



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 6th January 2011

Subject: PROGRESS REPORT; CLARIANT SITE, CALVERLEY LANE, HORSFORTH – REDEVELOPMENT FOR UP TO 400 DWELLINGS, WITH ANCILLARY SHOP, RETENTION OF SPORTS GROUND WITH SPORTS PAVILION/COMMUNITY CENTRE, ALLOTMENTS, OPEN SPACE AND OFF-SITE HIGHWAY WORKS.

APPLICANT
Harrow Estates

DATE VALID
13/9/10

TARGET DATE
31/3/2011

Electoral Wards Affected:

Horsforth and
Calverley and Farsley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Members are requested to note the progress report below and are invited to comment on the main issues.

1.0 INTRODUCTION:

- 1.1 The purpose of this report is to inform Panel of Harrow Estates and Horsforth Riverside LLP's proposals for the Clariant and Riverside Mills sites, contained within two concurrent outline planning applications.
- 1.2 The two sites are adjoining, but in different ownerships. The two outline applications are separate, but the proposals are linked and presented in such a way that development would be integrated.
- 1.3 The schemes collectively comprise a primarily residential proposal, with up to 550 dwellings over the two sites, along with supporting ancillary uses, services and open space.

1.4 A pre-application presentation was made to Panel on 18th February 2010 and this Progress report follows the formal submission of the two outline applications in September this year. Revised Planning Performance Agreements for both sites commit to submitting a progress report to Panel on 6th January 2011 and final determination during March 2011.

2.0 PROPOSAL:

2.1 The Clariant proposal takes the form of an outline application, with access only determined at outline stage. The description of development comprises residential development (up to 400 dwellings), with associated public open space, parking, landscaping, ancillary retail unit, allotments and retention of sports ground with pavilion and off-site highway works.

2.2 Current means of access to the site comprises a primary access off Calverley Lane and secondary access off Low Hall Road. The applicant has recently revised the application and is now proposing:

- retention of the Calverley Lane South junction with the Ring Road as existing with pedestrian improvements,
- a one way system on Calverley Lane North with a new footway following adoption,
- improvements to both Horsforth and Rodley roundabouts,
- extension of the footway on the Ring Road between Calverley Lane South and Rodley roundabout,
- controlled pedestrian crossing on A65 at Horsforth roundabout and uncontrolled crossing on the Ring Road in the vicinity of the junction with Calverley Lane South.

Access onto the primary road network is discussed in section 10 of this report.

2.3 The application is accompanied by a Concept Masterplan. The applicant has agreed that it is reasonable and acceptable to impose a condition on any planning permission requiring that future reserved matters would be in accordance with that Concept Masterplan.

2.4 The Concept Masterplan seeks to ensure that development will comprise:

- 2 and 3 storey family housing with the highest development in the centre of the site with lower development on the edges,
- densities varying from minimum 25-35 dwellings per hectare (dph) and maximum 36-45 dwellings per hectare (dph),
- primary access retained off Calverley Lane (with access through to the Riverside Mills site) and secondary access off Low Lane,
- retention of sports field/pavilion, provision of areas of open space within the Clariant site (and adjoining the riverside).

2.5 An Illustrative layout has also been provided to give an impression of how the Masterplan may be interpreted at reserved matters stage and what a final layout may look like.

- 2.6 The Clariant illustrative layout shows a development with primary access of Calverley Lane and secondary access off Low Hall Road. A number of areas of open space are contained within the site and adjoining the river with structural landscaping on a number of boundaries. An access through to the Riverside Mill site is shown. On the east side of Calverley Lane the sports centre is shown retained in joint sport and community use, with an area of allotments provided.
- 2.7 A draft S106 agreement has also been submitted with the application. This proposes the following elements:
- 25% affordable housing.
 - A number of formal/informal play areas.
 - Off-site highways works listed in para 2.2.
 - A new bus service from the site to Horsforth Train Station (linking to the A65 Quality Bus Initiative) via Calverley Lane North and local schools. This would operate every 30 minutes between 7am and 10pm, seven days a week (bar Christmas Day).
 - Provision of free Metrocards to 60% of households to encourage sustainable travel.
 - Contribution to primary education provision in the locality of £2,972 per dwelling.
 - Retention of the sports and recreation centre and pavilion for community use.
 - Sufficient public open space on site to satisfy UDP requirements including children's play areas.
 - Provision of allotments on site.
 - Provision of ancillary retail unit on site comprising 100-150 sq m.
 - Contribution of £50,000 towards footpath/cycle path link improvements to the south east of the site.

2.8 The applicant's covering letter states that:

"The submitted draft S106 provides for planning obligations in line with discussions and the requirements of national and local policy. It has been raised through consultation events with members that they may wish to see wider highway improvements in the vicinity of the site. In this context Harrow Estates would be willing to discuss an appropriate re-distribution of the planning obligation package."

3.0 SITE AND SURROUNDINGS:

3.1 The Clariant site comprises a former chemical production/treatment works (c 12.5 ha) located on the west side of Calverley Lane, Horsforth. It was purchased in the 1940's by Sandoz with production commencing in the 1950's. It contains a large number (18) post-war industrial buildings on site. Half of these are 2-3 storeys, with the remaining mostly 4 storeys with a large main office building comprising 4-5 storeys. It is considered that the site comprises a B2 (General Industrial) site, with ancillary B1 (office) and B8 (storage and distribution) elements. On the east side of Calverley Lane lies a Sports and Recreation Ground comprising 2.8ha, including a single storey sports pavilion.

- 3.2 The Clariant site has been slowly rundown since 2006; by 2009 only 50% of the buildings were utilised and the site closed completely in 2010 when Clariant rationalised their UK operations. Harrow subsequently purchased the site in 2010.
- 3.3 Both Clariant and Riverside Mills sites are currently accessed from the Ring Road (A6110) at Calverley Lane South and Calverley Lane North (between the Horsforth and Rodley roundabouts). A 7.5 ton weight restriction applies on Calverley Lane North.
- 3.4 The site is surrounded by areas of green belt (comprising open fields and mature vegetation), the River Aire, Leeds & Liverpool Canal and a railway line.

4.0 RELEVANT PLANNING HISTORY:

4.1 Relevant planning history comprises the following.

a) Outline planning application for demolition and residential development of the adjoining Riverside Mills site (27/181/02/OT). This was withdrawn on the basis that officers were to recommend refusal. The officer considered that residential development was to be resisted given the location, nature of the area, surrounding uses and access arrangements. It was considered that the site failed to meet government guidance and UDP policy in terms of suitable locations for new residential development.

b) Outline planning application for a mixed residential/office development (c 140 dwellings and 4,645 sq m offices) on the Riverside Mills site in 2006 (27/211/05/OT). This was subsequently considered at Public Inquiry and the appeal dismissed by the Inspector in January 2007 on the grounds that:

- a) the site was not well served by public transport and was not in a demonstrably sustainable location,
- b) various highway improvements including a signalised junction at Calverley Lane South/ring road were considered prejudicial to highway safety.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Subsequent to the closure of the Clariant site the local planning authority were approached by Harrow Estates in August 2009 and Horsforth Riverside LLP regarding Riverside Mills in December 2009. Pre-application discussions focussed around potential uses, highways impacts and sustainability issues. A number of technical meetings were held with officers and also with Horsforth and Calverley ward members. A pre-application presentation was made to Panel on 18th February 2010. Members requested officers to assess issues further in particular sustainability of the site and impact on the Ring Road.

5.3 Subsequent to the pre-application presentation officers have been in ongoing discussions with the applicant's team to address issues of:

- sustainability as impacted by the proposed bus service,
- sustainability as impacted by pedestrian connectivity,
- sustainability as impacted by facilities on site,
- sustainability as impacted by building standards,
- sustainability as impacted by education provision,

- impact on the Ring Road and potential improvements to Horsforth and Rodley Roundabouts,
- alternative approaches to the junction of Calverley Lane South and the Ring Road,
- alternative approaches to the use of Calverley Lane North and the junction with the Ring Road,
- progression of an agreed Concept Masterplan,
- progression of S106 Heads of Terms.

5.4 A number of significant elements have progressed since submission of the application and the Panel pre-application presentation, particularly in relation to assessing highways impacts, although some significant areas remain to be agreed, in particular in relation to the sustainability package. These issues are covered in the Appraisal section.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Public exhibitions were initially held at pre-application stage at Calverley Library (30th November 2009), Horsforth Library (2nd December 2009), Calverley Lane Sports Pavilion (24th February 2010), Horsforth St Margaret's Lower Hall (25th February 2010) and Calverley CoE School (25th February 2010).

6.2 Subsequent to submission public meetings were held in Horsforth (St Margaret's Lower Hall) on 22nd October 2010 and in Calverley (Calverley CoE School) on 29th November 2010.

6.3 The application was advertised by site notice dated 24th September 2010. A total of 96 representations have been received (20th December 2010); although not all addresses are identified, the majority are from Horsforth residents and only two from Calverley residents.

6.4 One representation of support has been received commenting that to avoid dereliction/vandalism the site should be developed asap; residential development is the most appropriate use for this site, density, amenity space and landscape is commendable in keeping with semi-rural character of the surroundings. Ring Road coped with Clariant workforce and surrounding vehicles and should not be unduly affected by the development. Local school building programme should follow additional housing.

6.5 Three partial support/objection letters have been received on the grounds that:

- Development welcomed but numbers excessive.
- Providing housing for 550 laudable and ensure site does not fall further into disrepair but needs to plan for and factor in infrastructure.
- In favour of proposals subject to residents of Calverley Lane North having access through bus gate, money for educational requirements ring-fenced and monies be earmarked for larger scale works to the ring road.
- Negative impact on ring road otherwise good to see a brownfield site rather than greenfield site being developed.

6.6 85 Objectors have written 92 letters and e-mails of objection (as at 20th Dec) regarding the Clariant application on the following grounds:

- Highway network (in particular A6120 and A65) inadequate, knock on effects on Broadway and other roads.
- Negative impact on physical condition of highway network.

- Unacceptable without a traffic management scheme for the A6120/A65 roundabout.
- Ring Road gridlocked at peak times with queues up to Owlcotes.
- Ring Road needs to be dual carriageway.
- Traffic lights needed at Calverley Lane South but will cause more queues.
- Not just main roads affected but secondary roads e.g. to Newlathes School.
- Recent accidents on A6120 cause horrendous traffic problems, proposals will result in increased accidents.
- Current traffic levels below pre-recession peak.
- Impact on Horsforth roundabout would be chaotic.
- Serious work would need to be done to Calverley roundabout.
- Traffic flows Carr Road to Greengates and Rodley at roundabout will inflate problems.
- Proposal will result in little improvement to road infrastructure.
- Tax payers shouldn't have to consider changes to roads without net benefits.
- Proposal will result in increased accidents.
- Left out only lane will result in congestion at Horsforth roundabout.
- Impact of the Kirkstall Forge development on top.
- Nil detriment argument is nonsense.
- Need a park and ride facility.
- Parking difficult on Town Street, Horsforth.
- Uncontrolled pedestrian crossings would interrupt traffic flows, obstruct traffic and be unsafe. Footbridges or underpasses required for Ring Road.
- No pedestrian footpaths exist.
- Calverley Lane North too narrow for buses. Small buses cannot provide sufficient capacity.
- Closing Calverley Lane North will result in residents having to travel full length of ring road resulting in inconvenience and congestion.
- Needs to be another access off the estate e.g. Knott Lane.
- Public Transport disjointed and feeder bus does not provide full transport access.
- Impact on overstretched local services generally in particular schools, healthcare, doctors, dentists, midwifery, police, libraries and supermarkets.
- Transport additions not sufficient or sustainable, will become a dormitory annex.
- Concern re long-term viability of bus service.
- Horsforth supermarket parking at capacity at many times of day.
- Possible 3900 pupil places and three schools required, unlikely given government cuts.
- Current infrequent ring road bus service and no rail link.
- Development will not allow those from outside the town to get places at local schools.
- Loss of employment land will impair economic recovery.
- Horsforth needs science and small scale industrial/manufacturing units.
- Plans show little greenspace.
- Impact of additional traffic on existing businesses.
- Train Station at site would reduce impact.
- Not convenient for local shops, people will be obliged to use the car.
- Walking to Horsforth/Rodley not realistic.
- Site has opportunities to offer an almost traffic free cycle route to Leeds centre.
- One retail unit on site will not be enough.
- No housing need given unsold properties.
- Where's the demand, given that first time buyers experiencing difficulty?
- Horsforth does not need 2/3 bed properties, lack of 4/5 bed properties.
- Possible impact on bats, deer, conservation area.
- As people move in, wildlife will move out.
- Area unsafe as adjacent to council tip.
- Loss of tranquil area with noise and disturbance from construction and after build.

- Proposals would cause noise, disturbance, odour, pollution.
- Proposals would spoil landscape and character of area.
- Development does not create a sense of place contrary to PPS1 and PPG13, but is generic; should be bespoke recognising opportunities.
- Want to preserve, not destroy Horsforth.
- Overpopulation of Menston, Guiseley and Horsforth.
- Impact on green belt in the locality.
- Site should go back to nature and be developed for walks, wild flowers meadows, play areas, picnic areas and allotments.
- Calverley Lane North bus gate would make life difficult for vehicles accessing the Pick Your Own business and dangerous for pedestrians, potential conflict between agricultural traffic and the bus. Could seriously impact the business.
- A65 roundabout bus stop relocation will be inconvenient.
- Negative impact on Ring Road otherwise good to see a brownfield site rather than greenfield site being developed.
- Even if stone, not possible to fit/out of place with area.
- Development needs to satisfy water demand and may require larger diameter mains.
- Site may be prone to flooding.
- Contamination mitigation required.
- Size of allotments paltry, plenty of POS in locality.
- Application does not seem to differ in any positive way from the previous refusal.

6.7 Objections have also been received from Horsforth ward members Christopher Townsley, Brian Cleasby and Andrew Barker on the grounds that:

- the proposal is not sustainable due to isolation from services in Horsforth,
- the site should be retained as employment land,
- detrimental impact of traffic on the Ring Road, roundabouts, and on-street parking in Horsforth,
- adding to oversubscribed education problems.

6.8 Two letters have been sent from Calverley ward members, Andrew Carter and Joseph Marjoram (the second objecting) on the basis:

- too many dwellings,
- want to ensure family dwellings only,
- situation on the ring road must be improved not just status quo,
- situation where people in village would be further away from Calverley schools than the new estate unacceptable,
- Rodley roundabout needs traffic lighted pedestrian safety measures,
- must preserve green corridor along river front, recreation ground should be preserved and Council owned picnic site should be enhanced,
- proposals remain unsustainable.

6.9 Objections have also been received from the local MP Stuart Andrew on the grounds that:

- site already isolated and difficult to make sustainable,
- will make situation worse for local services, already issues with primary schools,
- feeder bus may be rarely used,
- additional traffic on ring road. Modest proposal will do little to cope with additional traffic. Existing terrible situation will be made worse,
- not appropriate to compare residential and commercial traffic,
- previous application rejected at appeal as not sustainable,
- loss of employment land.

6.10 Objections have also been received from Horsforth Town Council on the grounds that:

- site inappropriate and unsustainable,
- removal of employment land detrimental to economic growth,
- will exacerbate problems on the Ring Road,
- safety issues for pedestrians with uncontrolled crossings,
- Calverley Lane North unsuitable for buses,
- possible loss of TPO trees and impact on wildlife/protected species,
- cumulative impact on infrastructure e.g. leisure, open spaces, schools, parking, public transport and roads.

6.11 Horsforth Civic Society also object on the basis that Horsforth hugely pressured by housebuilding resulting in problems with A65 and Horsforth roundabouts. Cumulative impact on local infrastructure such as schools, health care, parking, retail facilities. People will drive. Loss of business site and reduction in local jobs.

6.12 Leeds Civic Trust also object on the basis that:

- the location is unsustainable,
- thin end of the wedge for other "fill-in" areas,
- public transport will be difficult to achieve, situation could be eased with a railway station on site,
- if approved developer should fund improvements to whole stretch between the two roundabouts,
- loss of employment land.

7.0 CONSULTATIONS RESPONSES:

STATUTORY CONSULTEES

HSE: Objection on basis of risk of harm to people at the proposed development.

BRITISH WATERWAYS: No objection, subject to a S106 including upgrade and maintenance of the Leeds and Liverpool canal tow path.

YORKSHIRE WATER: Proposed layout unacceptable due to line of existing sewers. However if planning permission granted conditions recommended.

ENVIRONMENT AGENCY: No objection subject to conditions.

NETWORK RAIL: No objection, advice pertinent to reserved matters and construction.

SPORT ENGLAND: No objection, subject to the S106 including a Community Use Agreement and Maintenance and Management Plan.

NATURAL ENGLAND: No objection subject to habitat enhancement, SUDS and use of green wall/roof technology and sustainable building techniques.

WEST YORKSHIRE ARCHAEOLOGY SERVICE: No objection.

NON-STATUTORY CONSULTEES

POLICY: No objection as follows:

Land-use- Residential considered to be the preferred land-use given location of site distant from motorway network, that prospect of comprehensive employment development is remote and that office use would be contrary to PPS4.

Housing Land Supply - Housing would assist the Council in prioritising the regeneration of brownfield sites and resisting greenfield/green belt release. The site will contribute to meeting the Council's interim housing target of 11,300 units by 2016.

Sustainability - The joint development of the Clariant/Riverside Mills site provides the critical mass to potentially address sustainability issues.

Landscape - The clearance of the buildings and replacement with domestic properties will improve views across the valley and enhance the riverside setting.

Employment Land Supply- There is a short term 5 year surplus, and 15-23 years supply. There is sufficient employment land in the current UDP period, but likely to be a medium/long term deficit in the LDF period.

HIGHWAYS: Concerns raised as follows:

Pre-application discussion - Issues relating to the fallback position, off-site highway works, proposed bus service and relocated bus stops were not agreed at pre-app stage.

Accessibility - Site is isolated and opportunities for accessing by means other than the private car are limited. A package of accessibility measures is proposed and supported. However:

“whether they move the site from an inaccessible one to an accessible one is a matter of judgement.”

A 15 minute only service suggests the site will always suffer from over-reliance on the private car.

Travel Plan – Support Travelwise comments, Travel Plan not acceptable as submitted, further work required.

Calverley Lane South - Highways consider that use of the existing access is acceptable in principle, but subject to the receipt of revised modelling assessment including impact on queuing on Calverley Lane South.

Horsforth/Rodley roundabouts- Proposals supported.

Calverley Lane North- Proposal acceptable in principle, subject to consideration of detail and the successful completion of the adoption process.

Transport Assessment – Based on VISSIM model which has not been provided to the Council. Areas of TA not agreed in particular conclusions on “nil detriment,” accessibility of bus services, details of bus service to schools, location of bus stops, elements of the Road Safety Audit.

Conclusion – The application cannot be supported as originally submitted however, discussions are ongoing to resolve outstanding matters.

TRAVELWISE: Objection. The original submitted draft Travel Plan not acceptable. A full Travel Plan is required with additional information and included with the S106 agreement. Clarification of certain matters required. Further details of measures/actions required. Baseline info to be agreed. Further to additional information from the developer Travelwise have confirmed that outstanding information is still required.

TRANSPORT PLANNING:

Transport Strategy – Concerns regarding the detail of Rodley roundabout crossing and new footway as proposed, lack of right turn for cyclists at Calverley Lane South, need to improve position for cyclists on Horsforth roundabout, revisions to off-site highway works drawings, provision of a cycle-path from the site to the towpath and improvements to the towpath itself. Discussions ongoing.

NGT Planning Coordinator – No objection, subject to provision of a satisfactory bus service to/from the site. 10 year funding period significant but 30 minute service not compliant with SPD policy which suggests 15 min service. Public Transport package should also consider works to Rodley and Horsforth roundabouts as these cause significant delays to buses. S106's need to be linked to ensure bus service running from first occupation. Concludes that the proposals do not go far enough in terms of service provision and mitigation measures.

METRO: Objection. The principle, of a bus service is agreed. However the developers proposed bus service does not meet SPD criteria. No termination points/highway works have been discussed or agreed. Long-term viability of bus service uncertain. Bus route up Calverley Lane North supported. Ring Road bus stops will need relocating. Robust Travel Plan essential.

EDUCATION: No objection subject to S106 contributions. Primary schools in the locality oversubscribed and secondary schools likely to be oversubscribed between

2015/2021 (depending on means of assessment). Accordingly a full commuted sum will be required to provide additional primary and secondary places.

AFFORDABLE HOUSING: No objection subject to S106 that contains 30% provision, split 50/50 social rent and submarket (pro-rata and pepper potted across the site).

AFFORDABLE HOUSING POLICY: No objection subject to S106 that contains 30% provision, split 50/50 social rent and submarket (pro-rata and pepper-potted across the site).

DESIGN: Illustrative plan loosely follows pre-application discussion although elements of the Masterplan drawing do not represent what was previously agreed, in particular in relation to amount of 3 storey development and higher density towards Calverley Lane. Overall schemes are progressing with promising concepts-suitable solutions likely to emerge.

CONSERVATION: No objection, comments made to be addressed at reserved matters stage.

LANDSCAPE: No objection subject to condition and a S106 to contain a Landscape Management Document and details of a riverside footpath. Scheme largely follows pre-application submissions and proposal will have significantly less landscape impact than the existing works. Recommends further clarity in the Landscape Masterplan via a workshop.

NATURE CONSERVATION: Bat Report acceptable but more information required. More informal space should be included along with biodiversity enhancements.

PUBLIC RIGHTS OF WAY: No objection.

CONTAMINATION: No objection, subject to conditions.

ENVIRONMENTAL HEALTH: No objection subject to conditions.

MAINS DRAINAGE: No objection subject to conditions.

STREETSCENE SERVICES: No objection.

8.0 PLANNING POLICIES:

Leeds UDP Review (2006)

- 8.1 The site comprises land outside the main urban area but inset within the green belt in the adopted Leeds UDP Review (2006). No specific allocations or designations affect the site (with the exception of the recreation ground which is a protected playing pitch under Policy N6). Relevant policies comprise:
- 8.2 GP7: Where development not otherwise acceptable and a condition not effective, a S106 will be necessary.
GP11: Development must meet sustainable design principles.
GP12: Major applications must include a Sustainability Assessment.
N2/4: Residential development will be required to provide on or off-site greenspace.
N24: Where development abuts the green belt assimilation into the landscape must be achieved.

N29: Sites of archaeological importance will be preserved and appropriate investigation required.

N32: Land shown on Proposals Map as Green Belt.

N38B: Flood Risk Assessment in certain circumstances.

N51: Development, including landscaping should enhance existing wildlife habitats.

H3: Housing Land Release (inc. Phase 2 to 2010-2012).

H4: states: “Residential development on sites not identified for that purpose in the UDP but which lie within the main and smaller urban areas as defined on the proposals map, or are otherwise in a demonstrably sustainable location, will be permitted provided the proposed development is acceptable in sequential terms, is clearly within the capacity of existing and proposed infrastructure, and complies with all other relevant policies of the UDP.”

H11: Council will negotiate for appropriate affordable housing.

T2: New development should be capable of being served adequately by:

- existing or programmed highways or improvements to the highway network,
- public transport,
- cycling,
- convenient walking distance to local facilities.

T2B/C: All planning applications of significant traffic generation must be accompanied by a Transport Assessment and Travel Plan.

T2D: where public transport accessibility is unacceptable the local planning authority will expect developer contributions to either link to public transport, provide additional capacity on the network, improve public transport entry points or support service improvements.

T5: Satisfactory safe and secure access for cyclists and pedestrians.

T9: Effective public transport service encouraged and supported.

E7: Non-employment use will not be permitted unless:

- site is not reserved for employment use,
- sufficient alternative sites district wide/in locality,
- no resultant environmental, amenity or traffic problems.

S6: Support given to convenience good retailing in areas where residential have poor access to facilities.

LT6: Leisure potential of waterways corridor will be recognised.

LT6B: LCC will seek to secure footpath access to the River Aire and canal system.

ARC 6: Archaeology preservation by record by condition or S106.

GB24: Allotment gardens will normally be permitted in the green belt.

8.3 On the 6 July 2010, the Secretary of State for Communities announced the revocation of all Regional Strategies which would leave the Leeds Unitary Development Plan Review (2006) as the sole, statutory Development Plan. Although the High Court has recently ruled that the Secretary of State’s decision to revoke the Regional Spatial Strategies was unlawful, this is being challenged. The coalition government has also confirmed that it will be introducing the Localism Bill to Parliament, which will remove Regional Strategies through the parliamentary process. In this context, pending determination of the current challenge, Panel will need to consider whether the existence of the challenge and the basis of it affects the significance and weight given to the Secretary of State’s statements and Chief Planners letter.

PPS1 “Delivering Sustainable Development” 2005

8.4 Para 3 states that sustainable development is a core principle underlying the planning system. Para 18/19 states that planning should seek to “improve” and “enhance” the local environment. Para 27 states that planning authorities should

improve access to jobs, health, education, shops, leisure and community facilities and open space by foot, cycle or car to reduce reliance on car. Para 27 also states that planning authorities should promote the more efficient use of land through higher density development and bring vacant and underused land back into beneficial use.

PPG2 “Green Belts” 1995

- 8.5 Contains green belt policy which seeks to ensure, amongst other things, that visual amenities of the green belt are not compromised by development inside or outside the green belt.

PPS3 “Housing” 2010

- 8.6 Para 40 states the key objective of making the best use of previously developed land. Para 57 states that the supply of housing land should be managed so that a 5 year supply of deliverable sites is maintained. Para 69 states that local planning authorities should have regard to:

- achieving high quality housing,
- good mix of housing,
- suitability of site given environmental sustainability,
- using land effectively and efficiently ensuring development in line with planning for housing objectives.

PPG13 “Transport” 2006

- 8.7 Para 4 states key objectives as promoting more sustainable transport choices, promoting accessibility to jobs, shopping, leisure and other service by public transport and reducing need to travel by car. Para 74 states local planning authorities should identify routes for bus improvements and potential for improved transport interchange, and negotiate improvements in public transport provision. Para 76 and 79 state the importance of promoting walking and cycling as a prime means of access. Para 91 states that the acceptability of a Travel Plan will depend on the extent to which it materially affects the acceptability of development.

PPG17 “Planning for Open Space, Sport and Recreation” 2006

- 8.8 Para 18 states that local authorities should seek opportunities for improving the value of existing facilities and encourage better accessibility.

Adopted SPD “Public Transport Improvements and Developer Contributions” 2008

- 8.9 Para 4.3.15 states that the minimum level of accessibility to public transport should be 400m to a bus stop, offering a 15 minute (or better) service to a major public transport interchange, normally Leeds city centre, between 7am and 6pm, with a 30 min service up to 11pm and at weekends. Para 4.3.16. confirms that in locations where public transport accessibility is not acceptable, the developer is expected to establish and fund the measures required to make the site accessible.

Adopted SPG3 “Affordable Housing Policy Guidance Note Annex” 2007

- 8.10 In updating the original SPG from 2003 this required affordable housing of 25% in the outer suburbs.

Adopted Interim Housing Policy 2008

- 8.11 Introduced in 2008 this now requires 30% in the outer suburbs in accordance with the latest Strategic Housing Needs Assessment 2007.

Adopted SPG4 “Greenspace relating to new housing development” 1998

- 8.12 Para 1.6.6. states that for outline schemes of over 50 dwellings provision of greenspace in accordance with UDP policy N2 will normally be required on-site.

Draft SPD “Travel Plans” 2007

- 8.13 Para 4.23 confirms that any applications comprising more than 50 dwellings will require a Travel Plan. Table 2 lists essential components of any Travel Plan . Table 6 lists the process for speculative outline applications.

9.0 MAIN ISSUES

1. Principle of Residential development
 - a) Housing Need
 - b) Loss of Employment Land
2. Sustainability
3. Environmental Impact
4. Highways
5. Public Transport and Travel Plan Issues
6. Affordable Housing
7. Education
8. Walking/Cycling
9. Draft S106
10. Green Belt
11. Design and Landscaping (Masterplan)

10.0 APPRAISAL

1. PRINCIPLE OF RESIDENTIAL DEVELOPMENT

- 10.1 The land lies outside the main urban area, but inset within the green belt (with the exception of the sport and recreation ground which is to be retained). The principle of residential development can be considered under adopted Leeds UDP (2006) policy H4. This states that development on unidentified sites within the urban areas, or in demonstrably sustainable locations, will be permitted for residential development provided that development is acceptable in sequential terms and is within the capacity of infrastructure.
- 10.2 This site lies outside the main urban area and hence the first key issue in terms of UDP Policy H4 is whether it lies in a demonstrably sustainable location, or could be made to be a demonstrably sustainable location. The previous Inspector’s decision on an appeal at Riverside Mills concluded that the Riverside Mills site was not well served or capable of being well served by public transport and was not in a demonstrably sustainable location. However there has been material changes of circumstance since that decision in that the Clariant site is now redundant and vacated. The Clariant site is closer to the primary road network and closer to Horsforth town centre for pedestrians and cyclists via Calverley Lane North. Whilst the location remains poor in sustainability terms, the two sites together result in a critical mass of development that may enable a package of sustainability measures that address the previous Inspector’s concerns.
- 10.3 The second key issue is whether development is acceptable sequentially and is within the capacity of infrastructure. Sequentially the site is brownfield and consequently a priority for beneficial re-use, to limit greenfield and greenbelt land release. The applicants have offered various off-site highway works and education

contributions to address infrastructure impacts and officers are engaged in ongoing assessment of whether these sufficiently mitigate impacts.

- 10.4 Planning policy officers have concluded that as a brownfield site, beneficial re-use should be encouraged. Given certain limitations of employment re-use, in particular distance from motorway network and likely lack of a cohesive and well planned scheme for business use, they have concluded that:

“the site is best suited to a residential led development...”

- 10.5 Planning Officers conclude that there would be advantages to a well-planned residential led scheme and that residential development may acceptable in principle, subject to the applicant satisfying officers that the site can be made sustainable through the package of measures offered (and discussed further in this report). Ongoing discussion and negotiation are required before a final view can be taken.

a) Housing Need

- 10.6 PPS3 requires local planning authorities to have a 5 year housing land supply of deliverable sites at any time. Following the coalition government’s revocation of RSS the Council has an Interim Housing Requirement of 11,300 units by March 2016, of which 12,466 have been identified (inc. 2,500 are windfall). Development of this site would contribute to this requirement and reduce pressure on greenfield and green belt sites.
- 10.7 The High Court’s decision that the coalition government’s revocation of RSS is illegal leaves RSS as part of the development plan, but with ministerial statements that seek to reduce their weight given the continued intention to revoke them. As such it is concluded that RSS has less weight than previously.
- 10.8 The Coalition government has also announced a “New Homes Bonus” as part of October’s White Paper, which includes £1 billion in bonus payments to encourage local authorities to provide new housing. This is intended to work by paying Council’s sum equivalent to the national average for the council tax band on each additional property (ring fenced) for 6 years. A consultation paper requests comments by Christmas and it is considered that the scheme is unlikely to be in operation by the time this application is determined. Although aimed at encouraging local authorities to release more housing land, it is not considered that it has any weight in planning terms and decisions should be made on planning grounds.

b) Loss of Employment Land

The application submission contains a report that assesses Employment Land Supply and the impact of the loss of this site in the context of policy E7 of the adopted Leeds UDP (2006).

- 10.9 That report has been assessed by Planning policy officers who conclude that there is a short term 5 year surplus (within the life of the UDP) and overall a 15-23 years supply. However there is likely to be a medium/long term deficit in the LDF period.
- 10.10 In the context that there is a surplus in the current development plan period and that it is up to the forthcoming Site Allocations DPD to identify sufficient employment sites for the longer-term; it is officers conclusion that the loss of employment land is not objected to in this case.

2. SUSTAINABILITY

- 10.11 The Inspector in the previous Riverside Mills appeal concluded at (para 17) that:

“...the site is not well served or capable of being well served by public transport and is not in a demonstrably sustainable location.”

- 10.12 The applicants have offered a package of measures designed at increasing the sustainability credentials of the site and overcoming the Inspector’s concerns on the adjoining site. These areas are outlined in para 2.7 of this report. The application also includes a sustainability statement that refers to the sustainability package and concludes:

“Given the location of the site in respect of the main urban area of Leeds sustainability measures for the Clariant scheme have focused on the improvements to public transport accessibility, school provision, affordable housing need, community facilities and improved pedestrian/cycle linkages...The scheme will seek to achieve a 10% renewable/low carbon generating energy production and, Code for Sustainable Homes Level 3.... The location of the site also provides opportunities for walking, cycling and using public transport as means of traveling to the shops and services on offer in the local area. The scheme also provides the opportunity for employment opportunities for local people to be sited within easy walking distance. In conclusion, the proposed development represents an exciting high quality scheme which will effectively promote the principles of sustainable development in terms of community, economic development and the natural environment.”

- 10.13 The benefits offered are acknowledged. However, the package and offer has not yet been finalised or agreed. The Sustainability team’s response notes that the development fulfils many of the requirements of sustainable development (social, economic and environmental) and recognises that much of the sustainability package offered represents good practice. However it is noted by extending sustainable transport options further and improving performance of buildings the sustainability of the site could be improved further. This requires further discussion with the applicant. Officers are therefore not yet in position to confirm whether a final package is sufficient to make the site sufficiently sustainable for development to be supported. Discussions are ongoing regarding:

- adequacy of the 30 minute bus service (compared to SPD policy of 15 minutes),
- the off-site highway works and impact on the proposed bus service and usability for cyclists/walkers
- adequacy of Code for Sustainable Homes 3 compared to 4,
- commuted sum for secondary education provision,
- adequacy of 25% affordable housing in the context of the Interim Housing Policy which suggests 30%,
- adequacy of the £50,000 footpath/cycle path link improvements
- how the offered 10% renewable/low carbon generating energy can be achieved.
- adequacy of the sports pavilion in community use.

A final view will be reported to Panel in March 2011.

3. ENVIRONMENTAL IMPACT

- 10.14 An Environmental Impact Assessment was submitted with the application and covers the following main areas:

-Ground Conditions and Remediation

-Ecology

-Landscape and Visual Effects

-Archaeology and Cultural Heritage

-Water resources

-Noise

-Traffic and Transport

- 10.15 As well as consideration by planning officers this document has been forwarded to statutory and non statutory consultees to consider the relevant sections .
- 10.16 Having considered the EIA and responses from statutory and non-statutory consultees it is considered that environmental effects are generally acceptable and in some ways beneficial e.g. remediation of both sites. Further information is required at reserved matters stage and conditions imposed. At this stage further information is required regarding impact on bats and impact of noise on properties in the south-east corner of the site. These are being discussed with the applicant.

4. HIGHWAYS

- 10.17 It has been clear from the start of pre-application discussions that a fundamental question in assessing any redevelopment proposal for this site is the potential impact on the surrounding highway network, in particular the ring road and Horsforth/Rodley roundabouts.
- 10.18 The ring road and associated roundabouts were built in the 1960's at a time of different highway design standards and different traffic levels. This part of the ring road currently experiences high traffic volumes and congestion problems in both morning and evening peaks. The City Council has long term plans to undertake major improvement to this section of ring road, the preferred option being dualling between the Horsforth and Rodley roundabout with associated improvements to those roundabouts. Improvements of this scale would be dependant on significant government funding, which in the current climate is unlikely to be forthcoming for some time. The City Council is currently developing a scheme to signalise Horsforth Roundabout, which would be compatible with the improvements currently proposed by this development. This scheme will improve both the safety and operation of the junction and could be implemented in the medium term with funding from Section 106 monies for other schemes such as Kirkstall Forge, Woodside Quarry and Local Transport Plan 3.
- 10.19 Most of the objections from residents, ward members and the local MP state the main objection being the impact this development would have on the Ring Road. The applicant has provided a Transport Assessment that assesses this impact including VISSIM modelling. The Transport Assessment argues that based on the lawful fallback position that their development will have "nil detriment" on the Ring Road.
- 10.20 It is established planning practice in assessing potential traffic generation to take a fallback position into account. In this case that fall back position is the lawful use of the site for General Industrial use (B2), with ancillary Storage and Distribution

(B8) and offices (B1). The existing buildings could be lawfully used on this basis. Given that Clariant had wound down operation over a number of years resumption of the lawful use would result in a significant increase in traffic generation than currently experienced. The highway authority must assess the difference between the fall-back position and the proposed development to assess impact.

- 10.21 Lengthy discussions have agreed the hypothetical fallback position in terms of the extent of floorspace that could be re-used and the primary use (B2 General Industrial); although the range of trip rates have not been agreed. It is also established planning practice that any fallback position must be realistic and the extent of floorspace likely to be let is not agreed. As a consequence, the applicant's "nil detriment" argument is not accepted and the development results in the need to undertake works to both Horsforth and Rodley roundabouts as well as Calverley Lane North.

(CALVERLEY LANE SOUTH)

- 10.22 As part of the pre-application process, lengthy discussions were held regarding alternative approaches to the junction of Calverley Lane (south) and the ring road. Further to the Inspector's rejection of the signalised junction at the Riverside Mills appeal, other approaches to signalling the junction were considered; but rejected by Highways on the impact they would have on disruption to traffic flows and queuing on the Ring Road.
- 10.23 The application was submitted with a scheme that showed a dedicated left in/left out arrangement. This has also been rejected by Highways primarily on the basis of inadequate lane widths on the ring road and consequent highway safety risk. These lanes could be widened to highways satisfaction, but would require third party land and probable strengthening works to the railway bridge.
- 10.24 The applicant has now submitted revised drawings which retain the current arrangement for Calverley Lane South, with the addition of an uncontrolled pedestrian crossing. This is currently the subject of reconsultation. In the context that a fallback position exists, Highways consider that use of the existing access is acceptable in principle, but subject to the receipt of revised modelling assessment of impact on queuing on Calverley Lane South.

(CALVERLEY LANE NORTH)

- 10.25 As part of the pre-application process lengthy discussions were held regarding alternative approaches to the use of Calverley Lane (north) and the junction with the ring road.
- 10.26 The application was submitted with a proposal to make Calverley Lane North limited access for residents, service vehicles and the new bus only, controlled by a bus gate at the junction with the Ring Road. This would be acceptable to Highways if an improvement scheme to Calverley Lane South was practicable. In the absence of a practicable scheme for Calverley Lane South the application has now been amended to retain Calverley Lane North as open to all traffic (limited to 7.5t), but one way. This will require a footway on one side which would also require the road to be adopted. This is currently the subject of reconsultation. Highways have confirmed that this would be acceptable in principle, subject to consideration of the detail, and the successful completion of the adoption process. If a recommendation of approval was forthcoming this would require a grampian condition to ensure that the works were completed prior to occupation of the first unit.

HORSFORTH AND RODLEY ROUNDABOUTS

- 10.27 The application includes a proposal to improve both Horsforth and Rodley roundabouts consisting widened lanes and realigned footways for Rodley Roundabout (plus an uncontrolled pedestrian crossing) as well as an extended merge lane on the Ring Road southbound from the Horsforth roundabout, extended islands and new pelican crossing. The extent of improvements do not go as far as the longer term plans for these roundabouts; however the applicant only has responsibility to mitigate the impact of their development, rather than resolve all the historic problems of the ring road. The proposals offered do represent an incremental improvement that would be compatible with the longer term improvements and as such are supported by Highways.

5. PUBLIC TRANSPORT AND TRAVEL PLAN ISSUES

- 10.28 The applicant is proposing funding extending the existing 31/32 bus service to operate on Calverley Lane North linking the site to the A65 Quality Bus initiative and Horsforth Train Station. The route is also intended to take in West End Primary, and any other schools subsequently expanded. The bus service would comprise a small bus (e.g. Optare midi) every 30 minutes from 7am to 10 pm, seven days a week.
- 10.29 Highways, Public Transport and Travelwise officers acknowledge that this is a benefit that will aid accessibility to the site, however all have concerns about the adequacy of the bus service. The adopted Public Transport SPD states that the minimum level of accessibility to public transport should be a 15 minute (or better) service (not 30 minute) up to 11pm (not 10pm). The developer has argued that a 15 minute service would require 2 buses that would be under-utilised and that such a service would not be viable. Further discussion is required on this issue.
- 10.30 Travelwise have also confirmed that further clarification is required on certain parts of the Travel Plan and a number of elements are required in particular an implementation programme for the Action Plan, clarification of type of metro-card provided, setting Travel Plan targets and confirming an interim Travel Plan coordinator.
- 10.31 It is considered that as an outline application, an Interim Travel Pan would be acceptable, to be approved as part of any planning permission (but with a condition requiring an update once a lead housebuilder is on board). However it is does not appear that the Travel Plan contains sufficient information to be acceptable and further discussions are required.

6. AFFORDABLE HOUSING

- 10.32 The application offers 25% affordable housing, however the Council's Interim Housing Policy requires 30%. As such the application does not contain sufficient affordable housing and objections have been received from both affordable housing officers and policy officers on this basis. Further discussion is required.

7. EDUCATION

- 10.33 Pre-application discussions involved an assessment of potential primary and secondary education need arising from the development. As regards primary education it was agreed that West End Primary was the preferred option and if expansion of existing schools could not provide sufficient capacity, then a new

primary school would need to be considered, ideally in a location more central to the heart of Horsforth, and a commuted sum would be required. As regards secondary education the developer was also made aware of potential secondary need and that a commuted sum would be required.

- 10.34 As part of the formal application consultation process Education Leeds have requested a primary education contribution from Clariant of £1,188,929 and secondary of £716,597. The request is the same as that discussed at pre-application stage. The developer is willing to pay the primary contribution and has offered funding toward education provision in the draft S106 agreement on a pro rata basis. However, they have queries regarding the secondary contribution which is not yet agreed.
- 10.35 Concerns have also been raised by ward members and residents at the ability of local education services to cope with additional demand from this development. Many local schools are at or near capacity, although this is an existing issue not related to this development. If a recommendation of approval was forthcoming for this application, the developer can only be required to fund sufficient education capacity to cater for their development, rather than resolve wider educational issues. The same applies to other developments in the locality e.g. Woodside Quarry and Kirkstall Forge.
- 10.36 Concerns have also been raised by ward members regarding the possibility of children from this development gaining precedence over existing children for places at local schools. It is considered that whilst this is a genuine issue of educational policy and placement, it is not a planning issue.
- 10.37 It is therefore concluded that if the developer is willing to pay the secondary contribution requested then along with the primary contribution, sufficient funds will have been made available to provide for education demands resulting from this development.

8. WALKING/CYCLING

- 10.38 The application proposes to aid sustainability credentials by encouraging walking and cycling trips. This comprises funding a footway on Calverley Lane North (via a Section 278 agreement) and an offer of £50,000 towards improvement to the footpaths near the south east corner of the site connecting Calverley Lane and the canal towpath in the vicinity of Calverley Bridge and the Railway Public House (via a Section 106 agreement).
- 10.39 A report has been provided by Parks and Countryside officers assessing a range of potential footpath improvements in the area considered to be reasonably related to the development. The current offer of £50,000 relates to only one of the suggested improvements, which Parks and Countryside estimated as a cost of £74,000. It is planning officer's views that improvements to the footpath along the southern boundaries of both Riverside Mills and Clariant sites would also be necessary as a minimum improvement. As such the £50,000 is considered inadequate to reasonably contribute to footpath/cycle improvements and further discussion is required to see if the applicant is willing to improve their offer, or agree a specification to be included in the Section 106.

9. DRAFT SECTION 106 AGREEMENT

- 10.40 The S106 offer currently comprises those elements listed in section 2 of this report. As discussed elsewhere in this report elements of the S106 are at this stage considered inadequate and further discussion (including links to the Riverside Mills Section 106) are is required before progressing further.

10. GREEN BELT

- 10.41 The site is surrounded by green belt, remainder of the industrial estate and Riverside Mills site to the east. It is considered that detailed plans at reserved matters stage, with adequate boundary buffer planting, could ensure that visual amenities of the green belt are not compromised.
- 10.42 The Sports and Recreation ground (which lie in the green belt) are proposed to be retained in their current use, with extended use for the community. This will maintain the openness of the green belt. Details need to be agreed as part of the Section 106 agreement.

11. DESIGN AND LANDSCAPING (MASTERPLAN)

- 10.43 The Clariant site is immediately adjoining the Riverside Mills site and it was made clear at pre-application stage that in pursuing development, the local planning authority would require sufficient comfort that the two sites could be integrated in urban design terms. Although Layout, Scale, Landscaping and Appearance are all reserved matters, it was agreed that a joint Concept Masterplan document could control the design parameters for the sites and be approved as part of any permission. This would ensure that the form of development at reserved matters stage would be compliant with policy and result in a positive development.
- 10.44 The submitted Concept Masterplan document for Clariant confirms developable areas, storey heights, densities and design parameters. It confirms that sensitive areas of open space such as the existing sports pavilion/recreation ground will be retained and the river front respected. It confirms that existing boundary vegetation will be retained and respected. It confirms that the housing will be a mix of 2 and 3 storey houses. Whilst being generally in accordance with discussion at pre-application stage there are a couple of areas that remain to be resolved. These relate to the extent of potential 3 storey development and extent of open space on the southern boundary which in its current form, would be unacceptable. It is officer opinion that the level of two and three storey development agreed at pre-application stage would be sensitive to the green belt/valley context, and would represent a significant visual improvement over the current non-conforming and incongruous commercial buildings; the Framework should be amended accordingly. The landscape officer has commented that:

“ the development overall will have significantly less landscape impact than the existing works...the transition from a largely grassed landscape setting around the industrial buildings into finer grained gardens and peripheral planting which will over time develop a significantly greener character...”

These comments are accepted and it is considered that in design/landscape terms, the Concept Masterplan, subject to the revisions above, offers an opportunity for a far more sensitive and attractive development form in this location than currently exists.

- 10.45 The illustrative layouts are generally acceptable to design and landscape officers. The Clariant illustrative layout represents a form of development with a strong

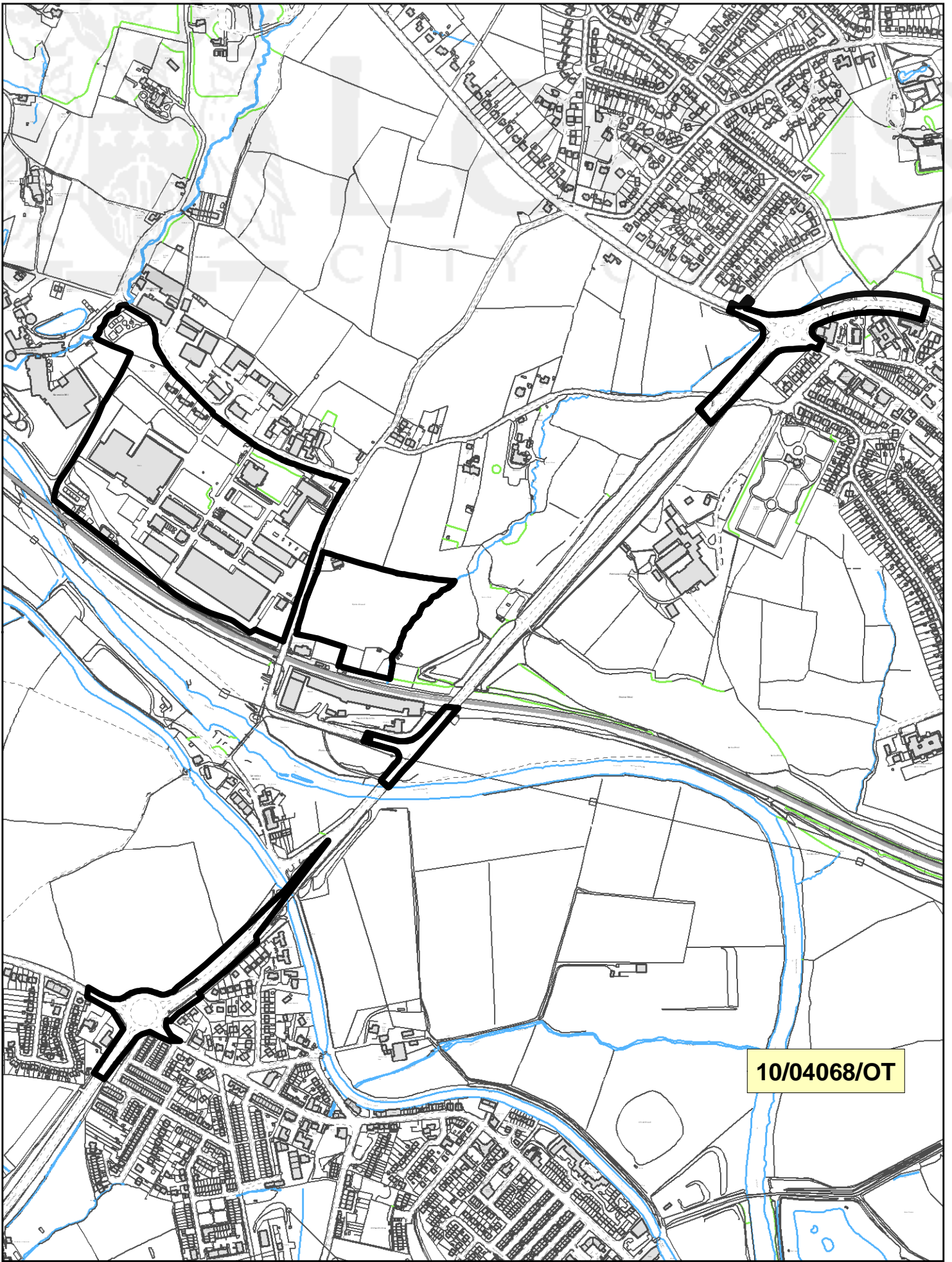
centre, a number of appropriate areas of open space, retention and enhancement of boundary planting and a main access that links from Calverley Lane through to the Riverside Mills site.

- 10.46 In conclusion it is considered that the Concept Masterplan could ensure that detail submitted at reserved matters stage would be appropriate for this sensitive green belt, valley location. The Concept Masterplan is largely acceptable, although revisions are required to enhance riverside open space and reduce the extent of potential three storey housing areas.

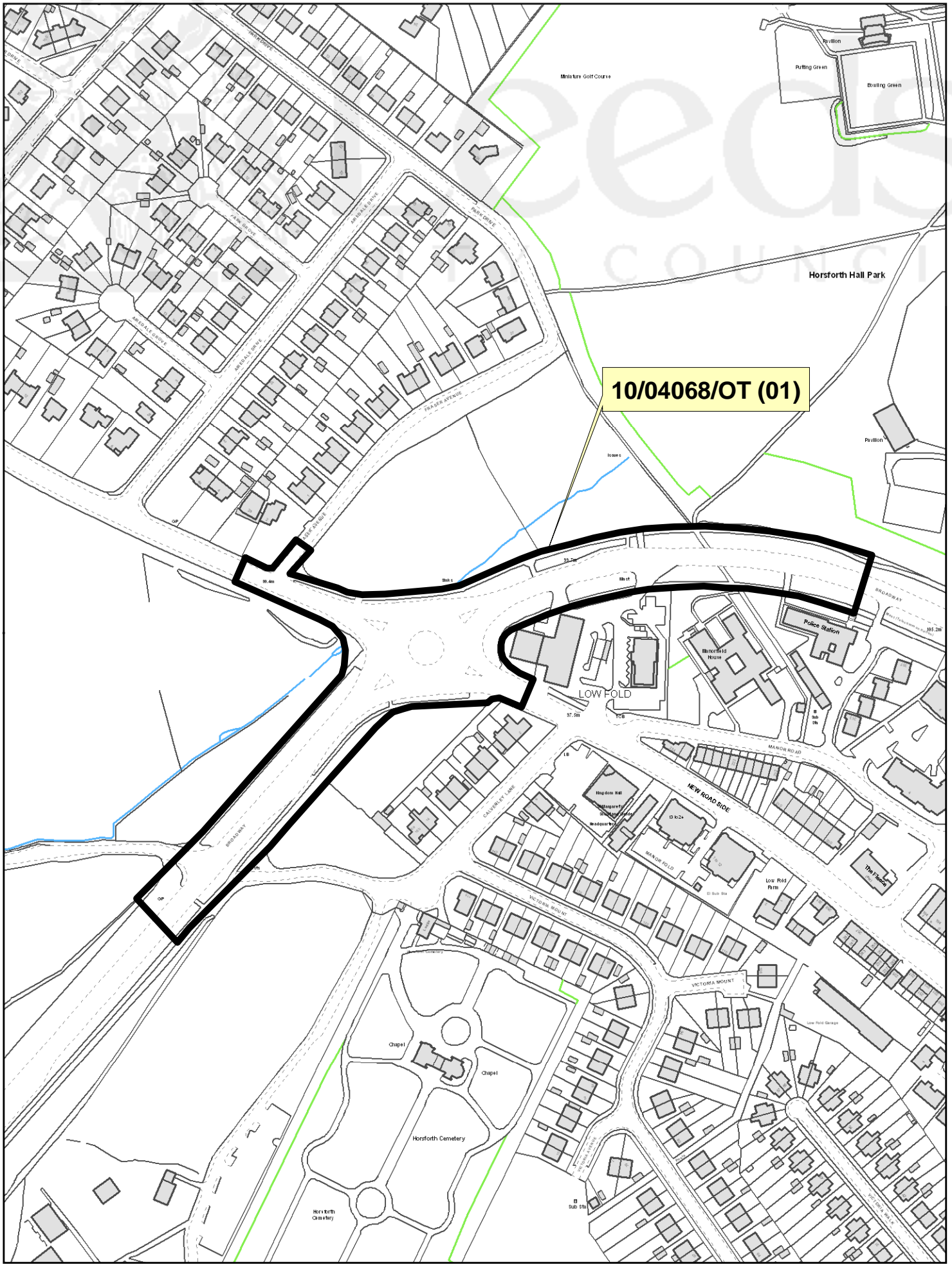
11.0 CONCLUSION

- 11.1 The site is a significant brownfield site that is inset within (and therefore not subject to) green belt policies. The delivery of residential development on major brownfield sites, in sustainable locations, remains a key planning objective in both the adopted Leeds UDP (22006) and RSS (2008).
- 11.2 The site is vacant and is unlikely to be attractive to other employment occupiers in it's current state. Policy officers have confirmed that the site would not be well suited for new employment development. A well planned and integrated residential-led development offers the opportunity to bring beneficial use back to this site with a scheme that has the potential for being better integrated into this sensitive green belt, valley landscape.
- 11.3 Although the principle of highways access as currently proposed is supported by highways, this is subject to further assessment of details. In addition officers are still assessing whether the sustainability package has maximised the sustainability credentials of this site sufficient to overcome the concerns identified by the previous Inspector.
- 11.4 Views are requested from members and it is intended to report back to Panel in March 2011 for final determination.

Background Papers: Inspector's decision re planning application 27/211/05/OT



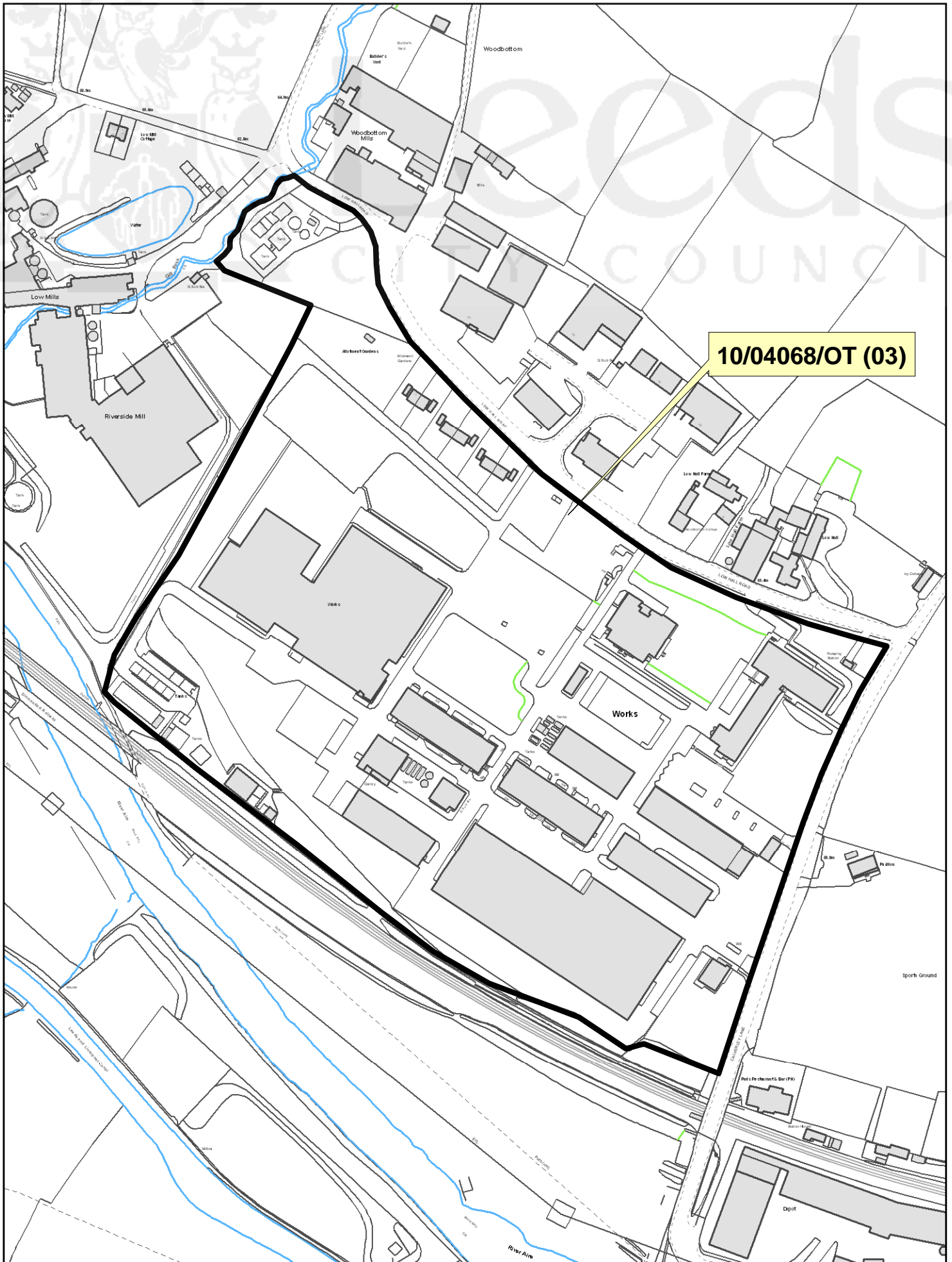
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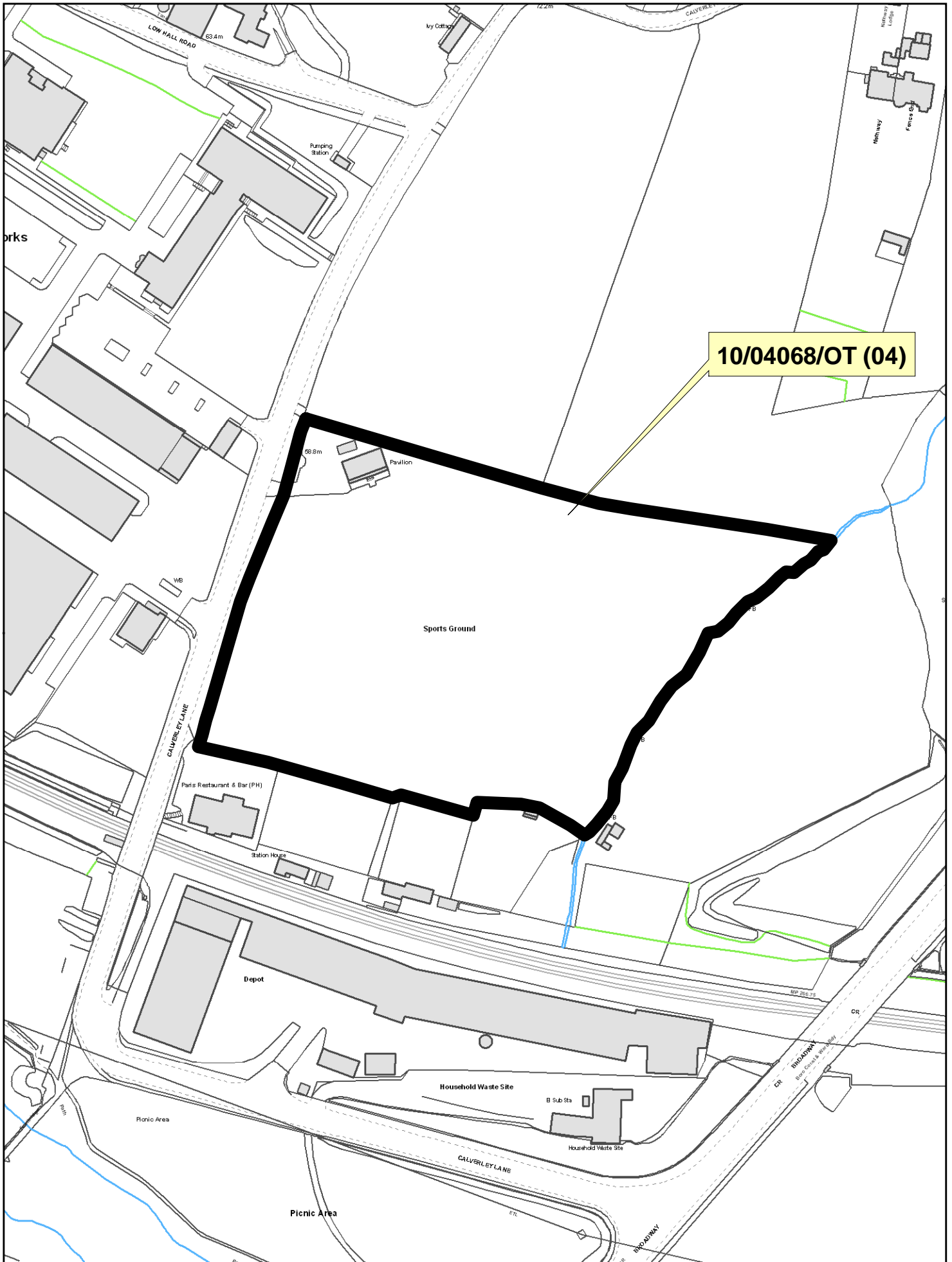
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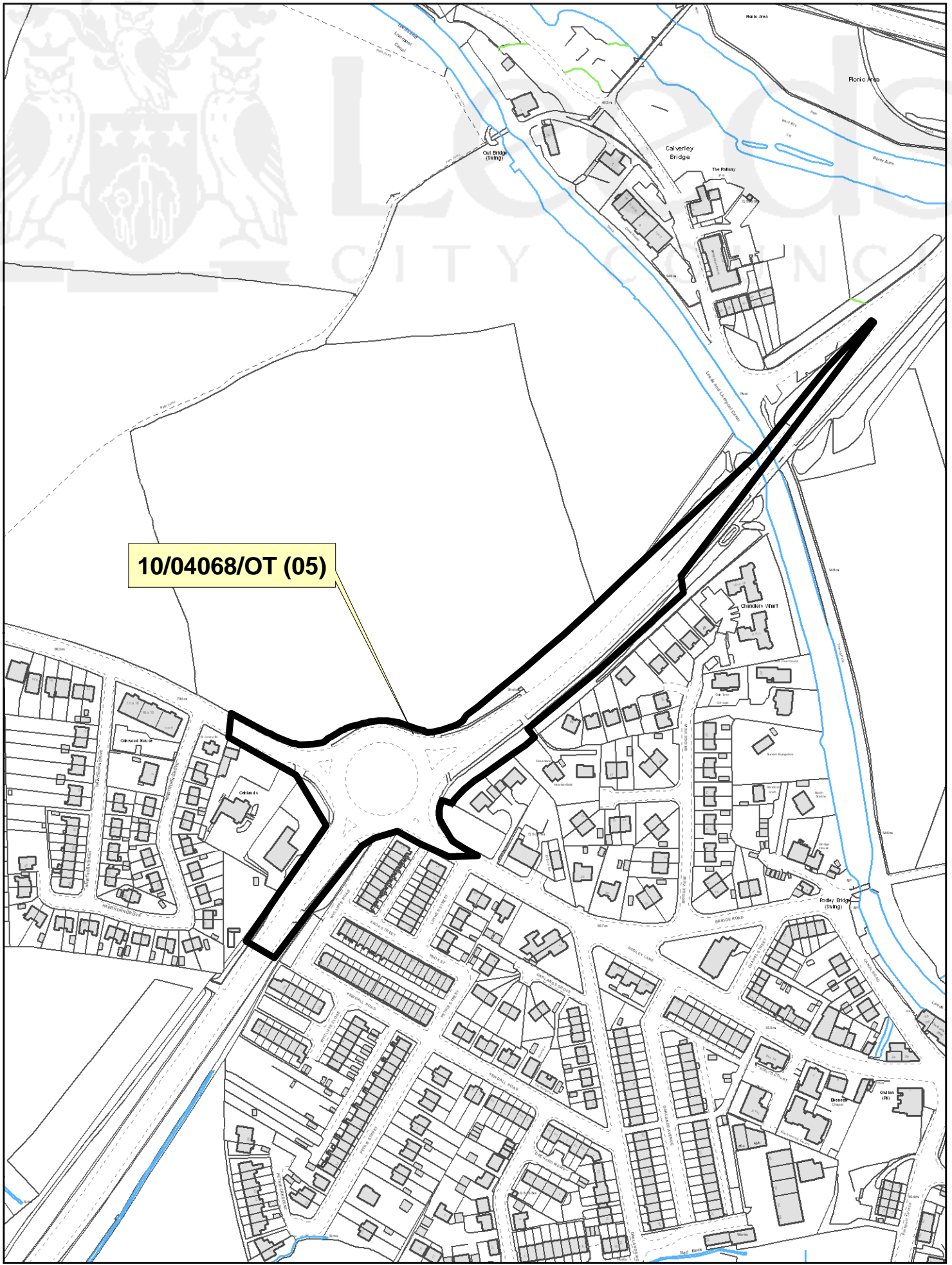


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