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## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 5<sup>th</sup> March 2015

Subject: 14/07303/EXT Extension of time for outline planning permission 21/13/04/OT to erect B1/B2/B8 development with supporting hotel, creche and A2/A3/A4 uses on land at Skelton Moor Farm, East Leeds Link Road, Cross Green.

#### APPLICANT

Muse Development Ltd

#### DATE VALID

15<sup>th</sup> December 2014

#### TARGET DATE

16<sup>th</sup> March 2015

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#### Electoral Wards Affected:

Temple Newsam

Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION: DEFER AND DELEGATE** for approval to Chief Planning Officer subject to the conditions specified and the completion of a Section 106 agreement to secure the following:

- Contribution towards East Leeds Link Road (£3,810,000)
- Travel Plan monitoring fee (£13,865)
- Public Transport Enhancements
- Employment and Training Initiatives

1. Submission of reserved matters approval (access; appearance; landscaping, layout, scale)
2. Time limit for approval of reserved matters
3. In accordance with approved plans
4. Programme for phasing of development
5. Restrictions on total gross floor area for proposed uses
6. Phased delivery of B1/B2/B8 development
7. Limits on total vehicle trips for B1/B2/B8 development

8. Details of a system to monitor vehicle arrivals and departures from development
9. Submission of data obtained from vehicle trip monitoring
10. Restrictions on car parking to B1/B2/B8 development
11. Submission of car park management scheme
12. Submission of a Travel Plan
13. Provision of road link between Halton Moor Road and ELLR
14. Provision of a bus gate to Halton Moor Road
15. Details of external walling and roofing materials to be submitted
16. Details of boundary treatment to be submitted
17. Area used by vehicles shall be laid out
18. Submission and implementation of landscape scheme to include structural landscaping
19. Provision of a landscape transition zone to north and east site boundaries
20. Protection of existing trees/hedges/bushes
21. Provision of replacement trees
22. Details of works for dealing with surface water discharges
23. Implementation of flood relief channel
24. Easements of 6m and 10m from water mains that cross the site
25. Easement of 4m from sewer that crosses the site
26. Separate systems of drainage for foul and surface water
27. Surface water drainage from parking area to pass through an oil interceptor
28. Sustainable drainage / porous surfacing / greenfield run off rates
29. Details of treatment of emissions to atmosphere to be submitted
30. Details of the installation of plant, machinery, equipment to be submitted
31. Details of extract ventilation equipment to be submitted
32. Installation and operation of air conditioning systems
33. Details of storage and disposal of litter and waste materials to be submitted
34. Lighting restrictions
35. Operation of tannoy systems
36. Provision of grease trap
37. Protection of all hedges or hedgerows during works on site
38. Details of the retention and enhancement to part of the Leeds Nature Area
39. No ground clearance to occur during bird breeding season (1<sup>st</sup> Mar to 31<sup>st</sup> Aug)
40. Submission of bat survey
41. Submission of water vole survey
42. Details of bird and bat boxes to be submitted
43. Submission of a statement setting out sustainability principles of development
44. Submission of site investigation reports
45. Submission of amended remediation reports
46. Submission of verification reports
47. Testing of any imported soils
48. Any Coal Authority conditions
49. Details of an assessment of new buildings impacting on television coverage to be submitted
50. Submission of a programme of archaeological recording
51. Details of a scheme to mitigate impact of flies/odours from nearby waste water treatment plant

Full wording of the above conditions to be delegated to the Chief Planning Officer, including any revisions and additional conditions as may be required.

## **1.0 INTRODUCTION:**

- 1.1 The above application is presented to Plans Panel as it represents a large scale development proposal within the Leeds City Region Enterprise Zone (Aire Valley) and keeps Panel Members updated on the planning and development activity at this key location.
- 1.2 This application seeks to extend the time limit for the implementation of planning permission 21/13/04/OT which was approved on 26th April 2006. The outline planning permission was time limited allowing for ten years to submit reserved matters and therefore would lapse on 26th April 2016. For clarity, the current proposal is exactly the same in its form and location to that development already approved; the application only seeks an extension of the time period in which the development can take place.
- 1.3 As it is an extension of time application the main considerations relate to what changes have occurred since the previous approval of the application. Under current policy the application would trigger a requirement for a contribution to public transport infrastructure which was not included in the original approval. Potentially this could result in an additional contribution of up to £894,229. There are viability issues as a consequence which are currently being considered. At the same time there is a genuine desire to see development progress within the Enterprise Zone and not to put obstacles in the way of sites coming forward for development. These issues are currently being explored and members will be updated on the latest position at the Panel meeting. This could result in the need for a confidential report relating to the scheme's overall viability. The information contained within any separate report which may be tabled is confidential as it relates to the financial and business affairs of the applicant. It is considered that it is not in the public interest to disclose this information as it would be likely to prejudice the applicant's commercial position. It is therefore considered that the viability report, if and when issued, should be treated as exempt under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4 (3).

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The site comprises 49.1ha of agricultural and scrubland situated at Pontefract Lane. A group of farm buildings and a dwelling, known as Skelton Moor Farm, are centrally located within the landholding toward the southern end of the site with access achieved via a track leading on to the East Leeds Link Road (ELLR). The ELLR forms the southern boundary of the site. To the south eastern corner there is a spur and a section of roadway that connects to the Bellwood Roundabout. This will provide access in to the future development site.
- 2.2 A public right of way (PROW) runs north to south through the site, diverting off in the top north east corner to run across into Temple Newsam grounds, and linking in the south to the PROW that runs along the ELLR and joins up with footpaths in Bell Wood on the south eastern border. A small beck arises in the north-west corner and runs westwards to join the culverted Wyke Beck that forms the western boundary of the site. Wyke Beck is mostly culverted along this border although works have commenced on site to create a flood relief channel and retention basin to the western portion of the site. Site preparation works have also started in relation to the construction of an industrial warehouse unit located to southern end of the site which is associated with a separate planning permission.
- 2.3 Trees and hedges form the eastern and northern boundaries and also subdivide the western portion into smaller fields. There are also trees within the farm house garden,

and a small portion of woodland encroaches into the north east corner of the site (Halton Wood). Bell Wood which adjoins the south east corner of the site is an extensive area of woodland associated with the historic park and garden of the Temple Newsam estate although this part of the wood forms part of a golf course.

- 2.4 The site is relatively level although the land drops slightly towards the south and east, and towards the west, draining into the culvert. The ELLR to the south is built up on a small embankment. A sewer crosses the north eastern corner of the site, and another runs along the southern boundary that have wide easement requirements. A high pressure gas main also crosses the site, east to west, cutting it almost in half.
- 2.5 The majority of land to the east is undeveloped, the site marking the current extent of development along the ELLR. Beyond the established trees and hedges along the northern boundary is a large housing estate and there is a bus terminus adjacent to the site's access on to Halton Moor Road. To the south are the extensive sewage works (Knothrop Water Treatment Works) and other agricultural land. Contractor activity is evident to the Temple Green site to the south side of Bellwood Roundabout as construction works have commenced for the delivery of road infrastructure to support a park and ride facility and future development proposals. To the west, the appearance of the land becomes more industrial through the partial build out of the adjacent Thornes Farm development site. Construction activity is currently evident at this site with the steel framework of a new industrial warehouse being erected and site preparation works being carried out at another plot. Further west are the industrial estates of Cross Green and Pontefract Road and the on-going construction of a recycling and energy recovery facility for the Council and the recent erection of a tall wind turbine for Yorkshire Water serve to highlight the increased level of development activity in this locality.
- 2.6 The application site lies within the City Region Enterprise Zone (Aire Valley). Overall, the Enterprise Zone covers a total of 142ha of land split across four sites that are suitable for a range of manufacturing, industrial and distribution uses which provide opportunities for job creation and stimulate development of the wider Aire Valley. To assist, the Enterprise Zone is backed by incentives which include reduced business rates and simplified planning regulations. The application site is one of the identified sites and is known as Logic Leeds. Investment support to accelerate the delivery of development in the Enterprise Zone has previously been secured in order to build confidence in the market to enable further investment and growth.

### **3.0 PROPOSAL:**

- 3.1 The application seeks to extend the time period for submission of reserved matters of an outline planning permission for a significant employment development with supporting uses. The permission was issued pursuant to conditions and a Section 106 Agreement which secured delivery of the East Leeds Link Road. The existing ten year time limit expires on 26<sup>th</sup> April 2016.
- 3.2 The original outline planning application sought acceptability of the principle of development with all other matters reserved. The range and scale of uses permitted by the original application and applied for within the application are set out below:

143,000sqm of B1/ B2/ B8 uses (of which no more than 43,050sqm shall be B1 employment use)  
120 bed hotel (C1 use class)  
700sqm crèche  
500sqm A3/A4 uses

200sqm A2 use  
Maximum of 2,834 car parking spaces

- 3.3 The grant of the original outline planning permission pre-dated the establishment of the Aire Valley Enterprise Zone (established in 2012). However, since the announcement of the Enterprise Zone status, the economic recession has slowed down development and funding opportunities meaning that development activity within the Aire Valley Enterprise Zone has not come forward at the rate it was first envisaged.
- 3.4 To assist marketing the Logic Leeds development site and demonstrate confidence to investors and potential occupiers and the application seeks to extend the time limit for the submission for approval of reserved matters by a further ten years until 2025.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 The application site was granted outline planning permission (Ref: 21/13/04/OT) on 26th April 2006 for employment development and supporting uses (all matters reserved). Since the grant of this permission there have been a number of applications submitted for planning consideration and below is a summary of those schemes of relevance.
- 4.2 In 2008 reserved matters approval was granted for the laying out of an access road and the erection of a warehouse unit (Ref: 08/2836/RM). This unit was to be sited towards the southern portion of the site and represented the first phase of development to come forward at the Logic Leeds site. This permission has not been implemented.
- 4.3 In 2010, amendments to the original 2006 outline permission were granted (Ref: 08/05480/FU) removing the need for a public transport link from the Logic Leeds site through to the Thornes Farm site to the west and instead require a north-south connection through the site to the East Leeds Link Road allied to the provision of a bus gate to Halton Moor Road and bus service facilities within the site. This permission, in effect, formed a new outline planning permission.
- 4.4 Two years later full planning permission was granted (Ref: 11/04915/FU) to install a flood relief channel along the full length of the western portion of the site. The requirement arose following a strategic assessment of flood risk and in order to facilitate development at the site. Works associated with this permission are currently being advanced on site.
- 4.5 In 2013, planning permission was granted to vary the planning conditions imposed under the original outline planning permission (Ref: 12/02237/OT) to incorporate the phased submission of details as well as remove condition no longer considered necessary. The permission also allowed for the implementation of laying out an access road off Bellwood Roundabout (as previously detailed in the 2008 reserved matters approval). These works benefitted from grant funding to support the delivery of infrastructure works at the Logic Leeds site to demonstrate investor confidence and stimulate market interest. This permission, in effect, formed a new outline planning permission.
- 4.6 In September 2014, reserved matters approval (associated with Ref: 12/02237/OT) was granted for a speculative warehouse/ industrial unit (Ref: 14/04461/RM) and preparatory works in connection with this permission are on-going at the site. This represents the first phase of development at Logic Leeds which is expected to act as a catalyst from further development phases to come forward. The development of this

phase is partly grant funded which reflects the stifled development market since the outline permission was granted.

- 4.7 Elsewhere within the City Region Enterprise Zone it is noted that the Temple Green site (which lies to the south of the application site on the opposite side of the ELLR) was granted permission in June 2014 to extend the time period of an extant outline planning permission for employment uses (Ref: 10/05048/EXT). The permission in effect extended the time for the submission of outstanding reserved matters (under this extant outline permission) until 2025.

## **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 Discussions with the applicant before the formal submission of this application focused on the extent of information to accompany the application.
- 5.2 Prior to the submission of this planning application the applicant sought an Environmental Impact Assessment (EIA) Screening Opinion and it was concluded that no EIA was required.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 3 site notice displays posted and publicised in the Yorkshire Evening Post on 9<sup>th</sup> January 2015.
- 6.2 The publicity period expired on 30<sup>th</sup> January 2015 and no letters of representation have been received.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory:**

Coal Authority: No objection, subject to suggested conditions.

Environment Agency: No objection.

Health and Safety Executive: No objection.

### **Non Statutory:**

West Yorkshire Combined Authority: Requested financial contribution (£20,000) to enhance bus service infrastructure (bus stop and real time information display).

Yorkshire Water: No objection, subject to suggested conditions.

Highways: No objections, subject to the retention of highway/ transport related condition on extant permission.

New Generation Transport: Requested contribution towards improve public transport infrastructure at following rates (B1 offices- £15.49p/sqm; B2/B8- £1.82 p/sqm; C1 hotel- £372per bedroom)

Flood Risk Management: No objection subject to suggested conditions.

Public Right of Way: No objection.

Travelwise: No objection, travel plan and monitoring fee (£13,865).

SDU (Landscape): No objection, suggested updated conditions.

SDU (Nature Conservation): No objection, suggested updated conditions.

West Yorkshire Archaeological Advisory Service: No objection, suggested conditions.

## **8.0 PLANNING POLICIES:**

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

### Local Planning Policy

8.2 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are relevant:

SP1: Delivery of spatial development strategy.

SP2: Support for a centres first approach directing retail, offices, leisure... supported by sequential and impact assessments

SP4: Regeneration priority programme areas, including Aire Valley. Priority will be given to developments that improve ... access to employment and skills development, enhance green infrastructure and greenspace, upgrade the local business environment...;

SP5: Aire Valley Leeds identified as a strategic location providing new homes, land for employment uses and new retail services of an appropriate scale.

SP8: A competitive local economy will be supported through provision and safeguarding a supply of land to match employment needs and opportunities for B class uses; seeking to improve accessibility to employment opportunities by public transport, walking and cycling across the district and especially in relation to job opportunities in the Aire Valley Leeds; supporting training/skills and job creation initiatives.

SP9: Provision for offices, industry and warehouse employment land and premises.

EC1: General employment land will be identified, in the first instance, to meet the identified need for land to accommodate research and development, industry, warehousing and waste uses over the plan period.

EC3: Safeguarding existing employment land and industrial areas.

P1: Identifies town and local centre designations.

P8: Sequential and impact assessments for main town centre uses.

P10: New development for buildings and spaces, and alterations to existing, should ... provide good design that is appropriate to its location, scale and function;

T2: New development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.

G1: Seeks to improve green infrastructure/ corridor function of land; deal positively transition between development and adjoining open land; provision/retention of biodiversity and wildlife.

EN5: Seeks to manage and mitigate flood risk.

8.3 The application site is allocated for employment uses within the UDP Review (2006). The site also lies within the Aire Valley regeneration area for which an Area Action Plan is being prepared. In addition a triangular shaped portion of Leeds Nature Area (Halton Wood) encroaches the site to its north-east corner. The following saved policies are considered to be of relevance:

- GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- LD1: Seeks for landscape schemes to complement and where possible enhance the quality of the existing environment.
- E3: Identifies land for employment uses.
- N23: Incidental space around built development should provide a visually attractive setting.
- N24: Requires development proposal which abut green belt, green corridors and other open land to assimilate into the landscape.
- T24: Refers to car parking guidelines.
- BD5: Requires new buildings to give consideration to both their amenity and that of their surroundings.

8.4 The following Natural Resources and Waste DPD (2013) policies are considered to be relevant:

- WATER 7 : All developments are required to ensure no increase in the rate of surface water run-off to the existing formal drainage system and development expected to incorporate sustainable drainage techniques.
- LAND1: Supports principle of development on previously developed land and requires submission of information regarding the status of the site in term of contamination.

8.5 Supplementary Planning Guidance/ Documents:

- SPG22 Sustainable Urban Drainage (2004)  
SPD Street Design Guide (2009)  
SPD Sustainable Design and Construction (2011)  
SPD Public Transport Improvements and Developer Contributions (2008)  
SPD Travel Plans (2011)

8.6 Other relevant documents:

- A Design Guide for the Aire Valley, Leeds  
Local Development Order 1 (Solar Panels) & 2 (Changes of use and extensions): Aire Valley Leeds Enterprise Zone (Aug, 2012)

8.7 In April 2012, the Leeds City Region established an Enterprise Zone in the Aire Valley. National government introduced the concept of Enterprise Zones to *“stimulate private sector investment and drive economic growth, backed by incentives which include reduced business rates and simplified planning regulations. A key requirement is that the areas designated as enterprise zones should be made up of ‘clean sites’, available for immediate development and with few or no business occupants”*.

8.8 The associated Enterprise Zone website states that *‘All four sites within the enterprise zone – Newmarket Lane (9.2 ha), Thornes Farm (21.08 ha), Logic Leeds (49.1 ha) and Temple Green (63.04 ha) – have planning consents already in place for a range of employment uses including large-scale manufacturing, distribution and high quality offices.’*



8.9 The website further states that *'Leeds was chosen as the location for the enterprise zone as it demonstrated the potential to deliver significant economic growth and access to job opportunities across a wide geographic area. The enterprise zone is expected to act as a catalyst for the regeneration of the wider Aire Valley Leeds which, fully developed, could deliver £550 million of additional economic output and over 9,500 new jobs by 2025. An additional benefit is that the local enterprise partnership will be able to retain business rates generated within the enterprise zone to fuel economic development projects and growth elsewhere in the city region.'*

#### National Planning Policy

8.10 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

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. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF. The NPPF gives a presumption in favour of sustainable development and has a strong emphasis on achieving high quality design.

8.12 In para.7 of the NPPF the economic role is identified as one of the three dimensions to sustainable development (alongside social and environmental) *...'contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth and innovation, and by identifying and coordinating development requirements, including the provision of infrastructure.'*

8.13 Para. 19 of the NPPF states *'the government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.'*

8.14 Para. 21 of the NPPF states *'investment in business should not be over-burdened by the combined requirements of planning policy expectations.'*

8.15 Greater Flexibility for Planning Permission- Guidance (Oct 2010).

## **9.0 MAIN ISSUES**

- 1. Extension of time period applications**
- 2. Principle of development**
- 3. Highway implications**
- 4. Landscape and ecological considerations**
- 5. Flood risk implications**
- 6. Visual amenity considerations**

## 7. Other matters

### 10.0 APPRAISAL

#### Extension of time period applications:

- 10.1 The provision for extending time limits on permissions was initially brought into force on 1 October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261) and the Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2009 (SI 2009 No. 2262). An amendment to this order was introduced on 1 October 2012 and this confirmed a one-year extension to the temporary provisions previously introduced. The effect of this statutory is to bring a new 12-month cohort of planning permissions within the scope of the initial provisions and allow applicants with unimplemented extant permissions granted on or before 1 October 2010 (previously the deadline was 1 October 2009) to apply for a replacement permission for the same development, subject to a new time limit for implementation.
- 10.2 These measures were introduced to make it easier for developers and local planning authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. In effect, this application is for an extension of time for the implementation of a planning permission by grant of a new permission for the development authorised by the original permission (in this case, 21/13/04/OT).
- 10.3 The national guidance for such applications states that '*...local planning authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date.*' The guidance continues advising that whilst the applications are still to be determined in accordance with the statutory development plan '*...local planning authorities should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission.*
- 10.4 Accordingly, the issues to be considered as part of the extension of time application are limited and should concentrate on the implications of any significant changes to development plan policies and any other material considerations since the original scheme was granted permission rather than re-visiting all matters.

#### Principle of development

- 10.5 The application site is allocated for employment uses and for regeneration initiatives. The emerging Area Action Plan also continues to propose the site for employment related uses. Since the grant of the original outline permission (Ref: 21/13/04/OT) the Leeds City Region Enterprise Zone has been established (in 2012) which is expected to act as a catalyst for regeneration in the Aire Valley through the delivery of additional economic output and job creation from the build out of development sites.
- 10.6 The range of uses benefitting planning permission at this site allow for B1, B2 and B8 uses up to a maximum limit of 143,000sqm. These uses are consistent with local planning policy that identifies regeneration areas (including Aire Valley) as an appropriate location for general employment uses which cover these classes of development. Indeed, there is a policy requirement to identify 250ha of land within the

Aire Valley for employment uses. The creche element of the proposal is also considered to accord with plan policies as a supporting use to the main development.

- 10.7 The remaining uses proposed potentially include up to 43,050sqm of B1(a) office uses, a hotel and class A2, A3 and A4 uses. Since the grant of the original outline planning permission there have been changes in national and local policy in terms of the approach of where to direct B1(a) office and leisure type uses. Currently these along with the retail uses proposed fall within the NPPF's definition of main town centre uses. Local policy also prioritises new office, retail, service, leisure and cultural facilities in city/ town centre locations. The application site lies in an out-of-town location and therefore in accordance with this current centre based approach it is considered necessary for a sequential assessment to be undertaken to demonstrate that the proposal cannot be located within or on the edge of the city centre or a town centre. The relevant catchment area for the sequential test assessment is 15 minutes driving time based on the scale of office development and the hotel proposed. An impact assessment is also required on the basis of the scale of these elements.
- 10.8 The catchment area used in the applicant's sequential assessment identifies 10 town centres and 4 local centres within the catchment. The scope of assessed sites within and on the edge of the city centre had previously been agreed with the applicant to include saved UDP city centre proposals (Primary Office Quarter sites and Prestige Development Area sites) and edge of city centre employment sites. It is accepted that a site of at least 4.5ha is required to accommodate the office (43,000sqm) and hotel (120 bed) elements of the scheme and that there is no need to disaggregate the scheme because the assessment is based on the previously approved development. The methodology used by the applicant is therefore considered to be sound.
- 10.9 The applicant's assessment of the town centres and local centres within the catchment area indicates that there are no available sequentially preferably sites which could accommodate the proposed development and can be justifiably discounted on grounds of suitability or availability or because they are too small.
- 10.10 The conclusions reached in the impact assessment are accepted and significant weight is given to the fact the town centre uses proposed are part of a much wider employment development which could deliver up to 143,000sqm of industrial/ distribution floorspace on this site within the Leeds City Region Enterprise Zone. It is also noted that the extant outline planning permission allows the site to be developed entirely for non-town centre employment uses falling under classes B1(b), B1(c), B2 and B8 which are entirely consistent with site's employment allocation. It is therefore considered that the proposal accords with the development plan and national planning policy in principle.
- 10.11 It is to be noted that there is discretion in terms of the length of time a planning permission can be extended for and to grant a longer permission needs to be adequately justified on planning grounds. This proposal seeks a further ten years (to 2025) in which to allow for submission of reserved matters with development begun no later than 2 years from approval of the last reserved matters. The applicant advises that this extension of time period is required in order to provide confidence to investors and potential occupiers and that they have further time to deliver this scheme in full given the large-scale nature of the site and the current market conditions. The 2025 date also aligns with the timescales identified for the City Region Enterprise Zone to deliver economic output and delivery of jobs and with a recent extension of time period permission granted at the nearby Temple Green site for employment based uses.

10.12 When considering the acceptability of the proposed extension of time period requested it is recognised that the application site is large scale and works to development plots will be advanced in phases. The applicant requires commercial confidence to demonstrate the potential for the build out of the site and it is to be highlighted that there is development activity currently at the development site suggesting confidence in the delivery of future development works. The proposed extended time period would be consistent with the permission recently granted at the nearby Temple Green site and would align with the target Enterprise Zone timescales. In taking account of these factors the requested extended time period is considered appropriate.

#### Highway implications

10.13 The applicant has submitted updated transport statement to reflect current transport/highway conditions. It is noted that the site falls short of accessibility standards although it is recognised that the application is allocated and lies within an enterprise zone and it is expected that through the implementation of various extant permissions in the locality improvements to public transport provision will be realised over time.

10.14 Since the grant of the original outline planning permission the East Leeds Link Road (ELLR) has been constructed and is open to serve the site, providing a strategic link from Leeds City Centre to the motorway network via Junction 45 of the M1. The development of this land and the other adjoining participating development sites in the Aire Valley was contingent upon the financing and construction of the ELLR. An existing s106 agreement associated with permission Ref: 12/02237/OT secured repayments towards the funding of this route and the money relates to the land rather than the implementation of any specific planning permission. In respect of this site, the developer has a commitment to pay £3.81m towards the cost of the ELLR and this contribution is to be secured through a s106 agreement.

10.15 Access to the development site has been established through the laying out of an initial 200m section of spine road connecting to the Bellwood roundabout (off the ELLR) that has been provided as part of an earlier planning permission (Ref: 12/02237/OT). It is expected that this spine road will eventually continue through the whole of the site and link to the Halton Moor Road. Vehicle access to and from Halton Moor Road will be restricted to buses (via a bus gate), pedestrians and cyclists only whereby such facilities were agreed under permission Ref: 08/05480/FU.

10.16 The spine road will be constructed to adoptable standards and act as an internal vehicle route providing egress and exit routes designed to cater for future phases of development at the wider Logic Leeds site. Pedestrian and cycling facilities are also to be provided.

10.17 The extant outline planning permission includes a number of highway related conditions that seek to limit the number of vehicular trips to and from the site. The conditions seek to restrict the amount of development carried out under a minimum number of phases, limits on the vehicle trips during peak periods and provision to monitor traffic movements (to accord with the restricted number of vehicle trips). Moreover, restrictions on the number of car parking spaces associated with the development are also imposed. These requirements remain relevant in order to ensure the safe operation of the highway network and free flow of traffic to the nearby M1 motorway and accordingly, these conditions are to be repeated.

10.18 In addition, the applicants' Travel Plan Framework document promotes measures to ensure that future occupiers of the development site offer a choice of travel modes to and from the premises. A planning condition requiring the submission of details and

the implementation of travel plans for employees and visitors was imposed under the original planning permission and this condition is to be repeated. The securing of £13,865 to cover the monitoring of the travel plan documents is secured in the s106 agreement.

- 10.19 Pedestrian and cycle connectivity will be improved in this locality through the delivery of a pedestrian and cycle crossing (toucan crossing) on the ELLR, located to the west of the Bellwood roundabout that will provide good safe access to the park and ride facility recently granted planning permission to the Temple Green site to the south. However, it is unlikely that the park and ride service will divert into the development site and therefore the services linked to the park and ride would still have to be accessed from ELLR. With this in mind, the permeability of the site to reduce walk distances to bus stops on ELLR is an important design consideration. However, whilst the West Yorkshire Combined Authority has sought a financial contribution towards additional bus facilities on the ELLR, conditions imposed under an earlier planning permission at the site have secured public transport services through the site (north to south) which will connect Halton Moor Road and the ELLR. The conditions could be repeated through this proposal and will assist in the delivery of public transport services through the site, providing supporting bus facilities directly related to the development proposal.
- 10.20 The scale and nature of the proposed development will generate a significant number of trips, a proportion of which will have to be accommodated on the public transport network. Since the grant of the original outline permission the Public Transport Improvements and Developer Contributions supplementary planning document has been adopted (in 2008) and so regard must be given to its requirements. Indeed, a similar approach was applied to the recent extension of time period application at the nearby Temple Green site (Ref: 10/05048/EXT) that obtained planning permission in 2014. A financial contribution proportionate to the travel impact of the scheme would normally be required towards the cost of providing the strategic transport enhancements which are needed to accommodate additional trips on the network. In this case, a contribution of up to £894,229 could be required based on the full build allowed of B1 office use and hotel; if the development involved no B1 offices (and instead a full build out of the B2/B8 element) the scheme would result in a reduced contribution of £305,778. Given the flexible nature of the uses involved in the development proposal a pro-rata methodology has been calculated and the rates for the B2/B8 use are the same as those used and agreed for the nearby Temple Green site. Contributions towards enhancements of public transport infrastructure will assist the developer in achieving the restricted vehicular trip rates specified within the planning conditions. The financial contribution is normally secured through a Section 106 agreement.
- 10.21 It is noted that the developer is required to pay a significant sum towards the completed East Leeds Link Road, which provides access to the site and nearby motorway, but this does not compensate for the requirement for public transport services as set out in the City Councils adopted supplementary planning document.
- 10.22 Overall, no objections have been received from the LCC Highways Authority and it is consequently considered that this proposal is not harmful to highway safety subject to the highway and transport related planning conditions imposed under the original extant outline permission being repeated.

#### Landscape and ecology considerations

- 10.23 The application site comprises predominantly of arable fields with areas of grassland and the boundaries of the site are marked by a mixture of intact and defunct hedges, fencing and scrub. The site lies within the indicative Strategic Green Infrastructure as

part of the Wyke Beck corridor and a designated Leeds Nature Area (Halton Wood) encroaches the site to its north-east corner.

- 10.24 In 2007 Strategic Flood Risk Assessment was undertaken which identified that this development site (Logic Leeds) would be required to provide flood risk mitigation by means of a relief channel (Ref: 11/04915/FU). Works related to this flood relief channel have commenced and include wildflower areas, native tree and shrub planting. This flood relief channel and the other associated landscaping works detailed to be provided along the site's western and southern boundaries make a substantial contribution to green infrastructure provision on the site. Allied to the provision of structural landscaped boundaries along the northern and eastern edges of the site and the retention and supplementing landscape buffers to part of Halton Wood which encroaches the site shall ensure an appropriate landscaped setting to the proposed development.
- 10.25 Accompanying this extension of time period application is an updated habitat survey covering the application site. The existing buildings on site are identified as having potential to support roosting bats and further assessments of bat presence are required prior to demolition. Furthermore, bat activity assessments are also required to assess the use of the site by foraging and commuting bats. Conditions imposed on the extant permission that cover these matters are to be carried through. Similarly, conditions relating to the assessment of the presence of water voles and the provision of bat/ bird boxes are to be repeated. The updated habitat survey did however record Japanese knotweed at a number of locations within the site and as a non-native invasive species should be treated/ removed from site as part of the development works and such measures could be adequately dealt with by planning condition.

#### Flood Risk Implications

- 10.26 The applicant has submitted a technical update on flood risk and drainage matters to support this extension of time period application. Since the grant of the original outline permission further assessment of the adjacent watercourse (Wyke Beck) has been carried out which included hydraulic modelling to determine flow rates both in the beck itself and overland across the site. As a result of this work, a proposal was submitted (Ref: 11/04915/FU) to construct of a flood relief channel along the site's western boundary to reduce the risk of flooding both within the site and downstream. Permission was granted in 2011 and the design of the flood relief channel is considered to remain relevant. Moreover, the proposed details of the surface and foul water strategy are considered acceptable.

#### Visual amenity implications

- 10.27 This application proposal is in outline form only and therefore the detailed site layout and appearance of individual buildings will be subject for future consideration. In recognition of the site's size, this is a long-term development that will be built out in phases where opportunities to achieve a consistency in design and high quality landscaping along visually prominent frontages and between individual plots can be detailed as each development phase is advanced.

#### Other matters

- 10.28 By virtue of the scale and nature of the development proposal provisions are to be made to secure employment and training initiatives to promote employment opportunities for local people during construction works and within the future development.
- 10.29 In respect of land contamination matters, officers are content for the development to progress although request the submission of a further site investigation reports as

each development plot is advanced across the site. This additional work can be adequately secured through appropriate planning conditions. Furthermore, since the grant of outline permission 21/13/04/OT The Coal Authority are now a statutory consultee. The application site lies within a defined Development High Risk Area with the potential for mining related hazards to be present within the site. However, planning conditions can adequately deal with any coal mining legacy issues.

- 10.30 The archaeological potential of the site have been reviewed in desk based assessments (in 2008 and 2014) and both archaeological geophysical survey and trenching have been carried out on parts of the site adjacent to the ELLR. This work related to planning conditions imposed under separate planning permissions at the site. Archaeological evaluations of the remainder of the site can be adequately secured by the repetition of the planning condition imposed under the original outline permission.
- 10.31 As identified earlier in this report, a pipeline crosses the site which will likely require easements from buildings which will restrict the developable area at the site. As this application is in outline form the layout of the development is not yet known. The pipeline location would influence where buildings could be sited but this would be dealt with under later reserved matters applications. Ultimately, the Health and Safety Executive have advised that there is no reason, based on safety grounds, why planning permission could not be granted.

## **11.0 CONCLUSION**

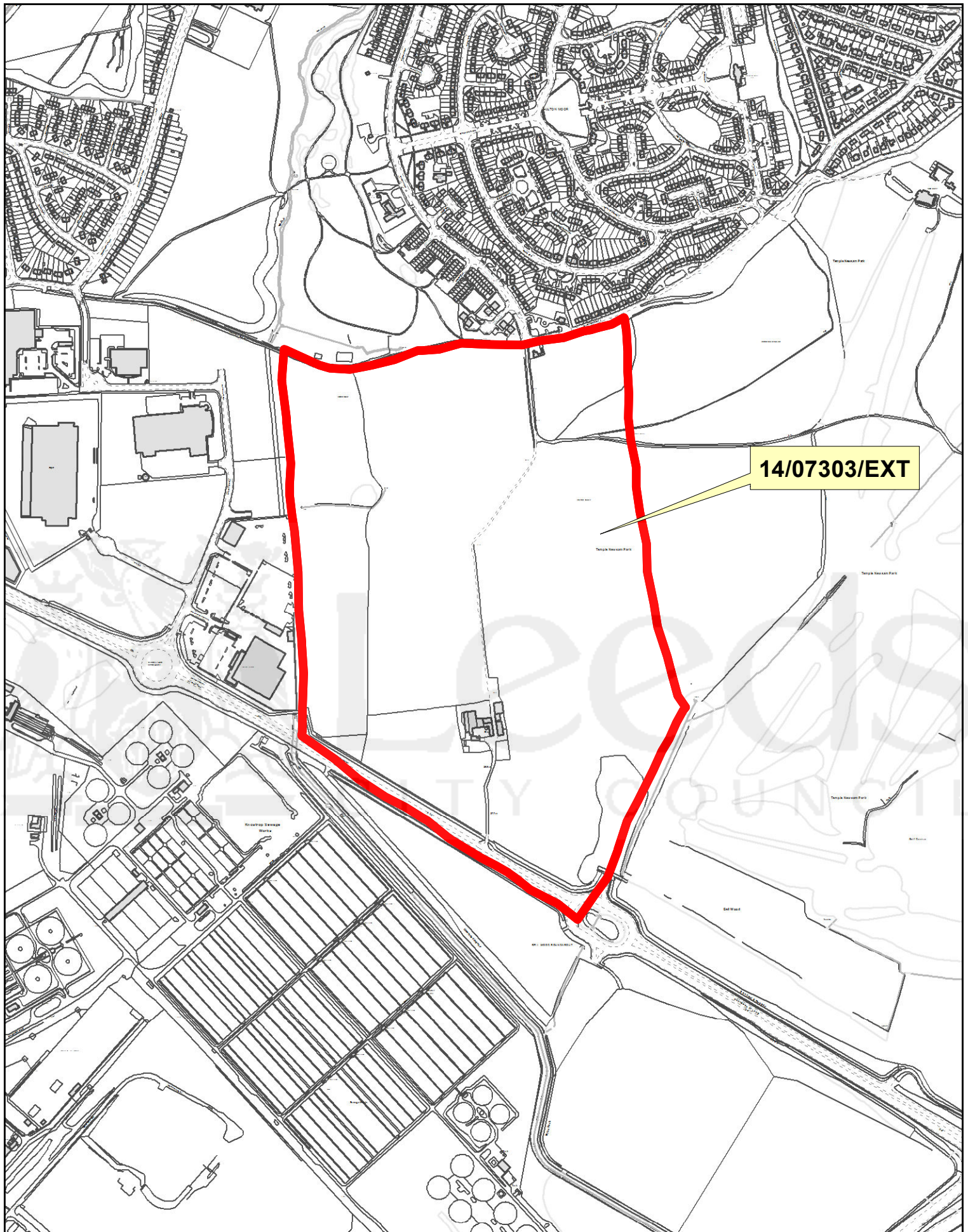
- 11.1 This application proposal will extend the time period for the submission of reserved matters to support the continued delivery of employment and supporting uses on this allocated employment site. The site benefits from an extant permission (until 2016) for employment development and is of considerable significance to the economic strategy of the Council. The proposal at the Logic Leeds site is expected to be a catalyst for further investment and the build out of further commercial floorspace to future phases at the site leading to job creation within the City Region Enterprise Zone. Therefore, the proposed development is considered acceptable in principle and is strongly supported.
- 11.2 The detailed design and layout of the proposed development will be subject to future assessment under reserved matters applications. The proposed development is not considered to be prejudicial to highway safety and through the imposition of appropriately worded planning conditions suitable mitigation can be afforded to matters of flood risk, landscape, ecology, contamination and archaeology. It is to be noted that the wording of the conditions imposed under the original outline planning permission are to be reviewed to ensure that they relate to up-to-date advice and align with current planning policy references.
- 11.3 The one outstanding issue relates to the requirement for a public transport contribution and the impact of that on the viability of the proposal given it was not part of the original approval. Members will be advised further on the outcome of that issue at Panel. Subject to the satisfactory resolution of the issue it is recommended that the application is deferred and delegated for approval to allow completion of the legal agreement.

### **Background Papers:**

Application files: 14/07303/EXT

The applicant served the requisite notice to landowners John Austin (Skelton Moor Farm) and Lord Halifax Estates dated 15<sup>th</sup> December 2014.





# CITY PLANS PANEL

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