

**Report of the Chief Planning Officer**

**Report to Development Plan Panel**

**Date: 13<sup>th</sup> January 2015**

**Subject: Supplementary Report – Nepshaw Lane Employment Sites**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Morley North and Morley South.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. These two sites at Gildersome between the M621, the Bracken Park industrial estate and the A62 Gelderd Road are allocated employment sites in the UDP. They were advanced as employment sites in the Issues and Options stage of the Site Allocations Plan and are subject to a current planning application for general employment uses.
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 6/1/15, with no clear outcome.
4. Further assessment in this report concludes that the most prudent course for the advancement of the Site Allocations Plan would be to maintain the allocations 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. The sites are suitable, available and achievable for general employment. They are relatively good sites in terms of motorway access and proximity to labour markets. This site is not required to meet local HMCA housing numbers.

## **Recommendation**

5. Development Plan Panel is recommended to support the proposed allocation of these sites for general employment and recommend to Executive Board that this provides the basis to prepare a Publication draft Plan for deposit in 2015.

## **1.0 Purpose of this Report**

- 1.1 This report provides Members with a full assessment of the reasons for advancing the Nepshaw Lane sites as employment allocations or for proposing reallocation for housing (in part or whole). This is with a view to Members clarifying what the site should be allocated for in the Site Allocations Plan Publication Draft.

## **2.0 Background Information**

- 2.1 These two sites are allocated employment sites in the Unitary Development Plan. At the Issues and Options stage of the Site Allocations Plan they were considered for both employment and housing use. The conclusion for housing was a “red” colouring, signifying “not suitable for housing”:

“The site is within the urban area, within an established employment area, allocated for employment uses on the existing UDP. Considered suitable for employment rather than residential use” (Northerly site, ref 3387)

“The site is a significant portion of a larger strategic employment allocation which is well located for this use. An application is currently pending for development of the larger employment allocation” (Southerly site, ref 1112).

- 2.2 A planning application (ref 12/02470/OT) for employment use is currently being considered, due a decision on 22/1/15, following deferment to resolve a number of amenity and highway issues.
- 2.3 There was a discussion at Development Plan Panel 6/1/15 about whether the sites should be allocated for general employment, housing or a mix. The local Members had previously asked for the site to be allocated for housing. Through a separate planning application for employment use on both sites, it was evident that local residents objected to a number of amenity impacts particularly to the northern site.
- 2.4 The references of the two sites are as follows:

Nepshaw La, Asquith Av (northern site).  
General employment site ref 2303010. Housing site ref 3387

Moorfield Land at Nepshaw La (southern site).  
General employment site ref 2303011. Housing site ref 1112

## **3.0 Main Issues**

- 3.1 The following paragraphs set out the arguments for allocating the site for employment and for housing.

## The Case for Employment

### *Quantity*

- 3.2 The quantity of employment land is needed to ensure a sufficient supply for Leeds. As agreed at Development Plan Panel 6/1/15 the revised boundary of another site (CFSM010 Capitol Park, Tingley) results in loss of 8.9ha. This reduces the city-wide supply to 508.49ha, giving a margin of 15ha against the requirement of 493ha. The two Nepshaw Lane sites have the following sizes:

Nepshaw La, Asquith Av (northern site) 15.1ha.

Moorfield Land at Nepshaw La (southern site) 15.26ha.

If these sites were proposed for housing allocation instead of employment it would produce a city-wide deficit in employment land. It is considered that any reduction below the surplus margin of 15ha would be risky. It would be prudent for the Council to proceed with the 15ha margin in case other general employment sites drop out of the supply for unexpected reasons.

### *Availability*

- 3.4 There is active developer interest in this location with a planning application (12/02470/OT) for general employment across both northern and southern sites. End occupiers have been identified. There is potential for issues concerning scale, layout, landscaping and highway access to be resolved. Members of Development Plan Panel should be aware that Plans Panel City is being advised that the Local Planning Authority would be at serious risk of costs if the current application is refused on the grounds that employment proposals are premature pending the adopted Site Allocations Plan. This is in the context that the site is an allocated employment site in the UDP and Policy GP1 of the UDP says permission will not be given for other permanent uses unless circumstances have changed regarding i) need or ii) suitability. As explained above and below, the site remains needed for Leeds' employment supply and suitable for employment use.

### *Standard practice*

- 3.6 As suitable UDP allocations it is usual to take them forward as "identified" sites without further assessment.

### *Suitability*

- 3.7 The site is well located for employment use given proximity to the motorway network and accessibility to a large working population (Morley, Gildersome).

### *Need for housing*

- 3.9 Sufficient housing for this Housing Market Characteristic Area area has already been identified. Hence, there is no pressing case for changing this

suitable, available and achievable employment allocation into a housing allocation.

#### *Precedent*

- 3.10 A precedent would be set for employment allocations to be lost to housing. This is one of the better employment sites in terms of location and active developer interest.

#### The Case for Housing

- 3.11 There is a strong local Member preference, reflecting opinion of local residents, for housing rather than employment use.
- 3.12 The northern site has a frontage facing existing residential dwellings along Gelderd Road. Local objections maintain that these dwellings would be adversely affected by employment development in terms of overshadowing of buildings and traffic. The presence of housing would mean that residential development would not be isolated.
- 3.13 The margin of excess employment land means that the site could be proposed as a mixed use allocation with housing to the north and employment to the south.
- 3.14 If mixed use were proposed a site re-arrangement would be necessary involving redrawing of boundaries of the two sites presented in Issues and Options of the Site Allocations Plan. The northern site might lose a tongue of land connecting to Nepshaw Lane and a western strip to allow highway access to the southern site. It would make sense for this land to become part of the southern site.
- 3.15 Such reapportionment would generate a division between north and south parts which reflects a continuation of the line of trees that provides a strong physical boundary. Whilst this would make the city-wide surplus very small, it would nevertheless be a surplus.

#### **4.0 Other considerations**

##### Sustainability Appraisal

- 4.1 The sites have been subject to sustainability appraisal for both employment and housing under the emerging Site Allocations Plan proposals.
- 4.2 For employment, the sites score well against sustainability objectives 1 and 2 which both concern employment and economic growth. They score badly against the environmental sustainability objectives concerning greenfield land, biodiversity, landscape, agricultural land and wind farm opportunity. Of the

social objectives, the sites score badly against the housing objective. All other sustainability objectives score neutrally.

- 4.3 For housing, the sites score well against the social sustainability objectives 3, 7 and 8 which concern education, housing and community participation. They score badly against the environmental sustainability objectives concerning greenfield land, biodiversity, landscape, agricultural land and wind farm opportunity, although score well on provision of greenspace, greenhouse emissions, flood risk, local needs and contaminated land. Of the economic objectives, the sites score badly against objectives 1 and 2. All other sustainability objectives score neutrally.
- 4.4 In comparison, employment and housing have a mix of scores. Housing development would enable slightly more environmental mitigation including greenspace provision; otherwise the scores are quite balanced.

#### Duty to Co-operate

- 4.5 The Localism Act (2011) and the National Planning Policy Framework (March 2012), provides details of legal and soundness requirements that the Council and other public bodies have to satisfy. This includes a 'duty to cooperate' on planning issues that cross administrative boundaries, especially those that relate to strategic priorities and allocations set out as part of the Core Strategy and related Development Plan Documents
- 4.6. Discussions at the Leeds City Region Strategic Planning Duty to Cooperate Group in June 2013 identified housing and employment sites located on the routes with congestion concerns as needing further DtC discussion. The routes of congestion concern are set out in the Core Strategy DtC Background Paper, and only include the A62 south of the M62 motorway junction. Hence, this site would not be a site for additional concern. Nevertheless, the City Council will continue to work through the established Duty to Co-operate processes, in the preparation of the Publication draft Plan, although no major issues are anticipated.

### **5.0 Corporate Considerations**

#### 5.1 Consultation and Engagement

- 5.1.1 The Issues and Options stage of the Site Allocations Plan was subject to full public consultation during 2013. Local Members have been involved in private discussions about choices of sites for allocation, including this site.

#### 5.2. Equality and Diversity / Cohesion and Integration

- 5.2.1 In the preparation of the Core Strategy, due regard has been given to Equality, Diversity, Cohesion and Integration issues. This has included the completion of EDCI Screening of the Core Strategy and meeting the requirements of the Strategic Environmental Assessment Directive, which has meant that these Plans are subject to the preparation of a Sustainability Appraisal. The purpose of such Appraisals is to assess (and where

appropriate strengthen) the document's policies, in relation to a series of social (and health), environmental and economic objectives. As part of this process, issues of Equality, Diversity, Cohesion and Integration, are embedded as part of the Appraisal's objectives. In reflecting the Core Strategy, the Site Allocations Plan seeks to continue to make appropriate considerations of Equality, Diversity, Cohesion and Integration. It is considered that the decision on this site would have a neutral impact on Equality, Diversity, Cohesion and Integration issues.

### 5.3. Council Policies and City Priorities

5.3.1 The Core Strategy, the emerging Site Allocations Plan and Aire Valley Leeds AAP, play a key strategic role in taking forward the spatial and land use elements of the Vision for Leeds and the aspiration to the 'the best city in the UK'. Related to this overarching approach and in addressing a range of social, environmental and economic objectives, where these Plans also seeks to support and advance the implementation of a range of other key City Council and wider partnership documents. These include the Best Council Plan (2013-17) and Leeds Joint Health and Wellbeing Strategy (2013-2015). Individual site decisions such as this are part of the process of arriving at adopted plans which contribute to Council policies and city priorities.

### 5.4 Resources and value for money

5.4.1 The preparation of statutory Development Plan Documents is an essential but a very resource intensive process. This is due to the time and cost of document preparation (relating to public consultation and engagement), the preparation and monitoring of an extensive evidence base, legal advice and Independent Examination. These challenges are compounded currently by the financial constraints upon the public sector and resourcing levels, concurrent with new technical and planning policy pressures arising from more recent legislation (including the Community Infrastructure Levy and Localism Act). There are considerable demands for officers, Members and the community in taking the Development Plan process forward. Individual site decisions such as this are a necessary part of the process to ensure that plans are produced in a proper way and reduce the risk of costly high court challenges.

### 5.5 Legal Implications, Access to Information and Call In

5.5.1 The Site Allocations Plan will follow the statutory development plan process (Local Development Framework). The report is not eligible for call in as no decision is being taken.

### 5.6 Risk Management

5.6.1 Individual site decisions such as this are a necessary part of the process to ensure that plans are produced in a proper way and reduce the risk of high court challenge.

## **6.0 Conclusion**

- 6.1 The site would be better retained for employment use in its entirety. It would be prudent for the Council to proceed towards Publication stage of the Site Allocations Plan with a city wide surplus of 16ha as opposed to 4ha. Also, active developer interest makes this a relatively good employment site. There is potential for the current planning application to be modified in terms of size/height/positioning of new buildings, landscaping and improved access.

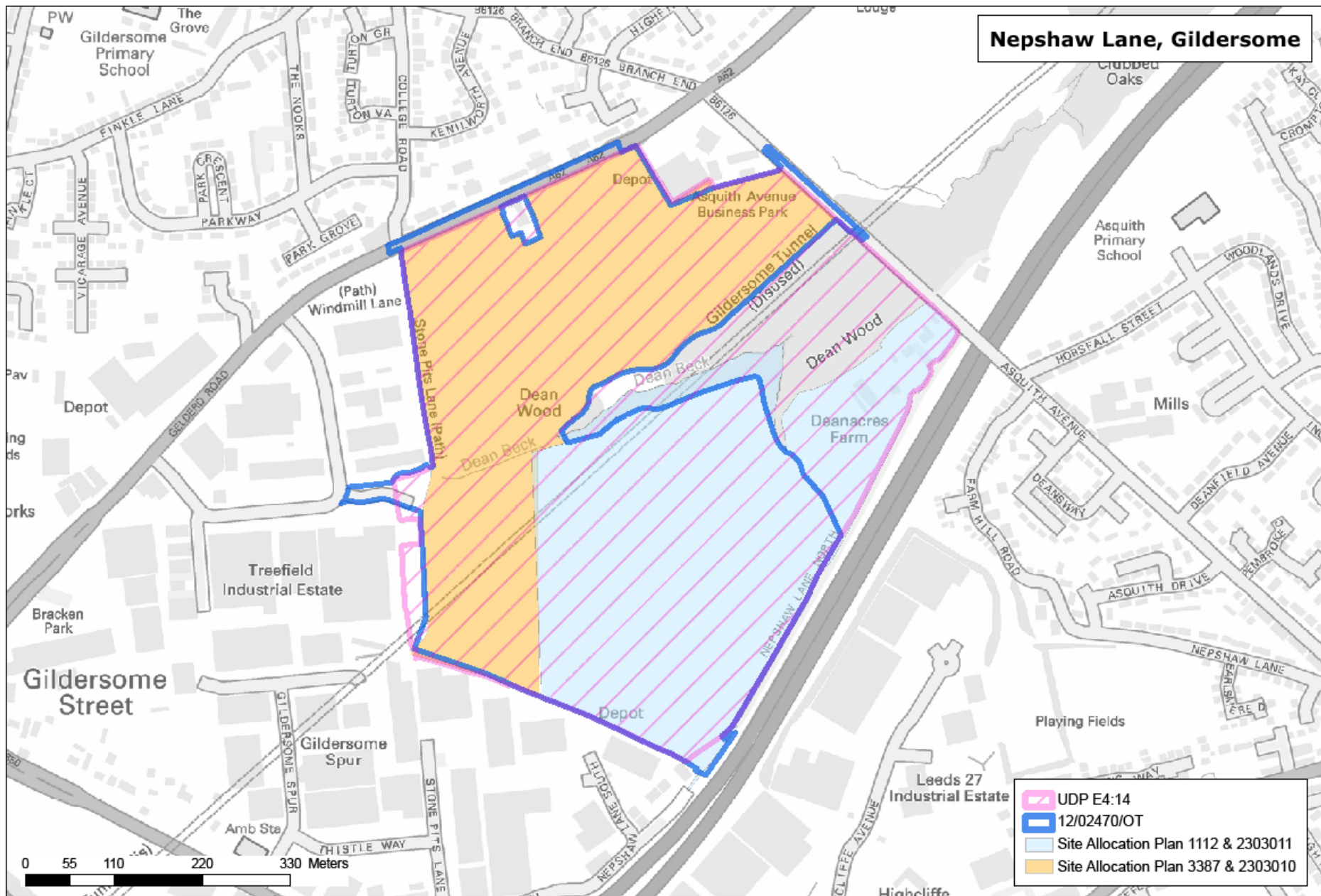
## **7.0 Recommendation**

- 7.1 Development Plan Panel is recommended to support the proposed allocation of these sites for general employment and recommend to Executive Board that this provides the basis to prepare a Publication draft Plan for deposit in 2015.





## **8.0 Background Papers**

None





**Nepshaw Lane, Gildersome**

-  UDP E4:14
-  12/02470/OT
-  Site Allocation Plan 1112 & 2303011
-  Site Allocation Plan 3387 & 2303010

