



---

**PLANS PANEL (EAST)**

---

Meeting to be held in Civic Hall, Leeds on  
Thursday, 9th August, 2012  
at 1.30 pm

---

**MEMBERSHIP**

**Councillors**

D Congreve  
(Chair)  
R Grahame  
M Harland  
C Macniven  
A McKenna  
E Taylor  
P Truswell

C Campbell

G Latty  
J Procter

R Finnigan

# A G E N D A

Item No	Ward	Item Not Open	Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded.)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information.</p>
3			<p><b>LATE ITEMS</b></p>

Item No	Ward	Item Not Open		Page No
4			<p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes.)</p> <p><b>DECLARATIONS OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS</b></p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19-20 of the Members' Code of Conduct</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive any apologies for absence.</p>	
6			<p><b>MINUTES</b></p> <p>To approve the minutes of the Plans Panel East meeting held on 12<sup>th</sup> July 2012</p> <p>(minutes attached)</p>	3 - 14
7	Garforth and Swillington;		<p><b>APPLICATION 11/04759/FU - LAND OFF BARROWBY LANE GARFORTH LS25</b></p> <p>Further to minute 13 of the Plans Panel East meeting held on 7<sup>th</sup> June 2012, where Panel deferred determination of the application for further information, to consider a report of the Chief Planning Officer on the application for new access road and 33 houses with landscaping</p> <p>(report attached)</p>	15 - 34
8	Gipton and		<p><b>APPLICATION 08/01776/FU - SITE OF FORMER</b></p>	35 -

Item No	Ward	Item Not Open		Page No
	Harehills;		<p><b>COMPTON ARMS PUBLIC HOUSE COMPTON ROAD BURMANTOFTS LS9</b></p> <p>To consider a report of the Chief Planning Officer on an application for one 3 storey block of three ground floor retail units with 14 flats over and one 4 storey block of 43 flats to former public house</p> <p>(report attached)</p>	48
9	Morley South;		<p><b>APPLICATION 12/01332/OT - LAND AT BRUNTCLIFFE ROAD MORLEY LS27 - POSITION STATEMENT</b></p> <p>To consider a report of the Chief Planning Officer on the current position in respect of an outline application for residential development]</p> <p>(report attached)</p>	49 - 72
10	Beeston and Holbeck; Burmantofts and Richmond Hill; City and Hunslet;		<p><b>APPLICATION 11/03705/FU - SITE OF FORMER SKELTON GRANGE POWER STATION SKELTON GRANGE ROAD STOURTON LEEDS LS10 - POSITION STATEMENT</b></p> <p>Further to minute 178 of the Plans Panel East meeting held on 23<sup>rd</sup> February 2012 where Panel considered a position statement on the application, to consider a further report of the Chief Planning Officer providing an updated position statement on proposals for an Energy Recovery Facility (incineration of waste and energy generation), associated infrastructure and improvements to access and bridge</p> <p>(report attached)</p>	73 - 108
11	Cross Gates and Whinmoor; Garforth and Swillington; Temple		<p><b>PREAPP/11/01151 - THORPE PARK AUSTHORPE LANE AUSTHORPE LS15 - PRE-APPLICATION PRESENTATION</b></p> <p>To consider a report of the Chief Planning Officer and a presentation in respect of the redevelopment</p>	109 - 118



Item No	Ward	Item Not Open		Page No
12	Newsam;		<p>of the balance of undeveloped land at Thorpe Park to provide 160,000 sqm of development comprising B1 offices, retail (including a single large formal supermarket), leisure uses (including hotels) and food and drink uses. The laying out of the Manston Lane Link Road is also proposed as is the provision of a new public park</p> <p>(report attached)</p> <p><i>This is a pre-application presentation and no formal decision on the development will be taken, however it is an opportunity for Panel Members to ask questions, raise issues, seek clarification and comment on the proposals at this stage. There is no opportunity for public speaking about the proposals outlined in the presentation</i></p> <p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>Thursday 6<sup>th</sup> September 2012 at 1.30pm in the Civic Hall, Leeds</p>	

This page is intentionally left blank

To all Members of Plans Panel East

**Chief Executive's Department**  
Governance Services  
4<sup>th</sup> Floor West  
Civic Hall  
Leeds LS1 1UR

Contact: Angela M Bloor  
Tel: 0113 247 4754  
Fax: 0113 395 1599  
angela.bloor@leeds.gov.uk  
Your reference:  
Our reference: ppe site visits  
Date 1<sup>st</sup> August 2012

Dear Councillor

**SITE VISITS – PLANS PANEL EAST – 9<sup>TH</sup> AUGUST 2012**

Prior to the meeting of the Plans Panel (East) on Thursday 9<sup>th</sup> August 2012 the following site visits will take place:

10.00am		Depart Civic Hall
10.20am	Morley South	Land at Bruntcliffe Road Morley LS27 – Position statement on proposed outline application for residential development – 12/01332/OT
11.10am	Crossgates and Whinmoor Garforth and Swillington and Temple Newsam	Thorpe Park Austhorpe Lane LS15 – Pre-application proposals for major mixed used development including laying out of the Manston Lane Link Road and provision of a new public park
12.00 noon approx		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **10.00am**. Please notify David Newbury (Tel: 247 8056) if you wish to take advantage of this and meet in the Ante Chamber at **9.55am**.

Yours sincerely

Angela M Bloor  
Governance Officer



## Plans Panel (East)

Thursday, 12th July, 2012

**PRESENT:** Councillor D Congreve in the Chair

Councillors R Finnigan, R Grahame,  
M Harland, G Latty, C Macniven, J Procter,  
E Taylor, Towler and P Truswell

### 24 Chairs Opening Remarks

The Chair welcomed all present to the meeting and short introductions were made for the benefit of the public in attendance. Councillor Congreve also made reference to the parade by the 1<sup>st</sup> Battalion of the Yorkshire Regiment parade scheduled to commence at 2:15 pm from the Civic Hall and his intention to adjourn the meeting at that point to allow Councillors and members of the public to witness the parade.

### 25 Declarations of Disclosable Pecuniary and Other Interests

For the purposes of Section 31 of the Localism Act 2011 and paragraphs 13 – 18 of the Members Code of Conduct, the following disclosable pecuniary interest was declared at the meeting:-

Councillor E Taylor – pre application presentation relating to development proposals for land to the rear of Seacroft Hospital as an employee of Leeds Teaching Hospitals Trust at Seacroft Hospital (minute 36 refers)

Additionally, in accordance with paragraphs 19-20 of the Members Code of Conduct, the following declarations were made by Members who felt it was in the public interest to do so:

Councillor J Procter – Application 12/00680/OT Shayfield Lane, Carlton declared that the applicants' agent was known to him (minute 28 refers)

### 26 Apologies for Absence

Apologies for absence were received from Councillor A McKenna. The Chair welcomed Councillor Towler as her substitute

### 27 Minutes

**RESOLVED** – That the minutes of the following meetings be approved as a correct record:

- a) 31<sup>st</sup> May 2012
- b) 7<sup>th</sup> June 2012

### 28 Application 12/00680/OT - Land at Shayfield Lane Carlton LS26

The Panel considered the report of the Chief Planning Officer on an outline planning application for a residential development on land at Shayfield Lane, Carlton. Plans and photographs of the site, including illustrative layout plans and details of the proposed highways access were displayed at the meeting. Members had visited the site prior to the meeting

The key issues for consideration were highlighted as being the principle of the development, access; scale; sustainability of the development and the contribution the scheme made to the setting and character of the area. It was noted that this was a small site, unallocated in the UDP. Officers also outlined the issues proposed to be addressed through Section 106 contributions which would be evaluated and discussed with local ward councillors through the defer and delegated process. A further condition was also required to secure submission of the details of levels, having regard to the drop in levels along Queens Drive.

Members heard representations made by local ward Councillor K Bruce on behalf of local residents who raised their concerns regarding the sustainability of the development in terms of local services, highways concerns and flooding. She also referred to the emerging Carlton Neighbourhood Planning Committee. Mr J Scannell, for the applicant was in attendance but chose not to make a representation in response.

Members discussed the following:

- Incidences of flooding raised by the objectors and the measures to manage site drainage proposed by the Flood Risk Management team
  - Planning history of the site and the impact of National Policy changes since a previous scheme for 18 residential units had been refused in 2000
  - Local education provision
  - Whether the offered metrocard scheme would provide sustainable transport
  - The relevance and weight to be attributed to the Core Strategy in the determination of the application
  - The relationship of this scheme to the National Planning Policy Framework which urged delivery of sustainable schemes
- 
- Members considered the merits of the scheme noting the reservations about transport and education provision and the dissatisfaction expressed that Phase 1 sites previously identified in the locality remained undeveloped, however the Panel noted that this site was enclosed and well screened from the village and that there were no planning reason to refuse the proposal  
**RESOLVED** - That determination of the application be deferred and final approval be delegated to the Chief Planning Officer, subject to the specified conditions and an additional condition to ensure details of levels are submitted, and following the completion of a Section 106 Agreement to cover the following matters:
    - A total contribution of £67,000 to be used for the following purposes:
    - Education Contribution
    - Greenspace Contribution £39,972.22 – or as otherwise agreed.
    - Residential Metrocard Scheme £6,454.80 – or as otherwise agreed.
    - Provision of New Footpath to Play Area – or as otherwise agreed.

With the proviso that Ward Members are to be consulted on use of the monies.

In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

**29 Application 11/05212/FU - Former Netto Food Store York Road LS14**

Further to minute 19 of the meeting held 7<sup>th</sup> June 2012 when Members resolved to defer determination of the application to allow more time for negotiations on the design, scale and siting of the retail unit and concerns over the impact of the proposal on residents to the rear of the site, the Chief Planning Officer submitted a further report on proposals to redevelop existing retail units with associated car parking and landscaping at the site of the former Netto foodstore, York Road, Leeds 14. Plans and photographs of the site were displayed at the meeting along with plans of the earlier scheme for reference.

Officers reported the units would be re-sited to ensure there was a minimum separation of 11m rising to 17m separation between the unit and the residences adjacent to the site. The roof design had been amended (from inverted to monolith) with the lowest point being near to the residents to minimise impact, the main entrance had been reconfigured and a glazed feature had been introduced to the elevation facing Barwick Road

**RESOLVED** – That determination of the application be deferred and final approval be delegated to the Chief Planning Officer subject to the following conditions and the signing of a S106 agreement covering:

- bus stop upgrade contribution (£10,000)
- tactile paving works contribution (£3,500)

In the circumstances where the S106 has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

(The meeting was adjourned for a short time at this point)

**30 Application 12/00514/FU - Morrisons Supermarket Windsor Court Morley LS27**

Further to minute 20 of the meeting held 7<sup>th</sup> June 2012 when Panel deferred determination of the matter to allow time for negotiations over the removal of the external Dutch trolleys, the appearance of the trolley enclosure and additional highways issues, the Chief Planning Officer submitted a report on the proposed alterations to the existing trolley bay area to form a garden sales area at Morrison's Supermarket, Windsor Court, Morley.

Officers reported that the applicants had agreed to no external storage of items of goods for sale and to paint the structure of the trolley enclosure. A forecourt/trolley management plan would need to be submitted to deal with the highways issues. Officers therefore requested that the application be deferred and delegated to deal with that in conjunction with ward councillors

**RESOLVED** – That determination of the application be deferred and final approval be delegated to the Chief Planning Officer subject to the specified conditions contained within the report and submission of a forecourt/ trolley storage management plan and in consultation with Ward Members

**31 Application 12/00013/FU - Mercure Hotel Leeds Road, Wetherby**

Further to minute of 192 of the meeting held 22 March 2012 when Members considered a position statement regarding proposals to redevelop the former

Mercure Hotel, the Chief Planning Officer submitted a further report on proposals to erect a Sainsbury's foodstore with associated access, car parking, servicing and landscaping at the site on Leeds Road, Wetherby.

Plans, site layout plans, aerial photographs and computer generated graphics showing the proposal in situ on the streetscene were displayed at the meeting.

Officers reported receipt of 3 further letters of objection from local residents which raised no new issues and the comments of the Environment Agency who stated no objection to the scheme. 14 letters of support for the scheme had also been received.

Officers highlighted the current retail offer in Wetherby Town Centre and the location of this site at the gateway to the town and outlined the following matters:

- Development would provide 2347 sqm of retail space within the 5189 floorspace with 254 car parking spaces with 13 of those for residents located to the east of the site
- use split as follows: 92% convenience and 8% non-food
- Opening hours reported as 7am – 11pm Monday to Saturday and 10 am - 4pm on Sunday
- A new pedestrian link from the north eastern corner of the site to Wetherby could be provided
- Significant trees retained to the boundary and provision of 1.5 m high stone boundary wall
- Levels change across the site afforded allowed the service area to be set down in the site

Members were directed to consider the following key issues:

Retail use of the site. The site had been previously earmarked for retail use, but this was before the co-op store in the town centre had been redeveloped as a Morrison's supermarket and prior to the Micklethwaites residential development which lies adjacent to this site.

The applicant had submitted a retail assessment which concluded that there were no sites within the town centre which could accommodate a retail development of this scale. Officers concluded that this retail development would have an overall impact of 26% on the retail offer in the town centre (35% impact on the existing Morrison's store, 04% impact on comparison goods)

Highways. The applicant had offered a shuttle bus to improve accessibility. An assessment of the proposals showed that the location of the access point was deemed acceptable with no adverse impact on the existing highways network. Suitable signage was included within the scheme. The car parking was considered adequate, and although the proposed pedestrian link needed further work to identify a better route and the travel Plan required amendment, there were no highways grounds on which to refuse the application.

Design. The three gabled elevation was considered acceptable, but there were concerns over the location of the store within the site and the visibility of the store and hard standing to facilitate the car park from the main road. This



could require further screening. The boundary wall was felt to be acceptable. The retained trees would soften the appearance of the development. It was noted that the applicant had cited the grass verge to the main road as being within the setting of the development, however the verge was LLC owned and therefore not to be relied upon to mitigate the appearance of the scheme. Impact on nearby residences – It was noted that the scheme was 19.5 m from the boundary of the nearest residence and that the building would be 6.3 high at the point nearest to residents. A car park already existed in this location, and further screening was proposed. Additionally drainage and flood risk measures were considered acceptable.

Additional comments regarding the impact the scheme would have on views into and through the Wetherby Conservation Area were also noted. Officers also highlighted the contents of the proposed Section 106 Agreement and commented that the amount offered for public transport would not sustain the proposed shuttle bus, and suggested that the amount suggested for town centre parking should be spent on the bus and highways supported this. Finally, it was reported that Morrison's had recently submitted an application to extend their Wetherby premises, and Tesco also have a store in Boston Spa, both of these facts should be regarded as material planning considerations

In conclusion officers commented on the balance of considerations between the benefit the scheme would bring in terms of improved retail choice and new local employment through the construction phase and beyond; against the impact of the scheme on the town centre and likelihood that some local jobs would be lost once the store was open

The Panel heard from Mr B May, agent for the applicant, who highlighted the highways, design and environmental issues that had been resolved throughout the planning process and addressed the comments made over the perceived impact this development would have on the town centre. Members then heard from Mr B Taylor who expressed concerns regarding the location of the store at the gateway to Wetherby and its likely negative impact the vitality of the town.

Members considered the representations and noted the character of Wetherby town centre with its existing independent traders and retail offer.

**RESOLVED** – That the application be refused for the following reasons:

1. The Local Planning Authority considers that the proposed retail store which would be located in an out-of-centre location, together with the absence of linked trips and lack of integration to the town centre, would likely to have a significant adverse impact on the vitality and viability of Wetherby town centre. The proposal is considered to be contrary to Policy S5 of the Unitary Development Plan (Review 2006), the guidance contained within the National Planning Policy Framework and emerging Policies P5 and P8 of the Draft Core Strategy Leeds Local Development Framework, February 2012.

2. The Local Planning Authority considers that the proposed development would be harmful to the character of the area, including the character and

appearance of the adjacent Wetherby Conservation Area owing to the siting of the building, the prominence and orientation of the service yard, the location and extent of hardsurfacing and car parking and overall absence of mature landscaping along a prominent street frontage. The proposal would have a detrimental impact upon a key gateway into this market town and would fail to take the opportunities to improve the character and quality of the area and the way it functions. The proposal is considered to be contrary to Policies GP5, N12, N13 and N19 of the Unitary Development Plan (Review 2006), the guidance contained within the Wetherby Conservation Area Appraisal and the guidance contained within the National Planning Policy Framework.

**32 Application 12/00746/FU - 2 New Farmers Hill Woodlesford LS26**

The Panel considered the report of the Chief Planning Officer on proposals for a detached dwelling on land adjacent to 2 New Farmers Hill, Woodlesford. Site plans, aerial photographs and computer generated images showing the proposals in the streetscene were displayed for reference. Members had visited the site prior to the meeting.

Officers outlined the report which highlighted the planning history of the site and two earlier schemes which had been refused, noting that the applicant had addressed the reasons for refusal in this application. The following matters were also highlighted

- the groundworks necessary to create access to the site
- the house design intended to reflect the style of existing dwellings in the locality
- the new dwelling was recessed into the site with views over the gardens of No and No 4, rather than overlooking the houses
- the site was tucked away in a corner so would have minimal impact and the proposal sat well in relation to the spatial setting/character of the area however it was appreciated that this was a finely balanced application

The Panel heard from local ward Councillor Nagle on behalf of objectors who expressed concern over the detrimental impact this dwelling would have in terms of loss of garden, trees and soft landscaping and characterised the locality as being a non-heritage asset. Members then heard from Mr S Nixon, the applicant, who maintained the new build would relate to the character of the area, being of a similar design and setting to those houses already on New Farmers Hill

(Councillor Latty left the meeting at this point)

Members commented on the following:

- the fact that the report did not describe this as a “garden grabbing” development
- highways safety and whether the junction was substandard and could accommodate additional traffic
- whether the access to the site and the driveway appeared contrived
- the substantial works required to create levels and shore up the land away from the adjacent property

- whether this application satisfactorily addressed the reasons for refusal stated in 2010
- impact on the trees and on existing residents
- the size of the plot which some felt could accommodate a development of this scale
- the fact that the site was well screened and the development made use of the levels for screening

Members noted the officer recommendation to approve the application and following a vote where the Chair made a casting vote,

**RESOLVED** – That the application be granted subject to the specified conditions contained within the report

### **33 Application 12/01666/FU - Victoria Court Wetherby LS22**

The Chief Planning Officer submitted a report on proposals to erect a Pergola and railings in order to provide an external seating area to the front of the Bengal Brasserie restaurant, 2 Victoria Court, Wetherby. Plans and photographs of the site were displayed at the meeting. The Panel had undertaken a site visit in February 2012 when a previous application had been considered.

Officers highlighted the opening hours and restriction on the use of the proposed pergola to ensure its use ceased at 22:00 hours. Members commented on the use of the external area and its proximity of residents in flats above Victoria court and likely impact of noise nuisance to them, although it was noted that no residents had made representation and a covered structure could actually reduce noise nuisance. The Panel also considered whether a temporary permission would be appropriate given that the pergola would be a permanent structure

**RESOLVED** – To defer determination to allow time for further negotiations, to involve local ward Councillors, on the following:

- a) Measures to minimise noise
- b) Consideration of a temporary permission
- c) Use of the pergola by smokers

### **34 Application 11/04988/FU - Land at Daisy Hill Morley LS27 - Position Statement**

The Chief Planning Officer presented a position statement on the development proposals for land at Daisy Hill, Morley and seeking Members' feedback on the questions posed in the report and on any other aspect of the proposals. The report also referenced comments received during the public consultation. Plans, site plans, photographs and slides showing views to and across the site were displayed at the meeting which also showed the drop in levels from north to south across the site.

Officers reported a correction to the report stating that the footpath/cycle path would be 3m wide. Additionally, comments from METRO and the Coal Authority had now been received. Officers outlined the main aspects of the scheme which included the proposed site access off Daisy Hill, opposite existing bungalows. Slides were displayed showing the proposed 2 storey

house styles using red or buff brick construction with artificial stone heads and sills. A revised drainage scheme had been submitted which proposed drainage into the open water course to the east along with a landscaping plan, with dwellings on Daisy Hill set back to soften the appearance of the development.

Members had visited the site prior to the meeting and noted this was a Phase 2 housing allocation site on a Greenfield site. The Panel discussed the following key issues of the scheme:

- Highway safety issues, site access and egress noting the traffic flow and congestion in local streets; the sustainability of the site and useful local transport links
- Design, materials and layout of the development in relation to the setting and context of the development site. There were concerns regarding the design and materials proposed which were felt to be off the shelf and did not relate to the individuality of the style of Morley. Members were keen to ensure quality of design and materials in this scheme. There were also concerns over the density of the scheme, the layout of the site and the proximity of residential units to the cliff edge and boundary of the railway line.
- The impact of the development on the amenities of nearby residents. Members commented that S106 monies for school places was not sustainable, noting the proposal for 92 houses and likely impact on local schools which were known to be full. The Chief Planning Officer reported that the developer had confirmed the full contribution would be made pending the outcome of a response from LCC Children's Services regarding education provision
- The level of amenity provision on site for prospective residents
- Inadequate level of landscaping, particularly that shown to the Daisy Hill where the gardens appeared open to the street. Members felt the whole landscaping scheme required revisiting
- The rationale behind the location of the public space, given the sheer drop from the edge of the site to Morley railway station below and the safety measures required at the site edge noting that the applicant will need to discuss site security with Network rail
- Geology and stability of the site
- The approach to drainage and flooding issues. The Panel noted comments relating to local knowledge on the over reliance on the existing Victorian era drainage system that residents currently felt was inadequate and recent flooding on and around the site, at Morley Bottom and Victoria Primary. Members noted a request to see the flood risk management strategy
- The approach to environmental issues
- The contents of the Section 106 agreement
- Concerns regarding public health relating to the heavy industrial uses nearby

**RESOLVED** – That the contents of the position statement and the comments made by Panel be noted.

### **35 Application 10/00225/OUT - Newmarket Lane Wakefield - Summary of the Secretary of State's decision**

The Chief Planning Officer submitted a report providing a summary of the decision taken by the Secretary of State in relation to the application submitted by Wakefield MDC for a mixed use development, including a 12,000 seat community stadium, at Newmarket Lane, which lies on the Wakefield /Leeds boundary. It was reported that the Section 106 Agreement had not yet been submitted by the applicant

**RESOLVED** - That the contents of the report and the comments made by Panel be noted

Councillor E Taylor, having earlier declared a disclosable pecuniary interest withdrew from the meeting and took no part in the discussions

### **36 Pre-application presentation - Rear of Seacroft Hospital York Road LS14**

The Chief Planning Officer submitted a report setting out pre-application proposals for the laying out of access and erection of circa 600 houses on the land to the rear of Seacroft Hospital, York Road, Leeds.

It was noted that no formal decision on the development was required at this point; however the presentation afforded Panel Members the opportunity to ask questions, raise issues, seek clarification and comment on the proposals at this stage.

Plans, indicative site layout plans and photographs of the area were displayed at the meeting. Officers highlighted that local ward Councillors had consistently sought a holistic approach to the development of the whole site – including the Seacroft Hospital buildings which were currently still in use by the NHS Trust. It was noted that the local ward Councillors had met recently with the developers and expressed concern regarding highways issues and the overall approach to the scheme now before Panel.

The Panel received a presentation on the proposals from Ms D Jones of the Homes and Community Agency (HCA), Richard Vickers and Mr S Spencer of Arup outlining the scheme in terms of:

- The existing relationship of LCC with HCA in delivering homes in Leeds
- The intention of the HCA to undertake a city wide review of housing for older people
- The intention to use capital receipts from this development in the locality and to link to local employment
- The proposal made use of two existing access points on to the York Road (A64) and rearrangement of the traffic signalling on York Road would mitigate against any increase in traffic. A peak flow traffic model of the A64 was shown
- The public consultation undertaken and involvement with local ward councillors, businesses and residents
- The proposal to adopt a soakaway system as the site was at the top of the hill, and create swales to capture excess water which would be discharged in a controlled way into Wykebeck. The developers acknowledged that Wykebeck had experienced flooding and were working with the Environment Agency and Local Planning Authority to reduce flooding risk further down the hill

- The intention to retain as many trees on site as possible, noting that none were protected by Tree Preservation Orders
- The intention to create good quality streets with 2/3 storey homes in parcels of land defined by the routes through the site, with child friendly spaces. Architects drawings showing proposed house types and computer generated graphics were displayed for comment

The content of a letter of representation from local ward Councillor M Lyons sent to all Panel members was read out at the meeting and the Panel went on to make the following comments:

- Local knowledge regarding the flooding and debris caused by flooding in the adjacent Dunhill's area, and the existing drainage system. A suggestion that swales should also be introduced in the Dunhill's estate to alleviate flooding was noted. Members also noted the response that no flooding had been recorded recently, and that this scheme could not alleviate problems currently experienced
- Details on the capacity of the swales were sought as local residents would need assurance that the scheme would not impact on existing homes. Developer proposed to utilise existing swales on site and three 25 x 1m ponds to the southern boundary. The site included significant green corridor abutting the railway line which would accommodate the ponds
- Preference for the whole site to be developed. The response that the Trust was undertaking an overview of the building stock, but that the buildings had not yet been declared surplus to requirement

(Councillor Macniven left the meeting at this point)

- Concern over the house styles shown which did not propose a mix of house styles, contrary to LCC policy
- Noted the level of Affordable Housing provision was at 15% - the current interim level – and commented that the HCA would have discretion offer more on site rather than offer a commuted sum for off-site Affordable Housing through a Section 106 Agreement
- Concern regarding the density of the development of 600 homes on the site bearing in mind the NHS buildings would still be in use and sustainability in terms of viable highways use and train network.
- Highways and access concerns, particularly onto York Road which appeared to be a piecemeal approach
- Noted the housing needs assessment to be undertaken and the local requests for bungalows and sheltered homes
- Concerns regarding arrangements for provision of education
- The proposals for the Green corridor appeared acceptable as presented at this stage

In conclusion, Members urged creation of the masterplan to inform the development as soon as possible as they felt that this presentation was premature – and that matters such as the highways and drainage issues would improve if the masterplan for the whole site was completed

**RESOLVED** – To note the contents of the presentation and the comments made by Panel

(Councillors Finnigan and J Procter left the meeting at this point)

**37 Pre-application presentation - Leeds Station to Knostrop Weir**

The Chief Planning Officer submitted a report setting out pre-application proposals for the Leeds (River Aire) Flood Alleviation Scheme (FAS), Leeds Station to Knostrop Weir.

It was noted that no formal decision on the development was required at this point in the application process; however the presentation afforded the Panel the opportunity to ask questions, raise issues, seek clarification and comment on the proposals at this stage.

The Panel heard from Mr N Foster, Arups and Mr A Wheeler, LCC Highways and Transportation, who introduced the scheme proposing 1:75 year flood defences. An earlier scheme had been revised following the 2011 DEFRA decision not to fund the 1:200 year scheme proposed by the Authority. It was noted a 1:75 year scheme would meet the requirements of insurers and would protect approximately 3000 properties.

The proposals included the removal of the Grade 2 listed weir at Crown Point and replacement with movable weirs. Public consultation had been undertaken with local residents and at the Leeds Waterside Festival.

Architects drawings showing examples of suitable flood defences in situ and photographs of the weirs proposed for Crown Point and photographs of the type of weir proposed for Crown Point were displayed for reference

**RESOLVED** – To note the contents of the report and the comments made by Members

**38 Date and time of next meeting**

**RESOLVED** – To note the date and time of the next meeting as Thursday 9 August 2012 at 1.30 pm

This page is intentionally left blank





Originator: Andrew Crates

Tel: 0113 222 4409

## Report of the Chief Planning Officer

### *PLANS PANEL EAST*

Date: 9<sup>th</sup> August 2012

Subject: Planning Application 11/04759/FU – New access road and 33 houses, with landscaping, on Land off Barrowby Lane, Garforth, Leeds, LS25

#### **APPLICANT**

Charles Church (West Yorkshire)

#### **DATE VALID**

25<sup>th</sup> November 2011

#### **TARGET DATE**

24<sup>th</sup> February 2012

#### **Electoral Wards Affected:**

**Garforth and Swillington**

Yes

Ward Members consulted  
(referred to in report)

#### **Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**DEFER and DELEGATE approval to the Chief Planning Officer subject to the conditions specified and any others considered necessary and the completion of a S106 legal agreement, to include the following obligations:**

- 1. Affordable Housing – 15% (5 units of which 2 to be social rented and 3 sub market)**
- 2. Offsite greenspace contribution – £59,262**
- 3. A contribution towards the funding of a Traffic Regulation Order to restrict parking around the junction of Barrowby Lane and Barwick Road**
- 4. Residential MetroCards (Bus and Rail) for future residents (current cost - £18,110.40).**
- 5. Agreement to the early delivery of housing on site.**
- 6. Local training and employment initiatives during the construction of the development,**

**In the circumstances where the S106 has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.**

1. Time limit on permission (2 years).
2. Plans to be approved.
3. Details of fences and walls to be provided (including 1.8m high fence to western boundary).
4. Statement of construction practice.
5. Laying out of areas to be used by vehicles.
6. Retention of parking spaces.
7. Programme of archaeological recording.
8. Submission and implementation of landscaping details.
9. Landscape management plan.
10. Protection of retained trees and hedges.
11. Preservation of retained trees and hedges.
12. Provision for replacement trees.
13. Development carried out in accordance with approved walling and roofing materials.
14. Submission of surfacing materials.
15. Submission of noise insulation scheme.
16. Removal of permitted development rights for extensions and roof alterations.
17. Removal of permitted development rights for additional windows in gable ends.
18. Details of levels to be agreed.
19. Details and methodology of temporary drainage measures.
20. Development to be carried out in accordance with approved drainage details.
21. Submission of Phase 1 desk study.
22. Reporting of unexpected contamination.
23. Submission of verification reports.

Full details of conditions (including any amendments as considered necessary) to be deferred and delegated to officers.

**Reasons for approval:** This application has been considered in accordance with the requirements of the RSS and UDPR 2006 and policy guidance within the NPPF and it is considered that the scheme provides for a good quality residential development on an allocated housing site. The proposals satisfactorily address highway and drainage issues and offer an acceptable level of amenity to future occupiers and will have no detrimental impact on the amenity of other nearby occupiers or to the visual amenity of the locality. The application is considered to comply with the following policies:

RSS Policies H1, H2, H3, H4, YH1, YH2, YH4, YH5, YH7, LCR1 and LCR2.

UDPR Policies GP5, GP7, GP11, N2, N4, N10, N12, N13, N23, N25, N24, N29, N38 (a and b), N39a, BD5, T2 (b, c, d), T5, T7, T7A, T24, H1, H2, H3, H11, H12, H13 and LD1.

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

## **1.0 INTRODUCTION:**

- 1.1 This full planning application is being presented to Plans Panel due to the size and sensitivity of the proposals. Under Policy H3-3A.29 of the Leeds UDP Review, 1.1 ha of land is allocated for housing at Barrowby Lane, Garforth. A determination by Plans Panel and a site visit by Members was also requested by Cllr Mark Dobson (Garforth and Swillington Ward) and the application was initially presented to Panel on 7<sup>th</sup> June following the site visit.

## **2.0 UPDATE SINCE 7<sup>TH</sup> JUNE 2012 PLANS PANEL:**

2.1 At the 7<sup>th</sup> June Plans Panel, Members resolved to defer determination of the application for further information on highways, drainage and the siting of the affordable housing in the scheme and that the Chief Planning Officer be asked to submit a further report in due course. This report seeks to provide that information and update Members accordingly. It is important to note that highways and drainage are technical issues and decisions on them need to be supported by the appropriate technical evidence. A Local Planning Authority will be considered to have acted unreasonably in any appeal if it cannot support any reason for refusal without such evidence and ordinarily this evidence would be in the form of that commonly used by the relevant discipline (i.e. highways and data from the Trip Rate Information Computer System (TRICS)).

### Drainage

2.2 At the 7<sup>th</sup> June Plans Panel meeting, Members expressed concerns about the drainage strategy for the site. The overall drainage strategy remains the same as that presented to members and as described in paragraph 11.17. Many of the objections to the scheme express concern that the proposals will result in the loss of a natural local soakaway and these concerns are all the more heightened by recent flood events in the locality. However, it is noted that the site is allocated for housing purposes in the UDP. It is also important to note that the planning test is not whether the development will improve or resolve local flooding issues, but that it will not in itself exacerbate an existing problem.

2.3 Further to the discussion at Plans Panel and following further representations from Cllr Dobson, a joint meeting with the relevant drainage bodies was set up to consider how the Council deals with drainage matters and to specifically discuss this application. Following those discussions, officers are confident that the site can be drained such that surface water discharges are no greater than the current greenfield rates and will not exacerbate existing flooding problems. Having also considered the Garforth Flood Study, the site falls outside the study area and drains to the north-east corner of the site and then to the existing Barwick Road sewer feeding into the Cock Beck catchment, to the north of Garforth and well away from the areas that are prone to flooding.

2.4 At the joint meeting with the drainage bodies, the issue of temporary drainage measures on development sites was also discussed. Currently, whilst the Council seeks to agree the final drainage schemes on development sites, which are also secured by condition, there is no such control over the temporary measures that developers undertake during site development operations. Further to the meeting, it was agreed that in future the Council would seek to secure details of temporary drainage measures by way of a condition for particularly sensitive sites. The Council could then legitimately take enforcement action should a developer fail to comply. This approach has been discussed with the developer for this application and they are agreeable to submitting the necessary details. Other, more general, issues were also discussed including an action to provide clearer guidance to developers in terms of completing planning application forms and the level of detail required in submissions.

2.5 Further to the joint meeting with the drainage bodies, it is also worth noting that officers attended a meeting of the Garforth Flood Group, where the outcomes of the joint meeting were explained to residents. The developer for this scheme was also present and their drainage consultant explained the drainage proposals in detail and listened to residents suggestions for further amendments to take away and consider.

The developer has since responded, as follows:

1. Taking the existing surface water away from Barrowby Lane would result in on-site storage requirements which are not feasible. However, as suggested by residents, what they can offer is a 30mm chamfered check kerb across the site entrance at the channel line. This will ensure that surface water run off from the footway area across the bell mouth previously shown as falling to Barrowby Lane, will now fall back into the drainage system for the site.
2. The request for the western boundary of the site to include a dwarf wall to prevent run off has been considered and the developer is happy to incorporate this into a treatment which will include a screen fence above. However, given the need to lay foundations for the dwarf wall, this would result in the loss of the existing hedge. This matter has been discussed with the occupant of No. 22 who has stated a preference to retain the existing hedge and have a screen fence. It is also officer's opinion that the existing hedge is important and should be retained and so this measure is not considered to be an appropriate option.
3. In order to address the concerns of the adjacent occupier of No. 22 Barrowby Lane, the developer has also suggested that they could install a French drain along the western boundary during the construction phase. This could be secured by a condition relating to the temporary drainage measures, as discussed in paragraph 2.4.

- 2.6 More recently, a meeting has also taken place with Cllr Dobson to provide an update on the application and in particular the outcomes of the joint meeting with the drainage bodies and the additional drainage provisions, outlined above in paragraph 2.5.

#### Highways

- 2.7 With regard to the highway impact of the scheme, Members were concerned about the level of likely vehicle movements and what effect this would have on the local highway network and in particular the signalised junction at Aberford Road. The application was submitted with a Transport Assessment which calculates the total number of peak hour vehicle movements, as shown in the table below (on the basis of the 35 houses originally applied for). These figures were calculated using the TRICS database and Census data.

	Arrivals	Departures	Total
AM Peak (08:00 – 09:00)	6	23	29
PM Peak (17:00 – 18:00)	16	8	24

- 2.8 TRICS is the system that challenges and validates assumptions about the transport impacts of new developments. It is the only national trip generation and analysis database, containing trip generation data and site information for over 2,600 sites. TRICS is referred to as an industry standard database in the Department for Transport's Guidance on Transport Assessment. It is widely used by both developers and local authorities to predict and check traffic generation and is relied upon for evidence at appeal.

- 2.9 TRICS has been collecting survey data at thousands of developments across the UK since 1989 when the database was first launched. Every year, TRICS undertakes a substantial data collection programme across all UK regions, covering a wide range of development types including residential developments. At each survey location, directional (inbound and outbound) vehicles and people are recorded by hourly period, using approved data collection companies. This information is then used as

part of a larger Transport Assessment. TRICS is used by organisations both in support of and against planning applications, and is also used by Local Planning Authorities to audit data that has been supplied to them.

- 2.10 When a trip rate calculation is undertaken, the results by direction and hourly period are presented to users in a trip rate calculation results table. This is the data that has been used by the developer relating to the proposed new development. Having audited the developer's TRICS analysis Highway Officers are satisfied that they are appropriate to the development.
- 2.11 Clearly, the number of houses proposed has now reduced to 33 and so the number of likely vehicle movements will be less than those shown in the table. It is also considered highly likely that the actual number of trips that would route through the signalised junction would be less than the maximum shown in the table, as a small proportion of the development trips are likely to route northbound from the site.
- 2.12 Since the application was discussed at 7<sup>th</sup> June Plans Panel, the applicant has commissioned an independent survey company to record the peak hour traffic flows arriving and departing from the nearby Barrowby View cul-de-sac. This location is very close to the proposed development site and was agreed with highway officers to be the most representative site available, both in terms of housing, proximity and type. In total 25 properties take access from Barrowby View, of which 11 are reasonably large detached properties and 14 are apartments. The surveys were undertaken on Wednesday 20<sup>th</sup> June 2012 between the hours of 7:00 and 10:00 and 16:00 and 19:00. A summary of the flows for the traditional AM and PM peak hours of 8:00 to 9:00 and 17:00 to 18:00 is given as follows:

Existing/Surveyed Barrowby View Trip Generations (25 units)			
	Arrivals	Departures	Total
AM Peak (8:00 to 9:00)	1	9	10
PM Peak (17:00 to 18:00)	9	5	14

- 2.13 In calculating and applying these bespoke trip rates (which are actually lower than those used in the Transport Statement) to the proposed 33 dwellings on the Barrowby Lane site results in the following predicted trip generations:

Predicted Barrowby Lane Trip Generations (33 units)			
	Arrivals	Departures	Total
AM Peak (8:00 to 9:00)	1	12	13
PM Peak (17:00 to 18:00)	12	7	19

- 2.14 Therefore, utilising the surveyed trip rates from Barrowby View it is predicted that the development site will generate a maximum of 19 two-way vehicle movements during the peak hour. Averaged over the hour this equates to 1 vehicle every 3 minutes. It is therefore considered that the surveyed trip rates demonstrate that the predicted trip generations contained in the Transport Statement and reported at the 7<sup>th</sup> June Plans Panel are correct, robust and representative.
- 2.15 The traffic impact of the vehicles associated with the development is not considered to be significant, including at the signal controlled junction of Aberford Road, Main Street



and Wakefield Road. It is also noted that this junction appears to have a good safety record with only one recorded injury accident in the last 5 years, despite being a signalised junction on the A642. In considering the highway impact of the development, it is also worth noting that the site is in a highly sustainable location, being located in close proximity to Garforth town centre (approximately 200 metres away). From Garforth town centre, there is access to a number of bus services. During weekdays and Saturdays the services combine to provide an overall hourly two-way frequency of 20 buses per hour, dropping to 9 buses on a Sunday, equating to one bus every 3 minutes on weekdays/Saturdays and one every 7 minutes on a Sunday. The existing bus services provide connections to Leeds, Wakefield, Selby and Castleford. The site is also located approximately 500 metres from Garforth train station, which provides rail connections to Leeds every 20 minutes with a journey time of 10 minutes and to York every 30 minutes with a journey time of 18 minutes. A further hourly service also runs to Selby. Overall, it is considered that the site has good access to public transport infrastructure.

- 2.16 At the 7<sup>th</sup> June Plans Panel meeting, Members questioned where the nearest schools are in relation to the site. The nearest primary schools, in order of distance, are Garforth St Benedict's School on Station Fields, West Garforth Junior School on Lidgett Lane and Ninelands Primary School on Ninelands Lane. The nearest secondary school is Garforth Academy on Lidgett Lane.

#### Affordable Housing

- 2.17 With regard to Affordable Housing provision, Members were concerned at the last Panel meeting that these properties were clustered together in the north east corner of the site and questions were asked as to why these properties do not have garages, as per other properties in the scheme. Following further negotiations with the applicant, the Affordable Housing has now been split into two groups – three terraced houses (plots 12-14) in the east-west street and a pair of semi-detached houses (plots 17 and 18) in the cul-de-sac in the north-eastern part of the site. Following further consultation, the Affordable Housing Team have confirmed that they are satisfied with the revised layout. In terms of Affordable Housing housetypes, these remain the same as those proposed previously and each property benefits from two car parking spaces. Garages are not provided and it is noted that garages would create additional floor space, which increases the cost of properties to Affordable Housing providers. The applicant has also confirmed that the house types proposed meet Registered Social Landlord (RSL) Standards and have been used throughout West Yorkshire, as well as being accepted on other schemes in Leeds.

### **3.0 PROPOSAL:**

- 3.1 The application seeks full planning permission for a residential development of 33 houses, including the laying out of streets and landscaping. This is a reduction on the 35 units originally applied for. In terms of vehicular access, this is proposed to be taken directly from Barrowby Lane.
- 3.2 A number of planning obligations are required and so the development will be subject to a S106 agreement which is expected to provide for the following:
1. Affordable Housing – 15% (of which 50% is to be Social Rented and 50% Sub-market). This equates to 5 units (3 x submarket and 2 x social rent).
  2. Offsite greenspace contribution – £59,262
  3. A contribution towards the funding of a Traffic Regulation Order to restrict parking around the junction of Barrowby Lane and Barwick Road.
  4. Residential MetroCards (Bus and Rail) for future residents (current cost - £18,110.40).
  5. Agreement to the early delivery of housing on site.

6. Local training and employment initiatives during the construction of the development.

3.3 The Design and Access Statement identifies the development guidance that was used to inform the design of the layout. It also explains the evolution of the design, its framework and the justification for the design. The proposed houses are a mixture of detached and semi-detached dwellings, ranging from two-storey to two-storey with rooms in the roofspace. The external materials used in the construction of the dwellings will include brick and tile. It is also noted that many of the dwellings have been designed to provide an optional conservatory, although one is proposed for plot 2 as part of this application. The existing hedges to the east and west boundaries are to be cut back, but retained and new hedge planting is proposed along the Barrowby Lane frontage, as the existing one will need to be entirely removed in order to allow for footway improvements and the necessary vehicular visibility splays. Additional landscaping (in plot) is also proposed throughout the site.

#### **4.0 SITE AND SURROUNDINGS:**

4.1 The application site lies to the north of Garforth, a short distance away from Main Street and Garforth town centre. The site itself has the appearance of having historically been used as part of a market garden and includes a number of small fruit trees, as well as other ornamental shrubs. The site boundaries are well defined and comprise substantial hedgerows. The northern boundary is with the embankment of the Leeds – York railway line, which contains a number of mature trees and vegetation. The site is relatively level, although Barwick Road (to the east) is set on a gradual fall to the north in order to pass under the railway bridge.

4.2 The surrounding area to the east of the site is comprised of denser residential development, closer to the centre of Garforth. To the south is a vacant garage site and commercial premises. To the west of the site, Barrowby Lane has a rural character, containing a small number of bungalows and houses, as well as open farmland. The railway to the north forms a hard edge to the site, beyond which is open countryside.

#### **5.0 RELEVANT PLANNING HISTORY:**

5.1 None

#### **6.0 HISTORY OF NEGOTIATIONS:**

6.1 Pre-application discussions have taken place between the applicant and officers regarding the proposed layout of development on the site and the detailed design of the proposed house types and landscaping.

6.2 The applicant has subsequently submitted this full planning application, which has been subject to initial discussion with Ward Members (Cllr Tom Murray) and further general negotiation and revision to the scheme. The developer also made contact with the Garforth Flood Group to make them aware of the revised drainage proposals.

6.3 Since the 7<sup>th</sup> June Plans Panel meeting, a further meeting has taken place with the applicant resulting in further changes to the layout of the scheme in terms of Affordable Housing.

6.4 Following the joint meeting with the drainage bodies and the latest response from the developer to the suggestions raised at the Garforth Flood Group meeting, a meeting has taken place with Cllr Dobson to advise of the outcomes.

#### **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 5 site notices have been displayed, posted 2<sup>nd</sup> December 2011. However, following complaints from local residents about notices being removed / vandalised, as well as their location, fresh site notices have been posted in new locations. Given the absence of street lighting columns on Barrowby Lane, a number of neighbour notification letters have also been sent to nearby residential properties.
- 7.2 43 letters of representation have been received from local residents stating concern that:
- The consultation process has been inadequate.
  - Barrowby Lane already experiences highway problems in terms of car parking.
  - The proposals will result in an unacceptable amount of additional traffic and the signalised junction on Aberford Road cannot cope with the existing situation.
  - Any proposals to restrict on street parking should be designed to avoid creating problems elsewhere.
  - Concern that the amount of car parking provision within the scheme will be inadequate.
  - The location of some vehicular turning areas could result in lights shining into adjacent properties.
  - The height of the dwellings could result in the overshadowing of some adjacent properties.
  - The positioning of some dwellings could result in the overlooking of some adjacent properties.
  - The design of the proposals do not respect the rural character of the rest of Barrowby Lane.
  - The purpose of the pumping station is unknown and there is concern about what will happen to waste water, as well as rainwater runoff.
  - Concern about the adequacy and impact of the proposed drainage scheme on nearby properties.
  - Questions are raised as to the quality of the built form given recent media coverage of poorly built properties.
  - No case has been made for the release of this greenfield site and other brownfield sites should be developed first.
  - The proposals do not satisfactorily address the Green Belt edge to the site and will appear obtrusive in the surrounding landscape.
  - There will be inadequate car parking for future residents, even where this meets the relevant guidelines (based on experience of other sites).
  - Further vehicles will result in more frequent blocking of the lane, as demonstrated when recent site investigation works were undertaken.
  - The proposals will be dominant and have an urbanising effect on the Barrowby Lane streetscene.
  - It is considered that the revised scheme, whilst dealing with surface water drainage, offers a worse amenity impact on No. 22 Barrowby Lane due to overlooking from rear bedroom windows, overbearing impact due to the change in levels, overshadowing to the front garden and side of the property and increased noise resulting from the development (partly through the cutting back of the side hedge allowing noise from neighbours and the railway to pass through).
  - Specific concerns are also raised that the cutting back of the hedge will pose security issues, concern is still expressed about surface water drainage on to Barrowby Lane, the hedge to the Green Belt boundary should be retained as screening, the off-site Ash (within the garden to No. 22) should be removed to prevent falling bows in neighbouring gardens and the overhead power line crossing the corner of the site should be routed underground. It is noted that some of these issues could be dealt with by the siting of an appropriate solid fence to the boundary, together with the retention of the hedge.



- Any parking restrictions should be extended as far as 170 Barrowby Lane to prevent displacement parking (on the south side only, so that existing residents can continue to park outside their own homes).
- The existing hedge to the western boundary should be subject to professional laying and a further 1.8m high fence erected to maintain privacy.
- The hedge to the western boundary should be transferred to the ownership of No. 22 to ensure its protection and benefit to the Green Belt edge.
- Concern is expressed about the possible use of a private drainage ditch on Barrowby Lane and it is encouraged that the site should drain to the north (as subsequently proposed in the revised drainage scheme).

7.3 Since the 7<sup>th</sup> June Plans Panel meeting, 6 further letters of representation have been received, stating concern that:

- Local infrastructure cannot cope with additional housing and the demands on the drainage system, resulting in further flooding.
- The development could set a precedent for further development in the area and exacerbate drainage problems.
- Congestion at the junction with Main Street is already a problem.
- The Plans Panel site visit was inadequate for Members to fully appreciate the impact of the proposals and that the 3 minutes provided to objectors is insufficient.
- Concern that housing development could prejudice the future operation and expansion of commercial premises on the south side of Barrowby Lane, due to noise and highway impact.
- Concern that activities associated with nearby properties (many of which involve enjoyment of the land for activities associated with their rural location and involve storage of manure and feed etc) could become problematic. Such householders do not want to be subject to action at a later date due to complaints from new occupiers.

## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

Highways: - No objections in principle. However, it is considered that the development should be required to fund a Traffic Regulation Order in the vicinity of the nearby junction of Barrowby Lane and Barwick Road.

Health and Safety Executive: - The HSE does not advise against the grant of planning permission.

Environment Agency: - The scheme is acceptable provided that the recommendations of the Flood Risk Assessment are followed.

Coal Authority: - No objections, remediation conditions recommended.

### 8.2 Non-statutory:

Metro: - Request that bus stop number 23789 is upgraded to include a shelter and that a residential MetroCard scheme (for bus and rail) is included in the S106 agreement.

Yorkshire Water: - The scheme is acceptable provided that the recommendations of the Flood Risk Assessment are followed. Conditions are recommended.

Flood Risk Management Team: - The proposals are considered to be acceptable and conditions are recommended.

Public Rights of Way: - There are no claimed or definitive rights of way crossing or abutting the site.

Environmental Protection Team: - Following the submission of further information on the frequency of and noise generated by trains on the Leeds – York Railway line, no objections are raised to the layout of the proposals.

West Yorkshire Archaeology Service: - Following the receipt of an Archaeological Evaluation, it is considered that the work undertaken is satisfactory and no conditions are required.

West Yorkshire Ecology: - No objections, although advice is provided in relation to hedgerow planting along Barwick Road and tree planting on site.

## **9.0 PLANNING POLICIES:**

9.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development including housing. The site is allocated for housing purposes in the UDPR. Land abutting to the south and east is designated Green Belt.

### 9.2 Regional Spatial Strategy (RSS) (adopted May 2008):

H1: annual average additions to housing stock and previously developed target.

H2: Sequential approach to allocation of land.

H3: managed release of housing land.

H4: affordable housing.

YH1: Spatial pattern of development and core approach.

YH2: Sustainable development.

YH4: focus development on regional cities.

YH5: Focus development on principal towns.

YH7: location of development.

LCR1: Leeds city region sub area policy.

LCR2: regionally significant investment priorities, Leeds city region.

### 9.3 Leeds Unitary Development Plan (UDP) Review:

GP5: General planning considerations.

GP7: Use of planning obligations.

GP11: Sustainable development.

N2/N4: Greenspace provision/contributions.

N10: Protection of existing public rights of way.

N12/N13: Urban design principles.

N23/N25: Landscape design and boundary treatment.

N24: Development proposals abutting the Green Belt.

N29: Archaeology.

N38 (a and b): Prevention of flooding and Flood Risk Assessments.

N39a: Sustainable drainage.

BD5: Design considerations for new build.

T2 (b, c, d): Accessibility issues.

T5: Consideration of pedestrian and cyclists needs.  
T7/T7A: Cycle routes and parking.  
T24: Parking guidelines.  
H1: Provision for completion of the annual average housing requirement identified in the RSS.  
H2: Monitoring of annual completions for dwellings.  
H3: Delivery of housing on allocated sites.  
H11/H12/H13: Affordable housing.  
LD1: Landscape schemes.

9.4 Supplementary Planning Guidance / Documents:  
Neighbourhoods for Living – A Guide for Residential Design in Leeds  
Street Design Guide

9.5 National Planning Guidance:  
National Planning Policy Framework

## 10.0 MAIN ISSUES

1. Principle of development
2. Highway and access issues
3. Appearance
4. Landscaping
5. Layout and scale
7. Impact on residential amenity
8. Noise
9. Drainage
10. Impact on Listed Building
11. Planning obligations

## 11.0 APPRAISAL

### Principle of development

11.1 Section 38(6) of the Planning and Compensation Act 2004 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The application is on a Phase 3 allocated Greenfield site, within the settlement of Garforth. The first issue is whether it is appropriate for this greenfield site to be released.

11.2 The implications that flow from the Grimes Dyke appeal decision, which was reported to Plans Panel on 14<sup>th</sup> July 2011, have been the subject of reports to Executive Board on 22<sup>nd</sup> June and the Joint Plans Panel of 30<sup>th</sup> June 2011. In the light of the Inspectors and the Secretary of State's findings, Executive Board agreed in principle to release all phase 2 and 3 housing sites for development and as this site is allocated for housing in Phase 3, no objections in principle are raised.

### Highway and access issues

11.3 The development will generally be served by one principal point of access from Barrowby Lane, leading to two short cul-de-sacs to the east and west. However, four properties fronting Barrowby Lane, to the east of the principal access, will be served by a single private drive. Accordingly, there will be a total of two points of access onto Barrowby Lane. This is a revision to the originally submitted scheme which contained one principal point of access and two private drives either side for the properties fronting Barrowby Lane. Additionally, the footway along Barrowby Lane shall be widened to 2m for the entire length of the site frontage.

- 11.4 Highway officers have no objections in principle, although it is recognised that on street parking occurs at the nearby junction of Barrowby Lane and Barwick Road. It is therefore considered that the development should be required to fund the introduction of waiting restrictions in the vicinity of the junction in the interests of providing an unobstructed access to the site. Accordingly, a contribution towards the funding of a Traffic Regulation Order is to be included in the S106 agreement. Whilst residents' concerns about the capacity of the signalised junction on Aberford Road are noted, it is considered that there is limited practical scope to improve the signals and the impact of the development is minimal in any event.
- 11.5 The amount of car parking proposed within the development is considered to be acceptable (at a rate of at least two spaces per dwelling, exclusive of garage space). Three designated visitor spaces are also provided for. The layout has been revised to ensure that roads, footways and car parking spaces are of the necessary dimensions. Overall, it is considered that the proposals would raise no specific road safety concerns.
- 11.6 The consultation response from Metro and the request for the upgrading of bus stop 23789 is noted. However, this stop serves northbound services to Barwick-in-Elmet and is likely to be of limited use to future residents of this development. For this reason and given the relatively small scale of the development, it is considered unreasonable to require the provision of a shelter. However, the request for residential MetroCards is considered acceptable and the developer is agreeable to funding this.

#### Appearance

- 11.7 The house types are traditional in nature and have a congruity of form and fenestration detailing. Attention has been given to the provision of heads and cills to doors and windows on all elevations. The materials suggested by the applicant are brick (a mixture of Arden Special Reserve (red) and Harborough Buff Multi) and roof tiles (Mini Stonewold Slate Grey). Details of materials would usually be secured by way of condition.

#### Landscaping

- 11.8 The site is well contained by existing hedges and contains some degree of vegetation and small fruit trees in the site. Whilst the hedges are to be retained to the east and west boundaries, much of the vegetation within the site is of low interest. Nevertheless, officers consider it appropriate to replant some of the small fruit trees within the rear garden areas of the proposed properties. This will be secured by condition as part of the full landscape details to be agreed for the development. Two significantly sized Sycamore trees exist in the north west corner of the site and these have been identified as category C trees (trees which are overall of low quality). It is proposed that these trees are removed. However, following negotiations with the applicant, the revised scheme provides for enhanced tree planting along the site frontage as mitigation, in addition to a newly planted Hawthorne hedge. Much of the existing vegetation to Barrowby Lane will need to be removed in order to allow for the necessary footway widening and visibility splays. The railway embankment is off-site and contains a group of Hawthorn trees which offer screening, but are not directly affected by the development.
- 11.9 Given the relatively small size and location of the development, officers are minded to accept an off-site greenspace contribution of £59,262 rather than require greenspace to be provided on site in this instance. This sum shall be secured through the S106 agreement.

#### Layout and scale

- 11.10 The layout of the site essentially provides for a 'T' shaped cul-de-sac within the site. Six houses are proposed to front onto Barrowby Lane itself, four of them to be accessed via their own single private drive. All of the proposed houses front onto the proposed streets and rear garden areas are secured with no rear access paths being proposed.
- 11.11 The development consists of mainly two-storey detached, semi-detached and terraced dwellings, along with 3 two-storey houses with rooms in the roof space. Some letters of representation have noted that the proposals appear more urbanised than the semi-rural character of the rest of Barrowby Lane, further west. However, it is noted that the site is allocated for housing and is located in close proximity to denser forms of development on the east side of Barwick Road and is also close to Garforth town centre. It is also noted that the building line in the revised layout is somewhat staggered, common with the existing frontage to Barrowby Lane and Barwick Road. In particular, two properties form a 'gateway' either side of the principal access and the remaining properties are set back beyond a private drive. As noted above, the frontage is to contain a mixture of retained and newly planted trees, as well as a new Hawthorne hedge. On balance, it is considered that the revised scale of development and the landscape setting to Barrowby Lane is acceptable in providing a transition between urban and rural.

#### Impact on residential amenity

- 11.12 The site is well contained by existing boundaries, although it is noted that No. 2 Barrowby Lane is located to the south east of the site and No. 22 Barrowby Lane is located to the west. Distances of between 11.5m and 18m will exist between the main rear elevations of plots 2 – 5 and the retained boundary hedge to the side of No. 22 Barrowby Lane, all of which exceed the separation distances recommended in Neighbourhoods for Living. Plot 1 has an unusual layout, having a driveway and garage to the rear, but a private side garden area. The west side elevation of plot 1 contains lounge patio doors at ground-floor and a bedroom window at first floor, set 8 -10m from the boundary with No. 22 Barrowby Lane. The boundary is formed by the existing hedge to the front garden of No. 22 and in these circumstances, it is not considered that this arrangement would result in an unacceptable level of overlooking.
- 11.13 A distance of at least 28m will exist between the main rear elevations of plots 19 and 20 and No. 2 Barrowby Lane, separated by an existing hedge. No windows are proposed to the side elevation of plot 33, to the west of No. 2 Barrowby Lane, although an optional conservatory has been indicated to the rear (the side windows of which could be obscure glazed). Nevertheless, the existing hedge is to be retained, which will provide screening between the two properties. It is therefore considered that there will be no impact of overlooking on No. 2 Barrowby Lane. The side elevation of No. 2 Barrowby Lane does contain first-floor bedroom window facing towards plot 33, set approximately 8m away, although No. 2 Barrowby Lane is set at a slightly higher level and is at an angle. On balance, the relationship between these two properties is considered to be acceptable.
- 11.14 Within the site, the relationships between properties are considered reasonable and in the revised scheme, the spaces between dwellings have been increased in the most visually prominent locations. Overall, the size of the rear garden areas is considered to be generally acceptable.

#### Noise

- 11.15 The site is located immediately to the south of the Leeds – York railway line and so noise from passing trains is a factor that has been considered. A noise report has been submitted with the application, together with an addendum, which has been



considered by officers. The report notes that during the course of the daytime noise survey, up to 14 trains passed the application site per hour, though during the night time survey (00:00 – 03:00) only one train movement was observed. The addendum notes reduced frequency of trains on Saturdays and Sundays to the extent that there are no trains passing for at least 95% of any hour. The report identifies that a sound attenuation scheme can be designed to provide acceptable noise levels within the properties closest to the railway line. However, the report also acknowledges that the transport noise within the rear garden areas of the closest properties would be above normally acceptable World Health Organisation (WHO) guidelines, but states there is no significant action that can be taken to mitigate for this. However, it is also noted that the WHO guidelines are designed for steady continuous noise, rather than infrequent noise, as in this instance. During negotiations, an exploration of different layouts has taken place to try and lessen the noise impact. However, the relatively small size of the site means that it is difficult to design an acceptable layout in design terms. Overall, it is recognised that the site has been allocated for housing in the development plan and the proposed layout offers the best solution in design terms. Following further consultation, Environmental Health Officers are satisfied with proposals and raise no objection. The prominence of the railway line is such that potential occupiers will be fully aware of its presence.

- 11.16 One letter of representation states concern that the proposed housing development could prejudice the operation and future expansion of the commercial premises on the south side of Barrowby Lane. The business manufactures tools and the premises also contains the associated offices. It is noted that the site is allocated for housing purposes in the UDP and so the principle of residential development is acceptable. It is also noted that there are a number of existing residential properties opposite the site and which are in close proximity, particularly No. 2 Barrowby Lane. Additionally, a condition is suggested which would require the developer to submit a sound insulation scheme designed to protect the amenity of future occupants of the development from noise emitted from nearby noise sources. Such a scheme would need to be approved by the Council before any development takes place. Overall, it is considered that a residential development can take place which can be designed to address current noise levels. Clearly, should a situation arise where the use of the commercial premises changes and significantly more noise is generated, the Council may need to take action under its Environmental Health powers to ameliorate the situation. Any planning application submitted to extend and/or intensify the use of the premises would also need to deal with the change in circumstances to ensure that the noise levels do not become a problem for nearby residents, i.e, by fitting sound insulation.

#### Drainage

- 11.17 The applicant has submitted a Flood Risk Assessment (FRA) which outlines the proposals for surface water disposal. Although there are no public sewers in the immediate vicinity of the site the FRA suggests two alternative points of connection could be pursued at detailed design stage and both of these options were considered to be acceptable in principle by the Flood Risk Management Team. Following the comments and concerns raised from objectors, the applicant has revised their drainage strategy, such that surface shall be discharged to the north, to a point on Barwick Road (just south of the railway bridge), rather than pursue the Barrowby Lane option. The FRA also confirms the surface water discharge rate will be limited to greenfield rates of 5 l/s, which is considered to be acceptable. The proposed pumping station (to be sited mostly underground) is necessary due to the change in levels, to pump foul sewage to the existing combined system at the junction of Barrowby Lane and Barwick Road. The applicant has written to the Garforth Flood Group and provided a plan showing the revised drainage proposals.

### Impact on Listed Building

- 11.18 The bridge carrying the railway over Barwick Road, to the east of the site, is a Grade II Listed structure. Accordingly, the application has been advertised as a development which affects the setting of a Listed Building. Nevertheless, whilst the proposed development is in close proximity, it is separated from the bridge by the existing railway embankment and embankment to Barwick Road, together with the existing hedges and vegetation, which are largely to be retained. Overall, it is considered that the proposals will have no detrimental impact on the setting of the Listed structure.

### Planning obligations

- 11.19 The planning obligations for this development will include provision of Affordable Housing, a greenspace contribution, TROs, residential MetroCards, the early delivery of housing on site and local training and employment initiative during the construction of the dwellings.
- 11.20 The revised Affordable Housing Policy was adopted by Executive Board on 18<sup>th</sup> May 2011, to be implemented with effect from 1st June 2011. The relevant minute states that the policy would therefore apply to all relevant decisions made on or after 1st June 2011.
- 11.21 The policy will apply until it is replaced by the formal Local Development Framework policies within the Core Strategy and Affordable Housing Supplementary Planning Document (SPD), anticipated later this year, unless there is clear evidence of a change in market circumstances to warrant any further change in the meantime.
- 11.22 Planning permissions granted on the basis of the interim policy will normally be time limited to 2 years for implementation to ensure that permissions are implemented reasonably swiftly, and to reflect the fact that the affordable housing policy will be reviewed through the Core Strategy and Affordable Housing SPD.
- 11.23 In relation to the application site the Interim Policy applies a requirement of 15% affordable housing. The requirement for a 50/50 mix of social rent and shared equity is unchanged. For the proposal scheme, five units (plots 12 – 14 and 17 and 18) are to be allocated Affordable Housing (3 x submarket and 2 x social rent). The siting of the Affordable Housing units has been revised in order to deal with the concerns raised by Members at the 7<sup>th</sup> June Plans Panel. The applicant is also agreeable to the early delivery of housing on site and has indicated a willingness to commence development as soon as possible if planning permission is granted, following discharge of conditions where necessary.
- 11.24 From 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

**Necessary to make the development acceptable in planning terms** - Planning obligations should be used to make acceptable, development which otherwise would be unacceptable in planning terms.

**Directly related to the development** - Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement. **And:**

**Fairly and reasonably related in scale and kind to the development** - Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

- 11.25 All contributions have been calculated in accordance with relevant guidance, or are otherwise considered to be reasonably related to the scale and type of development being proposed.

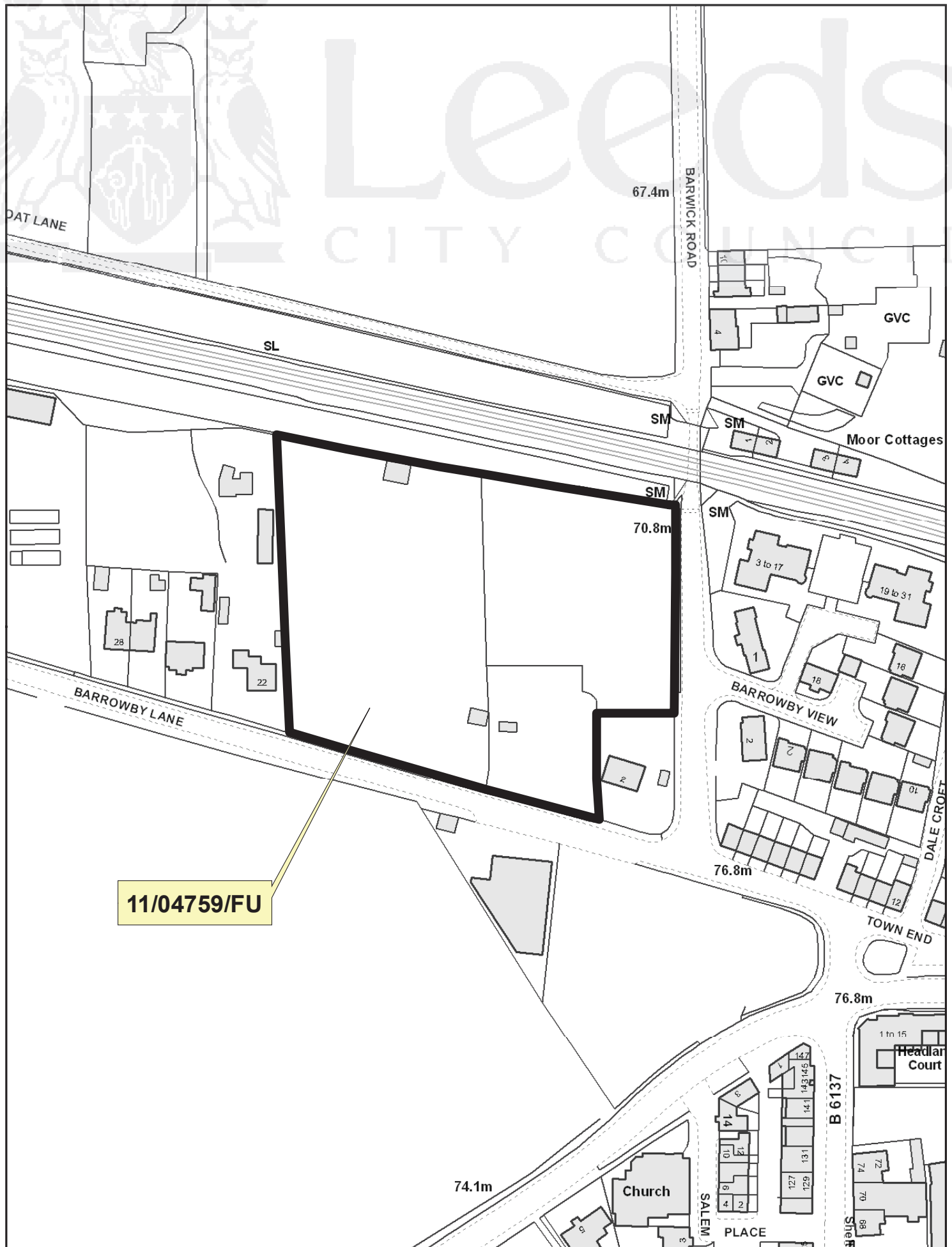
## **12.0 CONCLUSION**

- 12.1 Overall, it is considered that the revised layout of 33 dwellings now offers a form of development that is acceptable in layout and design terms. Importantly, it contains a frontage to Barrowby Lane, which whilst more built up than the existing situation, offers a transition between the urban character of Garforth and the rural character found further along Barrowby Lane.
- 12.2 The siting of the proposed dwellings and the distances between them and existing properties, together with the presence of retained boundary hedgerows, is considered sufficient to ensure that there is no detrimental impact of overlooking, over-dominance or overshadowing to existing properties. Further, it is considered that the relationships between the proposed dwellings within the revised layout is now acceptable and that there will be no unacceptable impact in terms of noise from the railway.
- 12.3 Within the scheme, the revised layout is now considered acceptable from a highways perspective, providing satisfactorily dimensioned roadways, footways, driveways and pedestrian circulation space. The applicant is agreeable to contributing towards a TRO for waiting restrictions around the Barrowby Lane / Barwick Road junction. Overall, it is considered that the extent of these works is fairly and reasonably related to the development. The applicant is also agreeable to the funding of MetroCards for future occupants.
- 12.4 Following further consideration of the potential drainage options for the site, the developer has opted for solutions which do not affect Barrowby Lane directly. Surface water runoff will be controlled and attenuated at greenfield rates. On this basis, it is considered that the proposals will not exacerbate local drainage problems.
- 12.5 In light of the above, it is considered that the revised proposals are now acceptable and it is therefore recommended that Members defer and delegate approval of the application to officers in order to finalise conditions and the S106 agreement.

## **13.0 Background Papers:**

- 13.1 Application and history files.  
Certificate of Ownership - Notices served on:  
Mr R Brooke - 26 Westbourne Avenue, Garforth, Leeds  
Mr D Brooke – 3 Church View, Garton-on-the-Wold, Driffield  
Mr J Brooke – 1 Roseville Terrace, Crossgates, Leeds  
Ms K Brooke – 3 Hollyshaw Walk, Leeds





11/04759/FU

# EAST PLANS PANEL

This page is intentionally left blank



This page is intentionally left blank



Originator: Nicola Moss

Tel: 01132 478028

## Report of the Chief Planning Officer

### *PLANS PANEL EAST*

Date: 9TH AUGUST 2012

**Subject: APPLICATION 08/01776/FU – One three storey block of 3 ground floor retail units with 14 flats over and one four storey block of 43 flats at the former Compton Arms public house site, Compton Road, Burmantofts, Leeds LS9**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Courtyard Developments Ltd	18/04/2008	18/07/2008

<p><b>Electoral Wards Affected:</b></p> <p><b>Burmantofts &amp; Richmond Hill</b></p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
--	--

### **RECOMMENDATION: REFUSE permission for the following reasons:**

1. The proposed development is considered to represent an over intensive form of development due to its excessive scale and massing and fails to provide a satisfactory package of Section 106 planning obligations to meet the social, environmental and economic policy requirements of the Local Planning Authority for a development of this size. Whilst a viability assessment has been submitted to support the applicant's position in terms of the level of contributions which can be provided and that the delivery of housing on what is currently a vacant site will bring some advantages and benefits, it is considered that these are outweighed by the development's over intensive nature resulting in a poor form of development and a planning obligations package which falls well short of the policy requirements and will result in a development which is unsustainable as the required levels of affordable housing, greenspace enhancements and measures to improve public transport accessibility cannot be delivered as part of the scheme. The development is therefore contrary to policies GP5, GP7, N2, N3, N4, , N12, N13, H11, T2, and T2D of the Unitary Development Plan (Review 2006); Supplementary Planning Guidance documents SPG3 - Affordable Housing as updated, SPG4 - Greenspace relating to housing development (July 1998); Supplementary Planning Documents - Public Transport Improvements and Developer Contributions (adopted August 2008), Travel

Plans (consultation main report August 2011), the Interim Affordable Housing Policy 2011 and the advice contained within the National Planning Policy Framework which seeks to ensure all development is sustainable and well designed.

## **1.0 INTRODUCTION:**

- 1.1 This long standing application is brought to Plans Panel East as viability has been an issue for some time in bringing forward a scheme that can be delivered on the site. The latest proposal does not deliver the S106 requirements set down by policy including the reduced affordable housing requirement brought in by the interim policy a year ago. Viability appraisals have been submitted and considered. Whilst viability is recognised as being an important material planning consideration, in respect of this application the balance between the benefits which stem from the development based on the reduced level of S106 contributions offered compared to the policy ask are not considered to weigh in favour of supporting the application, particularly in view of the scheme's over intensive nature resulting in a poor development overall. The application is therefore recommended for refusal.

## **2.0 PROPOSAL:**

- 2.1 The proposal comprises two main elements. The first is the erection of a three storey, part brick and render, mixed commercial and residential block, to be built largely on the footprint of the former Compton Arms public house, fronting onto Compton Road. This three storey block will consist of 3 ground floor retail units with 14 flats over spread over two floors and consisting of 10, 2 bed and 4, 1 bed units. The second element is a four storey block of 43 flats sited to the rear of the site, in a matching brick and render design comprising 20, 2 beds and 23, 1 bed units over four floors with the top floor partly within the roofspace. A retail customer parking forecourt containing 12 parking spaces is included at the front of the site with a substantial area for servicing and parking between the two blocks containing 41 car parking spaces to serve the 57 flats. A 9-10 m strip of sloping land to the rear of the second block is shown as amenity space for the flats. The car parking area between the two blocks includes some space for tree and landscape planting.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is the site of the former Compton Arms public house, which was an imposing, two storey, part red brick and render building with substantial hipped roof which was demolished in 2006. The site was then cleared and enclosed by palisade fencing. The site is situated in a mixed commercial and residential area, partly within Harehills Lane Local Centre, in an inner city area of predominantly high density terraced housing with little greenspace. A two storey, red brick, parade of shops (with residential accommodation above) adjoins the site but is set back in the street scene compared to the front of the former Compton Arms. There is a single storey day nursery to the other side of the site on the north-east boundary. Red brick 2 storey terraced housing with accommodation in the roofspace faces the site on the opposite side of Compton Road. To the rear of the site are commercial / industrial buildings and behind the shops/ flats to the south east is a club which backs onto the rear of this site where the second residential block is proposed.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 06/00299/FU – One three storey block of three retail units with 14 flats over and one four storey block of 43 flats to former public house, - Refused 19/10/07 (lack of a S106 contributions relating to affordable housing, greenspace and public transport contributions)

#### **5.0 PUBLIC/LOCAL RESPONSE:**

- 5.1 The application was advertised by site notices posted on 23/04/08, with publicity expiring on the 14/05/08.
- 5.2 One letter of representation was received from “Residents of Harehills” (unsigned and no address provided), objecting to the proposed development on the following grounds:
- the area is already densely populated
  - residents are never vetted fully
  - overlooking of an early years nursery
- 5.3 Any material planning considerations raised by the above comments are addressed within the appraisal section of the report.
- 5.4 Although no comments have historically been received from Ward Members, they have been advised of the intention to refuse the current application at this Panel meeting and invited to comment. Any comments received will be reported verbally as part of the officer presentation.

#### **6.0 HISTORY OF NEGOTIATIONS:**

- 6.1 The application has been the subject of protracted discussions regarding viability as the site’s planning history clearly indicates that a very similar scheme was submitted in 2006 and refused the following year due to the S106 shortfall.
- 6.2 When originally considering the current application, officers were mindful of the previous reason for refusal and did not therefore seek to raise design as a concern. However, due to the passage of time (as the current application was submitted in April 2008) and also the introduction of the National Planning Policy Framework in March 2012 which seeks to ensure all development is not only sustainable but also well designed, officers have recently reviewed the application and consider it is appropriate to raise a number of design concerns arising from the intensity of the scheme. On this basis, the reason for refusal advanced by officers also makes reference to the development’s over intensive nature combined with the lack of an acceptable S106 package being offered.

#### **7.0 CONSULTATION RESPONSES:**

- 7.1 Environmental Health – Significant potential for residential occupants to be disturbed by the proposed commercial units, as well as from nearby existing commercial activities including the working men’s club, unless appropriate mitigation measures are implemented. Conditions recommended for sound

insulation and restriction of hours of opening and delivery for commercial units.

Highways – no objections.

Highways (NGT) – Development generates a public transport contribution of £15,150

Flood Risk Management – Standard conditions relating to surface water and infiltration drainage required.

Yorkshire Water – Agreement to proposed stand-off distance from public sewer.

Architectural Liaison Officer – High crime area, general advice provided regarding Secured by Design

Land Contamination – No objections subject to standard conditions including intrusive investigation.

Access – no adverse comments.

## **8.0 PLANNING POLICIES:**

### Development Plan

8.1 The Development Plan for the area consists of the Regional Spatial Strategy (RSS) and the adopted Unitary Development Plan Review 2006 (UDPR), along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDPR but at the moment this is undergoing production with the Core Strategy still being at the draft stage.

8.2 The Publication Draft of the Core Strategy was issued for public consultation on 28<sup>th</sup> February 2012 with the consultation period closing on 12<sup>th</sup> April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

8.3 The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development including housing. Although the Government has indicated its intention to abolish RSS, it is still relevant at this stage.

### 8.4 Regional Spatial Strategy (adopted May 2008)

H4 – Affordable housing

YH4 – Focus development on regional cities

YH4(b) Informs detailed design considerations

### 8.5 Leeds Unitary Development Plan Review (adopted July 2006):



The front section of the site is situated in the designated S2 centre of Harehills Lane and the entire site is situated in a N3 Priority Area for Improving Greenspace provision.

- S2-S4 – Shopping policies
- GP5 – Seeks to resolve detailed planning issues including design, access and amenity
- GP7 – S106 contributions
- BD3 – Access considerations
- BD4 – Plant equipment to be well designed
- BD5 – All new buildings should respect their amenity and that of their surroundings.
- T2 – Highway safety considerations
- T2C – New development and travel plans
- T2D – Public transport contributions
- T5 – Safe access for pedestrians and cyclists
- T7A – Requirement for cycle parking
- T24 – Parking guidelines
- LD1 – Landscaping schemes
- H4 – Provision of housing on unallocated sites
- N2 – Hierarchy of greenspaces
- N3 – Priority Area for Improving greenspace provision
- N4 – Provision of greenspace for residential developments
- N12 – Urban Design Principles
- N13 – High quality design
- N25 – Boundary treatments
- N26 – Requirement for landscape scheme

#### 8.6 Supplementary Planning Guidance/Documents:

- Leeds City Council Street Design Guide
- Greenspace relating to New Housing Development
- Neighbourhoods for Living: A Guide for Residential Design in Leeds
- Revised Affordable Housing Policy Guidance – Housing Need Assessment and the interim policy
- Public Transport Improvements and Developer Contributions
- Travel Plans

#### 8.7 National planning policy guidance documents:

National Planning Policy Framework - March 2012 (NPPF). The basis for decision making remains that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration and a golden thread running through it is the presumption in favour of sustainable development. The core planning principles include proactively driving and supporting sustainable economic development to deliver the homes, business and thriving local places that the country needs, always seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings, encouraging the effective reuse of land that has been previously developed and promoting mixed use developments. In the design section in paras 56 to 68 planning decisions should aim to ensure developments that function well and add to the overall quality of the area over the lifetime of the development, establish a strong sense of place to create attractive places to live and visit, optimise the potential of the site, respond to local character, create safe and accessible environments and are visually attractive as a result of good architecture and appropriate landscaping. NPPF at para 64 states that permission

should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

## 9.0 MAIN ISSUES

1. Principle of development
2. S106 requirements and viability
3. Design issues and visual amenity
4. Impact on residential amenity
5. Greenspace
6. Affordable Housing
7. Highways
8. Conclusion

## 10.0 APPRAISAL

### Principle of Development

- 10.1 This is an important site which is currently vacant and is close to the centre of Harehills. It has been previously developed with an imposing building (the Compton Arms). The building was demolished some years ago and this is the type of site which it is important to bring forward for development. The front section of the application site is situated within the designated local centre of Harehills Lane so the principle of retail units with flats above is in character and acceptable in principle.
- 10.2 The proposed rear block of flats is situated outside of the S2 centre and would be sited on what was originally the beer garden associated with the former Compton Arms public house use. In principle housing on this site could be acceptable subject to detail and taking account the amenity considerations given the close proximity of a club and industrial / commercial.

### S106 contributions & Viability

- 10.3 The proposed development for a total of 57 flats, consisting of 30 two bedroom flats and 27 one bedroom flats, generates a requirement to secure affordable housing, green space and public transport in accordance with Council policies. Education contributions are not considered necessary due to the nature of the development being 1 and 2 bed flats. All contributions would normally be secured through a S106 legal agreement.

At the time application was originally submitted in 2008, the relevant contributions were;

- Affordable Housing 15% ( inner area) : 9 dwellings
- Greenspace: £103, 398
- Public Transport: £15, 150

- 10.4 The applicant considered that the development would not be viable if the required contributions, as above, were to be secured in full and as such, submitted a Viability Assessment (VA) for the proposal. The VA concluded that the proposed development without any of the S106 contributions would yield a rate of return of just over 16%. Officer's reviewed the VA and confirmed that the conclusions made appeared to be realistic and that in the market at that time, with far greater levels of risk, a 20% profit margin (or more) would be the norm.

- 10.5 Notwithstanding this, the applicant presented two options relating to the required S106 contributions as follows;
- Option 1 – no provision of affordable housing and £55,000 towards greenspace.
- Option 2 – 1 x one bedroom affordable flat and £15,000 towards greenspace.
- 10.6 Further to assessment of the above offers, the applicant was advised the scheme would be unlikely to receive officer support without any offer of affordable housing. The applicant was also advised, that because the site is located within a priority area for improving greenspace provision as defined by UDPR policy N3, it would be unacceptable to support such an intensive, predominantly residential development, in a densely populated inner city area, without a substantial contribution towards the required greenspace provision. This was particularly so in light of the relatively small provision and poor quality of communal on-site amenity space proposed as part of the development. It is also notable neither option makes any contribution towards the required public transport contribution.
- 10.7 The applicant then came forward with a third option towards the S106 contributions;
- Option 3 - 1 x one bedroom affordable flat and £25, 000 towards greenspace.
- The applicant was again advised that it was still not considered to be an adequate contribution relative to the scale of the development proposed and accordingly could not be supported.
- 10.8 The introduction of the Interim Affordable Housing Policy on 1<sup>st</sup> June 2011, reduced the affordable housing requirement for the development from 15% to 5% (equating to 3 submarket dwellings in this case). As such, the applicant was asked to submit an updated VA to reflect this change in circumstance and importantly to update the figures due to the length of time since the original VA had been prepared in Jan 2010.
- 10.9 The updated VA still concluded the scheme would not be viable with any contributions (in fact it was shown to be worse as the greenspace contribution had increased to £131,605) but the applicant was nonetheless willing to accept a reduced profit and the previous improved offer as outlined in option 3 above remained on the table.
- 10.10 In assessing the revised VA, officers have expressed some concern about the build costs used within the appraisal as they appear to be on the high side. Nevertheless, general agreement is reached about the overall viability position and that the scheme is unable to deliver the contributions requested.
- 10.11 Whilst officers could potentially spend further time reviewing detailed figures as contained within the VA, in this particular case this is not considered to be a productive exercise as ultimately the applicant's position is unlikely to change since the current S106 offer is already reported as eating into the developers profit and reducing it to below 16%.

### Design issues and visual amenity

- 10.12 The front block would be sited in a similar position to the Compton Arms which is forward of the adjoining parade to the south east. In massing terms there is reasonable space to the side boundaries meaning it will be set well within the site. However, comparison with the former building indicates that the eaves line of the new block will be some 2.3m higher and the ridge about 2m higher than the eaves and ridge of the Compton Arms. In considering the acceptability of this element of the development, it should be noted the much smaller Compton Arms building was itself an imposing building within the streetscene. As such, the overall scale and massing of the frontage block relative to its context is considered to be excessive. The design is also considered to be poor in this respect as gables are proposed (whereas the Compton Arms was hipped which reduced its visual impact at the site boundaries) and the more generous floor to ceiling height of the ground floor retail units is such that it pushes up the window positions on the floors above and creates a higher elevation and therefore a more dominant building overall.
- 10.13 With respect to the second block which would be completely residential in nature, at four storey's it is taller again than the front block and even more so relative to the surrounding buildings. Whilst it is accepted the block would be set well back towards the rear boundary of the site meaning it wouldn't be as prominent when viewed from Crompton Road itself, it would still be visible and from a number of other surrounding streets also. In this respect the design and visual impact of the rear building also needs careful consideration.
- 10.14 The eaves height of the rear block is noted to be 10m although the ridge is only 3m higher as the top floor accommodation is provided within the roof. This gives the building a rather squat appearance which is exacerbated by its width which extends to within a couple of metres of the side boundaries. These issues, when combined with the use gable ends and the lack of space (including any meaningful green space) around the block result in a very cramped form of development which is clearly over intensive. The fact most outside space is to be hard-surfaced to provide parking and servicing supports this position.
- 10.15 Notwithstanding the above, the development is noted to introduce some new trees and greenery along the site's frontage which is welcomed from a streetscene perspective and helps integrate the frontage parking. However, these features are not considered to outweigh the overall harm caused by the development's over intensive nature and accordingly the application is recommended for refusal.

### Impact on residential amenity

- 10.16 The predominantly residential nature of the development is such future residents living conditions need to be fully considered, particularly as 3 ground floor retail uses are also proposed. Existing residents also need to be protected although it is important to note the 'town centre' context of the site and accordingly a higher level of activity should be expected compared to an area that was purely residential in character.
- 10.17 With regard to the potential impact the retail element of the scheme could have, this is primarily limited to noise from activities carried out within the units themselves and

also due to servicing requirements and customer activity (both pedestrian and vehicle related). As such, a sound insulation could be attached to the units to keep noise levels to within acceptable limits and any requirement for plant or equipment (e.g. air conditioning units or chillers) could also be controlled by condition. In addition, opening and delivery hours would have been limited by condition had the application been recommended for approval.

- 10.18 With respect to other amenity issues, therefore are not considered to be any issues relating to overlooking or overshadowing of nearby residential properties due to the intervening distance between the proposed front block and the properties on the opposite side of Compton Road. The gap between the two blocks is also considered to be adequate in this respect.
- 10.19 The letter of objection from “residents of Harehills”, expressed concerns regarding overlooking of the adjacent nursery, however, neither block has main windows facing towards the day nursery. As such, this is not considered to be an issue in this case.

### Greenspace

- 10.20 The application site is situated within a Priority Area for Improving Green space provision (Policy N3). Harehills is an inner city area which has been identified by the City Council as lacking in greenspace in both quantitative and qualitative terms, where priority should be given in efforts to improve provision. These areas suffer inadequate access to greenspace, because of the dense built up character and population of the area and as such there is considerable pressure on the limited existing greenspace. Where the existing quantity or quality of greenspace falls below the accessibility thresholds, the City Council will seek from developers of new development schemes, through planning obligations, additional land or commuted payments, to acquire greenspace or to improve existing space to serve the needs of residents of the new development.
- 10.21 In this case, the applicant would not be providing the required greenspace on-site due to the overall size of the site, therefore, the greenspace provision is to be required through a commuted sum. Although the submitted VA demonstrates that the scheme is economically unviable with the payment of the commuted sum for greenspace, no such mechanism exists within the policy to negotiate a lesser sum, so this discretion lies with the decision maker. In this respect, the offer towards the greenspace contribution is considered to be completely inadequate for the needs of the residents in this Priority Area for Improving Greenspace Provision.
- 10.22 Whilst development of the site is clearly desirable, this should not be at the expense of achieving a high quality, sustainable scheme. To be sustainable it should include adequate provision for public green space. The NPPF, like PPS1 before it, emphasises the importance of improving the environment and promoting health communities in achieving sustainable development and states that policies and decisions should aim to achieve places which promote high quality public space (paragraph 69). Sustainable development and positive economic growth must also incorporate environmental and social progress. As the scheme is predominantly residential, there is also a limited argument as regards the generation of long term employment for the area. As such, the proposal is considered to be unacceptable and contrary to greenspace policies.

### Affordable Housing

- 10.23 The application site is situated within an “inner area” for the purposes of affordable housing policy, where the affordable housing requirement for the proposed development of 57 flats was 15% at the time the application was submitted. This requirement equated to 9 submarket dwellings. However, during the process of the application the interim affordable housing policy came into effect on 1 June 2011, and reduced the requirement to 5%. As such, the revised affordable housing requirement now equates to 3 submarket dwellings.
- 10.24 Whilst recognising the main conclusion of the updated VA, the introduction of the interim affordable housing policy is the Council’s response to the current economic situation. As such, the development’s failure to provide even the reduced level of affordable housing as required by the interim policy can be considered to be sufficient reason to refuse the application and is advanced in this case.

### Highways & Public Transport Contribution (PTC)

- 10.25 The proposal raises no specific road safety concerns. As such, the proposed development is considered to be acceptable on highway grounds. With regard to the PTC, whilst recognising the position on viability the development is very intensive relative to the size of the plot yet the required contribution can still not be delivered, despite it being relatively low. This is clearly very disappointing and in the light of other concerns regarding the overall acceptability of the development features within the suggested reason for refusal.

## **11.0 CONCLUSION**

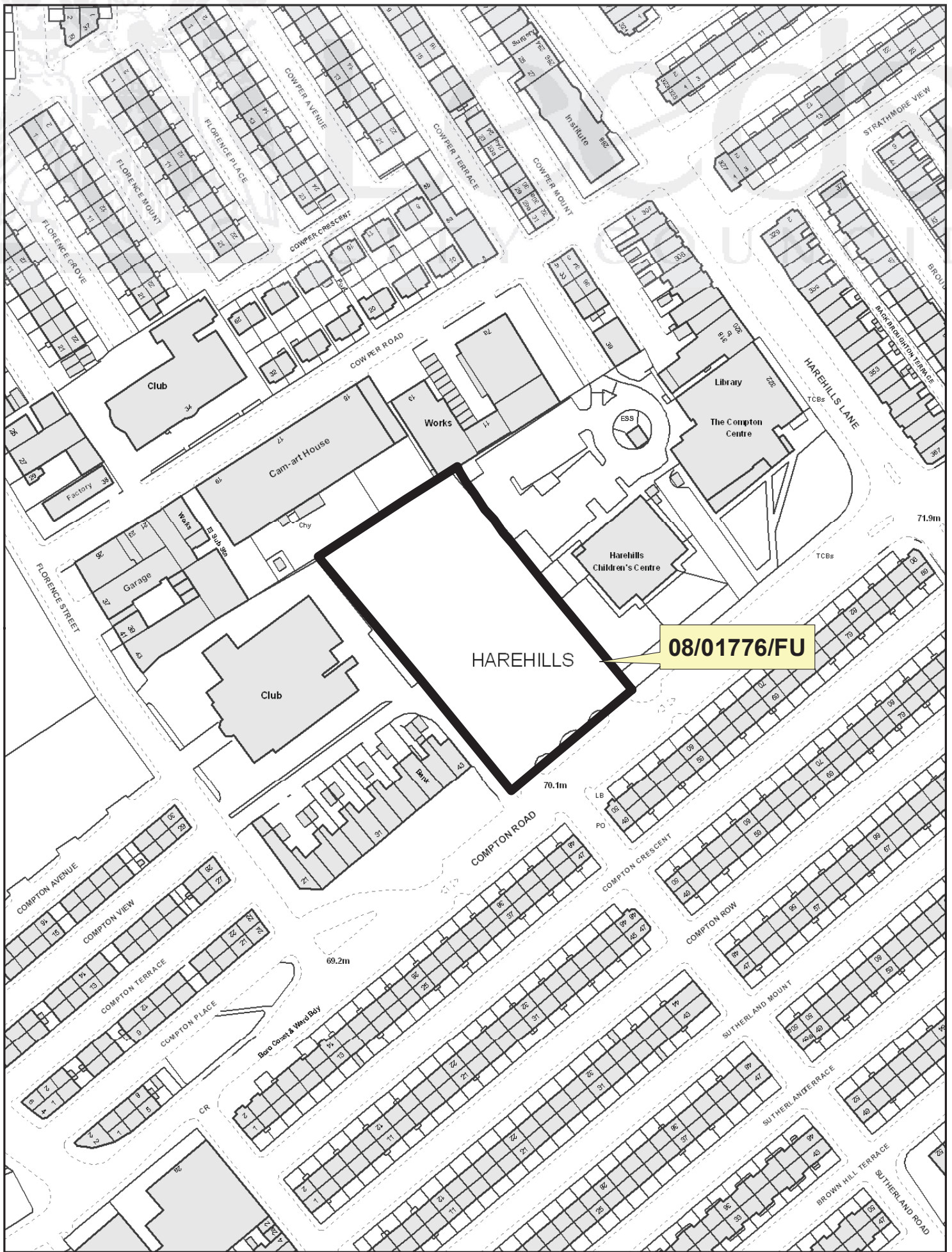
- 11.1 Whilst officers recognise the redevelopment of this important site within the Harehills area is clearly very desirable, the current development is not considered to provide an acceptable design solution or offer an adequate package of S106 contributions that would help make it truly sustainable. For the reasons stated in this report and as advocated in the NPPF the application is therefore recommended for refusal. Notwithstanding this recommendation for refusal, officers are happy to work with the applicant on a revised scheme but feel it is appropriate in this situation to do so from a clean slate in recognition that the planning policy background has changed significantly since the scheme was original conceived.

### **Background Papers:**

Application file: 08/01776/FU

Certificate of Ownership: the applicant Courtyard Developments Ltd

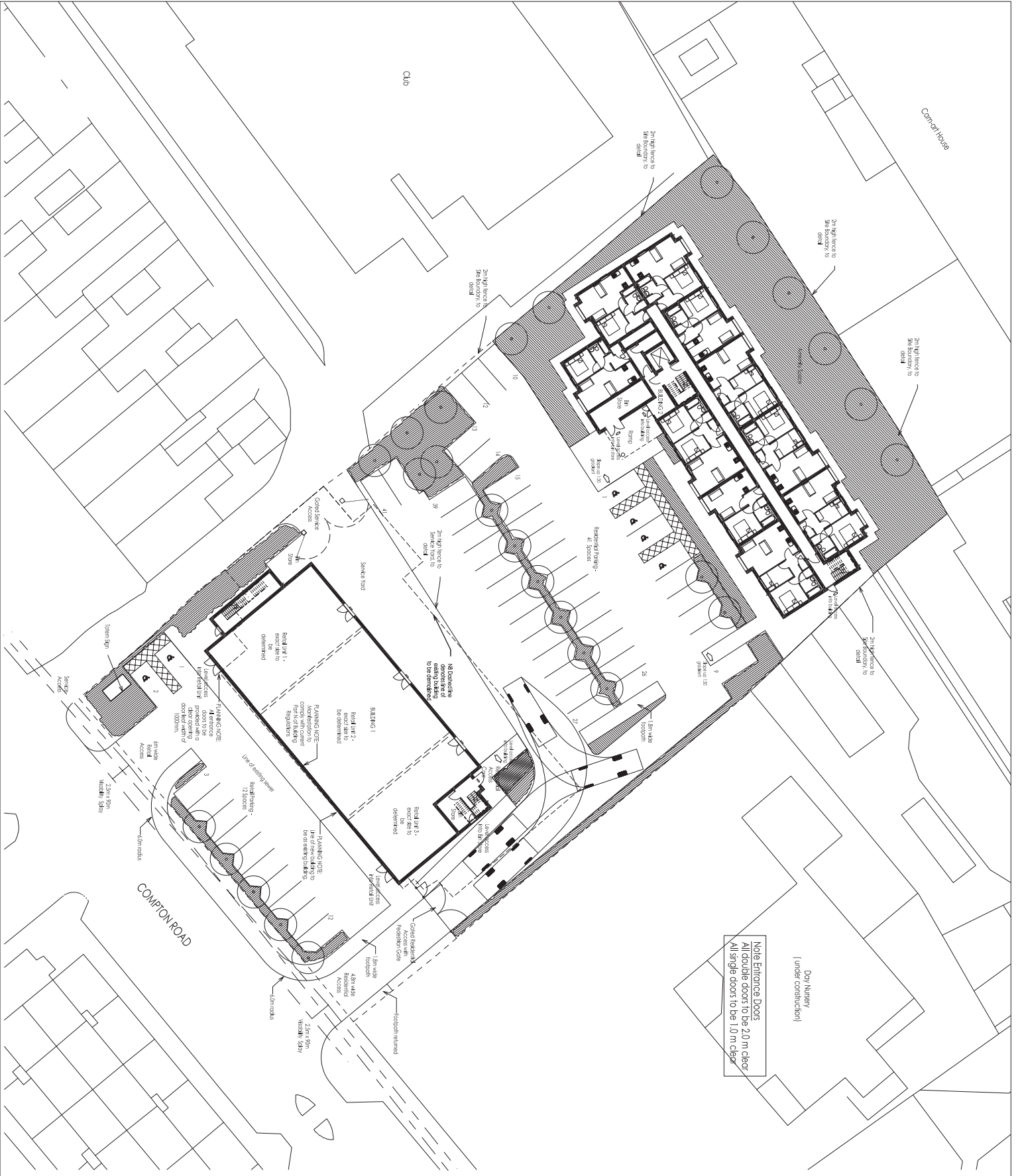




# EAST PLANS PANEL

This page is intentionally left blank





Note Entrance Doors  
 All double doors to be 2.0 m clear  
 All single doors to be 1.0 m clear

Doy/Nursery  
 (under construction)



Symbol	Description
[Symbol]	3m Area = 2.40 Meters
[Symbol]	ST Bedding Unit
[Symbol]	27 No. 1 Bed departments
[Symbol]	30 No. 2 Bed departments
[Symbol]	Total Bed Area = 482.25 (19/10/17)
[Symbol]	Planning

NO.	DATE	REVISIONS	BY	CHKD
E	02/11/16	Approved by planning comments		
D	04/09/16	Access, offset comments added		
C	18/08/16	Site plan to be approved		
B	03/04/16	Proposed shop conversion approved		
A	14/01/16	Site layout amended to suit client requirements	ST	PA/S

Ramsden Barrett Architects  
 CONSULTING ARCHITECTS AND DESIGNERS

9 WIND SHILL  
 LEAMINGTON SPA  
 CV34 4JF  
 Tel: 01927 241244  
 Fax: 01927 241019  
 info@ramsdensbarrett.co.uk  
 www.ramsdensbarrett.co.uk

Proposed Mixed Use Development,  
 Compton Road, Leeds

County Ltd  
 County Ltd Developments Ltd

DATE	BY	REVISION	APPROVED
Dec 05	1:200	ST	PAB
1949	004	E	Planning

This document is prepared for the use of the client and is not to be used for any other purpose. It is the client's responsibility to ensure that the information provided is accurate and complete. The architect accepts no liability for any errors or omissions in this document. The architect's services are provided on a non-exclusive basis and the client is advised to seek independent professional advice. The architect's fee is payable on completion of the project. The architect's office is located at 9 Wind Shill, Leamington Spa, CV34 4JF. The architect's telephone number is 01927 241244. The architect's fax number is 01927 241019. The architect's email address is info@ramsdensbarrett.co.uk. The architect's website is www.ramsdensbarrett.co.uk.

This page is intentionally left blank



Originator: David Jones

Tel: 247 8000

---

## Report of the Chief Planning Officer

### PLANS PANEL (EAST)

Date: 9th August 2012

Subject: **POSITION STATEMENT : APPLICATION 12/01332/OT: Outline application to erect residential development on Land at Bruntcliffe Road, Morley**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Barratt Homes Yorkshire West & Priestgate Morley Ltd.	12 March 2012	21 June 2012

---

#### Electoral Wards Affected:

Morley South

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

---

Members are requested to note the contents of this position statement, provide feedback on the questions asked and are invited to comment in relation to any other aspect of the proposals

### INTRODUCTION:

- .1 This application is brought to the Plans Panel because it relates to a substantial development proposal and is subject to local concern by nearby residents. The proposal is for the residential development of an allocated Phase 2 Greenfield site of 7.14 hectares in the Unitary Development Plan, but also includes an adjoining area of land which is not allocated.
- 1.2 Although there are outstanding issues officers consider it is the right time to bring the application to Panel and to seek Members views on the key issues, such as highways safety , noise intrusion and compliance with the development plan.

## 2.0 PROPOSAL:

- 2.1 The proposal is an outline application for residential development, with access only being applied for. Layout, appearance, landscaping and scale are matters left for future determination. An indicative layout shows approximately 168 dwellings.
- 2.2 The total site area is 7.81 hectares. The revised illustrative layout shows the housing to be served from a single vehicular access from Bruntcliffe Road, to the west of the Street Farm buildings. A footpath/cycleway with provision for emergency vehicle access is proposed onto Scotchman Lane. The bus stop on the frontage may need to be moved to accommodate the emergency access.
- 2.3 The access arrangements would involve building out the existing footway to provide a wider footway along the southern side of Bruntcliffe Road, to the east of the proposed access. A pelican crossing is proposed to facilitate pedestrian movements across Bruntcliffe Road
- 2.4 Two new pedestrian refuge islands are proposed on the A650 west of the proposed site access. In addition, new road markings in the form of additional hatching are proposed on the stretch of the A650 between Scotchman Lane junction of Scott Lane.
- 2.5 A buffer zone is proposed between the housing and the proposed employment land to the west, and an area of Public Open Space is proposed to the south west and south of the site, abutting the M62 to the southern boundary.
- 2.6 The applicant has indicated that the original farmhouse would be retained, with later additions and other farm buildings demolished. New development around the farm house would reflect the building form of the farm structures, to retain the local character.
- 2.7 The applicant envisages that the detailed scheme will be developed at varying densities and styles in order to create character areas.
- 2.8 The applicant has prepared a draft s106 agreement that covers the following:
- 15% affordable housing contribution provided that the development is commenced within 2 years of the date of the grant of planning permission. This would comprise 50% sub-market and 50% social rented affordable units:
- Or
- If the development is implemented later than 2 years from the date of the grant of planning permission the number of affordable units will accord with the affordable housing policy of the council at the time of the implementation of the development.
- Bus stop improvement contribution of £20K.
  - A primary education contribution based on the following: number of dwellings x £12,257 (cost multipliers) x 0.25 (yield per pupil) x 0.97 (location cost).
  - A secondary education contribution based on the following: number of dwellings x £18,469 (cost multipliers) x 0.10 (yield per pupil) x 0.97 (location cost). (see 10.65)
  - Public Transport Contribution: In the event of 168 dwelling being constructed a sum of £152,208 is provided. In any other event a sum of £906 per dwelling. (see 10.65)
  - Provision of on site greenspace.

- Off site greenspace contribution of £244,117.53 in the event of 168 dwellings being constructed. In any other event the sum of £1,453.08 multiplied by the number of dwellings constructed.
- MetroCard scheme for proposed residents (12 month card for use within zones 1 – 3).
- Travel Plan.
- Noise Control Area: In the event of land adjacent (as identified on a plan as the Blue Land) being developed for Class B1 (light industrial), B2 (general industrial) or B8 (warehousing) not to permit any development that would have a detrimental and/or have adverse environmental impacts on the residents of the proposed development.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is located on the south western periphery of Morley, adjacent to the M62. The site covers an area of approximately 7.81ha. It is bounded to the north by Bruntcliffe Road, allotments and a field boundary, to the south by the M62, to the east by residential properties on Scotchman Lane and to the west by agricultural fields.
- 3.2 As set out above, a significant majority of the site is in use as agricultural land, with the exception of the northwest corner, which is occupied by Street Farm, 3 barns and a vegetable patch. The site comprises largely of a Phase 2 Housing Allocation (H3-2A.5) within the Leeds Unitary Development Plan (UDP) Reviewed and adopted in 2006. Under the provisions of UDP Policy E4:47 6.5 hectares of land to the west of the application site is allocated for employment uses.
- 3.3 Morley town centre is located approximately 1km to the north of the site and is easily accessed along the A6123 (Fountain Street). Howley Park Industrial Estate is located to the east of the application site and can be accessed from Britannia Road and Scotchman Lane.
- 3.4 Junctions 27 and 28 of the M62 are located approximately 1.6km and 2.7km to the west and east of the site respectively and allow for access to the wider road network.
- 3.5 Fountain Primary School and Morley High School are both located within 0.7km of the site and recreational facilities exist at Dartmouth Park approximately 0.11km from the sites proposed access point.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 There is no recent relevant planning history on this site.
- 4.2 Of relevance are two undetermined planning applications on the Bruntcliffe Road/A650 corridor, which contribute to traffic generation in the area:
- 4.2.1 Outline application to layout access road and erect light industry, general industry and warehouse development (Use Classes Class B1c, B2 and B8), a 115 bed hotel and pub/restaurant, with car parking, Wakefield Road, Gildersome. Currently subject to a Holding Direction by the Highways Agency (application 10/04597/OT).
- 4.2.2 Outline application for proposed employment development for use classes B1(b) and B1(c) (Research and Development/Light Industrial Uses), B2 (General Industrial

Uses) and B8 (Storage and Distribution Uses) with new accesses, associated infrastructure and landscaping, land between Gelderd Road/ Asquith Avenue and Nepshaw Lane North, Gildersome. Submitted on 1<sup>st</sup> June 2012 (application 12/02470/OT).

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Concerns have been raised regarding noise from road traffic, poor air quality adjoining the M62 motorway, and on protecting and improving the hedgerows on the western, southern and eastern boundaries with additional planting of native species of shrubs and trees to benefit wildlife. The revised layout, which deletes housing adjacent to the southern boundary assists in all these areas and removes housing from adjacent to the motorway giving a sizeable buffer and reducing the number of dwellings on the illustrative layout.
- 5.2 Negotiations are ongoing in respect of Section 106 contributions.
- 5.3 Street Farm house is now retained, and new development in the vicinity has been designed to give a courtyard appearance.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 This application was advertised as Proposed Major Development by Site Notices on 6<sup>th</sup> April 2012. In addition, the application was advertised in the Morley Advertiser on 18<sup>th</sup> April 2012. Objections have been received as follows:
- 6.2 Councillor Neil Dawson objects to the proposal, as follows:
- (i) The level of noise from the M62 is unacceptable and residents' amenity would be of an unacceptably low standard.
  - (ii) Additional traffic would bring extra congestion, noise, pollution and road safety issues for residents, on already dangerous and overcrowded roads.
- 6.3 Morley Town Council objects as follows:
- (i) The proposal is not UDP compliant, as it does not include the Masonic Lodge land, and the vehicular access should be taken from this land, rather than through unallocated land.
  - (ii) The unallocated land should be used to provide a buffer between the housing and the employment land, rather than being developed for housing.
  - (iii) Street Farm is about to be included in an enlarged conservation area. Demolition of Street farm would, therefore, have to be justified.
  - (iv) Housing abutting the M62, to the southern part of the site would be badly affected by road noise. Any tall acoustic fencing would deprive dwellings of sunlight.
  - (v) The increase in traffic on the A650 corridor needs careful assessment.
  - (vi) Assessment needs to be made in respect of bats in the vicinity of the Masonic Lodge.

The Town Council has since made further comments on the scheme as revised on 25<sup>th</sup> July:

- (i) The proposal does not comply with the development plan (see (i) above).
- (ii) The proposal is not plan led and does not empower local residents to shape their surroundings (there are substantial objections from local people)
- (iii) Recently published 2011 Census returns show that in March 2011 Leeds had a population of 751,000. This is significantly lower than claims favoured by major house builders. In 1974 Leeds had a population of 747,000 and the Leeds



population does not stray from around 750,000. Demands to build 74,000 new houses across Leeds by 2028 are 'massively overstated'.

(iv) Loss of agricultural land.

6.4 384 individual letters of objection have been received from residents. The objections are on the following grounds:

(i) The proposal is not UDP compliant, as it does not include the Masonic Lodge land, and the vehicular access should be taken from this land, rather than through unallocated land.

(ii) The unallocated land should be used to provide a buffer between the housing and the employment land, rather than being developed for housing.

(iii) Street Farm is about to be included in an enlarged conservation area. Demolition of Street farm would, therefore, have to be justified.

(iv) Housing abutting the M62, to the southern part of the site would be badly affected by road noise. Any tall acoustic fencing would deprive dwellings of sunlight.

(v) The increase in traffic on the A650 corridor needs careful assessment.

(vi) Assessment needs to be made in respect of bats in the vicinity of the Masonic Lodge.

(vii) Brownfield sites should be developed before greenfield sites. There are sufficient brownfield sites.

(viii) There is inadequate infrastructure to cope. Doctors, dentists, health centres and schools have no capacity.

(ix) At peak times, Bruntcliffe Road suffers from major congestion. The proposal will add to congestion on A650 and surrounding streets. The road network cannot cope with additional traffic.

(x) Loss of areas to walk.

(xi) 200 houses will put a major strain on the sewerage system.

(xii) Existing houses do not sell, so there is no point building further ones.

(xiii) The proposed Pelican crossing would be ineffective.

(xiv) Insufficient land is available to accommodate heavy rainfall. This could impact on the M62.

(xv) The proposal is not sustainable as it will lead to increased car journeys.

(xvi) The loss of agricultural land will increase the amount of 'food miles'.

6.5 Revised plans were also advertised by site notices on 22<sup>nd</sup> June 2012. To date, two letters of objection have been received from local households.

(i) The indicative layout shows a house which would overlook an existing house on Scotchman Lane.

6.6 Any further representations will be reported to Plans Panel in due course.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory:**

7.1 Highways Agency – Direct that the application cannot be approved until the end of August, pending resolution of impact of cumulative proposals on the A650 Bruntcliffe Road corridor.

7.2 Highways – no objections subject to conditions and Section 106 Agreement for necessary highway works, as set out in the report (and subject to Highways Agency being satisfied).

7.3 Environment Agency – no objections, subject to conditions.

**Non-statutory:**

- 7.4 Flood Risk Management: No objections, subject to conditions.
- 7.5 Yorkshire Water – no objections, subject to conditions.
- 7.6 Metro – no objections subject to conditions and Section 106 Agreement, as set out in the report.
- 7.7 Public Rights of Way – Public Footpath No.90 Morley abuts the site. No objections are raised as long as the footpath remains open and available for use and is not encroached upon in any way.
- 7.8 West Yorkshire Archaeology – no objections subject to archaeological trial trenches to be excavated as a condition of planning permission.
- 7.9 Neighbourhoods & Housing – object to the original submission on the grounds on noise intrusion from traffic on the motorway. A revised layout, deleting dwellings adjacent to the M62 and a revised noise report are currently under consideration.

**8.0 PLANNING POLICIES:**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 remains and states:

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise”.

**Development Plan**

- 8.2 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development including housing.

**Leeds Unitary Development Plan (UDP), adopted 2001**

- 8.3 Under Policy N11 of the Leeds Revised Draft UDP (1993) Bruntcliffe Road, Morley was promoted as a tract of open land which represented a major visual amenity. It stated that *“on the following tracts of land, only open uses will be permitted. Building will only be allowed if it can be shown that it is necessary for the operation of farming or recreational uses and if it would not adversely affect the open character of the area”*
- 8.4 The UDP Inspector’s site specific comments regarding the allocation of land in the South Leeds area (Chapter 17) referred to Bruntcliffe Road, Morley under Topic 472 states at Paragraph 472.15 that *“the UDP be modified by deletion of this land from Policy N11 and its allocation under Policies E4 (6.5ha) and H4 (5.0ha) along the lines of the objectors’ Appendix RFH 7/2 and subject to the retention of substantial areas of open land and satisfactory highway arrangements”*. The Bruntcliffe Road site was therefore re-allocated for housing ‘New Proposals’.

**UDP Review 2006**



8.5 The Bruntcliffe Road site was re-allocated as a Phase 2 housing allocation in the UDP Review. The current allocation is referenced H3-2A.5 – Bruntcliffe Road, Morley. The UDP Review allocation describes the Bruntcliffe Road site as follows:

8.6 The following extract has been taken directly from the Morley Area text in Chapter 17 of the UDP Review where at paragraph 17.2.3 it states:

**Bruntcliffe Road, Morley**

**Under Policy H3-2A.5, 5.0 ha of land are allocated for housing at Bruntcliffe Road, Morley, subject to:**

**i. the provision of a satisfactory means of access;**

**ii. the whole of the area between the housing allocation H3-2A.5 and the employment allocation E4(47) to remain open for amenity purposes;**

**iii. retention and enhancement of existing public footpaths;**

**iv. a satisfactory means of drainage;**

**v. preparation of a planning framework to guide development of this site and adjoining employment allocation E4(47).**

8.7 The following list of policies is relevant to the consideration and determination of this application. A short remark is made against each of these policies which are primarily dealt with in the submission of other technical reports that accompany this application.

8.8 General Policies:

Policy GP5: Development proposals should resolve detailed planning considerations including access, drainage, contamination, design, landscape. Proposals should seek to avoid environmental intrusion, loss of amenity, pollution, danger to health.

Policy GP7: Where development would not otherwise be acceptable and a condition would not be effective, a planning obligation will be necessary.

Policy GP11: Where applicable, development must ensure that it meets sustainable design principles.

Policy GP12: A sustainability assessment will be encouraged to accompany the submission of all applications for major developments.

Environment Policies:

Policy N4: Provision of Green Space. 14 Bruntcliffe Road, Morley Planning Case Report, March 2012

Policy N12: Principles of Urban Design.

Policy N13: High Standards of Design expected for all new buildings.

Policy N23: Incidental Open Space.

Policy N25: Boundaries of Sites.

Policy N49: Protection of natural habitat for wildlife

Policy N51: Design of new development should enhance existing wildlife habitat and provide new habitat.

Transport:

Policy SA2: Encourages development in sustainable locations.

Policy T2: Transportation and Highway Issues, and

Policy T2B: Submission of Transport Assessment, and

Policy T2C: Submission of Travel Plan

Policy T5: Provision of safe access in new developments for pedestrians and cyclists.

Policy T6: Adequate provision for access for people with disabilities within new development

Policy T7A: Provision of secure cycle parking, and

Policy T7B: Provision of secure motorcycle parking, and

Policy T24: Adequate provision of parking facilities.

Housing:

Policy H4: Housing proposals on unallocated sites.

Policy H9: Balanced provision of housing types.

Policy H11: Provision of affordable housing

Policy H12: Submission of appraisal of affordable housing needs and negotiations of that provision, and

Policy H13: Affordable housing provided in perpetuity.

Building Design, Conservation and Landscape Design:

Policy BD5: New buildings designed with consideration of their own and others amenities, and

Policy BD5A: Use of materials that conserve energy and water, and

Policy LD1: Landscaping requirements.

Policy LD2: Guidance for new roads.

Policy N29: Archaeology considerations.

### **Leeds Interim Affordable Housing Policy**

8.9 The Leeds Draft Interim Affordable Housing Policy came into force on 1st June 2011. The affordable housing requirements that make up this new interim policy are set out below:-

Existing housing market zone as in SPG	SPG policy	Informal Policy July 2008	New Interim Policy 2011
Outer area/rural north	25%	30%	35%
Outer suburbs	25%	30%	15%
Inner suburbs	25%	30%	15%
Inner Areas	15%	15%	5%
City Centre	15%	15%	5%

The site is in the Outer suburbs category and so the interim policy seeks 15% affordable housing provision if delivered within 2 years.

### **National Guidance**

- 8.10 The National Planning Policy Framework (2012). The NPPF seeks to achieve sustainable development and contains a presumption in favour of development that achieves this. Annex 1 makes it clear that a recently adopted local plan is capable of continuing to be the main development plan for one year from the date of publication of the NPPF even where it does not accord with the NPPF. This means that the UDP continues to be the main policy document for development, however the NPPF is a material consideration.
- 8.11 Paragraph 47 requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%.
- 8.12 Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 8.13 Paragraph 55 requires that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities.
- 8.14 The NPPF also makes good design a key factor in determining applications, along with the recognition that sustainable development should also bring about important benefits to community health and wellbeing, and to improved biodiversity.

## **9.0 MAIN ISSUES**

- 9.1 The main issues are considered to be:
- Principle of development
  - Conformity with development plan (housing on allocated/unallocated land/relationship to employment land)
  - Impact on Street Farm and extended Conservation Area
  - Highway Safety (transportation /traffic generation)
  - Noise intrusion
  - Air quality

- Impact on Landscape and Ecology
- Residential Amenity
- Flood Risk management
- Affordable Housing requirements
- Greenspace
- Education issues

## 10.0 APPRAISAL

### Principle of development

- 10.1 Section 38(6) of the Planning and Compensation Act 2004 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The application is largely on a Phase 2 allocated Greenfield site, within the settlement of Morley. The first issue is whether it is appropriate for this Greenfield site to be released.
- 10.2 The implications that flow from the Grimes Dyke appeal decision, which was reported to Plans Panel on 14<sup>th</sup> July 2011, have been the subject of reports to Executive Board on 22<sup>nd</sup> June and the Joint Plans Panel of 30<sup>th</sup> June 2011. In the light of the Inspectors and the Secretary of State's findings, Executive Board agreed in principle to release all phase 2 and 3 housing sites for development, and as this site is allocated for housing in Phase 2, no objections in principle are raised.

### Conformity with development plan (housing on unallocated land/relationship to employment land/implications for land allocated for housing but not within application site)

- 10.3 The housing proposal does not strictly accord with the housing allocation. The allocation includes land to the north/central part of the site, which is the open land occupied by the Masonic Lodge and its grounds to the south of the building. The land is in third party ownership, and the applicant states that that owner does not wish the land to come forward for development at this time. The application site, however, includes land to the west of the allocation, on land which is unallocated in the UDP, but which was expected to form a landscaped buffer between the proposed housing allocation and the employment allocation, further to the west. On the indicative layout, this additional unallocated greenfield land would be accessed from the principal access into the site (where the access point onto Bruntcliffe Road is in the allocation), and approximately 40 dwellings. The non-conformity with the development plan raises various issues, which are considered in the following paragraphs.

### Housing on unallocated Greenfield sites.

- 10.4 The NPPF which replaces PPS3 requires that local planning authorities should identify and update annually a supply of specific deliverable sites to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Deliverable sites should be available now; be in a suitable location; and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence that it will be delivered. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites (NPPF paragraphs 47 – 48).

- 10.5 The most recent Annual Monitoring Report (AMR), which monitors Leeds housing provision, was published in December 2011 and approved by Executive Board. This report stated that Leeds did not have a 5 year housing land supply. It is unlikely that the position the Council adopted in December 2011 has altered any. It will be recalled that no objections were raised to the principle of 14 houses at Waterwood Close in West Ardsley on 4<sup>th</sup> November 2011 and more recently at Shayfield Lane in Carlton (also for less than 15 dwellings).
- 10.6 Notwithstanding this the NPPF and the emerging Core Strategy do not preclude development on greenfield, unallocated sites provided that they meet the criteria for sustainable development. Policy H4 of the UDP also had a similar provision. The main question therefore revolves around whether the proposal on the unallocated part of the site represents sustainable development.

#### Sustainability issues

- 10.7 The site is a greenfield site which is located on the edge of Morley, but which abuts the Masonic Lodge, existing houses on Bruntcliffe Road and the proposed employment and housing allocations. Morley town centre is located approximately 1km to the north of the site and is easily accessed along the A6123 (Fountain Street). Howley Park Industrial Estate is located to the east of the application site and can be accessed from Britannia Road and Scotchman Lane. Fountain Primary School and Morley High School are both located within 0.7km of the site and recreational facilities exist at Dartmouth Park approximately 0.11km from the sites proposed access point.
- 10.8 In respect of bus services, the 221 service runs on Scotchman Lane with stops directly adjacent to the proposed pedestrian access to the site. Therefore the very large majority of the site is served by two buses per hour to Leeds from Scotchman Lane that fall within the 400m walk distance. An additional two buses per hour are available from Fountain Street which is approx 630m from the centre of the site which doesn't meet our SPD standards.
- 10.9 Members need to consider that the current public transport is not as good as stated in the submission documents and does not fully comply with the Council's SPD standards (or those set out in the draft Core Strategy). However, given the allocated nature of the majority of the site, draft status of the Core Strategy, agreement to pay the SPD public transport contribution and existing bus services (which only just fall short of the SPD standards) Highways Officers do not consider that an objection on sustainability grounds could be sustained.
- 10.10 There is a concern that local primary and secondary schools in the area are at or close to capacity. The education contribution is considered in a section below.
- 10.11 On balance, the site is therefore considered to be reasonably well located with acceptable levels of accessibility to local facilities and services and would be capable of enabling residents to use alternative modes of transport.

#### Conclusion on Principle

- 10.12 Given the current need for Leeds to provide housing sites, and the reasonably sustainable location on the edge of Morley, it is considered that the proposal on the unallocated part of the site represents sustainable development and that it would comply with the provisions of policies GP5, GP11 and H4 of the UDP, as well as the strategic aims of the RSS, and the guidance contained within the NPPF and the draft Core Strategy. No objection is therefore raised to the principle of residential development at this site.

**Do Members have any concerns about the principle of the development of that part of the site that falls outside of the UDP housing allocation?**

Character

- 10.13 The unallocated site itself currently visible from views from Bruntcliffe Road, being open agricultural land, which falls away towards the M62 motorway. However, the unallocated site does not have a frontage onto Bruntcliffe Road. The allocation includes Street Farm and open land towards the west, narrowing down towards the north western corner of the application site. If this area was developed, then this would restrict views from Bruntcliffe Road. The UDP Inspector stated that in respect of visual amenity, the covered reservoir to the west was worthy of retention, and found 'nothing of great visual attractiveness' about this land. The UDP Inspector concluded that safeguarding the flatter land to the frontage (covered reservoir) and maintaining a landscaped corridor for the public right of way, there would be no harm to local amenity.
- 10.14 The layout would be subject to details at the reserved matters stage. The developer has indicated that a mix of house types would provide visual interest and higher storey heights can help to create focal points and create a legible environment. The developer considers a mix of two storey and two storeys with rooms in the roof would be appropriate in this location, and that this would be in keeping with the area whilst allowing some variety. This approach is considered acceptable in principle.

**Do Members consider that the indicative layout and scale of development has sufficient regard to the prevailing character of the area?**

Relationship to employment land

- 10.16 The proposed housing intrudes onto the 'landscaped buffer' identified in the UDP, narrowing the gap between the proposed housing and the proposed employment land. The applicant however has stated that they own the adjoining proposed employment land and can control the extent and nature of the activities proposed within the employment allocation. Initially, they have identified an area within the employment allocation, abutting the proposed buffer zone, as a 'Noise Control Area' where uses which would otherwise impact on residential amenity would be restricted. This matter is covered in the draft s106. No further details have been submitted which would expand upon how this might work in practice, and is subject to further negotiation. It is clear this matter would need to be resolved and secured if a permission is to be considered.
- 10.17 Implications for land allocated for housing but not within application site  
The land which includes the Masonic Lodge buildings and land to the south are allocated for housing in the UDP, but not included within the application, as stated above. In order to prevent this land from being land-locked, and not coming forward for housing, adopted highways will need to be shown on the indicative layout abutting the boundaries of the site. Two such points are shown on the indicative layout, and should the application be supported, these access points will need to be subject of a planning condition.

Impact on Street Farm and extended Conservation Area

- 10.18 Morley Dartmouth Park Conservation Area currently lies to the north of Bruntcliffe Road, with part of the conservation area having a frontage onto Bruntcliffe Road, to the north west of the application site. The draft Morley Conservation Area extension (Area E) proposes to include back-to-back and through terrace development on Bruntcliffe Road, and also further villas towards Scotchman Lane and Street Farm. Street Farm is unlisted but dates back to the 18<sup>th</sup> Century. Street Farm is an



important reminder of Morley's former agricultural character and is one of the earlier surviving elements of this part of town, shown on the 1st edition Ordnance Survey map of 1852.

- 10.19 The proposed extension to the conservation area has been subject to consultation, and an objection has been received from the developer. All consultation responses have been evaluated and the appraisal will be amended in light of comments received as appropriate. The final version of the appraisal and boundary modification will then be formally adopted and will become a material consideration when applications for development within the conservation area and its setting are considered by the Council. Only limited weight could be applied until the final version is adopted.
- 10.20 Also proposed to be included within the enlarged conservation area is the Masonic Lodge, formerly Thornfield, on Bruntcliffe Road and Rose Villa on America Moor Lane. These are impressive 19th century villas with surviving converted coach houses.
- 10.21 The proposed access into the allocated site will have to be taken at some point on Bruntcliffe Road, and will therefore have some impact on the proposed extended conservation area. The access point, adjacent to Street Farm, is within the allocation. The exact position of the access is such that there is not only adequate visibility onto Bruntcliffe Road and good junction spacing to St. Andrew's Avenue, but also is positioned so that Street Farm can be retained.
- 10.22 An indicative plan submitted by the applicant shows the retention of the original farm building, with later extensions to be removed. Other outbuildings would be demolished, but new buildings would reflect the courtyard setting. This approach is supported in principle.
- 10.23 If this access point was not supported, the only other access point into the housing allocation would be through the Masonic Lodge. This land is in third party ownership and in any case vehicular access would entail the demolition of a large section of attractive stone boundary wall and possibly impact on the setting of the Masonic Lodge. It is considered that the access as proposed therefore would be acceptable in terms of its impact on the extended conservation area. New housing within and adjacent to the extended conservation areas would need to respect the character and appearance of the conservation area, and this would be considered at reserved matters stage.

**Are Members satisfied that the location of the proposed access is the most appropriate in the circumstances?**

Highway Safety (transportation//traffic generation)

- 10.24 The Highways Agency is in the process of modeling the cumulative impact of this site, along with the Rowntrees and Gildersome employment sites (see Relevant Planning History Section above). The current Holding Direction expires at the end of August 2012.
- 10.25 Some mitigation works are likely to be necessary, the cost spread between the developers. The preferred approach from the Highways Agency and LCC Highways is that this developer pays a fixed contribution based on its percentage impact. Plans Panel will be up-dated on this when the application comes back for determination. Initially, it seems that this site would contribute 8.7% of the additional traffic, with Rowntrees contributing 14.7% and Gildersome site 76.6%.

- 10.26 The proposed works to Bruntcliffe Road will provide a continuous footway link on the southern side where none currently exists and will provide new crossing facilities in the form of two new islands and a pelican crossing.
- 10.27 The development is proposed to take access from a single new priority junction onto Bruntcliffe Road. Road Safety, Traffic Management and the Cycling Officer and have the following comments on the access:  
 All the red coloured surfacing should be removed at the crossing points. Red surfacing is used sparingly in Leeds at locations with demonstrable speed and / or safety issues to maintain its positive impact on motorists.  
 All the edge of carriageway hatching should be removed to the west of the access point. Such hatching is a maintenance liability and creates safety concerns for cyclists due to pinch points at the islands and an expectation from some motorists that cyclists should be riding within the hatching  
 Provide a symmetrical access bellmouth with 10m kerb radii
- 10.28 The provision of a Pelican crossing just to the east of the site access is considered acceptable and appropriate. Subject to the above amendments on a submitted plan the access and works to Bruntcliffe Road are considered acceptable. A stage 1 Road Safety Audit has been submitted and identified no safety issues.
- 10.29 It should be noted that the Council has recently secured the adoption of a small parcel of land immediately adjacent to the development as part of an approval for a children's nursery. If this adjacent development is implemented then the access solution may be further considered at the detailed design stage to ease the alignment further and minimize carriageway narrowing. The condition relating to the site access will have to accommodate this future redesign.
- 10.30 The application is an Outline with all matters reserved except access. However the following comments are provided on the indicative site layout (due to the lack of numbering units exact locations are not specified)
- Depending on the final access solution (to be determined at detailed design stage), there may be a requirement for a portion of the new Bruntcliffe Road footway to run on developer land. There is adequate space with the indicative layout for this to occur.
  - The two future links into land behind the Masonic Hall should extend right to the site boundary to provide an adopted highway link to this land without a ransom strip.
  - There are several sections of missing footway
  - The maximum number of houses off a private drive is five
  - The maximum number of houses off a Type 3b street (shared surface with no footways) is 10
  - Provision must be made for visitor parking across the development including the private drives and Type 3a & b streets (see the LCC Street Design Guide for further detail)
  - Several units seem to lack any off street parking
  - There are no garages at all shown on the plan which is unlikely to be the case at Reserved Matters – to count as parking spaces garage must have internal dimensions of 3m x 6m
  - The pedestrian / cycle link and emergency access to Scotchman Lane must have a hard surfaced width of 3m with appropriate vehicular restraint measures
  - Any row of terrace housing should have provision for bin and cycle storage



**In light of the above do members have any concerns in respect of highway safety?**

Travel Plan

- 10.31 A travel plan has been submitted and is with the Travelwise for comment. This will need finalizing and agreeing prior to any planning approval. The Travel Plan will be secured via the s106 with an appropriate Review fee.

Transport Assessment

- 10.32 The application is accompanied by a Transport Assessment. The trip rates and distributions had been agreed at the pre-application stage. The modelling of the signalized junctions of Bruntcliffe Road with Howden Clough Road and Scotchman Lane has been sent to UTC for checking and comment.
- 10.33 The TA submitted in support of this application shows an existing capacity issue at the Bruntcliffe Road / Howden Clough Road junction which is made worse with the addition of development traffic. The Council has an improvement scheme for the junction which involves the addition of MOVA control and the provision of a new left turn filter lane from Bruntcliffe Road to Howden Clough Road. Given the development impact on this junction in both peak periods this improvement scheme is required as mitigation and should be secured by condition.
- 10.34 The Highways Agency is considering the impact of cumulative development on the operation of M62 J27. A mitigation scheme has been drawn up and it is likely that this development will be required to pay a pro-rata contribution towards the works.
- 10.35 The applicant has submitted a Transport Assessment which demonstrates that the local junctions are close to or already over capacity at peak periods. The modelling work is being checked by UTC, but it has already been identified that mitigation work will be required at the Angel junction. A cumulative impact will also be required of this development with other pending applications in the locality with the HA considered J27 of the M62. However, it has to be noted that the site is allocated for residential use and that the developer can use spare capacity with the network and beyond that provide a nil detriment solution. Further comments will be provided in due course on the Highways capacity impact.

Highway conditions/Section 106 Agreement

- 10.36 Conditions will be required in terms of the site access and off-site highway works on Bruntcliffe Road (to include the Angel junction).
- 10.37 A s106 will be required to secure:
- bus stop improvements as identified by Metro
  - travel plan and review fee
  - public transport contribution (a separate consultation response will follow on this)
  - any Highways Agency requirement to provide contributions to works at M62 J27

Highways conclusion

- 10.38 There are no objections to the principle of residential development at this site subject to the appropriate mitigation works being secured.

Public Transport Improvements and developer contributions

- 10.39 The proposed development will generate a large number of trips, a proportion of which will have to be accommodated on the public transport network. Under the terms of the SPD guidance, a financial contribution proportionate to the travel impact of the scheme will be required towards the cost of providing the strategic

enhancements needed to accommodate the trips. A contribution of £1226 per unit has been calculated. This would need to be included in a Section 106 Agreement.

#### 10.40 Public Transport

There are several bus services running next to the development serving various locations including; Morley, Batley, Dewsbury etc. There are also more services nearby. The frequent bus service between Morley and Leeds (First 51) starts/finishes at Morley Town Hall in the town centre 1500 metres (a mile away). A less frequent service to/from Leeds serves the Bruntcliffe Road/Britannia Road area. The 221 service runs on Scotchman Lane with stops directly adjacent to the proposed pedestrian access to the site. Therefore the very large majority of the site is served by two buses per hour to Leeds from Scotchman Lane that fall within the 400m walk distance. An additional two buses per hour are available from Fountain Street which is approx 630m from the centre of the site.

Metro advise that bus stop numbers 11462, 11463 and 11467 should have shelters installed at a cost to the developer of around £10,000 each This payment also includes maintenance of the shelter. These new shelters would benefit the residents of the new development. The shelters should include seating, lighting and bus information and should be provided by a contractor of Metro's choosing.

10.41 Future residents would benefit if one of Metro's new 'live' bus information displays were to be erected at each of the above named bus stops at a cost of approximately £10,000 each (including 10 years maintenance) to the developer. The displays are connected to the West Yorkshire 'real time' system and give accurate times of when the next bus is due, even if it is delayed.

10.42 Metro supports the provision of Residential MetroCards for this application. The scheme requires the applicant to provide discounted tickets to a number of units on the site on a first come first served basis. Our research suggests that in instances where the tickets are applied for, the use of public transport increases for both existing bus and car users. Metro requests that the developer should fund a Bus Only Travel Card for each resident. The current price to the developer is £73,154.40. This includes a 10% fee for the administration of the scheme. These contributions are under negotiation and Members will be up-dated on this when the application comes back for determination.

**Do members consider that the public transport measures identified above should be included within the Section 106?**

#### Noise intrusion

10.43 This outline application is for a residential development on land at Bruntcliffe Road in Morley. It is a mixed use area and is in close proximity to an industrial estate, the M62 and the A650. Of the four locations measured at the site, N1 was category (PPG24 Noise Exposure Category Descriptions) NEC D and N2, N3 and N4 were all NEC C at night time.

10.44 Internal noise levels can be achieved with the glazing specification stated but the windows would have to remain closed. Outside enjoyment of gardens would not be achieved as noise levels will not be acceptable despite the screening that the buildings may provide to rear gardens as all the measured locations exceeded the maximum WHO guidelines of 55 dB. The initial noise report does not specify the type of ventilation system the houses will require. Should this application be approved, each dwelling would have to be provided with a whole house ventilation system that also allowed for cooling without the need to open windows. This would

be costly for not only the developer but also for the householder in terms of running costs especially in the summer months.

- 10.45 Originally, Neighbourhoods & Housing Officers stated they would support refusal as this site did not appear to be suitable for residential development. However, a revised indicative layout has been submitted which provisionally deletes dwellings on a 40m strip of land adjacent to the M62, and a revised Noise Assessment has also been submitted, and is under consideration by Neighbourhoods & Housing Officers. The note on the plan within this 40m strip states “Extent of development in this area to be determined at Reserved Matters stage through additional noise and air quality monitoring’. Plans Panel will be up-dated on this issue when the application is brought back for determination.

#### Air quality

- 10.46 The issue of air quality is similar to the issue of noise above. The advice from Environmental Officers is that if the layout is amended to address the concerns at noise intrusion, this is also likely to address the issue. Plans Panel will be up-dated on this issue when the application is brought back for determination.

#### Impact on Landscape and Ecology

- 10.47 There are a limited number of hedgerows (some of which are gappy) on the site but these are important wildlife features and the detailed landscaping scheme should seek to retain and enhance these and their connectivity across the site. It is noted that at least one section of hedgerow will be removed – to offset this there should be more emphasis on protecting and improving the hedgerows on the western, southern and eastern boundaries with additional planting of native species of shrubs and trees to benefit wildlife. The housing to the south-east is too close to the motorway and instead should be set back to provide an additional area of land to be established as a buffer zone and to develop wildlife value i.e. the POS should be extended eastwards parallel to the boundary of the motorway – and managed to develop native scrub and areas of wildflower grassland as well as amenity grassland. The provision of a 40m wide buffer zone (to deal with noise and air quality issues) is therefore supported.
- 10.48 The bat report submitted by the applicant proposes that the demolition works to the farm buildings are carried out in line with “Appendix 1: Protocol For Working in Areas That Might Support Bats” and this is acceptable to Officers.
- 10.49 It is recognized that this is an outline application only and that therefore the submitted scheme is illustrative only. Nonetheless, the following comments are made as guidance for potential future development:
- 10.50 The northern boundary abuts the main highway corridor. Development adjoining this boundary needs to reflect local context. Stone boundary walling and vegetation, including trees are the local character.  
Existing trees and other vegetation on the boundary. These are identified in large part as Category C in the submitted Tree Survey. Consideration should be given to retention and/or replacement to continue the ‘green’ boundary to Bruntcliffe Road typical of the local context.  
Boundaries to the adjacent Masonic Lodge should allow for amenity screening in the form of additional vegetation to boundaries, restoring remaining hedgerow / planted boundary treatments (in association with walling / fencing).

- 10.51 Amenity of adjacent area of allotments to be protected and enhanced with new boundary planting to supplement and restore remaining thorn based hedgerow. Develop as locally-native species field boundaries, including tree species. Eastern boundary needs to respect the amenity of existing residential properties. Again vegetated amenity screening required to soften and enhance any intended walling or fencing proposals. Southern boundary to motorway corridor and open land beyond should reflect UDP Policy N24 in providing an enhanced landscape provision to assimilate new development. Planting design will need to work in conjunction with any noise attenuation requirements. Preference will be for substantial locally-native mixed species planting including trees, to maximize biodiversity benefits as well as providing visual screening. Proposed western boundary 'buffer zone' needs to provide adequate separation and screening to potential future industrial development. Substantial screen planting of locally-native mixed species required, including trees to create woodland buffer. Biodiversity benefits to be maximized as well as screening for residents.
- 10.52 Existing trees and hedges largely restricted to boundaries. The submitted tree survey generally assesses these to be of variable quality. Trees are largely judged to be Category C, with only 2 no. category C. hedgerows have not been well managed and are gappy in consequence. Proposals should seek to retain where feasible and supplement to restore lost vegetation value. Restored hedgerows can provide enhanced biodiversity habitats, as part of an overall well-considered and integrated landscape scheme for the site. Long-term management of landscape provision outside of private curtilages will be required. Boundary and buffer zone planting areas will be expected to be managed collectively by a suitable long-term management company, rather than being conveyed to individual property owners. This allows for a more effective and consistent level of long-term management. The existing north-south footpath link retained but might benefit from greater separation from the main estate road, rather than a shared residential footway. The same applies east-west, although the site development layout as proposed limits what can be achieved here.

#### Residential Amenity

- 10.53 Detailed considerations of privacy, dominance, overlooking, etc will be dealt with at reserved matter stage. However, it is considered that the site can be developed without causing harm to the amenities of nearby residents and whilst providing a suitable level of amenity for the prospective occupiers of the new development. Matters in relation to noise and air quality have been discussed above. Additional pedestrian movements will take place onto Scotchman Lane, as an emergency access is proposed between houses. It is considered that the existing gap on Scotchman Lane is sufficient to allow this access without adversely impacting upon adjoining residents.

#### Flood Risk Management

- 10.54 A Flood Risk Assessment has been submitted, and the Council's Flood Risk Management Section, the Environment Agency and Yorkshire Water raise no objections subject to conditions. It appears that soakaway drainage will be satisfactory without water affecting lower lying land (including the M62 motorway).

#### Affordable Housing requirements

- 10.55 The application proposes 15% affordable housing provision on site in accordance with the adopted Interim Affordable Housing Policy. Affordable Housing

provision is in the form of a 50/50 mix of social rent and shared equity properties. This site has not been subject to any previous applications/decisions.

- 10.56 In relation to the application site the Interim Policy applies a requirement of 15% affordable housing (a reduction from the SPD figure of 30% applied to the application and from the 30% figure of the previous Interim Guidance adopted in July 2008). The requirement for a 50/50 mix of social rent and shared equity is unchanged.
- 10.57 The Policy indicates that permissions granted will normally be time limited to 2 years. The proposed Section 106 would have a clause which states that if not commenced within 2 years, the requirement will revert to the policy at the time that the site comes forward for development. On a site of this size it is expected that there would be a phasing plan against which the Affordable Housing requirement will be tied into.

#### Greenspace

- 10.58 The applicant is to enter into a Section 106 agreement to lay out an area of the site as Public Open Space. Any such greenspace will be a matter for detailed consideration at a later stage, and a Section 106 Agreement will be required in this respect.

#### Education contribution

- 10.59 Children's Services have advised as follows:  
In Morley there remains up to a form of entry (30 places per year group) short in reception places up to 2015 (the youngest cohort for which there is data). We are currently consulting on a proposal which would take us up to 382 places between the schools in the area. Births for the cohorts due to enter reception in 2013 to 2015 are 411, 402, 398. There are a number of planning applications that will add demand on top of the birth data reported. The nearest primary school is Fountain Primary.
- 10.60 In the South wedge, including Morley Academy, Bruntcliffe, Woodkirk, Rodillian, Royds, Cockburn and South Leeds Academy, projections exceed the current year 7 admission limit of these schools (352, 240, 300, 210, 220, 210, 210, total 1642) by 2014. The projections are based on the current primary school cohorts, and for 2013 to 2017 are 1638, 1707, 1780, 1829, 1880. Admission of these known cohorts will mean that we have exceeded current capacity. The nearest school is The Morley Academy.
- 10.61 Childrens Services, therefore, have requested full contributions for both primary and secondary for this development. The calculation will follow the usual formula:
- Primary: at 168 (no. family dwellings) X £12,257 (cost multipliers) X 0.25 (yield per pupil) X 0.97 (location cost) = £499,350.18  
Secondary: at 168 (no. family dwellings) X £18,469 (cost multipliers) X 0.10 (yield per pupil) X 0.97 (location cost) =£300,970.82  
Total: £800,321

- 10.62 The applicant has agreed to pay this contribution.

#### Employment clauses

- 10.63 It is expected that a site of this size will include local employment clauses / training initiatives during construction within the Section 106 agreement.



**Are Members satisfied that the proposed heads of terms of the Section 106 addresses all relevant matters?**

**11.0 CONCLUSION**

11.1 The proposed development generally accords with the housing allocation within the adopted UDP and will bring forward housing delivery on a greenfield site. There are recognised concerns about traffic generation, the development not being strictly in accordance with the plan and impact from traffic noise, amongst other issues. Planning conditions and obligations, contained within a draft Section 106 Agreement, are proposed to mitigate against some of these difficulties.

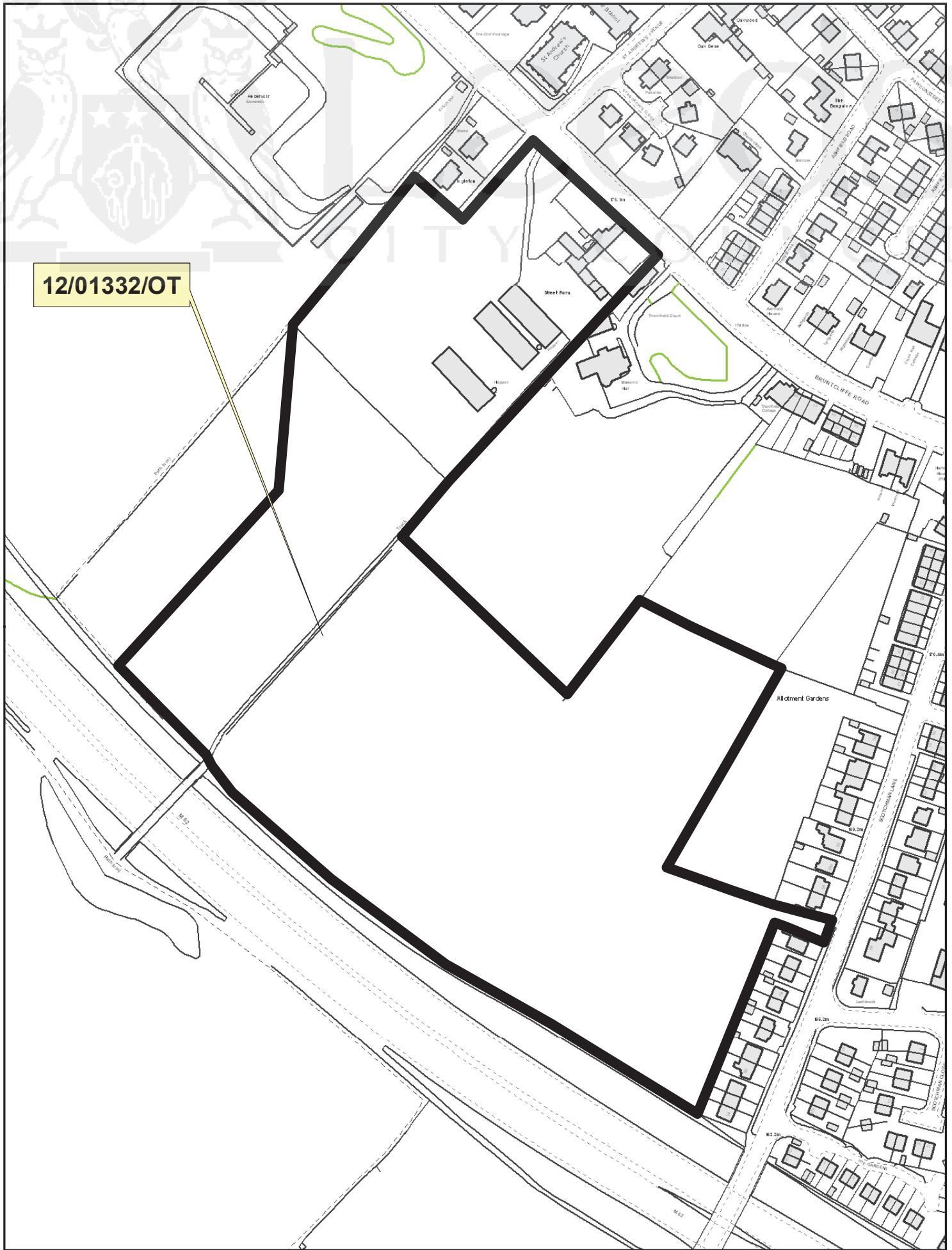
11.2 The application is made in outline to approve the principle of development with access only. At this stage of the application, Members' views are requested. Specifically:

- (1) Do Members have any concerns about the principle of the development of that part of the site that falls outside of the UDP housing allocation?
- (2) Do Members consider that the indicative layout and scale of development has sufficient regard to the prevailing character of the area?
- (3) Are Members satisfied that the location of the proposed access is the most appropriate in the circumstances?
- (4) In light of the above do members have any concerns in respect of highway safety?
- (5) Do members consider that the public transport measures identified above should be included within the Sec.106?
- (6) Are Members satisfied that the proposed heads of terms of the Sec.106 addresses all relevant matters?

**Background Papers:**

Application and history files

Certificate of Ownership:



12/01332/OT

# EAST PLANS PANEL

This page is intentionally left blank



FOR DETAILS OF  
ACCESS JUNCTION  
PLEASE SEE  
I-TRANSPORT DRAWING:  
ITM 7172 - GA - 011 REV A



FOOTPATH / CYCLEWAY WITH  
PROVISION FOR EMERGENCY  
VEHICLE ACCESS

NB: Extent of development in this area  
to be determined at Reserved Matters  
stage through additional noise and  
air quality monitoring

CLIENT:  
**BARRATT HOMES**

PROJECT:  
**BRUNTCLIFFE ROAD, MORLEY**

DRAWING OF:  
**INDICATIVE MASTERPLAN**

DRAWN BY:  
**BMS**

SCALE:  
**1 : 1250**

DATE:  
**FEB.2012**

ARCHITECTURAL DESIGN  
TOWN PLANNING  
LANDSCAPE ARCHITECTURE  
**John R Paley Associates**  
www.jpassoc.co.uk, tel - 01924 383322



This page is intentionally left blank



Originators: Clive Saul and  
Max Rathmell  
Tel: 0113 2478156

## Report of the Chief Planning Officer

### PLANS PANEL (EAST)

Date: 9<sup>th</sup> August 2012

Application No: 11/03705/FU

**Subject: UPDATED POSITION STATEMENT: Energy Recovery Facility (incineration of waste and energy generation), associated infrastructure and improvements to access and bridge on site of the former Skelton Grange Power Station**

**APPLICANT**  
*Biffa Waste Services*

**DATE VALID**  
*27 September 2011*

**TARGET DATE**  
*17 January 2012*

#### Electoral Wards Affected:

Burmantofts & Richmond Hill  
City & Hunslet  
Beeston and Holbeck



Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

### RECOMMENDATION:

Members are requested to:-

- (i) Note the contents of this further statement;
- (ii) Raise any issues appropriate to the Environment Agency (officers attending);
- (iii) Raise any outstanding design issue (officer attending);
- (iv) Identify any remaining planning issues which they think need to be incorporated into the determination report.

### 1.0 INTRODUCTION:

1.1 The purpose of this report is to provide Members with further information on the key issues raised at the 23<sup>rd</sup> February 2012 Panel meeting in relation to the proposals for an Energy Recovery Facility (ERF) / incinerator on the site of the former Skelton Grange Power Station, clarify the status of the Natural Resources and Waste Development Plan Document and to reflect on additional consultation.

1.2 The outcome of the meeting of 23<sup>rd</sup> February was:-

- To note the report and the comments now made;



- To note the responses provided by Panel on the specific questions posed in the report and that further information on these matters be provided;
- That further information be provided on the amount and type of waste being produced by the city to ensure there would not be over capacity in view of a similar proposal at Cross Green;
- That officers seek clarification from Biffa on the capacity of their proposed ERF; the intended use for this and whether there was the capacity to cater for the Council's household waste within this development;
- That a further report be submitted to Panel providing the information requested, in due course.

1.3 The response to the matters raised above and to other questions raised at the meeting begins at para. 10.2. As can be seen the principal issue relates to whether there would be sufficient waste arisings available within Leeds for this ERF, whilst taking into account the other municipal facility proposed (the subject of a planning application (12/02668/FU) by Veolia E.S. Leeds Ltd). The section on 'Need' begins at 10.4, which includes discussion on the capacity identified in the Natural Resources and Waste Development Plan Document.

1.4 Due to changes in the composition of Plans Panel (East) since the previous position statement was presented, elements of that report are repeated in the first part of this report, for ease of reference.

1.5 This report is presented subsequent to several earlier reports presented to Members of Plans Panel (East), including:

- Pre-application presentation by the applicants (5<sup>th</sup> August 2010);
- Update report presented by officers (20<sup>th</sup> January 2011);
- Presentation by the Environment Agency (20<sup>th</sup> January 2011);
- Position Statement presented by officers (23<sup>rd</sup> February 2012).

1.6 A visit to the Sheffield ERF site was attended by both officers and Members on 11<sup>th</sup> November 2010.

1.7 The proposals fall under Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The application is accompanied by an Environmental Statement.

## **2.0 SUMMARY OF THE PROPOSAL:**

2.1 The proposal comprises an Energy Recovery Facility (ERF) utilising incineration as the method of waste treatment.

2.2 The application area lies within part of the former Skelton Grange Power Station site. The power station and cooling towers were demolished in the early 1990s. The site has since remained in a disused state.

2.3 The facility would accept non-hazardous commercial and industrial waste. Should the need arise, the facility would also be able to accept municipal waste, but only in substitution for other wastes.

2.4 The application site area extends to approximately 9 hectares.

2.5 The dimensions of the proposed ERF building are:-

- length – 175m;
- width – between 22m and 69m;
- height (turbine & tipping hall roofs – end sections) – between 17m and 43.6m;
- height (apex of the boiler hall roof – central section) – 48.9m;
- flue stack height – 90m.

2.6 The ERF building would comprise:-

- waste reception hall with storage bunker, shredder and a waste feed system tipping hall;
- fuel reception bunker – waste storage;
- boiler hall with grate, combustion chamber and a heat recovery boiler;
- turbine hall with steam turbine for generating electricity – energy recovery;
- transformer and substation compound to step the power up from 11kV prior to power export;
- flue gas treatment hall with equipment to clean combustion gases;
- facility for discharging and loading air pollution control (APC) residue silos and other ancillary equipment;
- two chimney stacks to discharge the treated flue gas into the atmosphere;
- ancillary areas, control room, Central Processing Unit (CPU) room, bulky and light storage areas and electrical room, workshops etc.;
- offices for the staff of the ERF.

2.7 In addition to the above, provision for the following elements is proposed within the site:-

- air cooled condensers (ACC) for cooling the recycling steam from the generating process;
- ancillary accommodation for staff welfare such as changing, showers etc.;
- a staff and visitors car park with space for a coach and minibus standing;
- covered cycle spaces to encourage a reduction in car use;
- weighbridges and gatehouse, to allow adequate queuing length off the public highway. These facilities would be staffed when necessary;
- storage for the collection, recycling and rainwater runoff attenuation measures;
- site access roads with lighting, footpaths and vehicle manoeuvring areas;
- site remediation, excavation, filling and profiling;
- security fencing;
- hard and soft landscape works designed to provide mitigation and enhancement of natural biodiversity within the site; and
- an education / visitor centre.

2.8 The Air Cooled Condensers (ACCs) would be located to the rear of the ERF building. The (ACCs) would be screened by a perforated metal mesh structure to complement the ERF building's form and would have dimensions as follows:-

- length – 37m;
- width – 36m;
- height – between 22.4m and 27.8m.

- 2.9 The facility has been designed to accept up to 300,000 tonnes of residual C&I waste per annum. Much of this waste stream is currently being tipped at the applicant's Skelton Landfill site which lies 2.5km to the east of the power station site.
- 2.10 Access to the facility would be via Skelton Grange Road to the south of the site (from Stourton), using the existing bridge over the River Aire and Aire and Calder Navigation. The applicant is proposing structural improvements to the bridge as part of the proposal, along with improvements to pedestrian and cyclist access.
- 2.11 The facility would generate up to 30MW of electricity and output 26MW to the national grid, equivalent to the demand of 52,000 households. The remaining 4MW would power the plant itself. The facility would also have the capacity to provide heat to local businesses as part of a Combined Heat and Power scheme (CHP).
- 2.12 It is anticipated that around 40 jobs would be created from the proposed development, once operational (around 300 jobs would be created during the construction period).
- 2.13 The proposals include the removal of the existing large piles of rubble arising from the demolition of the former power station.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is part of the former Skelton Grange Power Station, built in the 1950s and since decommissioned and demolished. The former floor slab remains as broken and degraded concrete hardstanding with naturally invading vegetation. The area of the former cooling towers is mainly covered with grassland vegetation, with the bases of the cooling towers remaining as concrete hardstanding. Stockpiles of demolition materials also remain.
- 3.2 The character of the area immediately around the site is largely industrial. The site lies to the south-east of Cross Green Industrial Estate and adjacent to the Knostrop Waste Water Treatment Works (WWTW). To the east is an extensive area of open land, allocated for employment use, which extends up to the boundary with the M1 motorway (which lies 1km to the east of the site). A substantial area of this land also has outline planning permission for industrial and warehouse development. The River Aire and Aire and Calder Navigation run north-west to south-east beyond the south-western boundary of the site, with the Trans Pennine Trail running in-between. A National Grid substation lies immediately to the west of the site boundary, with Skelton Grange Environment Centre beyond.
- 3.3 The residential areas of Halton Moor, Osmondthorpe, Richmond Hill and East End Park are located approximately 1.5km to the north of the site. Stourton lies to the south of the site and river, with Belle Isle and Middleton lying beyond to the south-west, around 2km from the site. Hunslet lies around 1.3km to the west. The northern fringes of Rothwell and the eastern fringes of Beeston lie 1.8km to the south and 3.5km to the west respectively.
- 3.4 The listed buildings of Thwaite Mill and Temple Newsam lie some 500m to the west and 2.5km to the north-east respectively.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 The site was formerly part of the coal-fired Skelton Grange Power Station. The power station and its associated infrastructure has since been demolished.
- 4.2 Outline planning permission for B1(c) / B2 / B8 (General Industrial / Storage Distribution Use Classes) was granted over a 24 hectare area in 2007 (ref. 21/279/05/OT). This includes the proposed ERF site, which measures 9 hectares and is situated to the north-western side of the wider site. All matters were reserved apart from access. Therefore, the application currently under consideration would not conflict with this extant proposal.
- 4.3 This 2007 outline permission relates to the whole of the land owned by RWE, basically the whole of the power station site. This permission requires improvement works to be carried out as part of the wider 24 ha development. For example the phasing of the development, details of boundary walls and fences and construction of roads. Condition 7 of this permission specifically seeks on and off site improvements in accordance with approved plans which includes improvements to Skelton Grange Bridge; Skelton Grange Road; Junction 7 of the M621; Junction 44 of M1; and Junctions of Thwaite Gate/Pontefract Road, Skelton Grange Road/Pontefract Road, Queen Street/Pontefract Road and Queen Street/Wakefield Road.

## **5.0 HISTORY OF PROPOSAL AND NEGOTIATIONS:**

- 5.1 The applicants made a presentation to Plans Panel (East) on 5<sup>th</sup> August 2010. The main issues raised by Members following the presentation related to:-
- HGV movements associated with the facility;
  - where the waste would come from;
  - how the site would be regulated and controlled;
  - community consultation;
  - relationship with the Council's PFI scheme;
  - community benefit fund and;
  - impact upon the health of surrounding communities.
- 5.2 Officers and the applicants provided responses and clarification to Members' questions.
- 5.3 Some Members also expressed a wish to visit a comparable facility to enable the process to be understood better. A visit to Sheffield's ERF took place on the 11<sup>th</sup> November 2010 and was attended by several Members and officers. The plant manager provided a comprehensive overview of the process involved and his experiences with running the site. Visitors were shown round the plant.
- 5.4 To further assist Members, at the January 2011 Panel, the Environment Agency provided Members with an overview of their role in the Permitting of such facilities. The presentation and subsequent questions and answers session was very helpful in gaining an understanding of the process. {Permitting is the name given to the EA's regulatory process}.
- 5.5 In terms of community consultation, the applicants held a public exhibition at the Leeds College of Building in Stourton (18-19<sup>th</sup> June 2010). Approximately 5,000 leaflets were distributed to residents and businesses in the surrounding area in advance of the exhibition. The leaflet was also sent to Members of the Planning Panels and Members of nearby wards.

- 5.6 Officers from the Mineral & Waste Planning, Design, Environmental Health, Policy, Highways and Landscape teams have previously held meetings with the applicants to advise on the Council's general requirements as to the scope of the Environmental Impact Assessment.
- 5.7 A meeting was held with the Environment Agency and the applicants in December 2011 to discuss the Environment Agency's objection relating to the potential for impact upon groundwater. Following the submission of further information from the applicant, the Environment Agency has withdrawn its objection.
- 5.8 Officers have also met on several occasions with the applicants to discuss the potential for refinements to the design of the proposed facility.
- 5.9 Officers presented a Position Statement to Members of Plans Panel (East) on 23<sup>rd</sup> February 2012, providing an update on the progress of the application. The report requested feedback from Members on various issues. An extensive discussion was held during the meeting. This report provides information focusing on those issues raised by Members.

## **6.0 PUBLIC / LOCAL RESPONSE:**

### **Advertising (October 2011)**

- 6.1 The application was advertised in the Leeds Weekly News on 13<sup>th</sup> October 2011 and the 3<sup>rd</sup> November 2011. Site notices were posted on 7<sup>th</sup> October 2011. Four objection letters have been received. Issues referred to include:-

- Principle of incineration;
- Impact upon recycling;
- Impact upon human health and air quality;
- Unpleasant aroma in Garforth;
- Cumulative effect of emissions with other industrial plants;
- Emissions from the stack should be designed to result in a total neutral discharge;
- No account taken about safeguarding health & welfare of residents should a major incident occur such as a fire breaking out or explosion taking place;
- No reference to the provision of incorporating monitoring stations to be set up in and around residential areas including Garforth;
- Public information should be available on an internet website on a daily basis to inform residents on the plant's performance in safety terms;
- Weir downstream should be removed;
- Over capacity;
- Traffic impact;
- Visual impact.

### **Advertising (submission of EIA Regulation 22 Information – April 2012)**

- 6.2 The additional information received following the Council's Regulation 22 Request was advertised in the Leeds Weekly News on 19<sup>th</sup> April 2012. Site notices were posted on 20<sup>th</sup> April and 4<sup>th</sup> May 2012. A further letter from a previous objector was received in addition to a letter from Leeds Friends of the Earth, following the advertising of the receipt of this information. Additional issues referred to include:-

- Flood Risk and potential contamination;
- Facility should be sited at Skelton Landfill site;



- Development has failed to meet the challenge of climate change – all building surfaces should be covered with solar panels;
- No justification provided that incineration is Best Practical Environmental Option;
- FoE is unconvinced that current permissible emission levels are adequate. Council should be satisfied that the plant is ‘future proofed’ in terms of emission levels.

## **7.0 CONSULTATION RESPONSES:**

### **7.1 Statutory (responses further to receipt of additional information)**

- 7.1.1 *British Waterways*: No objection, subject to conditions.
- 7.1.2 *Coal Authority*: No objections - the application site does not fall within the defined Coal Mining Development Referral Area.
- 7.1.3 *English Heritage*: Recommend that off site planting is considered to assist with preserving the setting of Thwaite Mill and that the application is assessed in accordance with national and local planning policy.
- 7.1.4 *Environment Agency*: No objections raised subject to detailed conditions. Would encourage the improvement of fish passage at Skelton Grange weir.
- 7.1.5 *Highways Agency*: No objection subject to conditions relating to construction traffic management plan and limits to HGV numbers accessing the site during peak hours for the duration of the construction period.
- 7.1.6 *Natural England*: No objection following receipt of additional information.
- 7.1.7 *Yorkshire Water*: No objection subject to water mains within site being diverted under s.185 of the Water Industry Act 1991 (at the applicant’s expense).

### **7.2 Non-statutory (responses further to receipt of additional information)**

- 7.2.1 *Aire Valley Leeds Programme Team*: The current application does not appear to provide details on the potential transport and other implications from the future development of surrounding sites in order that informed decisions can be made on what enhancements may be needed to the access road and bridge.
- 7.2.2 *Arqiva (TV reception)*: No objection.
- 7.2.3 *Access*: No objection subject to confirmation of minor details.
- 7.2.4 *Contaminated Land*: No objections subject to conditions and directions being applied.
- 7.2.5 *Health Protection Agency*: No objection to the proposals. Detailed comments on the specifics of the proposed facility will be supplied to the Environment Agency, as part of the requirements of the Environment Permit regime.
- 7.2.6 *Highways*: The proposal is acceptable in principle. Further information is required regarding the bridge improvements, the impact of the traffic from the whole site and the impact of the construction traffic on the surrounding road network. Conditions are recommended.
- 7.2.7 *Leeds Bradford International Airport*: No objection, subject to condition.
- 7.2.8 *Mains Drainage*: No objection in principle. Further information is required to support the flood risk assessment and to fully show the proposed drainage arrangements.
- 7.2.9 *Nature Conservation*: No objection.

## **8.0 PLANNING POLICIES:**

- 8.1 The site is currently allocated for employment use under policy E4.44 of the adopted Unitary Development Plan.
- 8.2 The Natural Resources and Waste Development Plan Document (NRWDPD) identifies the site for strategic waste management use. It did so after an exhaustive

site selection process which looked at potential sites across the whole of Leeds. The Plan is now at a very advanced stage, awaiting the Inspector's final report.

8.3 The following are the principal documents that are relevant to the determination of this planning application:-

- Leeds Unitary Development Plan (Saved Policies);
- Yorkshire and The Humber Plan (Regional Spatial Strategy) 2008 (RSS);
- Draft Natural Resources and Waste DPD and Schedule of Changes;
- Draft Aire Valley Area Action Plan DPD;
- National Waste Strategy;
- Planning Policy Statement 10 (Planning for Sustainable Waste Management);
- Planning Policy Statement 10 (Update March 2011);
- Planning Policy Statement 10 (Companion Guide);
- National Planning Policy Framework (NPPF);
- Technical Guidance to the National Planning Policy Framework (NPPFTG);
- The National Waste Strategy for England (plus Annexes) (WS2007);
- Government Review of Waste Policy in England 2011;
- Designing Waste Facilities (DEFRA).

8.4 The following legislation and guidance is also relevant to varying degrees:-

- European Union Waste Framework Directive (75/442/EEC amended 91/156, 91/692 and 96/350);
- European Union Council Directive 1999/31/EC of 26 April 1999 on the Landfilling of Waste;
- European Union Council Directive on Integrated Pollution Prevention and Control (IPPC) (2008/1/EC);
- European Union Waste Incineration Directive (2000/76/EC);
- European Union Directive on Industrial Emissions (2010/75/EU);
- European Union Directive 2006/12/EC of the European Parliament and of the Council on Waste;
- European Union Directive 2008/98/EC of the European Parliament and the Council of 19 November 2008 on Waste;
- The Landfill (England and Wales) Regulations 2002;
- Environmental Permitting (England and Wales) Regulations 2010;
- The Waste (England and Wales) Regulations 2011;
- The Community Infrastructure Levy Regulations 2010;
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2011;
- Climate Change Act 2008;
- Landfill Allowance Trading Scheme (LATS);
- EU Directive 2009/28/EC of the European Parliament and Council on the promotion of the use of energy from renewable sources (amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC); and
- Leeds Waste Strategy 2005 – 2035 (2006).

## 9.0 MATTERS FOR CONSIDERATION:

- Principle of development;
- Plans Panel (East) Meeting 23<sup>rd</sup> February 2012;
- Community Consultation;
- Need;

- Air Quality & Health;
- Regulation & Monitoring;
- Transport;
- Design, appearance, siting and scale of facility; and
- Section 106 Agreement.

## 10.0 DISCUSSION:

### 10.1 Principle of development

#### Development Plan and Emerging Policy

10.1.1 The proposals should be considered in the context of both national planning policy and the Development Plan, which at the time of writing includes the Leeds Unitary Development Plan (Review 2006) (UDP), the Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 (RSS) and any material guidance contained in the emerging Local Development Framework (LDF). The emerging LDF includes the “Natural Resources and Waste” and the “Aire Valley Area Action Plan” Development Plan Documents (DPD). Neither of these documents have as yet been adopted but constitute material considerations in the determination of planning applications. The NRWDPD has undergone Examination in Public (November 2011), whilst the Aire Valley Area Action Plan remains in draft form. Policy Energy 3 in the council’s NRWDPD says that low carbon energy development will be supported in principle and it does not require need to be demonstrated.

10.1.2 The Publication Draft of the Core Strategy was issued for public consultation on 28<sup>th</sup> February 2012 with the consultation period closing on 12<sup>th</sup> April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only very limited weight can be afforded to any relevant policies at this point in time.

#### National Planning Policy Framework

10.1.3 The National Planning Policy Framework (NPPF) does not deal with waste policy specifically, but para 98 says that in relation to low carbon energy developments it is not necessary for applicants to demonstrate a need. PPS10 Waste Policy continues in force as the principal national planning policy advice.

### 10.2 Plans Panel (East) Meeting of 23<sup>rd</sup> February 2012

10.2.1 For ease of reference the minutes and resolutions of the previous meeting are reproduced below (at 10.2.4). Summary clarification of points is provided in bold.

10.2.2 Members questioned officers on a range of issues and received the following information:

- that details of the total tonnage of Biffa’s waste collected in Leeds annually could be provided in a further report – **details are provided within the section entitled ‘Need’**;
- that the total annual amount of waste received at Biffa’s landfill site had decreased from around 500,000 tonnes to about 300,000 tonnes per annum in recent years. In terms of waste arisings, extensive research to support the

NRWDPD had been undertaken. The NRWDPD had recently undergone public examination and would provide the basis on which the Council would need to assess the application – **actual figures for waste delivered to landfills within Leeds over recent years is provided within the section entitled ‘Need’.** **These figures show that over the last three years, waste delivered to Peckfield Landfill has been between 300,000 – 400,000 tonnes per year and Skelton Landfill has been between 400,000 – 500,000 tonnes per year;**

- the capacity of the vehicles transporting the waste to the ERF from customers would generally be 10 tonnes, with the larger, 44 tonne vehicles being used to transport the bottom ash away from and to deliver bulked up waste to the site. There would be about 90 HGVs arriving and leaving each day mainly between 9am – 4pm, although the plant would operate for 24 hours per day;
- regarding the sorting practices of other waste operators and that small skip operators can recycle up to 80% of the waste collected and that the remainder was sent to landfill. The total residual waste arising is approximately 350,000 – 500,000 tonnes per annum as set out in the NRWDPD and that Government policy is to impose fines on landfill, so alternative methods of dealing with residual waste have to be found and that there are over 1.2 million tonnes of commercial and industrial waste arisings within Leeds per annum;
- that another waste operator in Leeds (Leeds Skips Services) indicated a 75% recycling level could be achieved on the waste they collected and that officers should view this plant. The Principal Minerals Planner who presented the report stated he was aware of the site and the recycling levels as it was one which was monitored by the Council – **it should be clarified that this site does not accept the same types of waste as the ERF proposed. The Leeds Skips Services site accepts primarily construction and demolition wastes;**
- that the Environmental Permit which would need to be issued by the Environment Agency would exclude types of waste which could be recycled, so ensuring all materials which are capable of being recycled, are recycled. Furthermore, economic driving forces ensured operators supported recycling measures. The average gate fee to ERFs is around £73 per tonne as opposed to £15 per tonne for a recycling centre. Landfill gate fees are on average £76 per tonne which comprised £20 gate fee and the remainder landfill tax – **this tax will rise to £80 per tonne in 2014;**
- in terms of sorting the waste, it would be the customer’s responsibility to do this. Concerns were raised about the financial incentives to sort waste, however it was felt that customers would be most unlikely to want to pay the additional costs to send recyclable materials to an ERF;
- that Biffa had planning permission to erect a large materials recycling facility at Gelderd Road Beeston (adjacent to the British Oxygen depot) where the recycling side of the business would take place;
- there would be storage capacity at the ERF for 5 days worth of waste and as there would be two lines in operation, there was the possibility of operating one whilst carrying out maintenance on the other;
- that the height of the wind turbine which was granted permission on the Yorkshire Water Sewage Works was confirmed at 125m – blade tip height – and 80m – hub height;

- in terms of the footpath on the south side of the river, the proximity of the Trans-Pennine trail was outlined and that the applicants were looking to improve access by improving the existing spiral access; providing a footway and cycle path along the existing bridge, with the potential for re-routing the Trans-Pennine trail past the site and along the northern bank of the Aire and Calder Navigation. The work beyond the site would need to be completed as future development came along. This would make it more accessible and would form part of the S106 Agreement;
- officers confirmed that no surface water would be discharged from the plant;
- that the plant is designed to be 'CHP Ready' in accordance with Leeds policy Energy 3 but until consumers for the heat come forward the ERF would only produce electricity.

#### 10.2.3 Members commented on a range of issues, including:

- that a case had not been made on the basis of the information provided for the need of this facility and that issues relating to capacity, sorting procedures and traffic movements had not been clarified and that firm facts and figures must be provided as part of the considerations for such facilities – **further detail is provided within the section entitled 'Need'**;
- concerns about the public consultation process and that health professionals had not been made aware of the two ERF schemes under consideration in the city – **it is confirmed that the Health Protection Agency, Environmental Health, Environment Agency, the Leeds Primary Care Trust and Public Health office have all been consulted as part of the original consultation process (October 2011) and following the submission of the Regulation 22 additional information (April 2012)**;
- concerns about the content of the waste, and that reassurances were needed that batteries and heavy metals would be properly dealt with;
- whether when maintenance of the plant is required, reciprocal arrangements would be in place with other plants to maintain the waste process – **it is confirmed that such arrangements would not be necessary for this site as the proposal includes two processing lines and so if one line is out of action for maintenance, the other line will continue to process the waste**;
- whether other photo montages were needed for Members' consideration: mention was made of the wind turbine and the subject site – **a photomontage is available showing the relative size and position of the permitted turbine and the proposed ERF in a view from Rothwell**;
- incoming regulations to reduce industrial waste – especially around packaging – and that information on this should be provided as it could relate to what Biffa could harvest – **further detail is provided within the section entitled 'Need'**;
- that the level of funding from the Caird Bardon fund at Peckfield Landfill had reduced in recent years due to the decrease in landfilling;
- the concerns of Leeds' citizens about proposals for two ERFs in Cross Green adjacent to some of the most deprived areas of the city; that these communities



had not been consulted on where they would like such facilities to be sited and concerns that previously Biffa had indicated their facility could take the Council's household waste – **further clarification is provided within the section entitled 'Community Consultation'**. **It is also confirmed that the plant itself could accept commercial and industrial and / or municipal waste streams as they are similar in composition;**

- whether powers granted under the LGA 2000 in respect of Community Wellbeing applied. On this provision, the Panel's Legal Adviser stated that the decision to hold a vote on an issue is discretionary rather than compulsory;
- the view that there were no problems with the site; that the operation was no different from the previous power station use and that the infrastructure was already in place;
- the various figures mentioned, including those in the NRWDPD and the need to judge the proposal on real figures and taking into account the MRF process which would in all likelihood be developed in view of the operator having obtained permission for such a facility on Gelderd Road – **further detail is provided within the section entitled 'Need'**;
- concern about the use of the Leeds Weekly News (LWN) to advertise the proposals in view of this publication not being in circulation in those areas which would be most closely affected by the development. Members were informed that site notices were also placed around the area; that the decision to select LWN for the press advertisement was based solely on cost and that in terms of how best to advertise planning applications, newspaper advertisements were found not to be particularly efficient in reaching communities, compared to site notices;
- consultation with local groups and that Ward Members should be contacted for details of these – **further detail is provided within the section entitled 'Community Consultation'**.

10.2.4 The Panel provided the following responses to the questions posed in the submitted report which were to aid officers in their work on this application, rather than being the Panel's final thoughts on the proposals

- that a further visit to an existing ERF might be useful – a visit can be arranged, if it is the Panel's wish.
- that air quality and health were primarily matters for the Environment Agency to consider;
- that a further discussion session be arranged with the Environment Agency in respect of the Environmental Permitting process. If the facility was granted approval, that such information should be provided on a regular basis with a suggestion being made that the Council sets up its own monitoring stations – **the Environment Agency have been invited to attend the Panel meeting to answer any queries Members may have in relation to these matters;**
- that further details be provided on transportation matters, including details of the number of traffic movements and the route from the proposed MRF at Gelderd Road Beeston to the site – **it is confirmed that the route from the future Gelderd Road MRF would be via the A62, A6120 Ring Road onto the**

**M621 at junction 1 and then leaving the M621 at Junction 7, onto the B6481 (Pontefract Road) via the A639 and then along Skelton Grange Road into the site. Around 62,000 tonnes of residual waste would arrive at the ERF from this site in the short term, rising to 78,000 tonnes per year longer term. The average payload for the vehicles transporting the material between sites is 20 tonnes and therefore this would equate to around 11 loads per day travelling to the ERF from the Gelderd Road MRF longer term;**

- that there were concerns about the proposed design from some Panel Members. Some felt it was reminiscent of 1960s architecture, although it was acknowledged that the previous development on the site had comprised six cooling towers and ancillary structures – **further changes have been incorporated into the design following consultation with the Design Review Board. The changes include additional detail to the facades of the building and a re-design to the office structure. The Civic Architect (Mr J Thorpe) is very supportive of the design and sees it as an appropriate building for this location. An officer from Design Team will attend the Panel meeting.**
- that in terms of visual impact, it was accepted there would be some impact;
- that in terms of biodiversity and landscaping there were no major concerns although it was felt that a good landscaping scheme was required;
- that no further clarification in relation to waste residues was required;
- in terms of the S106 agreement, that it was premature to consider issues relating to this.

#### **[23/2/2012] RESOLVED –**

- i) To note the report and the comments now made
- ii) To note the responses provided by Panel on the specific questions posed in the report and that further information on these matters be provided
- iii) That further information be provided on the amount and type of waste being produced by the city to ensure there would not be over capacity in view of a similar proposal at Cross Green
- iv) That officers seek clarification from Biffa on the capacity of their proposed ERF; the intended use for this and whether there was the capacity to cater for the Council's household waste within this development
- v) That a further report be submitted to Panel providing the information requested, in due course.

### **10.3 Community Consultation**

10.3.1 The Council's adopted Statement of Community Involvement on the Local Development Framework was published in April 2007. This gives advice on community involvement in planning applications and includes a series of appendices giving helpful information on community groups in Leeds, consultation methods and when they would be used. The applicant's Statement of Community Involvement (SCI) complies with the Council's SCI requirements.

10.3.2 Apart from the statutory advertisements required to be implemented by the Council, the main elements of the consultation process carried out by the applicants were:-



- a presentation to the Skelton Landfill Liaison Group;
- a letter of invitation to the preview of the exhibition sent to local elected Members and other key local stakeholders;
- local distribution of 5,000 descriptive invitation brochures to all households and businesses within a radius of approximately 2km of the site;
- presentations to elected Members, stakeholders and a public exhibition held at the Leeds College of Building on Friday 18th and Saturday 19<sup>th</sup> June 2010;
- presentation to representatives from 'No 2 Incineration' (N2I) group on 28 September 2010;
- presentation to Leeds East Inner Area Planning Committee on 21 October 2010;
- the creation of an information hotline for telephone, post and email contact and feedback;
- a website with an open forum page at [www.erf-skelton-grange.co.uk](http://www.erf-skelton-grange.co.uk); and
- media coverage and advertisements.

10.3.3 Feeding from the consultation process, the applicants have met with the Skelton Environment Centre and have committed to work closely with them to explore the possibility of linking education facilities and learning across the ERF and the Environment Centre, establishing a cycle link, shared car parking facilities and involvement of the Centre in the ERF's landscaping and biodiversity areas.

10.3.4 As a result of the pre-application consultation exercise, the following changes and amendments have been incorporated within the proposals:-

- an undertaking to link employment and learning opportunities associated with the construction phase of the project with Leeds College of Building's students;
- an undertaking to work closely with Skelton Grange Environment Centre;
- an undertaking to maximise the number of trees and vegetation around the site;
- a commitment to establish a Skelton Grange ERF Liaison Committee for the local community and stakeholders;
- a commitment to use best endeavours to source local people for construction and operational jobs from the locality;
- an undertaking to look into raising further awareness of the need to recycle amongst the applicant's future commercial and industrial customers.

10.3.5 The applicants confirm that they are committed to maintaining contact with all those interested parties, residents, businesses and stakeholders alike as the planning application progresses. The applicants also intend to continue to encourage community involvement in relation to the development if the application is successful.

10.3.6 Following feedback from Members at the Plans Panel (East) meeting on 23<sup>rd</sup> February 2012, officers have consulted with Ward Members and Area Committee Representatives seeking contacts for specific groups to consult on the proposals. Information and consultation sheets are programmed to be sent out shortly and any responses will be reported the determination report to Plans Panel (East).

## **10.4 Need for the ERF facility**

10.4.1 The principal discussion at the Plans Panel (East) meeting on the 23<sup>rd</sup> February 2012 was in relation to the 'need' for a facility such as that proposed.

10.4.2 In terms of national waste planning policy, paragraph 22 of Planning Policy Statement (PPS) 10 (para 22) makes it clear that where proposals are consistent with an up-to-date development plan, there is no requirement for applicants for new or improved waste management facilities to demonstrate a quantitative or market need for the proposal. PPS10 is still in force. Para 22 of PPS 10 states:-

**“DETERMINING PLANNING APPLICATIONS**

***Approach – waste planning authorities***

**22. *Development plans form the framework within which decisions on proposals for development are taken. It is important that plans are kept up-to-date and properly reflect national policy. When proposals are consistent with an up-to-date development plan, waste planning authorities should not require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for their proposal.***

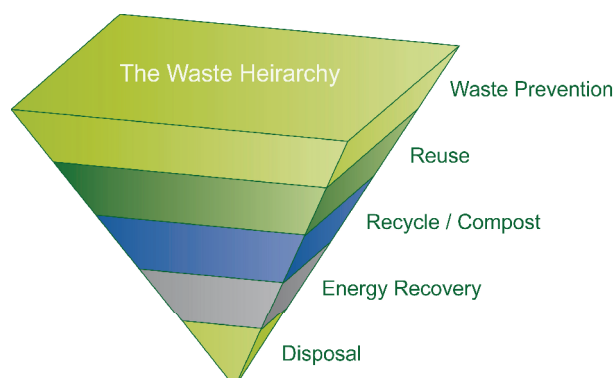
10.4.3 Furthermore, paragraph 98 of the NPPF states:-

***“When determining planning applications, local planning authorities should:***

- ***not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and***
- ***approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”***

10.4.4 The UDP is consistent with national waste policy. The saved policies of the Unitary Development Plan (UDP) remain in force for the time being until the Natural Resources & Waste Development Plan Document (NRWDPD) has been adopted. However, as previously outlined, the NRWDPD has been through a public examination process so must be afforded significant weight.

10.4.5 Low carbon technologies are those that can help reduce emissions (compared with conventional use of fossil fuels). Energy Recovery Facilities are considered to be low carbon with any biomass fraction of the waste they manage being classed as a renewable source of energy.



10.4.6 Notwithstanding that national waste and energy policy does not require the need for facilities such as that proposed to be demonstrated as long as the proposals are consistent with the Development Plan, the following section outlines the main considerations in relation to need.

The assessment of need

10.4.7 The following discussion clearly demonstrates that there is sufficient commercial and industrial (C&I) waste to warrant an ERF that specifically deals with this type of waste. The NRWDPD gives an anticipated residual waste treatment need for C&I waste during the plan period as ranging from 350,000 to 500,000 tonnes per annum. This is in addition to the municipal waste that Leeds produces. Given that the application is not proposing to treat municipal waste, there is a provision gap that must be met. Therefore, there is sufficient need for both this proposal and the ERF proposed by Veolia.

10.4.8 To fully assess the need, firstly, it is necessary to consider the policy background which seeks to change the way waste is currently managed within Leeds. Secondly, it is necessary to consider the existing waste management situation. Thirdly, the projected future waste arisings must be considered and then compared with existing capacity in order to establish requirements for new waste management infrastructure during the plan period.

10.4.9 In addition to the research carried out in support of the NRWDPD, the applicant has also undertaken a comprehensive need assessment in support of the planning application.

10.4.10 The main documents to consider when assessing the need for a facility such as that proposed are:-

- Waste Framework Directive (2008/98/EC);
- National Waste Strategy for England 2007 (May 2007);
- Yorkshire and Humber Regional Waste Strategy (2003);
- Integrated Waste Strategy for Leeds 2005-2035;
- Review of Waste Policy in England 2011 (June 2011);
- PPS10 (2005) and Companion Guide (2006);
- The Yorkshire and Humber Plan RSS to 2026 (May 2008);
- Leeds Unitary Development Plan Review (July 2006);
- LDF – Core Strategy Preferred Approach consultation document (2009);
- Natural Resources and Waste Site Development Plan Document including Publication Document November 2010 and Update July 2011; Leeds City Council LDF Background Waste Research (2008) and Waste Topic Paper November 2010;
- Environment Agency public register information; and
- Leeds City Council LDF Annual Monitoring Report, 2008 – 2009.

10.4.11 One of the principal sources of information is the Background Waste Research Report (BWRR), produced by the Council's consultants (Jacobs) to support the policy base of the DPD. The BWRR provides the evidence in relation to waste management data and has a significant role to play when planning for future waste management infrastructure within Leeds. The BWRR considers all waste sectors, their arisings, current facility capacity, projection of future arisings and establishing the level and type of facilities required in order to meet Leeds' growing needs. Although the BWRR considers all sectors of waste management within Leeds, this

report will focus on the Municipal (MSW) and Commercial & Industrial (C&I) waste sectors.

#### Policy Background

- 10.4.12 The Landfill Directive places a legal obligation on the United Kingdom to divert waste away from landfill and move the way it is managed further up the waste hierarchy. The Landfill Directive is transposed into national waste policy through WS2007 and PPS10. These require the diversion of waste away from landfill at the bottom of the hierarchy to other forms of management further up the hierarchy. Where possible, energy from the remaining or residual waste should be recovered. In addition, it is important to note that evidence from Europe, confirmed within WS2007, does not support the view that Energy from Waste (EfW) facilities adversely affect the achievement of high recycling rates.
- 10.4.13 WS2007 sets targets for the diversion of waste away from landfill. The target for MSW recovery (that is, recycling, composting and energy recovery) in 2010 is set at 53%, rising to 67% in 2015 and 75% in 2020.
- 10.4.14 There are no comparable targets for C&I waste set out within WS2007. However, WS2007 indicates that it is expected that the amount of C&I waste being landfilled in 2010 will fall by 20% compared to 2004. To discourage waste being sent to landfill, the Government has introduced several financial disincentives, the main being landfill tax which is currently £64 per tonne (increasing £8 per year up to £80 per tonne from April 2014).
- 10.4.15 WS2007 states that recovering energy from waste which cannot be sensibly reused or recycled is an essential component of a well-balanced energy policy.
- 10.4.16 Existing and emerging national energy policy clearly establishes that there is an urgent national need for new low carbon energy generation to be delivered by the planning system in order to combat climate change and provide secure, clean and affordable energy. As such the Government does not expect applicants to demonstrate the overall need for low carbon energy and that the planning system should be supportive and encouraging of proposals to deliver this capacity.
- 10.4.17 There is a clear emphasis upon the diversion of waste from being landfilled, which, when considered with the importance of the energy generation from renewable and low carbon sources, should carry significant weight in the determination of applications for such proposals.

#### Existing waste management situation – current landfill capacity

- 10.4.18 There are two landfills within Leeds accepting household, commercial & industrial and inert waste:-
- Skelton Grange which lies around 2km to the east of the application site; and
  - Peckfield Landfill which lies beyond Garforth, near Mickfield.

#### Skelton Grange Landfill

- 10.4.19 This site is operated by Biffa, the applicants for this ERF proposal. The site was granted permission in 2001 and commenced landfilling in 2002. The permission for landfilling expires in September 2012 and it is likely that the applicants will need to seek an extension of time in order to complete the landfill to the approved restoration levels.

2009	2010	2011
------	------	------

<b>(Tonnes)</b>	<b>(Tonnes)</b>	<b>(Tonnes)</b>
478,918	453,351	409,052

10.4.20 At a predicted rate of infilling of around 400,000 tonnes per annum, the site would be full and unable to accept further waste after 2015/16.

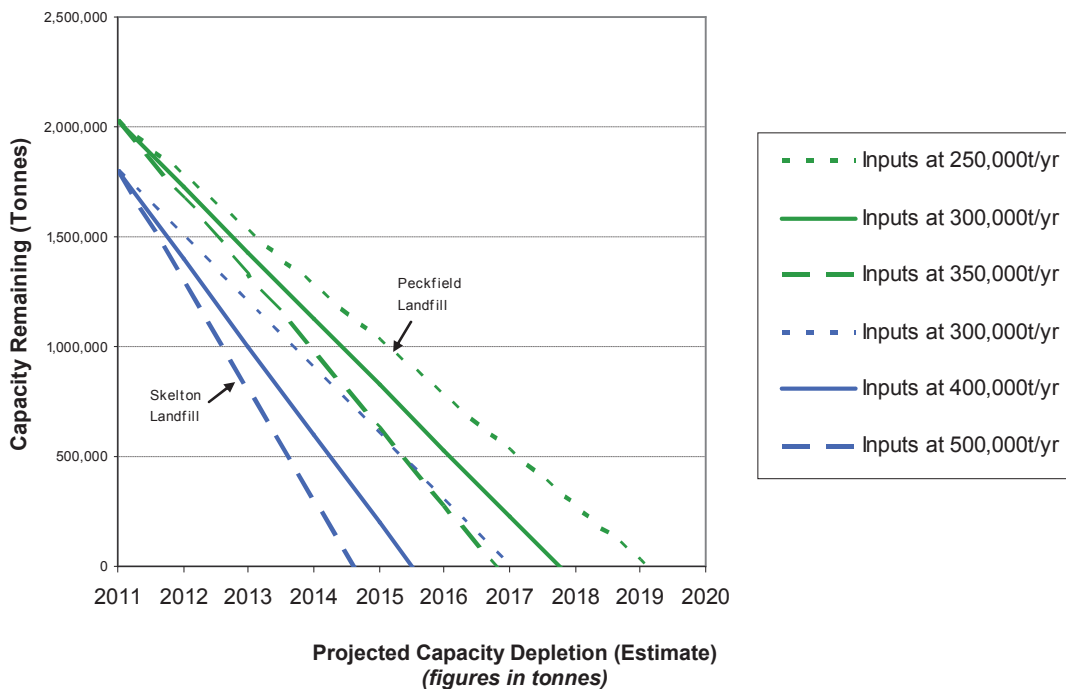
Peckfield Landfill

10.4.21 This site is operated by Caird Bardon and was originally granted permission in the 1980s. The site was granted an extension of time for 14 years additional landfilling period in 2006.

<b>2008 (Tonnes)</b>	<b>2009 (Tonnes)</b>	<b>2010 (Tonnes)</b>
381,584*	305,618*	365,850

\* extrapolated figures

10.4.22 At a predicted rate of infilling of around 300,000 tonnes per annum the site would be full and unable to accept further waste from 2018.



10.4.23 The diagram above demonstrates the depletion of the remaining void space at both of Leeds' landfills. It can be seen that there will be no remaining permitted landfill capacity within Leeds after 2019/20.

Commercial and Industrial Waste Arisings

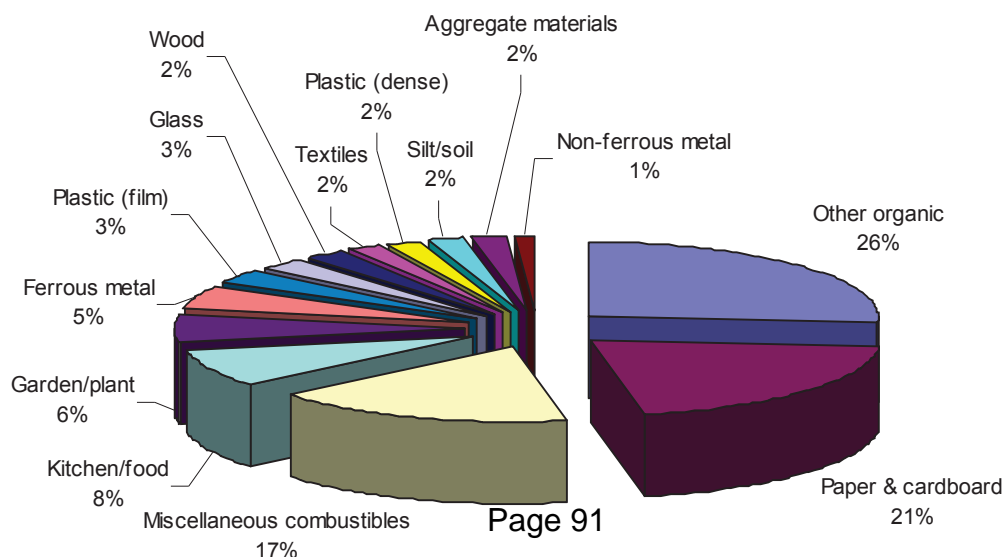
10.4.24 The C&I waste arisings for Yorkshire and Humber and Leeds by industry sector are set out in the table below. The baseline data was obtained from a study carried out by the Environment Agency in 2002/03. The C&I waste arisings for Leeds were calculated by adjusting the Yorkshire and Humber arisings using the Yorkshire and Humber to Leeds employment ratio per sector. Industrial waste accounts for 56% of the total C&I waste arisings in 2002/03 and commercial waste accounts for 44% of the total arisings.

Industry sector	Yorkshire and Humber (Tonnes)	Leeds (Tonnes)
Food, drink and tobacco	1,049,973	148,871
Manufacture of textiles, wearing apparel, leather, luggage, handbags and footwear	196,042	23,703
Wood and wood products	196,832	23,798
Manufacture of pulp, paper and paper products	236,142	12,949
Publishing, printing and recording	221,240	35,842
Production of coke, oil, gas, electricity, water	84,251	17,709
Manufacture of chemicals and chemical products; cleaning products, man-made fibres etc; rubber and plastic products	1,229,206	148,618
Other non-metallic mineral products	312,272	16,770
Manufacture of basic metals	329,883	39,885
Manufacture of fabricated metal products	221,593	26,792
Manufacture of machinery and equipment	119,029	14,391
Manufacture of office machinery, computers, electrical, radio, television and communication equipment; medical and optical instruments and clocks	35,964	4,348
Manufacture of motor vehicles and other transport equipment	135,102	16,335
Furniture and other manufacturing	95,726	11,574
Retail - motor vehicles, parts and fuel; wholesale; other retail	1,238,856	175,652
Hotels, catering	303,784	43,180
Transport, storage, communications	219,230	33,528
Travel agents, other business, finance, real estate and computer related activities	551,441	105,883
Miscellaneous	153,118	24,806
Social work and public administration	143,429	21,577
Education	187,204	29,153
<b>TOTAL</b>	<b>7,260,317</b>	<b>975,364</b>

**Waste arisings for Yorkshire and Humber and Leeds by industry sector**

Commercial and Industrial Waste Composition

10.4.25 C&I waste composition can vary widely depending on the business type producing the waste. The generic composition for C&I waste from the Waste Strategy for England 2007 is shown below:-





### General Composition of Commercial & Industrial Waste

- 10.4.26 The above figures shows that, excluding non combustible materials such as metals, inerts and glass, approximately 87% remains potentially suitable for thermal treatment if unsuitable for recycling or composting.
- 10.4.27 The tonnages of waste received by Skelton and Peckfield Landfills over recent years are set out within the table below.

	2009 (Tonnes)	2010 (Tonnes)	2011 (Tonnes)
Skelton Landfill	478,918	453,351	409,052
Peckfield Landfill	381,584*	305,618*	365,850

\* extrapolated figures

### Future Capacity Requirement

- 10.4.28 The RSS benchmark forecast for the annual C&I waste arising in Leeds in 2015 is 1,217,000 tonnes, rising to 1,245,000 tonnes by 2021. The Background Waste Research Report shows that the projected annual capacity required by 2020 is a figure of just over 1,212,000 tonnes as shown in the tables below.

	Total (tonnes)	Landfill (tonnes)	Treatment (tonnes)	Recycling (tonnes)
RSS (2021)	1,245,000	411,000 (33%)	834,000 (67%)	
NRWDPD (2020)	1,212,000	364,000 (30%)		849,000 (70%)

Extracts from RSS and NRWDPD showing tonnes of C&I waste required to be manager per year

	Annual Tonnes to be Managed (Total)			
	2005	2010	2015	2021
West Yorkshire	2874	2880	2926	2980
Bradford	625	628	638	649
Calderdale	234	234	238	241
Kirklees	431	431	435	439
<b>Leeds</b>	<b>1193</b>	<b>1195</b>	<b>1217</b>	<b>1245</b>
Wakefield	392	393	399	406

Extract from RSS showing tonnes of C&I waste required to be manager per year

- 10.4.29 Therefore, in summary, by 2020/2021, both the NRWDPD and the RSS predict that around 1.2 million tonnes of C&I waste will need to be managed per annum.
- 10.4.30 Projections for the NRWDPD are based on meeting the target for C&I waste re-use, recycling and composting of 70%. This would leave some 364,000 tonnes to be disposed on in landfill or treated to recover value per annum. As previously outlined, the NRWDPD gives an anticipated residual waste treatment need for C&I waste during the plan period as ranging from 350,000 to 500,000 tonnes per annum.



10.4.31 The table below shows that, overall, waste arisings will increase by approximately 440,000 tonnes per annum over the plan period. The largest waste stream is Construction, Demolition & Excavation (CD&E), followed by C&I and then MSW. This increase is attributed to future economic growth and the increased number of households.

Waste Stream	Current Arisings (Tonnes per annum)	Arisings at 2021 (Tonnes per annum)		Change Over the Plan Period (DPD projection – Current Arisings) (Tonnes per annum)
		(Projection undertaken for the RSS)	DPD Projection	
Municipal Waste (MSW)	342,725	(424,000)	383,976	+41,251
Commercial and Industrial (C&I)	975,364	1,245,000	1,212,000	+236,636
Construction, Demolition and Excavation (CD&E)	1,405,000	n/a	1,556,000	+151,000
Hazardous Waste (HW)	92,974	n/a	103,026	+10,052
<b>TOTAL</b>	<b>2,816,063</b>	<b>n/a</b>	<b>3,255,002</b>	<b>+438,939</b>

Extract from Table 4.1 of NRWDPD – Meeting the Waste Capacity Gap

10.4.32 The NRWDPD acknowledges that Leeds has no significant residual waste treatment capacity, except for hazardous waste and therefore new provision must be planned for. The Council's Waste Solution Programme is expected to provide an ERF with a capacity of 164,000 tonnes per year for municipal waste. The Waste Topic Paper and NRWDPD both state that a further 500,000 tonnes per year of C&I waste will need to be treated on diversion from landfill. This is illustrated in the NRWDPD table below, which also demonstrates the proportion of future treatment capacity that is required for C&I waste.

	Capacity Gap	How the gap will be met	DPD Policy Response
MSW	The main issue is maintaining and increasing the capacity of recycling facilities and planning for a new Residual Waste Treatment Facility.	<p>A review of Household Waste Sites has been undertaken. This will increase overall capacity to 100,000 tpa.</p> <p>New bring sites will be encouraged around the City.</p> <p>A major Residual Waste Treatment Facility will be operational by 2015.</p> <p>An Anaerobic or In-Vessel Composting facility may also be required for organic wastes.</p> <p>The Council's Waste Solutions Programme is delivering the major changes required to meet increased recycling and composting and reductions in landfill.</p>	<p>HWSS are safeguarded under policy WASTE 2. This allows for the refurbishment and enhancement of these sites where this has not already taken place.</p> <p>New locations are identified under policy WASTE 5 where existing buildings can be converted for recycling and sorting and where the construction of new waste management facilities will be favoured.</p> <p>A specific strategic site allocated under policy WASTE 6 will be suitable for a Residual Waste Treatment Facility.</p>
C&I	<p>The main gap is to provide enough space to enable an increase in the storage and segregation of co-mingled wastes.</p> <p>New Residual Waste Treatment Facilities will also be required.</p>	<p>Further commercial waste recycling operations will be required. This may range from skip operators to waste segregation halls and waste processing systems.</p> <p>The plan needs to provide flexibility to enable more sophisticated methods of waste management operations to be implemented.</p> <p>At least one Residual Waste Treatment facility will be required to deal with residual wastes with current landfill provision declining rapidly over the plan period.</p> <p>An energy recovery facility may also be required for organic wastes.</p>	<p>New locations are identified under policy WASTE 5 where existing buildings can be converted for recycling and sorting and where the construction of new waste management facilities will be favoured.</p> <p>A Residual Waste Treatment Facility will be supported on one of the strategic sites under policy WASTE 6 (subject to satisfying the detailed criteria in WASTE 9).</p>

Extract from Table 4.3 of NRWDPD – Meeting the Waste Capacity Gap

### Treatment Gap

10.4.33 As discussed previously, the NRWDPD recognises there is no existing residual C&I waste treatment capacity in Leeds and that at least one residual waste treatment facility for C&I waste will be required to deal with 350,000 to 500,000 tonnes of residual wastes produced per annum over the plan period. The proposed facility would have a residual waste throughput capacity of 300,000 tonnes per year, which is comparable with the tonnage of waste currently accepted at the applicant's Skelton Landfill. As the landfill has a similar annual capacity and is nearing completion within the next few years, capacity for the treatment of such waste would, in effect, be transferred from the landfill to the ERF. The figure of 300,000 tonnes per year represents between 60% and 85% of the residual commercial and industrial waste treatment capacity requirement.

10.4.34 The Waste Topic Paper in support of the NRWDPD confirms the following:-

*“Residual waste is what remains after recycling, composting and re-use. To deliver a major shift from landfill, new residual waste treatment facilities will be required where value from waste is recovered and turned directly into energy or treated and a fuel produced which is then usually turned into energy through another process.*

*This can be through producing energy and/or heat directly or through processing operations which produce materials to be used in energy production elsewhere. These facilities will be required to recover value from both MSW and C&I as although this waste comes from different sources, the nature of these two waste streams is very similar.*

*The Council Waste Solution Programme will deliver a new Energy Recovery facility with a capacity for processing between 135,000 and 175,000 tonnes of residual waste generated in Leeds from 2015.*

*In addition there will be a need for other residual waste facilities to meet the requirements of the Commercial and Industrial market as the type of waste produced is similar to Municipal Waste. Indications from the waste industry are that during the life time of the plan there is the potential for at least a further 500,000 tonnes of C&I waste to be recovered through such processes in Leeds.*

*As major residual waste treatment facilities have a life of at least 25 years, they may be built to accept a greater capacity than is required at the outset. This means the plant can accommodate increases in throughput over the lifetime of the plant.”*

- 10.4.35 The alternative to taking residual C&I waste to an ERF facility such as the one proposed is landfill. The remaining capacity of landfills within Leeds is decreasing and there will be little remaining capacity within a few years time. It is established national policy that landfill is the least desirable option and that waste should be dealt with higher up the waste hierarchy, through recycling, composting or the recovery of energy. The capacity offered by the proposed facility would provide an opportunity to move the management of a significant proportion of the City’s recoverable C&I waste away from landfill.
- 10.4.36 As discussed during Plans Panel (East) meeting of 23<sup>rd</sup> February 2012, the market in C&I waste is a competitive one, dependent largely upon price. A waste producer selling materials to a contractor for recycling is most unlikely to be willing to pay the higher price for the materials to be sent to an ERF plant. The existence of a market in recyclable materials and their intrinsic value to waste management operators such as the applicant is therefore likely to ensure that the ERF facility would not be the first port of call for the treatment of wastes which could otherwise be recycled. Thus, concerns that the existence of the proposed ERF might act as a disincentive for C&I waste to be recycled is unlikely to be realised.
- 10.4.37 In relation to the issue of potential importation of waste into Leeds, again there is a competitive market for the management of C&I waste. The ERF is fairly centrally located within the Leeds district and so would be unlikely to attract significant amounts from beyond its boundaries. The simple fact is that the costs of transporting waste over some distance is likely to act as a significant deterrent to waste producers in neighbouring districts bringing large quantities of waste to the proposed facility. It would not normally be appropriate to seek to control the origins of waste by condition or legal obligation.
- 10.4.38 The sufficiency of C&I waste for a facility such as that proposed is essentially a question for supply and demand. Investment to construct and operate such a facility, representing an investment of several hundred million pounds, would only proceed after careful consideration of the project’s viability.

10.4.39 Sufficient treatment capacity is required in Leeds in order to keep costs to Leeds commerce and industry to a minimum and competitive amount. Without a waste facility in Leeds either landfill would have to continue at escalating cost or waste would have to be exported from Leeds for disposal or treatment, again at added cost to waste producers.

10.4.40 **In summary, specifically in relation to minute point (iii)**, in excess of 500,000 tonnes of municipal, commercial and industrial waste needs to be diverted from landfill in Leeds in the coming few years. The development of 500,000 tonnes of treatment capacity for this tonnage of waste is not overcapacity, but merely addressing the tonnage which must be dealt with.

10.4.41 **In summary, specifically in relation to minute point (iv)**, the capacity of the proposed Biffa ERF is 300,000 tonnes per year. It is intended to dispose of commercial and industrial waste at this plant. Clearly, given the capacity of the plant, it is not possible to also dispose of the residual municipal waste of 164,000 tonnes earmarked for the ERF proposed by Veolia, other than by substitution. This would then leave a shortfall of treatment capacity for C&I waste.

## 10.5 Air Quality & Health

10.5.1 As part of the Environmental Impact Assessment, the dispersion of stack emissions from the facility has been modelled as part of air quality assessment. In summary:-

- the facility would be required to operate in accordance with statutory emission limits (Waste Incineration Directive (WID) limits) and UK Air Quality Standards that are protective of human health;
- high temperature thermal treatment (normally 850°C for a minimum of 2 seconds) would be employed to destroy pollutants in the waste (any derogation from the temperature would require full justification);
- continuous emissions monitoring would be required for certain substances to ensure limits are not exceeded;
- there would be integral flue gas treatment systems to reduce pollutants to levels that have been set to avoid human health effects. These include:-
  - *deNox process to reduce oxides of nitrogen (NOx);*
  - *lime to neutralise acid gases;*
  - *activated carbon to adsorb gaseous mercury, dioxins and furans;*
  - *fabric filters to remove fine particles (dust) and heavy metals which adhere to the particulate matter.*

10.5.2 Any air quality consideration that relates to land use and its development is capable of being a material planning consideration. However, the weight given to air quality in making a planning application decision, in addition to the policies in the local plan, will depend on such factors as:-

- the severity of the potential impacts on air quality;
- the air quality in the area surrounding the proposed development;
- the likely use of the development, i.e. the length of time people are likely to be exposed at that location; and
- the positive benefits provided through other material considerations.

10.5.3 The air quality assessment in support of the application has been considered by Environmental Health. The modelled results show the predicted contribution of

different pollutants on the surrounding area and an assessment of the cumulative effect of nitrogen dioxide, taking into account other emissions in the area. The predicted ground level concentrations show no significant effect upon the surrounding area in terms of the air quality regulations (for nitrogen dioxide) nor in terms of other pollutants associated with the process, following commissioning of the proposed plant. However, if permission were granted, it would be for the Environment Agency to impose and enforce conditions, by way of a Permit, to ensure that acceptable environmental conditions are maintained.

- 10.5.4 The Health Protection Agency (HPA) has no objection to the proposals. The HPA confirms that operators of modern waste incinerators are required to monitor emissions to ensure that they comply, as a minimum, with the emission limits stated in the EU Waste Incineration Directive (2000/76/EC) (WID). This Directive has been implemented in England and Wales by the Environmental Permitting (England and Wales) Regulations 2011 ('EP' Regulations), which is regulated by the Environment Agency (EA) and includes Emission Limit Values (ELVs) for a range of pollutants and requires monitoring to ensure compliance during operation.
- 10.5.5 Under the Environmental Permitting Regulations, the applicant is required to apply to the Environment Agency (EA) for an Environmental Permit. As part of this process the EA are responsible for determining acceptable emission limits. The EA cannot issue such a Permit if they consider that there would be any harmful effects on human health or the environment. The Permit would set out strict operating requirements which must be complied with to protect the environment and public health. The Permit application would have to demonstrate that the proposed plant would use Best Available Techniques (BAT) in order to control emissions to air, land and water. The sector guidance note for incineration activities (EPR Technical Guidance Note: The Incineration of Waste (EPR5.01)) identifies the detailed requirements to be met and the EA is under no obligation to issue a Permit, unless it is fully satisfied that the installation would be operated appropriately.
- 10.5.6 When a Permit application is received by the Environment Agency, organisations such as the Health Protection Agency (HPA), the Local Authority (LA) and the Food Standards Agency (FSA) are consulted. The HPA assesses the potential public health impact of an installation and makes recommendations based on a critical review of the information provided for the Permit application. The HPA would request further information at the environmental permitting stage if they believe that this is necessary to be able to fully assess the likely public health impacts.
- 10.5.7 The HPA has reviewed research to examine links between emissions from municipal waste incinerators and effects on health. The HPA concluded that:-

*"While it is not possible to rule out adverse health effects from modern, well regulated municipal waste incinerators with complete certainty, any potential damage to the health of those living close-by is likely to be very small, if detectable. This view is based on detailed assessments of the effects of air pollutants on health and on the fact that modern and well managed municipal waste incinerators make only a very small contribution to local concentrations of air pollutants.*

*The Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment has reviewed recent data and has concluded that there is no need to change its previous advice, namely that any potential risk of cancer due to residency near to municipal waste incinerators is exceedingly low and probably not measurable by the most modern techniques. Since any possible health effects are*



*likely to be very small, if detectable, studies of public health around modern, well managed municipal waste incinerators are not recommended.”*

*The Agency's role is to provide expert advice on public health matters to Government, stakeholders and the public. The regulation of municipal waste incinerators is the responsibility of the Environment Agency.”*

- 10.5.8 The Environmental Statement summarises by saying that the findings of the assessment of combustion emissions from the proposed facility has found that, for all pollutants, the maximum predicted long-term and short term impacts would be negligible.

## **10.6 Regulation & Monitoring – Environment Agency (extract from January 2011)**

- 10.6.1 The Environment Agency's (EA) role regarding EfW facilities is primarily to regulate facilities under the Environmental Permitting Regulations 2010. Regulation of these types of facilities does not differ from regulation of other waste and manufacturing facilities covered by the regulations.

- 10.6.2 Another of the Environment Agency's roles is to act as a consultee for planning applications. The EA can give its views on how the proposals could affect the environment.

### Permitting Process

- 10.6.3 The Operator must apply for a permit under the Environmental Permitting Regulations 2010. These permits have strict conditions to make sure the facilities will not cause significant pollution to the environment or harm people's health. When applying, the Operator must give details of how the plant will be built and run and how this could affect the environment. The Operator must demonstrate that the requirements of UK and European laws and standards are met. The EA will not grant a permit if they believe it is likely to cause significant pollution to the environment or harm people's health.

- 10.6.4 To help the EA make the best decision when issuing a permit, they consult widely with relevant agencies and Members of the public, inviting them to make comments and ask any questions that they may have about the details of the application. The EA advertise the application in local newspapers and on their website. The EA will consider undertaking extensive engagement with interested organisations and Members of the public by the use of drop in sessions.

- 10.6.5 Once a decision had been made on the permit application, a draft decision is issued to consult the public and other stakeholders before the final decision is issued.

### Monitoring

- 10.6.6 The responsibility for monitoring emissions is on the operator. The Environment Agency will include conditions within the permit that will dictate what monitoring is required. The monitoring for this type of facility is comprehensive. For example, the operator is required to carry out continuous monitoring of emissions to air for some substances such as particulates, sulphur dioxide, nitrogen oxides, total organic compounds, carbon monoxide and to monitor periodically for other substances. The monitoring has to be to certain strict standards and the EA have various tools including assessment of reports, checks on monitoring techniques used, inspection and auditing, to ensure that the monitoring is carried out appropriately.

### Frequency of Inspection

10.6.7 Facilities are inspected depending on their risk. The Environment Agency uses a scoring system to assign a risk level depending on the type of facility, the likely emissions, their location, how good the management systems are and how good their compliance is. The score allows them to assign their resources to facilities proportionately to the risk. The EA have the ability to inspect announced or unannounced and do this where they believe it is warranted. However, their experience shows that 'auditing' more thoroughly and less frequently is more useful to allow them to check whether the operator is complying with the permit. Typically this may mean that the site is visited four times per year. The operator also has to submit a variety of reports which the EA assess. Often, regular meetings are held with site operators to discuss compliance with the permit and improvements that could be made. All compliance activities, reports and their assessments etc are recorded and placed on the public register which can be viewed at the EA offices and at local authority offices.

#### What Happens if Permit Conditions are Breached?

10.6.8 The permit contains a variety of conditions, including emission limits, conditions relating to management of odour, noise, energy, raw materials, accidents, containment and other procedures. If any of these are not complied with or 'breached' the EA will act in accordance with their enforcement and prosecution policy. The breach will be scored depending upon its severity and action will be taken ranging from advice and guidance or a site warning to a prosecution and potentially suspension of the activities on the facility.

## **10.7 Transport**

10.7.1 As previously discussed, the extant outline planning permission sought to establish principle and access. The vehicular access into the site is proposed to be via Skelton Grange Road off Pontefract Road (Stourton). To enable the site to be satisfactorily accessed and not to introduce harm to the free flow of the highway network a number of on and off site measures were secured under the Outline permission. These included improvements to Junction 7 of the M621, Junction 44 of the M1, a number of local junctions, and bus stops on Pontefract Road and Wakefield Road. The predicted traffic level accessing the site was such that the Skelton Grange Road Bridge enhancements took the following form:

- The introduction of a pedestrian cantilever to enable a 6.7m wide carriageway and 3m shared footway/cycleway.
- Undertake strengthening/widening as required.
- Provide street lighting along the un-adopted section of Skelton Grange Road.
- Continue the existing footway along the south of Skelton Grange Road.

10.7.2 In relation to the ERF, the access arrangement for vehicles are the same as those made under the outline permission. In order to upgrade the privately owned bridge and to allow for 40 / 44 tonne vehicle loading, the following improvement and strengthening works are proposed to be undertaken by the applicant:-

- widening of the east footway;
- reconstruction of the stringcourses (edge beams) to accommodate new parapets;
- strengthening to the half-joints / connections where the central supported sections span to the next main structure;
- provision of a new waterproofing layer;
- provision of new road surfacing;



- provision of new road joints;
- traffic lights;
- installation of new proprietary kerb drainage system;
- attachment of concrete pads to accommodate new lighting columns; and
- installation of new post and rail parapets to steps serving the footpath (Trans Pennine Trail).

10.7.3 The implementation of the above works would provide a structure capable of carrying 40 / 44 tonne vehicles with a single lane, traffic light controlled, to avoid two vehicles meeting on the bridge, and a 3m combined foot / cycleway. These works could be carried out without the need to alter the width of the existing bridge deck.

10.7.4 Pedestrians and cyclists can also gain access to the site via Skelton Grange Road. Additionally, access to Skelton Grange Road can be gained via the Trans Pennine Trail / Cycle Route. The applicant has also been asked to investigate how access to and from the Trans Pennine Trail could be improved for both pedestrians and cyclists as the current arrangements are very poor.

10.7.5 It is anticipated that traffic movements would comprise the following (all figures are 'worst case'):-

Construction (initial 26 month period)

10.7.6 Initially 72 HGV movements (36 in / 36 out) per day (for first 12 months), followed by 50 HGV movements (25 in / 25 out) per day. Around 300 construction staff would work at the site during the construction period and therefore there would be around 400 light vehicle movements (200 in / 200 out) per day. A Travel Plan would be in force to encourage use of public transport by staff and contractors.

Operational

10.7.7 Once operational, the facility is expected to produce 192 HGV movements (96 in / 96 out) and 80 light vehicle movements (40 in / 40 out) per day. Again, an operational Travel Plan would need to be in force.

10.7.8 As discussed above, the outline incorporated a number of off-site improvement works. Considering the ERF will be a relatively low peak hour trip generator, have a flow spread throughout the day and not involve significant use of motorway junctions due to the trips being locally generated there is no apparent justification for highway works further a field. However, as previously identified, the ERF does not incorporate the whole site as identified by the outline permission. The scenario of the ERF plus remainder of the outline has not been tested in regards to the junctions examined under the outline application. The extant permission gives consent for B1, B2 and B8 uses which generally place a heavier burden on the highway network than an ERF.

10.7.9 Skelton Grange Road bridge is currently the only way vehicles could access the proposed ERF and wider site. Therefore, there is a need to ensure that the proposed enhancements to the bridge serve both the present development and that of the future. Using traffic flows from the 2005 TA and 2011 TA, the UTC team have devised a simple Linsig model that showed, even with a significant inter-green to allow the bridge to clear before the opposite flow could commence, there is ample capacity for this proposal, along with the traffic that could potentially be generated by the adjacent site.

10.7.10 In maintaining the safe and free flow of the highway network, the bridge enhancements proposed are satisfactory. However, when weighing up the wider

planning balance, Members should consider whether this solution in terms of practicalities and design is the best approach in attracting investment to the remainder of this site and whether it should make a contribution towards the wider infrastructure requirements required under the existing outline consent.

- 10.7.11 The applicants were requested to consider use of the River Aire and the Aire & Calder Navigation for the transportation of waste as highlighted within the Aire Valley Area Action Plan. However, in this instance, it is accepted that the use of the commercial waterway is not practicable due to the fact that the applicant's transfer station is not located adjacent to the waterway network, so loading waste containers onto barges for the short distance would involve additional transport and double or treble handling.
- 10.7.12 Following the feedback from the 23<sup>rd</sup> February 2012 Plans Panel (East) meeting, it can be confirmed that the route from the future Gelderd Road Beeston MRF would be via the A62, A6120 Ring Road onto the M621 at junction 1 and then leaving the M621 at Junction 7, onto the B6481 (Pontefract Road) via the A639 and then along Skelton Grange Road into the site. Around 62,000 tonnes of residual waste would arrive at the ERF from this site in the short term, rising to 78,000 tonnes per year longer term. The average payload for the vehicles transporting the material between sites is 20 tonnes and therefore this would equate to around 11 loads per day travelling to the ERF from the Gelderd Road MRF longer term.
- 10.7.13 Regarding other waste traffic to the ERF this will comprise collection vehicles carrying commercial and industrial waste from across Leeds, typically arriving via Hunslet Low Road and Stourton and the highway network that feeds into this area. These vehicles are already on the road in Leeds, but currently go to the landfill site at Skelton.
- 10.7.14 The closure of Skelton landfill site will correspondingly remove these collection vehicles from the routes to the landfill site. There would therefore be a reduction in HGV traffic in the Oulton / Woodlesford area, down Pontefract Lane and via Bullerthorpe Lane from Colton, which feed through the traffic lights at Newsam Green.

## **10.8 Design, appearance, siting and scale of facility**

- 10.8.1 The philosophy behind the design of the facility is the same approach as all other such plants and focuses on the integration of its main operational functions of energy and heat generation located within an overarching building envelope. In considering this, the applicant has recognised the challenges that a structure of this size and scale presents. The design attempts to integrate the functional requirements of the process technology and the need to enclose, drape and screen this, with the need to contain the visual appearance whilst recognising the site's currently open location within an industrial valley setting.
- 10.8.2 The building form is predominantly curved in appearance and is separated into a series of volumes which each relate to specific functions: tipping hall, boiler hall and turbine hall.
- 10.8.3 In terms of materials and colours, the cladding of the main building would have a dark coloured base (blue), with upper sections a lighter blue, semi-reflective metal composite to allow the structure to take on the tones of its surroundings and sky. Sections of the building would comprise of translucent panels (polycarbonate) to provide diffused natural internal lighting and to limit direct light spillage from within.

The mass of the building is now proposed to be further broken down by vertical translucent strips, also polycarbonate, adding needed detail to what otherwise could be considered overlarge façades. The roof of the building would be finished with a combination of aluminium and translucent panels. The central office section is proposed to take the form of a projecting cube and would have a glass façade.

- 10.8.4 The site itself is orientated perpendicular to the adjacent waterways and in keeping with the general 'grid form' of the Cross Green Industrial Estate. The heights of the main building and flue stack would not be dissimilar to main building and cooling towers of the original power station buildings.
- 10.8.5 The design has been reviewed in detail on several occasions at Design Review Board and by the Design Team. Officers have met with the applicants to seek refinements to the design and to gain a better understanding of the proposed material types and colours.
- 10.8.6 Following the feedback from the 23<sup>rd</sup> February 2012 Plans Panel (East) meeting, further reviews were undertaken, with the applicants being asked to explore further refinements to the design, particularly in relation to the appearance of the office structure at the front of the building.
- 10.8.7 The applicants have produced further plans showing two vertical polycarbonate strips to each of the four main shells / facades to the building. Additionally, the milled steel roofing material has been 'rolled' down to the base of the ends of the building. The appearance of the offices has been changed significantly to create a more coherent central block and instead of the previous brise soleil solution, the offices will now be constructed from large rectangular panels of glazing.

## **10.9 Section 106 Agreement**

- 10.9.1 Proposals for a Section 106 Agreement are being progressed with the applicants. Currently, it is anticipated that such an agreement would incorporate:-
- Travel Plan fees & monitoring;
  - highway works;
  - cycle path & footpath provision;
  - Trans Pennine Trail cycle route improvements;
  - bus stop improvement works;
  - off site ecological works;
  - off site planting & maintenance;
  - improvements to footpaths & access to Trans Pennine Trail;
  - local employment; and
  - the formation of a community liaison group.
- 10.9.2 The applicants have expressed a wish to voluntarily set up a community benefit fund equivalent to £0.20 per tonne of waste received at the facility. The applicants have confirmed that the fund is not put forward in order to justify the development in planning terms, but that it is intended to voluntarily make provision for funding for local community projects. Officers are also of the view that such a fund is not necessary to address any planning consequences associated with the development and consequently the provision of such a fund should not be taken into account when it comes to determining the planning application.

## **11.0 CONCLUSION**

11.1 On the central issue of need, which officers were asked to expand upon, section 10.4 of this report shows that the waste exists and must be diverted from landfill. There is thus a proven need to build a facility to deal with at least 300,000 tonnes of residual commercial and industrial waste originating in Leeds.

## **12.0 RECOMMENDATION**

12.1 Members are requested to:-

- i. Note the contents of this further statement;
- ii. Raise any issues appropriate to the Environment Agency;
- iii. Raise any outstanding design issue.
- iv. Consider whether the proposed bridge solution is the most practical and appropriate design solution to attract future development.

12.2 Members are requested to review the contents of this report and, if they wish, to provide feedback in relation to relevant planning issues which can be incorporated into the determination report.

## **13.0 BACKGROUND PAPERS:**

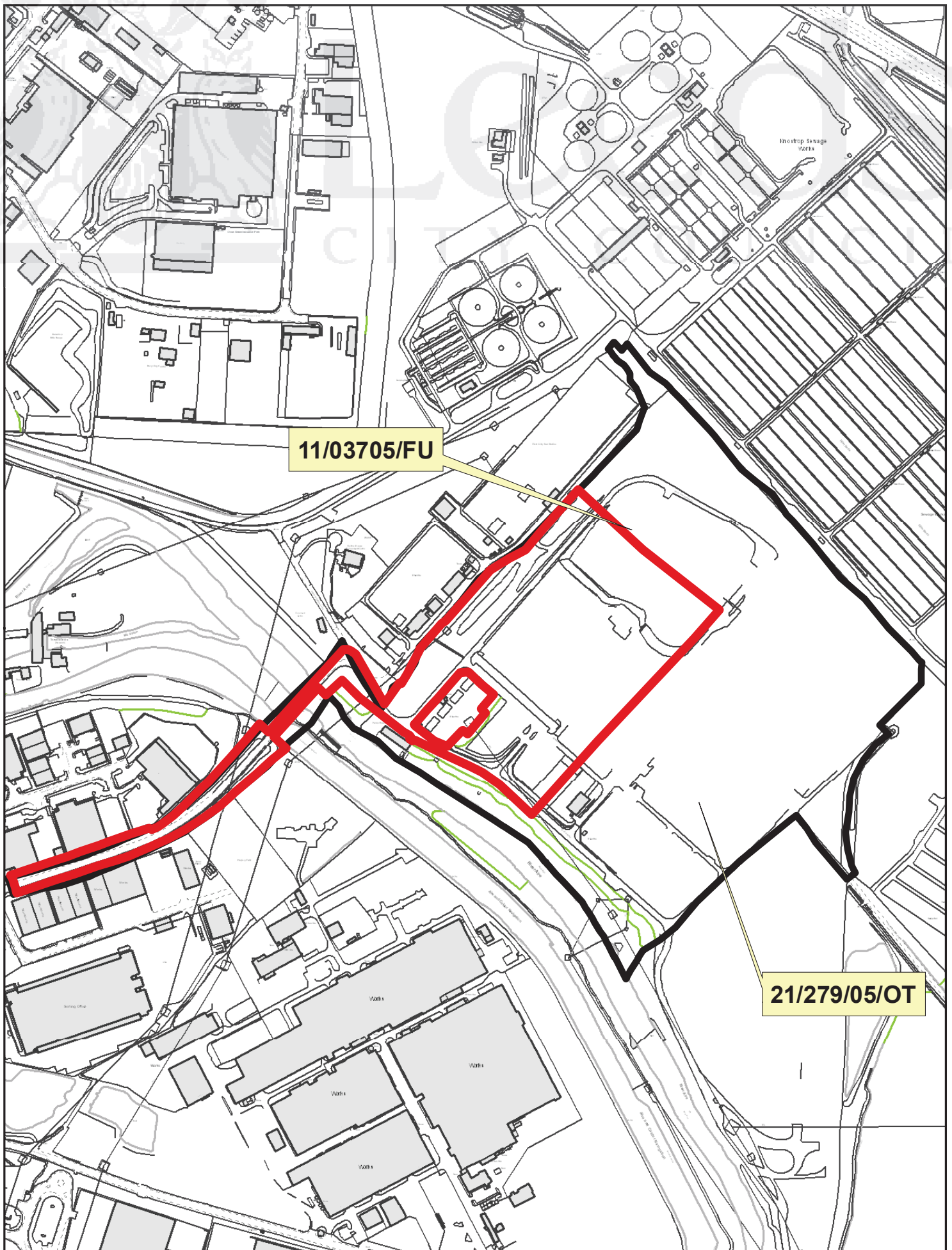
Application file 11/03705/FU;

Plans Panel (East) – 5<sup>th</sup> August 2010 (Minutes and Agenda);

Plans Panel (East) – 20<sup>th</sup> January 2011 (Minutes and Agenda);

Plans Panel (East) – 23<sup>rd</sup> February 2012 (Minutes and Agenda).





11/03705/FU

21/279/05/OT

# EAST PLANS PANEL





**PLAN SHOWING LOCAL WARD BOUNDARIES**

Temple Newsam

Garforth and Swillington

Rothwell

21/279/05/OT

Burmantofts and Richmond Hill

11/03705/FU

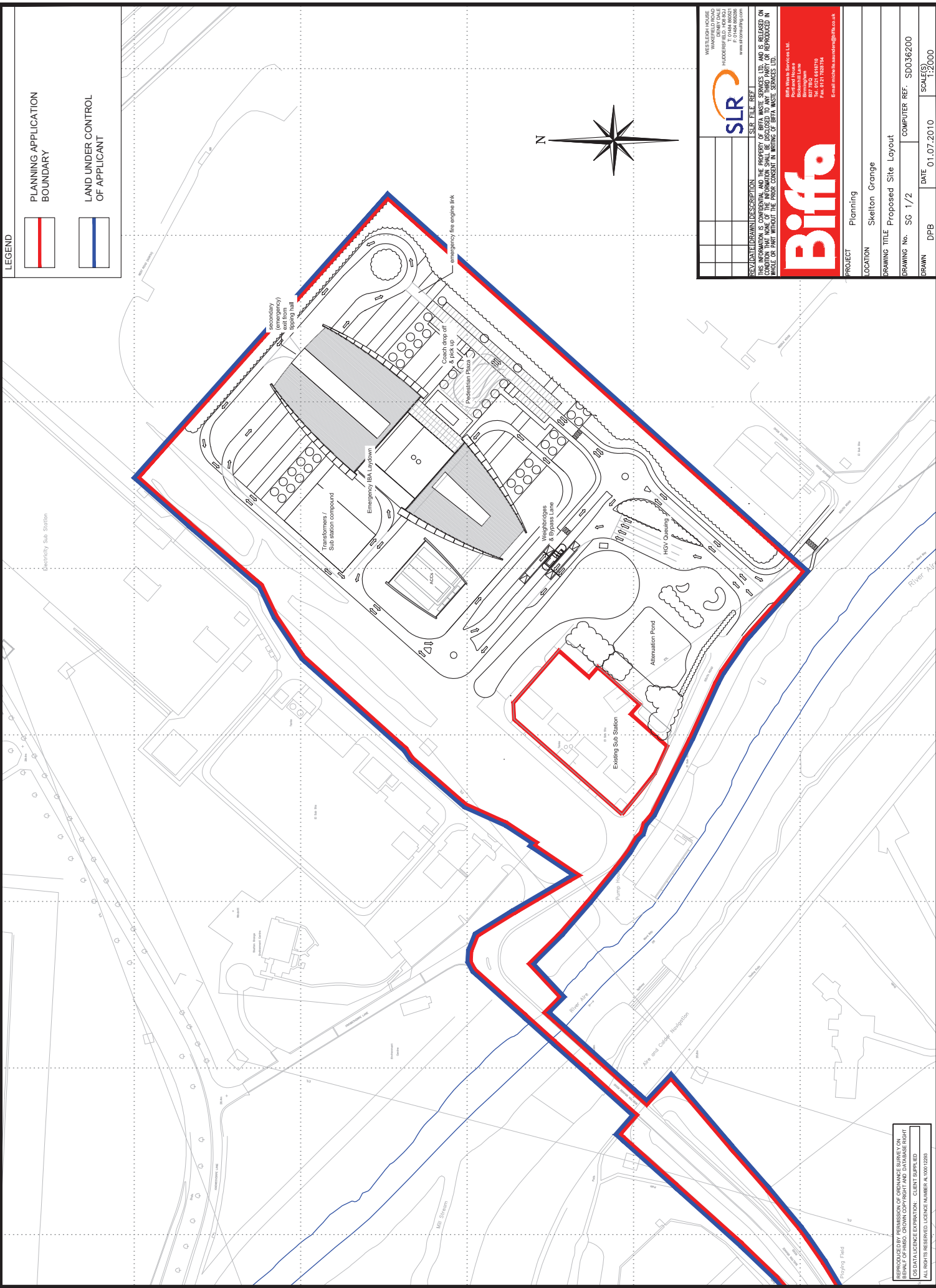
City and Hunslet

Middleton Park



Beeston and Holbeck





This page is intentionally left blank



**LEGEND**

- 
**PLANNING APPLICATION BOUNDARY**
- 
**LAND UNDER CONTROL OF APPLICANT**



 <b>WESTLEIGH HOUSE</b> WAKEFIELD ROAD HUDDERSFIELD, WEST YORKS WF14 4RS T: 01484 820000 www.slrconsulting.com		<b>SLR FILE REF</b> _____
<small>THIS INFORMATION IS CONFIDENTIAL AND THE PROPERTY OF BIFFA WASTE SERVICES LTD. AND IS RELEASED ON THE UNDERSTANDING THAT IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE PRIOR CONSENT IN WRITING OF BIFFA WASTE SERVICES LTD.</small>		
		
<small>Biffa Waste Services Ltd.          Biffa House          Skelton Lane          Skelton          Leeds LS29 7JH          Fax: 0113 2529724          E-mail: info@biffawaste.co.uk</small>		
<b>PROJECT</b>	Planning	
<b>LOCATION</b>	Skelton Grange	
<b>DRAWING TITLE</b> Proposed Site Layout		
<b>DRAWING No.</b>	SG 1/2	<b>COMPUTER REF.</b> SD036200
<b>DRAWN</b>	DPB	<b>DATE</b> 01.07.2010
		<b>SCALE(S)</b> 1:2000

THE INFORMATION CONTAINED ON THIS DRAWING IS THE SOLE PROPERTY OF BIFFA WASTE SERVICES LTD. AND IS RELEASED ON THE UNDERSTANDING THAT IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE PRIOR CONSENT IN WRITING OF BIFFA WASTE SERVICES LTD.

This page is intentionally left blank



Originator: Andrew Windress

Tel: 0113 39 51247

## Report of the Chief Planning Officer

### **PLANS PANEL EAST**

Date: 9<sup>th</sup> August 2012

**Subject: Pre-application presentation (PREAPP/11/01151) for the redevelopment of the balance of undeveloped land at Thorpe Park to provide 160,000m<sup>2</sup> of development (comprising of 121,300 m<sup>2</sup> of B1 offices, 22,100 m<sup>2</sup> of retail (including approximately 12,000m<sup>2</sup> in a single large format supermarket), 17,800m<sup>2</sup> of leisure uses (including hotels) and 3,200m<sup>2</sup> of food and drink uses. The laying out of the Manston Lane Link Road (MLLR) is also proposed as is the provision of a new public park**

#### Electoral Wards Affected:

**Crossgates and Whinmoor, Garforth and Swillington, Temple Newsham**

No

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### **RECOMMENDATION:**

**For Members to note the content of the report and presentation and to provide any comments on the proposals.**

#### **1.0 INTRODUCTION:**

- 1.1 Under Policies E4:6 and E18:2 of the Leeds Unitary Development Plan Review 2006 (UDPR), 63 hectares of land, known as Thorpe Park, is allocated as employment land and identified as a key business park reserved for offices (Class B1). In 1995, planning permission was initially granted for 1.2million ft<sup>2</sup> (111,500m<sup>2</sup>) of office floorspace however the total quantum permitted was increased to 1.8million ft<sup>2</sup> (167,225m<sup>2</sup>) in 2004 when the relevant condition was varied. In the region of 600,000 ft<sup>2</sup> (55,742m<sup>2</sup>) of offices have been built out on almost half of the total available land. The main permissions which control the quantum of development permitted at Thorpe Park include a Section 106 agreement that requires the developer to undertake various off-site highway works to facilitate access into the site and to provide a new public park (known locally as Green Park) to the immediate west of the site. Delivery of the MLLR is also secured but only when 1million ft<sup>2</sup> of office development is occupied.

- 1.2 The applicant, Scarborough Development Group, is preparing an outline planning application for submission later this month and this presentation forms part of wider public consultation events that have been undertaken or are ongoing. The outline application will seek to secure the revised quantum of development on the balance of the Thorpe Park site and the alternative mix of uses. It is expected that a zonal masterplan will form part of the submission but full details relating to the MLLR are anticipated.
- 1.3 With respect to 'Green Park' the site is immediately west of Thorpe Park is a 47 hectare allocation of proposed open space within the UDPR (policy N5). Officers from Parks and Countryside are currently working up proposals and have also attended recent public consultation events. The new public park is anticipated to include playing pitches, a nature area (including utilisation of the half built newt ponds towards the northern end of the site) and a variety of further green infrastructure. These proposals would form part of a separate planning application submitted by the Council. As with the current S106 agreement, the developer will be contributing towards the cost of the new public park.

## 2.0 PROPOSAL:

- 2.1 There are two elements to these proposals. The first relates to the proposed uses and quantum of development within the remainder of the main Thorpe Park estate. The second relates to how the new public park (Green Park) is to be developed.

(a) Thorpe Park:

- 2.2 The proposal entails the provision of up to 160,000m<sup>2</sup> of development including up to 121,300m<sup>2</sup> of B1 offices, 22,100m<sup>2</sup> of retail (including a large supermarket of circa 12,000m<sup>2</sup>), 17,800 of leisure uses including hotels and 3,200m<sup>2</sup> of food and drink uses. A proposal of 160,000m<sup>2</sup> would increase the level of development at Thorpe Park by 48,517m<sup>2</sup> over the current permission of up to 167,225m<sup>2</sup>. The table below provides a summary.

	Amount of office floor space currently built	Amount of development yet to be constructed or proposed	Total amount of floor space allowed or proposed
Current position	(circa) 55,742m <sup>2</sup>	111,483m <sup>2</sup> (offices)	<b>167,225m<sup>2</sup></b>
Proposed position	(circa) 55,742m <sup>2</sup>	121,300m <sup>2</sup> (offices) 22,100m <sup>2</sup> (retail) 17,800 m <sup>2</sup> (leisure/hotel) 3,200m <sup>2</sup> (food & drink)	<b>220,142m<sup>2</sup></b>

- 2.3 The outline application will identify development zones supported by a design code. The proposals will also include a masterplan which provides a basic layout within which a framework for the provision of individual plots and buildings could be provided. Building heights would generally be higher than has been developed historically on Thorpe Park (up to six storeys) and a more urban grain of development is proposed whereby building would front onto streets rather than being centrally positioned within individual plots as has occurred elsewhere. A main feature of the masterplan is however to maintain a significant area of open space that would be publicly accessible and run through the site linking Green Park to the west and Brown Moor to the east.

2.4 The proposed MLLR would connect with the existing highway network at Thorpe Park and cross the railway line in the northeastern part of the site before linking with Manston Lane. A further roundabout is proposed within Thorpe Park just south of the railway line to serve the office development. The MLLR is also intended to connect to the proposed East Leeds Orbital Road (ELOR) in due course and on this basis provision is made for the road to be a duel carriageway. This would provide a strategic link to the M1 for traffic in east Leeds

(b) Green Park:

2.5 The Green Park proposals are to include playing pitches in the southeastern area adjacent to Thorpe Park that would be served via access roads and car parking provided within Thorpe Park itself. The Green Park proposals would also include new woodlands, public footpaths, cycleways, bridleways, picnic areas, play equipment, a nature area (including newt ponds), orchard and the 2007 Chelsea Garden.

### **3.0 SITE AND SURROUNDINGS:**

3.1 The proposals to expand Thorpe Park relate to the northern half of the employment allocation that totalled 63 hectares. The site is located to the south of the Leeds-York railway line and Manston Lane, west of the M1, north of A63 Selby Road and existing Thorpe Park buildings, Austhorpe Lane is to the west.

3.2 In terms of the wider area, Cross Gates centre is located to the west, Garforth to the east and Colton Retail Park is located across the A63 to the south. A number of residential properties are nevertheless located between the northern side of the A63 and the built component of Thorpe Park (namely the Barrowbys – Lane, Road, Drive, Avenue etc and the Austhorpes – Lane, Avenue, Drive etc. In addition to existing development, the East Leeds Extension housing allocation (UDPR policy H3-3A.33) is positioned across the railway line to the north. A planning application has recently been submitted for 2,000 houses on part of this allocation.

3.3 The proposed Green Park is located to the west of Thorpe Park with Austhorpe Lane on its western boundary. The land is mostly undeveloped and includes a variety of landscape features including the presence of old field boundaries with associated vegetation. Part of the site is still used for agriculture and livestock also graze areas on occasion. A cricket pitch exists towards the northern part of the site (accessed from Austhorpe Lane) and further east substantial earthworks were undertaken to construct three newt ponds. These works remain unfinished following intervention by the Council but the ponds do hold water and are understood to be now colonised by Great Crested Newts (which are protected species). In addition, Grims Ditch, a prehistoric ditch and Scheduled Ancient Monument, is located on the eastern edge of the Green Park land but there is little or no visible evidence of its existence.

### **4.0 RELEVANT PLANNING HISTORY:**

4.1 32/199/94/OT – Outline application to layout business park, green park and access roads - Granted 04/10/95. This relates to the original outline permission and allows for up to 1.2million ft<sup>2</sup> (111,500m<sup>2</sup>).of office floorspace.

4.2 32/140/96/FU – Variation of condition application to allow up to 1.8m ft<sup>2</sup> (167,225m<sup>2</sup>) of office floorspace to be provided – Granted 31/03/04

Connected to the above permissions is a Section 106 agreement which requires the applicant to undertake various off-site highway improvement works to achieve satisfactory points of access from the A63 and M1 motorway (these works have been



completed), to provide Green Park (via a series of trigger points) and the delivery of the MLLR which is triggered following occupation of 1million ft<sup>2</sup> of office accommodation.

- 4.3 06/05310/FU – Application to vary various conditions attached to the MLLR scheme so as to allow details to be agreed as and when phases come forward rather than everything at the outset – Granted 21/11/06

The above application is the latest permission relating to the provision of the MLLR and was submitted in recognition that part of the road had already been constructed (i.e. the section that links Thorpe Park with junction 46 of the M1.

- 4.4 08/00298/OT – Outline application for residential development at Optare, Manston Lane, Crossgates – approved in principle and subject to Section 106 agreement for phased development linked to the provision of the Manston Lane Link Road
- 4.5 08/03440/OT – Outline application for mainly residential development at former Barnbow site for Threadneedle – approved as a phased development subject to a Section 106 agreement linked to the provision of the Manston Lane Link Road. First detailed phase of development submitted by Bellways now approved and under construction.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The applicant has been engaged in pre-application discussions with the applicant since November 2011. A series of public consultation events have also taken place which have included the proposals for both Thorpe Park itself and also Green Park.

## **6.0 PLANNING POLICIES:**

- 6.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan Review 2006 (UDPR) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. Nevertheless, the Core Strategy does adopt the centres first approach to all uses which are considered to be main town centre uses. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. The site is allocated for employment purposes under policy H4:6 and identified as a key business park under policy E18:2 of the UDPR, these policies state that:

**‘E4: Land for employment uses is allocated at the following locations:**

**.....6. Austhorpe (63.8 HA).’**

**‘E18: The following employment sites allocated under E4 are identified as key business park sites, and reserved for B1 use:**

**.....2. Austhorpe (E4:6: 63.8 HA)’**

- 6.2 Regional Spatial Strategy (RSS) (adopted May 2008):

The vision of the RSS is to create a world-class region, where the economic, environmental and social well-being of all people is advancing more rapidly and more

sustainably than its competitors. Particular emphasis is placed on the Leeds City Region.

### 6.3 Leeds Unitary Development Plan (UDP) Review:

GP5: General planning considerations.

GP7: Use of planning obligations.

GP11: Sustainable development.

N10: Protection of existing public rights of way.

N8: Urban Green Corridor

N23/N25: Landscape design and boundary treatment.

N29: Archaeology.

N38b: Flood Risk Assessments.

N39a: Sustainable drainage.

BD5: Design considerations for new build.

T2 (b, c, d): Accessibility issues.

T5: Consideration of pedestrian and cyclists needs.

T7/T7A: Cycle routes and parking.

T18: Strategic highway network.

T24: Parking guidelines.

E4, E18: Employment sites.

LD1: Landscape schemes.

SA5: Shops should be accessible by a choice of means of transport.

SP7: Priority is given to the maintenance and enhancement of the City Centre and Town Centres.

S5: Retail development outside centres.

### 6.4 National Planning Guidance:

National Planning Policy Framework

## 7.0 **MAIN ISSUES**

1. Principle of development
2. Policy Issues
3. Urban Design issues
4. Landscape issues
5. Highway issues
6. Green Park

### 7.1 Principle of development

7.2 The Thorpe Park site is identified in the UDPR as employment land and a key business park. There is a partially implemented extant approval for office use on the site. The principle of the development of employment use on the site is therefore established and still considered appropriate. However, as identified below, many of the proposed alternative uses are contrary to both local and national planning policy so would have to be fully justified in order to be supported.

### 7.3 Planning Policy issues

7.4 The principle of B1 office use on the site has been established and accords with UDPR policies E4 and E18. Leisure uses, cafes, restaurants and even small scale retail uses that would clearly perform an ancillary function to the main office use could also be considered acceptable depending on the detail and how they fit into the wider masterplan.

7.5 The current proposals are however noted to include a significant amount of retail floorspace that would clearly be located within an out of centre location and so conflicts with the centre first approach advocated in the current UDPR and the more recent guidance provided in NPPF and the Council's own Core Strategy.. UDPR policy S5 refers to major retail development outside designated centres stating such development would not normally be permitted unless:

- It is of a type that cannot be accommodated in existing centres.
- It is demonstrated there will be no adverse effect on vitality and viability of existing centres.
- It addresses qualitative and/or quantitative deficiencies and in the case of food shopping would create a new centre to meet the needs of local residents.
- It is readily accessible.
- It does not entail use of land designated for housing or employment.

7.6 The NPPF and indeed the Core Strategy also seek to focus retail and other main town centres uses such hotels and leisure uses in designated centres with out of centre sites only being considered suitable if more central locations are not available. A sequential approach should be applied and impact assessments are therefore necessary to fully understand the impact on existing centres. The applicant is aware many of the uses proposed represent a significant policy challenge for the Council and is currently completing the necessary documentation to support the quantum identified within the outline application.

**7.7 What are Members thoughts regarding the provision of a significant amount of retail and other main town centre uses at Thorpe Park?**

7.8 Urban Design issues

7.9 The Thorpe Park application will be in outline only but with full details provided for the MLLR. The application will be supported by concept and parameter plans highlighting key development areas, hierarchy of routes, heights, open space, levels and will be accompanied by a design code that sets the future design principles for the site. To allow further understanding of the potential layout of the site, an indicative masterplan will also be submitted. All the above plans are still under discussion with consideration given to good design practice, the topography of the site, views into and out of the site, retention of trees (including TPO'd trees), provision of open spaces, provision of and enhancement of public rights of way across the site.

7.10 A number of design workshops have been held with officers. Officers currently believe that whereas some of the office layout could be considered acceptable, the large scale footprints of the retail units fail to successfully integrate into the grain of either the existing or proposed Thorpe Park. The inevitable parking and servicing associated with such retailers also makes proper integration even more difficult.

7.11 In addition to the above, there are major concerns with the location of the large supermarket being provided in a detached location from the rest of Thorpe Park to the east of the proposed MLLR. The proposed raising up of the building to provide undercroft car parking and the prospect of substantial remodelling works to Brown Moor in order to provide a level development plateau are also a serious concern.

**7.12 What are Members thoughts on the approach of the concept/parameter plans and indicative masterplan for the site?**

7.13 Landscape issues

7.14 The western boundary of Thorpe Park is defined by a large group of TPO'd trees which follow the old fly line and there is a line of TPO's trees within the proposed public green space within Thorpe Park. There is also a young woodland on Brown Moor and a number of self seeded trees throughout the site.

7.15 The proposals seek to retain and protect most existing trees along the boundary and large sections of the emerging woodland on Brown Moor. A number of other trees will be removed but a detailed site survey will identify the most important of these and retention will be sought where possible.

7.16 A main feature of the masterplan is to provide a large area of publicly accessible open space toward the northern part of the site that will form an extension to the adjacent Green Park and provide a link to Brown Moor and public rights of way extending eastward.

7.17 **What are Members thoughts on the nature and location of the open space on site and how this links into Green Park?**

7.18 Highway issues including the MLLR

7.19 The proposed development will link to the existing roundabouts at Thorpe Park that serve the development and access junction 46 of the M1 and the A63 to the south. A new road (the MLLR) proposed to be a dual carriageway, will extend northward from the existing roundabout and bridge over the railway line on the northern boundary and linking into Manston Lane. Under the existing agreement with Network rail the rail crossing needs to be commenced by 2015. This new road will not only serve as a central spine road for Thorpe Park itself (as another roundabout is proposed to the south of the railway line) but it also is also anticipated to form the southern end of the proposed ELOR. The developer is proposing that the delivery of the MLLR is brought forward. This will help to unlock the remaining housing potential of the Barnbow and Optare sites in Crossgates for development. Those sites should make a financial contribution to the delivery of the Manston Lane Link road, and Members may wish to seek clarification as to how the applicant is proposing to secure the road and the financial contributions.

7.20 A number of meetings have been held with officers to discuss the scope of the necessary transport studies that will be required in support of the application. Highways officers are awaiting a Transport Assessment that will provide full details regarding the impact of the proposed development on the surrounding highway network, the alignment of the new road and its connection to Manston Lane, the number of roundabouts proposed and their impact and timescales/implications for delivery.

7.21 Highways officers are seeking to ensure Travel Planning measures and access to public transport are enhanced at the site. Early delivery of the MLLR will help in achieving improved public transport links.

7.22 **What are Members thoughts about the impact of the additional development on the existing highway network, the location, specification, method of delivery and financial contributions from adjoining sites and timescales for delivery of the proposed MLLR and public transport provision serving Thorpe Park?**

## 7.23 Green Park

- 7.24 The extant approval at Thorpe Park through its associated Section 106 agreement secures a new public park which is to include the delivery of sport pitches and a changing room/pavilion building. It is envisaged the current proposals will also deliver these facilities plus further improvements. Officers from Parks and Countryside are currently drafting proposals for the park and local communities have recently been consulted on these proposals.
- 7.25 In response to previous concerns raised by local residents and Ward Members involving an earlier application the proposals include new sport pitches on the southeast of the site to be accessed through Thorpe Park. The main features of the park e.g. the Woodlands, an orchard, picnic and play areas, footpaths, bridleways, cycle routes and a location for the 2007 Chelsea Garden are also sited well away from surrounding residential properties. Allotments are also being considered plus other formal planting areas although it is anticipated that a small car park to serve the existing cricket club in the northwest of the site will be provided off Austhorpe Lane.
- 7.26 Parking within Thorpe Park that is closest to the proposed sport pitches will be made available for those using the pitches to avoid the need for further parking areas in Green Park and to avoid parking on Austhorpe Lane.
- 7.27 **What are Members thoughts on the proposed layout and facilities at Green Park, in particular the intention to provide the main vehicular access points and parking areas for the playing pitches from within Thorpe Park and the timescale for its delivery?**

## 8.0 CONCLUSION

- 8.1 Members are asked to note the contents of the report and the presentation, and are invited to provide feedback on the issues outlined below:
- **What are Members thoughts regarding the provision of a significant amount of retail at Thorpe Park?**
  - **What are Members thoughts on the approach of the concept/parameter plans and indicative masterplan for the site?**
  - **What are Members thoughts on the nature and location of the open space on site and how this links into Green Park?**
  - **What are Members thoughts about the impact on the existing highway network, the nature of the proposed MLLR and importantly how it will be delivered and the timescale for doing so?**
  - **What are Members thoughts on the proposed layout and facilities at Green Park, the parking/access arrangements and the timescale for its delivery?**
  - **Are there any other issues Members would like to raise?**





PREAPP/11/01151

# EAST PLANS PANEL



This page is intentionally left blank