

APPENDIX 2

Aire Valley Leeds Enterprise Zone - Local Development Order (2) – Extensions, Alterations & Changes of use: Summary of representations from public consultation February – March 2012

Key to table

S = Support

O = Objection / Change requested

C = Comments

RESPONDENT	S	O	C	SUMMARY OF COMMENTS	OFFICER RESPONSE/ACTION
English Heritage	●			Welcome inclusion of Part A2 (a) which removes from the provisions of the Order Listed Buildings, land within the curtilage of a Listed Building, and gates, fences and means of enclosure around a Listed Building. This complies with the provisions of the Town and Country Planning (Development Management Procedure)(England) Order 2010 which prohibits a Local Development Order being made so as to grant permission for development which would “affect” a Listed Building.	Comments noted: no action required.
			●	In view of the fact that there is only one Listed Building in the area of the LDO, given the nature of the building and its surroundings, and the scale of the works permitted as a result of this Order, we would agree with the assessment (in Paragraph 6.15) that the potential impact of the LDO upon this Listed Building is low and unlikely to harm elements which contribute to its significance.	Comments noted: no action required.
		●		You might give further thought to how the LDO addresses development which could, potentially, harm the significance of the Historic Park and Garden at Temple Newsam. Sites 3 and 4 lie adjacent to the boundary of this Grade II Registered landscape. Although these sites are, at present, undeveloped, there is a possibility that within the lifetime of the LDO these sites could be developed. The LDO would thus permit extensions to any buildings erected on these sites. Whilst the initial developers of Sites 3 and 4 would, as part of their applications, be required to assess the likely	Not agreed. Development permitted by the LDO would have very limited impact on the setting of the Historic Park & Garden at Temple Newsam given the restrictions in terms of the scale and design of development.

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				impact which their proposals would have upon the character and setting of the Historic Park and Garden, no such assessment would be required for alterations and extensions of these buildings.	
Yorkshire Water		●		Concern that water and waste water infrastructure is protected particularly with regard to allowing extensions of existing buildings without the developer having to undertake the normal planning application process. Imperative that buildings are not permitted to be constructed over sewers and water mains. Area A part of the LDO2 wider boundary, has several large diameter rising mains within its boundary that connect into Knostrop WWTW and it is critical to our strategic sewerage network that they are not damaged by the load from a building built over them and that access is maintained.	Agreed: Include an informative referring developers to the need to apply to Yorkshire Water to develop over sewers and water mains.
Homes & Communities Agency			●	No comment.	No action required.
Environment Agency	●			Pleased to note that the content of the Local Development Order takes on board comments we raised during earlier consultation on the document. We can therefore confirm that we have no objections to the LDO as set out in this consultation.	Comment noted: no action required.
			●	One minor point we would make at this stage relates to the sentence within paragraph 2.3 on page 2 of the document which states: <i>“If development complies with the requirements of the LDO it can be assumed that it can be started straight away”</i> Whilst we note that reference is made to the fact that the LDO does not remove the need for consents under other legislation at paragraph 5.11, this is somewhat divorced from the initial statement that development can be started straight away. In order to manage developer expectations, we would recommend that the sentence at 2.3 is expanded to refer to the need for compliance with	Agreed: amendment made to wording of paragraph 2.3.

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				<p>other legislation, for instance as follows:</p> <p>“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).”</p>	
The Coal Authority			●	<p>All three sites and three areas fall within the defined coalfield, within the Surface Coal Resources Area Plans and contain coal mining related legacy which is illustrated on the Coal Mining Development Referral Area Plans.</p> <p><u>Site information</u></p> <p>Site 1 - contains 3 recorded mine entries; Site 2 - 2 recorded mine entries; Site 3 - 7 recorded mine entries; Site 4 - 3 recorded mine entries. All site have probable or actual shallow workings including outcrops of coal some or all of which may have been removed by surface mining which has taken place within this site. The site will contain further coal resources which are capable of extraction from the surface.</p> <p>Area A: 5 recorded mine entries, shallow coal working and further coal resources capable of extraction from the surface.</p> <p>Area B: 14 recorded mine entries, shallow coal workings; further coal resources capable of extraction from the surface; and records indicate mine gas which presents a further public safety hazard.</p> <p>Area C: shallow coal workings and further coal resources capable of extraction from the surface.</p> <p><u>Comments</u></p> <p>Important that the City Council has sufficient confidence that previous planning applications have adequately assessed land instability arising from formal coal mining activity and the need for prior extraction to avoid unnecessary sterilisation of minerals.</p> <p>If alterations and extensions require planning permission over and</p>	<p>Comments noted: amendment made to refer to former coal mine workings present in the area within the statement of reasons (section 6).</p>

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				<p>above permitted development rights, then Coal Mining Risk Assessments would normally be required. This seeks to ensure that the developer has assessed and presented mitigation which is necessary to ensure the safety and stability of the development. The proposed mitigation should be in place before development commences.</p> <p>The information submitted with each application contained within the planning history of these sites has not been specifically reviewed to see whether this type of assessment was been undertaken at any point in the past in accordance with the requirements of PPG14 (1990). It is assumed that the City Council has satisfied itself in accordance with its own duty as contained in PPG14.</p>	
		●		1. The Coal Authority would like to see Table 1 Planning Conditions amended to include reference to land instability. This would enable any unexpected instability to be assessed and approved by the Local Planning Authority in consultation with The Coal Authority who has responsibility for coal and public safety arising from the legacy of coal mining. The developer is responsible for ensuring that the site is safe and suitable for the end use.	Agreed in part: Land instability included as an additional informative in Section 5 rather than a condition.
		●		2. Specifically within Area B as there is mine gas recorded it would be prudent for the developer to incorporate gas impermeable membranes within any new buildings. Mine gas is dangerous.	Agreed: Reference made to potential mine gas in the additional informative.
		●		3. The use of the LDO provision 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. This written permission process is to ensure public safety. The Coal Authority recommends that the LDO makes reference to this need under Section 5 – Informatives.	Agreed: Included as an additional informative.
The Health & Safety Executive			●	The Health and Safety Executive defines consultation zones based upon the hazardous substances consent inventory that installations hold, or materials that pipelines carry. Within these zones (usually	Comments noted: Officers have discussed these matters further with the HSE and have referred to HSE guidance. Any development

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				<p>an inner, middle & outer zone), HSE could possibly advise against development depending upon circumstances (defined by the PADHI+ software, to which LPAs have access).</p> <p>There is a major hazard pipeline (plan provided) that runs across Site 3, the Logic Leeds (Skelton Moor Farm) site. This could be an issue as a development including a hotel and a creche is quoted in the draft LDO document. There are ways in which these issues can be addressed to minimise such problems.</p>	<p>permitted by the LDO (extensions or changes of use) would be classified in the lowest (Level 1) of the HSEs four levels of sensitivity in relation to hazardous installations and pipelines. In such cases, HSE guidance indicates that they would not advise against Level 1 development in any of the three consultation zones around hazardous installation or pipelines.</p> <p>The hotel and crèche referred to on Site 3 (Logic Leeds) are approved through an existing consents and do not fall within the remit of the LDO.</p>
Airebank Developments (Agent: White Young Green)		●		<p>Airebank Developments own a number of sites and properties within the Hunslet area of the Aire Valley; including Hunslet and Victoria Mills and two other industrial units located on Fox Way.</p> <p>LDO2 allows for some alterations and extensions of existing buildings within the Aire Valley. Area C includes the industrial area of Hunslet, but excludes the Airebank Developments landholdings. The northern boundary for Area C extends to Goodman Street. Whilst the LDO makes no reference to the rationale for the boundary that has been drawn, through discussions with Leeds City Council it is understood that the boundary is drawn to Goodman Street for two reasons: (1) because the boundary drawn best identifies the industrial activity in the Hunslet area and (2) because Hunslet and Victoria Mills are listed and should be excluded from the LDO.</p> <p>In response to the first reason given for the boundary, it is considered that the industrial character of Hunslet extends beyond Goodman Street to the ring road because of the number of large industrial units located on Atkinson Street and Fox Way. It is therefore our view that the boundary of Area C should be extended to include industrial land and buildings as far as the ring road which we consider creates a sensible and more rational approach to</p>	<p>Not agreed: Whilst it is accepted that the extended boundary of Area C requested by the respondent has an industrial character, the boundary of Area C was agreed with the Council's Conservation Team to specifically ensure that development undertaken through the could not adversely impact the setting of the listed Hunslet Mills complex. LDOs cannot permit development that would adversely impact a listed building. Making the Hunslet Mills site an "excluded site" would not offer sufficient protection to the setting of the listed buildings which can be affected by development taking place outside the site boundary.</p>

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				<p>drawing a northern boundary for Area C. This part of Hunslet is in keeping with the industrial character referred to above and therefore it is consistent with the approach adopted for the boundary being drawn.</p> <p>With regard to the second reason, it is understood that because there are listed buildings in this part of Hunslet, the Council would want to ensure that extensions and alterations to other buildings within the vicinity of listed buildings would not affect the character or setting of these historical assets. However we would argue that the setting of these listed buildings is already impacted upon by the large industrial units in this area and the ring road fly-over. We do not therefore consider that the types of development allowed by the LDO would potentially have any increased impact on the setting of the listed buildings.</p> <p>Furthermore, the LDO identifies “excluded sites” where the LDO does not apply. The same principle could be applied to listed buildings in the proposed boundary extension area to exclude them from the remit of the LDO so as to ensure that any future development of these buildings require planning permission as is currently the case.</p> <p>A plan has been submitted to show how we believe the boundary for Area C should be drawn and approved by this LDO.</p>	
Muse Developments (Agent: White Young Green)			●	<p>Muse Developments are bringing forward the Logic Leeds site at Skelton Moor Farm. Site is part of the Enterprise Zone (Area 3).</p> <p>The introduction of the LDO sets out that all Enterprise Zones will “<i>benefit</i>” from a simplified planning approach and goes further to state that this will be delivered “<i>predominately</i>” through the LDO route. It is considered that for those sites that already benefit from planning permission, such as the Logic Leeds site, that the LDO process is not the most effective way to deliver simplified planning. At present, the introduction gives the impression that simplified planning can only be delivered through the LDO process. It is</p>	<p>Comments noted and minor amendments made: In scoping the type of development covered by LDOs, officers have recognised that the EZ sites already benefit from a range of planning permissions. It is not necessary for the LDO to try and replicate the development permitted by planning permissions. As other forms of planning simplification are also being proposed by the Council on the EZ sites, for example the use of “Planning Performance</p>

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				<p>suggested that the introduction is amended to reflect that other mechanisms to deliver simplified planning are available.</p> <p>At paragraph 2.5 the LDO states that the scope and detail of the LDO's for the Enterprise Zones have been worked up having "<i>due regard to advice contained within the guidance</i>". As stated at paragraph 2.5, the LDO has been drafted to avoid "<i>any conditions which are not absolutely essential to make the resultant developments acceptable in planning terms</i>". However, in some cases the restrictions of the LDO are more onerous than existing planning consents. The LDO does not always offer developers a simplified planning route.</p>	<p>Agreements", amendments have been made to paragraph 1.4 for clarity.</p> <p>The document permits specified development with the minimum number of conditions (only 2). There are restrictions in terms of scale, use in specific location, design etc. Where development does not fall within that described a planning application can be submitted or existing permission implemented. The LDO does not attempt to indicate what type of development is acceptable on a site.</p>
		●		<p>As set out, where planning permissions exist for development, we consider that LDOs may not be the best mechanism in which to deliver simplified planning. However, if the Council are insistent that LDO's must be adopted, we make the following representations.</p> <p>With regards to policy Part A1 "Description of development permitted" we make the following observations:</p> <p>The uses that are specified in the introduction of Part 1A do not reflect the uses that are approved pursuant to outline planning permission at the Logic Leeds site (LPA Ref P/21/13/04/OT). Part A1 only refers to B1 (a), (c), B2 and B8. Part 1A should be amended to reflect the range of uses that are approved on the key sites within the Enterprise Zone so as to maximise the benefits of the LDO.</p>	<p>Not agreed. The outline permission goes further than the LDO in terms of uses but these can still be developed through the permission. The LDO in no way prejudices implementation of the existing permission.</p> <p>Offices, hotels etc raise issues in terms of trip generation, highway capacity and impact on centres which should continue to be consider through the existing planning regime. B classes outside have broadly similar impacts in this respect and an opportunity has been identified for simplifying change of use within those specific classes.</p>
			●	<p>Part (a) sets out where unrestricted change of use is allowed, but it does not provide details of what you are allowed to change from. This should be clarified.</p>	<p>Comment noted: Change of use is allowed within the B use classes with the exception of offices. Part A1 specifies the uses falling within the scope of the Order.</p>
		●		<p>Part (a)(ii) includes for an restriction zone where unrestricted</p>	<p>Not agreed: The LDO does not imply that B2 is</p>

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				change of use is not allowed. In the case of the Logic site, the exclusion zone covers a sizeable part of land in the north to east of the site, adjacent to Halton Moor. Whilst no detail is provided on the rationale behind the identified zone, we have assumed that there are restrictions here because this part of the site is near residential properties. We consider that provided there would be no impact on residential amenity, there should be no reason why unrestricted changes of use cannot occur in this area	unacceptable merely that residential amenity issues need further consideration within 100m of residential areas. After consultation with local ward member officers agreed to include this restriction in the LDO. Planning applications can still be submitted for these uses in these area (or existing consents implemented) where the issues can be considered on their merits.
			●	We have not had sight of the self-certification form that concluded whether the LDO can be used, we simply do not know whether there is an opportunity to provide information which would allow a case to be made to support some change of use in the area of land shown in the restriction zones. Clarification on this is therefore required.	Comment noted: A compliance form will be made available upon adoption of the LDO. The only information required will be that necessary for the Council to make a judgement on the whether the proposed development complies with the LDO, for example layout plan, elevations, proposed use, request for an Environmental Impact Assessment Screening opinion. It would not offer the option to allow the developer to make the case for undertaking development through the LDO if this is included within the list of restrictions or exclusions.
		●		Part (c)(i) only allows for 20 sq m of canopy/ reception/ lobby area to be constructed without permission. It is our view that given the size of the units being promoted within the Enterprise Zones that 20sq m seems very small and would be at odds with the scale of development being promoted in the Aire Valley Enterprise Zones. Consideration should be given to allow larger canopy/ reception/ lobby areas within the four designated Enterprise Zones to reflect their importance.	Not agreed: This requested change was followed up by officers and a percentage limit was suggested by respondents. In response, officers do not consider this approach is appropriate for front extensions. Given the Enterprise Zones are generally undeveloped, there is the opportunity to provide larger reception areas as part of the approval of detailed design of the new buildings. The LDO offers additional flexibility where existing building have been designed without such facilities but a floorspace limit is justified in these cases.

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		●		Part (c)(vi) refers to ensuring that there is no development located within 20m of the nearest bank of the River Aire. There is no justification for requiring this stand-off and it would be beneficial to understand the reasoning for including this provision.	Not agreed: Within this area consultation is required with the Environment Agency. Consideration of such proposals is better dealt with through the existing planning process and this restriction has been specifically requested by the EA.
		●		Part (d)(ii) does not allow any extensions to Use Class B2 (general industry) buildings within the restriction zones (as outlined above). We cannot see any justification for this and consider that clarification should be provided.	Not agreed: The justification is based on potential additional impact on residential amenity of B2 uses.
		●		Part (g)(ii) states that any gate, fence, wall or means of enclosure must allow for at least 50% through visibility. Again there is no reason given for this and we request that further justification is provided on this point.	Not agreed: The justification based on maintaining visual amenity and promoting good design. Whilst the LDO aims to simplify the planning process it should not promote development that would not normally be considered appropriate if a planning application were to be considered.
Health Protection Agency (Centre for Radiation, Chemicals & Environmental Hazards)			●	<p>The proposal includes buffer zones to residential areas within which, no change to general industrial use will be permitted. Noise limits at sensitive locations are specified and measures to deal with land contamination requirements are detailed.</p> <p>It should also be noted that in accordance with Environmental Permitting (England and Wales) Regulations 2010, specified installations will require an Environmental Permit in order to operate. Under these provisions the regulator (Environment Agency or Leeds City Council) in consultation with the Health Protection Agency and other bodies, has to be satisfied that before such a permit can be issued, the process emissions will not have an adverse impact on human health and the environment.</p> <p>Based solely on the new information supplied to us, the Health Protection Agency has no significant concerns regarding the risk to the health of the local population from this proposal.</p>	Comments noted: No action required.

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Highways Agency		●		<p>Understand that LDO2 covers both the wider LDO2 boundary area and also the 4 EZ sites; Newmarket Lane, Thornes Farm, Logic Leeds and Temple Green.</p> <p>As drafted, Part A1(a) permits change of use of buildings falling within the specified uses to change to use classes B1 (b) and (c), B2 and B8. This would allow change of use within the wider area and in future on the 4 EZ sites if the current permissions are implemented. In terms of potential for change of use in the wider LDO area, the Agency's concern would be the potential for additional trips to be generated on the Strategic Road Network if existing buildings were to change from B8 to B2 or B1 (b) or (c). The potential scale however at which this is likely to happen over the 5 year period of the LDO is limited and any change from B8 to B2 or B1 (b) (c) may well be balanced by shifts to B8 use.</p> <p>We are however more concerned about the potential change of use on the 4 EZ sites. There are existing consents on each of the 4 sites including a significant element of B8 use which once constructed could under the terms of the LDO then change to B2 or B1 (b) or (c). If uncontrolled this could create a significant increase in trip generation over and above the amounts agreed and conditioned for each phase in the extant consents. We do note that Part A2(e) of the LDO would prevent any development which would be contrary to any condition imposed by any planning permission which would include adherence to the trip generation figures for each phase of development as set out in the extant consents. Other conditions relate to numbers of allowable parking spaces, monitoring of vehicle trips, car parking management and provision of Travel Plans which would still need to be adhered to if a change of use was to occur. If the intention is to allow change of use on the 4 EZ sites we would seek clarification on how these conditioned items will be monitored and secured going forward. For example a Travel Plan submitted to discharge a condition attached to the</p>	<p>Agreed in part: To address the concerns of the Highways Agency, the following condition has been added to Table 1 of Section 5.</p> <p><i>'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'</i></p> <p>Furthermore, an additional informative confirming that a number of the sites are subject to Section 106 agreements which relate to the carrying out of any development has also be added.</p> <p>Taken together, officers consider that sufficient controls are in place in ensure that development can only take place in accordance with previous agreements with the Highways Agency in respect to vehicle trips, car parking management plans and provision of Travel Plans and thus repetition of previous conditions attached to planning permission is not necessary.</p>

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				<p>extant consent may become unsuitable if a change of use occurs.</p> <p>For clarity the Highways Agency believes that the conditions imposed in relation to the EZ extant consents should form part of the conditions for LDO2 (copy attached).</p> <p>Do not have any concerns about the provisions of Part A1(b) to (h) as they are unlikely to result in a material impact on the Strategic Road Network and in most cases would not normally warrant the production of a Transport Assessment or Travel Plan.</p>	
Natural England			●	<p>Bearing in mind the proposed uses to be permitted under the LDO and that an EIA is not considered necessary. Natural England does not consider that a Reg 78 Habitats Regulations Assessment screening report is necessary and therefore we do not have any comments to make on the LDO. Natural England considers that the proposed developments permitted under LDO2 will NOT result in a likely significant effect on a European site (either alone or in combination).</p>	Comment noted: A Regulation 78 Habitats Regulations Assessment screening report is not required.
Yorkshire Wildlife Trust			●	<p>Living Landscapes The Aire Valley Leeds Enterprise Zone is partly within our Lower Aire Valley Living Landscape (http://www.ywt.org.uk/what-we-do/living-landscapes). This is an area that we have identified as an important corridor for wildlife which connects habitats and allows wildlife to move between areas. In our Living Landscape areas we hope to restore, recreate and reconnect wildlife-rich areas by working in partnership with local communities, landowners, schools and businesses. We want wildlife to thrive, to disperse and re-colonise our landscape so future generations can encounter, experience and enjoy our natural heritage.</p>	Comment noted: The Aire Valley Leeds Area Action Plan will consider such issues in detail. No action required.
			●	<p>Sustainability We are pleased to see that the LDO will make it easier for businesses to create green/brown roofs and provide bicycle storage facilities. The LDO should refer to the GRO Green Roof Code 2011</p>	Agreed: A link to best practice guidance included in Section 6.9 of the Statement of Reasons.

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				<p>(http://www.thegreenroofcentre.co.uk/Library/Default/Documents/GRO%20ONLINE.pdf) which gives the best practice guidelines for the UK. Sustrans (http://www.leeds.gov.uk/files/Internet2007/2009/7/cycle2.pdf) and Transport for London (http://www.tfl.gov.uk/assets/downloads/businessandpartners/Workplace-Cycle-Parking-Guide.pdf) have also produced some guidance on cycle parking facilities. Providing appropriate guidance will ensure that these features are of high quality and maximise the benefits.</p>	
			●	<p>Enhancements/Mitigation Planning Policy Statement 9 states that the Government's objectives for planning are 'to conserve, enhance and restore the diversity of England's wildlife and geology' therefore positive features for wildlife should be included in the development wherever possible. We would therefore like to see the need for enhancements, for example the inclusion of bird and bat boxes, included within the LDO. For more information on bird and bat boxes see http://www.bats.org.uk/pages/accommodating_bats_in_buildings.html and http://www.rspb.org.uk/advice/helpingbirds/roofs/index.aspx. If any existing habitat is to be removed this should also be mitigated for.</p>	<p>Not agreed: Whilst the objectives set out are entirely supported, it would be not be possible to draft the LDO in such a way to make it a specific requirement to provide bird and bat boxes. Attention is drawn the requirements of wildlife legislation by the addition of an informative set out below and this is considered to be a more appropriate approach..</p>
			●	<p>Wildlife and the Law The Informatives section (page 13) should also include a warning about protected species.</p> <ul style="list-style-type: none"> All bats are protected by both UK (Wildlife & Countryside Act 1981, as amended) and European law (Conservation (Natural Habitats &c.) Regulations 1994). The law also protects bat roosts from damage, destruction or obstruction, whether or not bats are currently present. Bats roost in a variety of places including trees, bridges and buildings and use different roosts 	<p>Agreed: Included as an informative in Section 5 as this is covered by other legislation.</p>

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				<p>throughout the year. Different parts of buildings of all ages are used including roof spaces, behind tiles or boarding. Work to existing buildings or removal of trees may therefore result in disturbing a bat roost which would be breaking the law. If bats may be present then surveys should be undertaken by a suitably qualified ecologist. If bats are found then a licence will be required to carry out the work.</p> <ul style="list-style-type: none"> It is an offence to intentionally or recklessly remove, damage or destroy nests while they are in use or being built. Birds listed under Schedule 1 of the Wildlife and Countryside Act 1981 are also protected from disturbance while nesting. Breeding birds are found in a variety of semi-natural and urban habitats including disused buildings, hedgerows, scrub, lone trees, grassland, woodland and buildings, particularly in the case of swifts and house martins. The main route to reduce the likelihood of harm to breeding birds is to avoid clearance or destruction of any vegetation or structure which may be used as a breeding site during the bird breeding season (March to August). 	

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British Waterways		●		<p>Object to LDO2 , as, in its current form it fails to protect the structural integrity of the Aire and Calder Navigation.</p> <p>British Waterways (BW) is a Statutory Consultee on planning applications that are likely to affect any inland waterway (whether natural or artificial) or reservoir owned or managed by the British Waterways Board; or any canal feeder channel, watercourse, let off or culvert, which is within an area which has been notified, for this purpose. Due to the nature of the Aire and Calder Navigation, the notified area for consultation with British Waterways remained at 150m either side of the waterway when a review of the notified area for the whole network was undertaken in 2011.</p> <p>BW needs to be consulted upon all types of developments which could affect the structural integrity of a waterway and could affect the safety of users and neighbours, such as proposals that could:</p> <ol style="list-style-type: none"> (1) undermine the waterway bank through excavation; (2) place undue loading on the waterway bank; (3) interfere with vulnerable slip planes on embankments or cuttings; (4) remove part of the infrastructure, or change its character, the effects of which could affect the wider infrastructure, e.g. culverting a feeder channel; (5) remove contaminated corrosive substances that could leach into the canal or river downstream and affect structures over the long term; (6) increase the surface water discharges through potentially inadequate culverts beneath or into the waterways; and (7) any of the above which could potentially cause a breach of the canal bank or downstream flooding and inundation. <p>Taking the above into account we consider that this severely limits the nature of any development which could be permitted through an LDO adjacent to or in close proximity to a waterway, as there is a potential risk that the development could have an impact beyond</p>	<p>Agreed: Amendment made to afford the Aire & Calder Navigation the same level of protection as the River Aire or Wyke Beck. This was the intention of the consultation draft LDO but the wording was insufficiently clear.</p>

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				<p>the host property.</p> <p>In light of these comments and in relation to the criteria set out in Part A1 of the LDO, we would like to specifically comment that whilst sections (c) vi) and (d) viii) state:</p> <p><i>'No part of the development to be located within 20 metres of the nearest bank of the River Aire or Wyke Beck'</i></p> <p>No such protection is afforded to the Aire and Calder Navigation which runs parallel to the River Aire within the proposed area of the LDO. In most cases there is more than 20 metres between the river bank and the bank of the navigation, which would enable the type of development prescribed in Part A1 sections (c) and (d) of the LDO to be constructed right up to the edge of the navigation without the need for planning permission and comment by British Waterways in our capacity as Statutory Consultee. This would also apply to development permitted by Part A1 (f). Therefore, we require that the protection of the Aire and Calder Navigation is recognised as a specific matter in the justification for the LDO and to maintain the structural integrity of the navigation a condition, relating to the protection of the navigation is added to sections A1 (c), (d) and (f).</p> <p>We note that Part A1 (d) development is conditional on no part of the development being located within Flood Zones 2 or 3. Whilst this means that planning permission will be required for much Part A1 (d) development adjacent to the Aire and Calder Navigation, it is proposed that the LDO will be active for 5 years and the flood zones may be amended during this period. We therefore consider that to protect the structural integrity of the navigation there is justification for a further condition to address this matter as a separate matter notwithstanding the incidental protection given by the flood zone in Part A1(d).</p> <p>In light of the LDO, having reviewed the attributes of the Aire and Calder Navigation within the proposed LDO area, we require that</p>	

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				<p>no Part A1 (c), (d) or (f) development is permitted within 20 metres of the navigation. It is important to note that the 20 metres is measured from the furthest extremity of waterway infrastructure and not from the nearest bank; for example, the top of a cutting and this should be explicit in any condition.</p> <p>It is acknowledged that Part 8 of Schedule 2 of the General Permitted Development Order grants a range of permitted development rights to Industrial and Warehouse development. The Council should however also consider the implications for assets such as the navigation of the additional permitted development rights that may be acquired by virtue of the changes of use permitted by the LDO. The introduction of these rights may have implications for assets such as the navigation which consultees would previously have had the opportunity to comment upon as part of representations on change of use applications. The Council should therefore consider if it is appropriate to address this matter. There may be a number of ways to address this.</p>	
Towngate Estates				<p>In relation a simplified planning regime Towngate are fully supportive of the principle as significant benefits and advantages might accrue, especially in relation to costs and timescales for the development process.</p> <p>Provide case study of delays in securing planning permission for a small development by Halfway Garage, who relocated their vehicle recovery business to Stourton Point in 2007 based on design and flood risk concerns.</p>	Comment noted: no action required.
				<p>LDO Area and Excluded Sites Consider that the exclusions of Sites 14 (proposed safeguard for Canal Wharfage Stourton), 20 (Skelton Grange Road), 91 and 113 (Wyke Beck Scrap Cars) are either unreasonable or unnecessary, as follows.</p> <p>In relation to Sites 14 and 20 the proposed safeguarding under the</p>	Not agreed: This exclusion is necessary on the basis that it may undermine the safeguarding and protection sought by including the site in the NRWDPD. Understand that objections have been made to the NRWDPD regarding these sites but at the time the LDO is being prepared the Council's intention is that these sites should be

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				<p>NRWDPD has been challenged under the EiP and should therefore be afforded no significant weight in determining the areas to be covered by LDO2. We consider the safeguarding should be removed due to many issues but in particular the lack of an evidence base.</p> <p>In addition, we consider that all three sites could and should be able to come forward for development under Use Classes B1(b & c), B2 and B8 and that under such circumstances those premises should equally benefit from the proposed permitted development rights under LDO2. Furthermore, given that the wording of Part A1 of the proposed LDO2 relates to buildings falling within those Use Classes, there is no need whatsoever to exclude these sites. Object to the exclusion of these sites from the proposed LDO.</p>	safeguarded and the LDO should not undermine this approach.
				<p>In relation to changes of use welcome the flexibility for unrestricted change of use of building floorspace between Use Classes B1(b & c), B2 and B8. It makes sense for such changes to take place without the need for formal planning permission.</p> <p>For clarification, in relation to external storage we consider that the LDO need not cover the change of use of existing land (as opposed to buildings) where the current use is within Use Class B8 to other storage and distribution use within the same Class – such changes of use will be permitted under the Town & Country Planning (Use Classes) Order 1987 (as amended).</p>	Comments noted: The LDO does not apply to the change of use of land but understand that the Use Classes Order may allow changes as permitted development.
				In relation to ancillary office use we consider that this need not be clarified as being up to 20% of total floorspace as each instance can and should be considered on its individual merits.	Not agreed: The inclusion of a threshold for ancillary office development provides clarity as to whether proposed development falls within the provisions of the LDO.
				In relation to side and rear extensions we consider that, whilst permitted development rights over and above those of the Town & Country Planning (General Permitted Development) Order 1995 are welcomed, the proposed limit of 1,500sq.m. is too limiting, given the scale of floorspace already at Stourton Point and the potential land	Not agreed: The limit is to insure that the development does not trigger the requirement for a transport assessment. The Highways Agency have agreed to the inclusion of this scale of extension in the LDO on this basis.

RESPONDENT	S	O	C	SUMMARY OF COMMENTS	OFFICER RESPONSE/ACTION
				available for extensions. Larger extensions than this limit would allow would be appropriate within this context and would enable greater flexibility for Towngate and those occupying the premises at Stourton Point and can be accommodated without harm to planning interests or material considerations.	
				In relation to means of enclosure we consider that there is no justification for the proposed permitted development rights to exclude "palisade style fencing". Such fencing can be erected to a height of 2m under national permitted development rights and is an established feature of the Leeds Lower Aire Valley, and palisade is often a cost effective means of providing site security. Enabling security fencing of 2.4m height without the need for planning permission would be a positive step but the benefits will be severely restricted if palisade cannot be used. Given the fall-back position of 2m high palisade under the Town & Country Planning (General Permitted Development) Order 1995 we consider that the proposed LDO2 rights as currently worded will be of limited benefit to landowners and those who occupy premises. Part A1(g) (iii) should therefore be deleted.	Not agreed: The justification based on maintaining visual amenity and promoting good design. Whilst the LDO aims to simplify the planning process it should not promote development that would not normally be considered appropriate if a planning application were to be considered.
				Temporary Buildings The proposed LDO could also be expanded to cover temporary buildings where open land is being used within the relevant Use Classes. Restrictions to preclude buildings in excess of, say, 4-5m in height and to limit floorspace to a percentage of total site area could be imposed to limit impact and proliferation. A further caveat could be imposed to require the removal of temporary buildings on cessation of the associated principal land use.	Not agreed: This request represents a substantial amendment which is beyond the current scope of the LDO and could necessitate re-consultation on the document. The would delay the adoption of this form of simplified planning in the EZ and surrounding area.
				Other Works As with the minor works noted above the following forms of development can reasonably be included within LDO2 without harm to future planning interests, potentially including: • Demolition;	Not agreed: This request represents a substantial amendment which is beyond the current scope of the LDO and could necessitate re-consultation on the document. The would delay the adoption of this form of simplified

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				<ul style="list-style-type: none"> • Ground preparation including plot levelling/plateau works; • Access and spine roads; • Hardstandings and car parking; and • Flood mitigation works. <p>In conclusion we consider that measures to ease the planning burden for those with land interests within the Leeds Lower Aire Valley but outside the main EZ area are to be supported, although greater flexibility can and should be incorporated.</p>	<p>planning in the EZ and surrounding area.</p>