



Leeds
CITY COUNCIL

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Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 23rd July 2015

Subject: PLANNING APPLICATION REFERENCE 15/02217/OT VARIATION OF CONDITIONS 4, 23, 28, 29 AND 30 OF OUTLINE PLANNING PERMISSION 14/05483/FU (MIXED USE DEVELOPMENT AT THORPE PARK, LEEDS) TO INTRODUCE GREATER FLEXIBILITY TO ALLOW THE 9,000 sq.m OF GROSS RETAIL FLOORSPACE WITHIN THE APPROVED FOODSTORE UNIT TO BE RECONFIGURED TO PROVIDE UP TO 2,000 sq.m OF GROSS CONVENIENCE GOODS FLOORSPACE AND 7,000 sq.m FOR NON-FOOD OPERATORS (INCLUDING RESULTANT CHANGES TO THE TOTAL PERMITTED NET SALES FLOORSPACE)

APPLICANT

Thorpe Park Developments Ltd

DATE VALID

15.05.15

TARGET DATE

14.08.15

Electoral Wards Affected:

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

Yes

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

To DEFER and DELEGATE APPROVAL to the Chief Planning Officer subject to: satisfactory outcome from the consideration of cumulative retail impact; REFERRAL of the application to the Secretary of State for the Department of Communities and Local Government under the Town and Country Planning (Consultation)(England) Direction 2009 as a departure from the Statutory Development Plan; the suggested conditions in Appendix 1 (and any others which he might consider appropriate), and; a Section 106 agreement to cover the terms of the original agreement and to cover any consequential variations in respect of amended Manston Lane Link Road trigger points.

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

1.0 INTRODUCTION

- 1.1 This report is presented to City Centre and Strategic Panel due to the fact that the proposal is development which has strategic implications and which does not accord with the Development Plan.
- 1.2 In 1995 planning permission was granted for approximately 65 hectares of land known as Thorpe Park as a key business park, reserved for offices (B1). In 2004 the quantum of approved floor space was subsequently increased from 1.2million ft² (111,500m²) to 1.8m ft² (167,225m²) through the variation of the condition controlling the floorspace restrictions. To date just over of 600,000 ft² (55,740m²) of office accommodation has been built out in addition to a hotel, medical centre, and some small supporting food uses. The development is also ultimately intended to facilitate various access works, most significantly including the delivery of the Manston Lane Link Road (MLLR), and the delivery of Green Park.
- 1.3 In September 2013 City Plans Panel considered detailed proposals for the MLLR and an outline application relating to the balance of land at Thorpe Park, proposing a mixed use development which, significantly, included a large proportion of retail (18,000 sq.m (9000m food and 9000m non-food retailing)). The Panel resolved to approve these applications and the decision notice relating to the outline was formally issued in March 2014, following completion of a S106 agreement. Approval of the new outline application was an important step in developing a new masterplan for Thorpe Park, which would better reflect the type of business space and other amenities required by occupiers and employers. The broader mix of uses was also intended to help secure the earlier delivery of the MLLR, with the retail component being accepted as enabling development to facilitate this.
- 1.4 In January this year Members considered and approved an outline proposal for the introduction of up to 300 residential units on land north of the proposed Central Park and consequential variations to the approved floorspace of the overall development to reflect the introduction of the housing element (reduction in office space). In June this year Members also considered and approved the details of two further office buildings on the business park; one on Plot A2 and one on Plot 3175.

2.0 PROPOSAL:

- 2.1 In simple terms the current proposal seeks to shift the balance between the food and non-food retail elements within the approved total quantum of 18,000 sq.m. Currently conditions restrict retail floor space to 9,000 sq.m of food retail and 9,000 sq.m of non-food retail. The proposal is to allow for a lower level A1 food retail of between 2,000 sq.m and 9,000 sq.m and for a higher level of non-food retail of between 9,000 sq.m minimum and 16,000 sq.m maximum, but overall remaining within the 18,000 sq.m total quantum of retail floorspace.

2.2 The proposed change in the balance of retail uses is set out in the following table:

Use	Approved	Proposed
B1	83,615	83,615
A1 (Food store)	9,000	2,000 - 9,000
A1 (other)	9,000	9,000 - 16,000
Total A1	18,000	18,000
A2, A3, A4 and A5	4,200	4,200
C1, D1 and D2	16,340 (no more than 14,050 hotel and 2,2290 gym)	16,340 (no more than 14,050 hotel and 2,2290 gym)

2.3 The original application was accompanied by the following documents:

- Planning Statement
- Environmental Statement Addendum
- Revised Masterplan
- Indicative Sections
- Parameters Plans
- Flood Risk Assessment
- Design & Access Statement including Residential Design Code
- Residential Development Flood Risk and Drainage Design Note
- Travel Plan
- Coal Mining Assessment
- Draft Noise Assessment
- Draft S106 heads of terms

2.4 This application is accompanied by the following documents:

- Planning Statement
- Retail Statement
- Updated Health Checks
- Location Plan

3.0 SITE AND SURROUNDINGS:

3.1 The site is located to the south of the Leeds-York railway line and Manston Lane, west of the M1 (junction 46), north of A63 Selby Road and existing Thorpe Park buildings. Austhorpe Lane is to the west. The proposed building is adjacent to the tree belt that separates Thorpe Park from Green Park. The proposal under consideration relates to the northern half of the employment allocation that totalled 63 hectares. Members will recall earlier this year proposals for the introduction of up to 300 dwellings on the northern end of the remainder of the northern half of the site were approved by Panel. Members will also recall the most recent office developments approved in June.

3.2 In terms of the wider area, Cross Gates centre is located to the west, Garforth to the east and Colton Retail Park is located across the A63 to the south. A number of residential properties are nevertheless located between the northern side of the A63 and the built component of Thorpe Park (namely Barrowby Lane, Road, Drive, Avenue etc and Austhorpe Lane, Avenue, Drive etc). In addition to existing

development, the East Leeds Extension housing allocation (UDPR policy H3-3A.33) is located across the railway line to the north.

- 3.3 Thorpe Park is allocated as employment land and a 'key business park' under saved policies of the 2006 UDP (Review). It forms a key part of the Council's employment land supply and provides an attractive regionally significant business park. The land to the west is allocated as Proposed Open Space (which will ultimately become Green Park). The UDPR designates a new cycle route running north-south through Thorpe Park and a scheduled ancient monument, Grims Ditch, is located to the immediate west of Thorpe Park.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 14/05483/FU – Variation of condition of 12/03886/OT to reflect the introduction of residential development under 14/05481/OT. Granted 02/04/15.
- 4.2 14/05481/OT - Outline application for residential development (maximum 300 units) together with other uses and revised landscaping. Granted 02/04/15.
- 4.3 12/03886/OT - Outline Planning Application for mixed use development comprising offices (business park) (B1A), (B) and (C), retail and bar/restaurant (A1, A2, A3, A4 and A5), hotel (C1), leisure facilities (D1, D2), multi-storey car park, together with internal roads, car parking, landscaping and drainage – Granted 20/03/14.
- 4.4 32/140/96/FU – Variation to outline condition to extend the total permitted floorspace within the development - Granted 31/03/04
- 4.5 32/356/01/RM – Laying out of new access and roundabout diverting footpaths and bridleway and construction of cycleway/footpath (option 2) – Granted 22/01/02
- 4.6 32/185/00/FU – Re-profiling to proposed business park – Granted 27/04/01
- 4.7 32/199/94/OT – Outline permission Thorpe Park – Granted 04/10/95
- 4.8 Under 14/05483/FU above are conditions and a Section 106 agreement which amongst other general planning policy related requirements for contribution and travel plan monitoring covenant the applicant to provide Green Park (via a series of trigger points) and the Manston Lane Link Road (which is triggered following occupation of any retail development (i.e. non-B1 office space) or 37,000m² or B1 office space).

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant engaged in pre-application discussions with officers in early 2015. Officers gave advice on the need for consideration of retail impacts. The proposals duly consider retail impact and advice is given in this regard below.

6 PUBLIC/LOCAL RESPONSE:

- 6.1 Public consultation on the application has taken the form of formal statutory consultations. Site notices were displayed throughout the business park, wider area and on adjoining residential streets on 29th May 2015, and the application was advertised in the press on 28th May 2015. Both site and press notices publicise the fact that the application is a departure and that the development affects a public right of way (though the right of way aspects remain unchanged and are already provided for under previous decisions).

6.2 The expiry date for these consultations was 19th June 2015 and in response one letter of objection was received from CBRE Ltd, on behalf of their client John Lewis. No Ward Councillor comments have been received in respect of the application at the time of writing this report.

6.3 Summary of objection received:

- **Investment in Leeds City Centre:** Whilst the overall retail floorspace will remain the same at 18,000 sq.m the amount of comparison goods sales would potentially increase from 9,000 sq.m to 16,000 sq.m and the amount of convenience retail space will potentially decrease from 9,000 sq.m to 2,000 sq.m;
- John Lewis will be the anchor for the new Victoria Gate scheme. John Lewis will be opening in 2016 and is committed to investing in the city centre and have spent time working with Hammerson and Leeds City Council to bring forward the scheme. The proposed comparison floorspace proposed at Thorpe Park poses a risk to this city centre investment as it is likely to have an impact on the letting strategy for Victoria Gate;
- As the Thorpe Park scheme is seeking to attract high profile national retailers it could attract similar retailers to those targeted by the Victoria Gate Scheme. This could pose the risk of retailers locating at Thorpe Park instead of Victoria Gate (this was identified as a potential concern when significantly less comparison floorspace was proposed at Thorpe Park). The Council alleviated these concerns by placing condition on the original permission that controlled the size of units. However the proposals will exacerbate this risk, especially as Victoria Gate is not yet fully let;
- There is a risk that retailers willing to commit to Victoria Gate will scale back the level of investment in their stores due to the risk of poorer sales created by competition from out-of-centre stores. City centre investment should be prioritised in order to secure a viable future;
- The revised scheme at Thorpe Park does not adhere to the town centre first principle set out in national planning policy;
- There is a danger that the revised scheme would result in an out of centre retail park type destination which would no longer be complimentary to the convenience floorspace and this would drastically change the proposed character of the scheme.
- **Vitality and Viability of Nearby Town Centres:** PBA has undertaken an updated Retail Statement on behalf of the applicant to assess the impact of the additional comparison floorspace and have concluded that the impact individually and cumulatively with other commitments will not have a significant adverse impact on Leeds City Centre or any of the other surrounding town centres [Garforth – 14%, Rothwell – 14% and Crossgates – 11%]. They have not however done an updated health check for these town centres and have not therefore provided context to demonstrate why there would not be a significant adverse impact on them. Figures of 14% are usually considered to have a significant adverse impact;
- PBA have calculated the cumulative impact of the floorspace on Seacroft Town Centre as 18% and this figure is high and without any context on the current health of the town centre its is difficult to assess whether this would result in a significant adverse impact;
- **Commitments:** The Council's attention is drawn to the Five Towns Retail Park scheme in Casltford in the Borough of Wakefield (14/01440/OUT). This application proposes up to 53,093sq.m of retail floors space. Whilst

undetermined it has been resolved to grant planning permission. Leeds City Council submitted representations in respect of this scheme in February 2015, expressing concern over the impact of the scheme on the centres in Leeds and not just on those within Wakefield District. We think the impact could be much greater cumulatively and therefore consider the Five Towns Retail Park application should be included as a commitment in the impact assessment under this [Thorpe Park] planning application.

- Sequential Assessment: We note that the applicant has not undertaken an updated sequential assessment. Given that the last retail study was undertaken in 2012 we think that an exercise should be undertaken to ensure that there are no other sequentially preferable sites that have come forward.
- Whilst the applicant has said the proposals will only represent a 1-2% increase in impact from the approved scheme this impact needs to be considered as a whole in context.
- In summary we feel that the application is contrary to planning policy which seeks to prioritise town centres; it will drastically alter the proposed character of the scheme; it has not been adequately demonstrated that it will not have a significant adverse impact on surrounding centres; cumulative impacts have not been properly assess and; and up to date sequential test has not been undertaken.
- Should the Council be minded to grant planning permission then appropriate conditions should be attached which restrict the use and size of the comparison units as per the original planning permission for the scheme.

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

Highways England: The Highways Agency offer no objection.

Coal Authority: The application site does fall within the defined Development High Risk Area; however, it is noted that none of the conditions to which the variation of condition application relates are concerned with land stability and, as such, the planning application is for an application type (variation of condition) which is listed as exempt from the requirement (under Section 3.3 of The Coal Authority's Guidance for Local Planning Authorities, version 3, 2014). Accordingly, there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted as part of this planning application.

Health and Safety Executive: The Health and Safety Executive does not advise on safety grounds against the granting of planning permission in this case.

7.2 Non-statutory:

LCC Transport Development Services: No objection in principle subject to further information/clarification with regard to the Transport Assessment prior to a decision being made and conditions to control the maximum size of retail unit(s) to ensure that a very large individual unit is not permitted without the traffic impacts being better understood, otherwise a full Transport Statement with an agreed scope would be required.

8 PLANNING POLICIES:

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are 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. Some saved policies of the UDP Review also apply. The following policies within them are relevant:

Spatial Policy 1	Location of Development
Spatial Policy 2	Hierarchy of centres and spatial approach to retailing, offices, intensive leisure and culture
Spatial Policy 8	Economic development priorities
Spatial Policy 9	Provision for offices, industry and warehouse employment land and premises
Policy EC1	General employment land
Policy EC2	Office development
Policy EN2	Sustainable design and construction
Policy EN4	District heating
Policy EN5	Managing flood risk
Policy T1	Transport management
Policy T2	Accessibility requirements and new development
Policy P8	Sequential and impact assessments for town centre uses
Policy P10	Design
Policy P12	Landscape
Policy ID2	Planning obligations and developer contributions
Policy N24	Transition between development and the Green Belt

- 8.3 Saved Policies of Leeds Unitary Development Plan Review (UDPR):

GP1	Land use and the proposals map
GP5	General planning considerations
BD5	Design considerations for new build
E4(6)	Austhorpe business park allocation
N23/N25	Landscape design and boundary treatment
T7A	Cycle parking guidelines
T24	Parking guidelines
LD1	Landscape schemes

- 8.4 Relevant Supplementary Planning Guidance:

SPG10 Sustainable Development Design Guide (adopted)
SPG22 Sustainable Urban Drainage (adopted)
SPD Street Design Guide (adopted)
SPD Travel Plans (draft)
SPD Public Transport Improvements and Developer Contributions (adopted).
SPD Designing for Community Safety (adopted)

Natural Resources and Waste Local Plan (adopted).

8.5 **National planning policy guidance:**

8.6 The National Planning Policy Framework was published on 27th March 2012 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. In this case the following sections are relevant:

Achieving sustainable development

Section 1 Building a strong, competitive economy

Section 2 Ensuring the vitality of town centres

Section 4 Promoting sustainable transport

Section 7 Requiring good design

Section 8 Promoting healthy communities

Section 10 Meeting the challenge of climate change, flooding and coastal change

Section 11 Conserving and enhancing the natural environment

Decision-taking

Section 12 Conserving and enhancing the historic environment

Annex 1 Implementation

9.0 **MAIN ISSUES:**

- Principle of the development
- Sequential test
- Retail impact
- Highways considerations
- Representations

10.0 **APPRAISAL:**

10.1 Principle of the development:

10.2 Core Strategy policy P9 identifies that a minimum of 706,250sq.m of office floor space will be provided over the Plan period. This provision comprises of new and existing locations. Policy P9 notes that a third of the existing supply is located outside the City Centre and includes permissions at Thorpe Park Business Park. Saved UDP Review policy E4(6) allocates the application site for employment use as a business park and outline and reserved matters planning permissions have previously been granted for an office and retail development of the site. The consented scheme delivers significant infrastructure benefits, including the delivery of Green Park and the Manston Lane Link Road.

10.3 The introduction of the retail element has already been considered in general terms and planning permission for up to 18,000sq.m of retail uses remains extant under existing permissions on which the Secretary of State determined not to intervene. The uses applied for have been previously held to meet sequential test requirements. The principle of retail uses at Thorpe Park is therefore well established and acceptable in principle. What falls to be considered is the impact of the shift in the balance of retail uses on the viability and vitality of existing centres and this is considered in more detail under 'Retail impact' below.

10.4 Sequential test

10.5 Under Section 2 Ensuring the vitality of town centres of the National Planning Policy Framework Paragraph 24 requires local planning authorities apply a sequential test to planning applications for main town centres uses that are not in an existing centre and are not in accordance with and up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

10.6 As was the case under application reference 12/03886/OT the applicant wishes to stress that the retail development, in the terms sought following changes in the food retail market, is a critical component of the package of development that will fund the MLLR within the timescales of the recently entered into Network Rail agreement. Under application reference 12/03886/OT a viability assessment was submitted to justify this assertion and the direct link between the ability of the development to fund the MLLR is well established under the existing approvals. In sequential terms, the proposed uses are complementary to the office and leisure uses, as part of a wider package of development that funds the delivery of the MLLR, and clearly that needs to be in this specific location. Given the overall scale of the wider development, and in light of the consideration that it is part of an inextricably linked mixed use development at Thorpe Park, it is not considered that a more sequentially preferable site of this scale is available.

10.7 Retail impact

10.8 The application is accompanied by updated health checks of the various centres within the Thorpe Park catchment area. These refresh those carried out under the original application in 2012.

10.9 With regard to Cross Gates the applicant stated in their original assessment that Cross Gates appears to be a healthy and busy centre with high levels of pedestrian footfall and low level of unit vacancy. The retail offer at Cross Gates includes Tesco Metro, Marks and Spencer, Iceland, Fultons Foods, Cooplands and a range of independent butchers, greengrocers and bakers. There is also a range of comparison retailers, including New Look, Peacocks, Superdrug and various independents. The applicant suggests that this is quite different from the proposal at Thorpe Park. Though the centre lacks a large format food superstore the applicant considers that the centre is adequately meeting local shopping needs and that there are no major deficiencies in its retail offer. The applicant points to few opportunities in the centre as it is constrained. Taking all these considerations into account the applicant concluded that that Cross gates was a viable centre which was trading well and was therefore unlikely to suffer any adverse impacts.

10.10 The updated assessment states that Cross Gates remains a stable and healthy town centre with high levels of pedestrian footfall in all parts of the core retail area. A GOAD analysis is stated as demonstrating that Cross Gates is broadly in line with the national average in terms of the number of convenience and comparison good outlets (accounting for 10 per cent and 38 percent of total units respectively). The composition of the town centre remains very similar with the main notable changes being the loss of Tesco Metro and Superdrug from the shopping centre. The assessment notes a low number of vacant units and the addition of Officers Club and Costa Coffee. The applicants suggest that Cross Gates is at least as vibrant as it was in June 2012 if not more so and that it can withstand any potential impacts arising from the revised Thorpe Park scheme.

- 10.11 With regard to Garforth the applicant stated in their original assessment that Garforth contains a good range of convenience retailers including Co-operative, Sainsbury's Local, Cooplands, Fulton Foods and a number of independent butchers, greengrocers and bakers. The centre is also served by a large out-of-centre Tesco Superstore on Aberford road and contains a good range of comparison retail and service outlets. It was assessed as a generally healthy and viable centre with no obvious signs of acute decline or concentrations of vacancy. In summary their assessment found that Garforth is able to adequately meet local needs and was unlikely to suffer any significant adverse impacts arising from the [original] proposal. It was considered that the majority of any trade diversion from the [original] proposals would be from the out-of-centre Tesco superstore which was performing strongly at that time.
- 10.12 The updated assessment states that Garforth Town Centre has not changed significantly since June 2013. The centre contains a good range of services which are broadly in line with national averages in terms of the number of convenience and comparison retail outlets. Whilst the out of centre Tesco on Aberford Road is the main location for weekly food shopping, the proportion of vacant units within the centre is well below the national average and it is considered that Garforth is a healthy town centre.
- 10.13 With regard to Rothwell the applicant stated in their original assessment that Rothwell was performing well and appeared to be a healthy town centre. Anchored by Morrison's the centre has a strong convenience offer, matched by a limited comparison offer. There were no apparent concentrations of vacant units, reflecting the healthy nature of the centre. Service provision is strong, with a library, college and a working men's club.
- 10.14 The updated assessment states that the retail offer in Rothwell remains relative unchanged since the original assessment, and has in fact improved to a small degree as a result of four additional retail units being developed opposite the Morrison's store. The proportion of vacant units is significantly below the national average, which reflects the healthy nature of a centre which has benefitted from recent investment.
- 10.15 With regard to Seacroft the applicant stated in their original assessment that Seacroft was a strong and healthy town centre, anchored by the large Tesco but supported by a range of smaller retail units, in addition to other services located behind the main retail element of the centre. Footfall was high and the physical condition of the centre was considered good.
- 10.16 The updated assessment states that the retail offer in Seacroft remains relatively unchanged since the original assessment. The centre is still dominated by the large Tesco and has a very strong convenience offer. The comparison offer is, however, below the national average. There are no vacant units within the centre and footfall is still high. Seacroft is considered a successful and healthy centre.
- 10.17 The Five Towns retail development in Castleford has recently been the subject of a decision by the Secretary of State not to intervene in that case. It therefore seems likely that planning permission will ultimately be granted for it, subject to any legal challenges. Whilst there is no current permission for that scheme, it is however therefore necessary to consider the cumulative impact of the proposed scheme at Thorpe Park with the Five Towns scheme. Further work is required in this regard and further information has been requested and will be reported at the Panel meeting. In addition recent supermarket permissions have been granted at Garforth and Rothwell

which will need to be factored into the cumulative impact of the scheme. This will also be reported at the meeting.

10.18 Highways considerations

10.19 There are no objections in principle in highways terms to the shift from food to non-food retailing proposed under the application. Highways comment that the submitted layout is not consistent with the recently approved Manston Lane Link road, but this is a matter easily resolved by way of amended plans which have been requested and are awaited. Accessibility issues were addressed under the relevant conditions and obligations placed upon the recently varied permission 14/05483/OT (which reflected the introduction of an element of housing and consequent reduction in the amount of office space). Conditions of this permission also address travel plan, internal layout and servicing requirements.

10.20 The key highway issue is the impact of the degree of flexibility sought in terms of type of retailing on traffic generation. Highways comment that in traffic impact terms food retail uses would generate more traffic than typical non-food retail uses, and that given that the overall quantum remains unchanged at 18,000sq.m, there are no objections (subject to clarification over the maximum size of non-food retail units, in order to ensure that a very large individual unit is not permitted without the traffic impacts being better understood). Notwithstanding the requirements for some clarification, the proposed variation sought is policy compliant in highway safety terms, the road safety considerations having been dealt with under application 12/03886/OT and 14/05483/FU. Clearly however if planning permission is to be forthcoming the terms of existing planning conditions and obligations should be carried forward, except in terms where the variation is sought.

10.21 Representations

10.22 One objection has been received, submitted by CBRE on behalf of John Lewis, and this is summarised above. Essentially the objection is that the proposed variation at Thorpe Park poses a risk to the John Lewis led Victoria Gate investment in the City Centre and the viability and vitality of nearby town centres. The objection suggests that updated health checks should be carried out for affected centres and that the cumulative impact needs reassessment in light of recent significant commitments. The objector recommends a sequential test is carried out.

10.23 The applicant has responded to the objection commenting that it does not raise any substantive new points not already considered and previously addressed under the consented scheme. The applicant asserts that there is no basis for concerns regarding possible dilution of operator interest in the Victoria Gate scheme in Leeds City Centre, citing the following: the [Victoria Gate] scheme is expected to open in 2016 and John Lewis is a very high-profile anchor; this follows the high profile Trinity Scheme which is now fully trading, and; their estimate of the city centre's comparison goods turnover in 2015 is £1,500 million, which it is suggested is a conservative estimate. The applicant suggests therefore that there can be 'no credible concern' that the Thorpe Park scheme will have any effect on lettings at the John Lewis anchored scheme more than six miles away, noting that some lettings at Victoria Gate have already been secured.

10.24 The applicant further comments that the application only seeks additional flexibility to permit a reduced level of convenience retail sales area floorspace, compensated for by an increase in comparison retail, but that the character of the scheme would not materially change. The applicant also emphasises that they are not seeking to amend

the provisions of Condition 23 of planning permission 14/05483/FU, which restricts the size of comparison retail units to no more than 4,000sq.m gross external floor area (3,200sq.m net sales area).

- 10.25 In response to the objector's assertion that a sequential test should be carried out the applicant comments that, as was explained at length in previous submissions, the Thorpe Park scheme will deliver a wide range of considerable benefits that would not be realised if the scheme was split up and/or located elsewhere. The applicant suggests that to do so would dilute the overall mix of uses and render the scheme undeliverable and that this has been accepted by the council and its retail planning advisor, England and Lyle. The applicants have re-submitted the relevant advice received by the Council in respect of the original scheme (12/03886/OT) and suggest that because the site has an extant permission and the proposal does not seek to increase the gross retail floorspace already permitted that it is not necessary to revisit sequential test issues. They emphasise that they are not seeking to circumvent any planning conditions or vary the restrictions on the use and size of comparison retail units. The applicant suggests that whilst the comparison retail turnover of the Thorpe Park scheme will increase, without any significant change in trade diversion impacts on defined centres, this would be more than compensated for by a reduced convenience retail turnover so that the overall retail turnover would reduce by some £12 million.

11.0 CONCLUSION

- 11.1 The site is allocated for employment use under Saved UDP Review policy E4 (6) and the development of a mixed-use development of offices and retail at Thorpe Park is well established in principle under existing permissions.
- 11.2 The proposed shift from food to non-food retail, reflecting changing market circumstances, will result in a different impact over and above the consented scheme. Whilst additional information has been requested from the applicants and is awaited it is not anticipated that the proposal would have such significant adverse impacts on Leeds City Centre, or existing centres, such that the impact would outweigh the established significant benefits of the infrastructure the development will deliver. Approval of the application will ensure that this significant development will continue to maintain the momentum already gained, as it moves towards the triggers for delivery of the Manston Lane Link Road and Green Park.
- 11.3 It is therefore recommended that Members defer and delegate approval of the application to the Chief Planning Officer, subject to the consideration of the outstanding cumulative impact issues, the conditions listed under Appendix 1 and a Section 106 Agreement to repeat the terms of 14/05841/FU, following referral of the application to the Secretary of State as a departure.

Appendix 1:

Proposed Conditions

Background files:

- 11.1 Application case files 15/02217/OT, 14/05481/OT, 14/05843/FU & 12/03886/OT
11.2 Certificate of Ownership – Certificate A completed.

Appendix 1 Draft Conditions 15/02217/OT (Conditions of 14/05483/FU*)

*To be varied in the terms sought, with regard to Conditions 4, 23, 28, 29 & 30

- 1) Applications for approval of all reserved matters for the first phase of development shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Thereafter, applications for approval of all subsequent reserved matters relating to all additional phases shall be made to the Local Planning Authority before the expiration of two years from the date of approval of the reserved matters of the preceding phase.

The development of the first phase shall be begun within five years of the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be agreed for that phase, whichever is the later. All further phases shall be commenced within two years of the approval of the last reserved matters consent for that phase.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the each development phase is commenced.

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.

Because the application is in outline only and as no details have been submitted of the reserved matters, they are reserved for subsequent approval by the Local Planning Authority.

- 3) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

For the avoidance of doubt and in the interests of proper planning.

- 4) The development hereby permitted under this permission shall not exceed the total quantum of development/uses as listed below (all Gross External Area (GEA)).

B1 - 83,615sq m.

A1 (food store) - 9,000sq m.

A1 not within the food store - 9,000sq m.

A2, A3, A4 and A5 - 4,200sq m.

C1, D1 and D2 - 16,340sq m. Of which no more than 14,050sq m shall be in C1 hotel use and 2,290sq m shall be in D2 gym use.

For the avoidance of doubt and because the highway and retail impacts have been assessed on that basis in accordance with adopted Core Strategy policies SP1, SP2, SP3 and T2.

- 5) The development shall be carried out in accordance with the approved masterplan. Any variation to the approved masterplan or parameter plans shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the phase of development to which the variation relates.

To allow an appreciation of the possible layout of the development proposed and delivered to date in accordance with adopted Core Strategy policy P10.

- 6) The development shall be carried out in accordance with the approved parameter plans and Design Code.

In the interests of visual amenity in accordance with saved UDPR policies GP5 and LD1, and adopted Core Strategy policy P10.

- 7) The total occupied gross external floor area shall be limited to 73,030sq m until such time as an approved assessment of traffic conditions in the Study Area (to be submitted no sooner than the occupation of 63,030sq m of the total occupied gross external floor area) has been submitted to and approved in writing by the Local Planning Authority. Any mitigation measures deemed necessary by the approved assessment shall be implemented prior to exceeding 73,030sq m of development (or another figure identified in the assessment) and be retained and maintained thereafter.

To ensure that the level of development can be accommodated within the safe operation of the highway network in accordance with adopted Core Strategy policy T2.

- 8) Typical detailed 1:20 scale (or other appropriate scale) working drawings of the following elevational features shall be submitted to and approved in writing by the Local Planning Authority prior to their construction on a phase:

- (a) Sections through external windows and door reveals;
- (b) External entrance areas at ground floor level;
- (c) Junctions of materials;
- (d) Changes in plane to the building elevations; and
- (e) Details of roof parapets, eaves line and soffits to the buildings.

The works shall be implemented as thereby agreed.

In the interests of visual amenity and providing a high quality design in accordance with adopted Core Strategy policy P10.

- 9) The construction of any external finishing materials for a phase shall not commence until full details of the siting, design and external appearance of all external plant, flue pipes, external vents, roller shutters, lighting, solar panels or other excrescences to be located on the roof or sides of the buildings within that phase have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented and retained thereafter.

In the interest of visual amenity in accordance with saved UDPR Policy GP5 and adopted Core Strategy policy P10.

- 10) The construction of external facing materials for each phase shall not take place until details and samples of all external walling, window, door and roofing materials for that phase have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use,

for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity in accordance with saved UDPR Policy GP5 and adopted Core Strategy policy P10.

- 11) No external surfacing works for a phase shall take place until details and samples of all surfacing materials for that phase have been submitted to and approved in writing by the Local Planning Authority. The surfacing works shall be carried out in accordance with the approved materials prior to first occupation of that phase and be retained and maintained thereafter.

In the interests of visual amenity in accordance with saved UDPR policy GP5.

- 12) Development of a phase shall not be occupied until all areas shown on the approved plans to be used by vehicles within that phase have been fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

To ensure the free and safe use of the highway in accordance with adopted Core Strategy policy T2 and Street Design Guide SPD (2009).

- 13) Notwithstanding the details shown on Pell Frischman drawing W50002/MP/211 D, full details of the proposed public rights of way affecting the whole application site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development of each phase. Any changes to existing public rights of way required as part of that phase shall be implemented prior to first occupation of that phase and be retained and maintained as such thereafter.

To ensure appropriate public rights of way are provided across the site in accordance with paragraph 75 of the National Planning Policy Framework.

- 14) Dust generated by vehicles on roads, haul routes and circulation areas within the site in dry weather conditions shall be suppressed by the use of equipment able to deliver sufficient volumes of water and provided on site for this purpose. Immediate preventative action, including the suspension of operations shall be taken if dust generated by machinery on site becomes airborne and can be seen being carried by the wind beyond the site boundary.

In the interests of general amenity and the amenity of occupants of nearby premises and public spaces in accordance with saved UDPR policy GP5.

- 15) No works shall begin on a phase until full details of the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development of that phase, have been submitted for the approval in writing of the Local Planning Authority. The methods thereby approved shall be implemented at the commencement of work on site, and shall thereafter be retained and employed until completion of works on site.

To ensure that mud is not deposited on nearby roads in accordance with saved UDPR policy GP5.

- 16) No works shall take place on a phase until full details of provision to be made for the storage, parking, loading and unloading of contractors' plant, equipment and materials, routing of contractors vehicles to and from the site during construction and the parking of vehicles of the workforce for that phase, has been submitted to and approved in writing

by the Local Planning Authority. Such facilities shall be provided for the duration of the development works for that phase.

In the interests of the free and safe use of the highway in accordance with saved UDPR policy GP5 and adopted Core Strategy policy T2.

- 17) Prior to the commencement of development of a phase full details of the location and number of parking spaces allocated to the development within that phase plus details of any car share spaces and any parking charges to be introduced shall be submitted to and agreed in writing by the Local Planning Authority. The parking shall be introduced as agreed prior to first occupation of that phase and be retained and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

To ensure appropriate parking is provided across the development in accordance with saved UDPR policy T24 adopted Core Strategy policy T2.

- 18) Unless otherwise agreed in writing by the Local Planning Authority, no development in a phase shall take place until a plan showing details of an oil interceptor for that phase has been submitted to and approved in writing by the Local Planning Authority. Such oil interceptor as may be approved shall be designed to intercept all surface water from areas to be used by vehicles and any other areas likely to be subject to contamination. The phase shall not be brought into use until the oil interceptor has been provided, and it shall thereafter be retained and maintained in a satisfactory condition. Roof drainage should not be passed through an oil interceptor.

To prevent pollution of the any watercourse and protect the environment in accordance with saved UDPR policy GP5.

- 19) Prior to the occupation of a phase, a scheme detailing the method of storage and disposal of litter and waste materials, including recycling facilities for that phase, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided including, where appropriate, lockable containers and details for how the recyclable materials will be collected from the site with timescales for collection. The approved scheme shall be implemented before the development hereby permitted is brought into use and no waste or litter shall be stored or disposed of other than in accordance with the approved scheme.

In the interests of amenity and to promote recycling in accordance with saved UDPR policy GP5.

- 20) Development of a phase shall not commence until details of the cycle/motorcycle parking and facilities for that phase have been submitted to and approved in writing by the Local Planning Authority. Details shall include the method of securing the cycles and motorcycles and their location, provision of showers and storage lockers. The approved cycle/motorcycle parking and facilities shall be provided prior to occupation of that phase of development and thereafter be retained for the lifetime of the development.

In order to meet the aims of saved UDPR policies T7A and T7B, and adopted Core Strategy policy T2.

- 21) Prior to the commencement of development of a phase, full details of the sound insulation and management measures to be incorporated into that phase shall be submitted to and agreed in writing by the Local Planning Authority. The details shall highlight how future occupiers of that phase will be protected from noise from other occupiers within the phase and adjacent developments and from external traffic noise. The agreed details shall be implemented prior to first occupation and be retained and maintained thereafter.

In the interests of amenity in accordance with saved UDPR policy GP5.

- 22) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any change of use of the A2, A3, A4, or A5 premises referred to in this permission, to any use within Use Class A1 as detailed in the Town and Country Planning (Use Classes) Order 2010 (or any Order revoking or re-enacting that Order with or without modification).

In order that the Local Planning Authority can retain control over further uses which it considers could be harmful to the vitality and viability of the designated centres in accordance with adopted Core Strategy policies SP1, SP2 and SP3.

- 23) The approved retail floorspace (excluding the foodstore) shall not exceed 9,000 sqm GEA and 7,200 sqm net sales area, within which there shall be a minimum of 7,000 sq.m GEA (5,600 net sales area) of A1 retail floorspace which is to be provided within units of no less than 500 sq.m GEA (400 sqm net sales area) and no more than 4000 sqm GEA (3,200 sqm net sales area).

To reduce the potential impact upon designated local centres which mainly contain relatively small units and to prevent larger department stores locating at Thorpe Park that the Council would prefer to see located within the City Centre in accordance with adopted Core Strategy policies SP1, SP2 and SP3, P1, P2 and CC1.

- 24) Any retail units below the 500 sq.m threshold referred to in condition no. 23 shall not to be used for the sale of clothing/fashion and footwear goods.

To allow the Local Planning Authority to exercise control over the use of the smaller units for fashion and footwear to ensure such units do not have an adverse impact on existing fashion and footwear retailers in the nearby designated local centres in accordance with adopted Core Strategy policies SP2, P1, P2 and the NPPF.

- 25) There shall be no more than 800sq m (GEA) of small retail units with no single unit having a floorspace of more than 100 sq.m (GEA).

To protect the vitality and viability of designated local centres in accordance with adopted Core Strategy policies SP2, P1 and P2, and the NPPF.

- 26) Otherwise than in the circumstances set out at (ii) below, no retail floorspace hereby approved shall be occupied by any retailer who at the date of such occupation or within a period of 6 months immediately prior to occupation, occupies retail floorspace which exceeds 500 sqm (GEA) within the following designated town centres:

- o Cross Gates
- o Garforth
- o Rothwell

ii) Such occupation will only be permitted where a scheme which commits the retailer to retaining their presence as a retailer within the relevant designated town centre for a minimum period of 5 years following the date of their occupation of retail floorspace within the development, or until such time as they cease to occupy retail floorspace within the development, whichever is sooner, has been submitted to and approved in writing by the Local Planning Authority.

To ensure that those retailers which presently occupy the largest units in local centres (Cross Gates, Garforth and Rothwell) cannot open stores at Thorpe Park in the initial occupation phase in accordance with adopted Core Strategy policies SP2, P1 and P2, and the NPPF.

- 27) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that Order with or without modification) and sections 55(2) and 55(2A) of the Town and Country Planning Act 1990 (as amended), no part or parts of the A1 units may be subdivided, if such a subdivision would contravene the floorspace limits established in Conditions 23, 25 and 30. Furthermore no additional floorspace may be created within the A1 retail units if such floorspace would contravene the floorspace limits established in Conditions 4, 23, 25 and 29. Within these floorspace limits no mezzanine floorspace may be created unless otherwise agreed in writing by the Local Planning Authority. Outside of these floorspace limits no mezzanine floorspace may be created.

To prevent subdivision and mezzanine development from resulting in more net retail floorspace than approved and to ensure such floorspace is within permitted unit size limitations in order to protect the vitality and viability of the designated local centres and planned city centre investment in accordance with adopted Core Strategy policies SP2, P1 and P2, and the NPPF. Furthermore, restrictions have been placed upon mezzanine development, to ensure that the Local Planning Authority can accurately monitor the provision of retail floorspace at the site.

- 28) With the exception of the A1 food store, no retail unit over 100 sqm (GEA) will be permitted to sell convenience goods.

To protect the vitality and viability of designated local centres in accordance with adopted Core Strategy policies SP2, P1 and P2, and to protect planned city centre investment, in accordance with the NPPF.

- 29) The Gross External Area (GEA) of the retail foodstore hereby permitted shall not exceed 9000 sqm. In addition, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification), the net sales area of the foodstore shall not exceed 5,400 sqm and, of this the net convenience floorspace shall not exceed 3,618 sqm and the net comparison floorspace shall not exceed 1,782 sqm.

As these figures reflect the retail assessment carried out and to protect the vitality and viability of designated local centres in accordance with adopted Core Strategy policies SP2, P1 and P2, and the NPPF.

- 30) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any order revoking and re-enacting that Order with or without modification), the foodstore hereby permitted shall not include any post office, pharmacy, travel agent, dry cleaner, optician operations or be subdivided for those uses.

In the interests of the vitality and viability of local centres in accordance with the adopted Core Strategy policies SP2, P1 and P2, and the NPPF.

- 31) Development shall not commence until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority and:

(a) Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority,

(b) Where remediation measures are shown to be necessary in the Phase I/Phase II Reports and/or where soil or soil forming material is being imported to site, development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site suitable for use in accordance with saved UDPR policy GP5.

- 32) If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. An amended or new Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Statement.

To ensure that any necessary remediation works are identified to make the site suitable for use in accordance with saved UDPR policy GP5.

- 33) Remediation works shall be carried out in accordance with the approved Remediation Statement. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all verification information has been approved in writing by the Local Planning Authority.

To ensure that the remediation works are fully implemented as agreed and the site has been demonstrated to be suitable for use in accordance with saved UDPR policy GP5.

- 34) Prior to the commencement of construction of a phase an updated Sustainability Statement following the guidelines of the Supplementary Planning Document (SPD) Building for Tomorrow Today shall be submitted for that phase which will include a detailed scheme comprising:
- (i) a proposal to use the Waste and Resources Programme's (WRAP) Net Waste Tool kit and an appropriate Site Waste Management Plan (SWMP),
 - (ii) a pre-assessment for each phase of development using the BREEAM assessment method to a minimum of an Excellent standard, and
 - (iii) an energy plan showing that a minimum of 10 percent of on-site energy will be produced by Low and Zero Carbon (LZC) technologies and a carbon reduction plan including a target of 20% above Current Building Regulations,
- The Statement shall be approved by the Local Planning Authority and the phase of development shall be carried out in accordance with the detailed scheme; and
- (a) Prior to the occupation of each phase of the development a post-construction review statement for that phase shall be submitted by the applicant including a BRE certified BREEAM final assessment and associated paper work and approved in writing by the Local Planning Authority.
 - (b) The development and buildings comprised therein shall be maintained and any repairs shall be carried out all in accordance with the approved detailed scheme and post-completion review statement or statements.

To ensure the adoption of appropriate sustainable design principles in accordance with saved UDPR policy GP5 and adopted Core Strategy policies EN2 and P10.

- 35) Prior to the commencement of development a programme of archaeological work including a Written Scheme of Investigation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording.
 2. The programme for post investigation assessment.
 3. Provision to be made for analysis of the site investigation and recording.
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 5. Provision to be made for archive deposition of the analysis and records of the site investigation.
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the Written Scheme of Investigation approved under this condition and the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

To ensure appropriate archaeological recording in accordance with saved UDPR policy ARC6.

- 36) Development of a phase shall not commence until a scheme detailing foul and surface water drainage works for that phase has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme for that phase shall be implemented in accordance with the approved details before the development is brought into use.

To ensure sustainable drainage and flood prevention in accordance with saved UDPR policy GP5 and the NPPF.

- 37) The development shall be carried out to generally accord with the UK Police 'Secured by Design' and Crime Prevention through Environmental Design (CPTED) principles.

In the interests of public safety in accordance with saved UDPR policy GP5.

- 38) Prior to the commencement of development of a phase a CCTV strategy for that phase (to include details of the location of cameras and type of system) shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to first occupation of that phase and be retained and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

In the interests of public safety in accordance with saved UDPR policy GP5.

- 39) Prior to the commencement of each phase, a report to demonstrate that the opportunity to recover any coal present within each phase boundary has been considered, shall be submitted to and approved in writing by the Local Planning Authority. The report shall set out whether any coal present should be removed prior to or during development unless:

- a. it can be shown that it is not economically viable to do so, or
- b. it is not environmentally acceptable to do so, or
- c. the need for the development outweighs the need to extract the coal, or
- d. The coal will not be sterilised by the development.

If the approved report recommends that coal is present and should be removed, an implementation strategy shall be submitted to and approved in writing by the Local Planning Authority. Subsequent actions or works shall then be carried out in accordance with the approved implementation strategy.

In order to accord with Leeds Natural Resources and Waste DPD policies Minerals 3 and 9, and the NPPF.

- 40) No mechanical ventilation or air conditioning system or any other plant machinery shall be installed or operated until details of the installation and operation of the system have been submitted to and approved in writing by the Local Planning Authority. The system shall thereafter only be installed and operated in accordance with the approved details.

In the interests of amenity in accordance with saved UDPR policy GP5.

- 41) Prior to the commencement of development of a phase, details of any extract ventilation system for that phase, including details of a filter to remove odour, and the methods of treatment of the emissions, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works approved in accordance with this condition have been completed. Such works shall thereafter be retained.

In the interests of amenity and visual amenity in accordance with saved UDPR policy GP5.

- 42) No site clearance, demolition 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 with the Council.

To ensure the protection of wild birds during the breeding season in accordance with adopted Core Strategy policy G8 and the NPPF.

- 43) Prior to the commencement of development of a phase, an Ecological Protection & Enhancement Plan for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The Plan shall be based on the mitigation measures proposed in Table 7.16 of Section 7.9 of the Thorpe Park Developments Ltd. Environmental Statement by Arup dated 10 September 2012 Job number 217349 and will include a programme of ecological monitoring to inform the long-term management of the site. The Plan will include an Annual Work Programme with clear timelines for each mitigation measure to be carried out for the upcoming 12-month period. The mitigation measures shall be implemented in accordance with the timescales set out in the agreed plan.

To ensure the protection and retention of biodiversity in accordance with adopted Core Strategy Policy G8 and the NPPF.

- 44) Development of a phase shall not commence until full details of both hard and soft landscape works for that phase, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. Hard landscape works shall include:

- (a) proposed finished levels and/or contours,
- (b) boundary details and means of enclosure,
- (c) car parking layouts,
- (d) other vehicle and pedestrian access and circulation areas,
- (e) hard surfacing areas,

- (f) minor artefacts and structures (e.g. public art, furniture, play equipment, refuse or other storage units, signs, lighting etc.),
- (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).

Soft landscape works shall include

- (h) planting plans
- (i) written specifications and arboricultural method statement (including soil depths, tree pits (including the load bearing root zone volume), cultivation and other operations associated with plant and grass establishment) and
- j) schedules of plants noting species, planting sizes and proposed numbers/densities.
- k) details of the consideration given to the transplantation of existing stock, from Brown Moor, to areas of Central Park.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

To ensure the provision and establishment of acceptable landscape in accordance with saved UDPR policies GP5, N23, N25 and LD1.

- 45) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

To ensure successful aftercare of landscaping, in accordance with saved UDPR policies GP5 and LD1.

- 46) a) No works shall commence on a phase until all existing trees, hedges, bushes shown to be retained on the approved plans within the scope of that phase of development are fully safeguarded by protective fencing and ground protection in accordance with approved plans and specifications and the provisions of British Standard 5837 (2012) Trees in relation to design, demolition and construction, unless otherwise agreed in writing by the Local Planning Authority. Such measures shall be retained for the duration of any demolition and/or approved works.

b) No works or development shall commence on a phase until a written arboricultural method statement for a tree care plan for that phase has been submitted to and approved in writing by the local planning authority. Works or development shall then be carried out in accordance with the approved method statement.

c) No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services, without the prior written approval of the Local Planning Authority.

d) Seven days written notice shall be given to the Local Planning Authority that the protection measures are in place prior to demolition and/or approved works, to allow inspection and approval of the works.

To ensure the protection and preservation of trees, hedges, bushes and other natural features during construction works, in accordance with saved UDPR policies GP5, N23 and LD1.

- 47) If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

To ensure maintenance of a healthy landscape scheme, in accordance with saved UDPR policies GP5 and LD1.

- 48) Prior to the commencement of development a phasing plan for the works to Central Park shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall include details of the works to create the levels, SUDS basins and any public rights of way and the provision of early cultivation and seeding. The agreed details shall be carried out in accordance with timescales set out in the phasing plan.

To ensure an appropriate temporary landscape is provided within Central Park in accordance with saved UDPR policy LD1.

- 49) The development hereby permitted shall not include a school, cinema or concert venue.

As these uses are significant traffic generators that have not been assessed as part of this application and could cause significant highway safety issues to ensure compliance with adopted Core Strategy policy T2.

- 50) No non-B1 development, nor any B1 office development of 37,000sqm or greater shall be first brought into use until the highways works detailed in planning application 14/01216/FU and either 12/03888/FU or 12/05382/FU (whichever of the two alignments is pursued), or such further planning permission(s) as may be agreed with the Local Planning Authority, have been practically completed and opened to traffic (subject to any further maintenance period).

To ensure the delivery of adequate highway infrastructure to address the highway and accessibility implications of the proposed development and to facilitate the wider long term strategic benefits associated with the expanded road proposals, in accordance with saved UDPR policy GP5 and adopted Core Strategy Policy T2.

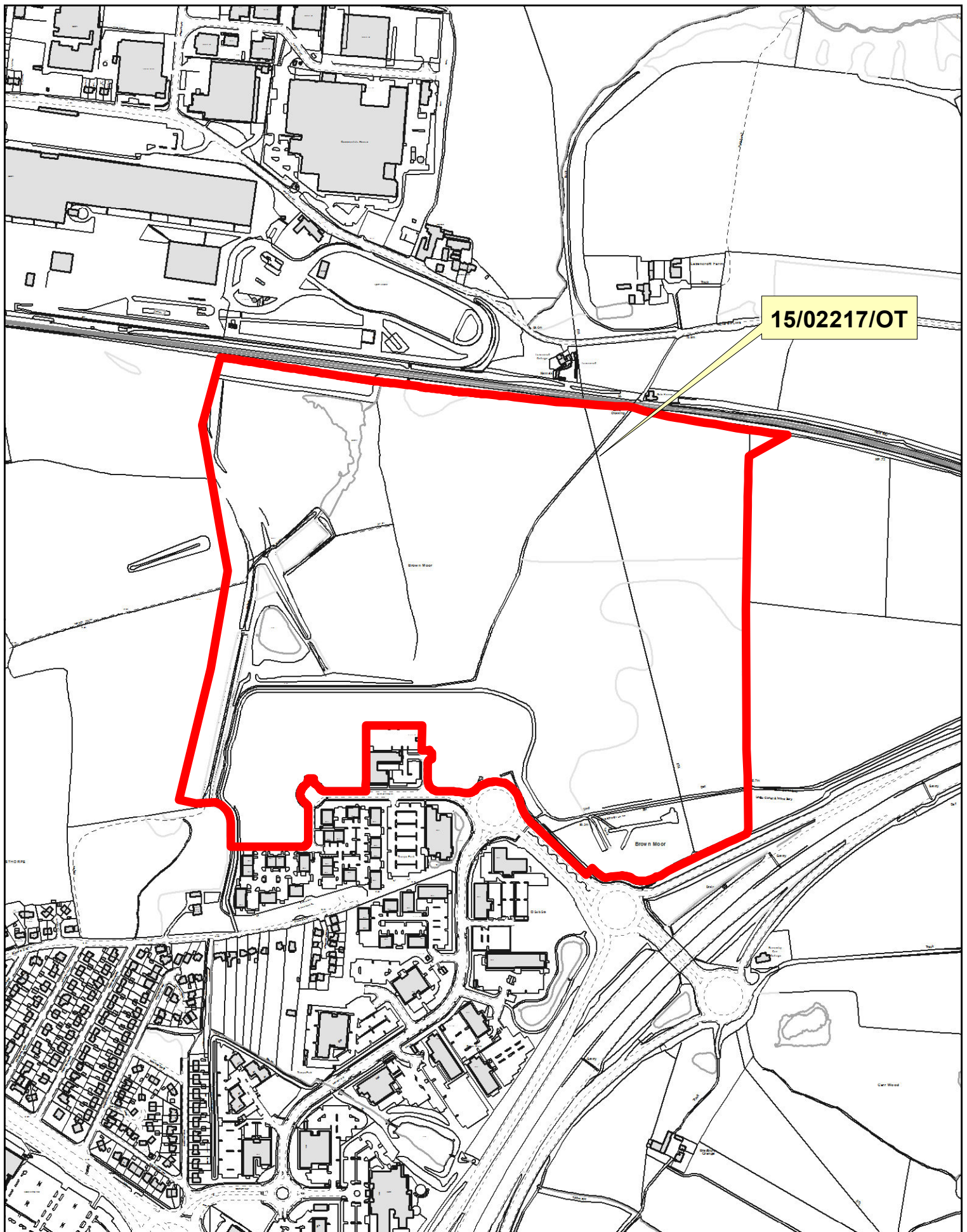
- 51) Prior to the occupation of a phase, Travel Plan Statements and Full Travel Plans shall be submitted to and agreed in writing by the Local Planning Authority for all uses within that phase that fall within/exceed the relevant thresholds in Table 6.1 of the approved Framework Travel Plan . The approved Travel Plans shall be fully implemented and operated in accordance with the agreed timescales.

In the interests of encouraging transport other than single car occupancy in accordance with sustainable transport principles and adopted Core Strategy policy T2.

- 52) Within three months of the date of this permission a statement shall be submitted setting out the anticipated timetable for the commencement, delivery and completion of the Manston Lane Link Road (MLLR). Thereafter statements shall be submitted to the Local Planning Authority every three calendar months until completion of the MLLR, and the applicant shall use all reasonable endeavours to adhere to the timetable.

In the interests of proper planning and for the avoidance of doubt, in accordance with the resolution to grant planning permission as a departure from the allocated

employment use of the site, for which the earlier delivery of the Manston Lane Link Road is used in justification.



15/02217/OT

CITY PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/6500

