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## Report of the Chief Planning Officer

### CITY PLANS PANEL

Date: 8<sup>th</sup> September 2016

**Subject: POSITION STATEMENT FOR 16/02757/OT- Outline Application for the erection of a Motorway Service Area including means of access and: Facilities Building with viewing platform, up to 100 bedroom Hotel, Skelton Lake Visitor Centre, Fuel Filling Station, vehicle circulation and parking areas, landscaping and amenity spaces, pedestrian and cycle links, pumping station, retaining structures and associated mitigation, infrastructure and earthworks at land off Junction 45, M1 Motorway.**

#### APPLICANT

Extra MSA Group

#### DATE VALID

3<sup>rd</sup> May 2016

#### TARGET DATE

23<sup>rd</sup> August 2016

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#### Electoral Wards Affected:

**Garforth and Swillington**

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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#### RECOMMENDATION:

**Members are requested to note the contents of this position statement and are invited to comment on any of the issues discussed within this report.**

#### 1.0 INTRODUCTION:

- 1.1 This application proposal is presented to Members for their consideration and comments.
- 1.2 The development proposal is considered to be an Environmental Impact Assessment (EIA) development and as such, in accordance with the relevant regulations is accompanied by an Environmental Statement (ES). The ES provides an overview of the environmental impact of the proposals with a summary of mitigation measures proposed and contains a methodology for assessing the significance of the environmental effects and the cumulative impact. A series of technical papers consider the range of environmental factors.

## **2.0 PROPOSAL**

- 2.1 This outline planning application proposes the redevelopment of 15.52ha of land to the south of Junction 45 of the M1 Motorway to provide a motorway services area (MSA). The applicant (Extra MSA Group) operates other such facilities across the country and this proposal would represent a 'new concept' following on from Extra's Beaconsfield and Cobham sites.
- 2.2 The application is submitted in outline with all matters, except for access, reserved for later assessment. The detailed appearance, landscaping, layout and scale of the scheme will form subsequent reserved matters for later approval.
- 2.3 The proposed MSA will include:
- a facilities building (3,000sqm) that will provide a range of food and retail outlets, food court, ancillary amenity areas (incl. toilets, washing and shower facilities) as well as ancillary staff areas (incl. kitchen, storage, refuse and office space).
  - a business centre comprising a business lounge with a range of meeting rooms (totalling 400sqm) at first floor level.
  - space at first floor for community use which could be used as a visitor/ education centre relating to Skelton Lake and include a second floor viewing platform (contained within roof).
  - a 100 bedroom hotel with supporting ancillary uses.
  - a fuel filling station comprising car and HGV pumps and an associated forecourt shop (approx. 450sqm). Electric vehicle charging points to be located close to facilities building.
  - the associated parking facilities will comprise 550 car parking spaces (incl. 25 disabled spaces); 50 HGV spaces, 1 abnormal load HGV space, 12 coach, caravan (incl. 2 disabled spaces) and motorcycle spaces.
- 2.4 The means of access to the site is to be taken from the existing Junction 45 of the M1 motorway via a new direct signal controlled access. A carriageway will extend from junction 45 towards an internal site access roundabout, providing two lanes of access and egress. This internal access roundabout is also designed to accommodate the access requirements to the proposed residential development to the east (Ref: 15/07655/OT). The proposal indicates the provision of segregated footways and cycleways and crossing facilities. Knowsthorpe Lane and Pontefract Lane will be diverted from their current alignments to tie into the proposed site access corridor. The proposal enables the possible future routing of a bus service between Knowsthorpe Lane (to west of the M1) and the adjacent residential development via the site. Associated bus stops and a bus layby are to be provided on the outbound carriageway of the site access road.
- 2.5 Whilst the layout, appearance and scale will form reserved matters for later approval the indicative details illustrate the facilities building is positioned towards the southern portion of the site and comprise a series of interlinked buildings with a partial living, over sailing roof form. The associated parking, vehicle circulation areas and filling station are sited to the building's northern side. The proposal includes the retention of vegetation around the site's perimeter with mitigation planting provided across the site. Connections to existing public footpaths and bridleways are to be formed and an area of open space provided to the south which will also act as a flood compensation area. Outdoor play space and dog walking areas are to be created.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The identified site is located to the southern side of the junction 45 of the M1 motorway and comprises restored agricultural land. The site was previously in use as an open cast mine but has since been backfilled. The site comprises two agricultural fields bordered by hedges and vegetation. The site also extends over wooded areas located to the north and south of the site. An electricity pylon stands to the western part of the site and the power lines run roughly east-west across the site.
- 3.2 The M1 motorway runs along the site's northern and western boundaries and junction 45 is located directly to the north of the site. Knowsthorpe Lane (access currently blocked) runs from the junction along the northern and western edge of the site and continues under the M1 to the west. Public Bridleway (No.259) runs to the east and within the southern portion of the site.
- 3.3 The application site is set at a lower ground level to the adjacent motorway and connecting slip roads and the land levels generally fall to the south towards Skelton Lake. However, there is a mounded area beyond the south-east of the site which is elevated above the site. Skelton Lake lies to the south with Colton Beck and associated ponds located beyond the eastern boundary which feed into the northern side of the lake. Wyke Beck runs beyond the south-western boundary and joins with the River Aire to the south of Skelton Lake. The Aire and Calder Navigation corridor is located further south of the River Aire.
- 3.4 Temple Newsam Park and Golf Course is located 160m to the north of the site, beyond the M1 Motorway. Temple Newsam is a Grade II Registered Park and Garden and includes the Grade 1 Listed Temple Newsam House which is located 1km to the north of the site. The estate also contains a range of other Grade II\* and II Listed Buildings although the area closest to the motorway junction is excluded from the listing. The Grade II\* Listed Leventhorpe Hall is also located 1.9km to the west.

### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 Planning permission exists for the carrying out of engineering operations and the laying out of access roads and landscaping to the south-east of junction 45 (Ref:32/369/01/FU) for the wider Skelton Gate site. This permission was to support an outline planning permission for a business park (Ref:32/368/01/OT) and comprised new road connections on to Knowsthorpe Lane/ Pontefract Lane and a new roundabout with an access road into the proposed business park site. The infrastructure works granted permission in 2004 were granted approval to extend the time limit for implementation under Ref:14//00247/EXT and this permission remains extant until 25<sup>th</sup> April 2018.
- 4.2 In 2000, the application site was subject to a planning application for a motorway service station (incl. amenity block and travel lodge) (Ref:32/162/00/OT). The application was called in for determination by the Secretary of State and was considered alongside four other sites. Uncertainty on the then delivery of the East Leeds Link Road and the resultant opening date of the proposed MSA and the fact that this site was least compliant with the government's then spacing policy weighed against the proposal. The application was subsequently refused in 2005.
- 4.3 The land to the east of the application site is currently subject of a pending outline planning application (Ref:15/07655/OT) proposing a new community comprising 1,100 dwellings, a new food store, a new local centre, a new school and areas of public

open space together with a means of access. All matters are reserved for future consideration except for means of access.

## 5.0 HISTORY OF NEGOTIATIONS

5.1 Prior to the submission of this planning application the applicant engaged with the Local Planning Authority at pre-application stage (Ref:PREAPP/15/00459) and this included a series of meetings with Officers. The discussions covered a range of issues in respect of the site's allocation and the emerging Aire Valley AAP; the interface between the proposed MSA and the adjacent residential proposals to the east and collaborative working; the highway need case; the alternative site assessment; comments on the living roof design and to relate closer to building footprint. Alongside those discussions the respective technical consultants have liaised with their Council and external consultee counterparts.

5.2 The pre-application proposals were presented, alongside the residential led development on the wider Skelton Gate site, to City Plans Panel on 17<sup>th</sup> December 2015 and an extract of the meeting minutes in relation to the MSA summing up is provided below:

*'Members commented that they were agreeable with a motorway service area being positioned at Junction 45 of the M1, it being a good location. Members were of the opinion that the concept was a good one. Members considered that a possible visit to Hartshead Service Area (or similar arrangement) should be undertaken to demonstrate how a residential development could work alongside a motorway service area.'*

**RESOLVED** – *That the applicants be invited to progress their proposals in collaboration with each other'*

5.3 In addition to the pre-application discussions, the level of information to be submitted to accompany any planning application was agreed.

5.4 Furthermore, planning officers provided feedback to the applicant through a formal Environmental Statement (ES) Scoping Report (Ref: PREAPP/16/00026).

5.5 The applicant also undertook consultation with a range of local residents and businesses through the holding of two public exhibition events, the distribution of community letters/ brochure, a newspaper (Yorkshire Evening Post) advert, letters/ brochures to local councillors and MPs and the creation of a website detailing the scheme and providing an opportunity to comment. The applicant reports that the vast majority of the feedback received was extremely positive with strong support for creation of local employment opportunities, appearance of the scheme, re-use of the site and links to wider Aire Valley green infrastructure. The concerns raised related to the need for an MSA, highway impacts, not wanting the site to be built on, impact on wildlife and landscape and for alternative uses to be considered. The applicant considers that the identified concerns have been fully addressed within the submitted application documents.

5.6 Amendments have been sought on the submitted proposal during the application process which, in brief, comprise minor revisions to the road signage/ road markings; annotation on road surfacing treatment; provision of a bus stop to the northbound road access; re-alignment and widening of Pontefract Lane; re-alignment of Knowsthorpe Lane at its junction with the new access road; 50 additional parking spaces; reduction in swale to western edge of car park; redesign of hotel to avoid

encroachment into existing Flood Zone 3; lighting positions altered in response to Knowsthorpe Lane and car park changes.

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

- 6.1 The application was advertised as a Major application (as a departure, affects a right of way and is accompanied by an Environmental Statement) by site notices posted adjacent to the site dated 20<sup>th</sup> May 2016. The application was also advertised in the Yorkshire Evening Post published 20<sup>th</sup> May 2016.
- 6.2 Following the submission of revised information further publicity was organised and site notices were posted dated 12<sup>th</sup> and 26<sup>th</sup> August 2016. A further advert has been placed in the Yorkshire Evening Post published 2<sup>nd</sup> September 2016.
- 6.3 To date, 2 letters of representation received in response to the public notification process. Both letters received express support for the submitted proposals.
- 6.4 1 letter of support received from Alec Shelbrooke MP offering the following summarised comments:
- Designs and landscaping treatment are impressive as are intentions for job creation.
  - Pleased to see the desire to work with local communities and stakeholders to deliver a quality development that will complement the Enterprise Zone to the west.
  - Understand it will provide an opportunity to facilitate and complement the adjacent new housing proposals.
  - The investment in a new concept motorway services area together with a package of economic, social and environmental benefits in this part of Leeds and wider City Region is welcomed.
- 6.5 1 letter expressing support to the proposals (on behalf of Friends of Rothwell Country Park) and this is summarised below:
- Proposed plans for new services are an excellent idea and the ecology of the area has been very well planned.
  - Services will be of enormous benefit to travellers and will highlight Skelton Lake (as) an area of natural beauty.
  - Proposal will create jobs and bring much needed economic growth.

## **7.0 CONSULTATION RESPONSES:**

### **Statutory:**

- 7.1 Coal Authority: No objection, suggested conditions securing further site investigation works.
- 7.2 Environment Agency: No objection, suggested condition.
- 7.3 Highways England: *Holding direction* until 17<sup>th</sup> October 2016 to allow for traffic modelling works and access design outstanding actions to be completed to enable the transport assessment outcomes to be finalised.

- 7.4 Historic England: No objection, the proposals would cause less than substantial harm to the setting of Temple Newsam House and Park, and to the setting of Leventhorpe Hall and any impact should be weighed against the public benefits of the scheme.
- 7.5 Natural England: No objection, advisory to consider green infrastructure, biodiversity and landscape character.
- 7.6 Highways (LCC): *Further information requested covering demonstration that the diverted Knowsthorpe Lane can safely accommodate HGV manoeuvres; details for pick-up/drop-off at nearby Park and Ride site; swept path analysis for refuse vehicles; demonstration that abnormal HGV loads can manoeuvre the internal site access; clarification on drawing plan reference.*
- 7.7 West Yorkshire Combined Authority: No objection, request 2 bus stop poles for proposed shuttle bus service from adjacent proposed residential site.
- Non-statutory:**
- 7.8 Contaminated Land: No objection, suggested conditions (covering site investigation, remediation works, verification reports).
- 7.9 Flood Risk Management: No objection, suggested conditions (covering surface water drainage works (incl. method statement during construction works), finished floor level restriction).
- 7.10 National Grid: No objections.
- 7.11 Leeds Civic Trust: No objection, welcome overall design approach (incl. building appearance, signage, landscaping).
- 7.12 Public Rights of Way: No objection, request 1m margin to proposed bridleway, contribution towards cycle/bridleway network, consideration for safe crossing over new access road.
- 7.13 Canal and River Trust: No requirement to comment.
- 7.14 SDU (Nature Conservation): Ecological surveys make clear the level of impact from development and conditions suggested to achieve overall neutral long-term biodiversity impacts (covering construction management plan, biodiversity enhancement and management plan, lighting design strategy, green roof design statement, control/eradication of giant hogweed and Himalayan balsam, use of visitor centre). In addition request off-site mitigation options in liaison with RSPB.
- 7.15 SDU (Landscape): Seek retention of retained trees condition with detailed matters (incl. biodiversity plan, green roof, hedgerow, landscaping, lighting) to be dealt with at later stage.
- 7.16 SDU (Design): No objections if reserved matters scheme reflects the design work carried out under this application.
- 7.17 Travelwise: No objections to revised travel plan.
- 7.18 West Yorkshire Police (architectural liaison): No objection, counter terrorism team propose no action.

- 7.19 Neighbourhoods & Housing (air quality): No objection, note commitment to provide electric vehicle charging points.
- 7.20 Neighbourhoods & Housing (environmental protection): No objection, suggested conditions *although applicant required to review assessment if seeking 24hr delivery arrangements (for petrol/ goods)*.
- 7.21 Neighbourhoods & Housing (environmental studies): No objection, although no details provided of suggested mitigation measures (acoustic ventilation) for the hotel rooms to satisfy internal noise standards.
- 7.22 Yorkshire Wildlife Trust: Support ecologist's recommendations in relation for bat sensitive lighting plan and welcome proposed bird mitigation measures, dog walking facilities and proposed ecological enhancements. Consider relationship with adjacent proposed residential development and habitat creation and enhancement undertaken.
- 7.23 Yorkshire Water: No objection, suggested condition (covering works in accordance with flood risk assessment, restrictions on discharge, surface water interceptor to be installed).
- 7.24 West Yorkshire Archaeological Advisory Service: As site was subject to extensive open cast mining no archaeological significance, no further work necessary.

## **8.0 RELEVANT 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).

### Adopted Core Strategy:

- 8.2 The Core Strategy is the development plan for the whole of the Leeds district. The Core Strategy (CS) was adopted in November 2014. The following CS policies are relevant:

Spatial policy 1 Location of development  
 Spatial policy 2 Hierarchy of centres and spatial approach to retailing  
 Spatial policy 4 Regeneration priority programme areas (incl. Aire Valley)  
 Spatial policy 5 Aire Valley Leeds urban eco-settlement  
 Spatial policy 8 Economic development priorities  
 Spatial policy 11 Transport infrastructure investment priorities  
 Spatial policy 13 Strategic green infrastructure  
 Policy EC1 General employment land  
 Policy EC3 Safeguarding existing employment land and industrial areas  
 Policy P1 Town and local centre designations  
 Policy P8 Sequential and impact assessments for main town centre uses  
 Policy P9 Community facilities and other spaces  
 Policy P10 Design  
 Policy P11 Conservation  
 Policy P12 Landscape  
 Policy T1 Transport management  
 Policy T2 Accessibility requirements and new development

Policy G1 Enhancing and extending green infrastructure  
Policy G8 Protection of important species and habitats  
Policy G9 Biodiversity Improvements  
Policy EN1 Sustainability targets  
Policy EN2 Sustainable design and construction  
Policy EN5 Managing flood risk  
Policy ID2 Planning obligations and developer contributions

Leeds Unitary Development Plan (UDP) Review:

- 8.3 The site is allocated for employment uses within the City Council's Unitary Development Plan (Review 2006) as site E4.45 Skelton Business Park, Pontefract Lane and promoted for prestige office development. Saved policy T29a states support for the provision of lorry parking and coach layover facilities at the junction of the East Leeds Link Road and the M1 (i.e. jct 45). In addition, the site lies within the boundary of the emerging Aire Valley Leeds Area Action Plan (AVLAAP) within which the site is identified for housing. The land to the south of the employment allocation is currently in the Green Belt, but is subject to review through the Site Allocations Plan process. The relevant saved UDP Review (2006) policies are listed below for reference:

Policy GP5 Requirement of development proposals  
Policy N23 Development and incidental open space  
Policy N24 Development proposals next to green belt/ corridors  
Policy N25 Development and site boundaries  
Policy N28 Historic parks and gardens  
Policy BD5 Design considerations for new build  
Policy T24 Car parking guidelines  
Policy T29a Lorry parking and coach layover facilities  
Policy E4 Employment allocations  
Policy LT6 Waterway corridors and tourism  
Policy LD1 Landscape schemes

Natural Resources and Waste Local Plan:

- 8.5 The relevant Natural Resources and Waste Local Plan (adopted) policies are listed below for reference:

AIR 1	Management of air quality through development
WATER 1	Water efficiency
WATER 2	Protection of water quality
WATER 4	Development in flood risk areas
WATER 6	Flood risk assessments
WATER 7	Seeks to ensure no increase in the rate of surface water run-off and the incorporation of sustainable drainage techniques.
LAND 1	Requires submission of information regarding the ground conditions
LAND 2:	Relates to development and trees and requires replacement planting where a loss is proposed.

Supplementary Planning Guidance / Documents:

- 8.6 SPG10 Sustainable Development Design Guide  
SPG22 Sustainable Urban Drainage  
SPD Street Design Guide  
SPD Designing for Community Safety  
SPD Travel Plans  
SPD Sustainable Design and Construction  
Leeds Parking Policy (adopted)



#### National Planning Guidance:

- 8.7 In terms of national policy, the National Planning Policy Framework (NPPF) identifies a number of core planning principles of which include for planning to be genuinely plan-led with plans kept up-to-date and to provide a practical framework within which planning decisions can be made; proactively drive and support sustainable economic development and seek to secure high quality design.
- 8.8 Chapter 1 sets out the need to build a strong competitive economy in order to create jobs and prosperity and that the planning system does everything it can to support sustainable economic growth. Planning policies should avoid the long-term protection of site allocated for employment use where there is no reasonable prospect of a site being used for that purpose.
- 8.9 Chapter 2 advises that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date local plan.
- 8.10 Chapter 4 confirms that transport policies have an important role to play in facilitating sustainable development. In particular reference to this application proposal, para. 31 advise that '*the primary function of roadside facilities for motorists should be to support the safety and welfare of the road user*' and the advice contained within this chapter deals with sustainable transport modes and avoiding severe highway impacts.
- 8.11 Chapter 7 advises that the Government attached great importance to the design of the built environment stating that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.12 Chapter 10 identifies planning's key role in supporting the delivery of renewable and low carbon energy. Inappropriate development in areas at risk of flooding should be avoided.
- 8.13 Chapter 11 advises the planning system should contribute to and enhance the natural and local environment and prevent unacceptable risks from pollution and land stability as well as avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 8.14 Chapter 12 considers where a development proposal will lead to a less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

#### Department for Transport

- 8.15 Circular 02/2013 *The Strategic Road Network and the Delivery of Sustainable Development. Annex B: Roadside Facilities for Road Users on Motorways and All Purpose Trunk Roads in England*' which has created a favourable national policy context for the determination of any application (certainly since the refusal of the MSA proposal at this site back in 2006). However, whilst the document supports the broad locational aims of the proposed development, any application must still be dealt with in accordance with local and national planning policy.

## **9.0 MAIN ISSUES**

1. Principle of development (incl. emerging plans, highway need, main town centre uses)
2. Highway implications

3. Impact on visual amenity (incl. appearance, landscape, heritage)
4. Impact on amenity
5. Ecological implications
6. Flood risk and drainage
7. Section 106 agreement and CIL
8. Other matters

## **10.0 APPRAISAL**

### **Principle of development**

- 10.1 This motorway services area proposal is submitted as an outline planning application with all matters other than the means of access are to be reserved. The application site is allocated for employment uses within the Unitary Development Plan Review 2006 (UDP) and identified as Skelton Business Park, Pontefract Lane (policy E4:45). This policy was saved by the Core Strategy (adopted in 2014). The Core Strategy states that for the loss of land allocated for employment the criteria within policy EC3 must be satisfied. It is to be noted that this allocation also includes land to the east which is currently subject to a residential led outline planning application (Ref: 15/07655/OT).
- 10.2 The application site also falls within the boundary of the Aire Valley Leeds Area Action Plan (AVLAAP) where the site is proposed as a housing allocation. Spatial Policy 5 sets out a requirement for AVLAAP to provide a minimum of 6,500 new homes and 250 hectares of land for employment uses and new retail facilities to support new development. It is recognised that the draft AVLAAP, has regard to the consideration of proposals for non-housing uses at Skelton Gate and specifically excludes, inter alia, a motorway service area (MSA) as an acceptable non-housing use. The proposed housing allocation is subject to a number of objections (incl. one from the applicant) and accordingly the weight afforded to the allocation in the determination of this application can only therefore be very limited. Council officers have recommended a number of modifications to the draft AVLAAP policies, including the removal of the reference which specifically excludes an MSA and changes to the wording of the criteria based approach to non-housing uses. The application site would however remain within the proposed housing allocation. The proposed changes were agreed at the Council's Development Plan Panel on 10<sup>th</sup> May 2016, who recommended that Executive Board and Full Council approve the modifications for submission of the plan to the Secretary of State for examination. Again, this revised draft policy can only be afforded very limited weight but it does indicate that the Council's position will potentially change (subject to approval) in respect to an MSA.
- 10.3 The proposed MSA is not in accordance with the existing UDP employment allocation. However, this UDP allocation is not considered to be up-to-date following adoption of the Core Strategy which identifies sites as having potential to accommodate major housing and mixed use development in the AVL area and this includes the Skelton Gate area and the application site and reflects the proposed housing allocation in the draft AVLAAP. The draft AVLAAP identifies sufficient employment sites to deliver the requirement for 250ha of employment land in the area without assuming a contribution from Skelton Gate. Thus, there is no need to deliver employment development on the site in that the site lies outside an area of shortfall and the proposal would not result in the loss of a deliverable employment site necessary to meet employment needs during the plan period.
- 10.4 Although the draft AVLAAP allocation can only be given very limited weight, supporting evidence from the Core Strategy and AVLAAP (including the Leeds

SHLAA) demonstrates that there will need to be a significant contribution from the Skelton Gate site if the minimum housing requirement of 6,500 units is to be delivered. The Core Strategy is supportive of a housing and mixed use development at Skelton Gate (the wider site) and the delivery of a major housing development is effectively embedded within the development plan. Details of the allocation (such as estimated capacity) and any site specific requirements will be set out in the AVLAAP. However, the proposed modifications to the publication draft plan (see paragraph 10.2 above) involve a reduction the capacity of the wider Skelton Gate site has been estimated at 1,801 dwellings and this figure does not assume a contribution from the area of land within this application site. Accordingly, given that the estimated capacity for Skelton Gate can be delivered elsewhere on the wider site, and sufficient sites have been identified within the AVL area in the draft submission plan (as agreed at DPP on 10<sup>th</sup> May 2016) to meet the target of 6,500, this MSA proposal is not considered to be inconsistent with Core Strategy policy objectives. It is however appropriate to consider the impact of the MSA proposal on the delivery of the housing development across the wider site and at the most strategic level there is clear evidence that the applicants have worked jointly through the preparation of a masterplan showing the relationship between the two schemes and the access arrangements from junction 45 of the M1 motorway.

#### Highway need:

- 10.5 The National Government policy relating to the strategic road network is contained within Department for Transport (DfT) Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development'. Annex B of the circular sets out policy on the provision on standards for road facilities (including MSAs) on the strategic road network. The circular (para.B4) emphasises that MSAs perform an important road safety function by providing opportunities for the travelling public to stop and take a break. This links to the National Planning Policy Framework (para 31) which states that the primary function of roadside facilities should be to support the safety and welfare of the road user. Highways England's recommendation (para B5, B6 and B7) is that MSAs should be spaced such that there is a maximum of 30 minutes travelling time between facilities. This can typically be a maximum distance of 28 miles or less on congested sections.
- 10.6 Paragraph B8 confirms that in determining applications for new MSAs, Local Planning Authorities should not need to consider the merits of spacing of sites beyond conformity with the maximum and minimum spacing criteria established for safety reasons. Ultimately, it is interpreted that once a gap between MSAs is shown to exist it is not necessary to have regard to other considerations in determining whether a need exists, a need either exists or it does not.
- 10.7 The applicant's submission identifies the distances between the relevant existing MSAs are 32.8 miles between Hartshead Moor and Wetherby (on the M62 / M1 / A1(M) route) and 30.2 miles between Woolley Edge and Wetherby (on the M1 / A1(M) route). These distances are both greater than the maximum 28 mile distance recommended in the circular. The provision of the application scheme would reduce the maximum gaps to 15.7 miles and 13.1 miles respectively. Both distances lie within the recommended maximum spacing policy. It is accepted the need for the MSA has been proven, judged against the Government's policy in Circular 02/2013. This should accordingly be afforded weight as a material consideration in favour of the application.

#### Alternative site assessment

- 10.8 The applicant's submission outlines an assessment of potential site locations within the area of identified need along the M1 motorway at both on-line and existing junction locations (incl. junctions 44, 45 and 46). The selected sites were considered

against a range of policy (e.g. green belt, site allocations) and site specific constraints (e.g. highway access impacts, committed development, flood risk, environmental impacts etc.) which concludes that the application site provides the optimal location in which to accommodate the proposed MSA.

#### Main town centre uses

- 10.9 The proposed MSA will incorporate a range of retail, leisure, hotel and other main town centre uses. Whilst it is accepted that MSAs are a sui generis use, the degree to which the range of uses contained within the facility are also categorised as sui generis is open to interpretation. In any event, the DfT Circular 02/2013 (section B29) states that *'the scope and scale of retail activities at roadside facilities is a matter for consideration by the relevant local planning authority in line with the National Planning Policy Framework and local planning policies. However, local planning authorities should have regard to the primary function of roadside facilities which is to support the safety and welfare of the road user'*.
- 10.10 National and local planning policy establishes that out of centre retail and leisure proposals should be located within town centres and where they are proposed outside of town centres must be subject to a sequential and an impact assessment (subject to scale). It is to be noted that there is nothing within the Core Strategy or the NPPF to suggest that this requirement should not apply to main town centre uses contained within an MSA. Whilst it is accepted that it is not the purpose of national and local policy to direct Motorway Service Areas to town centres, this must not give carte blanche to allow any range and scale of town centre uses to be located within MSAs without adequate assessment or compliance with local and national policy.
- 10.11 The applicant's submission includes a sequential test which considered alternatives sites that are suitable for the development proposed and accordingly require sites to be either directly adjacent to the motorway, at an existing junction off the motorway or directly adjacent to the Strategic Road Network. The applicant has considered alternative sites along a 6.2mile corridor of the M1 (this being the stretch of the M1 that best meets the gap in service provision along the M1). It is recognised that there are no defined centres within that length of motorway, and to locate the MSA within, or on the edge of any nearby centres would result in the MSA being located on a site wholly unsuitable for the operation of the development. It is therefore accepted that there are no sequentially preferable sites which are suitable for the development proposed.
- 10.12 The applicant has not assessed the impact of the development on nearby centres (and investment within those centres) in the 'traditional' manner; rather they have set out why such an approach would not work with this type of development. Traditionally an assessment would be made on the level of spend likely to be diverted to the MSA, and where that spend had been diverted from. However, with an MSA, predicting where customers may have come from would be close to impossible given that users of MSAs could be travelling from all over the country. In addition, trade is not diverted from town centres in a way consistent with a 'normal' retail development. The range of facilities that the MSA provides are designed to be attractive to motorway drivers, rather than as a shopping or a leisure destination in its own right. As a result, it is accepted that the proposal is unlikely to result in a significant adverse impact to the vitality and viability of any nearby centre, or to planned and committed investment within those centres. However, the presence of a supermarket on the MSA site would change the retail dynamic and it would be considered necessary to impose a condition limiting the amount of floorspace of individual unit sizes to prevent the creation of a single large retail unit within the facilities building.

- 10.13 Overall, it is considered that following an assessment of the submitted information the proposed MSA development satisfies the sequential and impact assessments and there are no objections from a retail policy perspective.
- 10.14 The proposed MSA would result in significant investment and create employment opportunities for up to 300 full-time/ part-time positions as well as numerous jobs generated through the construction process and future business/ trade networks. Subject to planning approval in 2016, Leeds Skelton Lake Services has been programmed to be operational from 2019 onwards. The site lies adjacent to the Leeds City Region Enterprise Zone and would help support the general developer interest in this locality and will assist the wider economic regeneration objectives in this Aire Valley region.
- 10.15 Do Members have any concerns about the principle of developing this site as a motorway services area? Do Members have any comments on the compatibility of the use with the adjacent residential led development proposal?**

### **Highway implications**

- 10.16 The proposed development is to be accessed via a signal controlled connection to junction 45 of the M1. The access arrangements include the diversion of Knowsthorpe Lane (a low trafficked road) and Pontefract Lane from their current alignment with the introduction of an internal site access roundabout that feeds both the proposed MSA and the adjacent residential development. It is to be noted that the access arrangements detailed within these two applications differ.
- 10.17 The proposed access between junction 45 of the M1 and the internal access roundabout is to provide two lanes in each direction with the approach to the M1 flaring to provide three lanes at the motorway stop line. The internal access roundabout is to be located approximately 170m into the site with two lanes providing access into the MSA site. In response to a road safety audit the applicant has recently revised the highway arrangements and these are currently being considered by highway officers. Highways England have placed a holding direction to allow for the traffic modelling works and access design actions to be completed.
- 10.18 The proposed access will include segregated footway/ cycleways on both sides of the access link road with crossing facilities provided at appropriate locations. Pedestrian crossing facilities will be provided within the car parking areas to aid safe movement. The proposal will provide improvements to existing walking, cycling and public transport network in the vicinity of the site. In addition, the proposal is to include a pick-up/drop-off service to the nearby park and ride facility (due to open summer 2017). An acceptable travel plan document accompanies this application submission and includes a commitment to provide electric vehicle charging points to which details will form part of reserved matters.
- 10.19 The parking provision for the MSA has been derived using the procedure set out in Circular 02/2013 and is considered acceptable. In addition, the proposed parking for the hotel element (which is to be designated) is considered to accord the local parking standards and the provision across the development proposal is appropriate. Nevertheless, it is anticipated that measures to include clearway and/or formal parking restrictions to prevent any parking from the MSA on to the existing highway network, including the residential roads of the adjacent development will be sought.

10.20 Within the AVAAP seeks the upgrade and adoption of Knowsthorpe Lane to provide a link to junction 45 of the M1 and improve access to the Skelton Gate development and employment sites to the west of the M1 is identified as a priority scheme for improvement for the highway network. There are aspirations to use Knowsthorpe Lane underpass beneath the M1 carriageway as an additional point for bus services to create a circular route to the park and ride facility (located to the west of junction 45) and in accordance the applicant has been requested to contribute towards adoption. Officers have yet to confirm the cost estimate for the works although the applicants have questioned the validity of the request in view of CIL regulations and a legal opinion is being sought on this matter.

**10.21 Do Members have any concerns in respect of the proposed means of access?**

**Impact on visual amenity (incl. appearance, landscape, heritage)**

10.22 Although this proposal has been submitted as an outline application with appearance, layout and scale being reserved matters, the submission identifies a series of design principles that have informed the illustrative layout. Regard is given to providing connectivity to the new roundabout to the east of the site from junction 45, positioning the filling station close to the site entrance, locating HGV parking in the least prominent portion of the site (views limited by planting, bunding and set under the pylon cables) and integrating landscaping within car parking areas. Moreover, the external amenity space located to the south of the facilities building provides a southern aspect across a landscaped area and the Skelton Lake beyond with opportunities to improve pedestrian connectivity to existing footpaths.

10.23 In addition, the application submission includes details of site constraints which illustrates the areas of the site that cannot be used for the facilities building and where there are significant ground levels changes, former coal mining groundworks, flood risk areas, electricity pylon easements and consideration of noise impacts from the M1 and relationship with adjacent residential development.

10.24 The proposed facilities building contained within the MSA will adopt a bespoke design with the intention of introducing a landmark feature. The illustrative design comprises a series of interconnecting buildings with a large oversailing roof that will incorporate a partial living roof and use timber framework and sections of wooden panelling to reference the surrounding landscape. The applicant advises that the height of the building is provisionally set to 15m in order to respond to the specific requirements owing to the provision of an elevated viewing area. The building height and mass is anticipated to be reduced adjacent to the viewing area element with a layered undulating ribbon roof design raised and lowered where appropriate.

10.25 As part of the submitted proposals a landscape framework has been developed. The application submission identifies the vegetation to be removed, the vegetation to be retained and the proposed areas of planting to mitigate the loss. In order to accommodate the development and the associated areas of flood compensation, areas of existing scrub will need to be removed from the site access as well as areas of the mixed native tree and scrub woodland belt from the eastern boundary. Compensatory planting is proposed to the perimeter of the car parking areas, within the proposed amenity area to the south as well as to the eastern and western boundaries and around the site access. In addition, the proposals provide for the future management for the retained hedgerows and tree plantation to increase biodiversity value and visual amenity. The details are to be reserved and considered in full within a future application.

- 10.26 The proposed MSA lies within the setting of Temple Newsam Hall (Grade I), Temple Newsam Park (Grade II Registered Park), other listed structures within the Park and Leventhorpe Hall (Grade II\*). The contribution that the application site makes to the setting of these heritage assets has been affected by twentieth-century activity in the area, including open-cast mining, landfill, electricity pylons and the M1 motorway although the site remains open and undeveloped. The applicant has undertaken a visual impact assessment which indicates that the development will only be visible from a very few areas of the Registered Park and no visibility from either ground or first floor within Temple Newsam Hall or from Leventhorpe Hall. Having regard to the clever illustrative design of the layered ribbon roof form, the presence of other surrounding modern developments the proposal it is considered to cause less than substantial harm to the settings of Temple Newsam Hall and Registered Park and Gardens and outweighed by the road safety, economic and environmental benefits the proposal could deliver.
- 10.27 The application site has been subject to opencast coal extraction and accordingly there is no potential for the presence of archaeological or cultural heritage remains within the boundary of the site.
- 10.28 Do Members have any comments in respect of the general layout of the development and the design principles outlined?**

**Impact on amenity**

- 10.29 The proposed MSA is to operate on a 24hr basis and there is potential for noise and disturbance from vehicle movements, lighting and plant/ equipment on residents of the hotel element and the adjacent residential led development. This application is supported by a noise report which considers the impact of construction and operational noise associated with the proposed development as well as the impact of existing and proposed noise sources within the development and nearby. The applicant is presently preparing a response to a concern raised by the Environmental Protection Officer relating the noise impact from permitting an unrestricted delivery arrangement at the development site.
- 10.30 It is to be noted however that noise from existing ambient sources and future road traffic has been predicted at the façade of the proposed hotel element which shows that mitigation measures (e.g. acoustic ventilation) will be required to satisfy internal noise standards in bedrooms of the proposed hotel during the daytime and night-time.

**Ecological implications**

- 10.31 The application is supported by a preliminary ecological appraisal which identified all habitats on the site and major habitats surrounding the site. The ecological surveys are considered adequate to allow a clear understanding of the level of impacts resulting from the proposal. The application site is located in a regionally important area for biodiversity being immediately adjacent to Skelton Lake, the Wyke Beck and River Aire, and sits at the gateway to the Lower Aire Valley with its nationally important nature reserves at Fairburn Ings and St Aidans together with Leventhorpe Lagoon and Ings. The development of the site would result in the permanent loss of existing arable and other agricultural habitats and it is recognised that there will also be some off-site long-term adverse impacts resulting from increased recreational pressure on other nearby sites in the Lower Aire Valley, resulting from both visitors to the MSA and the new residential population at the adjacent site. Nevertheless, through landscaping works, additional habitat creation/ management and a sensitive

lighting design strategy the proposal would achieve an overall neutral long-term impact on biodiversity and such measures could be dealt with by appropriate planning conditions. Moreover, the provision of a viewing platform within the building (overlooking southern aspect to Skelton Lake) could offer opportunities for visitors/ community groups to find out more about local wildlife and bird species.

### **Flood risk and drainage**

- 10.32 In terms of flood risk the majority of the application site is located in Flood Zone 1 and is not shown to be at particular risk from surface water flooding. However, the lower part of the site lies within Flood Zones 2 and 3 and amendments have been made to the indicative layout to ensure the proposed hotel use (considered a more vulnerable use in flood risk terms) is located outside zone 3. Accordingly, the areas to the southern end of the site are now shown as being landscaped and further comments from relevant consultees are expected following the submission of the revised indicative layout. Ultimately, the applicants advise that all proposed buildings will be constructed with finished floor levels set high enough to prevent flooding and that a safe means of access during flood events is available via existing ground levels to the north of the facilities building. The proposal is to include compensatory flood storage and subject to the recent revisions it is anticipated that the site is safe from flooding and will not have an adverse impact to surrounding sites.

### **Section 106 Agreement and CIL**

- 10.33 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -
- (a) necessary to make the development acceptable in planning terms,
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 10.34 The obligations are still being worked through and have yet to be finalised (other obligations may be added) but are likely to include the following:
- 1. Off-site highways works contribution (figure to be agreed)
  - 2. Traffic Regulation Order contributions (£25,000)
  - 3. A Travel Plan monitoring and evaluation fee (£3,540)
  - 4. Contribution towards bus pole installation (£500)
  - 5. Local employment and training obligation
  - 6. Upgrade to public right of way within site (at southern end of site)
- 10.35 The obligations need to be considered against the legal tests and are required to be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 10.36 The proposed development is Community Infrastructure Levy (CIL) liable however this is not applicable at the Outline stage due to the fact that floor space has yet to be fixed. As such CIL will be generated at the Reserved Matters stage. CIL is generally payable on the commencement of development. The payment of CIL is not material to the determination of the planning application. Accordingly, this information is presented simply for Members information.



### **Other matters**

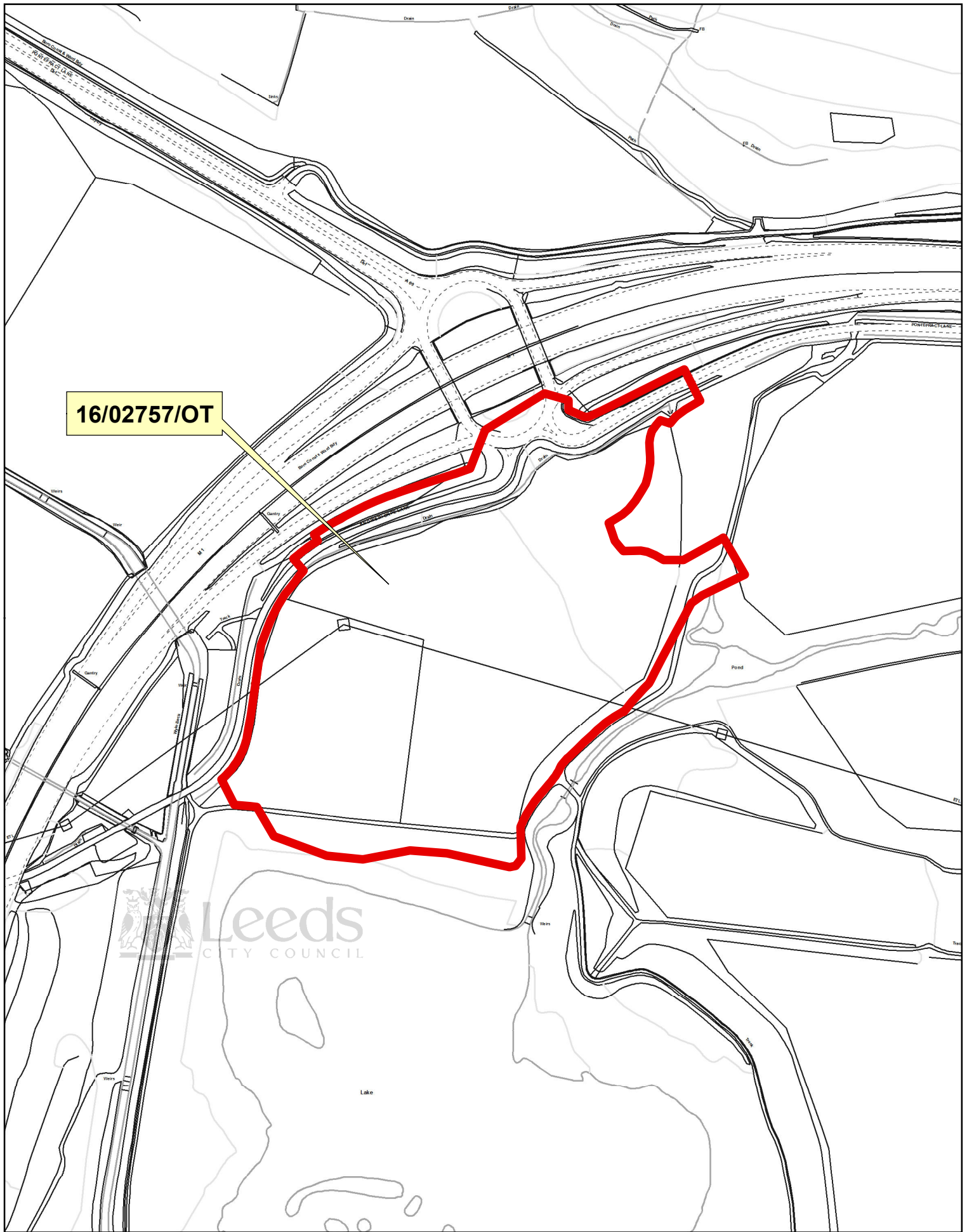
10.37 It is anticipated that the proposed development will attain a BREEAM rating of 'Very Good'. The scheme is to incorporate a range of design and energy efficiency measures and low and zero carbon technologies where possible in order to help reduce energy consumption and deliver reductions in CO2 emissions in line with policy requirements.

10.38 Members are invited to provide feedback on the site specific questions raised in the report which are repeated below:

- 1. Do Members have any concerns about the principle of developing this site as a motorway services area? Do Members have any comments on the compatibility of the use with the adjacent residential led development proposal?**
- 2. Do Members have any concerns in respect of the proposed means of access?**
- 3. Do Members have any comments in respect of the general layout of the development and the design principles outlined?**
- 4. Are there any other issues Members would like to raise?**

### **Background Papers:**

Application file Ref:16/02757/OT



16/02757/OT



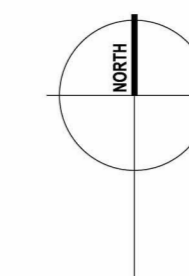
# CITY PLANS PANEL

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

SCALE : 1/5000












Do not scale from this drawing, use figured dimensions only. Figured dimensions are in millimetres unless stated otherwise. All levels are in metres. All dimensions and levels shall be verified on site before proceeding with work. This drawing is to be read in conjunction with all other Architects and Engineers drawings / specifications. Any discrepancies between this drawing and other information should be reported to the Architect immediately. Detailed site survey to be carried out to verify positions and level relationships with site features and ordnance survey. The architect must be notified of any discrepancy. The boundary shown is based on information supplied by others, not Architecture519, and all boundaries to be verified on site. Where building components are described as contractor or specialist designed, "contractor" information relating to those components on this drawing represents design intent only. Manufacturers recommendations and instructions on installation details should always be followed. Modifications to this drawing to be made solely on original magnetic media and may only be carried out by Architecture519.

REV.	DATE	DESCRIPTION	BY:	RW:
PL-	14.01.15	Planning Issue	SB	KB
PLA	26.01.15	Site layout updated in line with sketch drawing 2259-904	SB	KB
PLB	27.01.15	Site layout updated in line with comments	SB	KB
PLC	28.01.15	Fuel tanker omitted in line with comments.	KB	SB
PLD	03.03.15	Lakeside visitor platform omitted and red line boundary updated	SB	KB
PLE	14.03.15	South arm of the access roundabout omitted and north west balancing pond omitted	SB	KB
PLF	16.03.15	Landscape and balancing pond proposals amended. Roof layout updated in line with floor plans.	SB	KB
PLG	04.04.15	Shared roundabout shown as AECOM layout and cycle parking shown.	SB	KB
PLH	06.04.15	Red line boundary updated wall to the Facilities building adjusted.	SB	KB
PLI	15.06.15	50no additional car parking spaces included.	SB	NAB
PLJ	21.06.15	Amendments to the site access, landscaping and balancing ponds.	SB	NAB
PLK	22.06.15	SUD strip shown adjacent car parking.	SB	NAB
PLL	20.07.15	Amended highways layout shown.	SB	NAB
PLM	27.07.15	Amended hotel footprint and roof layout shown.	SB	NAB
PLN	01.08.16	Amended landscaping proposals adjacent the proposed access roundabout.	SB	NAB

**Location Key**

- 1 Facilities Building and Hotel with Viewing Platform
- 2 Main Fuel Filling Station Forecourt
- 3 HGV Fuel Filling Station Forecourt
- 4 HGV parking
- 5 Car parking
- 6 Coach parking
- 7 Caravan parking
- 8 Children's playground
- 9 Landscaped footpaths
- 10 Existing public bridleway
- 11 Balancing pond / swales
- 12 Dog walking area
- 13 Existing pylon and overhead electricity cables
- 14 M1 motorway
- 15 Knowsthorpe Lane
- 16 Pontefract Lane
- 17 Proposed shared access roundabout
- 18 Skelton Lake
- 19 Proposed access for public transport
- 20 Bus stop
- 21 Abnormal load bay
- 22 Cycle Parking

**Landscaping Key**

-  Site Boundary
-  Existing trees to be retained
-  Existing trees to be retained and managed by medium rotation coppicing
-  Existing hedge
-  Proposed trees
-  Proposed hedge
-  Proposed shrubs

**Notes**

The red line boundary is shown as Spawforth's drawing P-3884-3DG-0000-0007 - Revision L

**Parking Numbers**

- Car parking = 550 (including 90 disabled spaces)
- HGV parking = 50
- Abnormal load bay = 1
- Coach parking = 12
- Caravan parking = 12
- Motorcycle parking = 12
- Cycle parking = 12

**Site Area**

- Facility building / hotel / link and service yard = 0.89ha
- Fuel Filling Station = 0.75ha
- Car park (including caravans and motorbikes) = 1.477ha
- HGV parking = 0.64ha
- Coach parking = 0.16ha
- Main access road and road around FFS = 0.53ha



SCALE 1:1250

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Client: <b>Extra MSA Group</b>			
Project Name: <b>Leeds Skelton Lake Services</b>	Date: <b>07.10.15</b>	Scale @ A1: <b>1:1250</b>	
Drawing Title: <b>Proposed Indicative Site Layout In Colour</b>	Drawn: <b>SB</b>	Reviewed: <b>KB</b>	
Drawing Status: <b>PLANNING</b>	Project No: <b>2259</b>	Drawing No: <b>100</b>	Revision: <b>PLN</b>