



# **Aire Valley Leeds Enterprise Zone**

APPENDIX 1

## **Local Development Order (2): Extensions, Alterations and Changes of Use**

Revised Draft following Public Consultation  
April 2012



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### Appendix A: Plans

## 1. Introduction

- 1.1 Enterprise Zones were announced by the Government in the March 2011 budget. The aim of Enterprise Zones is to stimulate private sector growth by reducing burdens for businesses. The specific benefits announced include:
  - A business rate discount worth up to £275,000 per business over a five year period for new businesses;
  - A simplified planning approach; and
  - Measures to ensure superfast broadband is rolled out .
- 1.2 Enterprise Zones are selected and administered by Local Enterprise Partnerships (LEPs) and Aire Valley Leeds was selected as the Enterprise Zone candidate for the Leeds City Region LEP. The Government confirmed in July 2011 that Aire Valley Leeds was approved as one of the 22 areas in the country to benefit from Enterprise Zone status. The Enterprise Zone will commence on 1<sup>st</sup> April 2012 for an initial period of three years to 31<sup>st</sup> March 2015.
- 1.3 Aire Valley Leeds is located in the south east of the Leeds urban area along both sides of the River Aire Corridor extending from the heart of the city centre out to the M1 motorway and beyond. The Enterprise Zone incorporates four major development sites within Aire Valley Leeds which front onto the new East Leeds Link Road (A63) which was opened in 2009. These are the sites that are eligible for business rates relief. Together the sites provide 142 hectares of development land suitable for a range of business uses.
- 1.4 All of the sites within the Aire Valley Leeds Enterprise Zone will benefit from a simplified planning approach, which will include the use of Local Development Orders (LDOs). Leeds City Council will prepare LDOs across themes covering different types of development. These LDOs will simplify planning requirements not only on the Enterprise Zone sites but over a wider area of Aire Valley Leeds.
- 1.5 This LDO covers one of those themes setting out the details of extensions, alterations and changes of use that will be permitted on the Aire Valley Leeds Enterprise Zone sites and in wider industrial areas of the Aire Valley.

## **2. Simplified Planning in Enterprise Zones**

- 2.1 Enterprise Zone status is conditional upon putting in place a genuinely simplified approach to planning and speeding up the planning process. The government advise that the approach taken to simplified planning should be ambitious and developed with consideration for what will genuinely benefit growth and attract private sector investment to Enterprise Zones. In order to simplify planning the government promote the use of LDOs.
- 2.2 LDOs are an existing part of the planning system falling under the provisions of the Town & Country Planning Act 1990, as amended. LDOs were introduced by the Planning and Compulsory Purchase Act 2004 and commenced in 2006 and were amended by the Planning Act 2008. The detailed legal provisions on LDOs are contained in Article 34 and Schedule 7 to the Town and Country Planning (Development Management Procedure) (England) Order 2010 which came into force in October 2010.
- 2.3 LDOs grant permission for the type of development specified in the Order, and by doing so, removes the need for a planning application to be made by the developer. If development complies with the requirements of the LDO it can be assumed that it can be started straight away (subject to compliance with the requirements of other legislation). The Local Planning Authority has the right to apply conditions on the LDO, similar to those that might be applied to a planning permission, to ensure that the development is acceptable in planning terms.
- 2.4 The Government has produced a guidance note for local authorities to support the preparation of LDOs. This advises local authorities to avoid any conditions which are not absolutely essential to make the resultant developments acceptable in planning terms. The guidance also stresses the importance of minimising displacement i.e. businesses moving onto the Enterprise Zone sites from nearby areas stifling development in those areas. It confirms that the boundaries of LDOs do not have to match those of the business rates relief area and Local Planning Authorities should look for opportunities to bring the benefits of planning simplification to a wider area.
- 2.5 The scope and detail of the LDOs for the Aire Valley Enterprise Zone have been worked up having due regard to advice contained in the guidance.

### **3. Aire Valley Leeds**

- 3.1 The Lower Aire Valley is a major economic development opportunity for Leeds City Region. In total it extends to over 1,300 hectares and contains some 400 hectares of sites which are available for development in the short to medium term. Aire Valley Leeds is identified within regional and local strategic plans as a focus for future economic growth for Leeds and the City Region. It will provide opportunities for continued, sustainable employment growth for the region for years to come. The Enterprise Zone will provide a catalyst for development in the short term and will help to deliver the long term vision for this area of Leeds.

#### **Urban Eco Settlement**

- 3.2 The unique selling point for Aire Valley Leeds remains the delivery of a sustainable new district for the city delivering growth through some 30-40,000 new jobs and up to 10,000 new homes. This is reflected in the granting of Urban Eco Settlement status for the area by the City Region. The Enterprise Zone in the Aire Valley Leeds will promote sustainable development in support of the Urban Eco Settlement by seeking the delivery of commercial areas which have: high quality environmental conditions and provide green infrastructure; carbon efficient buildings, operations and energy production; low carbon and green business and sustainable transport.

#### **Aire Valley Leeds Area Action Plan**

- 3.3 Leeds City Council is preparing an area action plan for the Aire Valley Leeds. This document, which will have development plan status as part of the Leeds Local Development Framework when adopted, has been out to previous rounds of consultation and is programmed to be published in draft form in Autumn 2012 with a view to adoption during 2013.

## 4. Aire Valley Leeds Enterprise Zone Sites and Wider LDO Area

- 4.1 The following section sets out the context and details of the Aire Valley Leeds EZ sites and the three wider LDO areas (A, B and C). The boundaries of the EZ sites and the wider LDO areas are shown on plan 1 of this order.

### **ENTERPRISE ZONE SITES**

#### **SITE 1: NEWMARKET LANE**

- 4.2 This 9.2 hectare site is owned by Leeds City Council. The site is currently vacant and was formerly used as a wholesale market. The southern boundary of the site fronts onto the East Leeds Link Road (ELLR). Existing industrial uses lie to the west and east of the site. The northern boundary of the site backs onto an area of grassland before a railway line. The nearest residential properties are located some 90 m to the north east of the site on Halton Moor Road.

#### **Site 1: Existing planning status:**

Allocated for employment use in the Leeds UDP (Review 2006).

Draft allocation as a strategic waste site in the Natural Resources and Waste Development Plan Document (except northern portion of site).

Outline approval (App No: 21/9/03/OT) to erect office, industrial and warehouse development (maximum 31,500 sq m of floorspace)

Approved: 30/04/2009 Expires: 30/04/2012.

#### **SITE 2: THORNES FARM**

- 4.3 This 21 hectare site is a partly developed site which fronts onto the ELLR to the south. Three modern buildings are in industrial/warehousing use on the site. A number of fully serviced development plots remain which have planning approvals (see box) and have been marketed for employment use. Two of the plots are owned by Leeds City Council with the remainder in private ownership. The residential area of Osmondthorpe lies immediately to the north of the site, separated by a landscape buffer zone of 30 metres, with existing industrial uses to the west and Enterprise Zone Site 3 (Logic Leeds) to the east.

**Site 2: Existing planning status:**

Site allocated for employment use in the Leeds UDP (Review 2006)

Outline approval (App No: 21/8/03/OT) to erect office, industrial and warehouse development. Applies to plots A, B & C (maximum 26,600 sq m of floorspace)  
Approved: 30/04/2009 Expires: 30/04/2012.

As amended by App No 09/05546/LA: Variation of conditions  
Approved: 12/02/2010.

Full approval (App Nos: 21/25/04/OT & 08/03431/RM) for laying out of access and erection of 2 (B2/B8) industrial units, each with ancillary offices, car parking and landscaping. Applies to Plot D.  
Approved: 02/10/2007 & 02/12/2008. Development started.

Full approval (App No: 21/266/03/FU) for single storey warehouse/ industrial unit with ancillary offices and 50 car parking spaces. Applies to Plot E  
Approved: 16/03/2007 Expires: 16/03/2012

**SITE 3: LOGIC LEEDS (SKELTON MOOR FARM)**

- 4.4 This 49.1 hectare site is currently in agricultural use but is an allocated employment site which has outline planning permission for office, industrial and warehousing development (see box for details). The site is to be developed by Muse Development Ltd

**Site 3: Existing planning status:**

Site allocated for employment use in the Leeds UDP (Review 2006)

Outline approval (App No: 21/13/04/OT) to erect B1/B2/B8 development with supporting hotel, crèche and A2/A3/A4 uses. Maximum floorspace of 143,500 sq m

Approved: 26/04/2006 Expires: 26/04/2016.

As amended by App No: 08/05480/FU: Variation of conditions.  
Approved 14/7/2010

Full approval (App No: 11/04915/FU) for engineering works to form flood relief channel to the west side of site.  
Approved: 12/03/2012 Expires: 12/03/2017

## **SITE 4: TEMPLE GREEN**

- 4.5 The 63.1 hectares of the Enterprise Zone site takes in most of a larger site which is allocated for employment and benefits from planning permission for a mixed of industrial and distribution development and a larger scheme for distribution uses only. The site is owned by a joint venture company formed by Keyland Ltd and Aire Valley Land LLP.

### **Site 4: Existing planning status:**

Site allocated for employment use in the Leeds UDP (Review 2006)

Outline approval (App No: 21/252/02/OT) to layout access and erect industrial warehouse units (maximum 152,500 sq m of floorspace)

Approved: 25/05/2006 Expires: 25/05/2016.

Outline application (App No: 21/199/05/OT) to erect warehouse and distribution development with car parking and landscaping (maximum 275,000 sq m of floorspace).

Approved: 25/05/2006. Expires: 25/05/2016.

Full approval (App No: 11/02133/FU) for engineering works, including ground preparation works, formation of levels to development plot and provision of access and spine road with associated bridge.

Approved: 29/09/2011 Expires: 29/09/2014.

Pending application: 10/05048/EXT - Extension of time for Outline planning application 21/199/05/OT to allow submission of Reserved Matters until 2023.



## **WIDER LDO AREAS**

### **AREA A: CROSS GREEN INDUSTRIAL PARK**

- 4.6 This area includes most of the Cross Green Industrial Park which largely comprises of businesses in the industrial and warehousing sector. The area extends to the north and south of the ELLR and is bounded to the west by the ELLR, to the south by Knowsthorpe Lane, to the east by the Knostrop Waste Water Treatment Works and to the north by Neville Hill sidings.

### **AREA B: STOURTON**

- 4.7 This area includes most of the industrial parts of the Stourton area to the south of the River Aire. The area is bounded by the River Aire to the north, the M1 motorway to the east, the A639 to the south and Wakefield Road and Thwaite Lane to the west.

### **AREA C: HUNSLET**

- 4.8 This area includes the industrial parts of Hunslet only. The area extends to the north and south of Low Road. To the north of Low Road it extends from Thwaite Gate to Goodman Street. To the south it wraps around the residential area of Hunslet from Wakefield Road to Balm Road. There is one listed building situated in the area, Hunslet Baptist Church on Low Road.

## 5. Aire Valley Leeds Enterprise Zone Local Development Order (2): Extensions, Alterations and Changes of Use

5.1 Leeds City Council make the following Local Development Order:

### Part A1: Development permitted

This Local Development Order (LDO) hereby grants planning permission for the following development within the Aire Valley Leeds Enterprise Zone (Sites 1-4) and the LDO 2 Wider Boundary (Areas A, B or C) as identified on Plan 1 of this order. Only buildings/sites where the existing use falls within one of the following specified uses, as defined within the Town and Country Planning (Use Classes) Order 1987 (and its subsequent amendments) are covered by the LDO:

#### Specified Uses

- B1 (b): Research and Development;
- B1 (c): Light Industry;
- B2: General Industry;
- B8: Storage and Distribution.

(a) The change of use of buildings within the following use classes, as contained within the Town and Country Planning (Use Classes) Order 1987 (and its subsequent amendments):

- B1 (b): Research and Development.
- B1 (c): Light Industry.
- B2: General Industry.
- B8: Storage and Distribution.

Subject to:

- i) The primary purpose of the land within the curtilage not to be used for open storage under Class B8. The use of the land for open storage is only permitted where the open storage is ancillary to the use of the building(s) within the site and is limited to areas that sit behind a line equal to the front elevation of any premises where they front a public highway and in such areas the height of the open storage is below 5 metres.
  - ii) Change of use to Class B2: General industry is not permitted within a B2 use restriction zone shown on attached plans 2, 3, 4 & 5.
- (b) The use of up to 20% of the total floorspace of a building for office accommodation, subject to the office use being ancillary to the principal use of the building.

- (c) The construction of a front entrance canopy/reception area/lobby to existing buildings within the curtilage boundary subject to<sup>1</sup>:
- i) The external base area of the development not exceeding 20 square metres.
  - ii) No part of the development exceeding 5 metres in height or the height of the original building whichever is lesser.
  - iii) No part of the development to be carried out within 2 metres of any curtilage boundary.
  - iv) The development resulting in the presence of no more than one front extension to the original building.
  - v) The development resulting in no reduction in the space available for the parking, adequate turning of vehicles and/or functional use of servicing/delivery areas.
  - vi) No part of the development to be located within 20 metres of the nearest bank of the River Aire or Wyke Beck or within 20 metres of the furthest extremity of the Aire and Calder Navigation waterway infrastructure.
  - vii) Floor levels within the proposed development to be set no lower than existing levels and flood proofing of the proposed development incorporated where appropriate.
- (d) The construction of extensions to the side and rear of existing buildings within the curtilage boundary subject to:
- i) The cumulative limit of extensions not exceeding the gross floor space of the original building by more than 35% or 1,500 square metres whichever is lesser.
  - ii) No extensions to buildings to be used for the purpose of General Industry under Class B2 if situated within a B2 use restriction zone shown on plans 2, 3, 4 & 5.
  - iii) The extended part of the building to be used in conjunction with the current use of the premises.
  - iv) The external materials to be of similar appearance in terms of type and colour to those of the existing building.
  - v) No part of the extension exceeding 5 metres in height or the height of the original building whichever is lesser, if situated within 5 metres of the curtilage boundary. In all other cases the enlarged part of the building must not exceed the height of the original building.
  - vi) No part of the development is to be carried out within 5 metres of the curtilage boundary which lies adjacent to a highway used by vehicular traffic. In all other cases no part of the development is to be carried out within 2 metres of the curtilage boundary.

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<sup>1</sup> *Front extensions which lie more than 5 metres from the curtilage boundary are covered by the General Permitted Development Order.*

- vii) No part of the development to be carried out within 20 metres of the curtilage of a residential property.
  - viii) The development resulting in no reduction in the space available for the parking, adequate turning of vehicles and/or functional use of servicing/delivery areas.
  - ix) No part of the development to be located within 20 metres of the nearest bank of the River Aire or Wyke Beck or within 20 metres of the furthest extremity of the Aire and Calder Navigation waterway infrastructure.
  - x) No part of the development to be located within Flood Zones 2 or 3 as indicated on the Leeds Strategic Flood Risk Assessment maps or the Environment Agency flood maps, whichever is more up to date.
- (e) The formation of a new roof structure to an existing building(s) for the purposes of installing a green and/or brown roof subject to<sup>2</sup>:
- i) Any part of the new roof not to be greater in height than the highest part of the existing roofline.
  - ii) The green/brown roof not to be used as an accessible garden if located within 30 metres of the curtilage of any residential property.
  - iii) Any associated railings required for establishing/maintaining or use of the green/brown roof to be no higher than 1.2 metres from the eaves level of the roof. Railings no longer required for purposes related to a green/brown roof being removed as soon as practicable.
- (f) Development within the curtilage of an existing building for the sole purpose of the storage of bicycles and associated equipment, subject to:
- i) The extension resulting in no reduction in the space available for the parking, adequate turning of vehicles and/or functional use of servicing/delivery areas.
  - ii) No part of the development to be located within 20 metres of the nearest bank of the River Aire or Wyke Beck or within 20 metres of the furthest extremity of the Aire and Calder Navigation waterway infrastructure.
- (g) The erection or construction of a gate, fence, wall or other means of enclosure to a site, subject to<sup>3</sup>:
- i) The siting of any gate, fence, wall or other means of enclosure erected or constructed not to be adjacent to a highway used by vehicular traffic.
  - ii) The height of any gate, fence, wall or other means of enclosure to a site not exceeding 2.4 metres with any development over one metre from ground level providing at least 50% through visibility.

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<sup>2</sup> *The installation of a green/brown roof on an existing roof surface is not considered to form development and is thereby also permitted.*

<sup>3</sup> *The General Permitted Development Order permits the erection or construction of a gate, wall, fence or other means of enclosure adjacent to a highway up to a maximum of one metre in height.*

- iii) No use of palisade style fencing for any means of enclosure.
- (h) The installation of new window and door openings within existing buildings, subject to:
  - i) No new opening being formed within any wall or roof slope of a building which faces towards and is located within 20 metres of the curtilage to a residential property.

**Provided that:**

- The conditions in Table 1 are satisfied.

**Part A2: Development not permitted**

Development is not permitted by Part A1 of this order where it would involve:

- (a) A listed building, land within the curtilage of a listed building, or a gate, fence, wall or other means of enclosure surrounding a listed building.
- (b) Any part of a Natural Resources and Waste DPD site identified on plans 2, 3, 4 or 5 of this order as an excluded site.
- (c) Development forming Schedule 1 development within the meaning of the Town and Country Planning (Environment Impact Assessment) Regulations 2011.
- (d) Development forming Schedule 2 development within the meaning of the Town and Country Planning (Environment Impact Assessment) Regulations 2011 unless it has been determined by the LPA that any development is unlikely to have significant effects on the environment by virtue of factors such as its nature, size or location and is therefore not EIA development following the submission of a request for a screening opinion, which was determined in accordance with the criteria within Schedule 3 of the same regulations.
- (e) Development that would be contrary to any condition imposed by any planning permission granted or deemed to be granted under Part III of the Town and Country Planning Act 1990, otherwise than by the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

**Table 1: Planning conditions**

**1. Unexpected Land Contamination**

The local planning authority shall be notified in writing immediately where unexpected significant contamination is encountered during any development works and operations in the affected part of the site shall cease.

Where remediation of unexpected significant contamination is considered by the Local Planning Authority to be necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on the affected part of the site. The Remediation Statement shall include a programme for all remediation works and for the provision of verification information.

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

**Informatives**

All reports addressing land contamination should be compiled in accordance with best practice, taking into account Annexe 2 of PPS23, and DEFRA and the Environment Agency's Contaminated Land Report No.11.

Prior to preparing any reports in compliance with conditions related to land contamination the applicant is also advised to refer to the Leeds City Council guidance leaflets in the series:- The Development of Contaminated Sites:  
The Blue Leaflet (CL2) - Reports in Support of Planning Applications  
The Green Leaflet (CL3) - Human Health Quantitative Risk Assessment

These leaflets can be obtained from the council at the Leonardo Building Reception, 2 Rossington Street, Leeds, LS2 8HD or from our website [www.leeds.gov.uk/contaminatedland](http://www.leeds.gov.uk/contaminatedland).

The applicant is advised that remediation of any contaminated site is required to a standard such that the site would be suitable for use pursuant to Annexe 2 of PPS23. This includes the quality of imported soils and soil forming materials. The developer is responsible for the ensuring that development is safe and suitable for use for the intended purpose

**2. Noise**

The noise generated from any development permitted by this order shall not exceed a noise level of at least 5dBA below the existing background noise level (L90) when

measured at the nearest noise sensitive premises with the measurements and assessment made in accordance with BS4142:1997. Development should incorporate noise control measures where practicable to ensure that they meet this requirement

**Informative**

The onus is on the developer to ensure development complies with this condition.

**3. Planning conditions attached to extant planning permissions**

In so far as development permitted by this Order takes place on land which has the benefit of an extant planning permission, then such development shall be subject to any conditions attached to those extant planning permissions'

**Lifetime of the Local Development Order**

- 5.2 The LDO, and the terms within it, will be active for a period of five years following the day of its adoption, and will expire following this period. It will therefore cease to apply on the day following the fifth anniversary of the adoption of the order.
- 5.3 Development which has started under the provision of the LDO will be allowed to be completed in the event that the LDO is revoked or revised or expires.
- 5.4 Development which has started under the provision of the LDO can be completed following the expiry of the LDO after the end of the five year period. The uses that have taken place will therefore be allowed to continue to trade/operate but no new changes of use will be allowed under the terms of the LDO following its expiry without planning permission
- 5.5 On expiration of this LDO, the local planning authority will either:
  - (a) Extend the life of the order for an additional time period:
  - (b) Revise the order and re-issue for a specific time period: or
  - (c) Return to the established planning system.

**Compliance with the Local Development Order**

- 5.6 Developments are only deemed LDO compliant subject to the submission and subsequent Council approval of the attached application form (*to be made available on adoption of the order*). The form and associated guidance notes outline the information which needs to be submitted to allow for an appropriate assessment of the proposal and to provide advice as to whether the development proposed conforms to the requirement of the Order, or whether a planning application will be required. On the valid receipt of sufficient information the Local Authority will provide a written response to a

developments compliance or non-compliance with the LDO within 28 days. A fee of £50 is required to cover the costs of this process, which is refundable if a decision is not issued within the aforementioned timescale.

\* Alternatively a Certificate of Lawful Development can also be submitted for proposals via the standard planning application process for a formal decision.

### **Community Infrastructure Levy**

- 5.7 In the event that a Community Infrastructure Levy (CIL) is adopted by Leeds City Council during the time period covered by this Local Development Order, certain development that takes place under the Local Development Order will need to be make a CIL payment where it falls within the scope of the CIL charging schedule.
- 5.8 Non-payment of CIL monies will render the development non-compliant with the LDO and the Local Planning Authority will reserve the right to take legal action to secure payment or stop development in the event of such non-payment.

### **Informatives**

- 5.9 The LDO does not remove the requirement for Advertisement Consent.
- 5.10 The LDO does not alter the requirement to comply with Tree Preservation Order (TPO) legislation. As such the LDO does not grant consent to cut down, uproot, prune, damage or destroy any trees protected by a TPO. Anyone who wishes to carry out such work on a protected tree must apply to Leeds City Council for permission.
- 5.11 The LDO does not remove the requirement for consents obtained under other legislation, such as Building Regulations, Environmental Permitting Regulations, Hazardous Substances Consent, and Environmental Health Regulations. Failure to comply with the relevant statutory requirements may result in the development being unlawful. This may result in appropriate enforcement action being taken by the City Council and/or other agencies.
- 5.12 The LDO does not remove any requirements to comply with separate wildlife legislation, such as the Wildlife and Countryside Act 1981, which safeguard protected species and their habitats. Particular attention is drawn to the need to protect bats and their roosts and breeding bird sites. Early consideration of any potential issues is recommended as this will allow the legal requirements to be incorporated into the design of developments whilst minimising delays and disruption.
- 5.13 Separate consents maybe required from Yorkshire Water to construct over or adjacent to any sewers and water mains. Failure to comply with relevant standards/legislation could lead to legal and remedial action being taken, at



the developer's own cost. Developers are advised to contact Yorkshire Water for further guidance if required.

- 5.14 The LDO area falls within the defined coalfield and contains coal mining related legacy which is illustrated on the Coal Mining Development Referral Area Plans held by the Coal Authority. As such sites in the area may be affected by unexpected land instability issues and/or mine gas. The responsibility for securing a safe development rests with the developer and/or land owner. The LDO does not override the need for the developer to obtain the prior written permission of the Coal Authority for any activity which intersects the ground and disturbs coal or coal mine entries.
- 5.15 The LDO does not prevent development taking place which is not explicitly covered by the order. Where this applies a planning application for such development would need to be made through the standard planning application process.
- 5.16 The existing permitted development rights that a building/site benefits from are not affected by the LDO.
- 5.17 The LDO does not remove the requirements to comply with any relevant clauses within existing Section 106 agreements which relate to development on sites within the LDO boundary.

## **Definitions**

**GDPO:** Town and Country Planning (General Permitted Development) Order 1995(b) as amended April 2010.

**Curtilage:** The area attached to and containing a building and its outbuildings, including rear and front gardens. The curtilage is not necessarily marked off or enclosed, but it should be clearly attached to the building serving a purpose the building in some useful way.

**Green Roof:** An intentionally vegetated roof surface, creating environmental benefits to the surrounding area.

**Brown Roof:** a roof which is surfaced with a layer of locally sourced material (rubble, gravel, spoil etc) to provide a habitat for surrounding wildlife.

**Original Building:** the building as it existed on 1 July 1948 (if it was built before that date), or as it was built when built after 1 July 1948. The original building will therefore not include any extension to a building that has been built at any time since 1 July 1948. There may be more than one original building within the curtilage of the premises. Where this is the case, and the buildings are used for the same undertaking, they will be treated as a single original building for the purposes of measurement. Thus the gross floor space of the original building will be calculated on the basis of the gross floor space of every original building within the curtilage of the premises.

## 6. Statement of reasons

### Description of development permitted

- 6.1 The Local Development Order (LDO) applies within the Aire Valley Leeds Enterprise Zone and the Wider LDO Areas (Cross Green, Stourton & Hunslet) to buildings/sites where the existing use falls into one or more of the following use classes:
- B1(b) – Research & Development
  - B1(c) – Light Industry
  - B2 – General Industry
  - B8 – Storage and Distribution
- 6.2 The order allows businesses which fall within the specified use classes to undertake the following development without the need to make a planning application:
- change of use between the above uses;
  - construction of front entrances / canopy / reception areas;
  - construction of extensions to the side and rear of buildings;
  - roof structures to allow creation of green/brown roofs;
  - bicycle storage facilities;
  - erection or construction of a gate, fence or wall or other means of enclosure;
  - installation of new windows or door openings.
- 6.3 The above development is permitted subject to meeting specific requirements and satisfying certain conditions and would effectively extend existing permitted development rights allowed under the GPDO.
- 6.4 The LDO does not permit development which would involve the following:
- A listed building, land within the curtilage of a listed building, or a gate, fence, wall or other means of enclosure surrounding a listed building.
  - Any of a Natural Resources and Waste DPD site identified on plans 2, 3, 4 or 5 of this order as an excluded site.
  - Development forming Schedule 1 development within the meaning of the Town and Country Planning (Environment Impact Assessment) Regulations 2011.
  - Development forming Schedule 2 development within the meaning of the Town and Country Planning (Environment Impact Assessment) Regulations 2011 unless it has been determined by the LPA that any development is unlikely to have significant effects on the environment by virtue of factors such as its nature, size or location and is therefore not EIA development following the submission of a request for a screening opinion, which was determined in accordance with the criteria within Schedule 3 of the same regulations.

## Justification for the LDO

### Approach to simplification

- 6.5 The aim of the LDO is to offer a genuinely simplified approach to planning allowing new and existing business premises greater flexibility to grow. The LDO offers businesses within the area certainty of outcome for the specified developments by defining up front what changes are acceptable and can be undertaken without the need for planning permission, removing unnecessary costs and time delays to implement these changes and providing certainty that development is permitted. The five year time span of the LDO allows sufficient time for existing businesses to bring forward and implement this type of development giving more freedom to adapt and develop premises in the short term.
- 6.6 The LDO boundary, which includes, but is significantly larger than the Enterprise Zone will ensure that the areas around the Enterprise Zone would also benefit from planning simplification. The LDO promotes flexibility within a range of specified uses within the general business/industry use classes through allowing buildings to change from one use to another without the need for planning permission. These uses are typical of the existing businesses found within the area and consequently the LDO will help to retain the strong industrial core of the Aire Valley area which is locally and regionally significant in terms of employment and the economy.
- 6.7 Extending the boundaries of the LDO beyond the Enterprise Zone boundary will also help to reduce the incentive for border-hopping for those businesses located nearby. Furthermore, given that the chosen areas have the same sectoral focus it provides a more level playing field and spreads the benefits of the Enterprise Zone across the business/industrial sectors as a whole.
- 6.8 The LDO expressly permits ancillary office use within buildings which is intended to allow premises to have all aspects of a business on-site, creating an advanced business operation and high quality business environment. The proportion of office use is limited by a floorspace maximum which is directly related to the size of the building to ensure that the LDO does not encourage displacement or draw development to the site which would have otherwise taken place in the city centre or local town centres.

### Sustainability

- 6.9 Within the limited scope of type of development permitted under the LDO consideration has been given as to how it can help to make it easier for businesses to become more sustainable. In this respect the installation of structures to support the construction of green or brown roofs and to provide cycle storage areas are included within LDO as development which can be carried out without the need to apply for planning permission<sup>4</sup>. Best Practice guidance for green roofs and cycle parking is available at the following links.

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4

GRO Green Roof Code 2011:

<http://www.thegreenroofcentre.co.uk/Library/Default/Documents/GRO%20ONLINE.pdf>). Cycle parking (Sustrans):  
(<http://www.leeds.gov.uk/files/Internet2007/2009/7/cycle2.pdf>)

### Residential Amenity

- 6.10 There are no residential properties within the boundaries of the LDO area except for a few flats above shop premises along Low Road in Hunslet (Area C). However, the LDO boundary does lie close to some residential areas including Osmondthorpe to the north of EZ Sites 1 & 2; the Halton Moor estate to the north of EZ Site 3; Parts of Hunslet to the south of Low Road in Area C and the partly developed Yarn Street scheme to the north of Area C.
- 6.11 Whilst the LDO will offer a simplified planning approach it also contains important safeguards in the form of requirements and conditions to ensure that it is not detrimental to residential or visual amenity. These include limits to the scale and height of new development permitted by the LDO in relation to existing buildings and in the type of colour of materials to be used in the construction. A noise condition is also included to limit noise from new development at the nearest noise sensitive location (usually a residential dwelling) to below background levels.
- 6.12 In recognition of the additional impact that a general industrial use (under Class B2 of the Use Classes Order) may have compared to a B1 or B8 use a buffer zone has been included (shown on Plans 2, 4 & 5) such that a change of use or extension to a B2 general industrial Use will not be permitted by the order within at least 100 metres of the curtilage of an existing residential property.

### Transport

- 6.13 Whilst the LDO will allow existing businesses to change and adapt it also contains important safeguards over transport issues and highway safety. Under the provisions of the LDO development cannot be built on any existing parking, turning or servicing areas. This requirement will help to ensure that existing parking levels are retained and servicing does not take place on the highway.
- 6.14 Extensions permitted under the LDO are not of a scale which are usually considered to be significant generator of travel requiring a travel plan to be submitted with a planning application. Some permitted changes of use within the order have the potential to create a greater traffic impact than the present situation, however changes of use are also permitted where a potential traffic impact will be lower than the present situation. As a consequence it is considered unlikely that the scale and nature of developments permitted under the LDO will have a significant travel impact. Nevertheless, businesses are encouraged to join the West Yorkshire Travel Plan Network (free) via [www.wytravelplan.com](http://www.wytravelplan.com).

### Listed buildings

- 6.15 One listed building is situated within the LDO boundary, Hunslet Baptist Church on Low Road as shown on Plan 4 in Appendix A. LDOs cannot permit development which would adversely affect the setting of a listed building. Development involving listed buildings and land within and surrounding the curtilage of listed building is therefore specifically excluded from the order under Part A2 (a). After careful consideration of the surrounding context it is considered that the impact of other development permitted through the LDO would not be harmful to the setting of any listed building. This takes into account the restriction on the scale and height of development permitted in relation to existing industrial and warehouse buildings.

### Environment Impact

- 6.16 The LDO includes important safeguards to ensure that any development would not give rise to any significant environmental impacts. Development which would fall within Schedule 1 of the EIA regulations cannot be permitted by an LDO. The order will also only permit Schedule 2 developments where a screening opinion has been carried out and it has been identified no further EIA work is required and little potential for significant environmental impacts exists.

### Flood Risk

- 6.17 Parts of the LDO area are situated within areas that are of a higher risk of flooding (Flood Zones 2 and 3) from either the River Aire or Wyke Beck. Flood Zones are shown indicatively on Plans 3-5 in Appendix A. Within Flood Zones 2 and 3, proposals for larger scale development which creates new floorspace are usually required to submit a flood risk assessment (FRA) which is then taken into account as part of the determination of planning applications where appropriate mitigation measures are required. This order permits extensions (under Part A1(d)) of a scale that would normally require an FRA to be undertaken within Flood Zones 2 and 3.
- 6.18 In order that the risk associated with new development in areas at a higher danger of flooding can receive proper consideration through the planning system, development of a scale that normally requires the submission of an FRA is specifically excluded from the order. Therefore extensions otherwise allowed under Part A1 (d) of the order would be required to submit a planning application with an FRA if located in Flood Zones 2 or 3. Flood Risk Zones are periodically subject to changes in response to updates in the Environment Agency flood modelling data. This requirement of the order will relate to the most up to date Flood Zone maps that pertain at the time the extension is proposed. This will be checked by the Local Planning Authority at the time an LDO application is submitted.

- 6.19 Other development included in the order does not trigger than requirement to submit a flood risk assessment.

#### Sites allocated in the draft Natural Resources & Waste Development Plan Document

- 6.20 Certain sites within the area are safeguarded for specific uses within emerging LDF documents to help the Council to strategically manage the future use of natural resources and waste in Leeds. These sites are excluded from the extent of the LDO by Part A2 (b) of the order to ensure that no changes can be made which could potentially affect aspirations and aims of the emerging Natural Resources and Waste Development Plan Document. The sites are shown as excluded sites on Plans 2-5 in Appendix A. Any changes to these sites would instead require full consideration through the established planning application process.

#### Contaminated land

- 6.21 Some areas within the LDO boundary have a heavy industrial historic land use. Consequently a risk of land contamination exists and issues could potentially be encountered during construction works. However, the risk of significant land contamination being encountered as a result of the LDO is generally low given that the LDO only applies to existing buildings and all permitted works are situated within previously developed curtilages. Furthermore, the permitted uses under the LDO are generally less vulnerable end users in term of land contamination.
- 6.22 If any new buildings were to be constructed on the presently undeveloped sites within the area, then they are also likely to benefit from the development rights permitted by the LDO. However, given new buildings would require planning permission in the first instance, then any necessary remediation works would have been undertaken prior to the new buildings obtaining their LDO rights. Nevertheless, given the possibility of land contamination being present within the area a condition and associated informatives have been attached to the LDO (Table 1) specifying that if any unexpected contamination is discovered during construction then there is a requirement to notify the Local Authority and undertake any necessary remediation works before the development is occupied. It is considered that the scope of this requirement will retain important safeguards by ensuring that developments are safe and suitable for use whilst also ensuring that extra work is only required when absolutely necessary.

#### Landscape schemes

- 6.23 Within the area there are a number of sites where a landscape scheme will have been agreed and implemented in accordance with a condition attached to the grant of planning permission. Landscape conditions require the retention of landscape works as part of the development. Part A2 (e) of the order reiterates that it does not affect existing planning permissions, which must continue to be implemented in accordance with that grant of permission,

including the approved conditions. This provides a safeguard that existing landscape areas which have a positive role in enhancing the environmental and visual quality of the area are not lost to development permitted by this order.

### **Statement of policies the LDO will implement**

- 6.24 The LDO is consistent with and will help deliver a number of national and local planning policies and guidance:
- 6.25 The National Planning Policy Framework which was adopted in March 2012 advises that local planning authorities should consider using Local Development Orders to relax planning controls for particular areas or categories of development, where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area, such as boosting enterprise. The framework also states that proactive planning should take place to meet the development needs of business and support a strong, responsive and competitive economy which is fit for the 21<sup>st</sup> century.
- 6.26 The LDO accords with saved Policy E1 of the Leeds Unitary Development Plan (Review 2006), which seeks to retain existing businesses and provide sufficient land for the expansion and relocation of existing firms, without damaging the environment. The LDO is also consistent with the economic aspirations of several emerging Leeds Local Development Framework documents most notably the Core Strategy and Aire Valley Area Action Plan.

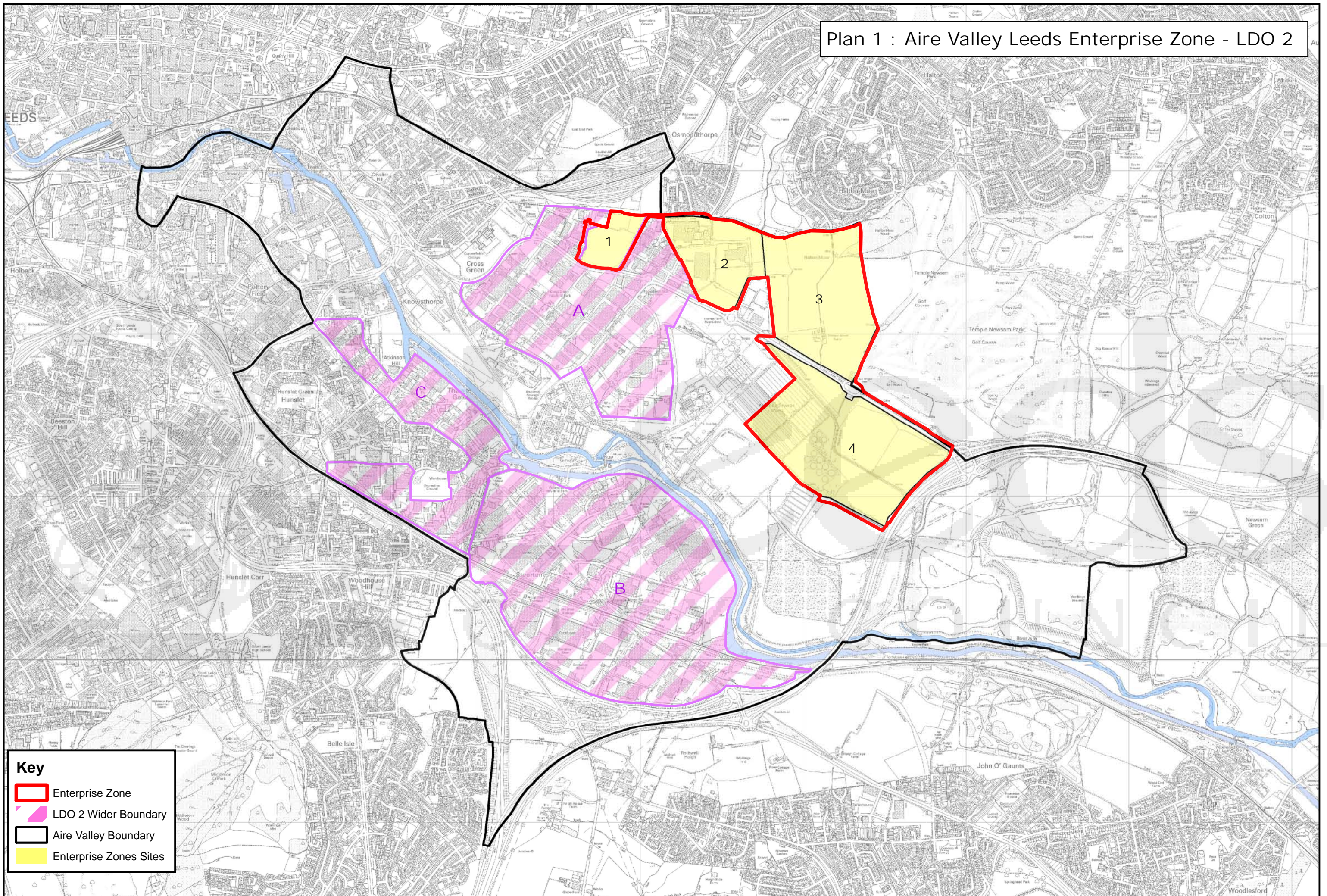


# **APPENDIX A**





## **PLANS**



Plan 1 : Aire Valley Leeds Enterprise Zone - LDO 2

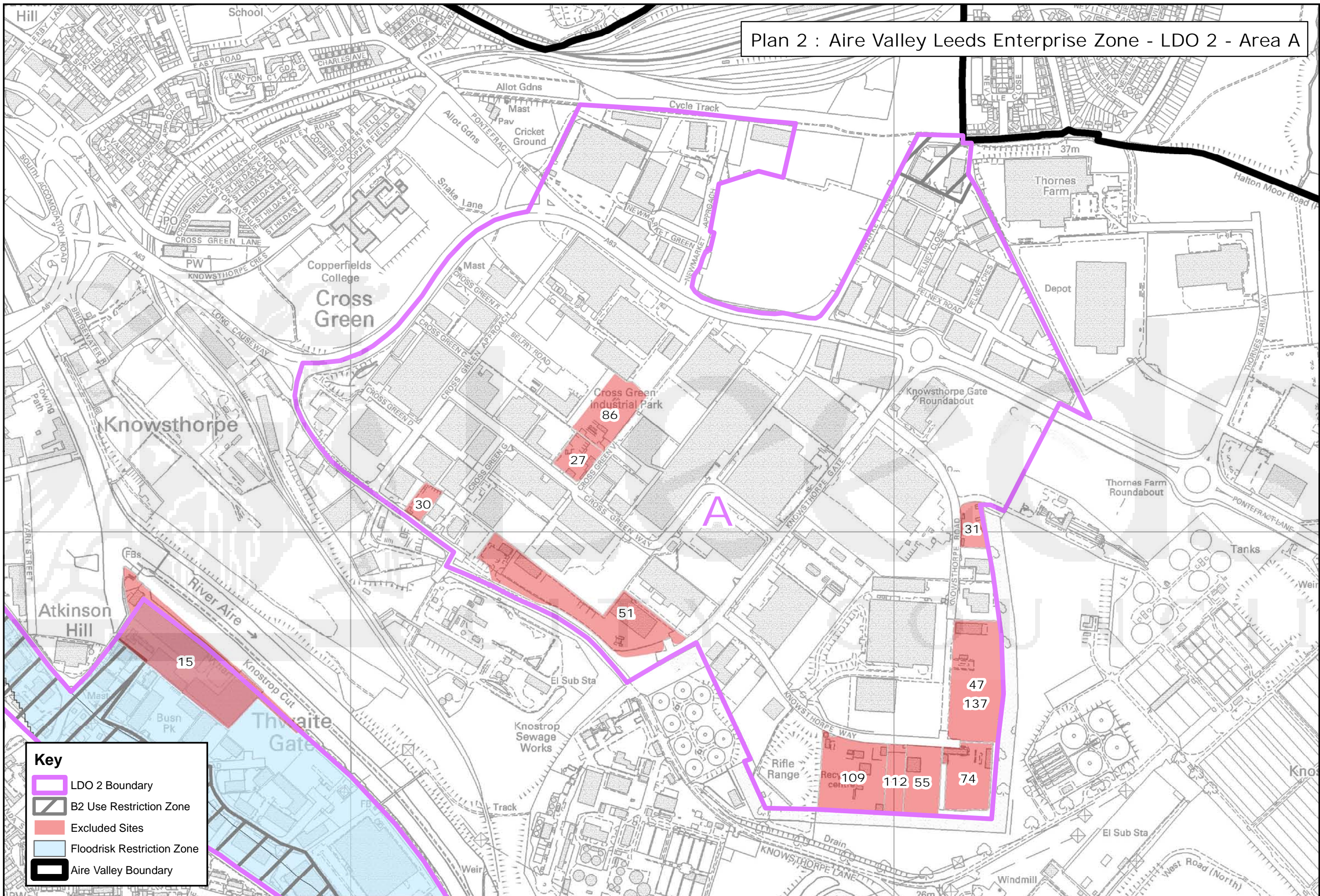


**Key**






-  Enterprise Zone
-  LDO 2 Wider Boundary
-  Aire Valley Boundary
-  Enterprise Zones Sites



Plan 2 : Aire Valley Leeds Enterprise Zone - LDO 2 - Area A

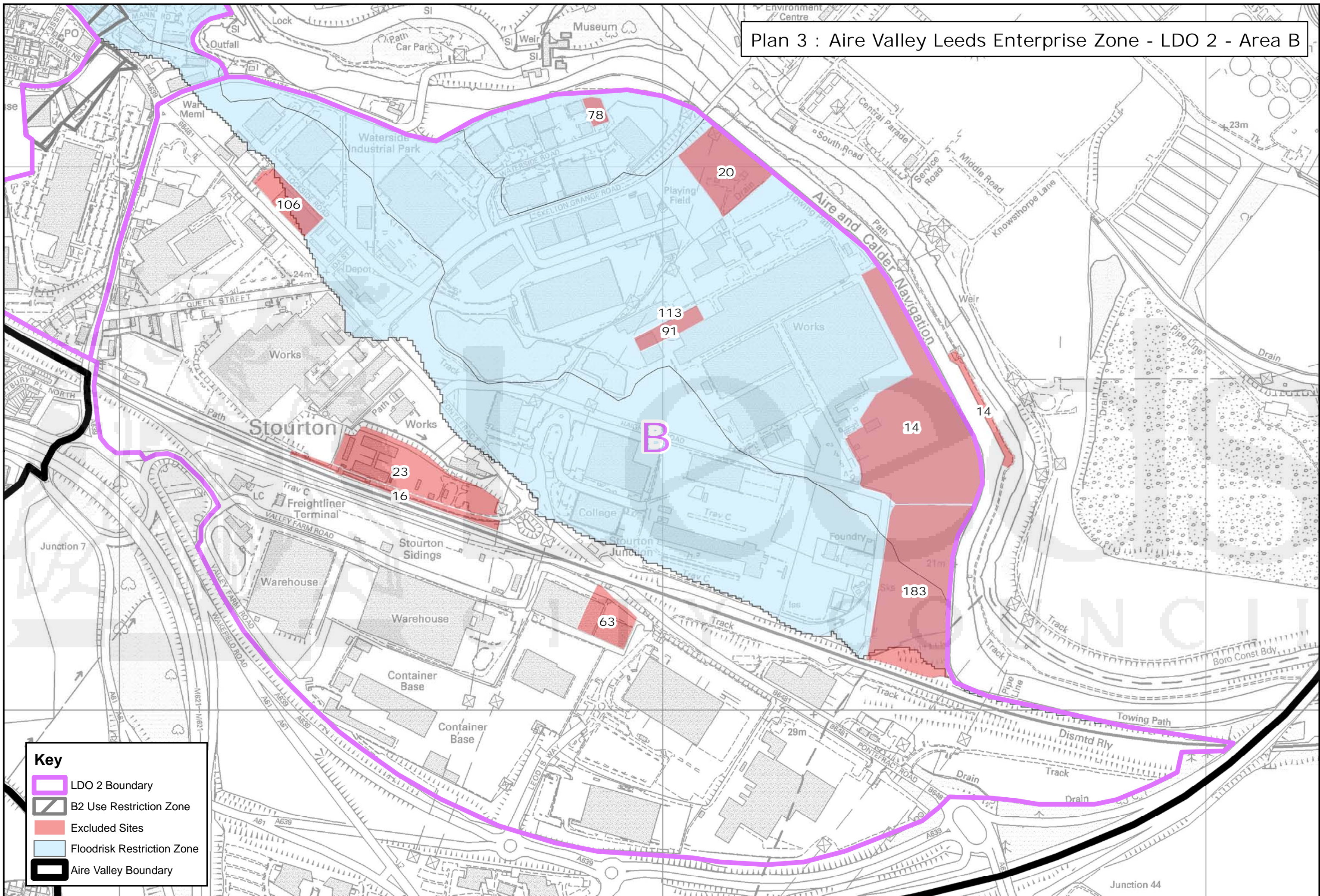


**Key**






-  LDO 2 Boundary
-  B2 Use Restriction Zone
-  Excluded Sites
-  Floodrisk Restriction Zone
-  Aire Valley Boundary



Plan 3 : Aire Valley Leeds Enterprise Zone - LDO 2 - Area B

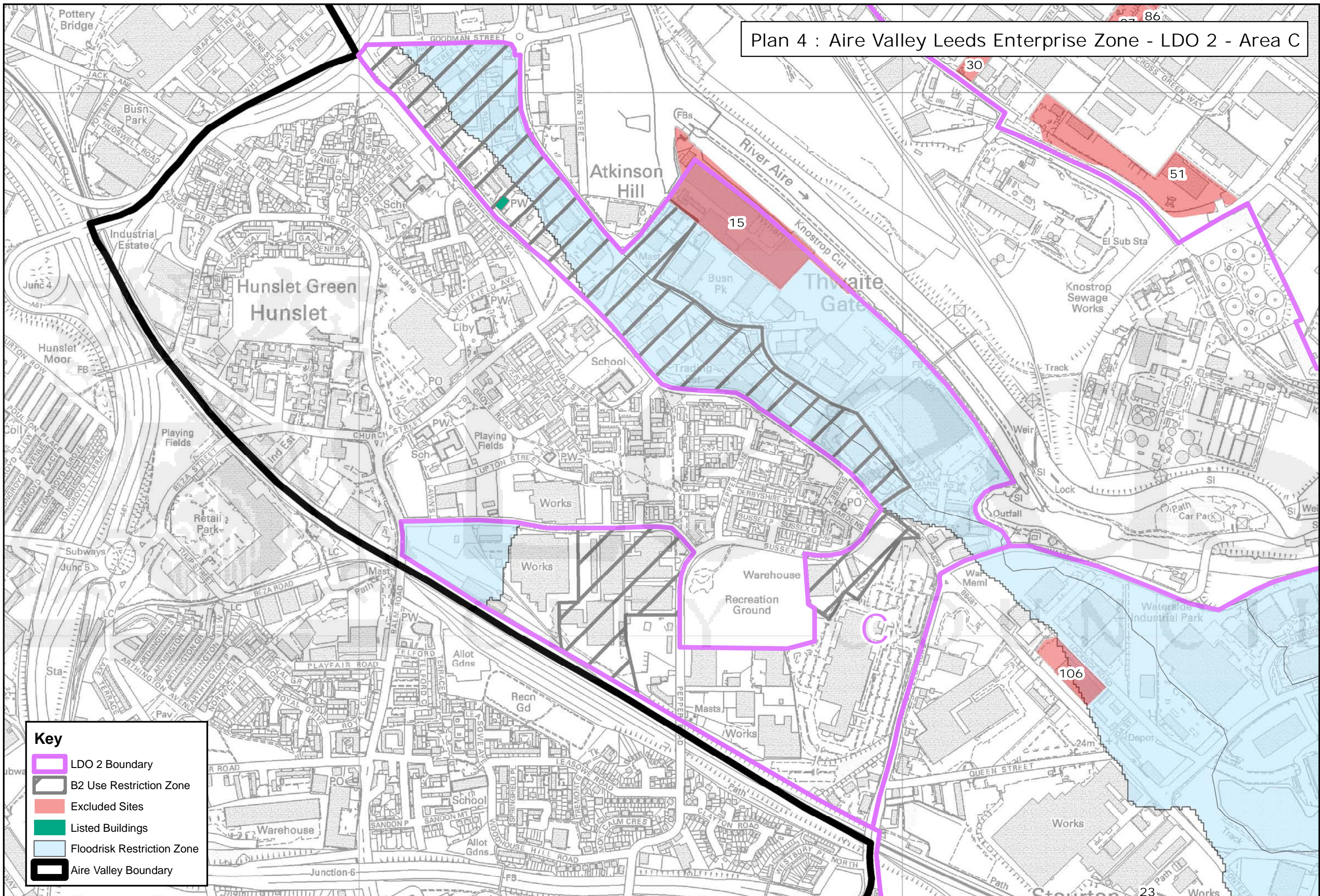


**Key**

-  LDO 2 Boundary
-  B2 Use Restriction Zone
-  Excluded Sites
-  Floodrisk Restriction Zone
-  Aire Valley Boundary



Plan 4 : Aire Valley Leeds Enterprise Zone - LDO 2 - Area C

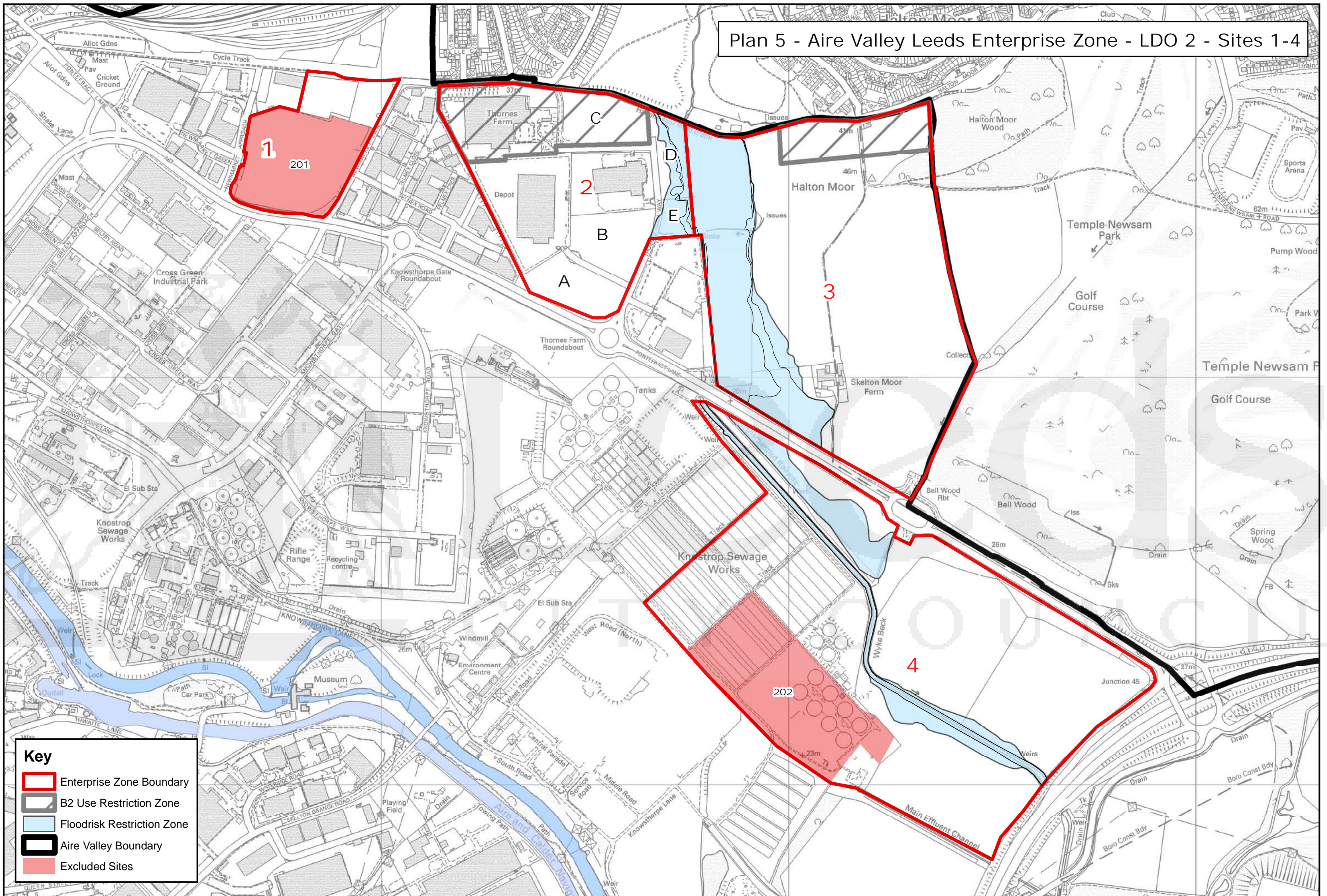


**Key**

- LDO 2 Boundary
- B2 Use Restriction Zone
- Excluded Sites
- Listed Buildings
- Floodrisk Restriction Zone
- Aire Valley Boundary



Plan 5 - Aire Valley Leeds Enterprise Zone - LDO 2 - Sites 1-4



**Key**

- Enterprise Zone Boundary
- B2 Use Restriction Zone
- Floodrisk Restriction Zone
- Aire Valley Boundary
- Excluded Sites