
Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 8th December 2016

Subject: 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

Target date extended

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:

- 1. A contributions of £3,269,554.75 for the provision of a primary school**
- 2. The provision of land for the siting of the primary and secondary (through) school**
- 3. Agreement to provide or contribute financially to a schools bus service to take pupils off site before one site provision has been established.**
- 4. Affordable housing provision of 15% of the dwellings**
- 5. A 10 year shuttle bus contribution to fund service between the Templegate Park and Ride and the development site**
- 6. Provision of bus stop facilities within the site**
- 7. A Travel Plan monitoring and evaluation fee**
- 8. Sustainable Travel Fund (figure to be agreed)**
- 9. The employment and training initiatives for local people**

10. Defined publicly accessible areas (including future maintenance)
11. Long term management strategy/contribution (to include warden facility at Skelton Lake) to secure biodiversity, habitat and educational improvements
12. Funding to secure Traffic Regulation Order to address access and reduced speed limits along Pontefract Lane
13. Provision of an area not less than 0.33 hectares for the development of a local centre in the location identified in the D&A. The centre to make provision for space to facilitate a range of services including retail, health and community uses.
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.

Conditions

1. Approval for reserve matters required (Layout, Access (other than those elements approved by this planning permission), Scale, Appearance and the Landscape scheme for the site).
2. Time limit of 5 years for the submission of the reserved matters.
3. List of approved plans
4. Maximum number of residential units and floorspace attributed to the supporting uses.
5. Submission of a Phasing Plan.
6. Submission of the detailed scheme for the highways works to Junction 45 of the M1 based on the agreed drawing
7. Development shall not commence until details of works comprising of:
 - changes to road markings at A63 Pontefract Lane;
 - improvements to pedestrian/cycle infrastructure (public right of way 248) adjacent to Pontefract Lane east of M1 Junction 45;
 - Improvement of Newsam Green Road between Pontefract Lane and Bullerthorpe Lane; and
 - Upgrade of Bridleway 259 to cycle lane
8. Submission of a Design Code to follow design principles set out in the D&A buildings and streets and spaces.
9. Submission of details of any external extract ventilation systems.
10. Submission of sound insulation scheme (for all uses) as appropriate.
11. Introduction of air quality measures as appropriate
12. Submission of control of any entertainment use noise.
13. Hours of deliver, loading and unloading.
14. Opening hours for the commercial premises.
15. Site investigations to address coal mining legacy issues on the site.
16. Site investigations and Phase II Site Investigation Report.
17. The reporting of any unexpected contamination.
18. Any remediation to take place in accordance with an approved Remediation Statement.
19. No building or other obstructions over or within 6.0m either side live water mains.
20. No building or other obstructions over or within 4.0m either side of sewer.
21. Submission of the details of the proposed means of disposal of foul water drainage.
22. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water.
23. Submission of the details required to address Public Rights of Way.
24. Submission of the details of any enabling works and highway works or bus facilities.
25. Parking areas (including garages) to be retained as such
26. Maintenance and long term management of agreed landscaping
27. Submission biodiversity protection and enhancements scheme.
28. Submission of the details of the sustainability measures within the scheme.
29. Investigation into the use of the district heating network
30. Submission of the details of bicycle and motorcycle parking and facilities

31. Submission of the details of electric car charging points.
32. Submission of a Statement of Construction Practice for each phase
33. Design of external lighting scheme/s.
34. Submission of bin store details

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 City Plans Panel for determination as it proposes a new community within the Aire Valley and represents a departure (in land use terms) from the currently adopted development plan. This application proposal was previously presented to Members as a position statement at the meeting on 8 September 2016 and prior to this as a pre-application presentation on 17 December 2015.
- 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 delivery of a significant number of houses is a major benefit that arises from the scheme as is the regeneration of this former opencast site which would also include significant areas of greenspace and biodiversity habitat, most notably Skelton Lake. As the proposal is to be located on the edge of the city sustainability, including the provision of appropriate local facilities to support this new community is included within the total mix of uses proposed and will be key to ensuring the success of the development.
- 1.3 The 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. No statutory consultees have objected to the proposed form of development and officers now consider this outline application can be supported subject to conditions and the S106 contributions as outlined above.

2.0 PROPOSAL

- 2.1 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
 - areas of public open space
 - 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.

- 2.2 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 Motorway Service Area (MSA) development to the west (Ref: 16/02757/OT) which Members recently agreed in principle and is now being considered by the Secretary of State. 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 new community via the MSA site.

3.0 SITE AND SURROUNDINGS:

- 3.1 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 large sections of the land have been subject to previous ground workings.
- 3.2 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 and Calder Navigation corridor running some distance away to the south of the site. The site is at various points in Flood Zones 1, 2 and 3.
- 3.3 Temple Newham Park and Golf course is located 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. 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* 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, beyond the existing Biffa site, which immediately abuts the site's eastern boundary and is still operational. To the west is further restored agricultural land leading towards Skelton Lake which has been subject to a recent planning application for a Motorway Service Area.

4.0 RELEVANT PLANNING HISTORY

- 4.1 An application for a new MSA on the land to the west was considered at the Plans Panel meeting on 27 October 2016 under reference 16/02757/OT. This was also an Outline Application with all matters reserved except for means of access. The MSA proposal included the following components: main Facilities Building (containing the retail outlets/conferencing rooms/offices etc, up to a 100 bedroom Hotel, Visitor Centre provision, Fuel Filling Station, vehicle circulation and parking areas, landscaping, amenity spaces, pedestrian and cycle links, pumping station, retaining

structures and associated mitigation, infrastructure and earthworks. Members resolved to Defer and Delegate Approval of the application subject to referral to the Secretary of State as a Departure and not being called in and its associated S106 being signed and various conditions. The application is still being considered by the Secretary of State.

- 4.2 Planning permission exists for the carrying out of engineering operations and the laying out of access roads and landscaping to the south-east of junction 45 (Ref:32/369/01/FU) for the wider Skelton Gate site. This permission was to support an outline planning permission for a business park (Ref: 32/368/01/OT) and comprised new road connections on to Knowsthorpe Lane/ Pontefract Lane and a new roundabout with an access road into the proposed business park site. The infrastructure works granted permission in 2004 were granted approval to extend the time limit for implementation under Ref: 14//00247/EXT and this permission remains extant until 25 April 2018.
- 4.3 In addition to the above, the adjacent landfill site operated by Biffa has recently secured planning permission to extend its operations for a further two years: 16/00065/FU & 16/00073/FU - Variation of condition 3 of permission 12/03422/FU to extend time period for landfill operations until 17th April 2018 and restoration until 17th April 2023 (both Granted 22 July 2016)

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The proposals have been the subject of pre-application discussions between the Developers team, and Officers since 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 and also the need to work with the adjacent MSA development.
- 5.2 Members received a pre-application presentation for the scheme at the City Plans Panel meeting on 17 December 2015. Members made the following main 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 landfill site 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 Knowsthorpe 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 at the site would require their own transport. The developer confirmed they were still in discussion with Highway Officers to address this issue.
- 5.3 Prior to the formal submission of the application, the applicant undertook public consultation in accordance with the requirements set out in the Council's Statement of

Community Involvement. This included making contact with the Ward Members, holding a public exhibition event (Temple Newsam House) in early November 2015 and publicising the scheme in the Yorkshire Evening Post. A dedicated website was also formed explaining the development proposals and inviting feedback. Limited feedback was received but did offer general support for housing at the site providing it was supported by local services and properly considered biodiversity.

- 5.4 Ward Members were consulted on the formal planning application on 14 January 2016 and a more extensive consultation was undertaken on 3 February 2016 that included the surrounding Wards of Burmantofts and Richmond Hill, City and Hunslet, Rothwell and also Temple Newsam. To date only Councillor Nash has formally responded requesting 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, 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.
- 5.5 Members considered the application proposals as a Position Statement at City Plans Panel on 8 September 2016. Members made the following comments:
- Members felt it was important that in coming forward as a residential development it should be as a sustainable community, there were concerns expressed as to the deliverability of the scheme.
 - In terms of the commercial use of the site Members felt they required more detail in terms of size and proposed usage and whether the proposed commercial uses at the adjacent service station would undermine the viability of the commercial uses on this site.
 - Members made comments in respect of the general layout of the development and the design parameters outlined as follows;
 - a) The layout didn't reflect what Members would expect. In particular officers should have regard to Members previous comments on other developments such as the Seacroft Hospital site to ensure this does not become another 'beige alley'
 - b) The need for a mixture of housing types including housing for older people/1 bed accommodation/and for community facilities.
 - c) The need for innovative architecture and modern high quality design such as the approach at the Kirkstall Forge site
 - d) The concern that some homes were near to the Motorway. Environmental Health impacts were a concern with regard to the relationship between the development site and the landfill site.
 - In respect of the design of the proposed means of access consideration should be given to secondary access.
 - The provision of primary and secondary schools on the site should be at an appropriate time to allow the development to succeed.
 - Members commented on the general scope of the Section 106 Agreement and the proposed phasing of the development in that
 - Members felt the provision of 100 properties per annum was too slow.
- 5.6 A note responding to the main points raised by Members at the Position Statement stage has been submitted by the applicant and was circulated to Members on 23 November 2016.
- 5.7 The appraisal section of this report also seeks to provide further clarity and information regarding these main issues although it should be noted this is an outline application with only the means of access applied for at this stage. As such, some of the more detailed issues are more readily resolved as part of any subsequent reserved matters application(s).

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 29 January 2016. The application was also advertised in the Yorkshire Evening Post published 28 January 2016 and again on 18 February to correct a drafting error.
- 6.2 Following the submission of revised information further publicity was undertaken and site notices were posted dated 25 October 2016
- 6.3 In response to the above consultations, objections have been received from the following:
- 6.4 Oulton & Woodlesford Neighbourhood Forum & The Oulton Society
Concerned about the proposal to use Pontefract Lane as an access route and in turn the potential for increased traffic and for rat running to/from the motorway
- 6.5 Swillington Ings Bird Group
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.
- 6.6 Yorkshire Gardens Trust
That the submission does not adequately consider the relationship of the development to the Temple Newsam historic landscape or the setting of Leventhorpe Hall to the south east
- 6.7 Biffa (operator of the adjacent landfill site)
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 compositing 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.
- 6.8 1 letter of objection has also been received from Garforth resident whose main concerns are the site is in an unsustainable location, could prejudice an alternative HS2 route, the secondary access is extremely long, tortuous and not suitable and the area suffers from smell and air pollution.

7.0 CONSULTATIONS RESPONSES:

Statutory:

- 7.1 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.

- 7.2 Coal Authority raises no objection subject to condition to address potential land stability issues.
- 7.3 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.
- 7.4 Natural England state that they have no objections to the proposal and that it is unlikely to affect any statutorily protected sites or landscapes.
- 7.5 Highways England holding direction lifted and now raise no objection subject to conditions being applied for a Construction Traffic Management Plan and the main access being in accordance with the agreed drawings.
- 7.6 West Yorkshire Combined Authority suggest 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. Also seeking a Sustainable Travel Fund contribution, bus stops / shelters and Real Time Information displays to be provided as part of sustainable travel package.
- 7.7 Highways state that agreement has been reached with regard to the main access into the site from the motorway and other highways matters are now broadly resolved in terms of the secondary access and provisions for interim bus facilities prior to on-site school provision being available and also a shuttle bus to the park and ride site. Conditions and S106 contributions required including various off-site improvement works and dedicating Knowsthorpe Lane as adopted highway.

Non-Statutory:

- 7.8 Canals and Rivers Trust state that they have no comments to make.
- 7.9 National Grid state that they have no objections.
- 7.10 West Yorkshire Archaeological Advisory Service state that they do not consider any further archaeological work to be necessary within the site.
- 7.11 Yorkshire Water suggest conditions to manage surface water discharge, locations of water courses and sewers and means of disposing of foul water drainage.
- 7.12 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.
- 7.13 Network Rail state that they have no observations to make regarding the proposal.
- 7.14 Children's Services state that Primary school provision is required to serve the site, and would be required in some format 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.
- 7.15 Public Rights of Way state that the submission needs to correctly address the existing defined public rights of way.

- 7.16 Travelwise confirm a Travel plan will be required and needs to be included as part of the S106. As part of this, electric vehicle charging should be secured.
- 7.17 Flood Risk Management confirm the submitted Flood Risk Assessment is acceptable and that all matters can be adequately addressed as part of an Reserved Matters application
- 7.18 Neighbourhoods & Housing (Environmental Health) state that they have no objection in principle to the proposed mixed development site and that in their view the submission addresses most of the concerns with regard to the possible noise, odour and dust emissions from the neighbouring landfill site and to a lesser degree from the Knostrop Water Treatment Works, as well as considered the noise and dust impact on the neighbouring farm houses in the area during the construction phase. They advise that the operations at the landfill site and the Knostrop Water Treatment Works are regulated by the Environment Agency but that the Developer should ensure the scheme when detailed at Reserved Matters stage should have adequate sound insulation measures for the proposed dwellings. Environmental Health suggested Planning Conditions to cover construction practices, sound insulation schemes for the commercial uses and any entertainment premises within the site, the lighting scheme, details of any extract ventilation (including odour control) and air conditioning systems, specified delivery and opening hours for the commercial uses, specified hours of construction and details of waste and recycling management.
- 7.19 Neighbourhoods & Housing (Air Quality Management Team) raise no objection on the grounds of local air quality as the site does not fall within an area of concern. The scale and location of the development suggests however car ownership levels will be high. In recognition of the electric vehicle charging should be provided.
- 7.20 Leeds Civic Trust consider a separate access (to the MSA) from the motorway is required and that the local centre should form the heart of the development and be within easy walking distance of the entire site. Any centre also needs to be served by public transport and cycleways. Consider the centre should be on the south side of Colton Beck and object unless both issues are resolved.
- 7.21 Contaminated Land raise no objection subject to conditions

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 (CS) (2014), saved policies within the Leeds Unitary Development Plan Review (UDPR) (2006) and the Natural Resources and Waste Development Plan Document (2013).
- 8.2 The site is largely allocated for employment uses within the UDPR as site E4.45 Skelton Business Park, Pontefract Lane. This policy is saved by the Core Strategy and this document includes relevant policies which seek to safeguard employment.
- Adopted Core Strategy:
- 8.3 The CS is the development plan for the whole of the Leeds district and 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 EN1	Sustainability targets
Policy EN2	Sustainable design and construction
Policy EN4	District heating
Policy EN5	Managing flood Risk
Policy P1	Town and local centre designations
Policy P8	Sequential and impact assessments for main town centre uses
Policy P10	Design
Policy P11	Heritage
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 ID2	Planning obligations and developer contributions

Saved Leeds Unitary Development Plan Review:

- 8.4 In addition to the current formal employment designation, the following UDPR policies are relevant:

Policy GP5	Requirement of development proposals
Policy N23	Landscape
Policy N25	Site boundaries
Policy N24	Development proposals next to green belt/ corridors
Policy N28	Historic parks and gardens
Policy N32	Green Belt
Policy BD5	Design considerations for new build
Policy E4	Employment allocations
Policy LT6	Waterway corridors and tourism
Policy LD1	Landscape schemes

Adopted Natural Resources and Waste Local Plan:

- 8.5 The relevant Natural Resources and Waste Local policies are below:

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	Surface water run-off and use of sustainable drainage techniques.
LAND 1	Requires submission of information regarding the ground conditions
LAND 2	Tree retention and replacement planting

Aire Valley Area Action Plan (Emerging policy):

- 8.6 The site lies within the boundary of the emerging Aire Valley Leeds Area Action Plan (AVLAAP) within which the site is identified for housing (policy AVL7). This document is being prepared in accordance with Core Strategy Spatial Policy 5 and will form part of the LDF when adopted. The AVLAAP has been submitted to the Secretary of State for examination (23rd September 2016) and is therefore at an advanced stage. The land to the south of the application site boundary is currently in the Green Belt, but is subject to review and is proposed for housing. Other Skelton Gate (SG) policies of relevance are:

SG1	Non housing uses and indicates a local centre can be supported
SG2	Promotes walking and cycling connections
SG3	Seeks to integrate green space and green infrastructure
SG4	Encourages new visitor facilities to the area focused on Skelton Lake

Supplementary Planning Guidance / Documents:

- 8.7
- | | |
|-------|---|
| 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). |
| SPD | Leeds Parking Policy (adopted). |

National Planning Guidance:

- 8.8 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. The NPPF also includes relevant sections relating to design, heritage and amenity considerations as well as ensuring all landscape, ecological, drainage, flooding and contaminated land issues are resolved.

9.0 MAIN ISSUES

1. Principle of proposed development and the mix of uses
2. Highway and access considerations
3. Impact on character and visual amenity of the host site and surrounding area
4. Heritage implications (including impact on Heritage assess, archaeology)
5. Residential amenity considerations
6. Ecological implications
7. Education and provision for children
8. Sustainability Measures
9. Section 106 Legal Agreement
10. Other matters (including flood risk, drainage, programme for development, contamination and coal mining legacy)
11. Equality

10.0 APPRAISAL

1. Principle of proposed development and the mix of uses

- 10.1 The proposal is to create a new residential community at Skelton Gate which will play a major role in helping the city meet its housing growth needs. The site is however allocated for employment uses within the UDPR and identified as Skelton Business Park, Pontefract Lane under policy E4:45. This policy was saved by the Core Strategy which also states the loss of land allocated for employment needs to be assessed against the criteria within policy EC3 – which is designed to ensure an adequate supply of employment sites are available to meet the city's needs.
- 10.2 Notwithstanding the current policy designation, the site falls within the boundary of the Aire Valley Leeds Area Action Plan (AVLAAP) where it is now proposed as a housing allocation under emerging policy. The AVLAAP as a whole sets out (in Spatial Policy 5) a requirement to provide a minimum of 6,500 new homes and 250 hectares of land for employment uses with new retail facilities to support new development. Whilst it is the case the proposed housing led development is not in accordance with the existing UDPR employment allocation, this allocation is no longer considered to be up-to-date.
- 10.3 The AVLAAP was formally submitted for examination on 23 September 2016 following approval at Full Council on 14 September. In concluding the site allocation should be changed from employment to housing, the AVLAAP identifies sufficient employment sites are available elsewhere to deliver the requirement for 250 hectares of employment land so a contribution from the Skelton Gate site is not required. The site is identified to deliver 1,801 units from the 6,500 unit total so although the draft AVLAAP allocation can only be given limited weight at this stage, it is effectively embedded within the development plan. For the avoidance of doubt, this application proposes up to 1,100 units so the remaining 701 units attributed to the wider Skelton Gate site does not form part of this planning application and is to be provided within land currently identified as Green Belt. As such, the current application simply seeks a change from the current employment designation and accordingly the principle of a housing led development on the application site is considered to be acceptable.
- 10.4 With respect to the general acceptability of the proposed supporting uses, these are considered to be an important component of ensuring both the sustainability and success of the new community. A new local centre will therefore be provided as part of the development to ensure the new residents have access to a range of local facilities. This approach is in accordance with the site specific requirements as set out in the AVLAAP and is noted to adopt a similar stance to that taken as part of the Northern Quadrant development which a number of Members will be familiar with. The type of uses capable of being accommodated within the local centre is wide ranging albeit market forces are likely to have an impact on actual provision. This is also the case with health facilities and the site policies recognise this by ensuring the relevant space is made available as part of the local centre provision. The S106 obligations will also ensure the space is available and offered to the various end users at the appropriate time.
- 10.5 During consideration of the position statement, concerns were raised by some Members about the range of uses proposed to support the residential development and if there was any potential duplication/conflict with the commercial offer anticipated as part of the adjacent MSA application. In considering this issue, the primary purpose of an MSA is to serve the needs of the motorist. As such, the retail offer will be targeted towards those travelling on the local motorway network and also staying within the proposed hotel. In contrast, the facilities proposed with the residential development will focus on the needs of permanent residents. The range of permitted uses is also different/wider and includes more community based uses such as health

facilities or a crèche. Therefore, it is considered the commercial elements of the two adjacent schemes will be capable of coexisting without their being economic conflicts.

10.6 With respect to housing mix, the applicant has advanced an indicative mix as follows:

2 bedroomed apartments	25%
3 bedroomed houses	35%
4 bedroomed houses	35%
5 bedroomed houses	5%

10.7 Questions of whether or not all the dwellings can be houses rather than flats and if 1 bedroomed homes suitable for elderly and single people can be included have been raised. However, both policy H4 of the Core Strategy and the AVLAAP require a more balanced housing mix to be provided and across a scheme of circa 1,100 units this is more easily achieved than perhaps on smaller sites.

10.8 The proposed housing mix currently advanced is largely compliant with policy H4, with the only discrepancy being a minimal under supply of 2 bedroomed units. This marginal under supply of 2 bedroomed dwellings is not considered to significantly affect the overall housing mix and the resulting scheme is still considered capable of delivering a balanced community. Notwithstanding this, the applicant has stated a willingness to consider 1 bedroomed dwellings in the mix when more detailed proposals come forward at the reserved matters stage. Accommodation suitable for older people can also be considered at this stage.

2. Highway and access considerations

10.9 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 signalised 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 MSA. 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 various interested parties the access arrangements for both developments will now be served by the same access arrangements.

10.10 The proposed access between Junction 45 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. In response to a road safety audit the applicant has tweaked the highway arrangements and these have been reviewed and accepted by highway officers. Highways England has also lifted its initial 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. These requirements are included within the suggest conditions.

10.11 The proposed access is designed to accommodate all vehicle types, including typical 'abnormal loads' which are permitted to travel on the road and which may visit the adjacent MSA. As such, there is not considered to be negotiability concerns for vehicles manoeuvring through the motorway junction and the access road/ internal roundabout. The proposed access will also include segregated footway/ cycleways on both sides of the access link road with crossing facilities provided at appropriate locations. In this respect, the proposed junction into the site and over the motorway will provide improvements to existing walking, cycling and public transport options.

- 10.12 In addition to the above, off-site highways works to the Bellwood roundabout are also required to improve capacity and crossing facilities in this location. These changes in addition to wider improvements proposed elsewhere to the local cycleway network will ensure the site has good access to the strategic cycle network in accordance with emerging policy SG2 in particular.
- 10.13 The scale of the proposed development is such that a secondary point of access should be provided. For this reason and noting the lack of road connections serving the site, the status of the existing Traffic Regulation Order in place along Pontefract Lane (which then becomes Newsam Green Road), through to its junction with Bullerthorpe Lane therefore needs to be revisited as through traffic is currently prohibited. Physical improvements to the quality of this route are also necessary.
- 10.14 In reviewing this requirement but being mindful of the concerns raised by and Oulton & Woodlesford Neighbourhood Forum and the Oulton Society as well as highway officers own concerns about traffic impact, a completely unrestricted access in this direction is not considered appropriate. A 'Skelton Gate' access only is therefore proposed and a suitable system to achieve this being explored. Current thinking is it is most likely to be a number plate recognition system or similar but the final details can be secured by condition. Improvements to this stretch of carriageway are also required including a financial contribution to fund alterations to the existing Traffic Regulation Order and a lower speed limit. The applicant has agreed in principle to these requirements.
- 10.15 With regard to more site specific highway considerations, a second access point into the site for vehicles is shown to be provided onto Pontefract Lane to the east of the Colton Beck. This is an important requirement to ensure a degree of choice is provided and to prevent all traffic being funnelled via just one access point at peak times. This second point of access will also help to ensure greater public transport penetration into the site during the early phases until the wider site is developed. The addition of a second access could also assist with build out rates which some Members also raised as a concern during the position statement.
- 10.16 Proposed indicative parking levels for cars, motorcycles and bicycles for the scheme are identified to be in accordance with local policy guidelines and are considered to be acceptable, in principal subject to details coming forward at the reserved matters stage.
- 10.17 The site is not currently served by any form of public transport. It is agreed that the best way to address this matter is a Section 106 obligation requiring the applicant to contribute towards the provision of a park and ride shuttle bus service between the site and the nearby Temple Green Park and Ride. The contribution will be designed to ensure a 10 year commitment to this requirement. The proposal to dedicate Knowsthorpe Lane as adopted highway has not been advanced as the use of this route for public transport is unclear at this stage. Furthermore, the current proposals do not prejudice this route coming forward at some time in the future.
- 10.18 In addition to the above general access requirements, a Travel Plan has been submitted which details a range of sustainable travel measures that are to be developed. The main identified measures are as follows but can also be developed once further clarify regarding the detailed layout is provided:
1. Pedestrian and cycle routes through the development provided to maximise permeability and minimise walking distances to public transport stops/interchanges and local facilities.

2. Provision of pedestrian/cycle facilities linking the main site access to committed provision at M1 Junction 45
3. Provision of cycle/pedestrian connections to pedestrian/cycling infrastructure at proposed MSA to west of site
4. Public Right of Way upgraded to cycle lane standard from south west of site to paths along north and west of existing lake connecting with the committed LCC cycle/footbridge over River Aire
5. Provision of pedestrian/cycle access at southern boundary of the site to connect with Trans Pennine Trail and National Cycle Route 67 via committed Public Right of Way extensions around lake
6. Provision of pedestrian/cycle access onto Pontefract Lane, and a pedestrian/cycle link on Pontefract Lane between this access and the M1 Junction 45 and to the MSA.
7. New pedestrian/cycle crossing provided across Pontefract Lane from new site access to underpass, allowing access to Public Right of Ways leading to Dog Kennel Hill. The developer will make a financial contribution to a scheme to reduce the speed limit on this section of Pontefract Lane, and to provide lighting in the underpass.
8. Promote the health benefits of walking cycling to residents, students and staff of the site.
9. Provide information to residents, students and staff regarding walking, cycling and public transport connections to/from the site, including maps.
10. The provision of adequate and secure cycle parking
11. Promotional events to encourage cycling, particularly emphasising health benefits.
12. Provision of cycle training to residents, students and staff of the site.
13. Discounts on cycling equipment could also be arranged, possibly agreed with a local retailer. This could include discounts on bike purchase, on-site cycle repair service or free cycle accessories. A suitable local retailer would need to be identified.
14. Consider implementing cycle to work scheme, whereby staff are able to spread the cost of a bike and equipment over several months.
15. Developer funding for a public transport service will be secured through Section 106 agreement.
16. Design of the site to accommodate a full size bus service, able to call at key locations around the local centre, and serving as many homes within a 400m walk as possible. Four pairs of bus stops will be provided. Four of the bus stops will have shelters and real time information boards.
17. Provision of a sustainable travel fund.
18. Provision of electric car charging point at each dwelling with its own dedicated parking. Unallocated residential/commercial/ industrial/retail parking also to provide electric charging point (general ratio of 1 per 10 car parking spaces).
19. Car parking provided as per parking SPD to ensure responsible parking at the development.
20. Consideration of accommodating car club vehicles. Precise location and number of spaces will be determined as part of planning applications for reserved matters.
21. Coordination of deliveries/collections. Working with suppliers/waste contractors, deliveries and collections can be managed efficiently causing minimum disruption and, possibly, reducing the number of vehicle movements overall.

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

- 10.19 The focus of the site specific AVLAAP policies are to create a new, liveable and sustainable community at Skelton Gate with a strong focus on ensuring green infrastructure is embedded into the overall design. The requirements set out in policy

P10 of the Core Strategy also need to be considered and expect new development to deliver high quality, innovative design which respects and enhances the existing landscape and contributes positively towards place making, quality of life and is accessible to all.

- 10.20 In responding to the above policy context, the applicant has undertaken a thorough contextual analysis of the site and its surroundings to develop an indicative masterplan which responds positively to key urban design principles which all development proposals should seek to follow.
- 10.21 Although the outline nature of the application is such that the detailed appearance, layout, scale and landscaping of the site are all reserved matters, the contextual analysis undertaken has allowed the applicant to prepare a reasonably advanced and detailed design and access statement. The supporting documents required as part of the Environmental Impact Assessment have also assisted with this and have been important in helping to develop this document.
- 10.22 The site's former opencast use and general siting means it is subject to a number of different physical constraints which have contributed to the shaping of the layout. A constraints plan has been prepared and indicates the areas of the site that cannot be used for housing or other forms of built development. 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 the position of electricity pylons/power lines are the most significant factors along with environmental and ecological considerations.
- 10.23 The above factors and the more general requirement to ensure the scheme is as pedestrian and cycle friendly as possible, has informed the basic positioning of the new local centre, food store, school and housing areas. The general need to ensure the site's supporting services (which are required to make a sustainable community) can be delivered relatively early on is also an important consideration.
- 10.24 The basic geography of the site means a large central corridor is not suitable for development as this is where Colton Beck runs. The land to either side of the beck is also identified as being at risk from flooding so the site is effectively split into two. In responding to this challenge, a series of links are identified to bridge over this corridor to gain both access and to provide a positive focal point through the centre of the site, which itself can then be designed to have significant environmental and amenity benefits.
- 10.25 The local centre is shown to be positioned off the main site access and adjacent to where the central spine roads running north to south and east to west intersect. This basic design approach is considered to be well reasoned and links into the proposed siting for the school which has a considerable land take in its own right and should also be positioned adjacent to the main spine roads where transport options (including footpath and cycle routes) converge. The ability to deliver these services in the first phases and avoid the need for commercial vehicles and school pickup/drop off activities occurring well within the site can also be avoided – potentially to the benefit of pedestrian and cycling opportunities elsewhere within the site.
- 10.26 In terms of the remainder of the site, a series of residential areas are shown to radiate out from the local centre, connected by a hierarchy of access routes and interspersed with areas of greenspace. The residential areas are also identified to be sufficiently large so as to allow perimeter blocks to be provided where houses actively front the streets and gardens back onto gardens, thereby following 'secure by design'

principles. This basic design approach is also shown to be repeated within the emerging housing allocation which is currently in the green belt and not subject to this planning application.

- 10.27 With respect to matters of scale and massing and a wider impact on views, the residential nature of the development is such that large format buildings are not proposed and the housing mix suggests a good proportion of units are likely to be detached and semi-detached properties. Building heights are also not anticipated to be over 3 storeys which after accounting for the changing levels at the site means the wider visual impact will be relatively modest. Building heights for the local centre buildings and school are also likely to fall within the same general parameters and would also be positioned on a lower part of the site.
- 10.28 In concluding on the visual amenity considerations, although the application has been submitted in outline form, the submitted design and access statement is considered to provide sufficient detail to assess the likely visual impact of the development. Notwithstanding this, to ensure the basic principles which have been progressed to date are taken forward as part of any reserved matters application a design code is also recommended. A design code (to be secured by condition) also has the added benefit of ensuring a degree of design consistency and approach is achieved in the event multiple housebuilders are involved. It will also avoid Members concerns about creating a 'beige alley'.

4. Heritage implications (including impact on Heritage assess, archaeology)

- 10.29 As indicated in the visual amenity section above, the proposed development will have some impact on the wider area which is noted to include a number of designated heritage assets, namely Temple Newsam House (Grade I), Temple Newsam Park (Grade II Registered Park) and other listed structures within the park itself, Leventhorpe Hall (Grade II*) and also Newsam Green Farm and Lawn Farm House (both Grade II). This being the case, in determining the planning application it is necessary to have special regard to the desirability of preserving the buildings or their settings or any features of special architectural or historic interest they possess in accordance with the statutory duty in section 66(1) of the Listed Buildings etc. Act 1990. It is also necessary to consider the guidance in the NPPF on conserving and enhancing the historic environment and the relevant sections are included below for completeness.
- 10.30 Paragraph 131 states:-
"In determining planning applications, local planning authorities should take account of:
• *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
• *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
• *the desirability of new development making a positive contribution to local character and distinctiveness."*
- 10.31 Paragraph 132 goes on to state:-
" When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing

justification....”.

10.32 With paragraph 134 concluding:-

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

10.33 In this case, as indicated by Historic England, less than substantial harm to the designated heritage assets will result from the proposals. The officer view is that the level of impact on the character and visual amenity of the heritage assets would be low. In the circumstances it is considered that any harm is outweighed by the significant public benefits associated with the proposals, which will provide much needed housing and employment opportunities in addition to regenerating a former colliery site.

10.34 With respect to the comments made by the Yorkshire Gardens Trust, the scheme's impact on the specified heritage assets is considered to have been adequately assessed within the submitted Environmental Statement and accordingly officers are satisfied with the level of supporting information provided. Historic England have also raised no concerns regarding the quality of the assessment undertaken.

5. Residential amenity considerations

10.35 The introduction of housing on the Skelton Gate site requires careful consideration and indeed the submitted Environmental Statement recognises that some of the surrounding uses have the potential to cause issues if not properly considered. The motorway is clearly one such use as the noise associated with its use will require mitigation depending on how the detailed layout develops. For example, the orientation and position of houses relative to the motorway may require the introduction of an acoustic barrier at the boundary, higher spec windows/ventilation or a combination of both. A condition to require a detailed assessment of the site specific requirements is therefore recommended at the reserved matters stage. Linking into this, air quality considerations may also be relevant and the absence of an objection from the Council's Air Quality Management Team does not completely rule out the requirement for intervention e.g. the positioning of air intakes for any mechanical ventilation system should it be required. Accordingly a condition picking up on this theme is also recommended.

10.36 With respect to other land uses, no substantive concerns have been raised regarding the presence of the Knostrop Treatment Works and this site is also subject to control by Environment Agency licensing. As such, the existing situation is considered to be a reasonable base line on which to base an assessment. The MSA development is also not considered to raise any serious concerns in terms of noise as the access arrangements between the two sites are relatively generous and any sound insulation measures required in connection with the motorway traffic are likely to address this relationship also.

10.37 The other main use which has potential to cause amenity issues is the landfill site operated by Biffa and situated directly to the east of the application site. Biffa is also subject to control by the Environment Agency but has objected to creating a new community at the site raising concerns regarding noise, smell and pollution.

10.38 In considering this objection and also comments from the Council's Environmental Health officers which highlight the potential for conflict, it is important to recognise the landfill site is by its very nature time limited. The use was due to stop earlier this year

but has recently secured a 2 year extension of operations (under reference 16/00065/FU and 16/00073/FU) which now finishes in April 2018. After which time a 5 year programme of land reforming and restoration starts so as to provide an attractive, green landscaped area.

- 10.39 The Biffa objection makes 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 the landfill remains safe over the following years as gas is emitted by its contents. Biffa also point out the gas extraction equipment is fixed and positioned close to the Skelton Gate boundary. It does however acknowledge the 6 engines which currently deal with gas extraction will reduce after 2021 and accordingly a phased approach to development is suggested in recognition noise levels will also reduce.
- 10.40 The response to the above circumstances is relatively straight forward and comprises of a responsive approach to phasing and siting of dwellings to ensure that residents living conditions are acceptable. The early phases will therefore be focused towards the main site entrance and as appropriate noise mitigation measures will be introduced within the detailed design of individual dwellings. Conditions to address noise mitigation measures and phasing are therefore proposed.

6. Ecological implications

- 10.41 As already stated, the application is submitted in outline with all other matters except for the means of access still reserved. Notwithstanding this, the potential environmental impacts which flow from the development do require detailed consideration.
- 10.42 The submission includes an ecological appraisal of the site as part of the Environmental Statement. This document identifies all habitats on the site and the major ones in the surrounding area. The Skelton Gate site is positioned in a regionally important area for biodiversity being in the vicinity of the Wyke Beck, the River Aire, and 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.
- 10.43 The development of the site to create a new community would result in the permanent loss of existing naturalised former coal mining land and it is the case that there will be some off-site long-term adverse impacts resulting from increased pressures on other nearby sites in the Lower Aire Valley as a result of the new residential population. It is also acknowledged that the construction phases of the scheme will have the potential to increase disturbance to existing biodiversity features (including nesting and over-wintering birds) although through careful management these impacts can be appropriately mitigated.
- 10.44 Mitigation can take a variety of forms including retention of key landscape features and new planting of hedgerows, trees and shrubs. Other forms of habitat creation are also identified and include the stacking of cut logs to create habitat piles for small mammals, reptiles and invertebrates, the promotion of open-water sustainable drainage methods, and simple measures such as no site clearance during the bird breeding season. The provision of nest boxes for birds, bat boxes, and the careful siting of lighting and even boundary treatments adjacent to water bodies can also be designed to have a positive impact on biodiversity and habitat creation.

- 10.45 In addition to the above physical measures, mitigation also needs to include positive habitat management, and measures to monitor and raise awareness of the biodiversity value of the site to the new residents. Education is also an integral component of emerging site policy SG4.
- 10.46 In recognition of the above, there are two main areas which are considered of be of high ecological value where special regard needs to be had. The first is Colton Beck and the second is Skelton Lake itself.
- 10.47 With respect to Colton Beck, this runs through the middle of the site and will require a managed approach due to its future setting within the new community and the ensuing need to address flood risk. These considerations will need to be balanced against nature conservation objectives in and adjacent to this watercourse. Three new road crossings are proposed over Colton Beck and these will need to be designed sensitively to allow an open natural water channel to continue to flow underneath. The need for this area to be multi-functional is however accepted and this area will therefore be subject to an appropriate management regime which will also allow good public access.
- 10.48 In terms of Skelton Lake, this area is considered to be of significant importance for birds (as confirmed by Swillington Ings Bird Group) and it is a long held aspiration of the Council for it to become a formal nature reserve to be managed by the RSBP in connection with its other sites at Fairburn Ings and now St Aidans. It was for this reason the Council secured control of the remainder of the lake from the previous owner UK Coal and has been liaising direct with the RSBP following the receipt of this planning application. The applicant's part of the lake effectively brings the missing part of the jigsaw to the table and will allow for a comprehensive management of the entire area to be developed for the benefit of all. Agreement is being sought to a commuted sum, of an amount to be agreed, for management of the area by the RSPB. Therefore, it is considered that the proposal will not have significant detrimental ecological impacts provided that suitable management and mitigation measures are adopted.
- 10.42 As part of the above requirements, public access will be required. The applicant intends to respect existing Public Rights of Way which cross the site and ultimately agreement will be required for any proposed changes. The proposals as submitted indicate links to existing footways, bridleways and cycle routes, areas of greenspace are to be incorporated into the scheme and accordingly no objection is raised at this stage.

7. Education and provision for children

- 10.43 The emerging policy which identifies the Skelton Gate site as a housing site also indicates that school provision should be provided on-site. Children's Services have also advised that ideally both primary and secondary school provision should be provided from the first day of the occupation. The main reason for this is because 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 respect to secondary school provision, although pupils are often willing to travel longer distances for such provision ultimately a 4 form entry secondary school will be required at the site - based on estimated demand generated by the site itself and the need for additional provision in the wider area. A 4 form secondary school is understood to be the smallest viable size although the primary and secondary provision could come forward as a through school.

10.44 In seeking to respond to the above, the applicant has advised that there needs to be a critical mass on site before a school could realistically come forward. This is estimated to be in the region of 300 dwellings as this is likely to provide sufficient children to make running a school practical. The 300 unit trigger will also help ease cash flow concerns as the S106 contribution for the primary school is significant at £3,269, 554. The land for a through school will be given to the Council for a cost of £1 and be retained for this use for a minimum period of 10 years. Travel arrangements for children living within the new community to off-site schools before on site provision can be implemented will be provided by the applicant and in accordance with the CIL 123 List the financial contribution for the secondary school element will come forward via CIL and not via a S106 contribution.

10.45 The above arrangements have been agreed with Children's Services and are also considered to provide sufficient flexibility to review the position due to the fast changing nature of providing for school places across the city.

8. Sustainability Measures

10.46 In accordance with Core Strategy policies EN1 and EN2 it is anticipated the proposed development will 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. The scheme therefore proposes the following sustainability measures:

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.
9. Electric vehicle charging points

10.47 In addition to the above, the site is identified as potentially benefitting from a future connection into the District Heating Network (DHN). 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, the viability of securing such a connection is not therefore clear but a condition is recommended to ensure this option is fully explored noting the development would be built out over a number of years.

9. Section 106 Legal Agreement

10.48 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.

- 10.49 The full details of the obligations are still being worked through but focus on delivering the following:
1. A contributions of £3,269,554.75 for the provision of a primary school
 2. The provision of land for the siting of the primary and secondary (through) school
 3. Agreement to provide or contribute financially to a schools bus service to take pupils off site before one site provision has been established.
 4. An affordable housing provision of 15% of the dwellings
 5. A 10 year shuttle bus contribution to fund service between the Templegate Park and Ride and the development site
 6. Provision of bus stop facilities within the site
 7. A Travel Plan monitoring and evaluation fee
 8. Sustainable Travel Fund (figure to be agreed)
 9. The employment and training initiatives for local people
 10. Defined publicly accessible areas (including future maintenance)
 11. Long term management strategy/contribution (to include warden facility at Skelton Lake) to secure biodiversity, habitat and educational improvements
 12. Funding to secure Traffic Regulation Order to address access and reduced speed limits along Pontefract Lane
 13. Provision of an area not less than 0.33 hectares for the development of a local centre in the location identified in the D&A. The centre to make provision for space to facilitate a range of services including retail, health and community uses.
- 10.50 With respect to employment and training initiatives, although the submission is an outline application estimates have been made with regard to employment and training opportunities. In respect of construction jobs there are likely to be up to 225 full time construction jobs created from the development. In terms of operational development, it is estimated that a total of 140 full time equivalent jobs could be provided in the local centre and foodstore. This can be further considered as follows:
- For the foodstore a potential 94 jobs
For the local centre (A1 – A5 uses) a potential of 35 jobs
For the Class D1 use a potential 11 jobs
- 10.51 In addition, for the through school it is estimated that there could be a potential for 100 jobs to be created. With regard to apprenticeships, the applicant has stated that they will be happy to work with their contractors and Employment Leeds to agree how and in what numbers apprenticeships will be provided. Commitments to the promotion of employment and training opportunities for local people during construction works as well the operation of the commercial uses and through school will be secured through the development's associated Section 106. 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.
- 10.52 The above 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.
- 10.53 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.

10.54 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. Other matters (including flood risk, drainage, programme for development, contamination and coal mining legacy)

10.55 In terms of flood risk, the central area of the site adjacent to Colton Beck lies within Flood Zones 2 and 3 and no development is proposed within these areas. Retaining features may also be needed to define these boundaries and the extent of the areas which are effectively given over to flooding. In addition to the above, a series of on-site balancing features will be required to ensure surface water discharge rates are adequately controlled to meet both Environment Agency and Flood Risk Management requirements.

10.56 The application is accompanied by 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 further investigations are needed. Contamination officers are content for this additional work to be secured through appropriately worded planning conditions.

10.57 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.

10.58 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.

10.59 Due to the scale of the proposed development the scheme needs to have a phased implementation period of approximately 9 years. The applicant has advised that whilst a phasing schedule is laid out in the submitted Environmental Statement, this will be adjusted to ensure that the necessary infrastructure comes forward to support the housing and create a meaningful community. A condition securing this is therefore advanced.

11. Equality

10.60 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.

10.61 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.

- 10.62 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.
- 10.63 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.

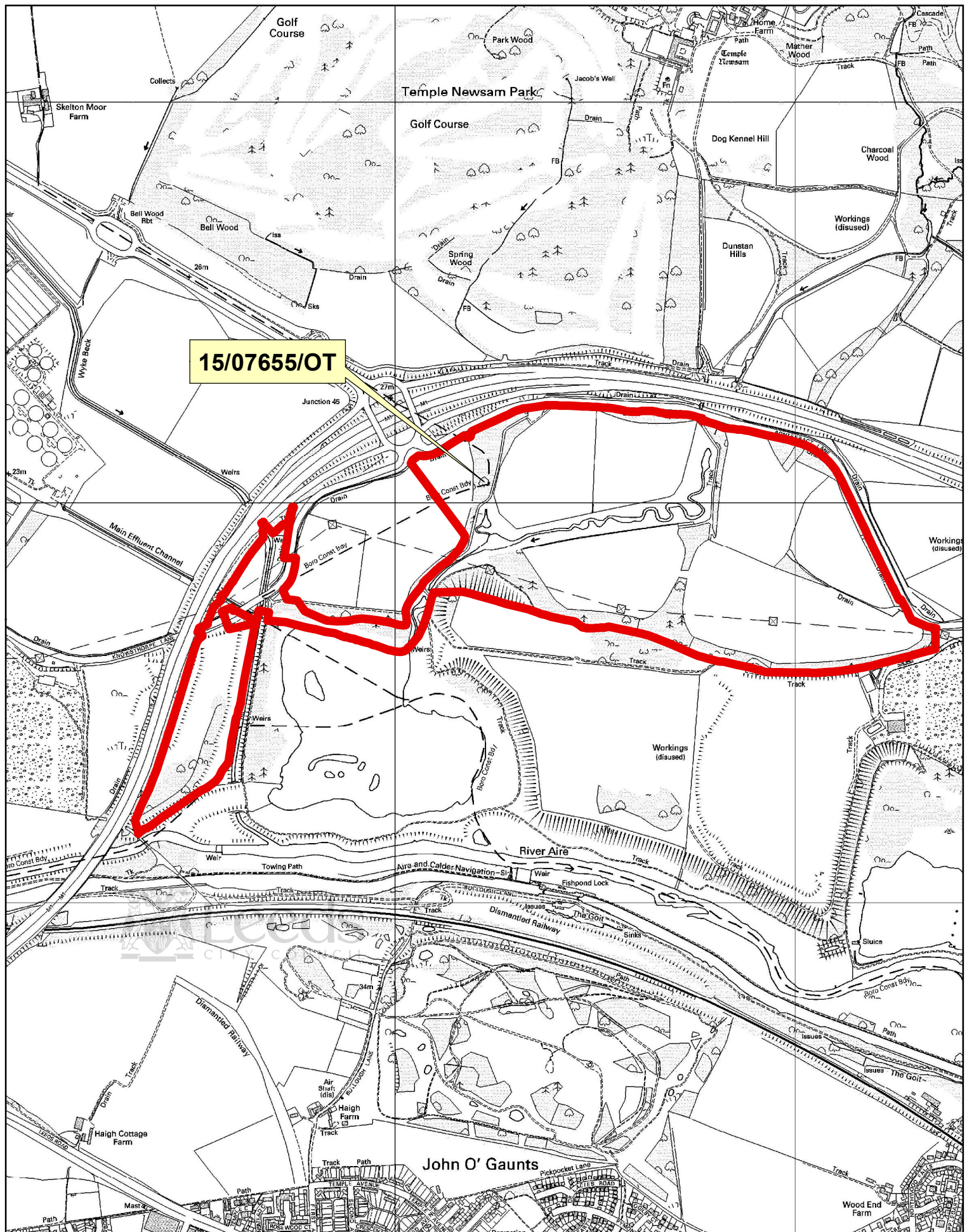
11.0 CONCLUSION

- 11.1 In conclusion it is considered that 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 proposal would be of significant benefit to the wider area, creating much needed housing and employment opportunities as well as regenerating a former colliery site. The proposals also fully align with emerging policy as part of the AVLAAP which now allocates the site for housing.
- 11.12 The Skelton Gate site is positioned in an important strategic location adjacent to a key eastern route and gateway into the city. The detailed housing and access requirements for the site have been resolved and schooling provision for future residents is secured. The impact on heritage assets is also considered to be acceptable and a number of ecological benefits can also be delivered for the wider Skelton Lake site as a result of this development coming forward.
- 11.13 The scheme would add to the emerging economic development for this part of Leeds to the benefit of the local and city wide economy. Therefore, the proposed development to create a new community is recommended for approval and is considered to represent an acceptable departure from the saved elements of the adopted Unitary Development Plan (Review 2006) that requires referral to the Secretary of State as a departure from the Development Plan before permission can formally issued.

Background Papers:

PREAPP/15/00745

Application documents for 15/07655/OT



CITY PLANS PANEL

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

SCALE : 1/12000



Site Boundary - 70.88Ha



Project
**AIRE VALLEY,
LEEDS**
Drawing Title

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	F



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