



Report of the Chief Planning Officer

SOUTH AND WEST PANEL

Date: 28TH November 2024

Subject: 22/07648/FU Application for the erection of a Wedding Venue, 33 Holiday Lodges, and a Cafe/Community Hub building at Fleet Lane Oulton Leeds LS26

APPLICANT
The Ashcourt
Group

DATE VALID
15.11.2022

TARGET DATE
To be agreed

Electoral Wards Affected:

Oulton and Rothwell

Ward Members have been consulted.

Yes

Ward Members notified
(referred to in report)

Specific Implications For:

Health and Wellbeing

Inclusive Growth

Zero Carbon

RECOMMENDATION: REFUSAL OF PLANNING PERMISSION FOR THE REASONS SET OUT BELOW:

1. The Local Planning Authority consider that proposed development which will raise land levels significantly across parts of the site and construct a wedding venue with 33 holiday lodges (1, 2 and 4 bedroom) and a café/community centre fails to preserve the openness of the Green Belt through a combination of the level increase and general spread of built development across the site. As such the development falls outside the exceptions contained at section 13 of the Framework and is therefore inappropriate by definition. No other considerations sufficient to clearly outweigh the totality of identified Green Belt and non Green Belt harms have been provided, and thus the necessary very special circumstances have not been demonstrated. The application is therefore contrary to saved Unitary Development Plan Review (2006) policy N33 and section 13 of the Framework.
2. The Local Planning Authority consider that proposed development which will raise land levels significantly across parts of the site and construct a wedding venue with 33 holiday lodges (1, 2 and 4 bedroom) and a café/community centre will result in flood risk. The submitted Flood Risk Assessment does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 22 of the Flood Risk and Coastal Change section of the planning practice guidance.

The Flood Risk Assessment does not therefore adequately assess the flood risks posed by the development. In particular, the Flood Risk Assessment fails to demonstrate that the development will not increase flood risk to others. The application is therefore contrary to LCS Policy EN5, Natural Resources and Waste Local Plan Policy Water 4 and with the guidance of the NPPF.

3. The Local Planning Authority consider that the change in use from a protected wharf and employment site to a wedding venue with 33 holiday lodges (1, 2 and 4 bedroom) and a café/community centre which is a more vulnerable use, is unacceptable due to flood risk and the applicant's failure to pass the sequential test. For development proposals in areas known to be at risk from flooding, the NPPF para 162 requires the application of the sequential test. The applicant has failed to pass the sequential test through not fully considering all sites available in Leeds in lower flood risk areas. The application is contrary to 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.
4. The Local Planning Authority consider that change in use from a protected wharf and employment site to a wedding venue with 33 holiday lodges (1, 2 and 4 bedroom) and a café/community centre does not comply with local planning policy and will result in the loss of this protected wharf site. The applicant has failed to adequately address the 4 exceptions requirements outlined in Minerals Policy 14 within part of their assessment. The application is therefore contrary to Natural Resources and Waste DPD policies Minerals 13 and Minerals 14.

INTRODUCTION:

1. This scheme is returned to the South & West Plans Panel following its initial consideration as a Position Statement on 28th September 2023. The position statement set out that the proposed development for a wedding venue with holiday lodges was contrary to local and national policy. The development's principle was considered to be unacceptable due to the impact on openness of the greenbelt, flood risk, the loss of the protected wharf and employment land and due to accessibility/sustainability concerns. There were also unresolved matters surrounding highways, landscape, biodiversity and energy.
2. Members raised specific concerns regarding the highways matters, the Environment Agency objection and the impact on the openness of the greenbelt when asked 6 questions relating to the scheme which are set out in paragraph 14 below. Members also requested the item be brought back to Plans Panel following further consideration of their concerns.
3. The application is now presented for determination following a number of revisions undertaken in response to the comments made by Panel Members during the position statement. Members will however be aware from the officer recommendation to refuse, it has not been possible to fully resolve the substantive concerns raised and in the absence of further changes it is now appropriate to move the application to a formal decision.

PROPOSAL:

4. The proposed development seeks to create a 120 capacity wedding venue with 33 holiday lodges (1, 2 and 4 bedroom) and a café/community centre. Accompanying this

would be 80 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.

5. 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.
6. The applicant has made the following alterations to the proposal since the position statement was taken to members on 28.09.2023 to address concerns raised by consultees and members.
 - The raised development platform has been reduced to accommodate the EA requirements.
 - The No. of lodges has reduced by 7 to 33 units (4 1bed and 3 2bed) reducing lodge volume by 10%
 - The Wedding Venue main roofs pitch has been reduced from 45 to 40 degrees which has reduced to overall height of the venue by 890mm, thus achieving a 5.7% reduction in volume.
 - The Landscape scheme has been updated to suit the layout changes. The no. of trees on site have increase from 189 to 233.
 - Due to a reduction in the lodges and development area / increase in trees, the overall parking has reduced by 6no spaces from 86 to 80.
 - As a result of the changes, there has been a reduction in the overall volume of development proposed to 12,262m³, which is a reduction of 22.4% of the existing volume on site that totals 15,812m³
 - The green space outside the development platform has increased from 6857.6m³ to 12,306.5m³. This applicant states that the undeveloped green space has been turned over to meadow to help improve flood mitigation, providing additional biodiversity benefits as well as improving the carbon footprint of the development.

SITE AND SURROUNDINGS

7. 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.
8. 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.

9. 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.

RELEVANT PLANNING HISTORY:

Planning applications:

10. 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

22/94/00/OT - Outline application to erect detached two storey office block. Application Approved

HISTORY OF NEGOTIATIONS:

11. 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.
12. 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.
13. 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.
14. The application was brought to plans panel on 28.09.2023 as a position statement. Members comments in relation to the officers questions in the submitted report were relayed as follows:

Question 1: Do Members agree that Green Belt policy is not satisfied? Yes. Members requested that further information is required from the applicant to accept that the development of this site is acceptable in the Greenbelt.

Question 2: Do members agree that the issue of flood risk has not been resolved? Yes. Members requested that further information is required from the applicant to accept that the development of this site does not present a flood risk.

Question 3: Do members consider loss of a protected wharf site is justified? Not currently as further information is required to understand the need/ demand for the use of this wharf.

Question 4: Do members consider the loss of an employment site is justified? Members requested further information to be persuaded. However, they were clear that it was not necessarily a loss of employment as jobs in hospitality is employment. Members also noted that there is currently minimal opportunities for jobs onsite and the proposals seek to add additional employment in the area.

Question 5: Do members consider the location is acceptable according to the locational policies of the plan? Members concerns were raised about its location in sustainability and accessibility terms but did not wish the site to remain derelict for a prolonged period waiting for a form of employment that would fit within the Policy description of 'Employment' that may never happen. Members do not object to the development, but commented that highway boundaries and works need to be considered.

Question 6: Are there any other matters, that relate to the scope of consideration of this application, that Members wish to raise? The Panel broadly supported the application and understood the policy context but considered that the proposal would be good for the area if it could be made to work in a sustainable manner.

CONSULTATION RESPONSES:

Statutory Consultees:

15. **The Environment Agency** – Object as model tolerance is not an appropriate justification to demonstrate that development doesn't increase flood risk to others.
16. **Yorkshire Water** – no objection.
17. **The Coal Authority** – no objection.
18. **Canal and River Trust** – Object due to insufficient information in relation to flood risk.
19. **Flood Risk Management** – FRM support the EA comments and objection

Non-Statutory Consultees:

20. **Highways** – No objection to revised information subject to conditions and s106
21. **Contaminated Land** – No objection, site specific conditions required.
22. **Landscape** – Concerns with the loss of tree T1.
23. **Policy** – Objections regarding flood risk sequential test, town centre sequential test, loss of wharf, impact on openness of green belt and sustainability of location.
24. **Access Officer** – Objections to lack of accessible accommodation and toilets.
25. **Climate and Energy** – No objection.

26. **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.
27. **Ecology** – Further information required to fully assess the proposal.
28. **Minerals Team** – Object due to loss of the wharf.
29. **Design Team** – Supports the design and improvement the proposal would bring to the area.
30. **Transpennine Rail** – Further information required.
31. **Environmental Health** – No objection to revised information subject to conditions
32. **Environmental Studies Transport** – No objection.

PUBLIC/LOCAL RESPONSE:

Ward Member Comments in Support:

33. As part of the Position Statement, Cllr Golton addressed Panel Members and stated:
 - That Ward Members were supportive of the scheme
 - Officer report was unfairly weighted towards a refusal
 - The Local Plan shows the proposal will fit in with the geography and policies referred to are outdated
 - The proposals will increase leisure usage of the area and an enhanced leisure destination
 - Officers object to parking in the Greenbelt, but the proposals formalise what is already onsite
 - The Canals and Rivers Trust provides no parking or little bin facilities.
 - The adjacent RSPB St Aidan's is a major attraction, with only 1 official car park located 2.3m away
 - Comments as written by the officers in the application do not seek to deliver optimal outcomes for the locality

Comments in Support:

34.
 - 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

Comments in Objection:

35.
 - 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 Aidan's)
 - 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

36. Swilington Ings Bird Group – General comment

- The ecological report underestimates the biodiversity and importance of RSPB St Aidan's
- Rare birds reside at RSPB St Aidan's
- The main threat from the development would be noise
- Species of bats have been recorded at St Aidan's 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

37. 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

38. 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

39. 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

40. 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
- At its Meeting on 13 May 2024 the Steering Committee of the Oulton and Woodlesford Neighbourhood Forum resolved to STRONGLY SUPPORT this application on the grounds that it complies with the provisions of the Oulton the Woodlesford Neighbourhood Plan ("Made" December 2021).
- Greatly enhancing the local area, not only removing substantial blight, the proposed development significantly improves the green environment, brings considerable new employment, new economic opportunities and important leisure and recreational facilities.

PLANNING POLICIES:

LOCAL PLANNING POLICY AND GUIDANCE

The Development Plan

41. As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan currently comprises the adopted Local Development Framework Core Strategy (2019), those policies saved from the Leeds Unitary Development Plan (Review 2006), the Site Allocations Plan (2019, as amended 2024), the Natural Resources and Waste Development Plan Document (2013, as amended 2015), the Aire Valley Leeds Area Action Plan (2017) and the Oulton and Woodlesford Neighbourhood Plan.

42. The following policies from the Core Strategy are considered to be of most relevance to this development proposal:

General Policy – Sustainable Development and the NPPF

- 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

43. The following saved policies from the Unitary Development Plan are considered to be of most relevance to this development proposal:

- 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

44. The following policies from the Site Allocations Plan are considered to be of most relevance to this development proposal:

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

45. The following policies from the Natural Resources and Waste Local DPD are considered to be of most relevance to this development proposal:

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

46. The following policies from the Oulton and Woodlesford Neighbourhood Plan are of relevance:

GE2B: Green Infrastructure
GE4: Improve on-motorised access
BE1: New business and employment development

Relevant Local Supplementary Planning Guidance/Documents

47. The most relevant local supplementary planning guidance (SPG), supplementary planning documents (SPD) are outlined below:

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

NATIONAL PLANNING POLICY AND GUIDANCE

National Planning Policy Framework

48. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

49. The following sections of the NPPF are most relevant for the purposes of determining this application:

Paragraph 11 Presumption in favour of sustainable development

Paragraph 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

National Planning Practice Guidance

50. The Planning Practice Guidance (PPG) provides commentary on the application of policies within the NPPF. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary; relevant to planning and to the development to be permitted; enforceable; precise and reasonable in all other respects.

CLIMATE EMERGENCY:

51. The Council declared a climate emergency on the 27th March 2019 in response to the UN's report on Climate Change.
52. 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 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.
53. As part of the Council's Best City Ambition, the Council seeks to deliver a low-carbon and affordable transport network, as well as protecting nature and enhancing habitats for wildlife. 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.

PUBLIC SECTOR EQUALITY DUTY:

54. The Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. Taking into account all known factors and considerations, the requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community has been fully taken into account in the consideration of the planning application to date and at the time of making the recommendation in this report.

MAIN ISSUES:

Principle of Development

- *Green Belt and Openness*
- *Flood Risk Sequential Test*
- *Loss of Protected Wharf and Employment Site*
- *Accessibility*

Design

Residential and Recreational Amenity

Highways

Climate and Energy

Drainage Management

Landscaping and Biodiversity

Community Hub

Land Contamination/ Coal Authority

Economic Impact

Representations

APPRAISAL:

Principle of the Development

55. 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 policies in all of these respects.
- Green Belt and Openness:*
56. 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 parking spaces 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 impacted through the use and operation of land, as well as structures and new buildings.
57. Amendments have been made to the scheme. These reduce the number of lodges to 33, and the pitch of the wedding venue building adjusted to 40 degrees, lowering the ridge by some 89cm. Together, these changes are understood to reduce the overall volume of the proposed development to 12,2626m³. The raised development platform has also been reduced in height and the area where levels are not proposed to be altered has increased.
58. Whilst these changes are acknowledged by officers, the overall increase in height of the site resulting from the raised development platform remains significant, being circa 3.1m in places relative to existing levels. It is also recognised that the total volume of development has reduced (and is less than the existing built volume on site) but, as

previously stated, much of the existing volume is contained in the large storage tanks, whereas the total spread of built development now sought being much greater as proposed. No changes to the extended car park which sits outside of the operational site have been identified.

59. The PPG makes clear that openness has both a spatial and visual impact, and the amendments do not address the concerns previously highlighted about the degree of activity on the site detracting from the openness of the Green Belt. As a result, the amendments do not overcome the previously raised objections to the scheme on the basis of the impact on the Green Belt.
60. The NPPF is clear that the construction of new buildings should be regarded as inappropriate, with exception (g) only allowing the redevelopment of previously developed land where it will not have greater impact on the openness of the Green Belt than the existing development. For the reasons outlined in the previous responses, it is considered that the proposal will have a greater impact on the openness of the green belt. As such, national policy is clear that there would need to be very special circumstances that justify the proposal, which outweigh the harm to the Green Belt, and it is not considered that such 'very special circumstances' have been demonstrated by this application – this is developed further below.
61. In reaching this conclusion it is noted that the government has recently consulted on potential revisions to the NPPF, which would introduce a new category of 'grey belt'. However, at the current point in time the government is considering responses to this consultation, and there is no clarity if such revisions to the NPPF will be made and/or the detail of these, so weight cannot be given to this at this stage.
62. 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 12,2626m³ of built development across the site, covering an area of 2,237 m². This suggests that there will be an improvement in openness. However, 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.
63. The proposed land raising across the whole of the site, which will raise the development platform, in some places by 3.1m. Some of 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.
64. 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.

65. 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.
66. 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.
67. 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 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.
68. 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.
69. 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.

70. There are some benefits to the proposal. The development could result in some visual improvement through the increased landscaping, and the removal of industrial structures. The current proposal could also result in a reduction in noise, smells, dust 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. The proposal to provide a community space can be given some weight as the applicant has now outlined how this would work with the neighbourhood plan forum (this is outlined in more detail in the community hub section of the report), but this is not significant enough to outweigh the impact upon openness of the Greenbelt. 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.
71. 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.

Flood Risk Sequential Test:

72. 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
73. The proposal also involves ground raising in flood zone 3. The FRA 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. Although the applicant's FRA concludes there will be no increase in off-site flood risk The Environment Agency have not accepted the modelling tolerance which has been used and state that it is not considered appropriate justification to demonstrate that the proposal does not increase flood risk to others thus, they maintain their objection. Therefore, the proposal fails to meet the requirements of policy Water 4. This will be explored below.
74. For development proposals in areas known to be at risk from flooding, the NPPF requires the application of the sequential test. The aim of the test is to steer new development to areas with the lowest risk of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Only if it is not possible for development to be located in areas with a lower risk of flooding should development be considered, subject to the exception test.

75. In the PPG, reasonably available sites are defined as those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development.
76. The PPG says that these could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. There is nothing in the PPG that requires smaller sites to be adjacent to one another, as suggested by the appellant. A series of separate small residential sites would still provide suitable alternative land for equivalent development at a lower risk of flooding.
77. The PPG also says that such lower-risk sites do not need to be owned by the applicant to be considered reasonably available. Reasonably available sites can include ones that have been identified by the planning authority in site allocations or land availability assessments. There are no exclusions in the PPG relating to sites with planning permission or that publicly owned land must be formally declared to be surplus.
78. 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 FRA. 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).
79. 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.
80. 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.
81. 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.

82. 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.
83. 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.
84. 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.
85. 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.
86. 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 the 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.

87. 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 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.
88. 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.
89. Irrespective of the degree of risk of flooding occurring or measures that could be taken to make the development resilient to flooding during its lifetime, the Framework is clear that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. This weighs heavily against the proposal.

Loss of Protected Wharf and Employment Site:

90. 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.

91. 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 and cannot be considered temporary. The applicant states that they respect the wharf protection policy and confirm that no development would take place within 10 metres, recognising its historical importance and need to protect for future use. However, the wharf designation includes the rest of the site itself and not just the wharf, because space is needed for activities in connection with the wharf eg storage space for unloaded products, therefore use as a wedding venue and lodges would hamper the wharf being used to its full potential.
92. 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 applicant states that there are other sites available which are more suitable, however this is not the case. Including this site there are only 3 existing wharves safeguarded in the District and one of these is in the process of being let to a shipping company for the unloading of cement from Lisbon and the other one at Knostrop Wharf has limited space because the Canal and River Trust have commitments to existing tenants. A further site is allocated for construction of a new wharf but this is not yet constructed and the planning permission has expired. Earlier this year Leeds City Council received a request for help finding a wharf site in the district. There is a demand for such sites and opportunities are limited. Therefore point 3 of Policy Minerals 14 has not been met. 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.
93. 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.
94. The applicant state that they do not consider the use of the wharf to be viable for aggregate use, citing the cost of infrastructure required to protect the site from flooding for what is considered to be a low value product. This would have been the case when the applicant purchased the site from the Canal and River Trust. They have not provided any evidence to back up their viability assumptions. A wharf is considered to be a water compatible use, unlike the proposed lodges which are a 'more vulnerable use', therefore flood mitigation for a use that involves people sleeping overnight must be to a much greater standard and be supported by an emergency evacuation plan. The applicant quotes operational constraints for a wharf use however they have not provided evidence of discussions with the Canal and River

Trust regarding the use of the canal for moving freight. In any case, this is not an opportunity to discuss whether or not the wharf should be safeguarded, that has already been examined by an independent inspector and the safeguarding of this wharf was found sound. The Canal and River Trust were fully supportive of the designation and share the Council's ambitions for the Aire and Calder Navigation to be used for moving freight. They have told us that they sold the wharf to Ashcourts expecting that they would use it as an aggregate wharf.

95. Since the 3 wharves in Leeds were safeguarded in 2015, Knostrop Wharf has been used for movement of marine aggregate from the Humber Ports to Leeds demonstrating that the Navigation can be used successfully for freight purposes. Movements of marine aggregate by barge only came to a halt in 2023 because demand for the product outstripped the space available at Knostrop Wharf meaning that the operator would have had to split operations between barge and lorry. Ashcourt's statements made about the capability of the Navigation for freight purposes are therefore unfounded and incorrect. The applicant acknowledge that there are other products that can be moved by barge such as wood or steel, however they state that 'this is not Ashcourt's core business and not within the scope of its future plans'. They have not provided any evidence that they have marketed the wharf. They simply state that it's not what they do and quote extracts from a high level study about the potential for marine aggregate to be moved into West Yorkshire. They have focused on aggregate activity alongside a mineral processing use, providing images of such use to help muster support for their application, however this site is not allocated for mineral processing use and there is no requirement for that to take place. The applicant has only looked at their own business use and has not provided current and forecast marketing evidence to demonstrate that there is no likelihood of the wharf being used by others. Therefore, they have not met the criteria under Point 4 of Policy Minerals 14.
96. 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.
97. 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.
98. 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.

99. 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.
100. 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.
101. Since the application was taken to Plans Panel in September 2023 comments have been provided separately in relation to the protected wharf on the site, which seeks to maintain this important (and unique) feature to recognising the potential it holds to support and facilitate sustainable economic growth. The sustainability and employment addendum states that Policy EC3 is addressed in the planning statement and socio-economic benefits report submitted with the application. It considers that exploring the viability of storage use on the site would be speculative and that 'exploring further options' would be unrealistic when there is a project and investment ready to be introduced to the site.
102. It is recognised that the planning statement and socio-economic benefits assessment do consider the benefits that the proposal could bring to the local economy, including job creation through the construction and operation phase and through the offsite-spend of visitors to the venue. However, it remains that this does not address the requirements of Policy EC3 which requires it to be evidenced that alternative employment uses could not take place from the site.
103. The addendum refers to alternative options having already been explored already over a number of years. However, details of the options that have been considered, and the reasons that they have been discounted to demonstrate that alternative employment uses are not viable, have not been provided to the LPA. Therefore, it is not possible to conclude that this policy has been satisfied.

104. Thus, there is insufficient evidence that the loss of an 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.

Sustainability of Location:

105. 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.
106. 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.
107. 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.
108. 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.
109. 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.
110. 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.

111. 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.
112. 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".
113. 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.
114. 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.
115. The applicant provided updated information following Plans Panel in September 2023. They are offering to provide mini-bus services to/from Leeds station and have explored the option of water taxis which was a query raised by panel members. The current taxi operator has stated that due to the time taken through the canal lock system, costs and working hours, LWT are unable to provide a commercially viable offering. However, the applicant is committed to continue to explore this avenue and have discussed the option of a charter service that could coincide with their scheduled events. This would potentially pick up from Leeds Dock or Granary Wharf delivering guests safely to the venue via our purpose-built landing jetty or the historical wharf at Fleet Lane. The proposal has also overcome the Highways concerns and is considered acceptable by the development management Highways Team.
116. Whilst these comments are noted, they do not overcome the policy concerns regarding the sustainability of the location. This takes into account that (as previously highlighted) that Spatial Policy 1 (iv) confirms 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. Whilst Highways officers may not object to the principle of the development, this does not mean that the

development should be considered to be sustainably located, in accordance with wider local (and national) policies.

117. Considering the above the principle of the development is not acceptable and is contrary to the LPAs development plan as well as NPPF. This is through the developments impact upon the openness of the greenbelt, the risk of flooding and failure to pass the sequential test, the loss of a protected wharf and employment site and the accessibility and sustainability of the site in policy terms, as outlined above. The LPA acknowledge the applicants attempt to lessen the developments impact upon the openness of the greenbelt through reducing the scale and volume of the development and development platform. However, the proposal is still considered to impact the openness of the greenbelt due to its spread across the site and raising of land levels. In addition to this the applicant failed to address the flood risk sequential test, loss of the protected wharf and employment policies as well as the sustainability of the location of the development.
118. The Oulton and Woodlesford Neighbourhood forum consider that the application complies with their neighbourhood plan policies GE2b green infrastructure, GE4 Improve on-motorised access and BE1 New business and employment development. Officers recognise that elements of the proposal would support policies outlined in the neighbourhood plan. However, the reasons for refusal are a combination of technical matters that have not been resolved or formal policy designations, which when combined take priority and attract more significant weight than the none, site specific policies referenced in the Neighbourhood Plan.

Design and Character

119. 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.
120. 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.
121. 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.
122. 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 use of materials, stone and Marley Eternit Rainscreen Cladding, matches the proposed wedding venue and this shows continuity across the site.

123. Officers and the design team note that the proposal could be said to 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 up to 3.1m 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'.

Residential and Recreational Amenity

124. 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. Following the application being presented as a position statement to plans panel in September 2023 the applicant provided a noise assessment by consultants ENS which details existing sound levels at the site due to general environmental noise and makes predictions of operational noise at nearby sensitive receptors.
125. The existing soundscape primarily consists of distant road traffic and birdsong and as would be expected in this location, at relatively low decibel levels. Predictions of music breakout and patrons in the main external area demonstrate that our criteria for virtual inaudibility can be met and therefore the LPA's environmental health team raised no objection to the proposal subject to conditions being attached.
126. The proposed wedding venue will have level thresholds and lift access to the mezzanine floor as well as the roof terrace. Accessible WC's are provided within the venue and café. The scheme provides 3 accessible bedrooms with en-suites in 3 lodges within the site and the living spaces are wheelchair accessible. The site provides 10 disabled car parking spaces and two in the extended public car park to the north of the site.

Highways

127. 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.
128. 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. The nearest bus stops to the site are located at A642 Aberford Road, circa 2km away and offering an hourly service frequency to Leeds. 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.

129. Since the application was taken to Plans Panel in September 2023 further discussions have taken place with the cycling officer and the PROW team. It was suggested that some of the existing A-frame barriers on the permissive TransPennine trail or the definitive Footpath Rothwell 80 could be replaced with quadruple chicane crossings. Implementing the latter would improve access to the site for cyclists, pedestrians and disabled users, thereby improve and allowing access for all. Whilst the developer would not be able to implement these directly, it was agreed that a S106 contribution would be better suited for the Council to implement such improvements directly on behalf of the developer. A contribution of £20,250 has therefore been agreed.
130. The proposal includes parking for 80 vehicles which will serve the 33 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. There are also existing accesses around the site frontage that will become redundant, hence full kerbs will need to be reinstated. These works can be secured by condition and will require a S278 Agreement. All three points into the development site will be operated by an electronic system.
131. 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.
132. 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. It is indicated that the refuse and large vehicles would enter and exit the site via the altered existing access to the site. Swept path analysis has been undertaken and is acceptable. 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.
133. Further review of the TRICS data was undertaken and it was noted that the selection in the TS includes sites with very old surveys, which when removed results in an even more limited selection of only one site. However, this indicates that for the weekday two-way trips in the AM and PM peak is 6 and 22 respectively. On this basis there is a likely underestimation of trips during the weekday PM peak as a result of older data used in the selection in the TS. Accordingly, the daily trip generation for the eco-lodges based on TRICS is likely to be 115 two-way trips. Using the assumption that has been made for wedding venue guests arriving in vehicles with at least two guests per vehicle would result in 60 one-way trips and therefore a possible 120 two-way trips could be generated. The above indicates circa 235 two-way trips likely to be generated by the site, which is more trips than indicated as the total trip generation in the TN. It is noted the extant trips generation would need to be netted off, however, there is still a likelihood that circa 100 two-way vehicle movements per day would be

generated by the proposed development. Nonetheless, it is accepted that most of these trips would occur outside the weekday peak hours of the highway network.

134. Accordingly, the development would not result in a severe impact as per the NPPF. It is noted limitations to highway land imply improvements for pedestrians and cyclists along Fleet Lane cannot be delivered to LTN 1/20 standard. Nonetheless, the S106 contribution to improve permissive TransPennine trail and/or the definitive Footpath Rothwell 80 would provide for better disabled access, pedestrian and cycling access.

Climate and Energy

135. 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.
136. 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.*
137. Policy EN2 requires where feasible non-residential development over 1000sqm of floorspace to meet the BREEAM standard of excellent.
138. 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.*
139. 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.
140. 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.
141. 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.

142. 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.
143. 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.
144. 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.
145. The Council's energy officer is satisfied that the commercial wedding building will satisfy policy EN1 part (i). EN1 part (ii) can be considered to be met as the applicant has updated the plans to show the photovoltaics (PVs). Policy EN2 has been satisfied by the submission provided by the applicant. The applicant has now provided sufficient justification for lack of compliance with Policy EN4.
146. The applicant has shown that Leeds City Council's Core Strategy of reducing carbon emissions by a minimum of 20% and a minimum of 10% of the predicted energy demand through renewable technologies will be met.
147. The strategy to meet Net Zero Carbon performance standards in operation effectively means the amount of carbon emissions created by the building's operation i.e., Heating, hot water, lighting, ventilation etc. is less than the amount of energy that is created by renewable energy technologies provided by the development.

Drainage Management

148. 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.

149. 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, however they support the Environment Agency comments and objection.
150. 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 however as noted above they support the Environment Agency comments and objection.
151. 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.

Landscaping and Biodiversity

152. 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."*
153. 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.
154. 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. Nonetheless, to compensate for the tree loss on site, planting is proposed elsewhere within the site, this has been increased from 189 to 233. Replacement tree planting will further exceed the minimum policy requirement of 3 for 1. The landscape masterplan shows mixture of extra heavy standard trees and heavy standard trees. 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.
155. The applicant has also provided some CGIs which show the tree growth at year 1 vs year 10. The trees will help screen some parts of the development from the canal

footpath, but the majority of the development would still be visible through and above the tree cover proposed.

156. Further to the above the Council's ecology officer has been unable to fully consider the biodiversity net gain on site as the Biodiversity Metric has not been updated. The Metric shows the scheme results in a loss of 0.96 Hedgerow Units (100% loss). A Biodiversity Net Gain cannot be achieved if there is a loss in one type of Biodiversity Unit and the loss of Hedgerow Units cannot be offset by the gain in Habitat Units. Therefore the scheme does not achieve a measurable net gain and is not compliant with policy G9. To achieve a measurable BNG in Hedgerow Units, an uplift of 0.97 Hedgerow Units are required.
157. The applicant states that A new Landscape plan, together with a revised metric will be submitted complying with policy G9, confirming the development will achieve well over 100% in habitat and hedgerow units. This also addresses the EA comment regarding the masterplan.
158. The LPA is satisfied that the applicant could comply with the policy once the metric and landscape plan have been revised as such this is not considered to be a reason for refusal. The LPA also accept the applicant's assurance that firework displays will not take place at the development and guests will be prohibited from using fireworks, and that this could have been covered by an appropriate condition along with other relevant noise conditions.

Community Hub

159. Following the September 2023 Plans Panel the LPA requested that the applicant set out how the community hub would work, who would run the hub and how it would be handed to the community to ensure it retained in its use as a 'community hub'.
160. As part of the extensive research into the local needs of Woodlesford and Oulton, together with a number of local consultation meetings and recommendations, Ashcourt was asked to provide a much-needed Community Hub that potentially could be run "by the community, for the community" consisting of:
 - A community meeting space
 - Local Café
 - Public conveniences with full disabled access
 - Store/Shop facilities which could facilitate a retail outlet for visitors to the area
 - Cycle hub repair facilities and external secure cycle storage
 - Wash down facilities (dogs, bikes etc)
 - Extended car park facilities with appropriate accessibility and EV provision
 - Better lighting, rubbish bins and improved security
161. The Community Hub facilities will be delivered by Ashcourt along with the wider scheme. Once constructed, it will be made available concurrently with the opening of the wedding venue where it, in its various parts, will be handed to the community subject to commercial agreements in line with the community use agreement and relevant permits. As a goodwill gesture from Ashcourt, the café will be offered to the community at a peppercorn rent for 6 months to enable a business to establish itself. After this period, the cafe and shop will be run as a commercially viable business and pay market rent.

162. In the event that a commercial agreement cannot be reached with a potential tenant for the café or retail space, Ashcourt, together with owners of the wedding venue, would run them as a part of their wider business, thus ensuring continuity of services are maintained for the benefit of the community and visitors to the area. An agreement in principle has been made with the Neighbourhood Forum and will form the basis of a community use agreement. This will be formally documented and would form part of the S106 once planning permission has been granted.

Land Contamination/ Coal Authority

163. 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.
164. Regarding land contamination the scope of works proposed by the applicant has been determined as acceptable in principle. Some minor amendments have been requested to be undertaken relating to the Groundwater Vapour report and the Phase 2 Site Investigation. This can be covered by site specific pre-commencement condition.

Economic Impact

165. To help understand the anticipated impact, Ashcourt engaged Ekosgen to conduct an extensive social-economic benefits assessment, highlighting the combined economic and employment benefits to Leeds across the whole development project. This included: The wedding venue, accommodation, community hub, cycle facility, café, construction phase and supply chain. They also asked them to calculate what this would mean to the local and wider community in Leeds.
166. The report concluded a significant benefit both in term of full and part-time jobs together with wider measurable economic benefits, albeit most of the benefits listed below would occur if it was retained in its employment use, and thus the economic benefits outlined below can be given very limited weight.
- Temporary economic uplift during construction stage
 - £12.2m construction spend will support 127 direct construction job years.
 - A further 235 indirect and induced jobs are anticipated supporting GVA contribution of circa £24.3m through the direct, indirect and induced construction effects
 - Securing local benefits through construction
 - Around 40 construction jobs to be taken by Leeds residents and a number of apprenticeships will be directly supported
 - An estimated £3.5m of construction spend (29%) will go to Leeds based suppliers.
 - Opportunities to use eco-friendly, locally sourced materials from sustainable supply chains will be explored.
 - Generating economic benefits for the Leeds economy through operation
 - 55 direct jobs to be created, equivalent to 38FTE's, 81% of which will go to Leeds residents, generating a GVA impact of £2.0m per annum for the local economy
 - Induced and indirect impacts through expenditure on wages and suppliers will support 13.3 FTE's and an annual GVA of £890,000

- Benefits to the public purse
 - £150,000 of national insurance and income tax each year and business rates of £300,000 over 10 years will be generated
- Supporting wider benefits for the visitor economy
 - Additional offsite spend of £1.5m to £2.0m is estimated by staying visitors from outside the area, including visitors shopping and/or eating out elsewhere in Leeds as part of their stay.
 - This will support 17 to 24 FTE's and annual GVA of £0.7m to £1.0m in local economy
- Capturing on going local economic benefits
 - An apprenticeship will be supported during the venue's ongoing operation, which will deliver £2,195 of social value each year.
 - 56% of supply chain spend to go to Leeds based businesses
- Generating ongoing social benefits
 - Health and wellbeing benefits will be supported by encouraging physical activity, with onsite bike hire and walking/ cycle access to the Trans Pennine Trail generating social value of £230,000 a year

Representations

167. A total of 27 representations in support, objection and general comments were received in relation to the above application. It is considered that all material considerations have been addressed in the report above. Ward Members support for the application is also acknowledged following Councillor Golton's comment during public speaking as part of the position statement.

CONCLUSION:

Planning Balance

168. The principle of development is considered wholly inappropriate on four main points.
169. The development is contrary to national Green Belt policy through its impact on openness due to the spread of development and raising the land levels throughout the development platform.
170. The development has not passed the sequential test, and if required to would not be able to pass the exception test. This is national planning policy which is clear that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. In addition to this the Environment Agency which is a Statutory consultee objects to the proposal due to the developments risk to increase flooding off site.
171. The application would result in the loss of one of only three protected wharf sites in the city, and thus would seriously comprise future options and capacity in the future. Proportionally this represents a substantial loss, and the applicant has failed to satisfy any of the requirements of the policy which would allow redevelopment for an alternative use. The applicant has also failed to address the requirements of Policy EC3 which requires it to be evidenced that alternative employment uses could not take place from the site.

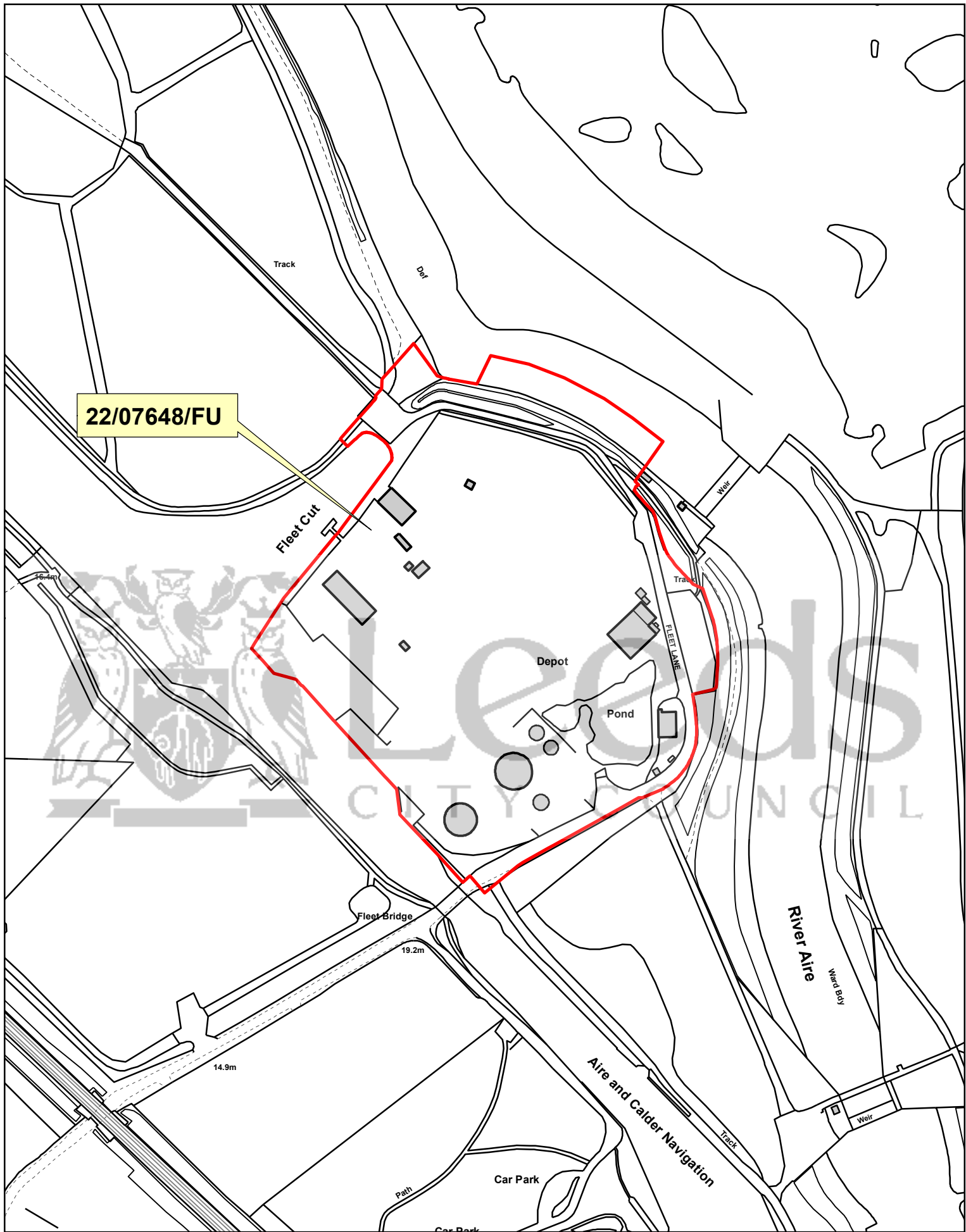
172. The development is in a remote location, isolated from existing services and public transport links, has conflict with the centre's first approach of the Core Strategy, and is in an area which carries the lowest priority for development.
173. The LPA also acknowledges the benefits that the proposal would bring to the area.
174. The generation of employment pre and post construction and the economic impact the proposal could have through tourism and wages.
175. The provision of a community hub for the local area and residents.
176. The improved 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.
177. The improvement to the permissive TransPennine trail and/or the definitive Footpath Rothwell 80 would provide for better disabled access, pedestrian and cycling access.

Conclusion

178. Considering the above the proposed development is contrary to national planning policy and the LPA's development plan. As outline above the proposal impacts upon the openness of the greenbelt, creates flood risk off site as noted by the Environment Agency and the applicant fails to pass the NPPF flood risk sequential test. Further to this, the proposal will result in the loss of a protected wharf and employment site which is contrary to the LPA's Development Plan. These points weigh heavily against the development and are not outweighed by the economic benefits outlined by the applicant, including the improvement to the appearance of the site, increase landscaping and biodiversity or the provision of a community hub. The application is therefore recommended for refusal for the reasons set out above.

BACKGROUND PAPERS:

Application file reference: 22/07648/FU



SOUTH AND WEST PLANS PANEL

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PLANS PANEL PRESENTATION

SCALE 1:2500



