



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 26th April 2018

Subject: 18/00778/FU – Demolition of existing buildings and structures, ground remediation and earthworks for future site redevelopment at, Radial Park, Manston Lane, Manston, LS15 8ST

APPLICANT

Zurich Assurance Ltd

DATE VALID

15th February 2018

TARGET DATE

17th May 2018

Electoral Wards Affected:

Crossgates and Whinmoor

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER AND DELEGATE to the Chief Planning Officer for approval subject to consultation with and majority agreement of Ward Members regarding the wording of the conditions specified below:

1. Time limit on full permission;
2. Development to be constructed in accordance with approved plans and documents;
3. Notification of commencement;
4. Once MLLR is open all vehicles over three tonnes to access and leave the site to the east;
5. Notification of concrete breaking;
6. Complaint monitoring;
7. Tree protection in place prior to commencement;
8. No tree works other than those identified;
9. Method Statement relating to operational railway;
10. Method Statement relating to control of water;
11. Method Statement relating to control of Himalayan Balsam;
12. Ecologist present on site for removal of vegetation and works to water bodies;
13. No vegetation removal during bird nesting unless supervised by ecologist;

14. Asbestos HSG264 survey prior to commencement of demolition and works carried out in accordance with its findings, as outlined within the draft remediation statement;
15. Works in accordance with dust, noise and vibration assessments;
16. Monitoring of dust, noise and vibration;
17. Works to cease in event of dust, noise, vibration or traffic problems;
18. Hours of operation;
19. Noise attenuation screening in place prior to commencement;
20. Vehicles and Plant fitted with silencers;
21. No burning of material;
22. Stockpiles not to exceed 6m in height;
23. Details of compounds and construction access/parking to be agreed;
24. Equipment to remove dust, mud and grit from vehicles installed;
25. Oil or liquid chemical tanks to be bunded;
26. Water settlement prior to discharge;
27. Drainage in accordance and no impairment of watercourses;
28. Site cleared and vacated on completion of works;
29. Remediation in accordance and verification reports to be submitted
30. Unexpected contamination;
31. Local Employment and Skills;
32. Landscape scheme in event redevelopment does not occur within 2 years of substantial completion.

1.0 INTRODUCTION

- 1.1 This application seeks planning permission for demolition of the existing buildings, site clearance and groundworks to stabilise and remediate the land in preparation for future development. The land is an allocated phase 1 housing site (HG2-120) within the emerging Site Allocations Plan and permission with an identified capacity of 450 units. It is expected that a planning application for residential development will be submitted in early summer.
- 1.2 Works to clear and remediate the site were previously granted planning permission in May 2016 (14/02521/FU) and this included the prior extraction of coal. Permission was granted, subject to conditions, including that no development take place until the Manston Lane Link Road (MLLR) has been constructed and is operational for public use. The revised remediation strategy no longer proposes the prior extraction of coal and permission is now sought to commence the initial stages of the development (demolition, site clearance and initial earthworks) prior to the opening of the MLLR.
- 1.3 The 2014 application was considered by City Plans Panel on 3rd September 2015 and thus the application is again brought to panel for consideration. The previous permission included a unilateral undertaking which secured a community benefit fund provided for by way of a tariff on the extracted coal, as well as an undertaking in respect of local employment and a monthly visual inspection of neighbouring dwellings to monitor the effects of any ground movement. No unilateral undertaking is provided with the application; the provisions relating to local employment and the inspection of properties have been included as proposed conditions.

2.0 PROPOSAL:

- 2.1 As noted above the application seeks to demolish the existing buildings, clear the site, and then stabilise and remediate the land for future development. The works can be broken down into the following four stages:
- Stage 1 weeks 1-16 demolition of existing structures and related earthworks;
 - Stage 2 weeks 17-19 earthworks;
 - Stage 3 weeks 20-40 drilling and grouting and related earthworks;
 - Stage 4 weeks 41-45 earthworks.
- 2.2 Stage 1 is the least intensive element of the works, and will involve the demolition of the existing structures and the removal of the material from site (largely steel framework and exterior cladding). No material is to be imported onto the site during this stage of the works and it is anticipated that this will result in 4 HGV movements a day (two arriving at the site and two leaving) as the material is exported. Stage two (earthworks) involves the preparation of the site for the later drilling and grouting, and will not involve the import or export of materials. There are therefore no HGV movements associated with this element of the proposal.
- 2.3 Stage three involves the importation of approximately 16 000 tonnes of raw materials to undertake the grouting works, and will result in approximately eight HGV movements a day, with work commencing at 8am and finishing at 6pm. Stage four will then be the final earthworks to level the site and provide a development platform. No material will be imported or exported during this phase, and there are therefore no HGV movements associated with this element of the proposal.
- 2.4 The proposed hours of working are 8am to 6pm Monday to Friday; 9am to 13.00pm on Saturday with no working on Sundays, Bank Holidays nor public holidays.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to the former Vickers tank factory located to the south-eastern edge of Cross Gates and close to what is currently open countryside. The approximately 20ha site is currently occupied by the former factory building which is a large, elongated structure located to the front of the site, behind the large car park and landscaping that fronts Manston Lane. To the rear of the site are a collection of smaller ancillary structures and the former tank testing grounds which extend out to the east. The East Coast Main Line lies to the far south of the site with Barnbow Social Club and associated land between immediately adjoining the site to the north-east, and a small business / trading estate is situated beyond the site boundary to the north. A listed grade II medieval Dove Cote lies within the ruins of Manson Farm to the east and the site of the former Barnbow Munitions factory, including associated earth works and trackway further to the east of the site is now a Scheduled Monument. The existing residential areas of Cross Gates lie to the north and west, including recent housing developments to the immediate north and west
- 3.2 The area is undergoing significant change, with the approved Thorp Park development currently being built out to the south, the MLLR under construction, and further housing allocations located to the east (HG1-288 – East Leeds Extension). The site lies within the East Leeds Regeneration Priority Area (CS Policy SP4).

4.0 RELEVANT PLANNING HISTORY:

4.1 Detailed Site History

14/02521/FU	Site remediation works (including prior extraction of coal, demolition of existing buildings, removal of hard standing, mine shafts and other below ground structures and re-instatement of ground) Approved
14/02514/OT	Hybrid application for outline application for up to 385 dwellings, retail development, associated site access, landscaping and site works with full details provided for an additional 100 dwellings including site access, public open space and landscaping Withdrawn
32/374/01/FU	Change of use of former tank factory to b8 (storage and distribution) Approved
H23/415/91/	Use of vacant site for storage of tarmac scrapings Approved
<u>Wider Area</u>	
18/00868/FU	Variation of condition 1 (approved plans) of approval 11/02315/RM for substitution of house types to plots 123-148 Pending
17/00254/LA	Formation of public park, playing pitches, park and changing rooms on land to west of Thorpe Park Pending
13/04658/FU	Substitution of house types on plots 31-37, 42-47, 50-68 & 134-148 (47 in total) on previously approved residential development (11/02315/RM) Approved
13/00288/RM	Reserved matters application for 177 houses, one block of 9 apartments and one block 6 apartments including associated landscaping Approved
12/05150/LA	Formation of public park, playing pitches, park and changing rooms on land to west of Thorpe Park Approved
11/02315/RM	Reserved Matters Application for 129 houses and 19 flats Approved
10/03906/FU	Re-design and re-location of proposed offices with associated amendments to proposed landscaping and site layout and addition of lean-to extension to approved waste transfer station Approved

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Officers have met with Ward Members regarding the development. Councillors Gruen and Grahame accept that the works are required to remediate the site and prepare the land for future development, and understand the decision of the applicants to bring forward a remediation scheme prior to an application for redevelopment. Concern was expressed about how the works would be managed to ensure that the local highway network was not harmfully impacted and the amenity of nearby residents was protected. It has been requested that the wording of conditions will be agreed in consultation with Ward Members, and this is reflected in the recommendation at the head of this report.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by site notice and also within the Yorkshire Evening Post in March 2018. To date twenty-eight letters of representation have been received, two offering support, two providing neutral comments and twenty-four objections. Of these objections six are replica pro-forma letters.
- 6.2 Cross Gates Watch are one of those who have provided neutral comments, noting general support for the development, subject to appropriate conditions to minimise the impact upon residents. In particular it is highlighted that the development should not commence until the MLLR is open and that HGV's shall access the site via the MLLR only and that the noise impacts of the demolition may be significant.
- 6.3 Barnbow Social Club offer support to the development noting that the regeneration of a brownfield site would be of benefit to the area and that the development should be commenced as soon as possible.
- 6.4 The objection letters focus upon the traffic impacts of the development (safety and air pollution) and concerns about noise, dust, the presence of asbestos and land stability / potential damage to property.

7.0 CONSULTATIONS RESPONSES:

WY Police:	No comments
HSE:	No consultation required
Nature Conservation:	No objection subject to conditions
Minerals Team:	Following the receipt of additional information no objection is raised to the lack of coal extraction
Flood Risk Management (FRM):	No objection subject to conditions
Environmental Studies (Air Quality) :	No objection
Coal Authority:	Following the receipt of additional information no observations are offered
Environmental Health	No objection subject to conditions

8.0 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) and any made Neighbourhood Development Plan.

Local Planning Policy

- 8.2 The following Core Strategy policies are relevant:

<u>SP1</u>	Seeks to concentrate the majority of new development within the main urban areas and ensure that development is appropriate to its context.
<u>SP4</u>	Seeks to give priority to developments that improve access to employment and skills, enhances green infrastructure, provides a range of good quality new homes, including affordable housing and upgrades the local business environment.
<u>SP13</u>	Strategic green infrastructure.
<u>P10</u>	Seeks to ensure that new development is well designed and respect its context.
<u>P12:</u>	Seeks to ensure landscapes are maintained.
<u>T2:</u>	Seeks to ensure that new development does not harm highway safety.
<u>G8:</u>	Protection of important species and habitats;
<u>G9:</u>	Leeds Habitat Network;
<u>EN5:</u>	Managing Flood Risk.
<u>EN7:</u>	Proven mineral resources of surface coal will be protected from sterilisation by the designation

The following Natural Resources and Waste Local Plan policies are also relevant:

<u>Waste 2</u>	Existing waste management sites shown on the Policies Map are safeguarded for continued use during the plan period. Increases in capacity or other improvements at these sites will be acceptable provided that the requirements of WASTE 9 are demonstrated.
<u>Waste 9</u>	seeks to ensure that waste management proposals resolve detailed planning considerations, including amenity.
<u>Water 2</u>	Seeks to protect water quality.
<u>Water 7</u>	Seeks to control surface water run-off.
<u>Minerals 3</u>	Mineral safeguarding areas – surface coal extraction
<u>Minerals 9</u>	Detailed considerations concerning the application, highway safety and amenity considerations.
<u>Minerals 10</u>	Restoration scheme
<u>Water 6</u>	Flood risk assessments
<u>Water 7</u>	Surface water run-off
<u>Land 1</u>	Contaminated land
<u>Land 2</u>	Development and preservation of trees

The following saved UDP policies are also relevant:

<u>GP5:</u>	Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
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- BD5: Seeks to ensure new development protects amenity.
N24: relates to development adjacent to the Green Belt and other key green infrastructure.
N25: Seeks to ensure boundaries are well designed.
LD1: Seeks to ensure positive landscape design

National Planning Policy

- 8.3 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework (NPPF) must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 8.4 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF. Draft revisions to the NPPF are currently being consulted upon; these have limited weight at the present time.
- 8.5 The Planning Practice Guidance (PPG) provides comment on the application of policies within the NPPF. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary, relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects. The Neighbourhood Planning Act 2017 requires that all pre-commencement conditions are agreed in advance with applicants.

9.0 MAIN ISSUES

- 1) Principle of Development/ Surface Coal and High Risk Area
- 2) Highway Impacts
- 3) Residential and General Amenity
- 4) Other Matters

10.0 APPRAISAL

Principle of Development/ Surface Coal and High Risk Area

- 10.1 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. This document outlines core principles that should underpin planning and decision making. This includes proactively driving and supporting economic development to deliver thriving local places that the country needs and encouraging the effective use of land by reusing land that has been previously developed. Paragraph 111 strongly encourages Local Planning Authority's to promote the re-use of previously developed land through decision making. These principles are carried through to the Core Strategy, where spatial policies seek to focus the majority of development within the Main Urban Areas and promote the reuse of brownfield land.

- 10.2 The application site is brownfield land, identified as a phase 1 housing site in the emerging Site Allocations Plan. The site is within an identified Regeneration Priority Area and lies adjacent to significant new housing, employment, transport infrastructure, retail and leisure developments, and close to land allocated for similar development in the future. The site also benefits from an extant permission (14/02521/FU – approved 5th May 2016) for the remediation of the site. To enable any form of development on the site, the existing buildings will need to be demolished, and the land remediated to an acceptable standard. As such, the principle of the clearing and remediating the site is acceptable in principle, and many of the objection letters accept that the site is to be developed, and that these works are necessary.
- 10.3 The site lies within an area that has been identified as at risk from previous coal workings, and within a surface coal area. Paragraphs 143 and 144 of the NPPF seek to ensure that developments should not sterilise existing mineral deposits, and this is carried through to policy Minerals 3 of the NRWLP which requires that surface coal is extracted prior to or during development unless it is not economically viable, environmentally acceptable, the need for the development outweighs the need to extract coal, or the resource will not be sterilised by the development. Whilst this application does not strictly sterilise the resource it is clear that the scheme is to enable development which ultimately will result in sterilisation, and thus policy Minerals 3 is engaged.
- 10.4 The previous permission did allow the extraction of coal, however it is understood that this approach is no longer economically viable, and a viability appraisal has been submitted which outlines this position. This report has been reviewed by the authority's Mineral Planning Team and the Coal Authority and whilst both consultees continue to support the removal of coal, the conclusions of the viability assessment are accepted. There is a national and international move away from the burning of fossil fuels, and thus the market for coal, particularly from power stations such as Drax is on the wane. Consequently large amounts of very high quality material is required to ensure any degree of financial certainty. Issues such as sulphur content and high water content have reduced the level of certainty that a reasonable return can be had from coal extraction on this site.
- 10.5 Whilst the applicant's coal report does not make an unequivocal case that coal extraction is unviable for this site, the level of uncertainty regarding the financial returns is accepted and it is understood that that such uncertainty increases the level of risk associated with remediation through extraction of coal. Minerals 3 allows for coal to be left in the ground where the need for development outweighs the need to extract the coal and the need for good housing sites in sustainable locations reusing brownfield land is an important consideration and should be set against the amount and quality of coal available. While there is no extant permission for housing on the site the proposed remediation is to prepare the site for a future residential planning application in accordance with the site's allocation in the draft SAP.
- 10.6 Ultimately the site is not considered to contain a particularly important or high yielding coal reserve, and when this is considered in tandem with the delays inevitably caused by extraction, along with the inherent financial uncertainty, this could conceivably affect the deliverability of housing on the site, certainly within the preferred timescale. Thus whilst coal extraction remains a possibility, the requirements of policy Minerals 3 been adequately addressed, and there is no reason to refuse the application due to the absence of coal extraction.

10.7 As such, the principle of the development is considered to be acceptable.

Highway Impacts

- 10.8 Core Strategy policy T2 and saved UDP policy GP5 note that development proposals must resolve detailed planning considerations and should seek to maximise highway safety. The demolition of the buildings and the remediation of the site will result in additional traffic on the local highway network, comprising personal vehicles to transport employees to and from the site and the HGV's required to remove the demolition material and import the raw materials to allow the grouting (cement and pulverised fly ash). The main concern highlighted within the objection letters is the impact of HGV's upon the local highway network, in particular Cross Gates town centre. Attention is drawn to the fact that the previous permission included conditions that prevented work from commencing until the MLLR was open, and also a condition that vehicles over three tonnes should only enter/depart the site via the MLLR.
- 10.9 The applicant does wish to commence work prior to the opening of the MLLR. The Transport Statement submitted with the application divides the work into four stages, and outlines the number of anticipated daily vehicle movements (averaged over the expected duration of works) from both employees and HGV's, and the summary table is included below.

	Per day during the Weekday (two way trips)			Saturday (two way trips)		
	cars	HGV	Tot	Cars	HGV	Tot
Stage 1 Demolition including earthworks Weeks 1 to 16	40	4	44	40	0	40
Stage 2 Earthworks – Weeks 17 to 19	40	0	40	40	0	40
Stage 3 Grouting and Drilling and related earthwork – Weeks 20 to 40	20	16	36	20	0	20
Stage 2 Earthworks – Weeks 41 to 45	20	0	20	20	0	20

- 10.10 As can be seen this identifies the number of HGV movements for the first stage (demolition) equates to approximately four a day (two in each direction), and no HGV movements are expected during stage two. Whilst the concerns of residents are fully appreciated, and the authority would not be minded to support a development that had a materially harmful impact upon the local highway network, the HGV traffic generated by the first two stages of development is extremely limited and, as noted by Highway officers, is unlikely to lead to any perceptible impact upon the local highway network.
- 10.11 Stage three is a more intensive stage of development in which raw material would need to be brought to the site on a regular basis. The possibility of imposing a condition to limit the implementation of stage three until the MLLR is open has been considered, however the PPG guidance in relation to conditions makes it clear that a Local Planning Authority should not impose conditions that would unreasonably restrict the delivery of a development. Whilst it is understood that the delivery of the MLLR is on schedule and is anticipated to open in early autumn, the delivery of the road scheme is ultimately outside the applicant's control and this introduces a level of uncertainty relating to the delivery of the whole remediation scheme. This means that the imposition of the condition could be unreasonable when the PPG guidance is taken into consideration.

- 10.12 As outlined within the draft conditions above the applicants will be required to monitor vehicle movements and works must cease in the event that highway problems are identified, either if vehicle movements are more than double the predicted number in any one day, or if there are more than the predicted vehicle movements for three consecutive days. Works must then not recommence until the LPA is satisfied that the cause of the exceedance is understood and measures put in place to prevent reoccurrence of the issue(s). These conditions are considered to adequately safeguard against the development resulting in highway safety concerns, and in light of the fact that an alternative condition can resolve the highway concerns, then the imposition of a restrictive condition relating to stage three is considered to be unnecessary.
- 10.13 As such subject to the above conditions the application is acceptable in this regard.

Residential and General Amenity

- 10.14 As outlined within Policy P10 of the Core Strategy and saved policy BD5 of the UDP new development must protect amenity, including residential amenity. The proposed development has a range of potential impacts including emissions to atmosphere, creation of dust, as well as noise and vibration. Many of these issues have been raised by objectors, and the potential presence of asbestos within the building has also been identified as a concern.
- 10.15 A series of supporting documents have been submitted with the application including a detailed remediation strategy, and assessments relating to noise, dust and vibration. Each of these documents identifies the risks and impacts associated with the site clearance and proposes the necessary mitigation measures. The draft remediation statement identifies the need for a pre-demolition HSG 264 survey (asbestos survey), and factors in the necessity of taking account of its findings. If asbestos is found this will be removed from site by a licenced asbestos removal company prior to the commencement of demolition, with further safeguards in place should any suspicious material be found during works. As such it is considered that the risks of asbestos have been adequately considered and appropriate procedures are in place to ensure that there is no harmful impact upon either those working on the site, nor surrounding neighbours. Adherence with the relevant sections of the draft remediation strategy can be secured by condition.
- 10.16 The dust assessment is a detailed, site specific document that identifies the impacts of each stage of the works, and using data relating to climactic conditions identifies a range of necessary dust control measures to prevent a harmful impact upon the nearest sensitive receptors (residential properties). The range of necessary dust control measures include the use of suppression systems to dampen loose material that is likely to become airborne, minimising drop heights of excavated material, sheeting and tarpaulins to be used on stockpiles and heavy duty shrouds during the drilling and grouting works. Further measures such as restricting general site traffic to watered haul routes, limiting vehicle speeds on site, maintenance of plant and use of a road sweeper on the local road network are also proposed. Dust complaints will also be logged on site and remedial action taken where this is deemed appropriate. The dust assessment is considered to be a thorough, site specific document that identifies the likely impacts of the development, take account of all reasonable factors that can affect particulate distribution (ie wind speed and rain fall) and proposes a series of appropriate mitigation measures. These mitigation measures will be imposed by condition, and a condition requiring the cessation of works in the event that dust is seen crossing the site boundary is also suggested.

- 10.17 The submitted noise assessment is similarly detailed and site specific, with existing background noise levels having been surveyed and the impacts of the proposed plant and machinery identified. The assessment concludes that with appropriate mitigation measures in place (such as boundary screening and restricted site working hours) a harmful impact upon amenity is not anticipated. The assessment also recommends a maximum noise limit to prevent significant effects (averaged over the duration of a working day) and regular monitoring of noise levels, with a review mechanism in place should the identified threshold be exceeded. The mitigation measures identified within section six of the report will be imposed by condition, as will the suggested review mechanism. The vibration assessment is also detailed and concludes that the impacts of the development are unlikely to approach levels that would cause even cosmetic damage to nearby property. The assessment recommends regular monitoring of vibration levels to ensure that they do not approach those likely to result in damage to property, and this will be imposed by condition.
- 10.18 Concern has also been raised in relation to the impact of traffic movements upon air quality, and there is no doubt that the traffic associated with the development will increase air borne particulates, including carbon monoxide, hydrocarbons and nitrogen oxides (No_x) in the short term. This said, it must be accepted that the vehicle movements are necessary to remediate the site and enable future development. The application has been reviewed by the council's Environmental Studies Team who raise no objection and thus the short term impact is not considered to represent a significant threat to human health or quality of life.
- 10.19 Concern has been raised about the proposed hours of working, with some objectors noting that for anyone who is retired, will be unable to enjoy their gardens during the summer months. The hours of working were initially proposed to be 8am to 6pm Monday to Friday; 8am to 1pm on Saturday with no working on Sundays, Bank Holidays nor public holidays. In consultation with Ward Members the hours of Saturday working have been reduced to between 9am and 1pm on Saturday. It is acknowledged that the works will cause some degree of disruption, particularly to those living in closest proximity. The hours that are proposed are standard across the construction and demolition sector and are not considered to be unreasonable, allowing residents to enjoy peace and quiet from the early evening through to early morning the next day, and thus allow reasonable enjoyment of their homes and gardens. Whilst reduced hours of operation could be considered, it must be remembered that this will result in an increased duration of works, and thus the disruption will occur for a longer period of time. As noted, the proposed hours are not unreasonable, are standard practice across the sector, and are considered to strike an appropriate balance between the need to progress works expeditiously whilst protecting amenity.
- 10.20 As such, subject to the imposition of the noted conditions it is considered that the impacts upon amenity can be mitigated to a level where a harmful impact upon those living and working within the vicinity is avoided.

Other Matters

Landscape and Nature Conservation

- 10.21 The NPPF requires that applications seek to conserve the natural environment, and this is carried through to a local level in Core Strategy Policies P12, G8 and G9, as well as saved UDP policy LD1. There is existing vegetation to the northern edges

of the site with some smaller pockets within the main site area, as identified on the submitted tree constraints plan. In order for the works to be undertaken a large amount of the existing vegetation will need to be removed, and this is a necessary and contingent fact of the nature of the remediation work. The submitted Arboricultural Method Statement identifies those areas of vegetation which are to be retained and the necessary tree protection measures to prevent harm during the construction works. Whilst the loss of any vegetation is regrettable what is to be removed from within the site is largely low lying, self-seeded scrub which has a low amenity value, and where possible the more mature and larger areas of vegetation are to be retained. To the south there is a line of mature, evergreen trees which have been present for decades, and which were planted to screen the factory and associated tank movements from the East coast Mainline. These are large trees which are highly visible in the surrounding landscape and which do have amenity value. Their removal in the short term will cause some degree of harm. However, this said, a landscaping scheme will ultimately be required to accompany any future redevelopment of the site, and this will need to establish good landscaping strategy and in part take account of the vegetation that was removed and address the significant site constraint that is the East Coast Mainline. Whilst there can be no certainty in relation to the future landscaping strategy, it is not unreasonable to assume that a mature tree belt will be required along the boundary with the railway line in order to mitigate the impact of the operational railway line upon the amenity of future residents. A condition requiring the submission of a landscaping strategy in the event redevelopment is not commenced within two years will also be imposed.

- 10.22 The removal of vegetation will also reduce existing wildlife habitats and phase 1 Habitat Report as well as a bat survey, great crested newt survey have been undertaken. These reports have been reviewed by the Nature Conservation Officer who is content that subject to conditions preventing the removal of vegetation unless undertaken in the presence of a suitably qualified ecologist, and a methodology relating to Himalayan Balsam, there will be no harm to protected species, or the wider fauna of the area.

Operational Railway and drainage

- 10.23 As noted above the East Coast Mainline abuts the site to the south, and this is a busy commuter and freight route which links Leeds and York, as well as carrying trains to Newcastle, Berwick and Edinburgh as well as The South. Network Rail have provided a detailed consultation response which recommends the imposition of conditions, essentially requiring that detailed methodologies are agreed with Network Rail prior to the commencement of any works which would affect the operational railway. These conditions are to be imposed, and thus it is considered that there will be no harmful impact upon the operational railway. Drainage colleagues have noted the contents of the Lithos remediation strategy and the need to manage surface water on the site, and thus have requested a condition requiring details of these prior to any works that will result in the need to control water on the site. As such, subject to the imposition of conditions the application is acceptable in these regards.

Representations

- 10.24 All material considerations raised through representations have been discussed above and conditions and measures to mitigate these concerns are being recommended where possible.

10.25 Concern has been raised relating to public health and the impact of the site upon those living in the area. Whilst public health is a general material planning consideration, specific harmful impacts of any development are regulated by separate legislation and regimes. It is generally accepted that when considering planning applications a Local Planning Authority must assume that these regimes will operate effectively and not seek to duplicate the regulatory functions of other public bodies.

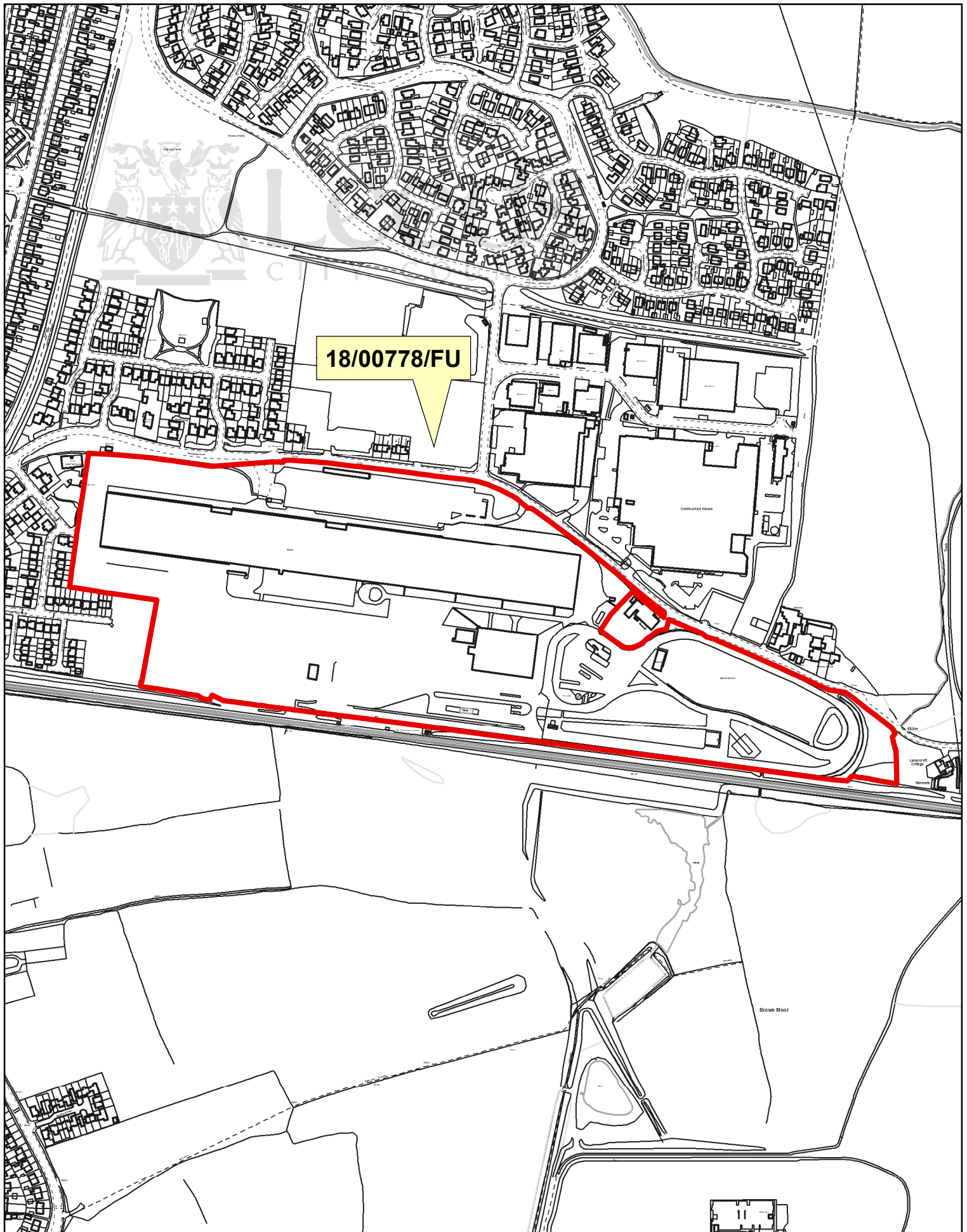
11.0 CONCLUSION

11.1 The application is therefore considered to be acceptable. The harm caused by ultimate sterilisation of the remaining below ground mineral resource is considered to be outweighed by the questionable quality of the coal resource, the potential financial return and the positive benefits of redeveloping a brownfield site. The short term impacts upon residential amenity and biodiversity can be adequately mitigated, and harm to the operational railway and any increase in surface water run-off can be adequately managed through conditions. The site remediation works do need to occur in order to prepare the site for future development, and whilst such matters would normally be considered as part and parcel of a detailed planning application, their commencement in advance of such an application is not considered to cause harm. As such the application is compliant with the relevant planning policies and guidance when read as a whole and approval is recommended subject to the conditions listed in Appendix 1.

Background Papers:

Application files: 18/00778/FU

Certificate of ownership: Certificate A signed by the agent



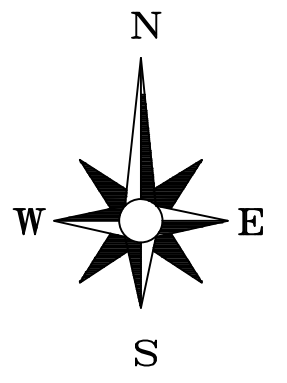
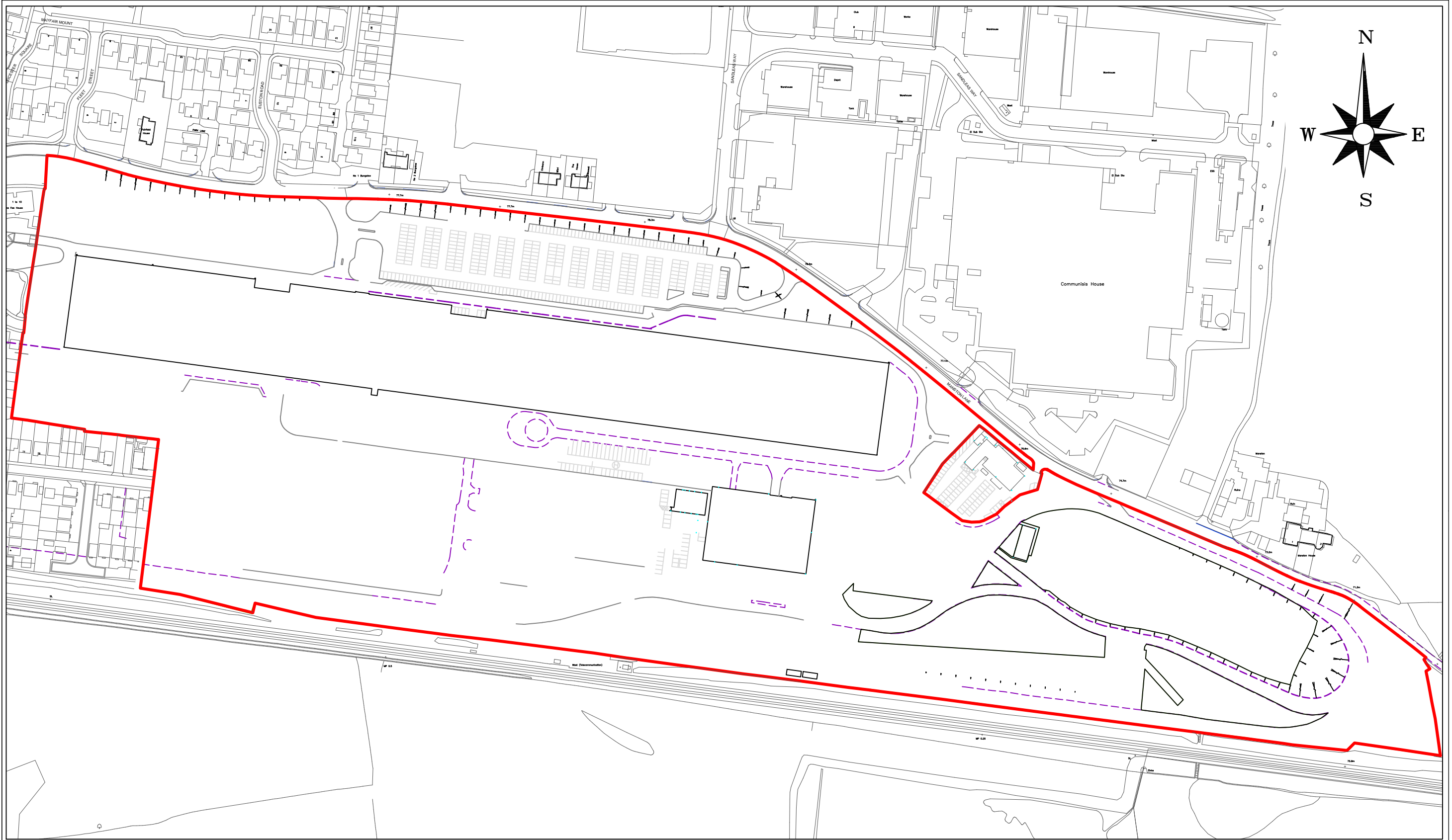
NORTH AND EAST PLANS PANEL

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CROSSGATES,
LEEDS

RED LINE PLAN

STATUS
FOR COMMENT FOR APPROVAL DRAFT FINAL

DRAWN ASw DATE 30 01 2018

APPROVED REG DATE 30 01 2018

SCALE 1:2,500 SHEET A3

DRAWING NO. 1225/57 REVISION

REV.	DESCRIPTION	DATE