



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 8 September 2016

Subject: POSITION STATEMENT FOR APPLICATION 15/07655/OT - Outline planning application with all matters reserved except the means of access for the creation of a new community comprising up to 1,100 dwellings, a new food store (A1) (up to 2,000sq.m) a new local centre (A1- A5 and D1 and D2) (up to 1,300 sq.m), a new school and areas of public open space, together with the means of vehicular access at land to the east of Junction 45 of the M1 Motorway and to the south of Pontefract Lane, Leeds.

APPLICANT
Templegate Developments Ltd

DATE VALID
8 January 2016

TARGET
extended target date
30 September 2016

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

RECOMMENDATION:

Members are requested to note the contents of this position statement and are invited to comment on the proposals and note that a number of the matters are still under discussion and are awaiting resolution, these being:

1. Traffic movements and public transport links and the sharing of a new access from the motorway into the site with the adjacent proposed motorway service area site
2. The relationship of the development to the adjacent landfill site
3. The on- site schools provision

1.0 INTRODUCTION:

- 1.1 The scheme is presented to Members for their consideration and comments. The proposal has been submitted as an Outline planning application with all matters

reserved except the means of access. The proposal is for the creation of a new community comprising up to 1,100 dwellings, a new food store (A1) (up to 2,000sq.m) a new local centre (A1- A5 and D1 and D2) (up to 1,300 sq.m), a new school and areas of public open space, together with the means of vehicular access to and from the site.

1.2 The application site is formally identified as employment land but under emerging policy for the Aire Valley regeneration area is proposed for housing. As such, the housing delivery is a major benefit that arises from the scheme as is the regeneration of this former opencast site. As the proposal is to be located on the edge of the city sustainability, including the provision of appropriate facilities to support this new community, is key to a successful development. Whilst the proposal will bring a significant number of new houses forward and has major regenerative gains, there are a number of outstanding matters which are currently under discussion with Officers, these being:

1. Traffic movements and public transport links and the sharing of a new access from the motorway into the site with the adjacent proposed motorway service area site.
2. The relationship of the site to the adjacent landfill site.
3. The on- site schools provision.

2.0 SITE AND SURROUNDINGS:

2.1 The identified site comprises a 70.9 hectare site that is located to the southern side of the junction 45 of the M1 motorway and comprises open fields bordered by hedges and vegetation. To the immediate north-west runs Knowsthorpe Lane (access currently blocked) with the motorway carriageway beyond. The land levels fall gradually to the south/ south-west and a footpath, tree belt and lake (Skelton Lake) border the southern boundary. Power lines run roughly east-west across the site and it is understood that the identified land has been subject to ground workings. The Grade II Listed Temple Newsam house, farm and parkland lie to the north of the site beyond the existing motorway and the Grade II* Leventhorpe Hall is some 948 metres to the south of the site and the Grade II Newsam Green Farm and Lawn Farm House are positioned some 307 metres to the east.

2.2 The land is classified as greenfield having been restored back to agricultural use following opencast coalmining operations. Colton Beck runs through the middle of the site and Skelton Lake is to its south west, with the River Aire running some distance away to the south of the site. The site is at various points in Flood Zones 1, 2 and 3 although no buildings are proposed to be in Zones 2 and 3.

2.3 Most of the application site is located within an employment allocation on the Local Development Framework (LDF) Policies Map under saved Policy E4:45 of the Leeds Unitary Development Plan Review 2006.(UDP) The site is located within the Aire Valley Leeds (AVL) regeneration area as defined on Map 5F and 6 of the Core Strategy and Spatial Policy 5 sets out a requirement for AVL 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.

3.0 PROPOSAL

3.1 The proposal is submitted as an Outline planning application for access only with appearance, landscaping, layout and scale all being Reserved Matters. The scheme is for the creation of a new community of up to 1,100 dwellings, a new food store (A1) (up to 2,000sq.m) a new local centre (A1- A5 and D1 and D2) (up to 1,300 sq.m), a new school and areas of public open space, together with the means of vehicular

access at land. Due to all matters other than access being reserved parameter plans have been submitted to address the land ownership boundaries, indicative land uses, positioning of buildings, scale and mass of all buildings and spaces, as well as the constraints of the site, such as the flood zone area, location of the pylons and established public rights of way.

4.0 PLANNING HISTORY

- 4.1 An application for a new motorway service area at the adjacent site to the west of the Skelton Gate site has been submitted. This is an 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, planning reference 16/02757/OT.
- 4.2 The adjacent Motorway Service Area site was subject to a planning application in 2000 (LPA Ref: 32/162/00/OT) for a motorway service station (incl. amenity block and travel lodge) and was refused in 2005. This 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, the opening date of the proposed MSA and the fact that this site was least compliant with the government's spacing policy weighed against the proposal. Ultimately the Wetherby site on the A1 was chosen and has subsequently been implemented
- 4.3 There are two extant planning permissions that relate to land to the east of the MSA site which are reliant on and detail means of access off the junction 45 roundabout. (Ref: 32/368/01/OT Outline application to lay out business park (UCO Class B1), Hotel (Class C1) and supporting users within UCO classes A1, A2, A3, A4, A5, D1 and D2: Approved (25/04/06) and Ref: 14/00247/EXT Extension of time of planning permission 32/369/01/FU (carrying out of engineering operations and laying out of access roads and landscaping): Approved (24/04/14). These permissions have not been implemented.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The proposals have been the subject of pre-application discussions between the Developers team, and Local Authority Officers since 29 September 2015. These discussions have focused on the principle of the uses, housing need and issues, schools provision, design, landscaping, flood risk and transport links.
- 5.2 Ward Members were formally consulted on 14 January 2016 and a more extensive consultation was undertaken again by the Case Officer directly on the 3 February 2016 that also included the surrounding Wards of Burmantofts and Richmond Hill, City and Hunslet, Rothwell and Temple Newsam. Councillor Nash responded on 4 February 2016 requesting that Plans Panel Members consider whether the scheme could provide all houses rather than a mix of houses and flats to better address the need for family housing and that streets should be straight with no ginnels or archways, and that each house should have car parking spaces to the front within its own demise.
- 5.3 Members considered the pre-application proposals for the currently proposed development at City Plan Panel on 17 December 2015. Members made the following comments:

- The zoning of the land and how much of it was now going to be given to residential use was questioned. It was confirmed that all of the site shown to the Panel would be allocated for housing;
- The proximity of the site to a sewage works and a tip were noted by Members which would need to be considered when landscaping the site;
- Pontefract Lane was discussed in detail, which, if it was to be used by the housing development, would need to undergo significant upgrading works, it was currently shut to the public. It was noted that Pontefract Lane could possibly be used by public transport. The developer confirmed that the primary access to the housing development would be via the motorway junction;
- Members also suggested that the site was in close proximity to Woodlesford and Rothwell and a transport link to these areas would be helpful. The developer confirmed that the option for a transport link would be created to the south-west of the site via Knosthorpe Lane;
- Public transport was considered to be an important consideration by the Panel in order for the development to be sustainable, as currently anyone living on the proposed development would require their own transport. The developer confirmed they were still in discussion with Highway Officers to address this issue.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 7 emails/letters of objection of which 2 letters are from the adjacent landfill operators, Biffa have been received and the reasons given for objecting are summarised as follows

1. The development proposals do not take account of the strategic importance of the site for wildlife and the impact the development would have on declining species of birds (wintering, breeding and during migration) and the significantly important populations of mammals and plants at the site. That if significant harm resulting from the development cannot be avoided adequately mitigated, or compensated for then planning permission should be refused; and opportunities to incorporate biodiversity in and around the development should be explored.
2. That the site is unsustainable due to its remote location.
3. That the site could prejudice an alternative route for High Speed Rail route HS2.
4. That the development would negatively impact on traffic numbers and movements in the surrounding area.
5. That the secondary access to the site is unrealistic due to the length and narrowness of the route.
6. That the site would be an unhealthy place due to smell and air pollution.
7. That the submission does not adequately address the relationship of the development to the Temple Newsam historic landscape to the north and that the scheme would significantly damage vistas of Temple Newsam when viewed from the south and the setting of Leventhorpe Hall to the south east
8. That the submission fails to adequately address the relationship to the adjacent landfill site and fails to take account of the required gas extraction and composting that will continue for a number of years after the landfill has been completed and the land reformed, and that this gas extraction in particular will have a negative impact on residential amenity in respect of noise.

Responses:

Points 1, 2, 4, 5, 6, 7 will be addressed as part of the appraisal below.

With regard to Point 3 an alternative HS2 has yet to be formally adopted.

With regard to Point 8 the Applicant has submitted an addendum to the Environmental Statement which is currently being considered.

7.0 CONSULTATIONS RESPONSES:

- 7.1 National Grid requested a holding direction on the application for the submission of further information with regard to the schemes' location in respect of the existing pylons that cross the site.
- 7.2 Natural England state that they have no objections to the proposal and that it is unlikely to affect any statutorily protected sites or landscapes.
- 7.3 Highways Agency requested a holding direction on the application for the submission of further information with regard to the highways and access arrangements.
- 7.4 Canals and Rivers Trust state that they have no comments to make.
- 7.5 Environment Agency state they have no objections to the proposal in respect of flood risk and offer guidance on the heights of any bridges proposed within the scheme, and in respect of the adjacent landfill site, offering guidance for the developer to follow to mitigate against any potential noise, odour, dust and/or pest impacts.
- 7.6 West Yorkshire Archaeological Advisory Service state that they do not consider any further archaeological work to be necessary within the site.
- 7.7 Yorkshire Water suggest Conditions to manage surface water discharge, locations of water courses and sewers and means of disposing of foul water drainage.
- 7.8 Historic England state that 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.
- 7.9 West Yorkshire Combined Authority suggesting that the developer enter a S106 agreement that sets out an acceptable bus service specification as opposed to a specific service contribution and that they would be looking for 10 years bus service support. They advise that this would be best achieved by provision of a park and ride shuttle bus service between the site and Temple Green Park and Ride, requiring a contribution of £150,000.00 per year (£1,500,000.00 for 10 years). They are also seeking Sustainable Travel Fund contribution, bus stops / shelters and Real Time Information displays to be provided as part of sustainable travel package of £82,000.
- 7.10 Yorkshire Wildlife Trust state that the impacts on birds, bats, hedgerows, Skelton Lake and how Colton Beck is to be crossed by bridges is not adequately addressed.
- 7.11 Network Rail state that they have no observations to make regarding the proposal.
- 7.12 Highways state that agreement has yet to be reached with regard to the access into the site from the motorway and a revised Transport Assessment is awaited to take account of pre-app requests for amended trip generation rates and trip assignment scenarios. Further discussion is needed to understand the public transport offer for the site. More information is requested on alternative means of vehicular access to the site.
- 7.13 Children's Services state that Primary school provision is required to serve the site, and would be required from day 1 of occupation of the dwellings and Secondary school provision is also required to serve the site. The estimate that for the 4 form entry secondary school would be required based on estimated demand generated by the site itself, that up to 2 form entry (60 pupils) of demand may be imported from outside of the proposed 1100 unit development.

7.14 Public Rights of Way state that the submission does not yet correctly address the existing defined Public Rights of Way.

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).

8.2 The site is largely allocated for employment uses within the City Council's Unitary Development Plan (Review 2006) as site E4.45 Skelton Business Park, Pontefract Lane. This policy is saved by the Core Strategy (adopted 2014) and this document includes relevant policies which seek to safeguard employment. 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.

Adopted Core Strategy:

8.3 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 H3 Density of residential development

Policy H4 Housing mix

Policy H5 Affordable housing

Policy EC1 General employment land

Policy EC3 Safeguarding existing employment land and industrial areas

Policy EN4 District heating

Policy P1 Town and local centre designations

Policy P8 Sequential and impact assessments for main town centre uses

Policy P10 Design

Policy P12 Landscape

Policy T1 Transport management

Policy T2 Accessibility requirements and new development

Policy G1 Enhancing and extending green infrastructure

Policy G4 New greenspace provision

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:

8.4 The relevant UDP Review (2006) policies are listed below for reference:

Policy GP5 Requirement of development proposals
Policy N23/ N25 Landscape design and site boundaries
Policy N24 Development proposals next to green belt/ corridors
Policy N32 Green Belt
Policy BD5 Design considerations for new build
Policy E4 Employment allocations
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 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 (adopted).
SPG13 Neighbourhoods for Living (adopted).
SPG22 Sustainable Urban Drainage (adopted).
SPD Street Design Guide (adopted).
SPD Designing for Community Safety (adopted).
SPD Travel Plans (draft).
SPD Sustainable Design and Construction (adopted).

National Planning Guidance:

8.7 The National Planning Policy Framework (NPPF) identifies a number of core planning principles 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. Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

9.0 MAIN ISSUES

1. Principle of proposed development and the mix of uses.
2. The impact on the character and visual amenity of the host site and surrounding area
3. Residential Amenity
4. Connectivity and Landscape Details
5. Vehicle parking and sustainable transport
6. Sustainability Measures
7. Section 106 Legal Agreement
8. Education and provision for children

- 9. Programme for development
- 10. Equality

10.0 APPRAISAL

10.1 Principle of proposed development and the mix of uses

10.2 The proposal is for up to 1100 houses, together with a new food store (A1) (up to 2,000sq.m) a new local centre (A1- A5 and D1 and D2) (up to 1,300 sq.m), a new school and areas of public open space. The scheme is submitted as an Outline Planning Application on which all matters other than the means of vehicular access to the land are reserved. The 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. However the site also falls within the boundary of the Aire Valley Leeds Area Action Plan (AVLAAP) where the site is proposed as a housing allocation under emerging policy. 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. Whilst it is the case that the proposed housing led development is not in accordance with the existing UDP Policy E4:45 employment allocation, this UDP allocation is not considered to be up-to-date.

10.3 The existing development site is considered to be an extension to the existing defined Main Urban Area according to the settlement hierarchy illustrated in Core Strategy Map 3 and is therefore one of the priority areas for identifying land for development according to Spatial Policy 1 Criterion (ii c). Whilst the housing allocation (AV111) is proposed in an emerging document, which can only be afforded limited at this stage of the process, the Core Strategy is clearly supportive of a housing led development at the application site and this should outweigh the existing UDP employment allocation. The principle of a housing led development at the application site is therefore considered to be acceptable.

10.4 Do Members have any concerns about the principle of residential development at this site?

10.5 Are Members content the composition (mix of uses) on the site?

10.6 The impact on the character and visual amenity of the host site and surrounding area

10.7 Although the scheme has been submitted as an Outline application with appearance, layout and scale being Reserve Matters, the submission does identify parameters for the development to adhere to, as well as providing details of site constraints which have led to the positioning of the new local centre, food store, school and housing. As such all buildings will be fairly low level. The site constraints plan shows the areas of the site that cannot be used for housing and which are subject to significant levels changes, flood risk, unsuitable ground conditions linked to the previous opencast mining, the proximity of the site to the adjacent landfill site and electricity pylons. This plan assists to define the layout of the new community.

10.8 Objectors have raised concerns that the scheme does not consider the potential impact on the Temple Newsam historic landscape to the north and that the scheme would significantly damages vistas of Temple Newsam when viewed from the south and the setting of Leventhorpe Hall to the south east. The impact on heritage assets

in the wider area (a 1.5 km study area) is discussed in the submitted Environmental Statement. With regard to Temple Newsam the site falls within the historic boundary of Temple Newsam parkland but is already separated from it by the existing motorway and the house and farm being some 913 metres away from the development site. Leventhorpe Hall and other nearby listed buildings Newsam Green Farm and Lawn Farm House are positioned beyond the existing landfill site at least some 307 metres away from the Skelton Gate site. The Applicant states that the distance between the historic houses and the site means that there would only be distant glimpsed views of the site from the heritage assets, and the development would appear as part of the wider background setting in any distance views of the historic buildings. Historic England state that the proposals would cause less than substantial harm. And it is Officer view that the level of impact on the character and visual amenity of these heritage assets would be low.

10.9 Do Members have any comments in respect of the general layout of the development and the design parameters outlined?

10.10 Residential Amenity

10.11 As stated above the details of the design of the housing will come forward as Reserved Matters. However the developer has identified the mix of housing that is proposed for the site. Of the potential 1,100 dwellings
25% are to be 2 bedroomed apartments
35% are to be 3 bedroomed houses
35% are to be 4 bedroomed houses and
5% are to be 5 bedroomed houses.

The question of whether or not all the dwellings can be houses rather than apartments has been raised. It is the case that due to the constraints of the site (i.e., Flood Zone one around the Colton Beck and the location of the existing electricity pylons) certain areas are not suitable for housing. Therefore, to ensure the housing numbers are achieved a mix of both houses and apartments is proposed.

10.12 The proposed housing mix is largely compliant with Core Strategy Policy H4, with the only discrepancy being a minimal under supply of two bedroomed units. This marginal under supply of two bedroomed dwellings would not significantly adversely affect the overall housing mix and the resulting scheme would still deliver a balanced community.

10.13 Objectors have stated that they have concerns regarding noise, smell and pollution. The site is adjacent to an active landfill site on which the operators Biffa have submitted a 2 year extension of operations (16/00065/FU and 16/00073/FU) after which time the landfill will be full and a 5 year programme of land reforming will be undertaken to create an attractive green landscaped area. Biffa have objected to the proposed creation of a new community here. These objections received from the landfill operators make particular reference to the noise levels that their gas extraction equipment makes and will continue to create for some years to come after the landfill itself is closed and has been restored. Gas extraction is necessary to ensure that the landfill remains safe over the following years as gas is emitted by its contents. They advise that due to site constraints and other activities (active landfilling for the next two years followed by a five year period land reforming, as well as on site compost manufacturing) it is not possible to relocate the gas extraction equipment to a different part of their site. Biffa suggest that in the first phase housing should not be built within 450-690 metres of the gas compound when a total of 6 engines will be combusting gas (from 2018 to 2021). They advise that the number of gas engines will be reduced after 2021 and then it may be possible to build closer, within, 355-450 metres, of the

gas compound. Therefore adequate mitigation and responsive phasing and siting of dwellings is required to ensure that residential amenity is of an acceptable level. The Applicant has stated that they will undertake any necessary noise mitigation within the design of the scheme and individual dwellings. Phasing of the development will need to take into account the retained gas extraction engines and the detailed design (addressing matters such as enhanced window specifications) will come forward at Reserved Matters stage and as such there will be a requirement to apply a Condition to address noise mitigation measures. In addition comments are currently awaited from Environmental Health with regard to the relationship to the landfill site.

10.14 Do Members have any further comment to make in respect of the relationship between the development site and the landfill site?

10.15 Connectivity and Landscape Details

10.16 As stated the application is submitted for access only with all other matters including layout and landscaping being Reserved Matters. However, the Applicant has indicated retained Public Rights of Way cross the site, although these still require agreement with the Public Rights of Way Team who advise the submission requires further work.

10.17 The proposals as submitted also indicate links to existing footways, bridleways and cycle routes, areas of greenspace incorporated into the scheme, as well as defined playing pitches, private gardens and schools play area/s.

10.18 Continued discussions are being undertaken in relation to the impact of developing the site adjacent to Skelton Lake and Colton Beck and the loss of existing nature habitats and mitigation for such losses. Further information is being sought from the Developer with regard to a defined part of the adjacent Skelton Lake that is to be held as a nature reserve and handed over to the RSPB for management. The Developer has agreed to this in principle, subject to the details being agreed, and to a commuted sum, of an amount to be agreed, for management of the area by the RSPB.

10.19 Vehicle parking and sustainable transport

10.20 The site although adjacent to the motorway is isolated in respect of public transport and access into the site for general traffic is very limited. As such a new vehicle access route off the motorway roundabout at Junction 45 is required. The vehicle access is proposed to be taken from Junction 45 via a feeder road and an access roundabout and the intention is for this to serve the new community and the proposed motorway service area (submitted under planning application 16/02757/OT) on the adjacent site. At present due to site ownership restrictions the access arrangements for this application 15/07655/OT and the adjacent motorway service area application 16/02757/OT are two different options. Both options would work independently but the motorway service area's option will work for both developments. To overcome the land ownership issue and allow both schemes to ultimately implement the same access option a Joint Access Agreement is being entered into by the developers of both sites. This agreement will stipulate that the option that works for both schemes must be the one that is implemented and in an agreed timescale. As such a Condition and/or Section 106 obligation will be applied to 15/07655/OT stating that the option that works for both schemes is the one that must be implemented.

10.21 Other highways matters that are still the subject of discussion are any works to amend the status of Knowsthorpe Lane under the motorway underpass, a review of the status of the Traffic Regulation Order and speed limit on Pontefract Lane (which

becomes Newsam Green Road), through to its junction with Bullerthorpe Lane and an exploration of how best to allow access to Skelton Gate residents but not to general traffic (e.g. a permit system) and a review of access points into the site to ensure that traffic is not just fed in an out through one route. However proposed indicative parking levels for cars, motorcycles and bicycles are in accordance with local Policy guidelines and are considered to be acceptable, in principal subject to details coming forward at the Reserved Matters stage.

10.22 The site is not currently served by any form of public transport. Both Highways and the West Yorkshire Combined Authority state that the Developer should enter a legal agreement that sets out an acceptable bus service and that they would be looking for 10 years bus service support for the newly created community. They both advise that this would be best achieved by provision of a park and ride shuttle bus service between the site and Temple Green Park and Ride, requiring a contribution of £150,000.00 per year (£1,500,000.00 for 10 years). There would also be a requirement for a Sustainable Travel Fund contribution, bus stops / shelters and Real Time Information displays to be provided as part of sustainable travel package of £82,000. The Developer has yet to formally respond on the level of these contributions.

10.23 Do Members have any concerns in respect of the design of the proposed means of access?

10.24. Sustainability Measures

10.25 The scheme proposes a number of sustainability measures including:

1. Compliance with Part L of the Building Regulations
2. Provision of recycling facilities and active encouragement of practices to minimise waste.
3. The use of sustainably source materials
4. Passive, thermally efficient buildings
5. Water use reduction methods such as low flush toilets and aeriated taps
6. Provision of water butts in the private gardens
7. Creation of green landscaped spaces and sports pitches
8. Investigation of sustainable energy sources such as photovoltaics, thermal water heating, ground source heat pumps and wind turbines.

These and other sustainability measures will be explored and detailed as part of the future Reserved Matters application/s that will be required for the development.

10.26 Section 106 Legal Agreement

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.

10.27 The obligations are still being worked through but are likely to *include* the following:

1. Contributions for the provision of a primary school and a secondary school
2. An affordable housing provision of 15% of the dwellings
3. An offsite highways works contribution of a figure to be agreed
4. A Travel Plan monitoring and evaluation fee of £13,000.00.
5. A contribution of circa £82,000.00 for a Sustainable Travel Fund

6. A shuttle bus contribution of circa £1,500,000.00 to fund a bus service between the Templegate Park and Ride and the development site
 7. The employment and training of local people
 8. Publicly accessible areas
 9. A commuted sum, of an amount to be agreed, for the management of a nature reserve for an area that is to be passed over to the RSPB.
- There are likely to be other obligations to be added to this list.

10.28 These obligations are considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

10.29 The development is Community Infrastructure Levy (CIL) liable however this is not applicable at the Outline stage due to the fact that the floor space has yet to be fixed. As such CIL will be generated at the Reserved Matters stage when it is likely to generate the following

1. *Approximately* £578,875.00 for the residential floor space to be created.
2. *Approximately* £115500.00 for the a new food store (A1) and new local centre (A1-A5 and D1 and D2)
3. £5 per square metre for any schools provision.

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.

10.30 Education and provision for children

10.31 Children's Services have advised that both primary and secondary school provision will be required from day 1 of the occupation of the dwellings. They state that primary provision in this location is unlikely to serve any wider area than the development itself due to an absence of existing housing or alternative primary schools within a reasonable distance. With secondary schools Children's Service inform us that pupils are often willing to travel longer distances to access secondary education. However, a 4 form entry secondary school will be required for the site based on estimated demand generated by the site itself, that up to 2 form entry (60 pupils) of demand may be imported from outside of the proposed 1100 unit development. A 4 form secondary school is the smallest viable size for such a school The primary and secondary provision could come forward as a through school. Therefore the required provision would be for:

Primary - 275 children across 7 year groups = 39 per year group (approx.)

Secondary - 110 children across 5 year groups = 22 per year group, plus an ongoing need to accommodate the 39 children per year coming through from the primary school (approx.).

The Developer has advised that they do not agree that there is a need for schools provision from day 1 of residential occupation and consider that the provision should come forward when once critical mass has been achieved in respect of occupation, to avoid any said school standing empty for some time.

10.32 Children's Services would be supportive of a plan for the Developer to deliver the school(s), however, the Developer has stated that it is not their intention to develop and/or manage the schools provision. They state that land is set aside in the proposed layout and the primary school element should be secured via a Section 106 Agreement and CIL, but in their view the payment should only be in relation to the school provision it generates (1.5 form entry based on 1100 units). They also suggest that a clause would be required in respect of the land for the secondary school

element of the through school which enables it to be returned to the Developer if it has not been utilised within a certain timeframe.

10.33 Further to this Children's Service also state that there is no evidence from any nearby school that they are capable of expanding to accommodate the Secondary school requirement. Therefore, further discussions are being held to ascertain the best way to ensure the community has an appropriate schools provision.

10.34 What are Members views with regard to the on-site provision of primary and secondary schools provision?

10.35 Programme for development

10.36 The Developer has set out the following table in the submitted Environmental Statement for the programme of development of the site. Officers have some concerns with regard to this programme due to it being proposed to bring the school forward at some 9 years into the construction process for the housing. The Developer has stated that they are happy to review this and therefore further discussions are underway with regard to phasing.

Table 5.1: Indicative Construction Phasing

Year	Residential Construction		Non-Residential Construction
	Under Construction	Cumulative Operational	
2017	100	0	Infrastructure
2018	100	100	
2019	100	200	
2020	100	300	
2021	100	400	Food Store / Local Centre
2022	100	500	
2023	100	600	
2024	100	700	
2025	100	800	
2026	100	900	Primary school
2027	100	1,000	
2028		1,100	

10.37 Do Members have any comments regarding the general scope of the Section 106 Agreement and the proposed phasing of the development?

10.38 Equality

The Council has a general duty in the exercise of its function under Section 149 of the Equality Act 2010 to have due regard to the need to (amongst other things), advance equality of opportunity between people who share ethnic or national origins and those who do not and to foster good relations between people who share these origins and those who do not.

10.39 The Equality Act 2010 requires public bodies to have due regard to eliminate discrimination and to advance equality of opportunity, this is evident in UDP policy SA8. A Court of Appeal decision involving Haringey Council has confirmed that where the requirements of section 149 form, in substance, an integral part of the decision-making process then it is necessary to demonstrate that the particular requirements of

Section 149 have been taken into account in coming to a decision on a planning determination. Accordingly it is the responsibility of the Local Planning Authority to consider whether the requirements of the Section 149 are integral to a planning decision. It is important to note that Section 149 is concerned with promoting equality of opportunity and good relations between different racial groups. The Court of Appeal in its decision stressed that this is not the same as the promotion of the interests of a particular racial group or racial groups.

10.40 The Skelton Gate site is landscaped former open cast mining land on which there are no existing dwellings or business. As such the scheme does not require the relocation of any such parties. In the circumstances Officers do not consider that Section 149 requirements are integral to these decisions, or that the proposals would in any way have a disproportionate impact on any surrounding diverse communities.

10.41 For these reasons the proposals will not have a disproportionate impact on the communities identified and therefore there are no issues relating to the general duty that arise from the application.

10.42 Are there any other matters that members wish to raise at this time?

11.0 CONCLUSION

11.1 The key questions asked in the report above are as following:

10.4 Do Members have any concerns about the principle of residential development at this site?

10.5 Are Members content with the composition (mix of uses) on the site?

10.9 Do Members have any comments in respect of the general layout of the development and the design parameters outlined?

10.14 Do Members have any further comment to make in respect of the relationship between the development site and the landfill site?

10.23 Do Members have any concerns in respect of the design of the proposed means of access?

10.34 What are Members views with regard to the on-site provision of primary and secondary schools provision?

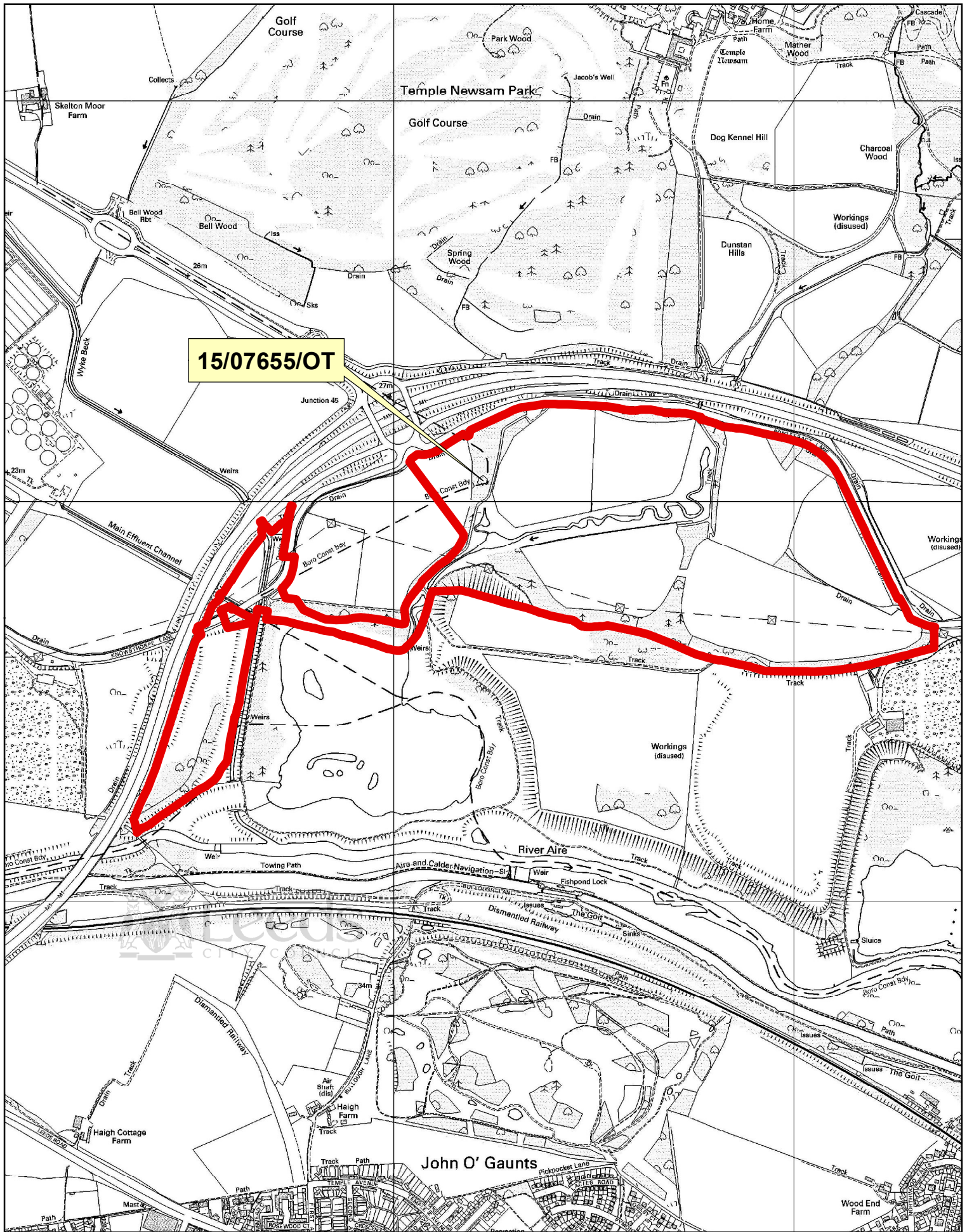
10.37 Do Members have any comments regarding the general scope of the Section 106 Agreement and the proposed phasing of the development?

10.42 Are there any other matters that members wish to raise at this time?

Background Papers:

PREAPP/15/00745

Application documents for 15/07655/OT



15/07655/OT

CITY PLANS PANEL

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SCALE : 1/12000



The scaling of this drawing cannot be assured
 Revision G Blue Line Added Date 04.01.16 Dm SM Ckd TL

- Legend**
- Site Boundary
 - Other Land Within Applicants Control

Project
**AIRE VALLEY,
 LEEDS**
 Drawing Title
SITE BOUNDARY PLAN

Date 25.09.10	Scale 1:5000@A2	Drawn by M.D/NO	Check by TL
Project No 21353	Drawing No RG-M-01	Revision G	



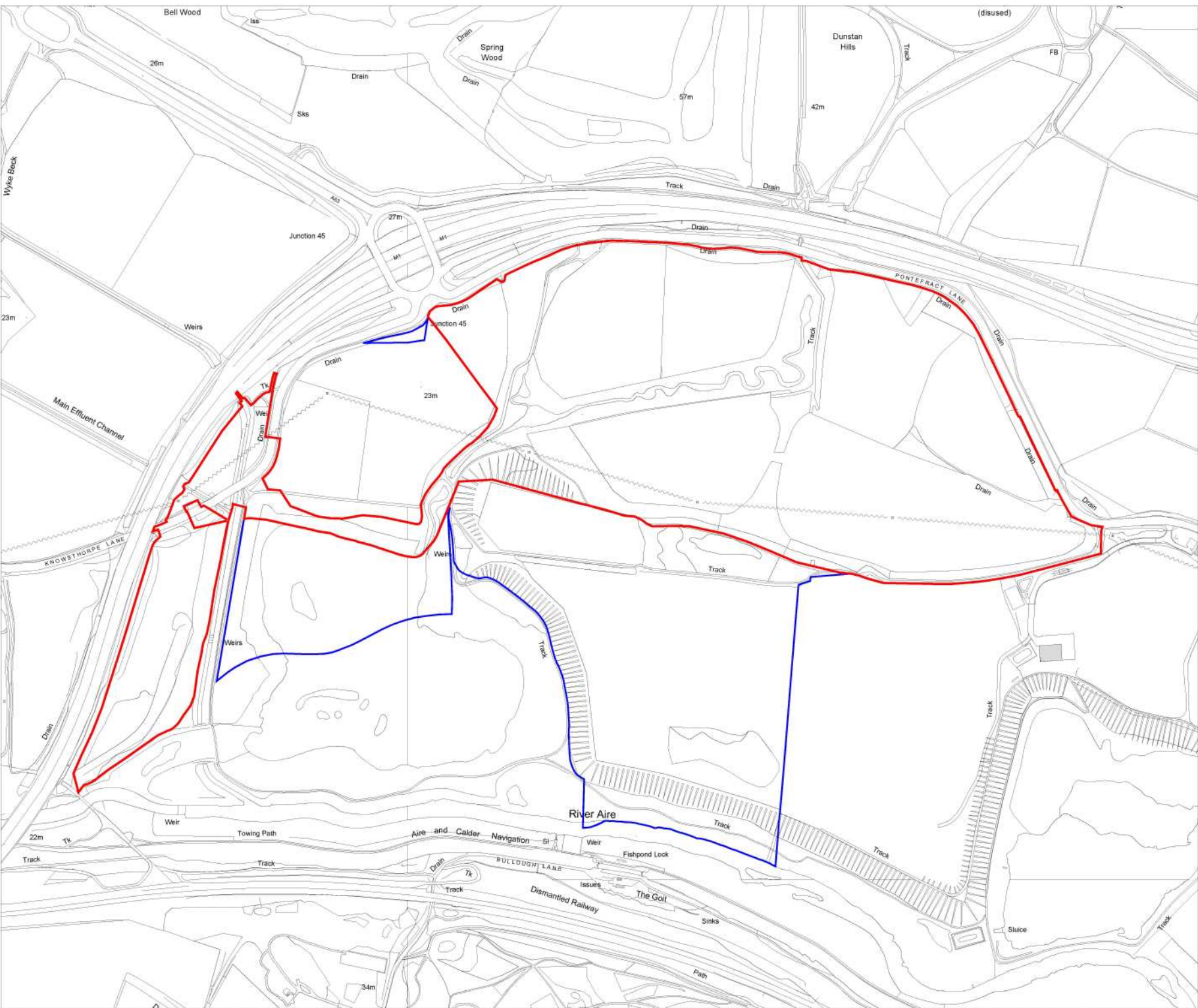
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