



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 27th October 2016

Subject: APPLICATION 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
3rd May 2016

TARGET DATE
23rd August 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:

DEFER AND DELEGATE approval to the Chief Planning Officer subject to referral of the application to the Secretary of State as a Departure from the Statutory Development Plan and should the Secretary of State decide not to call in the application for determination and the completion of a Section 106 agreement to secure the following:

- **Travel Plan and monitoring fee (£3,540)**
- **Local Employment and Training Initiatives**
- **Traffic Regulation Order (£25,000)**
- **Bus stop (pole) contribution (£500)**

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

1. Standard time limit on outline permission
2. Reserved matters to be agreed (appearance, landscaping, layout, scale)
3. In accordance with approved plans
4. Details of external walling and roofing materials
5. Details of design of green roof to be submitted
6. Details of boundary treatments
7. Restriction on gross development floorspace (incl. 929sqm retail floorspace)
8. Submission of a Construction Practice/ Traffic Management Plan to be submitted
9. Means of vehicular access in accordance with approved plan
10. Details of the highway works to Junction 45 of the M1 to be submitted
11. Submission of cycle/ motorcycle facilities
12. All areas used by vehicles to be laid out
13. Submission of a car park and servicing management plan
14. Details of electric charging points to be submitted
15. No vehicular/ pedestrian access from Knowsthorpe Lane
16. Reserved Matters (layout) to detail hotel development outside 1 in 100 flood extent
17. Development carried out in accordance with Flood Risk Assessment and the mitigation measures (i) provision of compensatory storage; (ii) finished floor levels
18. Details of surface water drainage to be submitted
19. Details of the finished floor levels of the building to be submitted
20. Details of landscaping works and implementation
21. Submission of a landscape management plan
22. Protection of identified existing trees/ hedges/ bushes during construction
23. Preservation of retained trees/ hedges/ bushes
24. Incorporation of sustainable construction methods/ targets and investigation into use of district heating
25. Submission of a statement of construction practice (incl. prevent mud on road, control of emissions/dust etc)
26. Submission of a scheme to control noise from plant/ machinery
27. Submission of a delivery management plan (delivery arrangements, procedures, noise mitigation measures)
28. Provision of grease trap (to food preparation/ kitchen area(s))
29. Details of noise mitigation measures (acoustic ventilation) for hotel rooms
30. Details of external lighting to be submitted
31. Submission of a Construction Environmental Management Plan (incl. protective fencing and bird nest boxes etc)
32. Submission of a Biodiversity Enhancement and Management Plan
33. Submission of a Lighting Design Strategy for bats
34. Submission of Green Roof Ecological Design Statement
35. Submission of a method statement for the control of Giant Hogweed and Himalayan Balsam
36. Submission of the provision of and management arrangements for the Visitor Centre
37. Submission of site investigation report in respect of coal mining
38. Submission of contaminated land reports
39. Submission of amended remediation statement
40. Submission of a verification report
41. Imported soils to be tested

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

1.0 INTRODUCTION:

- 1.1 This planning application is brought to the Plans Panel as the proposed development is a major application and represents a departure from the adopted development plan. This application proposal was previously presented to Members as a position statement on 8th September 2016 and prior to this as a pre-application presentation on 17th December 2015.
- 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:
- Facilities building (5,277sqm) 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).
 - Business centre comprising a business lounge with a range of meeting rooms (totalling 400sqm) at first floor level.
 - Community use space e.g. visitor/ education centre relating to Skelton Lake and inclusion of a second floor viewing platform (contained within roof).
 - 100 bedroom hotel with supporting ancillary uses.
 - Fuel filling station comprising car and HGV pumps and an associated forecourt shop (approx. 450sqm).
 - 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 12 motorcycle spaces.
 - Electric vehicle charging points.
- 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, scale and detailed landscaping will form reserved matters for later approval, the indicative details illustrate the main facilities building is positioned towards the southern portion of the site and comprise a series of interlinked buildings with a partial living/green, over sailing roof form. The associated parking, vehicle circulation areas and filling station are sited to the building's northern side. The proposal includes retention of vegetation around the site's perimeter (although not in its entirety) with mitigation planting to be 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 also 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 with Newsam Green Farm and Lawn Farm House (both Grade II) situated nearby.

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 25th 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 on the A1M in North Yorkshire. The purpose of that Public Inquiry was to identify a suitable MSA site or sites to serve the A1M in North Yorkshire. The location of the M1 J45 Skelton site was always such that it could not be a site that would primarily serve the A1M and the outcome of the Public Inquiry led to the granting of Planning Permission for what is now the A1M J46 Wetherby MSA. The spacing criteria and associated Circular covering MSA spacing have now subsequently changed and with the Wetherby MSA built back in 2007/8, there is now an unsatisfied 'need' for an additional MSA at M1 J45 Skelton.
- 4.3 The above is all in addition to the fact that there was back in 2004 still significant uncertainty on the timing of the then proposed A63 East Leeds Link Road and also the opening of the associated new Junction 45.
- 4.4 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 17th 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 Officers have also provided feedback to the applicant through a formal Environmental Statement (ES) Scoping Report (Ref: PREAPP/16/00026) which was submitted in advance of the formal planning application.
- 5.4 The applicant has undertaken 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.
- 5.5 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.
- 5.6 The application proposal was presented to City Plans Panel on 8th September 2016 and an extract of the meeting minutes in relation to the MSA summing up is provided below:
- 'In drawing the discussion to a conclusion Members provided the following feedback;*
- *Members did not have any concerns about the principle of developing this site as a motorway services area.*
 - *Members did have some concerns on the compatibility of the use with the adjacent residential led development proposal particularly in Draft minutes to be approved at the meeting to be held on Thursday, 6th October, 2016 respect of potential noise and light nuisance, but they would wait and see how this developed.*
 - *Members had no concerns in respect of vehicle circulation within the site, subject to addressing the requirements for caravan movement and parking.*
 - *Members had some concerns in respect of the general layout in so far as noise from the site may impact on local wildlife and biodiversity.*
 - *Other issues Members would like considering further were a travel plan for staff particularly at night/parking split between general cars and HGVs/charging points for electric cars provision of a multi faith room/the opportunities for local employment and training to be provided by the development.'*
- 5.7 The main issues raised as above are addressed in the appraisal section of this report although it is noted some of the points made relate to matters of detail and are more readily picked up as part of a subsequent reserved matters application should this outline scheme be accepted.

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 20th May 2016. The application was also advertised in the Yorkshire Evening Post published 20th May 2016.
- 6.2 Following the submission of revised information further publicity was undertaken and site notices were posted dated 12th and 26th August 2016. A further advert has been placed in the Yorkshire Evening Post published 2nd September 2016 and the addendum to the Environmental Statement was publicised in the Yorkshire Evening Post on 5th October 2016.
- 6.3 To date, five letters of representation have been received in response to the public notification process. Four letters received express support for the submitted proposals with one providing comments on the proposals.
- 6.4 Two of the letters of support are from both Alec Shelbrooke MP and Richard Burgon 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 The third support letter is submitted by the Leeds City Region Enterprise Partnership and the comments are summarized below:
- Investment of some £50m by a new investor to the region will reinforce Enterprise Zone ambitions- send further positive message to existing/potential investors.
 - 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.
- 6.6 The fourth support letter is submitted on behalf of the 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.

6.7 1 letter providing comments on the proposals (on behalf of Swillington Ings Bird Group) which was accompanied by a wildlife survey of the lower Aire Valley. A summary of the comments received are set out below:

- Extensive wetland ecological network in Lower Aire Valley and Aire/Calder Migration Corridor is an important migration corridor for birds.
- St Aidan's is being assessed as a potential SSSI by Natural England.
- City Council is signed up to the National Biodiversity Action Plan and surveys show that Skelton Lake and the surrounding area is important for a number of bird priority species- displaced during and following development- appropriate mitigation required.
- Skelton Lake has enormous potential as a Leeds Nature Area once properly wardened/ protected (RSPB interest to take on role).
- Secure parking at MSA will mean used as an access point for visitors for recreation and put pressure on lakeside- whilst the northern side of lake is to be fenced no mention of protection to remainder of lakeside.
- MSA proposal includes features that off-set loss of biodiversity in long-term (green roof, tree/ hedgerow retention, construction of nature ponds) and will have no more than minor long term loss of biodiversity but short to medium term significant negative effect without mitigation (substantial if Ref:15/07665/OT Skelton Gate takes place at the same time).
- Appropriate for access to the whole of Skelton Lake to be restricted by fencing so visitors and their pets are confined to public rights of way.
- Minimise loss following construction through the suggested provision of nest boxes and replanting of hedgerow.

6.8 Any further representations received between the preparation of this report and the Panel itself will be reported to Members verbally as part of the officer presentation as the formal expiry period for the Environmental Statement addendum is noted to be 26th October 2016.

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 lifted on 4th October 2016 and suggested conditions.

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): No objection, suggested conditions.

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, external 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 SDU (Conservation): No objections, limited impact on setting of Temple Newsam estate with landscaping, re-planting and green roofs strongly tied in through reserved matters to minimise visual impact.
- 7.18 Travelwise: No objections to revised travel plan.
- 7.19 West Yorkshire Police (architectural liaison): No objection, counter terrorism team propose no action.
- 7.20 Neighbourhoods & Housing (air quality): No objection, note commitment to provide electric vehicle charging points.
- 7.21 Neighbourhoods & Housing (environmental protection): No objection, suggested conditions.
- 7.22 Neighbourhoods & Housing (environmental studies): No objection, suggested conditions.
- 7.23 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.

- 7.24 Yorkshire Water: No objection, suggested condition (covering works in accordance with flood risk assessment, restrictions on discharge, surface water interceptor to be installed).
- 7.25 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 EN4 District heating networks
 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). 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

Aire Valley Area Action Plan (AVLAAP):

- 8.4 The site lies within the boundary of the emerging Aire Valley Leeds Area Action Plan (AVLAAP) within which the site is identified for housing. This document is being prepared in accordance with Core Strategy Spatial Policy 5 and will form part of the LDF when adopted. The draft AVLAAP (Submission Draft) has been submitted to the Secretary of State for examination (23rd September 2016) and is therefore at an advanced stage. Where policies and proposals are not subject to objection they can now be accorded significant weight in decisions.

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 sites 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 2005) and recommends that the maximum distance between motorway services should be no more than 28 miles. 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. design and appearance)
4. Landscape implications (incl. planting, green roof, lighting)

5. Heritage implications (incl. impact on heritage assets, archaeology)
6. Impact on amenity (incl. noise)
7. Ecological implications
8. Flood risk and drainage
9. Ground conditions (incl. contamination and coal mining legacy)
10. Section 106 agreement and CIL
11. Other matters

10.0 APPRAISAL

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

- 10.1 This motorway services area proposal is submitted as an outline planning application with all matters other than the means of access 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 10th May 2016 and subsequently the Executive Board (on 27th July 2016) and Full Council (on 14th September 2016) approved the modifications. The AVLAAP was formally submitted to the Secretary of State for examination on the 23rd September 2016. This revised draft policy can still only be afforded very limited weight but it does indicate that the MSA proposal is consistent with the draft plan that the Council has approved.
- 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 10th 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 As previously reported, 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. The fact this site has previously been promoted for an MSA when the central government advice relating to such proposals was more prescriptive also indicates a robustness to the alternative site assessment process that has been undertaken.

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 alternative 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 is considered necessary to impose a condition limiting the amount of floorspace of individual unit sizes (to 929sqm gross floorspace) 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 to the scheme from a retail policy perspective.

Employment and Training

- 10.14 The proposed MSA would result in significant investment (circa. £50m) and create local employment opportunities. The applicant has submitted an Employability Strategy, in conjunction with Employment Leeds, setting out its commitment to ensure the proposal delivers lasting social and economic benefits for local communities.

- 10.15 The development proposal is estimated to initially generate around 450 job years of employment during construction and approximately 300 full-time equivalent positions once operational which will lead to numerous jobs being generated through future business/ trade networks.

- 10.16 Commitments to the promotion of employment and training opportunities for local people during construction works as well as influencing future occupiers of the development to work with Employment Leeds are to be secured through the development's associated s106 agreement. The commitments will cover the procedures for appointing contractors/ sub-contractors; details of job vacancies, apprenticeship opportunities, work placements as well as identifying numbers/ types of employment and training opportunities for local people, updating regular details of recruitment and retention of local people as employees. To date, the developer has yet to procure a main contractor and this is typically done post approval. In practice the main contractor predominantly delivers on the obligations with the encouragement of the developer. Therefore, the employment opportunities are discussed and agreed between the developer, Employment Leeds and the main contractor. Once the contractor has been appointed they will be more readily able to identify the total labour force required which in turn will identify any new employment opportunities such as, people into jobs and new/ existing apprentices. Officers in Employment Leeds are content with this approach which is typical for significant development proposals.

- 10.17 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.

Highway implications

- 10.18 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 originally differed although following the completion of a Co-operation Agreement between the involved parties

the access arrangements for both developments will now be served by the same basic access arrangements - as shown as part of the MSA application.

- 10.19 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 have been reviewed and accepted by highway officers. Highways England has lifted its holding direction subject to the imposition of conditions to secure details of the highway works to the M1 junction and a traffic management plan during construction.
- 10.20 The proposed access is designed to accommodate all vehicle types, including the largest 'abnormal loads' which are permitted to travel on the road. As such, there is not considered to be negotiability concerns for vehicles manoeuvring through the motorway junction and the access road/ internal roundabout. Furthermore, a swept path analysis has been undertaken to demonstrate that the indicative layout can accommodate the turning manoeuvres of all vehicles likely to visit the site including, HGVS, caravans and motorhome, abnormal loads, and cars. 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.
- 10.21 The application proposal is accompanied by a Framework Travel Plan which outlines a variety of measures to improve accessibility for staff by non-car modes of transport. These measures include: personalised travel planning, Cycle 2 Work Scheme, provision of shower and changing facilities on site to encourage cycling to work, a demand responsive staff shuttle service, secure cycle parking, membership to the West Yorkshire Travel Plan Network, car park management plan, on-site pedestrian and cycle routes, access for a future bus service through the site including provision of bus stops within the site and at the new link road. In addition, the document includes a commitment to provide electric vehicle charging points and this is currently envisaged to comprise 6 active spaces; 10 passive spaces and 1 accessible bay. A Travel Plan Co-ordinator is also to be appointed to oversee the day-to-day running of the Travel Plan (and subsidiary travel plans from tenants) and the costs towards monitoring have been agreed.
- 10.22 As part of the range of travel plan measures a private pick-up/ drop-off service is to be provided to operate between the MSA site and the nearby Temple Green park and ride facility (due to open summer 2017) to facilitate safe, convenient and accessible staff travel to/from the site. This shuttle service will be provided for all staff (MSA, tenants and hotel) to correspond with shift changeovers. Outside of the park and ride site operating hours (i.e. early and night-time shifts, plus Sundays) the shuttle service will be available to staff on demand with the initial destinations expected to be the city centre, Leeds Station as well as Colton and Rothwell. These locations will however be subject to review by the applicant depending on future staff travel demands. Overall, the travel plan document is considered to be sufficiently comprehensive and acceptable.
- 10.23 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 parking provision across the development proposal is appropriate. Nevertheless, 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, once the MSA is operational will be secured through s106 agreement.

- 10.24 Within the emerging AVAAP an 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 with this the applicant is to facilitate a bus route through the MSA development with an on-site bus stop facility.

Impact on visual amenity (incl. design and appearance)

- 10.25 Although this proposal has been submitted as an outline application with appearance, landscaping, 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.
- 10.26 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. The illustrative layout is therefore strongly influenced by these constraints so a degree of certainly to the basic layout shown is provided despite this only being an outline application.
- 10.27 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/green 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.
- 10.28 The basic design approach advanced in the submission documents have generally been well received and accordingly officers are confident a quality and innovative form of development can be brought forward under a reserved matters application.

Landscape considerations (incl. planting, green roof, lighting)

- 10.29 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 are 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 bio-diversity value and visual amenity. The details are to be reserved and considered in full within a future application but the basic approach is acknowledged by officers as being appropriate.

- 10.30 The facilities building is to incorporate a green roof which offers visual amenity benefits in reducing the visual impact of the built development in the wider landscape. The applicant has undertaken a landscape visual impact assessment and the accompanying photo-montages illustrate the effectiveness of the visually recessive green roof treatment. Further design details of the green roof are to be covered by planning condition to maximise the benefits of this feature both in terms of visual amenity and biodiversity.
- 10.31 It is recognised that the proposed detailed lighting design is a matter for consideration at reserved matters stage however the applicants have assessed existing lighting conditions around the site, considered any potentially sensitive receptors (including heritage, highway, landscape, ecology and residential) and provided an initial assessment of the potential lighting impact that the proposed development may have.
- 10.32 Overall, the proposal is not expected to result in adverse impacts as a result of any increase in obtrusive light condition. In respect of ecology and bats, the majority of locations are not expected to receive a significant obtrusive light condition over the existing situation and there is unlikely to be any discernible difference in relation to obtrusive light impact over the existing conditions in relation to the tree belt to the south and importantly the illuminance to Skelton Lake. It is acknowledged that the proposed street lighting along Knowsthorpe Lane (which runs along the northern boundary of the site) will have some impact on ecological receptors in this area over the existing situation as this road is currently unlit and the HGV parking area is indicatively sited in this location.
- 10.33 It is considered that an appropriate lighting scheme can be achieved and a lighting specification will be identified at the detailed design stage (type, height, location) to ensure that new development proposals do not cause unacceptable lighting impacts. The avoidance of a sky glow over the site from distant views will also be a factor when assessing the detailed detail as officers recognise this has been an issue elsewhere and Members specifically raised this as a potential issue during the position statement.

Heritage implications (incl. impact on heritage assets, archaeology)

- 10.34 Linking into the visual amenity considerations, the proposed MSA lies within the wider setting of Temple Newsam House (Grade I), Temple Newsam Park (Grade II Registered Park), other listed structures within the park itself, Leventhorpe Hall (Grade II*) and also Newsam Green Farm and Lawn Farm House (both Grade II).
- 10.35 In order to reach a conclusion on the acceptability of the outline planning application an assessment of the identified harm to the designated heritage assets is required (paragraph 134 of NPPF) and weighed against the public benefits of the scheme. Significant weight has been ascribed to the assessment of the proposals impact on the heritage assets. 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 significantly the M1 motorway which effectively forms a visual boundary to Temple Newsam Park.

- 10.36 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 due to extensive tree planting with no visibility from either ground or first floor within Temple Newsam House itself or from Leventhorpe Hall. It is also notable that the Templegate development site to the immediate east lies between the application site and the heritage assets of Leventhorpe Hall, Newsam Green Farm and Lawn Farm House. Accordingly, the limited views which are currently available will over the passage of time be lost when this development site is eventually built out. Overall, the proposal's impacts on the heritage assets are considered to be minimal and Historic England is satisfied the proposals would cause less than substantial harm and the Council's Conservation officer considers the application proposal to have a limited impact. However, it is recognised that local planning authorities should give considerable importance and weight to conserving designated heritage assets when balancing the public benefits and advantages of the proposal against any such harm. In undertaking this balancing exercise the local planning authority should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires 'special regard' be had to the 'desirability of preserving the building or its setting'.
- 10.37 The application proposal will deliver a wide range of social, economic and environmental benefits that weigh substantially in favour of the application proposal, of which the following are considered to be the most significant, addressing a policy need for a new MSA benefitting road user safety/ welfare/ convenience; delivering £50m of investment and generating economic development (construction/ business rates); providing substantial new employment opportunities (incl. training/ skills programmes); support and attract investment to the adjacent Enterprise Zone and Aire Valley; enhancements to footpath links, wildlife habitats and delivering a high quality facilities building.
- 10.38 Considerable importance and weight has been attached to the identified harm on existing heritage assets but the significant positive public benefits factors realised through the delivery of the proposal are considered to outweigh the limited harm on these heritage assets. Accordingly, officers consider the heritage impact can be accepted.
- 10.39 The application site has been subject to opencast coal extraction and accordingly there is very little potential for the presence of remaining archaeological or cultural heritage remains within the boundary of the site.

Impact on amenity (incl. noise)

- 10.40 During consideration of the position statement, Members expressed some concern about the relationship between the proposed MSA and the adjacent residential led development. To provide more context to this specific area, the access arrangements for both developments would be the same and importantly fixed. This therefore provides a reasonable degree of certainty in terms of the likely separately distances to be achieved between the developable areas for both sites. Once allowing for the access road and changes in levels, a separation distance of approximately 140m is identified between where buildings could be located although even this only relates to where the petrol filling station is shown rather than the main facilities building which would be much further away. Putting aside the actual carriageway surfaces, a good

deal of land would still be available which can be planted up to provide screening and/or contoured to assist with any noise mitigation should it be required.

- 10.41 The proposed MSA is to operate on a 24hr basis and this brings the 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 Environmental Protection officer has reviewed the contents and subject to the imposition of planning conditions, including a delivery management plan to address mitigation of any significant noise levels from deliveries to the fuel station, the proposal is not considered to have an undue impact on local residences.
- 10.42 Notwithstanding the above, it is still noted 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. Such measures can however be appropriately secured by planning condition and is the typical response for sites in such close proximity to a motorway. It is worth noting that some of the houses proposed on the neighbouring site may also need to adopt a similar approach due to the presence of the motorway depending on what other mitigation is proposed.
- 10.43 The MSA proposal includes provision for community based uses and these are indicatively shown within the upper floor of the facilities building. Within this part of the building there is ample scope to accommodate a range of community based and following the feedback from the position statement the applicant is agreeable to investigating how a multi faith room/area can be best accommodated as part of the overall package.

Ecological implications

- 10.44 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.
- 10.45 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 in the event the adjacent housing scheme is supported.
- 10.46 In the short-term it is recognised that construction activity will have the potential to increase disturbance to existing biodiversity features (incl. nesting birds) but through careful management during the construction phase these impacts could be appropriately mitigated and the measures to be adopted are to be secured within a specific construction management plan (incl. protection zones/ fencing, bird boxes, ecologist presence etc). On a medium to long-term basis, the landscaping works, additional habitat creation/ management, and a sensitive lighting design strategy are

considered to achieve an overall neutral long-term impact on biodiversity. The indicative position of the facilities provides a physical barrier that will act to screen and buffer the main activities associated with the operation of the MSA from the ecological sensitive Skelton Lake that lies to the south. The creation and retention of wildlife connections across the site, a green roof and ecological/ attenuation ponds to the southern portion of the site will provide an opportunity for habitat enhancements at the site. Furthermore, the provision of a viewing platform within the building (overlooking southern aspect to Skelton Lake) would offer opportunities for visitors/ community groups to find out more about local wildlife and bird species. Overall, it is considered that the proposal will not have significant detrimental ecological impacts provided that suitable management and mitigation measures are adopted.

Flood risk and drainage

- 10.47 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 a restrictive planning condition ensuring the hotel element lies outside this flood zone is to be imposed. Moreover, all proposed buildings are to be constructed with finished floor levels set high enough to prevent flooding (stipulated by planning condition) and that a safe means of access during flood events is available via existing ground levels to the north of the facilities building.
- 10.48 The development platform will encroach marginally into the current flood plain extents. The proposal will through the re-profiling of ground (to east and west of the Facilities Building) provide compensatory flood storage on a level for level basis in accordance with Environment Agency requirements to ensure the site is safe from flooding and will not have an adverse impact to surrounding sites.
- 10.49 The development proposal will result in an overall increase in impermeable area at the site and lead to an increase in surface water run-off over the existing situation. The proposal will limit the peak flow discharge to mitigate this increase from the development by providing surface water attenuation in a pond/detention basin and underground storage tanks to ensure the site does not have an adverse impact on surrounding sites.

Ground conditions (incl. contamination and coal mining legacy)

- 10.50 The application is accompanied by Phase I (desk study) and Phase II (site investigation) reports that have examined potential contamination or stability constraints at the site. The investigations have concluded that the site has a low potential for contamination although continuing investigations in the bedrock, ground water and surface water testing and gas monitoring are on-going and contamination officers are content for this additional work to be secured through appropriately worded planning conditions.
- 10.51 A Coal Mining Risk Assessment has been submitted which considers historic borehole findings, current intrusive site investigations, opencast abandonment plans and other Coal Authority records. The assessment concludes that further intrusive site investigation works are necessary and The Coal Authority considers the information is sufficient in demonstrating that the application site is, or can be made, safe and stable for the proposed development and recommends details of these works to be secured through an appropriately worded planning condition.

10.52 In terms of potential coal recovery, the report concludes that given the site's history as an open cast mine, coal has already been extracted from almost the entire site. Only very small, largely inaccessible areas of shallow coal remain and further coal recovery could not be sensibly or economically achieved.

Section 106 Agreement and CIL

10.53 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.

10.54 The obligation headlines are set out at the start of this report but are repeated here for completeness:

1. Traffic Regulation Order contributions (£25,000)
2. A Travel Plan and associated monitoring/ evaluation fee (£3,540)
3. Contribution towards bus pole installation (£500)
4. Local employment and training obligation

10.55 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.

10.56 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 and it is to be noted that CIL is generally payable on the commencement of development. The payment of CIL is not material to the determination of the planning application and this is presented simply for Members information.

Other matters

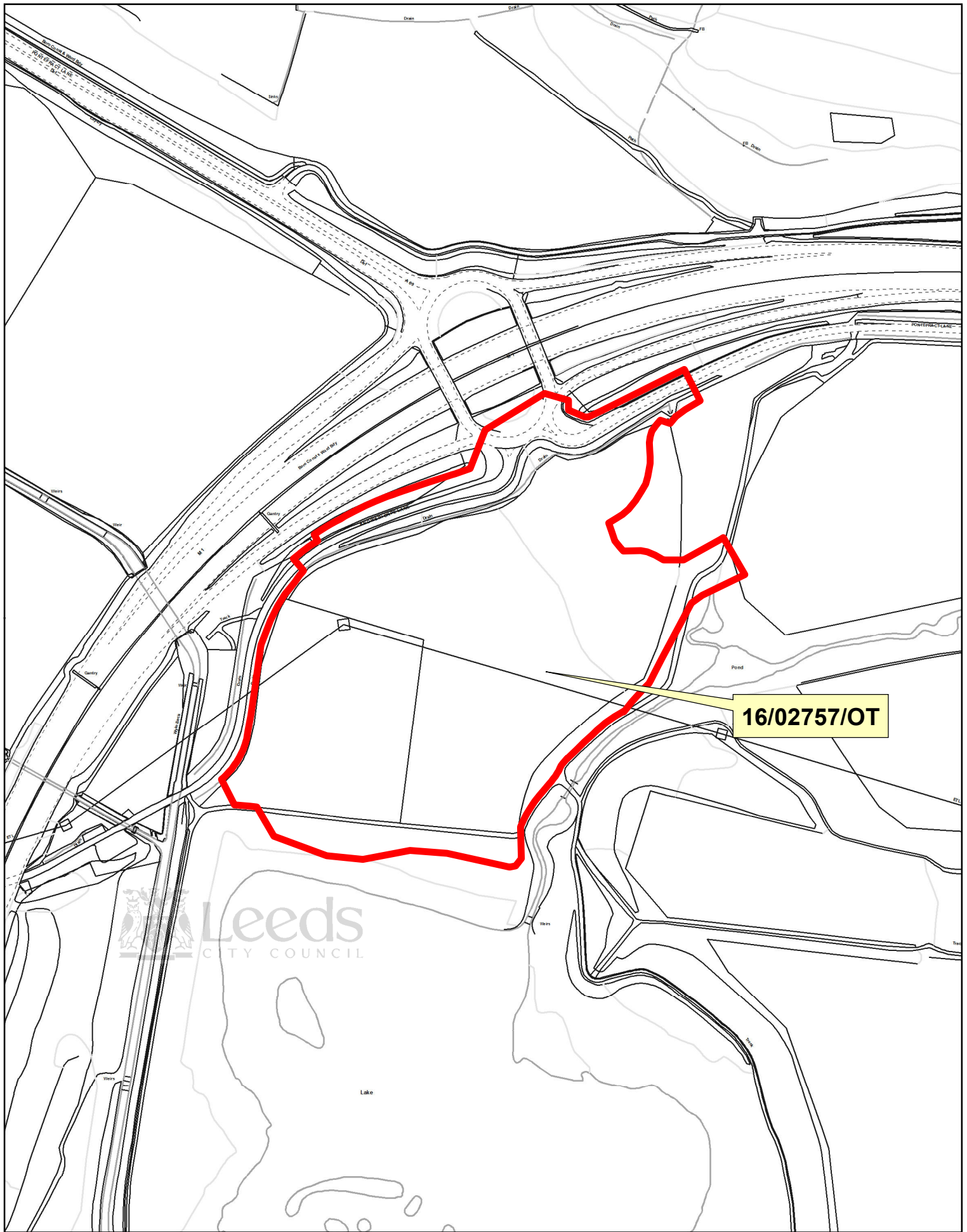
10.57 It is anticipated that the proposed development will attain a BREEAM rating of 'Very Good'. The scheme is to incorporate a range of design and energy efficiency measures and low and zero carbon technologies where possible in order to help reduce energy consumption and deliver reductions in CO2 emissions in line with policy requirements and details will be secured by planning condition. Moreover, the applicant is willing to commit to explore the potential connections into the District Heating Network (DHN) being advanced locally. At this time, the network is not yet available but will be delivered through a long-term programme, subject to funding. The earlier phases focus on developing the DHN from the Veolia plant towards the city centre. As the application site falls into the last phase and is approximately 2.5km from the plant, this is not a viable option for the applicant to pursue. However, the applicant is willing to commit to engaging with the relevant body to ascertain the future viability of connecting onto a DHN should this become available in the future but they cannot provide any commitment beyond this due to the uncertain nature of the DHN heading towards junction 45.

11.0 Conclusion:

- 11.1 The application site lies within a long established development allocation and it is accepted through the adopted Development Plan that it is an appropriate location for development. The proposed MSA development is not considered to be inconsistent with emerging local policy objectives and is considered to be compatible with adjacent land uses. The proposed MSA will address a policy defined need to serve an identified gap between existing road facilities on the strategic road network in order to improve road user safety and welfare.
- 11.2 The MSA proposal represents a significant investment that will generate substantial new employment opportunities. The proposal lies at a strategic eastern gateway of the city and will help attract investors and occupiers and will make a positive contribution to the delivery of economic development, assisting the adjacent Leeds City Region Enterprise Zone, the Aire Valley and the wider East Leeds area.
- 11.3 The proposed development adjoins the M1 motorway, served off junction 45 and can be safely accessed by pedestrians, cyclists and vehicles and will not result in any demonstrable harm to the operation of the highway network.
- 11.4 The indicative design and appearance of the MSA proposal is considered to be of high quality incorporating a curved partial living roof to help assimilate the building into the surrounding landscape and set within an attractive landscape and lakeside setting. The proposal will involve the creation of new wildlife habitats and biodiversity enhancements alongside a range of soft landscaping works and mitigation to help integrate the proposal into the landscape.
- 11.5 The proposed development is considered to cause less than substantial harm on existing nearby heritage assets which when weighed against the significant wider public benefits arising from the scheme as reported above and the heritage impact is accepted.
- 11.6 Overall, the proposed MSA development will deliver a substantial range of social, economic and environmental benefits for the Leeds City Region and represents sustainable development which national and local planning policy encourages. The proposal is not considered to raise significant adverse impacts that cannot be mitigated by appropriate planning conditions and which would outweigh the scheme's significant benefits. On this basis, officers consider outline planning permission warrants support. The proposed development is considered to represent an acceptable departure from the adopted Unitary Development Plan (Review 2006) and needs to be referred to the Secretary of State as a departure from the Development Plan before permission can formally issued.

Background Papers:

Application file Ref: 16/02757/OT



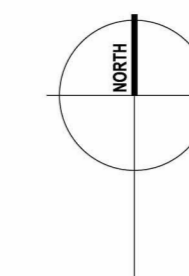
CITY PLANS PANEL

© Crown copyright and database rights 2016 Ordnance Survey 100019567

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

architecture519

The Studio, Candle House, 1 Wharf Approach
Granary Wharf, Leeds, LS1 4GH
Tel: 0113 213 5656 Fax: 0113 213 5657
Website: www.architecture519.com



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