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Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 18th May 2017

Subject: Application 16/07938/OT: Variation of conditions 4, 23, 24, 25, 26, 27 and 28 of permission 15/06583/OT relating to the retail floorspace mix and associated matters at land between Barrowby Lane and Manston Lane, Thorpe Park, Leeds, LS15 8ZB

APPLICANT DATE VALID TARGET DATE

Thorpe Park Developments Ltd 18.01.17 16.06.17

(Agreed extension)

| Electoral Wards Affected: | | |
|---|--|--|
| Crossgates and Whinmoor, Garforth and Swillington, Temple Newsam and City | | |
| Yes Ward Members consulted (Referred to in report) | | |

| Specific Implications For: | | |
|----------------------------|--|--|
| Equality and Diversity | | |
| Community Cohesion | | |
| Narrowing the Gap | | |

RECOMMENDATION:

Approve in principle and refer to the Secretary of State for the Department of Communities and Local Government as a Departure from the Statutory Development Plan and for consultation under the Town and Country Planning (Consultation) (England) Direction 2009, and delegate approval to the Chief Planning Officer subject to the suggested conditions (and others which he might consider appropriate) and the completion of a deed of variation to the existing Section 106 Agreement so its obligations apply equally to this varied permission (see Appendix 1) should the Secretary of State decide not to call the application in for determination.

1.0 **INTRODUCTION**

1.1 This report is presented to City Plans Panel due to the fact that the application seeks alterations to a scheme that proposes a significant amount of development including town centre uses at Thorpe Park and which also has strategic implications for East Leeds, in terms of its relationship with, and delivery of, the Manston Lane Link Road (MLLR) and a new public park known as Green Park. The proposal is therefore a departure application (so requires referral to the Secretary of State) but follows consideration of the most recent outline application at Thorpe Park which allowed for the inclusion of a cinema into the mix of permitted uses. It also interlinks with the

reserved matters approval for the detailed appearance, scale, layout and landscaping for the retail and leisure elements which Members supported in December 2016.

- 1.2 In 1995 planning permission was granted for approximately 65 hectares of land known as Thorpe Park as a key business park reserved for B1 offices in the Unitary Development Plan. In 2004 the quantum of approved floor space was subsequently increased from 1.2million ft² (111,500m²) to 1.8m ft² (167,225m²) through a variation of the condition controlling the floorspace restrictions. Over of 600,000 ft² (55,740m²) of office accommodation has been built out in addition to a hotel, medical centre, and some small supporting food uses. The development is also ultimately intended to facilitate various access and infrastructure works, most significantly including the delivery of the Manston Lane Link Road (MLLR) and Green Park.
- 1.3 In September 2013 City Plans Panel considered detailed proposals for the MLLR and an outline application relating to the balance of land at Thorpe Park, proposing a mixed use development which, significantly, included a large proportion of retail (18,000 sq.m (9000m food and 9000m non-food retailing)), with a consequent reduction in the amount of B1 floorspace. The Panel resolved to approve these applications and the decision notice relating to the outline was formally issued in March 2014, following completion of a S106 agreement. Approval of the new outline application was an important step in developing a new masterplan for Thorpe Park which would better reflect the type of business space and other amenities required by occupiers and employers. The broader mix of uses was also intended to help secure the earlier delivery of the MLLR, with the retail component being accepted in part as enabling development to facilitate this.
- 1.4 In January 2015 Members considered and approved an outline proposal for the introduction of up to 300 residential units on land north of the proposed Central Park, and further consequential variations to the approved floorspace of the overall development to reflect the introduction of the housing element (reduction in office space). In July 2015 Member considered and approved a shift in the balance between food and non-food retail [towards more non-food retail] within the approved total quantum of 18,000 sqm of retail floorspace, following structural changes in the foodstore market. In December 2015 Members approved a Section 73 variation of condition to allow for the introduction of a cinema use and the alteration of the primary vehicular circulation route around the site. The last Thorpe Park application the Panel considered was in December 2016 where Members resolved to approve the reserved matters detail for the appearance, scale layout and landscaping for the retail and leisure elements.

2.0 PROPOSAL:

- 2.1 The application seeks to vary the retail conditions of the most recent outline permission (the 'cinema permission' ref: 15/02217/OT) to respond positively to occupier interest and requirements. In particular, the ability to attract Marks and Spencer's (M&S) to Thorpe Park from its current location in Cross Gates is a key requirement in terms of securing other retailers to the site and at present Condition 26 of the cinema permission currently prevents this from happening, as it seeks to ensure that retailers, who have occupied units over 500 sq.m Gross External Area (GEA) in Cross Gates, Garforth or Rothwell Town Centres, within the preceding six months, do not occupy floorspace within the Thorpe Park development.
- 2.2 This application also seeks an increase in the retail GEA within the approved layout from 18,000 sqm to 21,499 sqm. At the time of earlier outline proposals assessments and assumptions had to be made about anticipated retail occupiers. Occupiers are

now much clearer as tenancy agreements with occupiers are signed, and as occupiers sign agreements their front and back of house floorspace requirements are also becoming clearer. This has led the applicant to seek to an increase in the GEA, which largely relates to back of house operations, such as storage. The application also proposes a modest increase in net sales floorspace from 12,800 sqm to 13,099 sqm (an increase of 299 sqm). Net sales area is the size of the front of house operation i.e. the shop itself. It is the net floorspace figure that is used in calculating the retail impact of a scheme.

- 2.3 In order to achieve the above the application seeks to vary conditions 4, 23, 24, 25, 26, 27 & 28. The variations sought in detail are:
- 2.4 Condition 4: A change is sought to reflect an increased Gross External Area (GEA) for both the total combined retail floorspace and also the maximum floorspace figure for comparison retail floorspace.
- 2.5 Condition 23: This condition also refers to GEA maximum floorspace. A consequential amendment is sought to reflect the revised GEA and net sales area applied for under the variation of Condition 4. Condition 23 also imposes a minimum floorspace (500 sqm GEA), which it is proposed to amend by a modest amount (downwards to 480 sqm).
- 2.6 Condition 24: This condition also prevents any retail unit below 500 sqm. GEA from selling particular items, and a variation to this condition is required to be consistent with Condition 23 as varied.
- 2.7 Condition 25: This condition sets out thresholds for individual small units and the cumulative scale of smaller units, and a minor modification is also sought here to be consistent with the above and to allow for the retail mix of smaller units now envisaged.
- 2.8 Condition 26: This condition covers the exclusion of retailers who have currently or within the last 6 months recently traded at specific local centres. This condition is applied for to be amended in order to allow M&S Simply Food to continue to trade in East Leeds but at Thorpe Park only.
- 2.9 Condition 28: This condition restricts the sale of convenience retail goods from any units over 100 sqm GEA. The applicant advises that it is anticipated that a number of comparison retailers may want the option to sell a small proportion of ancillary convenience retail goods, and therefore an amendment to Condition 28 is sought to enable up to 10% of the retail floorspace of units over 105 sqm GEA for the sale of ancillary convenience retail goods.
- 2.10 The outline application(s) was accompanied by the following documents:
 - Planning Statement
 - Environmental Statement Addendum
 - Revised Masterplan
 - Indicative Sections
 - Parameters Plans
 - Flood Risk Assessment
 - Design & Access Statement including Residential Design Code
 - Residential Development Flood Risk and Drainage Design Note
 - Travel Plan
 - Coal Mining Assessment

- Draft Noise Assessment
- Draft S106 heads of terms
- 2.11 This application is accompanied by the following documents:
 - Revised Retail Impact Assessment
 - Updated Sequential Test
 - Updated Viability Information
 - Updated Town Centre Health Check
 - Parking Accumulation Technical Note

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located to the south of the Leeds-York railway line and Manston Lane, west of the M1 (junction 46), north of A63 Selby Road and existing Thorpe Park buildings. Austhorpe Lane is to the west. The proposed building is adjacent to the tree belt that separates Thorpe Park from Green Park. The proposal under consideration relates to the northern half of the employment allocation that totalled 63 hectares.
- 3.2 In terms of the wider area, Cross Gates centre is located to the west, Garforth to the east and Colton Retail Park is located across the A63 to the south. A number of residential properties are located between the northern side of the A63 and the built component of Thorpe Park (namely Barrowby Lane, Road, Drive, Avenue etc and Austhorpe Lane, Avenue, Drive etc). In addition to existing development, the East Leeds Extension housing allocation (UDPR policy H3-3A.33) is located across the railway line to the north.
- 3.3 Thorpe Park is allocated as employment land and a 'key business park' under saved policies of the 2006 Unitary Development Plan (Review) (UDPR). It forms a key part of the Council's employment land supply and provides an attractive regionally significant business park. The land to the west is allocated as Proposed Open Space (which will ultimately become Green Park). The UDPR designates a new cycle route running north-south through Thorpe Park and a scheduled ancient monument, Grims Ditch, is located to the immediate west of Thorpe Park and falls within the land identified as Green Park

4.0 RELEVANT PLANNING HISTORY:

- 4.1 17/02583/COND Consent, agreement or approval required by conditions 11, 13, 15, 16, 31, 34 35, 36, 43, 44 and 46 of Planning Application 15/06583/OT. Under consideration.
- 4.2 16/07185/COND Consent, agreement or approval required by conditions 11, 13, 15, 16, 31, 31a, 40, 43, 45, 46b, 46d, and 53 of Planning Application 15/06583/OT. Under consideration.
- 4.3 16/2381/RM Reserved Matters application for the detail of the appearance, scale, layout and landscaping for the retail and leisure elements Granted 06.04.17
- 4.4 16/03772/COND Consent, agreement or approval required by condition 10 of Planning Application 14/01216/FU (Manston Lane Link Road North South Section) – Under consideration.
- 4.5 16/03760/COND Consent, agreement or approval required by condition 39 of Planning Application 15/06583/OT Under consideration

- 4.6 15/06583/OT Variation of conditions of approval 15/02217/OT to allow a cinema use and submission of amended parameter plans Granted 26.02.16.
- 4.7 15/02217/OT Variation of conditions of Outline Planning Permission 14/05483/FU to introduce greater flexibility to allow the 9,000 sq.m of gross retail floorspace within the approved foodstore unit to be reconfigured to provide up to 2,000 sq.m of gross convenience goods floorspace and 7,000 sq.m gross for non-food operators (including resultant changes to the total permitted net sales floorspace) Granted 06.11.16.
- 4.8 14/05483/FU Consequential variation of condition of 12/03886/OT to reflect the introduction of residential development under 14/05481/OT. Granted 02/04/15.
- 4.9 14/05481/OT Outline application for residential development (maximum 300 units) together with other uses and revised landscaping. Granted 02/04/15.
- 4.10 14/01216/FU Detailed application for the Manston Lane Link Road (North South Route).
- 4.11 12/03888/FU Detailed Application for the Manston Lane Link Road (East West Route). Detailed Application for the Manston Lane Link Road (East West Route)
- 4.12 12/03886/OT Outline Planning Application for mixed use development comprising offices (business park) (B1A), (B) and (C), retail and bar/restaurant (A1, A2, A3, A4 and A5), hotel (C1), leisure facilities (D1, D2), multi-storey car park, together with internal roads, car parking, landscaping and drainage Granted 20/03/14.
- 4.13 32/140/96/FU Variation to outline condition to extend the total permitted floorspace within the development Granted 31/03/04.
- 4.14 32/356/01/RM Laying out of new access and roundabout diverting footpaths and bridleway and construction of cycleway/footpath (option 2) Granted 22/01/02.
- 4.15 32/185/00/FU Re-profiling to proposed business park Granted 27/04/01.
- 4.16 32/199/94/OT Outline permission Thorpe Park Granted 04/10/95.
- 4.17 Under 14/05483/FU above are conditions and a Section 106 agreement which, amongst other general planning policy related requirements for contributions and travel plan monitoring, covenant the applicant to provide Green Park (via a series of trigger points) and the Manston Lane Link Road (which is triggered following occupation of any retail development (i.e. non-B1 office space) or 37,000m2 or B1 office space).

5.0 HISTORY OF NEGOTIATIONS:

5.1 Prior to the formal submission of the application a number of meetings/briefings have taken place with representatives from Thorpe Park, officers and Members from a number of East Leeds Wards. The purpose of these sessions was largely for Thorpe Park to explain current progress with the scheme and also the need to revisit some of the details associated with the existing permission, so as to respond to occupier requirements and ensure that overall the development and associated infrastructure remains deliverable.

5.2 Following formal submission of the application, meetings have been held between officers and the applicant to discuss the parking needs of the varied proposal and the need to provide further information relating to retail assessment, the outcome of which is reported below.

6 PUBLIC/LOCAL RESPONSE:

6.1 Site notices were displayed throughout the business park, wider area, and on adjoining residential streets dated 03rd February 2016. The application was advertised in the press on the same date. In response no letters of objection or representation have been received.

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

Highways England: Highways England offers no objection.

<u>Health and Safety Executive:</u> The Health and Safety Executive do not advise, on safety, grounds against the granting of planning permission in this case.

<u>Coal Authority:</u> None of the planning conditions relate to issues of coal mining legacy and therefore the Coal Authority has no comments to make.

7.2 Non-statutory:

LCC Transport Development Services: Summary: Regarding car parking provision, the methodology the applicant has used [in relation to typical peak parking demand] on which they base parking numbers is not accepted, however, whilst parts of the technical information are not agreed with, additional information supplied in relation to the ratio of retail floor area to gross floor area has potentially reduced the overspill parking demand needed at the site. This, together with car parking management conditions, and the future provision of additional car parking (either the multi-storey car-park or a temporary site), will need to be considered in the planning balance. The developer is proposing 911 car parking spaces. Highways remain of the view that operational capacity issues and fluctuations in the demand as a result of the significant comings and goings justify the safeguarding of an area of land to be provided, in the event that it is needed, to protect the operation of the strategic highway network. Should it transpire that the safeguarded land is not needed following a suitable period, the land would become developable for other purposes.

Regarding traffic impact the application must also cap the A1 convenience to 4,000sqm GFA as previously advised on the grounds of traffic impact.

8 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

Local Planning Policy

8.2 The Core Strategy is the development plan for the whole of the Leeds District. Some saved policies of the UDP Review also apply. The following policies within them are relevant:

Spatial Policy 1 Location of Development

Spatial Policy 2 Hierarchy of centres and spatial approach to retailing, offices,

intensive leisure and culture

Spatial Policy 9 Provision for offices, industry and warehouse employment land and

premises

Policy EC1 General employment land

Policy EC2 Office development Policy EN1 Sustainability targets

Policy EN2 Sustainable design and construction

Policy EN4 District heating
Policy EN5 Managing flood risk

Policy G8 Protection of important species and habitats

Policy G9 Biodiversity improvements Policy T1 Transport management

Policy T2 Accessibility requirements and new development

Policy P8 Sequential and impact assessments for town centre uses

Policy P10 Design

Policy P11 Heritage considerations

Policy P12 Landscape

Policy ID2 Planning obligations and developer contributions

<u>Saved Policies of Leeds Unitary Development Plan Review (UDPR):</u>

8.3 Policy BD5 Design considerations for new build Policy E4 (6) Austhorpe Business Park allocation

Policy GP1 Land use and the proposals map Policy GP5 General planning considerations

Policy N24 Transition between development and the Green Belt

Policy N23/25 Landscape design and site boundaries

Policy LD1 Landscape schemes

Relevant Supplementary Planning Guidance:

8.4 SPG10 Sustainable Development Design Guide (adopted)

SPG22 Sustainable Urban Drainage (adopted)

SPD Street Design Guide (adopted)

SPD Designing for Community Safety (adopted)

SPD Sustainable Design and Construction (adopted)

SPD Travel Plans (adopted)

SPD Public Transport Improvements and Developer Contributions (adopted).

Natural Resources and Waste Local Plan (adopted):

8.5 AIR 1 Management of air quality through development

WATER 1 Water efficiency

WATER 7 Seeks to ensure no increase in the rate of surface water run-off

and the incorporation of sustainable drainage techniques.

National planning policy guidance:

- 8.6 The National Planning Policy Framework was published on 27th March 2012 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. In this case the following sections are relevant:
- 8.7 Achieving sustainable development
 - Section 1 Building a strong, competitive economy
 - Section 2 Ensuring the vitality of town centres
 - Section 4 Promoting sustainable transport
 - Section 7 Requiring good design
 - Section 8 Promoting healthy communities
 - Section 10 Meeting the challenge of climate change, flooding and coastal change
 - Section 11 Conserving and enhancing the natural environment

Decision-taking

Section 12 Conserving and enhancing the historic environment

Annex 1 Implementation

9.0 MAIN ISSUES:

- Principle of the Development
- Sequential Test
- Impact Assessment
- Highways and parking
- Other matters
- CIL

10.0 APPRAISAL:

Principle of Development

- 10.1 The long term ambition of the Core Strategy (and the UDPR before this) is to maintain and strengthen Leeds' position as the economic hub at the heart of the City Region and to provide new jobs and appropriate locations which meet the needs of future employers. The focus of this approach is to continue the growth of a strong, diverse and successful urban and rural economy, with skilled people and competitive businesses which are sustainable, innovative, creative and entrepreneurial, and which support the delivery of the Council's Growth Strategy. Thorpe Park has an important role to play in achieving this growth, particularly in East Leeds and accordingly it is important to ensure future development proposals can be delivered in a timely manner, to ensure the strategic infrastructure which accompanies the wider proposals is also secured.
- 10.2 To help realise the above, a retail element and leisure uses, including a cinema, has already been considered and approved, and planning permission for up to 18,000sq.m of retail uses remains extant under existing permissions. The uses applied for have been previously held to meet sequential test and retail impact assessment requirements, and the principle of retail and leisure uses at Thorpe Park is thereby well established and acceptable in principle. This application proposes the same basic mix of uses, but seeks to revisit some of the quanta and restrictions associated with the earlier permissions, now that occupier requirements are better known. For this reason it is necessary to revisit the previous assessments.

Sequential Test

- 10.3 The NPPF states at paragraph 24 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 are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale." Core Strategy policy P8 enshrines this test in the Local Plan.
- 10.4 Based on the same parameters as previous applications for the wider Thorpe Park development, an assessment has been carried out which is considered to be Core Strategy and NPPF policy compliant. The assessment covered a range of 45 sites across a wide catchment, including sites within and around Leeds, Wakefield, Castleford and Tadcaster. Whilst the initial assessment demonstrated that those sites were not suitable, available and viable for the application proposal, further work was requested to cover the Victoria Gate Phase 2 site to the north of Eastgate in Leeds City Centre. This work has now been undertaken and it is accepted that there are no sequentially preferable sites that are available, suitable and viable to accommodate the application proposal, and therefore the sequential test has been passed. As such, the key considerations flowing from the proposed changes sought are, principally, those relating to the retail impact on existing centres and the implications for parking demand, which are considered in detail below.

Retail Impact Assessment

- 10.5 The NPPF states at paragraph 26 that: "When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of: * the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal * the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made." Paragraph 27 goes on to state that "Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused."
- 10.6 Table 5.1 from the retail statement sets out a breakdown of the anticipated turnover of the approved and revised schemes. As can be seen in the table, comparison turnover has reduced significantly. This is as a result of previous 'worst-case' estimates on sales density and gross-to-net ratios being far higher than the reality of these figures now that the operators are known.

Table 5.1: Revised comparison retail turnover

| | Estimated Convenience Turnover £m (2017) | Estimated Comparison Turnover £m (2017) |
|--------------------------------------|--|---|
| Approved Scheme (15/06583/OT) | 11.0 | 80.9 |
| Revised Scheme | 11.2 | 59.3 |
| Change in Turnover (£m) | +0.2 (+1.8%) | -21.6 (-26.7%) |
| Total scheme turnover (approved) | 91.9 | |
| Total scheme turnover (revised) | 70.5 | |
| Change in total scheme turnover (£m) | -21.4 (-23.3%) | |

Cross Gates, Garforth and Rothwell:

10.7 Having passed the sequential test (as covered in para 10.4), in relation to impact assessment, the approved development has previously been considered to be unlikely to have any significant adverse impact on centre investment, or city and town centre vitality and viability. The submitted Retail Statement considers that the nearby centres of Cross Gates, Garforth and Rothwell will only see minor impacts as a result of the proposed amendments to the existing consent. There is a very small increase in convenience turnover which has a very minor impact on the above centres (as shown in table 5.3 below). With regards to comparison goods, as a result of the reduction in comparison turnover the impacts of revised scheme are lower than that already consented. Trade diversions are as follows: Garforth £0.1m (previously £0.3m), Rothwell £0.6m (previously £1.2m) and Cross Gates £2.7m (previously £3.9m). The revised impacts are therefore, as follows:

Table 5.3: Amended Solus Convenience Impact

| Centre | Solus Convenience Impact (2017) |
|-------------------------|------------------------------------|
| Garforth Town Centre | 0% |
| Rothwell Town Centre | -2% |
| Cross Gates Town Centre | -1% |

Table 5.5: Amended Solus Comparison Impact

| Centre | Solus Comparison Impact (2017) |
|-------------------------|-----------------------------------|
| Garforth Town Centre | -4% |
| Rothwell Town Centre | -6% |
| Cross Gates Town Centre | -6% |

10.8 As such, the comparison impacts of the scheme are significantly lower than previously consented. In convenience terms the impacts represent a very minor increase amounting, at worst, to a 2% trade diversion. This is well within acceptable limits. Within this context - but also as standalone impacts – it is considered that this range of impacts would not result in a significant adverse impact in the terms put by the NPPF and the Local Plan

Cross Gates

- 10.9 Turning to Cross Gates, the most affected of the 'local' centres in the study area, the submitted evidence incorporates a retail survey of shoppers at the existing M&S store and an updated town centre Health Check of existing centres. The submitted survey suggests that the number of linked trips between M&S and the Cross Gates Centre are relatively small, and that there is not a strong link between M&S and the wider Town Centre of Cross Gates in terms of linked trips.
- 10.10 The Health Check within the submitted Retail Statement results indicates that Cross Gates is performing moderately well, and has improved in many respects since the closure of the Tesco store last year. Whilst it has a lower provision of convenience floorspace than is the average nationally, and a higher provision of comparison floorspace than is found nationally, this is not cause for concern as provision is still within acceptable levels. In terms of vacant units, vacancies are significantly below the national average and have fallen since 2015 from 7.23% of units to 6.13% (with 18.76% being the national average). In terms of overall floorspace 10.41% of floorspace was vacant in 2016, in line with the national average, whereas in 2016 that figure had reduced to 5.86%, well below the national average. It is noted that two vacant units are either under offer or undergoing renovation. The health check shows that the streetscape is of mixed quality with some pleasant areas, but that other areas would benefit from public realm investment, and in particular the dual carriageway has the negative effect of severing the town centre. The results from the health check indicate that the centre is in relatively good health and whilst local concerns do exist, the centre appears to be providing a vital local function.
- 10.11 The evidence submitted is compelling, that should the unit be re-let for a convenience store use(s) the impact of the application would not be significantly adverse. With regard to the Impact Assessment the applicant has not however assessed every scenario, namely whereby the existing M&S store remains vacant, or is re-occupied by a non-food retailer. The applicant instead has sought to reassure the Council that the most likely scenario is that the unit will be re-let for convenience use(s). Whilst officers are of the view that this is the most likely scenario, and the information submitted in this regard is compelling, this is largely out of the control of the applicant should an alternative policy-compliant town centre use come forward. That said and as the applicant highlights, whilst M&S Simply Food find that the existing site does not meet the M&S Foodhall market, this does not mean it is not desirable to other retailers, and as is discussed above Cross Gates Town Centre is performing well against the various indicators of town centre health. This does however make assisting the overall consideration of the impact somewhat difficult should the unit be occupied by an alternative use and thereby harder to judge, however, on balance one must consider the most likely scenario, given that the test in paragraph 27 of the NPPF is whether a scheme is 'likely' to have a significant adverse impact on centre investment, or town centre vitality and viability. As the most likely scenario is that the unit will be occupied for convenience uses since it also benefits from dedicated

parking, it is concluded that the proposals are unlikely to result in a significant adverse impact on Cross Gates.

Leeds City Centre:

- 10.12 Focussing on Leeds City Centre, earlier assessments did not present trade impact figures for Leeds City Centre on the basis that the comparison goods turnover of the city centre in previous assessment only showed turnover draw from the study area, whereas the actual total comparison retail turnover of the city centre would be a much higher figure than this. It was however previously estimated that the city centre would have a comparison goods turnover of approximately £750 million in 2017 which was considered to be a conservative estimate as it did not take account of the 92,000 sq.m. (gross) of retail floorspace that has been added in the city centre as a result of the opening of the Trinity Scheme or proposed Eastgate Scheme. The applicant also considers previous estimates of the city centre's comparison goods turnover was an underestimate because: the Leeds City and Local Centre Study ('LCTLCS') of 2011 estimated that the comparison goods turnover of the city centre was between £1,316 million and £1,632 million in 2010); Trinity Leeds is now fully trading and this may have added up to £379.5 million to the comparison goods turnover of the city centre, and; in 2013 CACI (which calculates the turnover of centres based on credit and debit card transactions), including the Trinity Leeds scheme, would stand at £1,931 million.
- 10.13 On this basis the applicant's revised estimate of the city centre's comparison goods turnover in 2017 is £1,500 million which is still likely to be a conservative estimate. It was previously estimated that 50 percent of the comparison retail turnover of the proposed development would be diverted from the city centre, resulting in a trade diversion of £24.9 million. Under the revised proposals the applicant has not specifically assessed the impact on the city centre. However, the previous estimate of trade diversion was principally as a result of comparison turnover. As this has fallen significantly as a result of the revised proposed, it is logical to assume that the impact on the city centre has fallen in a commensurate way. As such, officers are of the view that given the previous consent, the revisions will not have a significant adverse impact on the city centre. It is also notable no city centre occupiers or investors have objected to this revised application, whereas previously some did, when the original application to add retail and leisure uses was first considered in 2013/14.
- 10.14 In addition to the above, the revised proposals include the provision to allow up to 10% of the retail floorspace of units over 105 sq.m GEA for the sale of ancillary convenience retail goods and other more minor changes. These changes have been considered through the retail impact assessment and are shown not to have a significant adverse impact. An example where a potential occupier might want to take advantage of such a relaxation is TK Maxx which is clearly not known as a convenience retailer, but does sell a small proportion of goods which fall under this heading such as chocolates, balsamic vinegar and olive oils. From the above and having regard to the supplied retail statement and impact assessment therein, it is not considered that the application would be likely to result in impacts that are significantly adverse on centre investment, or town centre vitality and viability of the affected local centres, and the necessary impact assessment set out in the NPPF has therefore been passed.

Highways and Parking

10.15 As with previous planning applications, the primary access to serve the site is via the MLLR which has its own separate approvals. Relevant conditions and obligations for all revised Thorpe Park applications are in place to ensure that the MLLR is

- implemented at the appropriate quantum of development. For the purpose of this application, the MLLR would have to be available before any retail or leisure floorspace is first brought into use.
- 10.16 As recently approved under 16/2381/RM parking is consolidated along the western edge of the MLLR, to the east of the site and in front of the main retail terrace. The parking area is split into two areas, defined by a central access road. The approved layout provides for 911 spaces. The highway consultants for the applicant have supplied Parking Accumulation Technical Notes, which suggests that, in their view, the approved level of parking provision is sufficient to meet the needs of the proposed increase in floorspace sought under this current application. The applicant's highway consultants calculate that to cater for typical peak parking demand, 825 vehicle spaces is required.
- 10.17 In considering the issue of parking provision, highway officers continue to express concern that once fluctuations in peak demands associated with the various uses are factored in, as well as operational capacity issues that large car parks often tend to have, parking numbers are below what they would expect to see. As such, they are concerned vehicles may overspill from the site, and potentially start stacking onto the strategic highway network.
- 10.18 In considering this issue, whilst the applicant is still confident such problems will not transpire, to provide some reassurance, officers are proposing a condition that ensures not only a management strategy for the car park, but also a monitoring regime so that a more detailed assessment of any issues can be undertaken should they materialise. In the event that problems are found to occur, the applicant will then be obligated to introduce further measures to address the issue. Whilst at this stage it is not considered appropriate to predetermine what potential 'solutions' should be put in place, as they should respond to the particulars of any specific problem identified, possible solutions could include maximum stay restrictions, temporary surface parking, or simply the bringing forward of construction of the multi-storey car park or other alterative provision. The introduction of a parking monitoring and management condition is therefore considered to strike the right balance between these two differing assessments, noting that in this particular case a number of options are potentially available to address any future issues.

Other matters

- 10.19 The consented scheme delivers significant infrastructure benefits including the delivery of Green Park and MLLR, and is subject to a S106 agreement which covers all the requisite developer contributions and obligations which were required in policy terms. The existing agreement also includes a 'Local Centre Support Contribution' of £60,000 (£20,000 prior to first occupation, and then £20,000 on second and third anniversaries respectively of the first occupation). It is however important to note that this information is provided for Member's information only and is not material to the decision.
- 10.20 In considering the detailed appearance and layout of the scheme at reserved matters stage Members debated the need for Ultra Low Emission Vehicle (ULEV) charging points. Whilst Members were advised that it was always envisaged that low carbon and low emission technologies would be incorporated in the development's fabric and that ULEV charging points would be included under the approved sustainability statements and Travel Plans, no condition of the existing Thorpe Park permissions explicitly provides for them. Therefore, in order to comply with the advice at paragraph 35 of the NPPF, and as Members are considering the issue of a new permission and

- are entitled to consider the matter afresh, it is recommended that an additional condition be included to explicitly requiring a scheme for the provision of facilities for charging ULEV vehicles to which the applicant is agreeable.
- 10.21 When the introduction of an element of retail was first considered under application reference 12/03886/OT, Members received a viability report which confirmed that the revised mix of uses proposed was required to enable the delivery of the MLLR and Green Park infrastructures, and other obligations. This was independently tested and accepted by Members. Subsequent applications have simply sought to vary the balance of food and non-food uses and introduce a D2 Cinema use, all within the approved parameters, although this application is noted to propose an increase in GFA. In considering this issue officers are aware that the majority of the additional floorspace is largely 'back of house', and accordingly any rental income will reflect this. The collapse of the foodstore market has also meant the large format supermarket originally anticipated as the 'anchor' store will no longer be delivered. Accordingly this has resulted in the need to widen the mix of uses proposed at Thorpe Park, to ensure that the overall scheme remains deliverable. Noting the lengths that the applicant has needed to go to in terms of satisfying occupier requirements, this has resulted in the need to vary the terms of the original permission to achieve sufficient occupier interest in order to release the necessary capital to start work in earnest. Officers are satisfied that the original conclusions reached regarding viability and enabling development remain valid.

CIL

10.22 The application in effect seeks a variation to a pre-CIL permission. As the original retail permission pre-dated CIL it did not generate a CIL liability, instead of which under the old arrangements a package of policy compliant developer contributions and benefits were negotiated under the existing S106 agreement. Under the transitional arrangements of the CIL Regulations a CIL liability would only be generated by any increase in CIL liable floorspace. The proposal does seek to increase floorspace, but the significant CIL generator of the convenience retail anchor store previously envisaged (now replaced by a comparison store anchor), means that in reality it is considered unlikely any CIL liability will be generated by the proposal. Infrastructure requirements associated with this application are, significantly, met by the provision of the MLLR. This is presented for information only and should not influence consideration of the application. Consideration of where any Strategic Fund CIL money is spent rests with Executive Board and will be decided with reference to the 123 list.

11.0 CONCLUSION

11.1 The site is allocated for employment use in the Local Plan and a mixed-use development including retail and leisure uses at Thorpe Park is well established in principle under existing outline permissions. No sequentially preferable site is available and the impacts of the changes sought on the existing retail centres of Cross Gates, Garforth, Rothwell and Leeds City Centre are not considered to be significantly adverse. Conditions requiring a parking monitoring and future management scheme are capable of addressing any parking issues which may arise in the interim, before the multi-storey car park is delivered in later phases, and in light of the significant infrastructure benefits the development delivers in relation to the primary highway network (in the form of the MLLR), such a condition is considered on balance to give sufficient comfort that the impact of the development in highways terms would not be significantly adverse and that the benefits would clearly outweigh the highway impacts.

11.2 The development delivers significant infrastructure and economic development benefits, job creation and training opportunities, and in turn also enables the delivery Green Park and Central Park that are important components to achieving the local aspirations of the Local Plan for sustainable development. There are no third-party objections to the proposal and the application is therefore recommended for approval, subject to the terms set out at the header of this report (and Appendix 1), including notification to the Secretary of State as a departure application due to the town centre uses proposed in this out of centre location.

Background files:

Application case files 16/2381/RM, 15/06583/OT, 15/02217/OT, 14/05481/OT, 14/05843/FU & 12/03886/OT and related condition discharge applications (as set out above). Certificate of Ownership – Certificate A completed.

Appendix 1 Draft Conditions and S106 Obligations

Existing S106 Agreement Obligation

- No non-B1 development, nor any B1 office development of 37,000sqm or greater shall be first brought into use until all land (currently identified for indicative purposes in the Expansion Layout) reasonably necessary to deliver the best strategic route through the development to accommodate both strategic (ELOR) traffic while also serving the development including the associated junction alterations has been dedicated as public highway.[
- Delivery of the playing pitches and changing rooms at Green Park prior to first occupation of any development and further phased (index linked) contributions for the delivery of the remainder of Green Park.
- Ecological mitigation contribution of £5,000 at first occupation of any development and every subsequent year for 9 years (total of £50,000 index linked).
- Delivery of agreed Public Transport Strategy (including provision of 2 x bus shelters with associated Real Time Information)
- Public Access to Thorpe Park and the provision of 50 parking spaces within Thorpe Park to be utilised by visitors to the playing pitches within Green Park.
- Compliance with the Local Employment Strategy.
- At first occupation of any retail development and for two subsequent years a contribution of £20,000 that can be used to mitigate against any adverse retail impact in designated local centres.
- Ensure compliance with the Travel Plan and secure a Travel Plan Review Fee of £20,000.
- Applications for approval of all reserved matters for the first phase of development (excluding any phase of works approved pursuant to Condition 53) shall be made to the Local Planning Authority before the expiration of three years from 20th March 2014 (the date of permission reference 12/03886/OT which this permission varies). Thereafter, applications for approval of all subsequent reserved matters relating to all additional phases shall be made to the Local Planning Authority before the expiration of two years from the date of approval of the reserved matters of the preceding phase.

The development of the first phase shall be begun within five years of 20th March 2014, or before the expiration of two years from the date of approval of

the last of the reserved matters to be agreed for that phase, whichever is the later. All further phases shall be commenced within two years of the approval of the last reserved matters consent for that phase.

References to a phase in this planning permission shall be interpreted as references to a phase of works which is either:

- (a) identified as part of the submission of an application for the approval of reserved matters pursuant to Condition 2; or
- (b) approved pursuant to Condition 53.

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

With the exception of works which are to be carried out within a phase pursuant to an approval under Condition 39 and advance infrastructure, enabling or temporary works, which are to be carried out pursuant to an approval under Condition 53, for each phase approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority in writing before the phase of the development is commenced:

Layout Scale Appearance The landscaping of the site

Plans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved.

Each reserved matters application shall be accompanied by a plan identifying the boundaries of the phase to which the application relates. Thereafter the development of that phase shall be carried out in accordance with the approved reserved matters.

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

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

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

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

B1 - 83,615sq m.

A1 - 21,499 sqm. Of which between 2,000 sq.m and 9,000 sq.m shall be used by A1 convenience retailers and between 9,000 sq.m and 16,000 sq.m shall be used by A1 comparison retailers, subject to the overall 21,499 sqm cap across both retail categories taken together.
A2, A3, A4 and A5 - 4,200sq m.

C1, D1 and D2 - 16,340sq m. Of which no more than 7,500 sq.m shall be in C1 Hotel use, 5,574 sq.m shall be in D2 Cinema use, and 2,290sq m shall be in D2 gym use.

To ensure consistency with planning permission reference 15/02217/OT, to reflect the introduction of a cinema use and a reduction in hotel use as approved under this permission, and for the avoidance of doubt because the highway and retail impacts have been assessed on the basis of the proposed uses in accordance with adopted Core Strategy policies SP1, SP2, SP3 and T2.

The development shall be carried out in accordance with approved masterplan reference ALA032L05 PL8. Any variation to the approved masterplan or parameter plans shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the phase of development to which the variation relates.

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

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

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

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

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

- 8) Typical detailed 1:20 scale (or other appropriate scale) working drawings of the following elevational features for a phase shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of construction of the phase:
 - (a) Sections through external windows and door reveals;

- (b) External entrance areas at ground floor level;
- (c) Junctions of materials;
- (d) Changes in plane to the building elevations; and
- (e) Details of roof parapets, eaves line and soffitts to the buildings.

The works shall be implemented as thereby approved.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16) No works shall take place on a phase until full details of provision to be made for the storage, parking, loading and unloading of contractors plant, equipment and materials, routing of contractors vehicles to and from the site during construction and the parking of vehicles of the workforce for that phase, has been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided for the duration of the development works for that phase.

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

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

To ensure appropriate parking is provided across the development in accordance with adopted Core Strategy policy T2 and Parking Supplementary Planning Document January 2016.

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

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

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

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

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

In order to meet the aims of adopted Core Strategy policy T2 and Parking Supplementary Planning Document January 2016.

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

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

22) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any change of use of the A2, A3, A4, or A5 premises referred to in this permission, to any use within Use Class A1 as detailed in the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or re-enacting that Order with or without modification).

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

23) The approved retail floorspace (excluding the A1 convenience retailers) shall not exceed 16,000 sqm GEA and 13,099 sqm net sales area, within which there shall be a minimum of 12,500 sq.m GEA (10,000 net sq.m sales area) of A1 retail floorspace which is to be provided within units of no less than 480 sq.m GEA (400 sqm net sales area) and no more than 4000 sqm GEA (3,200 sqm net sales area).

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

24) Any retail units below the 480 sq.m threshold referred to in condition no. 23 shall not to be used for the sale of clothing/fashion and footwear goods.

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

25) There shall be no more than 840sq m (GEA) of small retail units with no single small retail unit having a floorspace of more than 105 sq.m (GEA).

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

26) Otherwise than in the circumstances set out at (ii) below, with the exception of the Cross Gates M&S foodstore, no retail floorspace hereby approved shall be occupied by any retailer who at the date of such occupation or within a period of 6 months immediately prior to occupation, occupies retail floorspace which exceeds 480 sq.m (GEA) within the following designated town centres:

Cross Gates Garforth Rothwell

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

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

Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) and sections 55(2) and 55(2A) of the Town and Country Planning Act 1990 (as amended), no part or parts of the A1 units may be subdivided, if such a subdivision would contravene the floorspace limits established in Conditions 23, 25 and 30. Furthermore no additional floorspace may be created within the A1 retail units if such floorspace would contravene the floorspace limits established in Conditions 4, 23, 25 and 29. Within these floorspace limits no mezzanine floorspace may be created unless otherwise agreed in writing by the Local Planning Authority. Outside of these floorspace limits no mezzanine floorspace may be created.

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

28) With the exception of the unit(s) for A1 convenience retailers, no retail unit over 100 sq.m (GEA) will be permitted to sell convenience goods in excess of 10% of net sales area.

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

29) The Gross External Area (GEA) of the units for A1 convenience retailers hereby permitted shall not exceed 9000 sq.m. In addition, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification), the net sales area of the unit(s) for A1 convenience retailers shall not exceed 5,400 sq.m and, of this, the net convenience floorspace shall not exceed 3,618 sq.m and the net comparison floorspace shall not exceed 1,782 sq.m.

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

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

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

- 31) Development shall not commence in respect of any phase until a Phase I Desk Study has been submitted to, and approved in writing by, the Local Planning Authority and:
 - (a) Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development within that phase shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority,
 - (b) Where remediation measures are shown to be necessary in the Phase I/Phase II Reports and/or where soil or soil forming material is being imported to site, development shall not commence within that phase until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.

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

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

remediation works within the affected phase, which shall thereafter be carried out in accordance with the revised approved Statement.

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

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

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

34) Prior to the commencement of any building or phase of buildings, a Sustainability Statement relating to that building and/or phase shall be submitted to and approved in writing by the Local Planning Authority, which will include a detailed scheme comprising an energy plan showing the percentage of on-site energy that will be produced by Low and Zero Carbon (LZC) technologies and the overall sustainable credentials of the development in terms of meeting the targets set out in Core Strategy policies EN1 and EN2. Each building and/or phase of buildings shall be constructed in accordance with the approved scheme and shall thereafter be maintained in accordance with the approved details.

To ensure the incorporation of appropriate sustainable design principles into the development in accordance with Core Strategy policies EN1 and EN2, Leeds SPD Sustainable Design and Construction, and the general guidance set out in the NPPF.

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

works set out within the Written Scheme of Investigation.

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

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

- 36) Development of a phase shall not commence until a scheme detailing foul and surface water drainage works for that phase has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme for that phase shall be implemented in accordance with the approved details before the development is brought into use.
- The development shall be carried out to generally accord with the UK Police `Secured by Design' and Crime Prevention through Environmental Design (CPTED) principles.
 - In the interests of public safety in accordance with saved UDPR policy GP5.
- Prior to the commencement of development of a phase a CCTV strategy for that phase (to include details of the location of cameras and type of system) shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to first occupation of that phase and be retained and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.
 - In the interests of public safety in accordance with saved UDPR policy GP5.
- 39) Prior to the commencement of each phase, a report to demonstrate that the opportunity to recover any coal present within each phase boundary has been considered, shall be submitted to and approved in writing by the Local Planning Authority. The report shall set out whether any coal present should be removed prior to or during development unless:
 - a. it can be shown that it is not economically viable to do so, or
 - b. it is not environmentally acceptable to do so, or
 - c. the need for the development outweighs the need to extract the coal, or
 - d. The coal will not be sterilised by the development.
 - If the approved report recommends that coal is present and should be removed, an implementation strategy shall be submitted to and approved in writing by the Local Planning Authority. Subsequent actions or works shall then be carried out in accordance with the approved implementation strategy.

For the avoidance of doubt, conditions 2,9,10,12, 17,18,20,21,34,36,38,39,41,43,44 and 48 shall not apply to any works carried out pursuant to this condition.

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

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

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

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

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

42) No site clearance, demolition or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August inclusive unless otherwise agreed in writing with the Council.

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

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

To ensure the protection and retention of biodiversity in accordance with adopted Core Strategy Policy G8 and the NPPF.tailers which presently occupy the largest units in local centres (Cross Gates, Garforth and Rothwell) cannot open stores at Thorpe Park in the initial occupation phase in

accordance with adopted Core Strategy policies SP2, P1 and P2, and the NPPF.

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

Hard landscape works shall include:

- (a) proposed finished levels and/or contours,
- (b) boundary details and means of enclosure,
- (c) car parking layouts,
- (d) other vehicle and pedestrian access and circulation areas,
- (e) hard surfacing areas,
- (f) minor artefacts and structures (e.g. public art, furniture, play equipment, refuse or other storage units, signs, lighting etc.),
- (g) proposed and existing functional services above and below ground (e.g. drainage, power cables, communication cables, pipelines etc., indicating lines, manholes, supports etc.).

Soft landscape works shall include:

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

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

To ensure the provision and establishment of acceptable landscape in accordance with saved UDPR policies GP5, N23, N25 and LD1, and Core Strategy policy P12.

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

To ensure successful aftercare of landscaping, in accordance with saved UDPR policies GP5 and LD1, and Core Strategy policy P12.

- a) No works shall commence on a phase until all existing trees, hedges, bushes shown to be retained on the approved plans within the scope of that phase of development are fully safeguarded by protective fencing and ground protection in accordance with approved plans and specifications and the provisions of British Standard 5837 (2012) Trees in relation to design, demolition and construction, unless otherwise agreed in writing by the Local Planning Authority. Such measures shall be retained for the duration of any demolition and/or approved works within the phase.
 - b) No works or development shall commence on a phase until a written arboricultural method statement for a tree care plan for that phase has been submitted to and approved in writing by the local planning authority. Works or development shall then be carried out in accordance with the approved method statement.
 - c) No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services, without the prior written approval of the Local Planning Authority.
 - d) Seven days written notice shall be given to the Local Planning Authority that the protection measures are in place prior to demolition and/or approved works, to allow inspection and approval of the works.

To ensure the protection and preservation of trees, hedges, bushes and other natural features during construction works, in accordance with saved UDPR policies GP5, N23 and LD1, and Core Strategy policy P12.

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

To ensure maintenance of a healthy landscape scheme, in accordance with saved UDPR policies GP5 and LD1, and Core Strategy policy P12.

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

To ensure an appropriate temporary landscape is provided within Central Park in accordance with saved UDPR policy LD1 and Core Strategy policy P12.

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

As these uses are significant traffic generators that have not been assessed as part of this application and which could raise significant highway issues, which would require further consideration, to ensure compliance with adopted Core Strategy policy T2.

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

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

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

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

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

In the interests of proper planning and for the avoidance of doubt, in accordance with the resolution to grant planning permission as a departure from the allocated employment use of the site, for which the earlier delivery of the Manston Lane Link Road is used in justification.

No advance infrastructure, enabling or temporary works (which shall include works of demolition, site remediation, archaeological work, bulk earthworks and/or re-profiling of site levels) shall commence until details of the nature and extent of the proposed works have been submitted to and approved in writing by the Local Planning Authority. Any such details submitted to the Local Planning Authority for approval shall include plans at an appropriate scale which show the proposed works in context, both existing and as proposed. All such details shall be in accordance with the approved masterplan and parameter plans. Such works shall be carried out in accordance with those approved details.

For the avoidance of doubt, any advance infrastructure and enabling works approved pursuant to this condition may be undertaken prior to the submission or approval of reserved matters applications pursuant to condition 2, and conditions 9, 10, 12, 17, 18, 20, 21, 34, 36, 38, 41, 44, and 48 shall not apply to any works carried out pursuant to this condition.

Reason: To allow for the submission and approval (and thereby implementation) of advance infrastructure and enabling works before reserved matters and pre-commencement conditions submission and approval and without compliance with other conditions which do not relate to such works.

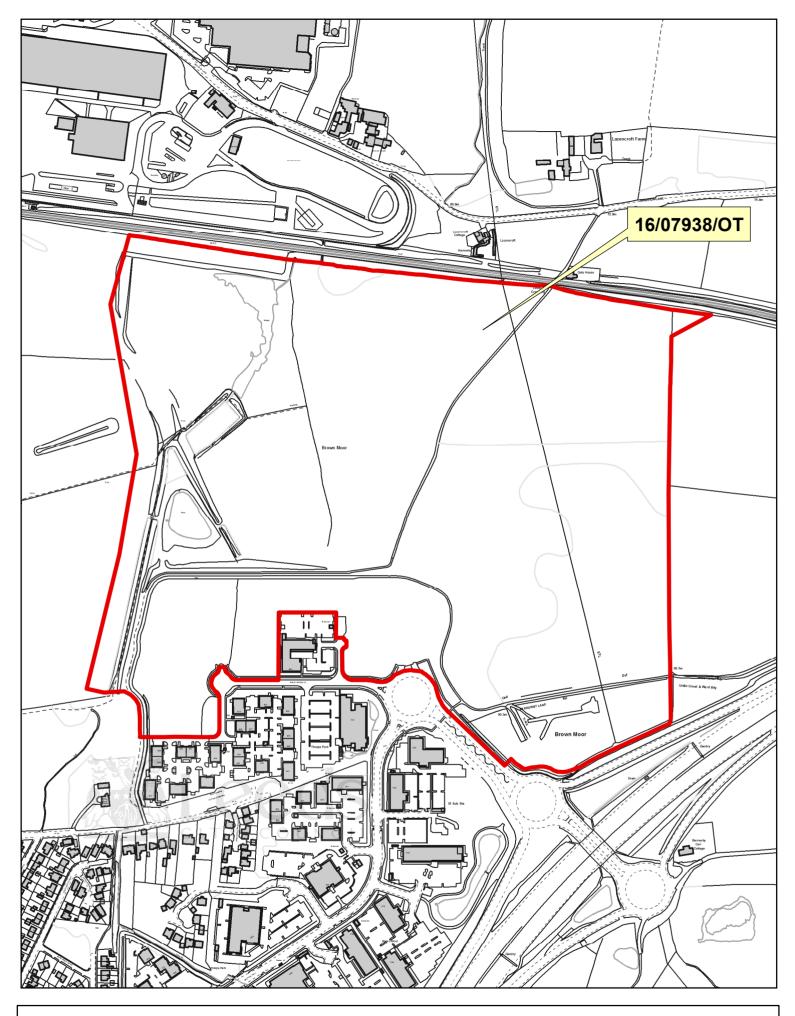
54) Details of a scheme for the provision of charging facilities for Ultra Low Emission Vehicles (including phasing) to be agreed and implemented prior to first use.

Reason: In the interests of encouraging sustainable transport modes in accordance with the guidance contained at paragraph 35 of the National Planning Policy Framework.

55) Parking monitoring and management scheme, details to be agreed,

Reason: In the interests of highway safety in accordance with Core Strategy policies P10, T2 and saved UDPR (Review) policy GP5.





CITY PLANS PANEL

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SCALE: 1/5000