersome tunnel cutting for both the pre and post development scenarios. The overall volume spilling into this area is higher for the pre development case at high return periods, but higher for the post development case at low return periods.

The reduction in peak flows and levels observed on Farnley Wood Beck occurs with or without the spillage of flow into the Gildersome tunnel cutting, showing that the development is not reliant on the storage currently occurring at this location. The overall impact of the proposed development is a reduction in flooding at the critical flood risk locations on Farnley Wood Beck.

- 10.70 The overall scheme has fully considered the implications of flooding and flood mitigation has been designed into the whole development site to provide wider sustainability benefits and flood risk mitigation works which benefit the downstream community.
- 10.71 In conclusion a detailed Flood Risk Assessment has been carried out in accordance with the National Planning Policy Framework and the application submitted is consistent with the previous modelling assumptions, development density and provides for onsite attenuation measures accepted on the previous planning proposals for the site. The Council's Flood Risk Management section and the Environment Agency raise no objections to the proposal.
- 10.72 At the time of consideration of the Position Statement, the issue of flooding was raised by Plans Panel, and is a concern of residents and Gildersome Parish Council. A sum of £300,000 has been negotiated in respect of off-site flood alleviation works. In this respect, the Flood Risk management Team has advised that there are two different options for flood alleviation improvements:
- (i) £50k towards study of possible schemes in Farnley Wood Beck/Dean Beck, plus £250,000 towards a major scheme to address flooding in the catchment – determined by the study.
 - (ii) Flood Doors at Old Close (£70k); maintenance of the channels and grilles downstream of the Treefields site to just below Old Close (£1k / annum – say £30k) and storage of storm flows in 2 potential locations (£75k each – total £150k)
- 10.73 On this basis, no objections are raised. Flood Risk Management has advised that there are powers under the Land Drainage Act to deliver the improvements if necessary should third parties be involved in implementing any scheme.

Noise implications

- 10.74 The amended Noise Assessment report identifies that the criterion of the Local Planning Authority for new industrial uses near to existing residential property is that the rating level of the total industrial noise should not exceed 5dB below the pre-existing background noise level when assessed in accordance with BS4142. The assessment should be carried out over an hour in the daytime and 5 minutes at night. The information submitted considers both noise breakout from inside the proposed industrial/warehouse/distribution buildings and noise from external activities associated with these uses. With proposed remedial measures and barriers (bunds or imperforate fences or a combination of both) in place it is calculated that the noise rating levels will meet the criterion of 5dB below the background noise at all locations of noise sensitive receptors.
- 10.75 The report considers noise from fixed mechanical plant and loading (section 12). It is proposed that the BS4142 criterion can be met. To achieve this it is proposed to set noise limits for each unit. In addition, units which front onto Gelderd Road may need to be occupied by operators which will not require chillers or air handling units.

- 10.76 The WHO guidelines on community noise does indicate that sleep disturbance may occur when maximum noise levels (L_{max}) are regularly in excess of 45dB inside bedrooms at night. It is suggested that existing HGV's along Gelderd Road may mean this criteria is not currently being met for houses which face onto this road. However, the report proposes that a barrier along this section of road should result in HGV's from the application site not causing L_{max} events above 45dB.
- 10.77 The discussion and conclusion of the Noise Assessment is that industrial noise break-out and chilled distribution noise from the units is below the Local Authority criterion. Provided that mechanical services noise from the development is limited to in accordance with the criteria proposed in the Noise Assessment overall levels will still be more than 5dB below the pre-existing background level.
- 10.78 Therefore, the noise report seems acceptable in providing adequate protection to nearby noise sensitive occupiers, subject to the proposals, recommendations, and acoustic treatments identified in the submitted noise report being implemented.

Delivery of remainder of the Employment Allocation

- 10.79 The Employment Allocation (designated under E4 (14)) includes land to the south-east of the application site, off Nepshaw Lane North, which is not included within the application site. That land is used for business purposes, for caravan storage. A consideration is that this land should not be land-locked, and hence undeliverable. The applicant has no current information on the intention of that business, although historically there was no interest in bringing forward an alternative development on that area of the site. The owner of the caravan business has stated that he would strongly object to any proposals that would restrict access to his caravan business from Nepshaw Lane North.
- 10.80 The applicant has confirmed that providing access through the application plot is not commercially acceptable. This would require the introduction of an adoptable standard 7.3m wide estate road from the bridge through to this plot of land. This will take a swathe of the back plot, and thus limit the scale of the building achievable. This will undermine the USP of the site which is to deliver a large scale building in this area of the City (see 10.29 – 10-33 above). It would also add significantly to the infrastructure costs of the development, for an area which is not guaranteed to come forward.
- 10.81 The land has an existing use, and two potential access routes via Nepshaw Lane North, either directly on to Asquith Avenue, or west over to the A650. The existing use has an associated number of vehicle movements which can be off set against any new proposed traffic. Any additional traffic would need to be justified in the normal manner, presumably with a distribution which splits movements to an appropriate extent between Asquith Avenue and the A650 depending on available junction capacity and achievable junction enhancements.
- 10.82 In this context, Officers do not consider that the current application will prejudice the delivery of the remaining plot and therefore that this would not be a justifiable reason to refuse this application.

Section106 Agreement and CIL Regulations

- 10.83 According to the draft guidance issued for consultation in March 2010, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make development acceptable in planning terms. The planning obligations offered by the developer include the following:-

Travel Plan – including monitoring fee;
Highway and transport mitigation measures – to include:
Weight limit restrictions through Gildersome, including Branch End, Town Street, College Road and Street Lane to be in place before first occupation of the development;
Improvements to the junction of Victoria Road / Asquith Avenue / Bruntcliffe Lane / Brunswick Street to be completed before first occupation of the development;
Traffic Management works on Asquith Avenue from Victoria Road to the M621 Motorway Bridge;
Nepshaw Lane North resurfacing (c.£20,000);
£60,000 towards improvement of two existing bus shelters on Asquith Avenue and one shelter on Gelderd Road.

Woodland Management Plan - for woodland management within applicant's ownership;
Public transport contribution is also required to comply with up-to-date SPD guidance. The sum is under negotiation, but is calculated at £316,000. (£20,000 of this money is to provide enhanced bus stop facilities);
Drainage £300,000 contribution towards off site flood alleviation works and drainage works to Gildersome tunnel;
Provision for Local Training and Employment Initiatives.

- 10.84 From 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation meets all of the following:
- (i) necessary to make the development acceptable in planning terms.** Planning obligations should be used to make acceptable development which would otherwise be unacceptable in planning terms.
 - (ii) directly related to the development.** Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.
 - (iii) fairly and reasonably related in scale and kind to the development** Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.
- 10.85 The proposal is likely to have a significant travel impact and the Travel Plan framework will help to ensure that relevant government and local policies relating to the use of public transport are met. Core Strategy Policies T1 and T2 require the submission of a Travel Plan and contributions to be made to make enhancements to public transport.
- 10.86 The proposal is likely to have significant traffic generation issues. The identified off-site highways safety measures will help to mitigate against the highways impacts of the proposal. The NPPF requires developments to have safe and suitable access, and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- 10.87 There are existing flooding difficulties within the local catchment area, and the proposal has the potential to exacerbate that situation. Core Strategy policy ID1 states that where flood alleviation works are required the developer will be required to fund these. A contribution is reasonable in the circumstances.
- 10.88 Training and employment initiatives are covered under Core Strategy Policy SP8 as a type of community benefit where it is appropriate to seek a legal agreement. The draft S106 Agreement requires details of job opportunities to be made available to

the local Jobs and Skills Service. An obligation on the developer in the circumstances is policy compliant and reasonable. All relevant planning permissions approved on or after the 6th April 2015 will therefore be subject to the CIL regime.

Other matters

- 10.89 A sustainability statement would be requested via condition to address the design of the buildings and the construction phases. The Sustainable Construction SPD has been adopted, and a suitable condition would ensure that the latest approaches are utilised. Similarly a condition requiring that 10% of the energy usage be from renewable or low carbon sources would be recommended to ensure that the proposal helps to minimise the impact on the local environment.
- 10.90 Representations state that there is a high level of vacancy amongst existing nearby industrial buildings. The majority of these units are comparable in size with the smallest units shown on the illustrative plan and only two vacant units are in excess of 50 000 sf ft and only one is less than 20 years old. None of the largest industrial units appear to be available. Furthermore, the available accommodation is available on leasehold terms and companies are currently wanting to own freehold of their buildings. It is considered that much of the existing stock does not achieve the efficiencies of current buildings. For example, fork lift technology resulted in buildings with eaves of 5.75m, but now warehouses would be constructed to an eaves of between 10m and 16m. Servicing requirements of older buildings do not meet the current servicing demands. In addition, buildings 20 – 25 years old often have limited insulation, and are expensive to heat. The design life of industrial buildings in the 1980's is 40 years, whilst the current proposed buildings are likely to have a longer life expectancy.
- 10.91 In conclusion on this point, the local industrial vacancy rates, together with the range, age and type of property available do not meet current or future market needs of industrial development. Building layouts, efficiency and location are important factors in satisfying business needs, and there are few current opportunities.

11.0 CONCLUSION

- 11.1 The application is made in outline to approve the principle of development only. The proposed development fulfils an allocation policy within the adopted UDP and employment policies within the Core Strategy and will bring employment uses into Morley and Gildersome, allowing the area to sustain economic growth. There are recognised concerns about congestion on the local highway infrastructure and existing flooding problems within the local catchment, however, planning conditions and obligations, contained within a Section 106 Agreement, are proposed to address these issues.
- 11.2 Subject to the completion of the Section 106 Agreement, and the imposition of suitable conditions, the proposal is recommended for approval.

Background Papers:

Application and history files

Certificate of Ownership:

APPENDIX DJ1 - APPROVED MINUTE

To consider a report of the Chief Planning Officer on the current position in respect of an outline application for proposed employment development for use classes B1(B) and B1(C)

(research and development/light industrial uses), B2 (general industrial uses) and B8 (storage and distribution uses) with new accesses, associated infrastructure and landscaping

(report attached)

Minutes:

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

Officers presented the report which provided the current position in respect of proposals for an employment development on a 28.3 hectare undeveloped, former opencast mine site in Gildersome.

Members were informed that there were a large number of issues to be resolved on this site and these included particularly complex highways issues. As set out in the previous report, the application was subject to a Holding Direction by the Highways Agency which had been extended to January 31st 2013.

The topography of the site was challenging as there were substantial changes in levels on the site. In addition, a small residential development abutted into the site and a public right of way cut centrally across the site to a public footpath which runs down the western site boundary.

Two vehicular access points into the site were proposed; one at Gelderd Road and the other from Asquith Avenue, both of which caused Officers concerns – at Gelderd Road the signals at this location were over capacity and could not be improved and in terms of Asquith Avenue, the presence of HGVs on this road should not be encouraged; discussions were ongoing but as the development would be so large, it would need a number of access points and would give rise to local impacts. There was also the point as to whether a highway linkage should be made across the beck, given the topography and ecological corridor.

Drainage was another issue on the site with local concerns being raised about flood risk. Although £300,000 was proposed towards flood mitigation, Gildersome Parish Council's concerns about flooding remained.

The quantum of development and the impact of this on long distance views was also a concern, particularly in view of one of the units potentially being as large as the White Rose Shopping Centre.

Panel discussed the report and commented on the following matters:

- that an access on Asquith Avenue did not work and that an access from Nepshaw Lane South should be considered as two main routes were likely to be needed
- that there were no bus services on the Gelderd Road frontage of the site and that the existing bus services in this area were being depleted
- that the sum put forward for water mitigation measures was not index-linked and that third-party land ownership would be required to deliver them
- that issues relating to highways, off site works and public transport had not been addressed and that much more work was needed on the proposals
- the possibility of the water mitigation measures being tied into the nearby woodland to provide environmental benefits
- that vehicular access to the site from Nepshaw Lane South should be considered and that Asquith Avenue was not suitable for vehicular access serving the development as it was too narrow, although two main routes into the site should be provided
- concerns about the size of the proposed units and whilst accepting that the site was earmarked for development, that there was a need to protect the amenity of the residents living in the properties located within the site

The Chief Planning Officer stated that the site was allocated for employment and that jobs were needed but that there were particular issues with the site which needed to be considered and that a design brief for the site should be provided. The quantum and form of the floorspace would need to be controlled and that a robust travel plan would be required

The need for a range of employment sites to be available within Leeds was stressed as was the need to react positively to planning issues on challenging sites such as this one, particularly in view of the length of time taken to progress this site.

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

- to note Members' comments concerning the principle of development
- that the applicant's proposals to improve accessibility were not appropriate to the site and that Asquith Avenue was not suitable for vehicular access and that Nepshaw Lane South should be considered as a more suitable access point
- that Members did not consider the extent of the access arrangements were sufficient to deal with the anticipated level of traffic and that a design brief was needed
- to note Members' comments regarding the scope of the Highways assessment
- to note Members' comments on the scope of the highway conditions and the Section 106 agreement
- that the extent of the landscaping proposals were not sufficient to allow the development to proceed and this needed to be addressed
- that regarding nature conservation, there was the possibility of linking the water features to the woodland to provide ecological benefits
- that further information was required on the drainage improvements
- that the applicant be encouraged to work with the Council on a suitable development brief for the site.

RESOLVED - To note the report and the comments now made



Leeds
CITY COUNCIL

Originator: David Jones
Tel: 247 8000

Report of the Chief Planning Officer

PLANS PANEL CITY

Date: 13th December 2012

Subject: POSITION STATEMENT : APPLICATION 12/02470/OT, OUTLINE APPLICATION FOR PROPOSED EMPLOYMENT DEVELOPMENT FOR USE CLASSES B1(B) AND B1(C) (RESEARCH AND DEVELOPMENT/LIGHT INDUSTRIAL USES), B2 (GENERAL INDUSTRIAL USES) AND B8 (STORAGE AND DISTRIBUTION USES) WITH NEW ACCESSES, ASSOCIATED INFRASTRUCTURE AND LANDSCAPING, LAND BETWEEN GELDERD ROAD, ASQUITH AVENUE AND NEPSHAW LANE NORTH, GILDERSOME

APPLICANT	DATE VALID	TARGET DATE
COMMERCIAL DEVELOPMENT PROJECTS LTD	01.06.12	31.08.12

Electoral Wards Affected: Morley North & Morley South

YES Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

POSITION STATEMENT

Members are requested to note this progress report and to give views in relation to a number of issues set out in the report to aid progression of the application.

1.0 INTRODUCTION:

1.1 This application is a substantial application for employment uses on land allocated for employment use between Morley and Gildersome. The application is a complex application, and has been subject to similar unresolved applications in recent years. The application has been subject of extensive negotiations, especially in respect of technical highways issues. Although there are outstanding issues, Officers consider it is appropriate to seek Members views on the key issues, such as highways safety, sustainability of the site and flooding considerations.

- 1.2 The planning application is subject of a Holding Direction by the Highways Agency, which is currently in place until 14th December 2012. Discussions are on-going in respect of the scope and costs of works necessary at Junction 27, the effectiveness and suitability of the Travel Plan and public transport measures and commuted sums, and the extent of off-site highways works. Member's views on these measures are sought.
- 1.3 Morley Town Council has requested a Plans Panel site visit prior to determination of the application, as Plans Panel East members previously visited the site in connection with earlier proposals on the site.

2.0 PROPOSAL

- 2.1 The development comprises of an employment led scheme of business units (suitable for research and development purposes or light industrial uses), general industrial uses and for warehousing/storage and distribution units (provided for by use classes B1 (b), B1(c), B2 and B8). Site access, structural landscaping and amount of development will be brought forward as part of the application with all other matters reserved for future approval.
- 2.2 The amount of employment floorspace proposed by the outline planning application is as follows:
The overall total floorspace not exceeding the given amount of 96,148sq.m comprising of:
Class B1(c).B2 Industrial: Up to 28,445sq.m Gross Floor Area
Class B8 Distribution/Warehouse
Associated infrastructure, formal and informal landscaped green space.
- 2.3 In addition to the principle of development, the application seeks approval for the following matters;
- Access
 - Structure landscaping
- 2.4 The following elements will be determined during the Reserved Matters stage;
- Appearance
 - Scale
 - Layout
 - Plot landscaping
- Access
- 2.5 The outline planning application proposes two vehicular access points into the application site at Gelderd Road and Asquith Avenue. The location of a proposed road bridge crossing within the application site over Dean Beck, which will enable full access over the entire site, is also shown on submitted plans.
- 2.6 These access arrangements and improvements including extended pedestrian footpaths, traffic lights and crossing are included as part of the current outline proposals.
- 2.7 Pedestrian access to the site will be also provided from Gelderd Road and Asquith Avenue in tandem with the proposed vehicular access points. The outline application also proposes to upgrade public footpaths and rights of way through the site and at Stone Pits Lane and from Nepshaw Lane. The paths will also be made available and upgraded to accommodate the provision of cycle routes which will link to other existing cycle ways adjacent the site.

Landscaping

- 2.8 Structural landscaping around the perimeters of the site and adjacent to Dean Wood is included as part of the current application to enable this to be planted and established for amenity purposes ahead of future building phases. Dean Wood is owned by the applicant.

Draft Section 106 Agreement

- 2.9 The application has been submitted with Draft Heads of Terms for the Section 106 Agreement. These take account of the previous applications submitted for the site and include for the following (subject to confirmation and agreement with Leeds City Council including compliance with CIL Regulations 2010 and the National Planning Policy Framework):

Travel Plan – Monitoring fee

Highway and transport mitigation measures – As set out in the Transport Assessment

Local Traffic Regulation Orders

Drainage –Off site flood alleviation works; drainage works to Gildersome tunnel

Provision for Local Training and Employment Initiatives - construction

Woodland Management Plan - for woodland within applicants ownership

- 2.10 A public transport contribution is also required to comply with up-to-date SPD guidance. The sum is under negotiation, but is calculated at £316,016.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is an undeveloped site of approximately 28.3 hectares (70 acres). The site is characterised by open fields, used recently for grazing with Dean Woods lying centrally on the site. The fields are separated by Dean Woods and Dean Beck. A public right of way (PROW) cuts centrally across the site from Nepshaw Lane to Stone Pitts Lane public footpath which runs down the western site boundary.

- 3.2 The site is undulating in nature, reflecting the nature of the sites previous use for opencast coal extraction with significant gradients to Dean Beck in the woodland area. Trees and woodlands are present on some of the boundaries of the site and centrally on the site in woodland known as Dean Woods. The larger part of Dean Woods is outside of the applicant's ownership. A local watercourse, Dean Beck, runs through the site from the west, adjacent Treefields Industrial Estate, through Dean Woods and towards Asquith Avenue to the east of the site.

- 3.3 The site is to the south of mainly residential properties with some commercial properties and a petrol filling station along Gelderd Road. To the west and south of the site are industrial estate developments of Treefields Industrial Estate and Gildersome Spur with allotment gardens to the far west corner above Treefields and along Gelderd Road. To the east side is Asquith Avenue and where it adjoins the site is characterised by woodland and with some residential properties served off this road. To the south east, served off Nepshaw Lane North/Asquith Avenue, are some larger residential properties and a commercial caravan storage business.

5.0 RELEVANT PLANNING HISTORY:

- 4.1 The site has previously been part of a larger site used for opencast coal mining in the 1980's, and has been restored to grassland with some tree planting to the boundary.

4.2 In the 1986 Morley Local Plan, the site (and adjoining sites) formed part of a buffer between Morley and Gildersome.

4.4 Draft UDP

4.4.1 In the draft UDP, the only part of the site allocated for employment was a 200m wide strip of land abutting Gildersome Spur, as 'rounding off' the existing industrial estate. The UDP Inspector, however, stated that the whole site should be allocated to provide a suitable range of employment sites. The Inspector noted that the site was well located for employment uses, being close to an existing industrial area, a centre of population and the motorway corridor. At the time, the site was served by buses along Asquith Avenue and Gelderd Road.

4.4.2 It was considered that the separation of Morley and Gildersome could be adequately maintained by the M621 motorway and Dean Wood, which itself would be little changed by the proposal. The Inspector stated that the proposed Green Belt boundary had no physical definition along its long northern boundary, and considered Asquith Avenue would be the nearest satisfactory physical feature, and would be a strong and defensible long term boundary. It was also considered that the site was quite well contained visually.

4.4.3 Finally, the Inspector stated that highways and drainage works did not appear to be 'insuperable in either cost or technical terms'.

4.3.4 The UDP Inspector recommended that the whole site should become an employment allocation, and since the adoption of the UDP in 2001, the site has been allocated for this purpose.

4.4 Planning applications

4.4.1 Three planning applications were submitted, between them covering the whole employment allocation. The applications are:

4.4.2 23/35/01/OT

Outline application to layout access and erect business park – land off Nepshaw Lane North, Gildersome

4.4.3 23/60/03/OT

Outline application to erect business industrial and storage and distribution development - Gelderd Road & Asquith Avenue, Gildersome

4.4.4 23/248/04/OT

Outline application to layout access road and erect distribution centre - Treefields Industrial Estate, Off Gelderd Road, Gildersome

4.5 Plans Panel (East) on the 14th July 2011 considered Position Statements for all three applications, and raised the following key issues:

4.6 • Travel Plan Framework and site accessibility – Members considered that the site was poorly served by public transport and that there were no bus stops within reasonable walking distance of most of the site. Lack of service on the A62 and A650 was a concern. The accessibility issues would encourage the use of cars. Members were of the opinion that more work needed to be undertaken to make the site sustainable including the mitigation fund.

4.7 • Where primary office development was proposed Members were of the view that the applicant would need to undertake a sequential test to aid the consideration of this element.

- 4.8 • The proposed developments would generate significant traffic including private cars and HGV's and the mitigation measures did not go far enough. Further information was required before a view could be reached as to whether the off site highway works were sufficient. An updated Traffic Assessment would need to be submitted.
- 4.9 • Members expressed major concerns about the flood risk, especially for residents at Old Close. It was considered that the developer would need to do more to ease Members concerns:
- There should be no increase in flood risk downstream.
 - It was the opinion of Members that the £300k contribution was not sufficient to address flooding issues.
 - In light of the comments made above Members, were not satisfied with the Heads of Terms of the Section 106 Agreement.
 - An appropriate landscaping scheme was required for the site boundaries and within the site itself, including within parking areas. Further information requires submitting in respect of a scheme to secure pedestrian safety and access along Nepshaw Lane which should be gated (beyond the access to the Moorfields site).
- 4.10 The schemes were not progressed by the applicants and legal agreements were not completed to deal with the concerns raised. As such the three applications were refused on the grounds that there were no measures in place to deliver sustainable transport measures, and flood alleviation measures, and there was no strategy in place to deal with transportation issues.
- 4.11 Subsequently, single site ownership has now been secured by CDP Ltd across the whole site area and therefore full control is now in place over the delivery of the site.
- Relevant application in the locality
- 4.12 10/04597/OT - Planning application of relevance, which is in the vicinity, and contributes traffic to the local highway network - Outline application to layout access road and erect light industry, general industry and warehouse development (Use Classes Class B1c, B2 and B8), a 115 bed hotel and pub/restaurant, with car parking at Wakefield Road, Gildersome. This application is also on the Panel agenda as a Position Statement.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 There have been ongoing negotiations with the Highways Agency regarding the impact of the site and the extent of works required. These considerations are dealt with in the appraisal below.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Site notices for a major development affecting a right of way were originally posted on 14th June 2012 and in the press on 22nd June 2012. Representations have been received from the following:
- 6.2 Councillor Gettings objects to the application. This piece of land is the only green space between Gildersome and the densely populated Town of Morley. If localism is to mean anything then local views must be taken into account. If we are to have a "child friendly city" then the environment in which our children grow and develop is important. I strongly oppose this development personally –this is strongly objected to by local residents –for all the reasons previously stated.

6.3 78 letters of objection from local households on the following grounds

Increase in noise pollution

Increase in air pollution

Introduction of light pollution

Visual intrusion

Adverse impact on wildlife in the fields and adjoining woodland

There are large numbers of vacant units on adjoining estates. No need for these units in the current economic climate.

Existing businesses would be affected by the proposal.

Any benefits of the proposal would be massively outweighed by the harm.

Increase in traffic and hazards to road safety.

Increase in HGVs in the village would be extremely harmful to the village. Extra commercial traffic would be harmful to the five local schools.

Branch End junction is already over capacity.

Junction 27 has been improved, but the traffic generated by this proposal would result in congestion and nuisance.

Parking on Gelderd Road, and accessing houses would become problematic.

Loss of green fields, which are a vital local green resource.

Will lead to coalescence of Gildersome and Morley.

Loss of strategic green field site.

Site should be used by schools/community groups as resource, rather than being developed.

UDP should be reviewed and land returned to Green Belt, rather than employment allocation.

Brownfield sites should be regenerated rather than developing green fields.

The development is not in accordance with the UDP, as no access is proposed via Nepshaw Lane.

Major adverse impact on residential amenity, especially Belle Vue Terrace, which would be surrounded by development, with loss of privacy and overshadowing from large warehouse units.

The pleasant PROW through the site would be harmed.

Vibration of houses from HGVs.

Houses would be prone to flooding, and the development would exacerbate existing drainage difficulties, locally, and further down the watercourse into Leeds.

Proposal contrary to Local Agenda 21, in that it would be an unsustainable development.

The proposal would not be acceptable in North Leeds, but sites close to new section of M1 should be considered.

Due to coal mining on the site, there is a possibility of subsidence.

Decrease in value of property.

- 6.4 Morley Town Council (MTC) objects to the proposal, and make the following comments:
- 6.5 This application from new owners covers land entirely in Gildersome, but the site is close to the Morley boundary and will have significant effects on traffic flows within the town, so Morley Town Council Planning Committee members decided, at their meeting on 20th November, to update their comments.
- 6.6 Former Plans Panel East visited the CDP site earlier this year; as this and the Joseph Rowntree site are now under City Plans Panel, which has different membership, another site visit would be appropriate. In general terms, like Green Belt to the east of Asquith Avenue, this seventy acre site is important in maintaining a green gap between Morley and Gildersome. It was unfortunate that the UDP Inspector decided to grant what was in effect a large extension of the Treefield and Gildersome Spur employment estates, to take in most of the block bounded by Wakefield Road (A650), Gelderd Road (A62), Asquith Avenue and the M621.
- 6.7 If there is to be development, the Asquith Avenue frontage should be planted thickly and to considerable depth with trees, to give an illusion of a northward extension of Dean Wood. The narrow tree barrier shown on layouts, which admittedly are indicative, would not be enough. Similarly, there should be generous planting on the Gelderd Road frontage to mask new buildings and to give protection from noise and visual intrusion to Belle Vue Terrace.
- 6.8 There would be no vehicular access by Nepshaw Lane north to Wakefield Road or elsewhere through the existing industrial estate; the largest new access would be onto Gelderd Road between Belle Vue Terrace and the northern apex of the site, with a lesser access to Asquith Avenue. We are not convinced that this lesser access would be suitable for the size and number of vehicles visiting the big shed warehouses shown on indicative layouts.
- 6.9 There are no bus services on the Gelderd Road frontage, and Asquith Avenue has limited services which are likely to be reduced early in 2013 should Metro withdraw support for evening and Sunday journeys on the Arriva 205 Dewsbury-Morley-Pudsey route. Westerly parts of the site would be a long way from the nearest bus stops, and there is little in the travel plan to show that the development would be other than highly car-dependent.
- 6.10 Commuter traffic flows would be important. Gildersome Roundabout (M62 J27) works far more freely and safely since the installation of traffic signals, but it often seems at or near capacity, as do sections of the local highway network. Asquith Avenue and Wakefield Road (A650) seem overloaded in the morning and evening peaks, with long queues at junctions such as Branch End and The Angel crossroads. It would not be acceptable for local highways to become saturated, or for J27 to return to being pushed beyond its capacity. When J27 became overloaded, drivers caused congestion elsewhere, for example by rat-running through Gildersome village; we would not want this to reoccur. We note that a Highways Agency holding notice is in place and is being renewed monthly. Lifting it would depend on a three-way agreement being reached with regard to the CDP development at Gildersome, the Barratts housing proposal on the A650 at Street Farm in Morley, and the Joseph Rowntree site near J27. Highways Agency should be satisfied in full that all three developments can take place without overloading the highway network.
- 6.11 MTC still have fears about flood risk. Quick run-off in wet weather northwards from a watershed roughly defined by the line of the A650, including the application site, can flood houses at Old Close immediately north of Churwell railway viaduct, parts of the Millshaw industrial estate and the Leeds Outer Ring Road near Sulzer Pumps and the Drysalters public house. As well as causing loss and distress to householders and businesses, such flooding would cause traffic chaos throughout Morley and

South Leeds, including the White Rose Shopping Centre, if it affected the Outer Ring Road. We are not convinced that the flow attenuation and watercourse improvement and maintenance shown by the applicants would be enough; also, some of the works would be on third party land and so dependent on the goodwill and cooperation of those landowners.

- 6.12 We do not believe that the noise assessment gave enough regard to nearby householders; there was little account of the effect on Belle Vue Terrace, and there seemed to be an assumption that College Road top, College Court and Hadleys Court were affected by traffic noise already, so a bit more noise from the new development hardly would be noticed.
- 6.13 Despite the passing of nearly twelve years under different development banners, MTC do not believe that a comprehensive and fully acceptable account has yet been made showing how this land could be developed without causing unacceptable harm, so we would object to any grant of planning permission for the application as it stands.
- 6.15 Gildersome Parish Council objects strongly to the proposal. A Public meeting was held by the Parish Council on 18th July 2012, and attended by approximately 100 residents, local Ward members and LCC Officers, the following objections being raised:

The cottages on Belle Vue Terrace would be overshadowed and surrounded by industrial development. Noise and disruption to residents.

Existing flooding difficulties.

Preponderance of empty commercial premises within a three mile radius. Should these units come back into use, there would be a huge increase in HGVs and traffic on local roads.

The Highways Agency has carried out significant improvements at Junction 27. The road system would go back to being congested if this development was allowed.

The access onto Asquith Avenue is not supported as the road is very busy, and a Primary school is located at the southern end of Asquith Avenue. Any highways assessment of traffic should be carried out in term time.

Children in the area must be kept safe. There are two primary schools in the village, and commercial vehicles would drive through the village to avoid congestion on the primary routes.

Serious flooding and drainage issues need to be addressed.

The valued open green space would be lost forever, to an industrial eye-sore, and is not appropriate in a rural village environment.

- 6.15 The application was more recently advertised upon the receipt of additional information, on 26th October 2012. The following representations were received:

A further 41 letters of objection, including a letter from Councillor Gettings, reiterating previous objections.

- 6.16 Pre-application Consultation

Methodology:

- 6.17 The pre application process for undertaking the consultation was developed having regard to the Council's adopted Statement of Community Involvement (SCI) and to the nature of the proposals. The methodology is set out as below:
- Meeting with Morley Town Council / Gildersome Parish Council to discuss proposal and pre app consultation programme (e.g. to identify any other bodies/interest groups).

- Letter and leaflet - by post to:

- residents and businesses in frontage properties nearest to site boundaries
- to objectors identified from previous planning proposals as per Leeds Council Public Access records on the web
- to the MP and Ward Councillors of both the wards of Morley North and Morley South,
- Morley Town Council
- Gildersome Parish Council

- Site Notices - notices posted around site boundaries to direct residents/business with details of proposal, contact address and website

- Website - for further information (as per leaflet/site notice) and with comments form for on line or by post comments with the Website to be made available to tie into adverts/leaflet distribution.

Letters were sent to the MP, Councillors, Parish and Town Council for their formal comments and for their awareness of potential interest/contact from those receiving the letter/leaflet or from the site notices.

Pre application Consultation process

6.18 A meeting was held with Morley Town Council and Gildersome Parish Council on the 30th March at Morley Town Hall and a representative from CDP Ltd. David Jones from Leeds City Council was also present. Information that was to be provided in the leaflets was presented together with details of the pre application consultation process to be undertaken. Formal views of the Parish and Town Council were to be sought by letter and the informal views of those present at the meeting were noted.

6.19 Letters were sent out on the 4th April by first class post and the site notices were posted and website available from the 5th April. The consultation gave 14 days for comments thereby ending on the 17th April. Comments were requested by post or by email.

Feedback and Analysis of comments

6.20 A total of 153 individual letters to residents/previous objectors were sent out in addition to those sent to the MP, Ward Councillors, Parish and Town Council. Site notices were posted in prominent locations around the site as shown in Appendix 2. A total of 95 letters or email comments were received with further letters of objection were also received from Morley Town Council, Gildersome Parish Council and Councillor Gettings. These formal letters reiterated the informal views previously obtained from the meeting.

6.21 A total of 98 letters/comments were received with all but 1 letter objecting to the proposed development/application.

Key reasons for objections to *No. of comments* proposed development are given below

Principle

Loss of fields/greenfield site	30
Merger of Gildersome and Morley	27
Green belt	8
Leave area as it is	7
Use brownfield sites	4

7.0 CONSULTATIONS RESPONSES:

Statutory:

- 7.1 Highways Agency – The planning application is subject of a Holding Direction by the Highways Agency, which is currently in place until 14th December 2012. Discussions are on-going in respect of the scope and costs of works necessary at Junction 27, the effectiveness and suitability of the Travel Plan.
- 7.2 Highways Development Control – Revised information was submitted late October and Highways comments on this revised information is set out below. The application cannot be supported, and revised plans and assessment are required. The secondary access onto Gelderd Road is not supported as currently proposed. A cumulative impact study is required taking into account other committed and pending development in the area. Further improvement works are required to the local footway network. A public transport contribution will be required. A Stage 1 Road Safety Audit is required of all access junctions and off site works. Of the four internal layout options put forward, A, B and C could be acceptable with some tweaking. Option D would not be acceptable.
- 7.3 It is noted that the capacity modelling of the mini-roundabouts at the southern end of Asquith Avenue show a detrimental impact as a result of development traffic. This is considered further in the appraisal section.
- 7.4 Environment Agency: No objections. The proposed development will only be acceptable if the measures detailed in the Flood Risk Assessment dated July 2008 & the subsequent addendum dated 27 April 2009 submitted with the current application are implemented and secured by way of planning conditions. It is our understanding that a contribution of £300,000 from the developer has been offered to Leeds City Council to help alleviate flooding problems further downstream.
- ### **Non-statutory:**
- 7.5 Public Transport Infrastructure Contributions – A contribution has been requested, and is currently under negotiation.
- 7.6 Public Rights of Way – No objections in principle, although details to be submitted under reserved matters will require proper consideration.
- 7.7 Neighbourhoods & Housing – The proposed development consists of an area of green fields in a semi rural location at the edge of Morley. The site currently appears to be used as grazing for horses and is bounded by the M621 motorway, commercial units and a number of residential properties.
- 7.8 The proposed uses have the potential for significant disturbance to nearby residential occupiers from plant and activity noise, emissions to atmosphere, and vehicles passing in close proximity. However, due to the outline nature of the application many of the issues cannot be determined at this time. For example, the hours of operation or deliveries to and from the site is not stated on the application. In addition, there are a number of different site layouts proposed.
- 7.9 The applicant has submitted a noise report with the application. The proposed criteria for plant and industrial noise are unacceptable. The report does not seem to

include an assessment of noise from external areas, such as service yards. Although there is a statement within the discussion to suggest that the use of reversing bleeper's should be minimized. One option is for large warehouse distribution centres. These often have large numbers of HGV's leaving throughout the quiet night time period. Although it is indicated that the area has a high background noise level, the night time disturbance (peak levels) caused by the wagons passing near to residential bedroom windows does not seem to have been adequately considered.

- 7.10 A revised Noise Assessment was submitted in October 2012, and is currently under consideration.
- 7.11 Yorkshire Water – no objections subject to conditions
- 7.12 Metro – Do not object to the development in principle but feel the application has not fully addressed the accessibility of the site particularly by public transport.
- 7.13 Metro support developments that make use of the existing core bus network as identified in the LTP. In addition Metro support the council in applying local accessibility policy criteria, in this instance, the accessibility policy contained in the Council's 'Core Strategy Publication Draft'. This site benefits from 5 buses per hour passing the site in each direction. This level of service is considered acceptable for this development.
- 7.14 The size of the site inevitably means that parts of it will not be located within the desired walking distance of 400 metres of existing bus stops. Metro note that the developer has suggested that additional bus stops will be provided with shelters and RTI displays and upgrades to the existing stops will be provided. Whilst this is welcomed, further assessments of the proposed locations will be necessary to ensure the spacing remains a reasonable distance apart. Metro's guidance recommends stops in urban areas should be between 200 and 300 metres apart.
- 7.15 Two new shelters are proposed on Asquith Avenue. Metro recommend that the current north bound stop (11487) should be relocated closer to the site entrance with a new stop provided on southbound side. This would cost £20,000 for the shelters and a further £20,000 for the RTI displays. Metro also recommend that kerbing and bus stop clearway signage and lining be provided.
- 7.16 Shelter upgrades are proposed for stop numbers 11488 and 12245. Metro are satisfied that 12245 will be able to have the upgrade but are concerned that the narrow footpath width will restrict a shelter at stop 11488.
- 7.17 Even with the new bus stop, large parts of the site are still outside the 400 metre threshold. Metro therefore recommend that the higher density development types should be situated closest to existing and proposed stops with the less dense development type (i.e. warehousing) towards the less accessible areas.
- 7.18 The developer has indicated that they have had discussions with operators to divert services into the site. Unfortunately no commitments have been given to divert services. This is not unexpected as operators will generally only divert services when there is a clear demand established. It is not clear if the developer has offered a 'pump prime' deal to the operator to pay for the diversion in the short term or if the developer was asked to make the diversion on a commercial basis from day one? The operators may be more amenable to divert a service if an initial contribution was made to the cost of the change of route. This should be provided by the developer.
- 7.19 Metro recommends that any route diversion should be procured through Metro as opposed to a direct agreement with the operator. This procurement method allows Metro to monitor the performance of the diversion and manage any issues should the service not operate to timetable for instance. Should a diversion be achieved, the developer would also have to fund the associated bus stop infrastructure within the site.

- 7.20 Metro would support the Council in the application of the Public Transport SPD for this site.
In summary Metro require the following from the development:
Dense development types located closer to the exiting public transport services;
Bus Shelter and Real Time Information Displays at stops 12245, 11487 and new shelter on Asquith;
Raised kerbs and bus stop clearway at the shelters listed;
Developer contribution towards the diversion of bus service(s) into the site (cost to be confirmed);
SPD contribution.
- 7.21 Flood Risk Management (FRM) – no objections subject to conditions. The applicant has confirmed the intention to carry through the off-site agreements with regard to protecting the old railway cutting and the contribution of £300k towards the necessary flood mitigation scheme downstream of the site. Therefore in principle FRM would not object to these proposals, however it is an outline application and FRM do not have sufficient detail to determine whether the on-site balancing is sufficient to meet the requirements of their proposals. Therefore, FRM would request that the design of these and the surrounding development is conditioned. The implementation of their proposed drainage should be made a condition of any approval.
- 7.22 Public Rights of Way (PROW)
- 7.23 Morley Byway No.52 & Adopted Highway
This Byway appears to be obstructed by landscaping at the SE corner of the site. The Byway should not be obstructed and should remain open and available for use at all times, the public rights of way section would strongly object to any proposals to extinguish this Byway. A revised landscape scheme has been submitted, and the comments of PROW are being sought.
- 7.24 Morley Footpath No.43
This footpath appears unaffected. It should remain open and available for use at all times. If works require closure for public safety a Traffic Regulation Order (TRO) would be required for the duration of the work taking place. Landscaping adjacent to the footpath should not be allowed to encroach onto or reduce the width of the footpath in any way.
- 7.25 Morley Footpath No.51
No objection in principle to the diversion of this footpath. However, approval would be required from the Public Rights of Way Section. Orders should be made and confirmed before work commences on site where it affects the line of the footpath. A Traffic Regulation Order will be required during construction. It is not clear if the footpath goes under or over the bridge, further clarification is required. Footpath No.51 continues SE through plot E which is not shown in the submitted plans. If this line is affected a Diversion Order would be required. Details of how this section of footpath is affected need clarifying before any diversions are approved and work commences on site. Currently it appears that the proposed landscaping obstructs this footpath. If the footpath is not proposed for diversion in this location the landscaping should not obstruct the footpath. A revised landscape scheme has been submitted, and the comments of PROW are being sought.
- 7.26 Unrecorded Footpath
A route is shown from Footpath No.51 to Asquith Avenue. This is not a recorded public right of way, but public rights may exist and the developer indicates that it is

currently in use. As this is not affected the rights of way section has no objections. However, it would not be considered acceptable to divert Footpath No.51 onto this line as it would be considered to be an extinguishment.

7.27 Coal Authority

7.28 The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Geo-Environmental Desk Study Report (May 2012), which accompanies this planning application. The Geo-Environmental Desk Study Report correctly identifies that the application site has been subject to past coal mining activity. The Coal Authority records indicate that the site has been subject to both recorded and likely historic unrecorded underground coal mining at shallow depth, past surface (opencast) mining, and contains a number of recorded mine entries.

7.29 The Geo-Environmental Desk Study Report has been informed by an appropriate range of sources of information; including a Coal Mining Report, a range of previous reports of ground conditions for the site, BGS geological mapping, historic OS mapping, and mine abandonment plans. Based on this review of existing sources of geological and mining information, the Report concludes that coal mining legacy poses a potential risk to the proposed development.

7.30 Accordingly, appropriate recommendations are included for intrusive site investigation works prior to development in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified.

8.0 PLANNING POLICIES:

Development Plan

8.1 The Development Plan for the area consists of the Regional Spatial Strategy and the adopted Unitary Development Plan Review, along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. Following consideration of representations received, the Council now intends to submit the draft Core Strategy for examination. The Core Strategy set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. Some weight can now be attached to this document.

8.2 Core Strategy Spatial Policy 8: Economic Development Priorities requires the safeguarding and provision of a sufficient supply of housing land. This policy supports training and job creation initiatives via S106 Agreements and supports employment proposals which have high levels of accessibility and infrastructure.

8.3 Core Strategy Spatial Policy 9 : Provision For Employment Land requires the provision of a minimum of 493 hectares of employment land across the whole of the district.

8.4 The Leeds Employment Land Review (August 2011) provides the evidence base to the Core Strategy for assessing the overall employment need within Leeds. The Review outlines that the application site should be retained for employment use, as the site is identified in 'Appendix C: Employment sites with recommendation to 'retain' in the employment land portfolio'.

The Regional Spatial Strategy

8.5 Policy LCR1 promotes Leeds City Region by developing the role of Leeds as a Regional City, by accommodating significant growth in jobs and homes.

Unitary Development Plan Review

- 8.6 Under the UDP the application site forms the large part (28.3 hectares) of the 41.0ha site designated under E4 (14) for employment use, subject to:
- i. PROVISION OF SATISFACTORY MEANS OF ACCESS, WITH AT LEAST TWO POINTS OF ACCESS, AT NEPSHAW LANE AND GELDERD ROAD;
 - ii. CREATION OF A HIGH QUALITY ENVIRONMENT THROUGH THE USE OF QUALITY MATERIALS AND THE APPROPRIATE DESIGN OF BUILDINGS AND THEIR SETTINGS;
 - iii. ESTABLISHMENT OF A SATISFACTORY LANDSCAPE FRAMEWORK, INCLUDING BELTS OF STRUCTURE PLANTING;
 - iv. PROTECTION OF THE AMENITY OF OCCUPANTS OF NEARBY DWELLINGS;
 - v. ANY NECESSARY LEGAL AGREEMENTS;
 - vi. PREPARATION OF A PLANNING AND DEVELOPMENT BRIEF TO GUIDE DEVELOPMENT, IN PARTICULAR, LOCATION OF ACCESS POINTS AND ANY OFF-SITE WORKS, ENHANCEMENT AND PROTECTION OF DEAN WOOD LNA, AND PROTECTION OF ADJOINING RESIDENTIAL PROPERTIES.
- 8.7 The areas excluded from the allocation in this application are the area used for caravan storage off Nephshaw Lane and Dean Wood.
- 8.8 The supporting UDP text states:
The site has largely been restored to agricultural use following open cast coal mining. The site is proposed for employment use as an extension to the existing Gildersome Spur industrial estate, thus helping to consolidate employment opportunities in the area. Development of this site will be subject to a Traffic Impact Assessment with regard, in particular, to the impact on the M621/M62/A650/A62 junctions. Careful consideration would need to be given to Dean Wood, a designated Local Nature Area. Opportunities for environmental improvements, including woodland creation, will be sought under Policy N41B. Policy N24 will also apply. These and other details, including means of protecting adjoining residential properties, will be dealt with through a Planning and Development Brief.
- 8.9 The following policies are relevant for consideration of this application;
- SA2 – Encourage development in locations that reduce the need for travel and promote use of sustainable transport forms.
- SA4 – Promote and strengthen the economic base of Leeds by identifying a balanced range of sites for development.
- SA7 – Promote physical and economic regeneration of urban land and buildings within the urban areas.
- SP3 – New development will be concentrated largely within or adjoining the main urban areas and settlements on sites that are or can be well served by public transport.

SP6 – Distribution of employment land is based on principles of providing jobs close to homes and anticipating likely market demand.

GP5 – General planning considerations.

GP7 – Use of planning obligations.

GP11 – Development to meet sustainable design principles.

GP12 – Provision of sustainability assessments for major developments.

N10 – Development not permitted where it adversely affects a Public Right of Way.

N12 – Urban design principles.

N13 – Building design principles.

N23 – Design of incidental open space around developments.

N24 – Proposal abutting open land should provide for suitable assimilation into the landscape.

N37A – All new development in the countryside should have regard to character of the landscape and contribute positively to it.

N38B – Planning applications to be accompanied by a Flood Risk Assessment where needed.

N39A – Incorporation of sustainable drainage principles.

N49 – Protection of wildlife and habitat resources

N50 – Protection of SSSI, LNR, SEGI

N51 – Enhancement of wildlife habitats

T2 – Highway issues.

T2B – Provision of Transport Assessments.

T2C – Provision of Travel Plans.

T2D – Developer contributions towards public transport.

T24 – Parking provision.

8.10 Relevant supplementary guidance –

Leeds Street Design Guide - gives advice on design of roads and parking layouts.

Public Transport Improvements and Developer Contributions SPD – sets out circumstances under which a contribution is required for public transport improvements.

Travel Plans SPD – gives advice and guidance on the use of travel plans.

Sustainable Construction SPD.

8.11 Government Planning Policy

National Planning Policy Framework

8.12 The National Planning Policy Framework (NPPF 2012). The NPPF seeks to achieve sustainable development and contains a presumption in favour of development that achieves this. Annex 1 makes it clear that a recently adopted local plan is capable of continuing to be the main development plan for one year from the date of publication of the NPPF even where it does not accord with the NPPF. This means that the UDP continues to be the main policy document for development, however the NPPF is a material consideration.

- 8.13 The NPPF includes policy guidance on sustainable development, economic growth, transport, design, and climate change. Paragraph 32 states:
All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.14 Paragraph 100 states that ‘Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.’
- 8.15 Section 7 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:
- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - Optimising the potential of the site to accommodate development;
 - Respond to local character and history;
 - Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - Create safe and accessible environments; and
 - Development to be visually attractive as a result of good architecture and appropriate landscaping.
- 8.16 Noise Policy Statement for England (March 2010)

9.0 MAIN ISSUES

1. Principle of development and sustainability
2. Highway and access issues
3. Urban Design and Landscaping
4. Ecological interests
5. Flood risk management
6. Section 106 Agreement and CIL Regulations

10.0 APPRAISAL

Principle of development and sustainability

Development Plan

- 10.1 The application site forms the vast majority of a larger area allocated for employment uses and forms a natural extension of the existing Treefield and Gildersome Spur industrial estates on the edge of Morley Town. Section 38(6) of the Planning and Compensation Act 2004 requires that applications must be determined

in accordance with the development plan unless material considerations indicate otherwise. As the site is allocated for employment in the development plan, the starting point would be that the proposal is acceptable in principle, but that material considerations need to be taken into consideration.

- 10.2 Furthermore, recent guidance from the Government highlights the need to provide for economic growth. The National Planning Policy Framework makes it clear that the Government expects that development and growth should be approved unless it compromises key sustainable development principles set out in national planning policy. Appropriate weight should be given to the need to support economic recovery and applications that secure sustainable economic growth, such as this application, should be treated favourably.

10.3 Do Panel members raise issues concerning the principle of development?

Highways and access issues

- 10.4 Previous Highways comments dated 13th July 2012 set out that 'while it is considered that the site has a only a reasonable public transport offer at best, it would be difficult to object on this basis based on the current policy context.' This position has not changed.

Accessibility

- 10.5 Bus services run along the Asquith Avenue frontage giving a combined frequency of five buses per hour, four of which head into Leeds. The applicant is proposing to fund new bus stops close to the Asquith Avenue access, but even with these in place a significant proportion of the site would be over 400m from these bus services. The furthest units are likely to be some 800m walk distance from the nearest bus stops.

- 10.6 The public transport SPD sets out that 'the centre of a site' should be within 400m of a bus stop offering a 15 minute frequency to a major transport interchange. The draft Core Strategy states that 'industrial and distribution / warehousing to be located within 10 minute walk of a bus stop'. Therefore while it is considered that the site has only a reasonable public transport offer at best, it would be difficult to object on this basis based on the current policy context.

- 10.7 The developer has made some enquiries with the bus operators regarding diversion through the site. It is not clear what, if any, offer was made to subsidise such a diversion or whether Metro were involved. The applicant has offered to fund bus stops within the site should any service divert at a future date. The infrastructure has been designed to accommodate HGVs and therefore is also capable of accommodating public transport. Metro has requested improvements to local bus stops and requested developer contributions towards diverting bus services through the site, as set out in sections 7.12 – 7.20 above.

- 10.8 The site is liable for a significant public transport contribution under the SPD, however options to spend this money on local services should be explored in consultation with Metro.

10.9 Do Members consider that the applicant's proposals to improve accessibility to be appropriate to this site?

- 10.10 A new footway is proposed along the Gelderd Road frontage where none currently exists. This will tie in to the existing footways to the east, but does not extend far enough to the west. Highways have requested that the new footway must be extended along the grass verge to meet the access point of the Treefields Industrial estate and existing footway. It is not considered acceptable to have a footway adjacent to a major road in a mixed residential / commercial area simply end at the start of a muddy footpath. While movements on this length may be low, there will certainly be some demand, and some of that will be associated with the proposed development.

- 10.11 The site is liable for a public transport contribution under the SPD, which has been calculated at £316,016 for the full development. This will require refinement to allow for the flexibility in permission sought and phased build out. Appendix 1 of the SPD, updated in December 2011, contains a number of schemes that would be relevant to the site. These include:
- UTMC Spruce and traffic light bus priority system (city wide)
 - Public Transport Hubs – Morley is one of those proposed to be taken forward
 - A62 Gelderd Road bus priority
 - A643 Leeds – Morley bus corridor
- 10.12 In terms of cycling, discussions on the Travel Plan are still ongoing and the cycle access strategy will be linked to that. Comments are provided below on the junctions layouts – it should be noted that it is the policy of Leeds Highways not to introduce pedestrian refuge islands where kerb to kerb widths are less than 4m, unless in exceptional circumstances. The access junction designs need revisions to accommodate this. The Cycling Officer has stated that the Leeds Core Cycle Network Route proposes to use Nepshaw Lane. This requires resurfacing and being accessible to cycles at both ends. Internal access roads should also be connected to Nepshaw Lane and other access roads in the area by cycle track to create some connectivity through the area. Nepshaw Lane is a key pedestrian and cycle link to the site and therefore some contribution to improvements along its length would be expected from this development.

VEHICULAR ACCESS:

- 10.13 Three vehicular access points are proposed to the development, two off Gelderd Road and the other off Asquith Avenue. Previous applications at the site included an access to the A650 via Nepshaw Lane which is now not proposed, and the current proposal has an access onto Asquith Avenue, which wasn't proposed on the earlier applications.
- 10.14 It is noted that the UDP allocation for the site states that development is subject to: *'Provision of satisfactory means of access, with at least two points of access, at Nepshaw Lane and Gelderd Road.'*
- 10.15 From a Highways perspective there is merit in making the site as permeable as possible to reduce trip distances and impacts on local junctions. An access onto Nepshaw Lane and the A650 is likely to reduce development related traffic through the centre of Morley. It should be noted that the trip distribution agreed, without prejudice to preferred additional access to Nepshaw Lane, as part of the pre-application process was on the basis of no access to Nepshaw Lane, and for obvious reasons this distribution would change if an access was implemented towards the A650.
- 10.16 Notwithstanding the above, if it is demonstrated that the proposed access solution via Gelderd Road and Asquith Avenue works in terms of capacity and highway safety on the local network then it would be difficult to justify an objection on the lack of an access to Nepshaw Lane. Therefore, at this stage, this issue has been put to one side and the application assessed as submitted. Only once has it been confirmed that the full development can operate safely and within acceptable network impacts can the issue of the Nepshaw Lane access be resolved. In this context, it is noted that the development does have a detrimental impact at the mini-roundabouts at the southern end of Asquith Avenue which may need to be mitigated (see below).

- 10.17 An independent Stage 1 Road Safety Audit will be required of all the access junctions and off-site works prior to determination of the application

Gelderd Road Access Points

- 10.18 A signalised junction is proposed onto Gelderd Road which will serve as the main access point. The layout of this junction has now been corrected to take account of actual road widths. The further surveys at the Gelderd Road junction with College Road show that the right turn lane can be shortened and this is accepted.
- 10.19 The option of island narrowing was explored to improve alignment through the junction. The revised layout as shown, however, is not acceptable with the straight across crossing operating in different stages – read through issues are likely to be picked up at Safety Audit and Leeds would not accept such a layout. Advice is awaited from UTC on this, but Highways consider that the pedestrian facilities should be removed from this arm as they are provided on the eastern arm of the junction.
- 10.20 The Linsig modelling for the primary access, Treefield estate access and Branch End / Gelderd Road / Asquith Avenue junction has now been sent to UTC for comment. This was not done previously due to comments in relation to junction layout and site access locations.
- 10.21 It is noted that relocation of the secondary access point on Gelderd Road further away from the PFS access points. This resolves the issue of junction spacing but leaves an unsatisfactory set of lane widths, with running lanes of 3m and a right turn lane of just 2m. This is not adequate for a site of this size served off an A-road. The minimum should be 3.35m running lanes and a 2.5m right turn lane. The Council will only accept kerb to kerb widths of less than 4m to an pedestrian refuge in exceptional circumstances to cater for cyclists. It is noted that the width of the existing highway verge and footway to the east would allow for some carriageway widening in this location.

Asquith Avenue access

- 10.22 There are outstanding issues relating to the right turn lane, however, these are not vital issues given the junction is shown to operate well within capacity. Therefore, the conclusion that this junction operates within capacity is accepted.
- 10.23 Highways have previously raised issues regarding the level difference between Asquith Avenue and the site and Highways have concerns that without an appropriate control mechanism, this access is unlikely to ever be implemented. Given its importance in permeability of the site and relief at the nearby signalised junction this is of concern. The applicant sets out that this issue will be taken care of by way of land remodelling, but given the outline application includes access Highways consider that more detailed plans showing levels, retaining structures and long / cross sections are provided in this location. In addition, Highways would be seeking to have a condition applied to any permission restricting the level of development to an appropriate scale until both access points (Gelderd Road and Asquith Avenue) and associated link road are constructed.
- 10.24 Do Panel Members consider the extent of the access arrangements to be sufficient to deal with the anticipated level of traffic?**

TRANSPORT ASSESSMENT

- 10.25 The TA and subsequent analysis takes no account of other committed / pending applications in the area and comments in this regard from the original Highways consultation have not been taken on board. The Highways Agency, through their

own work, have considered the cumulative impact of development on J27, and the required mitigation. The Bruntcliffe Road development has considered the cumulative impact at the A650 / Howden Clough Road junction and identified the introduction of MOVA as appropriate mitigation. This mitigation scheme will also be required of this development. The Rowntrees application has considered the Gelderd Road scheme in a previous TA. Given that the site access and Treefields access are shown to operate well within capacity, the only junction still requiring a cumulative impact assessment is the Gelderd Road / Branch End / Asquith Avenue junction. The applicant should undertake a cumulative impact assessment of this junction.

- 10.26 The modelling, impact and mitigation scheme at J27 has been agreed. This set of highway works should be secured via a Grampian condition, to be implemented prior to an appropriate level of development. As with other phasing issues, this will require further consideration.
- 10.27 The recent submission has included assessment of the Gelderd Road / College Road junction and the Victoria Road mini-roundabouts at the bottom of Asquith Avenue. The modelling has been checked and is acceptable for use. However the applicant's conclusions are not accepted. The mini-roundabouts, will be operating over capacity in 2019 and the development adds to the queues and delays. It is accepted that the level of development traffic through these junctions is not large, but the impact remains. The current setup of two mini-roundabouts makes any improvement difficult without a radical rethink and redesign of the two junctions. Resources and focus may be better expended in ensuring the site is as well linked as possible for walk and cycle trips, the implementation of a comprehensive and robust travel plan with targets and default mechanisms, and that all access options have been properly considered, which is not yet the case. The case for direct mitigation at this junction will need to be considered in light of the above.

INTERNAL LAYOUT / SERVICING / BINS

- 10.28 The previous comments relating to the four indicative layout plans remain despite some minor tweaks. Options A to C could be made to work, but D is not acceptable. These internal issues however can be resolved through any future reserved matters application.
- 10.29 The employment land off Nepshaw Lane which forms part of the employment allocation, and excluded from this application as it is in third party ownership does not have adequate access to either Nepshaw Lane or Asquith Avenue suitable for commercial uses. Therefore, the option must be maintained, without a ransom, of access through the rest of the allocation which is subject to the current application.

TRAVEL PLAN

- 10.30 Some progress has been made on the Travel Plan, but it is not yet at a stage where it is acceptable. The travel plan is a critical element of the scheme given the scale of development, capacity issues at some nearby junctions, and previous Plans Panels resolutions regarding development at the site.

OFF SITE HIGHWAY WORKS

- 10.31 Off-site highway works are proposed at junction 27, the site access points and along the Gelderd Road frontage. The introduction of MOVA control at the A650 / Howden Clough Road will also be required, if not already implemented by other development in the area.

- 10.32 Both public consultation and the LCC Traffic team have requested that 20mph zones are developer funded in the vicinity of Gildersome Primary and Morley Victoria Primary schools, to help mitigate against increased levels of traffic past these school sites. Highways have requested details of costing that could be incorporated into a S106 agreement. Also, requests have been made to fund a HGV ban through the centre of Gildersome Village, again with costs to be forwarded in due course. These traffic management schemes are fully supported by Highways and considered necessary to help mitigate the development impact.

ROAD SAFETY

- 10.33 A Stage 1 Road Safety Audit covering all access points and off-site works will be required prior to determination of the planning application.
- 10.34 Conditions will be required to:
- Secure the off-site works and access arrangements
 - Secure the provision and adoption of the through route at an appropriate stage (to be agreed)
 - Provide further details on the proposed bridge across the beck
 - Standard conditions relating to parking and servicing areas
 - Ensure acceptable gradients at the site access points (and internal layout)
- 10.35 The Section 106 should cover:
- Provision of an adoptable link to the edge of the Lindley land (with no ransom strip)
 - The provision of a public transport contribution (to be agreed)
 - The implementation of the travel plan (to be agreed) and monitoring fee
 - On and off-site bus stop improvements
 - HGV movement restrictions
 - Local 20 mph schemes
- 10.36 The details and wording of the conditions and planning obligations would need to be discussed in further detail should the application move forward to an approval.

CONCLUSION

- 10.37 There are no objections in principle to the development, but there are many outstanding matters of detail in respect of accessibility, assessment of access points, cumulative impact and Travel Plan details. The application cannot be supported from a highways standpoint as submitted and amendments / further work are required.
- 10.38 Do Panel members have any comments on the scope of the highways conditions and the Section 106 Agreement?**

Urban Design and Landscaping

- 10.39 The application proposes large scale development. The visual impact of the large industrial units and their service yards on views from the M621, Gelderd Road and Asquith Avenue are significant issues currently under consideration. The location and size of buildings, and the widths and locations of structure planting to reduce the impact of the development will be important to mitigate against adverse impacts.

Proposed scheme development principles:

- 10.40 The applicant has identified the most important factors are considered to be:
- (i) the impact and scale of the proposals in relation to residential properties along Gelderd Road
 - (ii) the existing trees and woodland in and around the site

- (iii) highway considerations and provision of deliverable and achievable access points on Gelderd Road and Asquith Avenue
- (iv) land ownership and deliverability
- (v) drainage requirements of existing and proposed properties
- (vi) site topography and location of Dean Beck watercourse
- (vii) maximising development areas for employment use of the allocated site.

- 10.41 The proposal is for outline planning permission with details provided of the means of access and structural / boundary landscaping. The parameters Masterplan provides the scale parameters for future applications and specifies the maximum floorspace thresholds for the development as a whole and within defined plot areas.
- 10.42 Maximum and minimum floorspace measurements for future buildings are also provided within the plot areas. The detailed layout of the proposed development is not specified as part of the application however indicative plans are included with the planning submission to illustrate how future development may be accommodated on the site within the parameters set out. This assists in providing the maximum and minimum heights, widths and lengths of units within the identified plot areas.
- 10.43 The proposed scheme parameters and arrangements set out above and in the application details allow a smaller, more domestic relationship from the proposed units to residential properties along Gelderd Road whilst maximizing the development potential and opportunities for a wide range of commercial industrial and warehousing units on the application site dependent upon further reserved matters applications.
- 10.44 The provision of perimeter landscaping also sets parameters for the future location of buildings beyond these areas with particular regard being paid to the residential properties at Belle Vue Terrace. Structural landscape zones have been positioned adjacent potentially sensitive areas such as site boundaries in accordance with the Landscape Masterplan One option presented provides mounds on which landscaping is placed. The issue if structural landscaping will be key to the success of the scheme. The access points to the site will be taken from Gelderd Road and Asquith Avenue with a central bridge crossing point over Dean Beck. The bridge crossing location has been assessed by the applicant as providing the most practical location available whilst minimising tree loss due to the land available, location of Dean Beck for the drainage outfall and the topography of the site. All these points put by the applicant are under consideration.
- 10.45 The detailed appearance of the buildings will be the subject of future planning applications. The indicated scale of the proposals and the proposed uses that the development will bring forward together with the use of modern building techniques. The detailed appearance of the building will be subject to reserved matters approval.

Landscape

- 10.46 Indicative landscape proposals being put forward on the Masterplan. The proposal involves the retention of Dean Wood within the central part of the site. The wood would be augmented by a band of 'structured' landscaping, which is likely to take the form of additional woodland planting. Dean Wood is a designated Leeds Nature Area (LNA) and part of the wood has been identified as Ancient Replanted

Woodland. Any reserved matter scheme would be required to have no direct impact on the woodland.

10.47 A landscaping Parameter Plan has been submitted, which outlines how the perimeter of the entire application site will be treated. This includes; Gelderd Road to have a tree planting mound with shrub planting below, along with a low knee rails with mown grass strips and gravel edge intended to form a neat, pedestrian scale to the roadside. Asquith Avenue and Nepshaw Lane to be fronted by new tree planting with shrub planting below, along with low knee rail and mown grass strip. Visual screening from existing footpaths bordering the western side of the site is already provided by the existing plantation within this location. This will be enhanced by shrub planting at the edges of the plantation and hedge planting. Landscaping around the proposed site will provide a variety of berry, nut bearing and flowering trees offering year round interest for a range of invertebrates, and as such providing feeding opportunities for the local bat population.

10.48 A Woodland Management Plan would be subject of a Section 106 Agreement. The woodland straddles boundary of all three application sites, therefore the Plan would provide some consistency for dealing with woodland management issues and how detailed proposals would address the woodland area.

10.49 The impact of the development on views from housing nearby, and wider areas is currently under consideration.

10.50 Do Panel Members consider the extent of the landscaping proposals to be sufficient to allow the development to proceed?

Nature Conservation interests

10.51 The main nature conservation concerns relate to the loss of an area of young woodland and part of the Dean Beck at the expense of the largest storm water pond. From an ecological standpoint, the storm water ponds should be located outside of areas of existing nature conservation value, as are the other two ponds. If a case is put forward to justify the proposed location of this storm water pond there must be significant compensation to offset this loss i.e. an equal width of scrub and woodland planting (to that lost) around the storm water pond to ensure habitat connectivity, and appropriate detailed design of the pond to benefit wildlife.

10.52 The design of the road over Dean Beck must be designed in a way to minimize disruption to beck and associated vegetation i.e. a wide span with no concrete footings close to the beck that flows underneath.

10.53 The overall impacts of the development on nature conservation are significant and will therefore require addressing through a Section 106 Agreement - to ensure long-term positive management of retained and created wildlife features is carried out under an agreed Landscape & Ecology Management Plan.

10.54 The Phase 1 Habitat Survey and Protected Species Assessment dated May 2012 identifies that there will be an impact on a number of nature conservation features and that further survey work is required prior to determination of this application.

10.55 Further surveys for bats in relation to both the woodland edges and open grassland areas will be required to fully understand the potential impacts on foraging and commuting bats. Page 13 Section 4.3 of the Habitat Survey and Protected Species Assessment refers to the good quality foraging and commuting habitat features along the edges of the woodland and the need for further surveys prior to commencement of works – but this should be carried out prior to determination as bats are a protected species and therefore a material consideration (no bat surveys

have been carried out to date – only a scoping assessment). Lighting will have an adverse impact on bats where this is on commuting/foraging corridors such as along the woodland edges and beck – so will need to be designed sensitively.

- 10.56 The Phase 1 walkover survey was carried out in mid-February and therefore did not identify patches of semi-improved grassland that occur across much of the southern and south-eastern parts of the site (with Meadow Foxtail, Crested Dog's Tail, Bent grasses, Yorkshire Fog, Meadow Vetch being observed in June – together with Lesser Whitethroat, Blackcap, Chiffchaff in patches of Hawthorn scrub around the edges of the site and Curlew and Swallow feeding activity on patches of damp grassland, indicating a good invertebrate biomass).
- 10.57 A clearer assessment of the ecological features that will be lost is needed in order to fully understand the potential impacts and agree a suitable level of mitigation – a qualitative and quantitative impact assessment is recommended i.e. 1 hectare of semi-improved grassland will be lost that will be offset by 0.5 hectares of wildflower meadow created and positively managed through an ecological management plan. Loss of open habitats may be best off-set through considering the use of roof spaces designed to benefit ground nesting birds and invertebrates and retaining existing areas of grassland value around the edges of the site.
- 10.58 If one of the water features is to be created at the expense of an area of woodland then there will need to be a significant mitigation package – such as improving sections of the water course through denaturalizing any engineered features (converted sections) and backside management to benefit species such as water voles (which could be encouraged to re-colonise in the future). Any features that are designed to provide open water should consider measures to retain some open water throughout the year, and details shown in relation to how they will connect to the beck and not become shaded from adjacent trees or new planting.
- 10.59 The landscaping plan should consider planting native shrubs (excluding Dogwood) along any woodland edges and then creating or retaining semi-improved grassland to allow a graded edge to the retained woodland areas (grassland/scrub/woodland interfaces will benefit a wider range of wildlife).
- 10.60 A key aspect of this application will be assessing the level of impacts and agreeing suitable mitigation, and developing the content of an ecological management plan to positively manage retained and created ecological features. These matters are all currently under consideration, and would need to be addressed before a decision can be made on the determination of the application.

10.61 Do Panel Members consider the impact on interests of nature conservation to be of significant concern?

Flood Risk management

- 10.62 The applicant has resubmitted the detailed Flood Risk Assessment (FRA) submitted with application 23/248/04/OT, submitted in July 2008 (and subsequent addendum in 2009) which was acceptable to Environment Agency and FRM, subject to the mitigation measures identified in the FRA being carried out.
- 10.63 The application now being submitted by CDP Limited is consistent with the previous modelling assumptions, development density and provides the same on site attenuation measures. The flood risk modelling thus remains entirely valid and forms the basis of the FRA submitted. The assessment of surface runoff and exceedance flows from the site and potential impacts of the development has been undertaken using Microdrainage modelling of the Dean Beck and Farnley Wood Beck

catchments, including food depths in this area. An assessment of the flows spilling into the Gildersome tunnel cutting has also been made.

10.64 The modelling addendum was accepted by the Environment Agency in May 2009, and the Environment Agency has suggested a planning condition to support the mitigation measures set out in the FRA.

10.65 The results of this assessment suggest the following:
The proposed flood storage basin has the effect of attenuating flows, introducing lag into the flows from Dean Beck.

Peak flows in both Dean Beck and Farnley Wood Beck are lower following development of the site.

Within the development sites all design flows up to the 1 in 100 year event are contained without any flooding to the site. In addition the accident event shows that for the plot considered, flooding arising from the 1 in 200 year accident event can be contained on site.

The flows from Tree fields Industrial Estate (pre and post development) are small (less than 10%) compared to the total Farnley Wood Beck catchments flows.

The post development flows indicate lower peak flows entering the high flood risk areas of Old close and Millshaw industrial estate.

A significant proportion of the proposed attenuated site runoff does not enter the watercourse until after all other inflows have returned to base flows.

Flood depths in the Old Close and Millshaw areas are reduced for the post development case, and flood volumes are reduced by up to 2889m³ for the 100 year event.

Flows spill into the Gildersome tunnel cutting for both the pre and post development scenarios. The overall volume spilling into this area is higher for the pre development case at high return periods, but higher for the post development case at low return periods.

The reduction in peak flows and levels observed on Farnley Wood Beck occurs with or without the spillage of flow into the Gildersome tunnel cutting, showing that the development is not reliant on the storage currently occurring at this location.

The overall impact of the proposed development is a reduction in flooding at the critical flood risk locations on Farnley Wood Beck.

10.66 The overall scheme has fully considered the implications of flooding and flood mitigation has been designed into the whole development site to provide wider sustainability benefits and flood risk mitigation works which benefit the downstream community.

10.67 In conclusion a detailed Flood Risk Assessment has been carried out in accordance with the National Planning Policy Framework and the application submitted is consistent with the previous modelling assumptions, development density and provides for onsite attenuation measures accepted on the previous planning proposals for the site.

10.68 Do Panel Members consider the extent of the drainage improvements to be sufficient to allow the development to proceed?

Section106 Agreement and CIL Regulations

10.69 According to the draft guidance issued for consultation in March 2010, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make development acceptable in planning terms. The planning obligations offered by the developer include the following:-

- (i) Travel Plan
- (ii) Public transport infrastructure. Calculated at £316,016, and under negotiation.
- (iii) Contribution to Metro towards funding improvements to the relevant bus shelters.
- (iv) Local Traffic Regulation Orders (HGV movement restrictions, Local 20 mph schemes
- (v) Flood Alleviation Contribution
- (vi) Training and Employment Initiatives
- (vii) Woodland Management Plan

10.70 From 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation meets all of the following:

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

(ii) directly related to the development. Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.

(iii) fairly and reasonably related in scale and kind to the development Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

10.71 The proposal is likely to have a significant travel impact and the travel plan framework will help to ensure that relevant government and local policies relating to the use of public transport are met. UDP Policy T2C requires the submission of a Travel Plan, and Policy T2D requires contributions to be made to make enhancements to public transport.

10.72 There are existing flooding difficulties within the local catchment area, and the proposal has the potential to exacerbate that situation. UDP policy N38B states that where flood alleviation works are required the developer will be required to fund these. A contribution is reasonable in the circumstances.

10.73 Training and employment initiatives are covered under under UDP Policy GP7 as a type of community benefit where it is appropriate to seek a legal agreement. The draft S106 Agreement requires details of job opportunities to be made available to the local Jobs and Skills Service. An obligation on the developer in the circumstances is policy compliant and reasonable.

10.74 The proposed development could therefore bring about financial benefits for the local area and it is considered that the Council is justified in seeking such contributions.

Other matters

10.75 A sustainability statement would be requested via condition to address the design of the buildings and the construction phases. The Sustainable Construction SPD has recently been adopted, and a suitable condition would ensure that the latest approaches are utilised. Similarly a condition requiring that 10% of the energy usage be from renewable or low carbon sources would be recommended to ensure that the proposal helps to minimise the impact on the local environment.

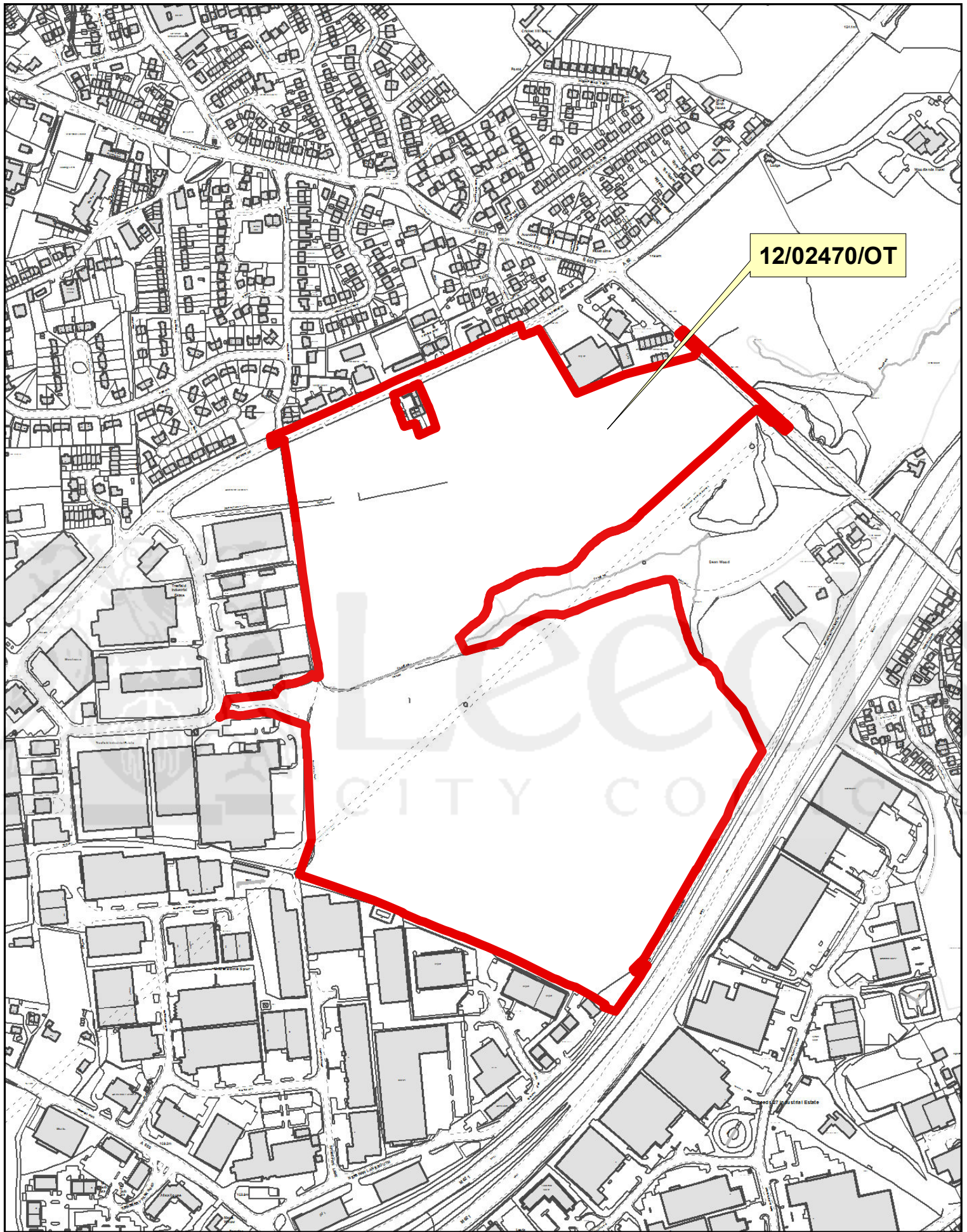
11.0 CONCLUSION

- 11.1 The proposed development fulfils an allocation policy within the adopted UDP and will bring employment uses into Morley and Gildersome, allowing the area to sustain economic growth. There are recognised concerns about congestion on the local highway infrastructure and existing flooding problems within the local catchment, however, planning conditions and obligations, contained within a Section 106 Agreement, are under negotiation to mitigate against these difficulties.
- 11.2 The application is made in outline to approve the principle of development with access only. At this stage of the application, Members' views are requested. Specifically:
- (i) Do Panel members raise issues concerning the principle of development?**
 - (ii) Do Members consider that the applicant's proposals to improve accessibility to be appropriate to this site?**
 - (iii) Do Panel Members consider the extent of the access arrangements to be sufficient to deal with the anticipated level of traffic?**
 - (iv) Do Panel Members have any comments regarding the scope of the Highways assessment?**
 - (v) Do Panel members have any comments on the scope of the highways conditions and the Section 106 Agreement?**
 - (vi) Do Panel Members consider the extent of the landscaping proposals to be sufficient to allow the development to proceed?**
 - (vii) Do Panel Members consider the impact on interests of nature conservation to be of significant concern?**
 - (viii) Do Panel Members consider the extent of the drainage improvements to be sufficient to allow the development to proceed?**
 - (ix) Are there other issues which need to be addressed?**

Background Papers:

Application and history files

Certificate of Ownership:



12/02470/OT

CITY PLANS PANEL

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