

Report of the Chief Planning Officer

SOUTH & WEST PLANS PANEL

Date: 28th September 2023

Subject: - 22/07648/FU Application for the erection of a 120 capacity Wedding Venue, 40 Holiday Lodges, and a Cafe/Community Hub building at Fleet Lane Oulton Leeds LS26

Applicant - The Ashcourt Group

Electoral Wards Affected:

Oulton and Rothwell

Ward Members have been consulted.

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Members are requested to note the contents of this report and presentation and to provide views in relation to the questions posed to aid the progression of these applications **This report is brought to Plans seeking members views on the loss of a protected wharf site, the openness of the Green Belt, flood risk and accessibility, all of which speak to the principle of development.**

INTRODUCTION:

- 1 This report seeks Members' views on the redevelopment of a former oil storage depot to create a 120 capacity Wedding Venue, 40 Holiday Lodges, and a Cafe/Community Hub building. The scheme is brought to South & West Plans Panel (as the proposal is a departure from the Development Plan) to allow Panel Members to make comments that will inform the progression of the scheme.

SITE AND SURROUNDINGS:

- 2 The site is a fuel depot, currently unused for that purpose, situated within the Green Belt between Woodlesford and Allerton Bywater. The site is situated on a portion of land surrounded by the River Aire and the Aire and Calder Navigation. The site is allocated in the Natural Resources and Waste DPD as a protected wharf under policy Minerals 13.
- 3 The River Aire runs adjacent to the east, beyond which is St Aidans Nature Reserve, managed by the RSPB. The Aire and Calder Navigation runs adjacent to the west and the site contains wharves once used for the import and export of fuel by canal. Lemonroyd Marina sits 210m to the south. The site itself contains areas of hardstanding including two storage sheds, a stone-built workshop and a brick-built office building. There are also five large metal fuel tanks, approximately 10m in height.
- 4 The main point of access into the site is via Fleet Lane although a number of public footpaths surround the wider site and provide pedestrian/cycle paths (Trans Pennine Way). The site is surrounded by open green space and is to the south east of Oulton and Woodlesford. The closest train station is 2.8km away and the nearest bus stop is 1.9km away.

PROPOSAL:

- 5 The proposed development seeks to create a 120 capacity wedding venue with 40 holiday lodges (1, 2 and 4 bedroom) and a café/community centre. Accompanying this would be 86 on site car parking spaces within the main development site and additional public parking added to existing parking areas off Fleet Lane. Cycle parking would also be provided on site and at the community café.
- 6 The change in the use of the site will redevelop what is currently a vacant industrial site into a contemporary leisure destination with increased planting, biodiversity and water features. The design of the wedding venue combines both rural and contemporary aesthetics through its use of materials and design. The floor area of the venue will be 787m². The community hub/café is a simple contemporary design with a flat roof to lessen its impact on the wider site and a floor area of 230m². The lodges are designed with a contemporary aesthetic with a monopitched or flat roof and floor area of between 25m² and 101m². There are similarities in the materials proposed for both the wedding venue, lodges and community hub/café to provide continuity throughout the site.

RELEVANT PLANNING HISTORY:

- 7 The following are considered to be of relevance:

PREAPP/21/00328 - Leisure hub, lodges, community cafe / sports hub, additional public car parking plus associated landscaping and ecological benefits.

12/03365/HAZ - Hazardous Substances Consent for the on-site storage of petroleum products (kerosene, diesel and gas oil). Application Withdrawn

06/01201/FU - Retrospective application for change of use of trailer and container storage site to LPG cylinder storage and distribution, with detached, single storey office unit. Application Approved

22/296/05/RE - Renewal of permission to erect detached two storey office block. Application Withdrawn

HISTORY OF NEGOTIATIONS:

- 8 Initial proposals were the subject of a pre-application enquiry in 2021 (PREAPP/21/00328) a meeting was held with relevant consultees where all concerns with the application were raised.
- 9 The main issues highlighted through the pre application process were; flood risk, green belt, wharf use, employment use, town centre uses and waterways related leisure development.
- 10 Following the pre application meeting the applicant held two public consultation events with local councillors and members of the public. The applicant notes that the feedback from both public consultations were positive and supportive.

PUBLIC RESPONSE:

- 11 Local Comments of support
- The proposal would improve a derelict industrial site
 - Support the area which has become used more for leisure
 - Other sites are better for HGV traffic movements closer into the city centre
 - Community hub would improve the canal
 - Employment opportunities
 - Improvements for vehicle movements and pedestrian and cycle safety
 - Less dust and noise from HGV vehicle movements
- 12 Local Comments of Objection
- Wedding venues create noise
 - Large volumes of people attend
 - Noise is generally generated at unsociable hours
 - Noise is hard to contain in the building without it spilling out
 - Potential impact on birds and wildlife through noise pollution – (RSPB St Aidans)
 - No consideration to traffic increase from the venue
 - Would support an industrial use
 - Potential increase in footfall and litter on canal paths and woodland from customers
- 13 Swilington Ings Bird Group – General comment
- The ecological report underestimates the biodiversity and importance of RSPB St Aidans
 - Rare birds reside at RSPB St Aidans
 - The main threat from the development would be noise
 - Species of bats have been recorded at St Aidans and nearby
 - There is evidence of otter activity in the area as well as other mammals
 - The design and access statement does not make reference to planting flowering plants
 - Nest boxes provide nest sites for already dominant species
 - Incorporating nesting into the design of building would be beneficial
- 14 Leeds Civic Trust – Support
- Support removing a local eyesore
 - Welcome the provision of a community facility
 - Consideration should be given to a walking and cycling route on Fleet Lane
 - Welcome the idea of a water taxi for the public

- PVs should be incorporated
- Works to footpaths should be clarified
- Error on plans showing woodland into the River Aire
- Access to RSPB St Aidans not shown

15 Commercial Boat Operators Association – Object

- Wharf is safeguarded under NLWLP
- The Aire and Calder Navigation is a priority freight route
- The Fleet Lane site is strategically important
- A wharf access must be maintained
- The economic plan misses out the increase in road haulage costs which would close the viability gap
- Modal shift revenue support should be provided
- Vehicle movements would be generated from the use of the wedding venue
- Water transport reduces road freight and carbon emissions
- Barges can carry more loads than HGVs
- Barges generate less noise

16 West Riding Branch of Inland Waterways Association – Object

- Wharf is safeguarded under NLWLP
- The Aire and Calder Navigation is a priority freight route
- Shortage in freight capacity
- The Fleet Lane site is an energy efficient transport route linking the Humber ports to WY
- The economic plan misses out green economy and CO2 reduction benefits
- Modal shift revenue support should be provided
- Greater vehicle movements would be generated from the use of the wedding venue
- Water transport reduces road freight and carbon emissions

17 Oulton and Woodlesford Neighbourhood Forum - Support

Complies with following policies from the Neighbourhood Plan

- GE2b green infrastructure
- GE4 Improve on-motorised access
- BE1 New business and employment development
- A new eco leisure hub
- Regenerating a brownfield site
- BREEAM excellent rating for the central building
- New parking areas for residents
- Jobs for local people
- Public access to facilities
- Better pedestrian links

CONSULTATION RESPONSES:

Non-Statutory

18 **Highways** – Further information required to be able to give full assessment

19 **Flood Risk Management** – No objection.

20 **Contaminated Land** – No objection, site specific conditions required.

21 **Landscape** – Concerns with the loss of tree T1.

22 **Policy** – Objections regarding flood risk sequential test, town centre sequential test, loss of wharf, impact on openness of green belt and sustainability of location.

- 23 **Access Officer** – Objections to lack of accessible accommodation and toilets.
- 24 **Climate and Energy** – No objection.
- 25 **Public Rights of Way** – Cycle and footway routes need to be resurfaced and improved and access barriers removed. A crossing near Woodlesford Rail Station would improve walking and cycle links.
- 26 **Ecology** – Further information required to fully assess the proposal.
- 27 **Minerals Team** – Object due to loss of the wharf.
- 28 **Design Team** – Supports the design and improvement the proposal would bring to the area.
- 29 **Transpennine Rail** – Further information required.
- 30 **Environmental Health** – No objection, noise report should be submitted to inform on design and suitability of the use near by dwellings and narrowboats as well as on nesting birds nearby.
- 31 **Environmental Studies Transport** – No objection.

Statutory

- 32 **The Environment Agency** – Object due to tree planting shown on plan within River and lack of information surrounding FRA.
- 33 **Yorkshire Water** – no objection.
- 34 **The Coal Authority** – no objection.
- 35 **Canal and River Trust** – Object due to insufficient information in relation to flood risk.

RELEVANT PLANNING POLICIES:

- 36 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 37 The development plan for this part of Leeds is made up of the adopted Core Strategy (as amended 2019), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), Site Allocations Plan (2019) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

Core Strategy:

- 38 Relevant policies from the Core Strategy are:
- SP1: Location of development
 - P8: Sequential and Impact Assessment for main town centre uses
 - P9: Community facilities and other services
 - P10: Design
 - P12: Landscape
 - T2: Accessibility requirements and new development

- G1: Enhancing and extending green infrastructure
- G4: New greenspace provision
- G6: Protection and redevelopment of existing green space
- G8: Nature Conservation
- G9: Biodiversity improvements
- EN1: Carbon Dioxide reductions
- EN2: Sustainable design and construction
- EN5: Managing flood risk
- EN8: Electric Vehicle Charging

Unitary Development Plan (UDP) Review:

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Relevant policies are:

- GP5: General planning considerations
- GB21: Holiday accommodation in the green belt
- N23: Landscape design
- N25: Boundary treatment
- BD2: Design and siting of new buildings
- BD3: Disabled Access in new buildings
- Bd4: Plant equipment and service areas
- BD5: Design considerations for new build
- BD14: Floodlighting
- LD1: Landscape schemes

Natural Resources and Waste Local Plan:

40

Relevant policies are:

- GP1: Presumption in favour of sustainable development.
- AIR1: Major development proposals to incorporate low emission measures.
- WATER1: Water efficiency, including incorporation of sustainable drainage
- WATER 4: Development in flood risk areas
- WATER 6: Flood Risk Assessments
- WATER7: No increase in surface water run-off, incorporate SUDs.
- LAND1: Land contamination to be dealt with.
- LAND2: Development should conserve trees and introduce new tree planting.
- MINERALS3: Coal Safeguarding Area
- MINERALS13: Transport Modes
- MINERALS14: Criteria for Assessing Alternative Development on Protected Wharves
- WASTE11: Landfill and landraising sites

Site Allocations Plan

41

The entire site is identified as Green Belt in the SAP.

Supplementary Planning Guidance and Documents

42

The following SPGs and SPDs are relevant:

- Parking SPD
- Travel Plans SPD
- Accessible Leeds SPD
- Building for Tomorrow Today – Sustainable Design and Construction

National Planning Policy

43

The revised National Planning Policy Framework (NPPF), published in 2023 and the National Planning Practice Guidance (NPPG), published March 2014, sets out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of

Sustainable Development. The NPPF must be taken into account in preparing the Development Plan and is a material consideration in planning decisions. Relevant paragraphs are highlighted below.

| | |
|----------------------|---|
| Paragraphs 11 and 12 | Presumption in favour of sustainable development |
| Paragraph 92 | Planning decisions should aim to achieve healthy, inclusive and safe places |
| Paragraph 110 | Sustainable modes of Transport |
| Paragraph 112 | Priority first to pedestrian and cycle movements |
| Paragraph 113 | Requirement for Transport Assessment |
| Paragraph 119 | Effective use of land |
| Paragraph 127 | Need for Good design which is sympathetic to local character and history |
| Paragraph 134 | Planning permission should be refused for poor design |
| Paragraph 137 | Importance of the Green Belt |
| Paragraph 149 | Exceptions to inappropriate development in the greenbelt |
| Paragraph 159 | Inappropriate development in areas of flood risk |
| Paragraph 162 | Aim of sequential test |
| Paragraph 163 | Application of exception test |
| Paragraph 174 | Planning decisions should contribute to and enhance the natural and local environment |

Climate Emergency

- 44 The Council declared a climate emergency on the 27th March 2019 in response to the UN's report on Climate Change.
- 45 The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear at paragraph 152 and within Footnote 53 that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
- 46 As part of the Council's Best Council Plan 2020-2025, the Council seeks to promote a less wasteful, low carbon economy. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

KEY ISSUES

Principle of change of use

- 47 As noted the application seeks to redevelop a former fuel depot site and create a wedding venue and holiday lodge park. As will be set out below the application engages several matters which relate to the principle of development. These are, the loss of a protected wharf site, the impact upon the openness of the Green Belt, Flood Risk, and accessibility / sustainability. As will be set out below, officers consider that the application is contrary to relevant polices in all these respects. The applicant has requested that the proposal be presented to panel, to seek members views on these four areas. This report therefore poses five questions which are detailed after each main heading.
- 48 Other relevant material planning considerations, such as residential amenity, highway safety and drainage will be addressed, to ensure members are fully informed of the main material issues.

Green Belt considerations:

- 49 As set out within national Green Belt policy, development within the Green Belt is inappropriate unless it falls within one of the exceptions within paragraphs 149 or 150 of the Framework. The application is the redevelopment of a brownfield site, involving a change of use, the raising of land levels and the construction of new buildings. The application also involves the creation of a car park on land which lies outside the former fuel depot, and is undeveloped Green Belt land. The redevelopment of previously developed land under paragraph 149, requires that the development does not have a greater impact upon the openness of the Green Belt, and any change of use under paragraph 150 both require that the openness of the Green Belt is preserved. On this latter point, case law has established that 'preserve' should be understood as having its ordinary dictionary definition, and where harm to openness is identified, even if this is minor, or marginal harm, then openness cannot be said to be preserved. Openness itself is well established concept, having both visual and spatial aspects, and capable of being impact through the use and operation of land, as well as structures and new buildings.
- 50 The redevelopment of the site will remove the remaining structures and the applicant's planning statement suggests the current built form on site (including the buildings, warehouses, storage tanks etc) has a combined volume of 15,812 m³. Comparatively, the proposal would result in a total volume of 12,887 m³ of built development across the site, covering an area of 2,954 m². This suggests that there will be an improvement in openness. However, as set out within the consultation response of policy colleagues, it is not clear that this figure includes the volume of the land level raise, and the applicant has thus far failed to clarify this point. It is therefore possible that there is no overall reduction in volume. Furthermore, volume is only one measure by which openness can be judged, and matters such as the concentration of development and the spread across a site are also relevant. As can be seen from the comparative massing plans, the development will introduce new structures into areas of the site which are currently open and undeveloped. The new buildings will be lesser in height than the large storage tanks, but in the main new buildings are more extensive and more elevated than existing structures, and take up a far greater site area.
- 51 The proposed land raising across the whole of the site, which will raise the development platform, in some places by 3-4m. The proposed buildings will therefore be at a greater height and have a greater visual impact on openness of the Green Belt than the existing. The comparative massing plans clearly show the spread of the buildings will result in a denser site development, with very few open sightlines through the development. The ground level increase of the development platform coupled with the dispersal of buildings across the entirety of the means that new buildings have a harmful impact upon openness, and this cannot be said to be preserved.
- 52 Further to the above, it is considered that the degree of activity that will occur on this site, following the proposed development, would significantly exceed that associated with the former use of the site. The Planning Statement suggests that 4,550 wedding guests will attend the venue per year, along with 31,000-42,000 lodge guests, 10,200 café/community hub visitors and 720 community visitors. This amounts to a significant number of people visiting and staying on the site, with multiple trips to and from the venue by car on a daily basis being likely to occur, particularly at weekends. This is level of activity, which will also likely occur over a much larger period of each day relative to the previous use will have a harmful impact upon the openness of the Green Belt in this location.
- 53 It is therefore not possible to conclude that the development preserves openness. It is not clear that there will be an overall reduction in volume, the massing plans clearly demonstrate that the new buildings occupy a greater spread across the site, and the level of activity and movement will also negatively impact openness. The development therefore

does not meet any of the exceptions and is inappropriate. The introduction of a carpark outside the existing developed area does not fall within one of the exceptions, and is therefore also inappropriate.

- 54 Specific policy on holiday accommodation in the Green Belt is also provided by policy GB21 of the UDP. This states that permanent holiday accommodation will not be permitted in the Green Belt. It is noted that the policy pre-dates and lacks some consistency with the NPPF which tends to be more openly worded. As such the policy is afforded reduced weight, however it nevertheless remains a saved policy within the Development Plan and its overall aims generally accord with the objectives of national policy for the Green Belt. The development would also be contrary to this policy.
- 55 As the application is inappropriate it is harmful by definition, and should not be approved unless there are other considerations, which clearly outweigh the totality of all identified harms, such that the necessary very special circumstances (VSC) are said to exist. As will be set out below, additional to the identified Green Belt harms, the development will result in the loss of an employment site, the loss of a protected wharf site, will likely increase the risk of off-site flooding, and is not sustainable or accessible. The development may well also cause harm to residential amenity. Other matters such as highway safety, land contamination and drainage do not raise significant policy conflicts and are neutral in the overall balance.
- 56 The applicant has made reference to a fall-back position, noting that a storage and distribution use could potentially commence without planning permission, and that this would have negative impacts, such as to visual amenity. The applicant considers this fall back development to be more harmful than the wedding venue proposal, and suggest this justifies their proposal. Officers disagree. The question of what weight should be given to a fall back position has been settled by the courts, and generally three tests are applied which help to judge whether there is a real prospect of an alternative development being pursued. These are the lawfulness of the development, whether there is a likelihood or real prospect of the development occurring, and the similarity of the proposals.
- 57 As the site is currently considered to be in a mixed use, and thus is sui-generis officers are not convinced that any such use could commence without planning permission, thus no such use would be lawful. In attempting to demonstrate that the site should not be safeguarded as a wharf, the applicant's own evidence suggests that a storage and distribution use is not viable, thus officers cannot be convinced there is a likelihood of this alternative development being proposed. Furthermore, the developments are not similar. A storage and distribution use has a very different character and impacts, than a wedding venue, and they would not be comparable in form nor function. Equally, a storage and distribution use in connection with the wharf would have far fewer policy conflicts, and flood risk concerns would be substantially lesser. Thus, it is not considered that there is a real prospect of a fall-back being pursued should this application be refused planning permission, and this can be given very limited weight.
- 58 There are some benefits to the proposal. The development is likely to result in a visual improvement to the site through the increased landscaping, and the removal of industrial structures. The current proposal could also result in a reduction in noise, smells, dust, vehicle movements and other operational impacts compared to the former development, albeit this can be given only very limited weight as the former use has ceased. The development would also provide a larger carpark to facilitate use of surrounding footpaths, and the café / community centre is capable of being a benefit. However, with no community use agreement proposed, this is an ambition of the applicant only, and can be given very limited weight. The development will also have some economic benefit, during the build and as an ongoing employment site, albeit this same benefit would occur if it was retained

in its employment use, and thus the ongoing economic benefits can be given very limited weight.

59 Thus, the application causes harm the Green Belt, to which substantial weight must be given. The application also causes harm to an employment site, causes harm to a protected wharf site, will cause harm to flood prevention through increased off-site flood risk, may cause harm to residential amenity, and is in an unsustainable location. Many of these are harms to which significant weight must be given. The improved visual appearance of the site, the possible community benefit, the economic benefit and the possible fall-back cannot be said to outweigh the identified harms. Officers therefore consider that the necessary VSC do not exist, and the application does not satisfy national Green Belt Policy.

60 **Question 1: Do Members agree that Green Belt policy is not satisfied?**

Flood Risk:

61 The proposal site falls within the Leeds SFRA Flood Zone 3a, and thus is at the highest risk of flooding, outside land on a functional flood plane. Policy Water 4 stipulates that, within zones 2 and 3a, proposals must:

- Pass the Sequential Test and if necessary the Exceptions Test as required by the NPPF.
- Make space within the site for storage of flood water, the extent of which to be determined by the Flood Risk Assessment.
- Must not create an increase in flood risk elsewhere.

62 The proposal also involves ground raising in flood zone 3. The Flood Risk Assessment provided by the applicant does not adequately assess the flood risks posed by the development. Further to this it fails to demonstrate that the development will not increase flood risk to others, indeed the applicant's own FRA concludes there will be an increase in off-site flood risk. The Environment Agency have been consulted with regard to the proposal and object on the above grounds. Therefore the proposal fails to meet the requirements of policy Water 4. This will be explored below.

Flood Risk Sequential Test and Exception Test

63 NRWLP Policy Water 4 requires all developments to consider their effect on flood risk, both on-site and off-site the detail of which should be commensurate with the scale and impact of the development. Furthermore, within zones 2 and 3a proposals must pass the Sequential Test and if necessary the Exceptions Test as required by the NPPF. As well as make space within the site for storage of flood water, the extent of which to be determined by the Flood Risk Assessment. Further to this the development must not create an increase in flood risk elsewhere. These tests are designed to ensure that development in high risk areas only occurs if there are no other available sites (the sequential test), and if it can be demonstrated that the site will be safe its use, and the use of adjacent land (the exception test).

64 The NPPF (para,159) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 162 notes that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding. 163. If it is not possible for development to be located in areas

with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.

- 65 The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. 165. Both elements of the exception test should be satisfied for development to be allocated or permitted.
- 66 In accordance with Paragraph 162 of the NPPF, development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. This advice is echoed in Natural Resources and Waste Local Plan Policy Water 4, which, together with the Framework, should be used to consider whether this is an acceptable location for the proposed uses given the flood risk. The applicant has carried out a flood risk sequential test assessment to address this but officers are not satisfied with its content.
- 67 The area of search for the sequential test is the district of Leeds. The applicant's sequential test report states that for sites to 'to be reasonably available, it is considered that potential alternative sites should either be owned by the applicant, for sale or publicly owned'. This definition is not reflective of national planning policy guidance or any other agreed guidance. The ownership of the site by the applicant is not relevant to a consideration of appropriate land uses. However, a market search of sites for sale is relevant and this has been carried out by the applicant and has identified two alternative sites.
- 68 One site at Kirkstall Brewery has been discounted as the applicant states that groundwater and surface water issues mean that the site is at greater flood risk than the application site (the discounted site is in flood zone 1 for river flooding). The NPPF makes clear that the sequential test should apply to all sources of flooding, however it does not indicate the order of preference, it does state that 'more vulnerable' uses are not appropriate in river flood zone 3. Sites with surface water and ground water issues should not be considered as sequentially less preferable to sites in flood zone 3 for river flooding. The second alternative site is a Listed Building and the regeneration benefits of keeping a listed building in active use mean that it should not be readily discounted and more assessment should have been provided to allow officers to determine if it has potential as an alternative. Thus officers consider the discounted sites have not been adequately considered.
- 69 Furthermore, the applicant has not yet considered sites identified in the development plan, and these should have been considered alongside market search, to be sure that the test is robust and the criteria for the search have not been too narrowly defined. The Site Allocation Plan 2019 (SAP) does not allocate sites for leisure use therefore the most relevant plans for consideration of leisure and tourism allocations are the Leeds Unitary Development Plan Review 2006 and the Aire Valley Leeds Area Action Plan 2015. Leisure and tourism sites in the UDP that have not subsequently been allocated for housing or employment uses in the SAP should be considered. The applicant will also need to consider potential sites within the Strategic Housing Land Availability Assessment that are within town centres. Thus the applicant has not considered all relevant sites.
- 70 In the absence of these sources of potential sites and given the inadequate reasons for discounting the two alternative sites that have been identified, officers do not consider that

the sequential test has been passed. Furthermore, even if the applicant is able to pass the sequential test, and demonstrate there are no other suitable site, they will then be required to demonstrate that the exception test can be passed. However, the PPG is clear that the exception test should only be applied following application of the sequential test. As the proposal does not pass the sequential test, it matters not whether it would pass the exception test, as this alone would not satisfy the requirements of the Framework or PPG.

71 Nonetheless, there are two parts to the exception tests, both of which would need to be passed. The first part requires that the application should provide wider sustainability benefits to the community that would outweigh the flood risk, however in the case of this application, it is unlikely that it would be considered to provide wider community benefits that outweigh the flood risk because there are a number of other Local Plan policies (which seek to ensure that development is in the public interest) that apply to this site which have not been met. The site is an unsustainable location for a wedding venue, café and holiday lodges as a large proportion of customers will use private cars as transport this is not consistent with Core Strategy objectives on accessibility.

72 The second part of the exception test requires for the development to be safe for its lifetime, for all users and without making flood risk worse elsewhere. A satisfactory Flood Risk Assessment (FRA) can be used to demonstrate that this part of the test has been passed, however, the Environment Agency (EA) have an objection to the submitted FRA, noting that modelling data is not agreed. Furthermore, the FRA addendum states that the flood risk is not as significant as shown on the EA flood map for planning but flooding of the site occurs when the allowance for climate change is factored in, thus the applicant's own evidence suggests the development will not be for its lifetime. In addition to this the NPPF encourages natural forms of flood risk management, the proposal to mitigate flood risk through land raising is an engineered approach and this can create other problems. The NPPF gives a steer on the elements that should be addressed in an FRA and this includes safe access and egress. We would therefore also expect to see an evacuation plan that explains how the lodges, wedding venue and café would all be evacuated safely in the event of a flood. The applicant's FRA also acknowledges that with the necessary climate change adjustment included, the development will result in an increased depth of flooding along the Navigation and surrounding fields, on fields along the Calder and north of Castleford, and also to a residential dwelling and garden off The Locks. The development therefore increases off-site flood risk, including along the waterways, adjacent fields and to a residential dwelling.

73 The applicant has provided some of the required information regarding flood risk mitigation however, the significant concerns raised regarding whether this is the right location for the proposed development have not yet been addressed. There is a conflict with LCS Policy EN5, Natural Resources and Waste Local Plan Policy Water 4 and with the guidance of the NPPF, which expect new development to be located in areas of lowest flood risk. The application has not met the sequential test, and the applicant's own evidence suggests the exception test cannot be met. There is also an objection from the EA as a statutory consultee.

74 **Question 2: Do members agree that the issue of flood risk has not been resolved?**

Loss of Protected Wharf:

75 The site is identified under policy Minerals 13 as one of three safeguarded wharf sites, intended to be part of the council's ongoing commitment to sustainable transport. The policy protects the wharf site from development that would prejudice its long-term availability for canal freight. Policy Minerals 14 states that those sites listed in Minerals 13 are protected from other development unless the applicant can demonstrate compliance with one of the following criteria:

- The development is of a temporary nature and would not prejudice the longer term ability of the site to utilise movements of freight by canal or rail, or
- The applicant is able to demonstrate that in the case of a safeguarded wharf/rail siding that an adequate replacement wharf/rail siding has been provided or
- A sufficient supply of sites will remain in the district, readily available and of at least the same functional capability (including proximity to relevant economic centres), so as not to prejudice the objective of encouraging a shift from road freight, or
- The applicant is able to conclusively demonstrate, through the provision of current and forecast marketing evidence, that the site is unlikely to be used for freight purposes.

76 Regarding point 1 the construction of raised land for the development of the site into a leisure destination is considered to be a permanent development. In relation to point 2, the applicant has not provided a replacement wharf. In response to point 3, there are limited opportunities for wharf facilities in Leeds, the NRWLP safeguards 3 existing wharves and only 1 other is in use. The demand to transport goods by water is already outstripping the current capacity within Leeds, therefore the loss of this wharf would further compound the issue. Regarding point 4, the Wharf Assessment Report provided by the applicant only considers the potential for Fleet Lane wharf (the transportation of aggregate) but there are other products which can be moved by barge and these have not been considered in the report. Policy Minerals 13 does not specify that the site is safeguarded for aggregate freight only. The policy looks at the long term strategic objective for the Council and the Canal and Rivers Trust to increase movements of freight on the canal. This route has also been designated as a Priority Freight Route which means it has a potential for greater use for freight movements. The use of the wharf can also help to reduce vehicle movements on local roads.

77 Thus is clear and direct conflict with the development plan. The application would result in the loss of one of only three wharf sites in the city, and thus would cut capacity in the city by a third. This is a substantial loss, and the applicant has failed to satisfy any of the requirements of the policy which would allow redevelopment. Officers consider the permanent loss of a wharf site, with no replacement provision, no evidence that the provision is not needed, and no justification to demonstrate that the wharf use is not viable, means the loss of the wharf is wholly unacceptable.

Question 3: Do members consider loss of a protected wharf site is justified?

Loss of Employment site:

78 The Council has a commitment to deliver an appropriate local balance between potentially competing uses of land. The application site was formerly in an employment use, and thus policy EC3 applies to proposals on sites, such as this, which are currently or last in use for employment purposes. The issue to be determined is whether there is a planning need for the site to remain in employment uses. Whilst it is recognised that the proposal will provide employment (largely within the service sector) this is not an ‘employment use’ in planning terms.

79 As the site is not within the area identified by the Employment Land Review as being an areas of specific shortfall, and in previously used for employment uses (but not allocated) it is part A(ii) of the policy that applies. This allows the change of use of a site to non-employment uses only where the “Existing buildings and land are considered to be non-viable in terms of market attractiveness, business operations, age, condition and/or computability with adjacent uses”. The supporting text to this policy (paragraph 5.2.57) defines non-viable as;

- property or land has remained empty or vacant for a period of time despite being marketed (for a minimum of 12 months), or
- the employment space no longer serves the needs of businesses, and may be incompatible with neighbouring uses through noise and amenity issues.

80 The applicant has provided some justification within their planning statement regarding the concerns raised by officers at the loss of the employment use. This includes the information set out within the Wharf Assessment that states the use of the site as a wharf is unviable. Further to this within the planning statement it notes the quantitative economics of developing the site into a leisure destination. The assessment suggests that during the construction phase 127 full time equivalent construction job years will be generated and once operational the development will create an estimated 55 jobs (21 full time and 34 part time roles) with 80% being held by Leeds residents and 100% by Yorkshire residents. This commitment to local employment and skill development could be secured by way of a s106 obligation. The supply chain spend is anticipated to be £2.7m per year 56% of which is expected to be spent on Leeds based suppliers. The assessment sets out what the site could achieve and highlights the benefits to the local economy. However, although the applicant has provided some evidence that the use of the wharf to transport aggregate would be unviable and has set out the wider quantified benefits of the construction of a wedding venue on the site, no consideration has been made of the potential for employment use more generally.

81 However, officers have raised concerns about the applicant's evidence, noting that only alternative use which has been assessed is the provision of aggregate storage and distribution, and that no consideration has been made of the potential for employment use more generally. In relation to this, it is also noted that when considering the Green Belt impacts of the proposals, the applicant's state that that the existing B8 consent on the site creates a 'fallback position' whereby unlimited storage could take place on the site, which may suggest that continued use of the site for employment use is seen to be viable.

82 Thus there is insufficient evidence that the loss of a employment site is justified, and will not cause harm to the economic growth and sustainability of the Leeds district. In the absence of adequate justification, the loss of an employment site is contrary to policy and should not be accepted in principle.

Question 4: Do members consider the loss of an employment site is justified?

Location considerations:

83 Spatial Policy 1 (Location of Development) of the Core Strategy sets out that the majority of new development in Leeds will take place within and adjacent to urban areas. It identifies a series of key principles for the location of development across the Leeds district, with (iv) confirming that new leisure facilities will be prioritised in Leeds City Centre and the town centres across the district, maximising the opportunities that the existing services and high levels of accessibility and sustainability to new development, whilst (ix) seeks to encourage potential users of rail or water for freight movements to locate at suitable sites. The development draws limited support from SP1, being located outside the Main Urban Area (MUA), and in an area which carries the lowest priority for development. The development also restricts opportunities for water freight movements.

84 Policy T2 of the Core Strategy states that new development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport, and with safe and secure access for pedestrians, cyclists and people with impaired mobility. Specific accessibility standards to be used across Leeds are set out in

Appendix 3 to the Plan and, as noted in the consultation response from highway officers, this site does not meet with these requirements.

- 85 Policy P8(D) of the Core Strategy sets out the requirements for sequential (and where relevant impact) assessments to accompany planning applications for main town centre uses.
- 86 The proposed wedding venue, café, community hub and holiday lodge elements of the proposal all fall under the definition of 'main town centre uses' set out in the NPPF. Both local and national planning policy require a 'town centres first' approach to the siting of such uses, looking to in-centre sites in the first instance, followed by edge-of-centre sites, and only out of centre sites when there are not suitable sequentially preferable alternatives.
- 87 A sequential and impact assessment have been submitted with the application in accordance with Policy P8. It considers the existing provision of 'waterside venues with onsite accommodation' in proximity of Leeds, and finds no comparable offer in the local area. On this basis, it is considered that this provides evidence of a 'lack of provision; for a waterside wedding venue with on-site accommodation in this location and to serve the wider 'south-east Leeds region'. The applicant has also reviewed city centre sites through an updated addendum. They have noted that there are a number of sites/buildings which are for sale within the City Centre Boundary, but all have been discounted as sequentially preferable. The vast majority are not comparable with the application site or the intended development type, in particular the rural/semi-rural nature of the waterside venue. There are no other comparable sites within the City Centre that would be considered appropriate for the proposed development and none are 'reasonably available'. Whilst the finding that there is not comparable provision in the local area is accepted, it is not considered that there is an established 'need' for such a facility and a wedding venue can also operate without being adjacent to water.
- 88 As part of the sequential assessment a site search has been undertaken for alternative sites of c.3.4ha which are suitable for a wedding venue with holiday accommodation (though smaller sites are also considered, recognising that uses could potentially be combined into a single taller building). In accordance with the requirements of P8, this considers sites within and on the edge of the local centres within a 15 minute drive time of the site. The conclusion that there are no sequentially preferable sites in or on the edge of these centres is accepted.
- 89 An Impact Assessment has also been undertaken of the proposal. This concludes that there are no comparable wedding venue or tourism accommodation developments within the vicinity of the site that would be adversely impacted by the proposal. The scale and nature of the proposed café/community hub is also not considered to be likely to adversely impact on existing nearby café businesses. Officers consider that this conclusion is accepted.
- 90 Paragraph 84(c) of the NPPF supports 'sustainable rural tourism and leisure developments which respect the character of the countryside'. Paragraph 85 states that "sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations not well served by public transport".
- 91 However, it is not considered that this proposal relates to local businesses or community needs, but instead is a speculative new enterprise in a rural location. Whilst it is recognised that a small café / hub building does form part of the proposal, the substantive development (wedding venue and holiday accommodation) is not likely to serve community needs and so it is not considered that the development would fall under this exception. The applicant has also noted within their design and access statement that public transport links to the

site are limited given the nature of the site's location as it's surrounded by the river/canal. This raises the question of whether this is the appropriate location for such a development to be constructed.

- 92 Ultimately the development is in a remote location, isolated from existing services and public transport links, has some conflict with the centre's first approach of the Core Strategy, and is in an area which carries the lowest priority for development. Officers therefore consider the site is locationally unsustainable and contrary to the development plan.

Question 5: Do members consider the location is acceptable according to the locational policies of the plan?

Other Key Material Planning Considerations

Highways

- 93 Policy T2 of the Core Strategy states that new development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport, and with safe and secure access for pedestrians, cyclists and people with impaired mobility. Specific accessibility standards to be used across Leeds are set out in Appendix 3 to the Plan and, as noted in the consultation response from Highways Colleagues, this site does not meet with these requirements.
- 94 The site does not meet the Core Strategy accessibility standards, which require that the site be located within a 5 minutes' walk (400m) to a bus stop offering a direct service to the city centres of Leeds, Bradford and Wakefield at a 15 minutes frequency. Part of Fleet Lane has footways and the road is indicated as an advisory cycle route on the Leeds Cycling Map, with cycle lanes indicated between Aberford Road and Eshald Lane. The road is governed by the national speed limit after its junction with the access to West Riding County FA. The proposed development is surrounded by walking and cycling routes for leisure including the signed Trans Pennine Trail and un-signed traffic free cycle paths/bridleway. The applicant has proposed a non-motorised user access to the east of the site which will provide an off-road connection between the leisure hub and the footpaths/cycle paths on the River Aire.
- 95 The proposal includes parking for 86 vehicles which will serve the 40 lodges on site. Additional parking spaces provide 56 spaces in the public car park accessed off Fleet Lane. Two additional egress points will be created on Fleet Lane, this is in addition to the eastern entrance. All three points into the development site will be operated by an electronic system.
- 96 The applicant has proposed that organised communal transport options would be suitable for those unable to drive and to reduce private car use. This would operate as a mini-bus service which picks-up / drops off staff before and after their shifts at key destinations within the surrounding area where staff reside. Further details would be organised by the individual companies however, for reference these destinations may include Woodlesford Station, outside the Aberford Road Lidl, Rothwell Shopping Centre. In addition to the mini-buses for staff, it is proposed that guests attending the wedding venue will be given the option for organised transport in the form of hiring mini-buses / coaches to enable people to travel in groups by sustainable modes of transport, from key destinations and transport hubs such as Leeds Train Station.
- 97 The sites waste will be serviced by a private contractor, the waste collection route will take access from Fleet Lane to the south of the site using the internal loop road through the

centre of the site to the main wedding reception. Secure cycle parking within the site for staff and guests has been provided as well as a cycle hire hub to encourage any trips off site to be made by sustainable modes of transport during stays.

- 98 The public rights of way team have noted that a crossing near Woodlesford Rail Station would improve walking and cycle links. Furthermore, the cycling officer, public rights of way team and highways team agree that some routes of the public footpath that subsist around the perimeter of the site should be resurfaced and have access barriers removed. This could improve some of the accessibility with the location of the development however it is unlikely to overcome the overall sustainability concerns. The applicant has not yet satisfied this request as they state that this is outside of their ownership and would not be impacted by the proposal. Officers do not accept this response as the site proposes a link to the existing routes therefore, it is not unreasonable to expect that visitors of the lodges would use the leisure routes during their stay. The applicant has requested if a monetary contribution be sought that a calculation of this figure is provided so it can be reviewed.
- 99 The proposed development raises other highways concerns in relation to the expansion of the North car park, which will encroach into the greenbelt and obstruct a route into the car park from the leisure footpath/cycle paths. The highways team also require the DDA spaces in the North car park to be relocated closer to the building.
- 100 Further information is required for the highways team to assess whether the application to develop the site to a wedding venue and leisure destination would be acceptable highways terms. A number of conditions have been suggested so far relating to vehicle spaces to be laid out on site, approved sightline work to be undertaken, a car park and servicing management plan, off site highways works, provision for contractors and electric vehicle charging points. However the request for information on improvements to be made to leisure footpath/cycle path located to the north of the community centre through resurfacing and the removal of A-frames, which will allow a less restrictive option for access control on the paths is yet to be provided.

Residential and recreational amenity

- 101 In relation to the amenity of the local residents, there are a number of moorings close by at Lemonroyd Waterside & Marina. This is approximately 200m from the proposed development. The applicant will need to provide a noise assessment that takes into account the increase in noise from the wedding venue and associated buildings. Some of the proposed lodges have large open roof terraces which could result in noise at unsociable hours. In addition to this noise impact would need to be assessed on nesting birds on nearby watercourses and at RSPB St Aidans.
- 102 Furthermore, the site is located within a rural area in which is a popular walking and cycling route. Evidence would need to be provided that adequately outlines the development, and noise levels generated during its operational hours, wouldn't adversely impact upon visitors recreational amenity. The area should retain its character as almost countryside in nature and those visiting the area in a recreational manner (walking and cycling) should be able to do so without significant disruption through noise pollution.
- 103 Amendments to the scheme have been made to improve accessibility on the site. The proposed wedding venue will have level thresholds and lift access to the mezzanine floor as well as the roof terrace. Disable WC's are provided within the venue and café. The scheme provides 3 accessible bedrooms with ensembles in 3 lodges within the site and the living spaces are wheelchair accessible. The site provides 10 disable car parking spaces and two in the extended public car park to the north of the site.

Landscape/ Biodiversity

- 104 Policy P12 notes that *“the character, quality and biodiversity of Leeds’ townscapes and landscapes, including their historical and cultural significance, will be conserved and enhanced to protect their distinctiveness through stewardship and the planning process.”*
- 105 Policy G8 states that development will not be permitted which would seriously harm sites of local importance for biodiversity. LCS Policy G9 requires development to make improvements to biodiversity and wildlife habitats through protection and enhancement.
- 106 The landscape team have requested that Tree T1 (category B1) is retained all other trees on site are category C as such they are less desirable to retain. The request for the retention of Tree T1 has not been met. This is likely due to the raising of the land across the site, however no justification has been provided. Nonetheless, to compensate for the tree loss on site, planting is proposed elsewhere within the site. Replacement tree planting will exceed the minimum policy requirement of 3 for 1. The landscape masterplan details that 59 extra heavy standard trees, 72 heavy standard trees and 65 standard trees are proposed to be planted. In addition to this a mixture of light woodland planting, native shrub planting, ornamental shrub planting, amenity close mown grass and wildflower grass would be planted. The increased planting at the site would be welcomed, however it does not outweigh the balance of harm from significant issues raised across the site.
- 107 Further to the above the Council’s ecology officer has been unable to fully consider the biodiversity net gain on site due to a lack of sufficient information through an Ecological Impact Assessment. Other concerns that have been identified in relation to BNG issues are the net loss in Hedgerow Biodiversity Units a description of planned (post-development) habitat creation or enhancement; the Metric tool shows an error in the habitat trading rules (i.e. habitat of medium distinctiveness, mixed scrub, has not been replaced with the same broad habitat or a higher distinctiveness habitat); and an assessment of River Biodiversity Units pre and post development.
- 108 In addition to the above to avoid harm from the development to bats a Lighting Design Strategy for Bats has been requested from the Nature Team to assess the developments light pollution during construction and operational phases. The Preliminary Ecological Appraisal Report ((PEAR), JCA) identifies potential noise and pollution impacts of the development on St Aidans Local Wildlife Site. The Nature Team have requested further details of any potential impacts of the development on the Local Wildlife Site and how these will be mitigated. These issues have a fundamental impact on local wildlife and cannot be addressed through conditions as their harm and impact needs to be assessed.
- 109 There are also a number of issues which have been raised by the Nature Team that could be addressed through condition, such as avoiding harm to breeding birds, badgers and hedgehogs, the submission of a method statement for the removal of invasive non-native species from the site, BNG monitoring and reporting and providing a BNG management plan.
- Climate Change and Energy
- 110 In March 2019 Leeds City Council declared a climate emergency and have committed to action to reduce carbon emissions, mitigate damage to the environment and help communities to adapt to the effects of climate change. The following climate change policies are designed to help new development contribute to LCC’s carbon reduction targets.
- 111 Policy EN1 requires development over 1000sqm of floorspace to (i) *reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate* until 2016 when all developments should be zero carbon (BRTER) and (ii) *provide a minimum of 10% of the predicted energy needs from low carbon energy.*

- 112 Policy EN2 requires where feasible non-residential development over 1000sqm of floorspace to meet the BREEAM standard of excellent.
- 113 Policy EN4 requires *where technically viable, appropriate for the development, and in areas with sufficient existing or potential heat density, developments of 1,000 sqm* to attempt to connect to existing or potential future district heating networks or construct a heating network within the existing site using a low carbon heat source.
- 114 The applicant has submitted a sustainability statement which details that policy EN1 can be met through the construction of the development. With reference to LCS Policy EN1, these targets are demonstrated in Appendices A & B within the sustainability strategy in the form of outputs from approved modelling software by an accredited energy assessor. Central to the development's sustainability strategy is the globally recognised BREEAM standard, of which a BREEAM rating of 'Excellent' has been identified - aligning with LCS Policy EN2. The applicant has stated that the BREEAM certification will demonstrate this scheme will sit in the top 10% of UK building projects addressing through an audited certification process responses to a wide range of sustainable design principles such as Energy, Water Use, Materials, Waste and Ecology.
- 115 Within the sustainability statement the applicant has detailed how the development will meet the sustainability requirements. Such as the balancing of solar gains, how energy usage can be reduced and the use of sustainable construction practices.
- 116 Solar gains are heating from the Sun's radiation, as the main building has a significant amount of glazing this must be mitigated. They can be beneficial in colder months, as they can provide heat and therefore reduce energy requirements. However, in warmer months, the solar gains can be significant, and need to be controlled, to reduce any risk of overheating. This mitigation can come in the form of shading and solar controlled glazing. In communal spaces that are comfort cooled, solar gains will increase the energy used to maintain the desired temperatures during warm weather. In addition, sufficient daylight will reduce the need for artificial lighting and therefore reduce energy usage and CO2 emissions. The building orientation, glazing dimensions and shading strategy have all been considered to maximise daylight and limit solar gains.
- 117 Efficient building fabric greatly reduces the space heating and cooling loads in a development, as transmittance of heat through the thermal elements is reduced. In addition, improving the air permeability also reduces these loads, as significantly less outside air can travel into the building. All building fabric for the Fleet Lane Wedding Venue building exceeds Building Regulations minimum requirements, as detailed in section 3.3. The sustainability statement notes that thermal bridges will be carefully considered in order to improve on typical construction detailing, eliminating cold bridges and keeping thermal line integrity. Post completion thermographic survey of the buildings thermal efficiency will be undertaken.
- 118 With reference to Policy EN4 the applicant has noted that due to the relatively isolated site location, investigations into connecting to existing low carbon or CHP led district heating networks proved unfeasible. However, flexibility been considered for connection to potential future networks.
- 119 The sustainability statement notes that the proposed wedding venue will avoid the combustion of fossil fuels as a primary or secondary energy source - there will be no reliance on natural gas and no emissions associated with the burning of fuel to operate the building. The overall operational energy demand for the Wedding venue building of

26.8kgCO₂/sqm/yr will be offset entirely by the onsite production of electrical energy from solar PV - a 100% carbon reduction and making the building Net Zero Carbon.

120 The Council's energy officer is satisfied that the commercial wedding building will satisfy policy EN1 part (i), however it cannot be fully satisfied until the applicant has provided the evidence that the lodges will also comply with this. EN1 part (ii) can be considered to be met as the details of the photovoltaics (PVs) could be conditioned. Policy EN2 has been satisfied by the submission provided by the applicant. However, the proposal and sustainability statement lack sufficient evidence for all parts of Policy EN4. Regarding EN4 part (i) an assessment from Leeds Pipes has not been provided, part (ii) requires evidence of using a site wide low carbon energy source, part (iii) lacks evidence of collaboration with neighbouring development sites or existing sources and part (iv) requires information surrounding the details of associated infrastructure.

Design and Accessibility

121 Policies within the Leeds Development Plan and the advice contained within the NPPF seek to promote new development that responds to local character, reflects the identity of local surroundings, and reinforce local distinctiveness. Moreover, the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is fundamental that the new development should generate good design and respond to the local character.

122 Policy P10 states inter alia that all new development for buildings and spaces should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function.

123 The application proposes the construction of a large wedding venue with a capacity of 120 persons. The venue has been designed through respecting the local context by using materials of a rural appearance. The use of a stone plinth and Marley Eternit Rainscreen Cladding to give the appearance of timber, allows the proposal to reflect surrounding materials while incorporating a contemporary design. The building has large expanses of glazing and an angular roof scape which contributes to the contemporary style of the development. The design of the wedding venue and the concept of a main feature building surrounded by single storey ancillary buildings, set out in a resort style setting works in this island location. However, the design of some of the single storey ancillary buildings impact the appearance of the scheme.

124 The flat roofed and shallow mono pitched roofs of type 5 - 4 bedroom lodges, type 1 - 1 bedroom lodges and type 3 – 2 bedroom lodges, let down the design of the scheme due to their block design and lack of a desirable roof scape. The introduction of an angular and interesting shaped roof, akin to the other lodge designs, would improve their appearance and reduce the starkness of their design. The use of materials, stone and Marley Eternit Rainscreen Cladding, matches the proposed wedding venue and this would show continuity across the site which would be desirable.

125 Officers and the design team note that the proposal would improve the appearance of what is currently a disused fuel depot with open hard standing and large storage tanks. The proposal would improve the site through increased landscaping and ecological enhancements, while reducing the HGV use on the site. However, the current site, as shown on the applicant's design statement, is set down with a buffer which screens a significant amount of the site. The proposed development would raise the land levels by 3-4m in height. The entirety of the massing of the development would be visible from the surrounding areas and the proposed use would not be in keeping within the rural character of the area. This massing is shown through drawings 'proposed site massing sections'.

Drainage Management

- 126 The applicant has detailed how foul water drainage will be managed at the site. The anticipated domestic foul loading from the site has been calculated in accordance with British Flows and Loads. The expected peak flow rate from the development would be 3.1 l/s. Yorkshire Water has advised the applicant, by way of a pre-planning sewerage enquiry response, that foul water may be discharged to the 381 / 375 mm diameter public combined sewer located near Fleet Lane / Fleet Bridge, at a point to the south-west of the site. Due to ground levels and Fleet Bridge, foul flows will need to be pumped to the public combined sewer. The Council's Flood Risk Management Team are content with the proposed foul water drainage.
- 127 The applicant has detailed how surface water drainage will be managed at the site. In accordance with the PPG6, surface water runoff should be disposed of according to the following hierarchy: Into the ground (infiltration); To a surface water body; To a surface water sewer, highway drain, or another drainage system; To a combined sewer. Based on ground conditions at the site (as detailed in Section 2.4), the disposal of surface water via infiltration is unlikely to be feasible. Infiltration tests may be undertaken at the detailed design stage in accordance with BRE3657 to confirm this. It is subsequently proposed to direct all runoff from the developed site to the River Aire. Attenuation storage will be provided to store surface water runoff generated across roofs and hardstanding. The Council's Flood Risk Management Team are content with the proposed surface water drainage.
- 128 The applicant set out their proposal to prevent pollutants entering the drainage system within their drainage assessment. Permeable pavements provide treatment processes that occur within the surface structure, including filtration, adsorption, biodegradation and sedimentation. Filter drains can help reduce pollutant levels in runoff by filtering out fine sediments, metals, hydrocarbons and other pollutants. They can also encourage adsorption and biodegradation processes. Retention ponds can provide water quality benefits via the settlement of pollutants in still or slow moving water, adsorption by the soil, and biological activity. The Council's Flood Risk Management Team are content with the proposal.
- 129 The surface water drainage system, including the retention ponds and any other SuDS features, will remain private and would be the responsibility of the site owner which may be maintained by a management company.

Land Contamination /Coal Authority

- 130 The proposal site is also safeguarded under policy Minerals 3, for extraction of surface coal. The Coal Authority consider that the information submitted in support of the application is sufficient to address any coal mining risk and the site falls outside of the scope of the former extraction area.
- 131 Regarding land contamination the scope of works proposed by the applicant has been determined as acceptable in principle. Only a few tweaks are proposed by the land contamination team. Some minor amendments have been requested to be undertaken relating to the Groundwater Vapour report and the Phase 2 Site Investigation. This could be covered by site specific pre-commencement condition.

CONCLUSION

- 132 The proposal would redevelop a vacant industrial site into a contemporary leisure destination with a wedding venue, 40 lodges and a community hub/café. Local residents have offered comments of support of the proposal which would improve the local area and

also comments objecting to the development. Overall, the principle of the development is not considered to be acceptable given the number of detailed issues with the site including but not limited to; openness of the greenbelt, protected status of the wharf and location of the site in flood zone 3. Members are ultimately asked to consider whether they consider the development is acceptable in principle, noting that the development does not satisfy Green Belt policy, would result in the loss of a protected wharf and an employment site, has not demonstrated it would be safe from flood risk for the lifetime of the development, would cause an increase in off-site flood risk, and is locationally unsustainable.

133 Members are therefore asked to note the contents of the report and are invited to provide feedback, in particular, in response to the key questions asked in the report above. Such feedback will also be helpful to the applicant as currently there is some reluctance to commission additional supporting information to respond further to consultee responses noting officers have raised a number of significant concerns regarding the overall acceptability of the scheme.

Question 1: Do Members agree that Green Belt policy is not satisfied?

Question 2: Do members agree that the issue of flood risk has not been resolved?

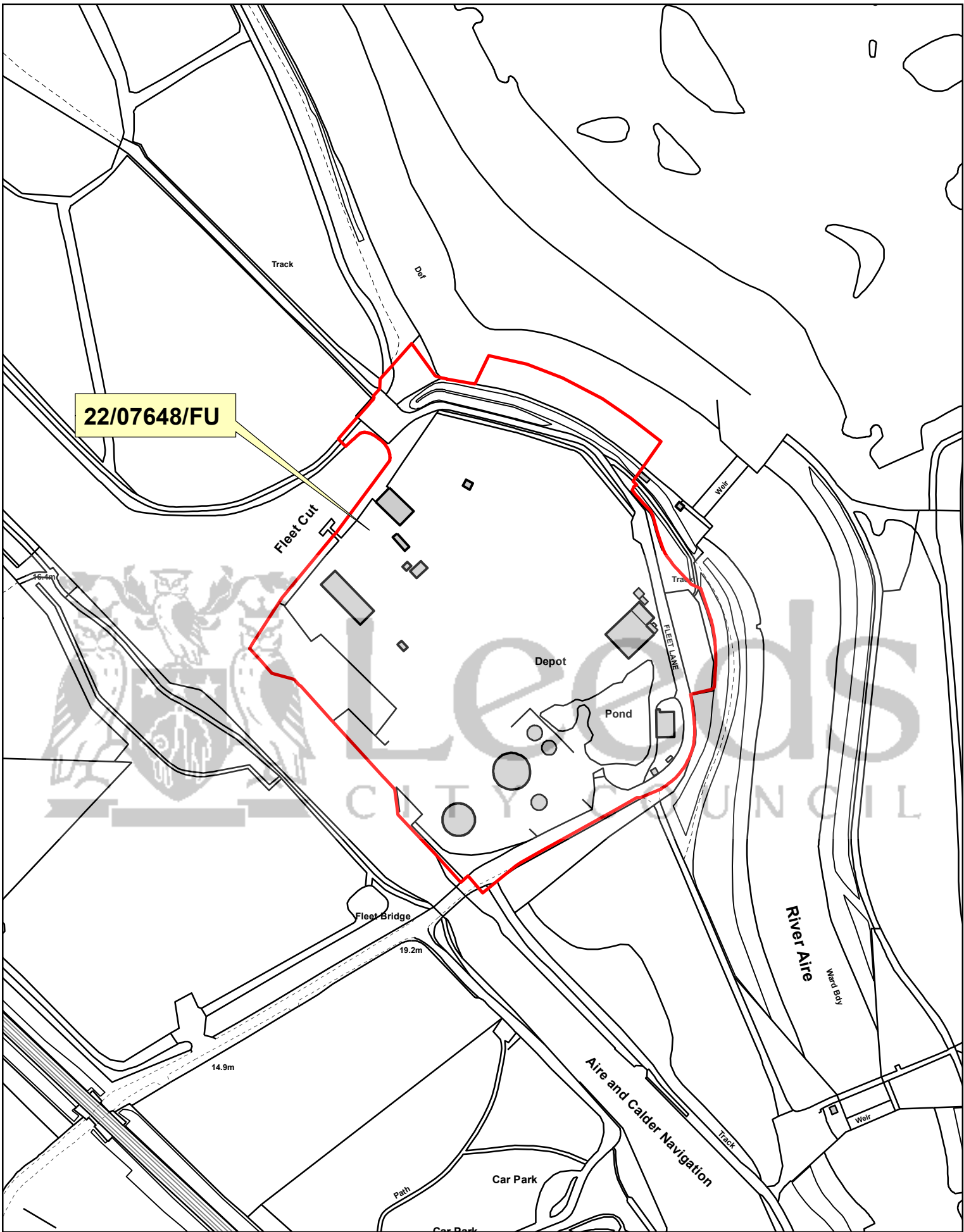
Question 3: Do members consider loss of a protected wharf site is justified?

Question 4: Do members consider the loss of an employment site is justified?

Question 5: Do members consider the location is acceptable according to the locational policies of the plan?

Question 6: Are there any other matters, that relate to the scope of consideration of this application, that Members wish to raise?

Background Papers: 22/07648/FU



SOUTH AND WEST PLANS PANEL

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SCALE : 1 / 2500





PLANS PANEL PRESENTATION

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