



CITY PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 13th December, 2012
at 1.30 pm

MEMBERSHIP

Councillors

| | | | | |
|-------------------|------------|-----------|-----------|-------------|
| P Gruen | M Hamilton | R Procter | T Leadley | D Blackburn |
| N Taggart (Chair) | | G Latty | | |
| S Hamilton | | | | |
| J McKenna | | | | |
| E Nash | | | | |
| N Walshaw | | | | |
| J Hardy | | | | |
| T Murray | | | | |

Agenda compiled by:
Angela M Bloor
Governance Services
Civic Hall
Tel: 0113 24 74754

A G E N D A

| Item No | Ward | Item Not Open | | Page No |
|---------|------|---------------|---|---------|
| 1 | | | <p>SITE VISIT LETTER</p> <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information 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> | |

| Item No | Ward | Item Not Open | | Page No |
|---------|------|---------------|--|---------|
| 2 | | | <p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF PRESS AND PUBLIC</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>RESOLVED – That the press and public be excluded from the meeting during consideration of the following 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, as follows:-</p> <p>No exempt items or information have been identified on the agenda</p> | |
| 3 | | | <p>LATE ITEMS</p> <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> | |

| Item No | Ward | Item Not Open | | Page No |
|---------|-------------------------|---------------|---|---------|
| 4 | | | <p>DECLARATIONS OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS</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>APOLOGIES FOR ABSENCE</p> | |
| 6 | | | <p>MINUTES</p> <p>To approve the minutes of the City Plans Panel meeting held on 22nd November 2012</p> <p>(minutes attached)</p> | 3 - 20 |
| 7 | Hyde Park and Woodhouse | | <p>APPLICATIONS 12/04663/FU AND 12/04664/CA - UNIVERSITY OF LEEDS - LAND BOUNDED BY WOODHOUSE LANE AND HILLARY PLACE LS2</p> <p>To consider a report of the Chief Planning Officer on the current position in respect of an application for demolition of existing buildings and erection of a 6 storey library with ancillary landscaping and Conservation Area application to demolish 2 office buildings</p> <p>(report attached)</p> | 21 - 40 |

| Item No | Ward | Item Not Open | | Page No |
|---------|-------------------------------|---------------|---|----------|
| 8 | Kirkstall | | <p>APPLICATION 12/04200/FU - KIRKSTALL DISTRICT CENTRE KIRKSTALL LANE, KIRKSTALL HILL, BEECROFT STREET AND COMMERICAL ROAD KIRKSTALL LS5</p> <p>To consider a report of the Chief Planning Officer on the current position in respect of an application for demolition of existing buildings and erection of A1 foodstore, five retail units (A1, A2, A3, A4 or A5), a new club building for the Leeds Postal Sports Association Club, a community centre, improved public realm and associated car parking, servicing, landscaping and access improvements</p> <p>(report attached)</p> | 41 - 54 |
| 9 | Morley North | | <p>APPLICATION 10/04597/OT - WAKEFIELD ROAD, GILDERSOME - POSITION STATEMENT</p> <p>To consider a report of the Chief Planning Officer on the current position regarding an 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</p> <p>(report attached)</p> | 55 - 70 |
| 10 | Morley North; Morley South | | <p>APPLICATION 12/02470/OT - LAND BETWEEN GELDERD ROAD/ASQUITH AVENUE AND NEPSHAW LANE NORTH, GILDERSOME - POSITION STATEMENT</p> <p>To consider a report of the Chief Planning Officer on the current position in respect of an 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</p> <p>(report attached)</p> | 71 - 100 |

| Item No | Ward | Item Not Open | | Page No |
|---------|------------------|---------------|---|-----------|
| 11 | City and Hunslet | | <p>PREAPP/10/00300 - LAND BOUNDED BY NEW YORK ROAD (INNER RING ROAD A64) TO THE NORTH, BRIDGE STREET AND MILLGARTH STREET TO THE EAST, GEORGE STREET AND DYER STREET TO THE SOUTH AND VICAR LANE AND HAREWOOD STREET TO THE WEST LS2</p> <p>To consider a report and receive an updated pre-application presentation on alterations and amendments to the approved Eastgate and Harewood Quarter development scheme</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. A ward member or a nominated community representative has a maximum of 15 minutes to present their comments</i></p> <p>(report attached)</p> | 101 - 108 |
| 12 | | | <p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday 17th January 2013 at 1.30pm</p> | |

To all Members of City Plans Panel

Chief Executive's Department
Governance Services
4th Floor West
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Leeds LS1 1UR

Contact: Angela M Bloor
Tel: 0113 247 4754
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Your reference:
Our reference: site visits
Date 5th December 2012

Dear Councillor

SITE VISITS – CITY PLANS PANEL – 13TH DECEMBER 2012

Prior to the meeting of City Plans Panel on Thursday 13th December 2012, the following site visits will take place:

- | | | |
|---------|--------------|--|
| 9.00am | | Depart Civic Hall |
| 9.30am | Morley North | Outline application to layout access road and erect light industry, general industry and warehouse development (use classes B1C, B2 and B8), a 115 bed hotel and pub/restaurant with car parking – Position statement – 10/04597/OT – leave approximately 9.50am |
| 10.00am | Morley North | 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 – Position statement – 12/02470/OT – leave approximately 10.30am |
| 11.00am | Kirkstall | Demolition of existing buildings and erection of A1 foodstore, five retail units (A1,A2,A3,A4 or A5), new club building for the Leeds Postal Sports Association Club, community centre, improved public realm and associated car parking, servicing, landscaping and access improvements – Kirkstall District Centre – Position statement – 12/04200/FU – leave approximately 11.30am to return to the Civic Hall |

For those Members requiring transport, a minibus will leave the Civic Hall at **9.00am**. Please notify Daljit Singh (Tel: 247 8010) if you wish to take advantage of this and meet in the Ante Chamber at **8.55am**.

Yours sincerely

Angela M Bloor
Governance Officer



CITY PLANS PANEL

THURSDAY, 22ND NOVEMBER, 2012

PRESENT: Councillor N Taggart in the Chair

Councillors P Gruen, R Procter,
M Hamilton, S Hamilton, G Latty,
T Leadley, J McKenna, E Nash,
N Walshaw, J Hardy and M Coulson

26 Opening remarks

The Chair welcomed everyone to the meeting. The Chief Planning Officer informed the Panel that agreement had been reached with John Lewis about the lease for their anchor store in the Eastgate and Harewood Quarter and that a presentation on the progressing scheme would be made on behalf of the applicants at the December meeting of City Plans Panel

27 Late Items

Although there were no formal late items, the Panel was in receipt of the following additional supplementary information which had been circulated in advance of the meeting:

Application 12/03975/FU – 6 storey data centre Black Bull Street, LS10 - coloured plans and an additional, short report (minute 31 refers)

Application 12/04018/FU – office building – land off Sovereign Street, LS1 – coloured plans and an additional, short report (minute 32 refers)

Application 12/04017/1a – greenspace – land off Sovereign Street, LS1 coloured plans and an additional, short report (minute 33 refers)

Application 11/03705/FU – Energy from Waste Facility, site of former Skelton Grange Power Station Stourton LS10 – coloured charts and maps (minute 36 refers)

28 Declarations of Disclosable Pecuniary and Other Interests

No disclosable pecuniary or other interests were declared at this time, although a disclosable pecuniary interest was declared later in the meeting (minute 38 refers)

29 Apologies for Absence

Apologies for absence were received from Councillor Murray who was substituted for by Councillor Coulson. Apologies for absence were also received from Councillor D Blackburn

minutes approved at the meeting
held on Thursday, 13th December, 2012

30 Minutes

RESOLVED - That the minutes of the City Plans Panel meeting held on 25th October 2012 be approved

31 Application 12/03975/FU - 6 storey data centre - land formerly Yorkshire Chemicals site - Black Bull Street Hunslet LS10

Further to minute 20 of the City Plans Panel meeting held on 25th October 2012, where Panel considered a position statement on the proposals, Panel considered the formal application. A Members site visit had taken place earlier in the day

Plans, graphics and sample materials were displayed at the meeting

Officers presented the report which sought permission for a 6 storey data centre on part of the former Yorkshire Chemicals site. Members also had regard to a supplementary report which set out the emerging strategic planning context in relation to the Leeds Core Strategy and provided details on the non-standard conditions being recommended for the application

With reference to the detailed discussions which had taken place at the City Plans Panel meeting held on 25th October 2012, Officers addressed the issues raised by Members at that meeting and provided the following information:

- that in respect of sustainability, a BREEAM 'Very Good' rating was being sought for the building; that there would be green roofs to the generator houses and that the building would achieve the Council's standard on 20% CO2 reduction and 10% renewable energy generation, with this being controlled by condition
- a wind assessment had been undertaken and independently assessed on behalf of the Council, with no significant concerns being raised from this survey
- that the concerns raised by Carlsberg to the proposals had been considered and it was felt that the height of the building was comparable to those in close proximity to it and in terms of the impact on daylight, a study had been submitted which showed that the building would create less shadow at different times of the day than the previously approved scheme. The issue of noise had been considered by the Council's Environmental Protection Team which were satisfied with the proposals, subject to conditions and air quality was considered to be acceptable. Concerning pedestrian connections in this area, the development would be providing pedestrian access through the site but not enhanced road crossings due to the low level of occupancy. However it was anticipated that further phases of development in the area would contribute more to connectivity, including new pedestrian road crossings

Members were informed that the Environment Agency (EA) had no

objections to the principle of the scheme, subject to conditions in respect of remediation strategies and flood risk

A late comment from Leeds Civic Trust was reported which whilst supporting the scheme expressed disappointment at the lack of highway works to Black Bull Street

The current position on the issue of the contribution towards public realm was provided, with Members being informed that the proposal had been amended and that the applicant now wished to provide the improvements within their own site, rather than providing some temporary landscaping beyond the red line boundary. As this would fall short of the 20% greenspace requirement, an off-site commuted sum of £56,000 would be provided to be used for the city centre park

Members commented on the following matters:

- the northern footway, who would maintain this and when it would be fully provided. Members were informed that the footways and landscaping would be maintained by the site operator and owner and the maintenance of these would form part of the S106 agreement. That the full extent of the northern footway would be provided once further developments came on board but that this scheme would provide a 6-8 metre pathway
- the importance of reducing Black Bull Street from three lanes of traffic to two to provide traffic calming measures on a stretch of road where speed was an issue and for this to be done as soon as possible

The Chief Planning Officer stated that Highways Section were looking strategically at the entire city centre; that there was an aspiration to narrow Black Bull Street and this could be supported but that the application being considered could not provide for this

Members also discussed the colour for the proposed cladding with the view being expressed that grey cladding should be used on the scheme

RESOLVED - To approve the application in principle and to defer and delegate approval to the Chief Planning Officer, subject to the signing of a Section 106 Agreement to cover the provision and maintenance of publicly accessible landscaped areas as identified on plan 1209 -(P)- 002E, a greenspace contribution by way of a commuted sum of £56,000, public transport contribution in accordance with SPD5 Public Transport Improvements and developer contributions of £11290, cooperation with local jobs and skills training initiatives and a Section 106 management fee of £750 and subject to the conditions set out in the submitted reports

32 Application 12/04018/FU - Four storey office development with basement car parking and landscaping - land off Sovereign Street LS1

Further to minute 21 of the City Plans Panel meeting held on 25th October 2012, where Panel considered a position statement on proposals for a major office development in the city centre, Members considered the formal application. Members were also in receipt of a supplementary report which set out the emerging strategic planning context in relation to the Core

Strategy, an amendment to condition no.12 and clarification of the number of trees being removed at the site

Plans, graphics and a sample panel showing the opacity level of the glazing in a key location of the building were displayed at the meeting

Officers presented the report and following the detailed discussions held at the meeting on 25th October 2012, provided further information on the issues which had been raised by Members

In terms of the roof top plant, revisions had been made and these had been modelled from a range of key locations. The amount of green roof space had been reduced and an area of screened plant would be provided

Regarding the glazing manifestation, Members' comments had been considered but the applicant had indicated they wished to retain the film to this area. Whilst a sample panel showing opacity at a level of 20% had been provided to Panel, Members were informed that the actual material would be glass so would be more reflective than the sample being shown and that a BREAM 'Excellent' rating was being sought for the building

York stone paving would be provided and one tree was proposed although no further planting was to be provided

In respect of the S106 Agreement, the total contribution would be £232,633 which would comprise public transport contribution; travel plan monitoring fee; greenspace contribution as well as a requirement to work with Jobs and Skills

Officers recommended the scheme for approval and stated this was likely to contribute towards the first phase of the regeneration of this site

Members commented on the following matters:

- the glazing manifestation; that as stated previously, technologically there were ways to provide the commercial confidentiality which the applicant sought without adversely affecting the appearance of the building
- the need for sensitive uses to be located at this part of the building and whether these could be located elsewhere
- the cost of an electronic system which could be switched on only when needed

Officers responded to the points raised and stated that the applicant had been pressed on this point in view of Members' comments on this issue. The proposed material would not fully obscure the area; it would allow movement to be seen but faces and information would remain obscured, with the alternative option being clear glass and blinds, however this would result in the blinds always being closed which would detract from the overall visual appearance of the building. Further information was provided on the particular uses for these rooms to enable the Panel to better understand the rationale for siting these uses at this point of the building

Members continued to discuss the glazing treatment and were informed that there was no information available on the cost of a more sophisticated electronic system of automatic glazing and that it would not be possible to condition the use of blinds

Members considered how to proceed

RESOLVED - To approve the application in principle and to defer and delegate approval to the Chief Planning Officer subject to the conditions specified in the submitted reports and an amendment to condition 12 in

respect of the agreed off-site highways works to Pitt Row and the basement car park

33 Application 12/04017/LA -Change of Use from car park to public realm and amenity space, to include paving, water feature, drainage, exterior lighting and associated soft landscaping works - land off Sovereign Street LS1

Further to minute 22 of the City Plans Panel meeting held on 25th October 2012, where Panel considered a position statement on proposals for an area of greenspace in the city centre, Members considered the formal report. A supplementary report was also provided for Members' consideration which set out the emerging strategic planning context in relation to the Leeds Core Strategy and provided clarification of the number of trees being removed and provided in the planning application

Plans and graphics were displayed at the meeting

Officers presented the report and following the detailed discussions held at the meeting on 25th October 2012, provided further information on the issues which had been raised by Members

The Panel was informed that plot C had not been properly drawn on the plan before Members at the October meeting and that this was now correctly plotted, so moving it eastward, with the size of the greenspace area now comparable to Park Square. Furthermore, Executive Board had recently considered the potential disposal of plot B, which had set the parameters for that plot

In response to Members' comments about the balance of hard and soft landscaping within the scheme, this had now been amended with now 67% of the area being greenspace provision. Further amendments included more seating areas in a greater variety of styles and materials; an increased number of trees; a larger grassed area to Sovereign Square; re-alignment of the rill and the footpaths reduced in width

The level changes between the grassed areas were now very discrete; the whole area was now accessible to people with disabilities and the steps within the scheme would meet the requirements of the Access Officer

The importance of addressing Members' concerns about the possible build up of litter within the scheme was highlighted

A late representation from Leeds Civic Trust was reported which strongly supported the scheme but requested additional play areas, improved seating and improvements to Pitt Row

Members welcomed the revisions to the scheme and commented on the following matters:

- lighting within the scheme; the need to ensure it did not cause light pollution and the possibility of including coloured lighting at ground level to add further interest
- the need to ensure that the grass cutting machinery could reach the raised grassed areas
- that the enlarged greenspace area was welcomed
- the depth of the water; the need for this to be safe and for the water features to be regularly maintained

- the support for the proposals by Leeds Civic Trust in view of their earlier comments on the scheme
- the potential attraction of the area to skateboarders and whether this had been considered and addressed
- concerns about extensive use of the proposed tree species Sugar Gum which grew to 30m high
- the need for winter flowering cherry to be included in the planting scheme to provide some winter colour

Officers provided the following responses:

- that the depth of the water would be variable, with this being from 120mm to 40mm. Concerns were raised by some Members that this was too deep
- that the water feature would be maintained with an agreement being drawn up for a maintenance plan for a 15 year period
- that the issue of skateboarders using the space had been considered and that a range of measures would be included to prevent this from occurring

Members acknowledged the importance of this area of greenspace to the city and the role of the Plans Panel in securing a better scheme than had been originally proposed

RESOLVED -

a) To approve the application in principle and to defer and delegate approval to the Chief Planning Officer subject to the expiry of Notice No.1 on 28th November 2012 and subject to the conditions set out in the submitted report (and any other which may be considered appropriate)

b) That Councillor Nash be consulted on the lighting within the scheme and the proposed tree species

34 Application 12/04154/FU - Change of Use of offices to form student accommodation involving alterations and addition of roof top extension - Pennine House Russell Street LS1

Plans, photographs, drawings, graphics and sample panels were displayed at the meeting. A Members site visit had taken place earlier in the day

The Head of Planning Services stated that a further representation had been received and that the Panel might wish to hear the speakers for and against the application, discuss the proposals and then defer determination of the application to enable proper consideration by Officers of the information which had been submitted, with the Panel agreeing to this course of action

Officers presented the report which sought a change of use of a vacant office building located in the Prime Office Quarter, to student accommodation. Members were informed that the UDPR (2006) supported the principle of office use in the area but accepted other uses which added variety and vitality so long as they did not prejudice the functioning of the principal use

The 1960s building had been reclad in the 1990s and the proposal was to strip the building back to its original structure and to provide a simpler, more unified approach, with the main material being artificial stone. A new pavilion would be located at the top of the building with the overall height of

minutes approved at the meeting
held on Thursday, 13th December, 2012

the building matching nearby Aquis House and the adjacent multi-storey car park

The Panel then heard representations from the applicant and an objector who attended the meeting

Members commented on the following matters:

- the levels of rent being charged for this type of accommodation in Bristol and that the intended market for the scheme was wealthy students
- the management for this type of accommodation
- the need to consider the medium/long-term sustainability of the building and the need for further information on the amount of residential accommodation in the area and the amount of vacant office space in the vicinity
- if approved, the possibility of converting at some future point, student accommodation into residential accommodation for details to be provided about the differences there would be between these two uses in terms of the S106 Agreement
- that whilst the proposal would result in the conversion of an unattractive building, that there were grave misgivings about introducing students into the heart of the business area, with concerns that if approved, a precedent could be set
- the importance of not losing low cost office space in the city centre
- the rapid advancements in technology and IT requirements which meant that relatively modern offices needed to be refurbished to meet modern demands
- that alternative uses, e.g. a hotel might be more acceptable in this area rather than student accommodation
- that the site was in a highly sustainable area for students
- the need to provide details of the proposals affecting Henry's Bar and the roof, together with information on the treatment to the lean-to

The Chief Planning Officer stated that there was a need to look at the supply of student accommodation in the city in view of declining student numbers and that the investment in the regeneration of Bond Court would also need to be considered when introducing a new use to this area

RESOLVED – To note the report and the comments made and in light of the late representation which had been received, to defer determination of the application to a future meeting to enable a further report to be submitted which also addressed the issues raised by Panel and the Chief Planning Officer

35 Application 12/04240/EXT - Extension of time for planning application 08/06944/FU for two storey extension to main airport terminal building to provide improved internal facilities and associated landscaping works to the terminal building forecourt - Leeds and Bradford Airport Whitehouse Lane Yeadon LS19

Plans, drawings, photographs and graphics were displayed at the meeting

The Head of Planning Services presented the report which sought an extension of time for additions and improvements to the main terminal building at Leeds Bradford Airport and explained that for such applications, the chief issue was whether there had been any material changes, including changes to policy since the original grant of permission, with the Panel being informed that there had been no real changes

Members were informed that an extension of time for a further three years, could only be applied for once. The original application had been considered by Plans West who were supportive of the proposals and the emerging Core Strategy supported the airport's growth

The application had been advertised and had attracted representations from local Councillors but no objections to the proposals had been received

One element of betterment arising from this application was the intention to bring forward at an earlier date the Transport Steering Group, which was a technical group which considered traffic data which was then reported to Members

Members discussed the application and in response to a question regarding the free drop-off and pick up-point which was to commence from 1st December 2012, the Head of Planning Services stated there was no reason why this should not commence on that date

If minded to approve the application, Members were asked that condition no. 14 which related to the Forecourt Management Plan, should be dealt with in the S106 Agreement

RESOLVED - To approve the application in principle and to defer and delegate approval to the Chief Planning Officer subject to the completion of a deed of variation to the original Section 106 agreement agreed as part of planning approval 08/06944/FU to tie the approved obligations to the extension of time approval and updated regarding relevant dates and with the following amended obligation:

- To bring forward the setting up of a transport steering group (to include Leeds, Bradford and York City Council's Metro and LBIA) so that it is not linked to commencement of development but with the granting of this permission i.e. within 6 months of the date of the decision. The group will hold six monthly meetings and will review the airport's vehicular impact on the local road network, progress towards modal shift targets and the most effective use of existing and future funds for public transport

and the additional obligation relating to the Forecourt Management Plan – to be in accordance with approved details as agreed by Panel but with new access to free 1 hour pick-up and drop-off area from Whitehouse Lane completed by the end of May 2013

and subject to the conditions in the submitted report, with the deletion of condition no 14 relating to the Forecourt Management Plan

36 Application 11/03705/FU - Energy Recovery Facility (incineration of waste and energy generation), associated infrastructure and improvements to access and bridge on site of former Skelton Grange Power Station, Skelton Grange Road Stourton LS10 - Position Statement

Plans, photographs including historical images and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented a position statement on proposals for an Energy Recovery Facility (ERF) on the site of the former Skelton Grange Power Station at Stourton. The former Plans Panel East had previously received pre-application presentations and position statements on the proposals and minutes from these meetings were included in the report before Panel, to provide further background information. In view of two applications for ERFs in the city being received, a visit by Panel, relevant Ward Members and Officers to two such facilities in Sheffield and Mansfield would take place on 23rd November 2012

With reference to the detailed report before Panel, Members were informed that the proposals were for an ERF which could accept up to 300,000 tonnes per annum of non-hazardous commercial and industrial waste and that if planning permission was granted, there was the potential to ensure that landfill ceased at the Skelton Grange landfill site which was operated by Biffa, the applicants for the ERF

The facility would result in 40 jobs at the site with approximately 300 jobs during the construction phase

Currently the site was derelict concrete and rubble which was now evolving into scrub land. Some poplar trees on the site would need to be removed but the area around the building would be landscaped and improved

In terms of the size of the building, this was largely dictated by the scale of the plant within it although design principles had been set at an early stage, with some modifications being made to the design in view of comments made by Plans Panel East. The proposed scheme provided additional detailing at the end of the building's elevations, with the office element now being raised higher and having a more refined facing to it. Good quality landscaping was proposed which would set the benchmark for future developments. As part of the scheme the Trans-Pennine trail would be re-engineered, giving improved pedestrian and cycle access

One matter which was considered by Plans Panel East at the meeting in August 2012 was vehicular access and the single carriageway solution which was proposed. Plans Panel East was of the view that there was a need for two way access and for sufficient access to be provided to open up the site to a wider area of the city to maximise its potential

Members were informed that this had been considered but that the applicant had agreed to carry out full strengthening works to the bridge which would allow the full width of the bridge to be provided as other developments came along

The Panel then received a presentation from Tim Shaw, a representative of the Environment Agency (EA), who outlined the EA permitting process and provided the following information:

- that applications for ERFs were assessed to ensure they were designed to the highest standards
- that the EA had a role as a consultee in the planning application process as well as a permitting role once an application for an environmental permit was received
- that a permit could be issued before planning permission was granted but that currently no permit had been applied for on this site
- that an environmental permit contained strict conditions to ensure the environment and people's health were protected and only when the applicant had demonstrated that the ERF would operate in line with UK and European laws and using best available technology, would a permit be issued
- that for older plants, the EA could require these to be retro-fitted to meet best available technology
- that once the permit application was received and checked that all the necessary information had been submitted, it would be advertised and a period of public consultation would commence which would also include other agencies, e.g. Natural England and PCTs. The EA had an obligation to take into account all comments which were received and once the application had been assessed, a draft decision was produced with further consultation on this being held and then a final decision was taken
- once a permit was issued the EA then assumed a regulatory role which required audits and inspections; continuous monitoring of emissions and periodic sampling. Emission reports would be reviewed and published
- management and operating procedures would also be monitored but the EA's role did not cover issues relating to traffic movements; visual impact of the development; operating hours or light pollution
- the enforcement action could be taken if this was necessary with a range of sanctions being available to the EA including suspension/prohibition notices being issued and prosecution for non-compliance

Members discussed the report and the presentation by the EA and commented on the following matters:

- concerns that the applicant had not yet applied for an environmental permit and that they should be encouraged to do so. The Chair advised that this was a matter for the applicant
- the transportation of waste from the applicant's materials recovery facility (MRF) on Gelderd Road and that it would be more efficient to sort the waste on the same site as it was being incinerated
- the fact there was another application for an ERF in close proximity and whether in the EA's evaluation, these were considered separately or collectively

- whether there was sufficient waste in the city to fully utilise both of the proposed facilities
- the topography of the area where the ERFs were proposed with concerns that due to the shallow valley these were sited in, the dispersion of emissions could be slow
- whether any similar scheme to that proposed had been refused an environmental permit
- the possibility of utilising the waterways to transport waste
- the possibility of both facilities being located on this site
- for residential properties which were sited close to an ERF, whether a higher standard for emissions or vibrations was required
- whether permits were time limited or had to be renewed

The following responses were provided:

- regarding the movement of materials from the MRF on Gelderd Road, whilst planning permission for the Gelderd Road site had been granted, it had not yet been implemented. In theory it would be more efficient to sort and incinerate waste on the same site, that proposal had not been put forward and it would only be residual waste which was transported from the MRF, which equated to around 9-10 vehicles per day
- that when determining the environmental permit for this site, the fact there was another facility proposed in close proximity would be taken into account and the EA would only grant the permit if it was satisfied it was safe to do so. When considering a permit for this site, the assumption would be made that the operators of the other site – which had applied for an environmental permit – would be operating at full capacity, so these emissions would be added to the background emissions and then those produced by this site would be added for the EA's consideration. If it was felt that the air quality standard was at risk through the level of emissions, it would be possible to refuse the permit or require additional technology to be provided to mitigate against this
- that in terms of waste arisings, the RSS set out the amount of waste the region produced and then further detailed information had been obtained in the research for the Natural Resources and Waste Development Plan Document (NRWDPD) which indicated that between 350,000 and 500,000 tonnes of commercial and industrial waste per annum had to be catered for, which included recycling materials but not municipal waste which was in addition to that figure
- that some applications for ERFs had been withdrawn, rather than refused an environmental permit
- that the NRWDPD was supportive of transporting goods by water but that this was a difficult site to achieve this at as transport stations would be required along the route
- that the standards applied to emissions and vibrations were the same regardless of location but that all complaints would be

investigated and where there were problems, the EA could require the operator to put in further measures

- that environmental permits were not time limited and would remain in force until either the EA revoked them or the operator sought to surrender the permit, although the permits were reviewed regularly

The views of Members were sought on the bridge and whether this should be two way either now or in the future

The Panel's Highways representative stated that an assessment had been carried out and that the proposed one-way signalled controlled operation of the bridge would be sufficient for the proposed development but that there were concerns for the future development of the site and that a two way bridge would be needed when all the land was developed. Members noted that the footpath and cycleway would be cantilevered at the side and separated from vehicular traffic which would provide a safer environment

Panel discussed the proposals and that if a two way route could not be provided by this development, that details were needed about the trigger point to achieve this, for further consideration

RESOLVED - To note the report, the presentation and the comments now made

During consideration of this matter, Councillor Coulson left the meeting and Councillor Gruen also withdrew from the meeting for a short while

37 Application 12/03459/FU -Multi-level development up to 17 storeys with 625 residential apartments, commercial units (class A1 to A5, B1, D1 and D2), car parking, associated access, engineering works, landscape and public amenity space - land at Whitehall Road and Globe Road LS12 - Position statement

Plans, photographs and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented the report which provided the current position on proposals for a major mixed-use development close to the city centre. Panel noted that a pre-application presentation of the proposals had been made to Plans Panel City Centre on 12th April 2012 (minute 78 refers)

Members were informed that a mix of apartments across 7 units, were proposed which would include some 3 bedroom apartments and duplex units

The main public open space would be in the centre of the site, although this was less than 10% of the site area and Officers were considering whether a lower level of POS could be accepted in return for the provision of a footbridge over the canal

The main material proposed for the six lower buildings would be red brick which would provide a reference to the former industrial uses of this area. The tall building set apart from the rest of the blocks would be in a black brick with some relief being provided through the inclusion of gold-coloured detailing on the balconies of this block

To prevent graffiti on the elevation to the railway, green climbing plants were proposed which would also add interest and soften this area

Details of the vehicular access arrangements were provided and Members were informed that a cycle lane would be introduced into the scheme

A wind assessment had been submitted and this was currently being considered. A viability statement had also been received which was being examined

Members commented on the following matters:

- the need to see a sample of the gold-coloured cladding and to ensure that its appearance did not deteriorate over time. Members were informed that sample materials would be provided and the materials would be conditioned
- that the POS had to cater for families living on the site and from the image shown to Panel it appeared there was a road running through it
- whether houses should be considered for the site as opposed to flats
- the change of colour for the tall building and the reasons for this
- the need for the colour of the red brick to resemble that used on the developments at Granary Wharf, rather than that on the Courts
- the need for a more balanced housing structure in the city centre and the need for more family accommodation, e.g. houses/town houses in a traditional street pattern
- concerns about the density of the proposals
- the design of the buildings with a mix of views on this
- that the provision of the bridge would be beneficial if it could be achieved and would provide a link to Granary Wharf and the southern entrance of the railway station
- the importance of the views of the city to visitors arriving by train and the need for an image showing this development when entering Leeds station by rail
- the likelihood that conventional housing on this site would not be viable

The Head of Planning Services stated that in terms of viability the site was a marginal one. Regarding the design of the scheme, the comments from the pre-application presentation had indicated the buildings at that time were too 'blocky' and the amendments made were in response to those comments. In relation to the tall building, it was felt that elements of the nearby No.1 Whitehall were picked up in that block and that it was possible that the images provided did not fully indicate this

On the quantum of development, it was important to ensure this was correct

In response to the specific points raised in the report for Members' comments, the following responses were provided:

- that there were mixed views on the design approach adopted for the development and that a 'wow factor' was needed
- that there was support to the approach to private and public outdoor amenity space but that if families were to be accommodated, more child-friendly play spaces were required

and there should be increased green areas and reduced hard landscaping

- that there was support for the proposed car parking in the scheme

RESOLVED - To note the report and the comments now made

At the end of consideration of this matter, Councillors R Procter, G Latty, M Hamilton and T Leadley left the meeting

38 Application 12/03788/FU - Hybrid application for full permission for 11 storey office building and outline application for office/hotel building up to 8 storeys with ancillary ground floor, A1, A3, A4 uses at Wellington Street/Whitehall Road LS1 - Position statement

Plans, photographs and graphics were displayed at the meeting

The Deputy Area Planning Manager presented a report setting out the current position on proposals for an office and hotel development at Wellington Street/Whitehall Road, LS1 on the site of the former Lumiere development. Members noted that a pre-application presentation on the scheme had been considered by Plans Panel City Centre at its meeting on 5th July 2012

Regarding the location of the site, this was close to the City Centre Conservation Area and there were a number of listed buildings in the vicinity, with a mixed architectural style of Victorian and modern buildings around the site

At this point, Councillor Nash having declared a disclosable pecuniary interest through being a Committee Member of the Leeds and Wakefield Area Co-operative Group which had a store in close proximity to the site, left the meeting

The following information was provided:

- that the proposals were for two buildings around a central space, with one application being for full planning permission whereas the other building was for outline permission only
- both the base of the outline building and the top of it would align with City Central
- a central open space of 35m x 25m would be provided and this would include an area of soft landscaping together with seating and public art
- the servicing arrangements would be provided by a new route for vehicular access off Whitehall Road to the basement car park
- the need to protect the amenity of residents from the possible intensive servicing use and that a wall to screen this from view would be provided
- for the building on the Whitehall Road frontage, the proposed materials would be masonry in a grid pattern, with a loggia feature at the top level

minutes approved at the meeting
held on Thursday, 13th December, 2012

- a brown roof was proposed to the eastern wing which would constitute crushed aggregate, brick and concrete which would encourage biodiversity
- to address concerns about lighting and safety raised at the pre-application presentation about the pedestrian cut-through, this would be 8m wide with a fully glazed reception area sited along one elevation to improve natural surveillance
- that some columns in the centre would be needed for support but these would be slim and not obtrusive
- signing was proposed at the entrance to provide a feature and further illuminate this part of the building
- that construction would be phased including a phased provision of the basement car park
- a temporary fence line was being proposed to screen the part-built basement and temporary surface treatment would be provided to the Public Open Space until the outline proposal was implemented
- a lay-by area was being proposed for the proposed hotel use and there would be the opportunity for a new, upgraded bus stop to be provided on Wellington Street. The existing bus stops on Whitehall Road would be relocated and improved
- the existing pedestrian crossing on Wellington Street would need to be relocated
- a wind study for the site had been submitted and was being considered

Members commented on the proposals particularly the need to provide a lay-by to improve the flow of public transport along Wellington Street, and the pedestrian route in and how well-illuminated this would be

In response to the specific points raised in the report for Members' consideration, the following comments were made:

- that Members considered that the combination of the materials proposed and the elevational treatment to be acceptable
- that the concerns regarding the attractiveness of the pedestrian access on to Whitehall Road had been addressed
- that with the safeguards which were in place, in general, residential amenity had been protected both during the construction and operational phases of development but that there was a need to make the screen wall to the service area more interesting and attractive and that the flow of public transport along Wellington Street needed to be improved

RESOLVED - To note the report and the comments now made

39 Preapp 12/01085 - Proposed office building and creche at White Rose Office Park Millshaw Park Lane Beeston LS11 - Pre-application presentation

Plans and graphics were displayed at the meeting

Panel considered a report of the Chief Planning Officer setting out proposals for another new office development in Leeds which was a further example of investor confidence in the city

Members were informed about the planning history of the site and that there were two permissions for additional office space which had commenced but had not been completed. The applicant had stated that if the proposed scheme was granted planning permission, the two extant permissions would be relinquished

Car parking was proposed at ground level with office accommodation above it. A crèche was proposed on an existing car park, with there being a net loss of approximately 190 spaces

Aspects of the design were still being discussed although the coloured cladding which had formed part of the earlier designs had now been deleted

The extant permissions were material planning considerations as was whether an out of centre use was acceptable in this location

It was reported that Councillor Congreve had raised the issue about the loss of car parking spaces and that this needed to be addressed to ensure there was no worsening of the car parking situation at the White Rose Centre (WRC)

If Members were broadly satisfied with the proposals, a request was made to defer and delegate determination of the planning application when it was submitted, to the Chief Planning Officer, subject to no major issues being raised

The Panel then received a presentation on behalf of the applicants who provided the following information:

- that the site was the home to a range of companies and was a large employer
- that the site could be regarded as being mid-town rather than an out of town location
- that a company had approached them for a new office building with crèche facility and that the consented scheme did not meet the demands of this tenant. If the scheme was approved, the building was hoped to be occupied by 2014 and with 700 employees
- that an area of land did exist where decked car parking could be provided if the loss of spaces was an issue
- that the applicants would work with the owners of the WRC to develop the link to the shopping centre
- that the consented schemes could be built without the need for planning contributions and that this should be taken into account when considering contributions on the proposed scheme

Members discussed the scheme and were content with the proposals as presented, to the extent that determination of the application could be deferred and delegated to the Chief Planning Officer

The Chief Planning Officer welcomed this approach but advised that any approval would be subject to no new material considerations being raised and for the scheme to be policy compliant and for appropriate planning contributions to be made

RESOLVED – To note the report, the presentation and the comments now made and that consideration of the formal application be deferred and

delegated to the Chief Planning Officer but that in the event that issues arose which could not be resolved, that the application be submitted to Panel for determination

40 Date and Time of Next Meeting

Thursday 13th December 2012 at 1.30pm in the Civic Hall, Leeds

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Originator: Sarah McMahon

Tel: 2478171

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 13 DECEMBER 2012

Subject: POSITION STATEMENT for Planning Application 12/04663/FU and Conservation Area Application 12/04664/CA - Demolition of existing buildings and erection of a 6 storey library with ancillary landscaping at the University of Leeds, Land bounded by Woodhouse Lane and Hillary Place, Leeds, LS2 3AR.

Electoral Wards Affected:

Hyde Park & Woodhouse

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

This report is brought to Panel for information. Officers will present the current position reached in respect of this application to allow Members to consider the proposal.

1.0 INTRODUCTION:

- 1.1 This position statement is intended to inform Members of the latest position in respect of the proposal for a new undergraduate library on the city campus of the University of Leeds. The scheme was originally brought before Members at pre-application stage at the City Plans Panel of the 27 September 2012 (Members comments are detailed below in Section 5.0 and in Appendix 1).
- 1.2 The University has stated that there is a requirement for them to create a dedicated undergraduate's library to allow them to provide the modern learning facilities required by students. The proposal would allow the existing two libraries (Edward Boyle and Brotherton) to focus on special collections and postgraduate studies. Thus the University's aim is to create a trinity of libraries within 5 minutes walking distance of each other, which act as entry/welcome point into the campus.

- 1.3 The proposal is of significant importance to the University to allow them to effectively compete with other institutions and ensure economically viable numbers of students undertake their studies at the University. As such the University considers that the proposal would be a key attractor to students and would create a new high quality, welcoming feature at the front door to the campus. It is also the case that the proposal must be appropriate in respect of the needs of the City, in contributing to the life, vitality and economy of Leeds, and to the requirements of what is a highly sensitive heritage location.
- 1.4 The building is to be positioned on one of the 27 development proposals sites put forward by the University as part of their overall Strategic Development Framework (May 2008 Revision C) for the campus, which was presented to Members on 28 February 2008.

2.0 PROPOSAL

- 2.1 The proposal would be for a contemporary 24 hour opening library building, housing designated areas including a reading room, book stack rooms, study areas, training rooms, staff offices, an internal bicycle store and an ancillary café space. The gross floor space would be in the region of 6,557 sq metres. External public realm spaces would be created to the north and south of the building, with hard and soft landscaping and external seating areas. External cycle parking will also be provided within the boundary of the site.
- 2.2 A number of documents have been submitted in support of this proposal and these are:
- Design and Access Statement.
 - Flood Risk Assessment
 - Sustainability Statement
 - Heritage Statement
 - Utilities Statement
 - Noise Report
 - Ecological Site Assessment
 - Ground Investigation Report
 - Drainage Strategy Report
 - Transport Statement
 - Travel Plan
 - Tree Report

3.0 SITE AND SURROUNDINGS:

- 3.1 The Leeds Unitary Development Plan Review 2006 (UDP) defines this location as being within the Education Quarter. The site has been in use for some years as a surface car park. There are landscaped edges to the site to its northern and southern ends with a small number of trees of varying maturity and species. On street car parking bays are also laid out along Hillary Place. A section of the proposed New Generation Transport route is proposed to run to the north of the site along Woodhouse Lane.

- 3.2 The site is set within the boundary of the Woodhouse Lane - University Precinct Conservation Area. This Conservation Area is characterised by an eclectic mix of buildings ranging from large scale university blocks to former terrace houses, with a wide range of architectural styles. The layout of the area ranges from the planned 19th century suburban developments of Woodhouse Lane to the more piecemeal expansion of the University precinct.
- 3.3 The existing car park is flanked by the Grade II listed Workshop Theatre building (the former Emmanuel Church Institute), the Grade II Listed former Emmanuel Church and former Trinity St David's Church. In addition there are further Grade II Listed buildings facing the site to the south along Hillary Place and to the north along Blenheim Terrace. The nearby Parkinson Building is also a Grade II Listed building.

4.0 RELEVANT PLANNING HISTORY

- 4.1 Consent was granted for 10 storey car park with associated management suite and ancillary (Class D1/Cycle Hire and Workshop) space and landscaping, on the Orange Zone car park area of the University of Leeds city campus on 30 March 2010, under Planning Application 09/03060/FU.
- 4.2 Consents to change the former Trinity St David's Church into a café/bar (A3 Use) were granted on 17 September 2002 on Listed Building applications 20/87/02/LI and on 9 October 2002 on Planning Application 20/85/02/FU
- 4.3 Consents to alter the Emmanuel Church to a place of worship with teaching rooms addition of canopy and detached plant housing were granted on 11 June 2003 on Listed building application 20/17/03/LI and on 13 June 2002 on Planning Application 20/396/02/FU.
- 4.4 Consent for a change of use of building society office to offices at 183 Woodhouse Lane was granted on 14 December 2001 on Planning Application H20/429/90.
- 4.5 Consent for a single storey link extension to offices at 183 Woodhouse Lane was granted on 14 December 2001 on Planning Application 20/268/01/FU.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The proposal has been the subject of pre-application discussions between the Developers, their Architects and Local Authority Officers since November 2011. These discussions have focused on the proposed use of the site as an undergraduate's library, the massing, form and height of the development, the historical context of the site and the relationship of the proposal to a number of neighbouring listed buildings, the loss of car parking on the site, details of the elevational design and materials, key views, pedestrian routes and connectivity through the site and wider campus, the sustainability credentials of the proposal, and the proposed hard and soft landscaping scheme.
- 5.2 The pre-application scheme for an undergraduate library (up to 6 storeys high) and associated landscaping was presented to Members at the City Plans Panel on 27 September 2012. Members made the following comments (full Plans Panel minutes can be found in |Appendix 1);

- Concerns there was a huge massing to the rear of the building “looks blocky, boxy”
- Missing an opportunity, does not make best use of the site
- Suggestion that the building be more refined, more delicate
- Rear and front of the building need to be of equal strength, require quality on a small site
- Welcome proposal for use of Portland stone
- Pleased with BREEAM status
- Concerns at the loss of 2 trees in a Conservation area
- Look again at the issues around massing, suggestion that the building be made taller and slimmer onto Hillary Place
- Further consideration of the design and appearance of the building was required
- Accepted the removal of the unlisted former bank building.
- There was a need to address the loss of the existing trees with appropriate replacement planting
- More information was required on what happens to the displaced car parking.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The planning application was publicised via Site Notices posted on 16 November 2012 expiring on 7 December 2012 for a ‘Major Development Which Affects the Setting of a Listed Building and the Character of a Conservation Area’, and in a Yorkshire Evening Post edition to be printed on or around the 6 December 2012.
- 6.2 The Conservation Area application was publicised via Site Notices posted on 16 November 2012 expiring on 7 December 2012 for a ‘Notice of proposed demolition in a Conservation Area’, and in a Yorkshire Evening Post edition to be printed on or around the 6 December 2012.
- 6.3 Ward Members were consulted by Officers on 9 and 12 November 2012.
- 6.4 The Applicant has advised that they have sent letters regarding the scheme to all Ward Members, the Halo nightclub tenants in the former Trinity St David's Church, and the chaplains of the Emmanuel Church. In addition, a consultation leaflet was delivered to all nearby residential dwellings and businesses on 9 November 2012 and the Applicant held a public consultation event on the University Campus on 19 November 2012.

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

English Heritage: state that they consider that the conservation area application does not fall within their remit and as such they have made no comments. In respect of the full planning application they state that the proposal can be considered to be of substantial harm, due to the loss of a non-designated heritage asset (the former bank building). However they go on to state that they consider the wider site (i.e. the surface car park) does not contribute positively to the significance and setting of the affected designated heritage asset and due to the public benefit of the creation of a well designed urban block and the removal of an area of negative value (the surface car park), the benefits of the proposal outweigh the

harm to significance that it causes. As such they state that they support the proposals.

Demolition in Conservation Areas Groups: No comments to date.

Highways: state that further discussions are required to agree the number of cycle parking spaces whether the scheme requires any associated Traffic Regulation Order works. In addition Highways advise that conditions to cover the areas for vehicle use to be laid out and the provision of details of constructor's equipment are required and such conditions will be applied.

Mains Drainage: state that a condition is required for the submission of a scheme detailing surface water drainage works.

The Victorian Society: state that they have no objection to the redevelopment of the site, but suggest that the recording, retention and and/or reuse of the former bank should be considered. They also state that Hillary Place elevation is intimidating and too large in scale and that the elevation should be set back and respect its setting. They also state that the relationship of the new building to Woodhouse Lane also needs to be explored.

7.2 **Non-Statutory:**

NGT/Transport Policy Officer: No comments to date.

Sustainability Officer: No comments to date.

Land Contamination Team: State they have no objections to the proposal subject to conditions being applied to cover the submission of a Phase I Desk Study, the submission of a Remediation Statement and any unexpected contamination.

Neighbourhoods and Housing: state that the proposal is not likely to give rise to noise complaints but there is potential for noise from its mechanical services plant. As such conditions controlling the level of noise from plant, along with conditions covering operating hours for demolition and construction works, and compliance with the Code of Construction Practice are required.

Access Officer: No comments to date.

Metro: state that they require the Developer to fund a new 'live' bus information display to be erected at the bus stop on Woodhouse Lane, adjacent to the site. The contribution required from the Developer would be £10,000.00.

West Yorkshire Archaeological Advisory Service: state that there is currently no known archaeological implications from the proposed development of this site.

Leeds Civic Trust: state that they object to the proposal due to the loss of the former bank building, and that they consider the design to be bulky, with a busy mix of materials and architectural features. They consider that the scheme does not respond to local character or history, or reflect the identity of local surroundings and materials.

TravelWise: stating that alterations to the Travel Plan are required to cover the relocation of the existing car club space, the location of long stay secure cycle

parking spaces in the building and associated shower facilities, an increased provision of short stay cycle spaces outside the building, whether or not motorcycle spaces can be provided within the site, and up to date specific targets and actions. In addition, there is a requirement for a travel plan monitoring and evaluation fee of £2,500.00.

8.0 PLANNING POLICIES:

8.1 National Planning Policy Framework (NPPF)

The National Planning Policy Framework 2012 (NPPF) was adopted in March 2012 and sets out the Government's planning policies and how they expect them to be applied.

Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraph 14 goes on to states that there should be a presumption in favour of sustainable development.

Paragraph 17 of the NPPF sets out the Core Planning Principles for plan making and decision taking. The 3rd principle listed states that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.

The 4th principle listed states that planning should always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The 8th principle listed states that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

The 10th principle listed states that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

The 11th principle listed states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Paragraphs 56 and 57 of the NPPF state that good design is a key aspect of sustainable development, is indivisible from good planning and contributes positively to making better places for people., and that design should be of a high quality and inclusive.

Paragraph 60 of the NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes, and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 61 of the NPPF states that's although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

8.2 Development Plan

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 UDPR but this is 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.

8.3 Regional Spatial Strategy (RSS) (adopted May 2008):

Relevant policies include:

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.

8.4 Leeds Unitary Development Plan (Review) 2006

Relevant policies include:

Policy A4 (Access for all)

Policy BC8 (Demolition of unlisted buildings in a conservation area and salvaging, storage and reuse of features)

Policy BD2 (Design and siting of new buildings)

Policy BD3 (Accessibility in new buildings)

Policy BD4 (All mechanical plant)

Policy BD5 (All new buildings)
 Policy CC1 (Planning obligations)
 Policy CC10 (Provision of public space)
 Policy CC12 (New development and new public spaces relating and connecting to the existing street pattern)
 Policy CC27 (Principal use quarters)
 Policy GP5 (All planning considerations)
 Policy GP7 (Planning obligations)
 Policy GP11 (development must meet sustainable design principles)
 Policy LD1 (landscaping schemes)
 Policy N12 (Urban building design)
 Policy N13 (Design of all new buildings)
 Policy N18A (Level of contribution of building to be demolished in a conservation area)
 Policy N18B (Requirement for detailed plans for redevelopment of buildings to be demolished in conservation area)
 Policy N19 (New buildings and extensions within or adjacent to a conservation area)
 Policy N23 (Space around new buildings)
 Policy N25 (design of site boundaries)
 SA8 – Strategic aim to provide safe and easy access for all.
 Policy T1 (General principles of Transport Investment)
 Policy T2 (Servicing of new development by public transport)
 Policy T5 (Provision to cyclists)
 Policy T7 (Promotion of cycle storage facilities)
 Policy T7A (Secure cycle parking)

Paragraph 13.7.57 refers to the Education Quarter. The relevant main objectives are:

1. Facilitate the University's consolidation and expansion on their City Centre sites and accommodate their main functional requirements.
2. Retain and enhance the character and identity of the Education Quarter and reinforce its sense of place.

8.5 The Core Strategy

8.6 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 7th November 2012 Executive Board approved the proposed pre-submission changes to the Publication Draft of the Leeds Development Framework Core Strategy. Executive Board also resolved to recommend that Council approve the Publication Draft Core Strategy and the sustainability report for the purposes of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004.

8.7 The Core Strategy's Spatial Vision and Objectives state that

- Leeds will have maintained and strengthened its position at the heart of the City Region and has grown a strong diverse and successful urban and rural economy, with skilled people and competitive businesses, which are sustainable, innovative, creative and entrepreneurial. All communities will have equal chances to access jobs and training opportunities through the growth of local businesses.
- Place making will be embedded into the planning process which has led to the creation, protection, and enhancement of buildings, places and spaces that are valued by people. This will have a positive contribution towards better health and

wellbeing, especially in communities where there have been clear health disparities and disadvantage.

Objective (iii) 11. States that the Core Strategy Policies support the provision of community infrastructure that is tailored to meet the needs of the community including high quality health, education and training, cultural and recreation, and community facilities and spaces.

Relevant Policies are:

- 8.8 Spatial Policy 1: Location Of Development states that the majority of new development should be concentrated within urban areas taking advantage of existing services, high levels of accessibility and priorities for urban regeneration and an appropriate balance of brownfield and greenfield land.
- 8.9 Spatial Policy 3: Role Of Leeds City Centre states that the importance of the City Centre as an economic driver for the District and City Region will be maintained and enhanced by:
(iii) Valuing the contributions to the life, vitality and economy of the City Centre made by the Universities, Leeds General Infirmary, Major Museums and Arena.
- 8.10 Spatial Policy 8: Economic Development Priorities states that
(iii) Job retention and creation, promoting the need for a skilled workforce, educational attainment and reducing barriers to employment opportunities.
- 8.11 Paragraph 5.1.16 states that the hospital, universities and cultural venues generate large amounts of footfall and journeys which make it appropriate that their presence is largely retained in the City Centre where public transport accessibility is extremely good. Future growth in office space, shops and dwellings should be planned to sustain rather than undermine the hospital, universities and major cultural facilities.
- 8.12 Policy CC1: City Centre Development states that c) Hospital, university, college, and cultural facilities to be retained in the City Centre
- 8.13 Policy P9: Community Facilities and Other Services states that access to local community facilities and services, such as education, training, places of worship, health, and community centres, is important to the health and wellbeing of a neighbourhood.
- 8.14 Policy P10: Design states that new development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.
New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.
- 8.15 Policy P11: Conservation states that the historic environment, consisting of archaeological remains, historic buildings townscapes and landscapes, including locally significant undesignated assets and their settings, will be conserved and development proposals will be expected to demonstrate a full understanding of historic assets affected.

- 8.16 Policy P12: Landscape states that the character, quality and biodiversity of Leeds' townscapes and landscapes, including their historical and cultural significance, will be conserved and enhanced to protect their distinctiveness through stewardship and the planning process.
- 8.17 Policy T1: Transport Management states that there will be a requirement for (ii) Sustainable travel proposals including travel planning measures for employers and schools.
- 8.18 Policy T2: Accessibility Requirements and New Development states that new development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.
- 8.19 Policy EN1: Climate Change – Carbon Dioxide Reduction states that all developments of 10 dwellings or more, or over 1,000 square metres of floorspace, whether new-build or conversion, will be required to:
- (i) Reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate until 2016 when all development should be zero carbon; and,
 - (ii) Provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.
- 8.20 Policy EN2: Sustainable Design and Construction states that developments of 1,000 or more square metres (including conversion where feasible) are to meet at least the standard set by BREEAM (Very Good in 2012, Excellent in 2013 and Excellent in 2016).
- 8.21 Policy EN4: District Heating states that where technically viable, and in areas with sufficient heat density, development should propose heating systems according to the following hierarchy:
- (i) Connection to existing heat networks,
 - (ii) Use of a site wide district/communal heating system supplied with low carbon heat where technically viable/feasible.
- 8.22 Policy EN6: Strategic Waste Management states that waste in Leeds will be managed by application of the waste hierarchy in the following way:
- (i) Development will be required to demonstrate measures to reduce and re-use waste both during construction and throughout the life of the development; and
 - (ii) Sufficient space will be provided within all new developments (including conversions) to enable separation, storage, and collection of recyclable materials to take place.
- 8.23 Relevant Supplementary Planning Guidance other guidance and emerging policy
- 8.24 Leeds – City Centre Urban Design Strategy (CCUDS): Improving Our Streets, Spaces and Buildings (urban design principles based on the distinctive qualities of Leeds City Centre).
- 8.25 Sustainable Design and Construction Supplementary Planning Document (August 2011).
- 8.26 Draft Supplementary Planning Document 'Travel Plans' (May 2007)

- 8.27 Supplementary Planning Document 'Public Transport Improvements and Developer Contributions' (adopted August 2008)
- 8.28 Tall Buildings Design Guide (adopted April 2010)

9.0 ISSUES

1. The principle of the proposed use
2. The impact on the character and visual amenity of the adjacent and nearby listed buildings, the street scene and the wider conservation area
3. Demolition and the merit of the existing buildings
4. Vehicle parking provision and relocation
5. Landscaping and public realm
6. Sustainability
7. Section 106 Legal Agreement – Heads of Terms

10.0 APPRAISAL

10.1 The principle of the proposed use

10.2 The proposal is for the use of the site to house an undergraduate library to serve the needs of students at the University of Leeds, with a ground floor ancillary café area, and staff office space. The library would also have fully accessible areas which could be used by visiting students from other educational facilities or for other training needs. The site is located within the Education Quarter, as defined by Leeds Unitary Development Plan Review 2006. Here the principal aims for development are, that it facilitates the University's consolidation and expansion on their City Centre sites and accommodates their main functional requirements. In addition, any proposal should retain and enhance the character and identity of the Education Quarter and reinforce its sense of place.

10.3 As the proposal is for a new library, which will help to expand and improve the facilities of the University of Leeds on their City Centre campus, it is considered to be a highly appropriate use for this location.

10.4 **Do Members agree that the proposed use is appropriate for this location?**

10.5 The impact on the character and visual amenity of the adjacent and nearby listed buildings, the street scene and the wider conservation area

10.6 The proposed building design concept has been to produce a building that takes account of its place on what is an infill site, and responds to the sensitive context in which it will be positioned, whilst creating a contemporary state of the art library facility. As such the proposal is to create a modern building of calm, and crisp design, subtly detailed to ensure it compliments rather than competes with the intricately detailed historical buildings within its setting. This is highly important as the site is surrounded by a variety of Grade II Listed Buildings, as well as being set within the boundary of the Woodhouse Lane - University Precinct Conservation Area.

- 10.7 The University of Leeds campus and the Conservation Area in which it is located are characterised by a rich mix of buildings of differing architectural style, era and scale, all sitting in close proximity to each other. In line with comments from The Victorian Society and the concerns from Leeds Civic Trust, the manner in which the proposal responds to this heritage rich setting is fundamental to the success of its design. Therefore, the proposal is to create a modern, respectful, stepped built form, where the mass of the building is positioned in the least sensitive parts of the site, to minimise its impact on the visual amenity and character of the neighbouring listed buildings and the wider Conservation Area. As a result the building is proposed to step from 2 storeys where it fronts Woodhouse Lane, up to a maximum of 6 storeys (including the roof top plant area and a part sub-basement floor) in the mid to rear area of the site.
- 10.8 To maximise on its key location the proposal would have two entrances. The principal entrance would be to the Woodhouse Lane façade with a more direct link to the campus via the second entrance from Hillary Place. These entrances would lead into the accessible ground floor level, which would house a variety of flexible useable spaces, as well as a glass topped central atrium, to create a sense of space and light within the core areas of the building, and a café area. The café area would have a second smaller glazed atrium of two storeys, which would benefit from open views of the rose window to the east face of the adjacent former Emmanuel Church.
- 10.9 The building is set a respectful distance away from the buildings attached to the rear of the listed former Trinity St David's Church to the east, and its set further away from the listed former Emmanuel Church to the west, with an area of public realm to be created to this side of the new building. Due to the requirement for broad floor plans to serve this type of use, the building spreads to the west such that it abuts the east facing wall of the listed Workshop Theatre (former Emmanuel Church Institute). However, the area of walling of this former church institute to be concealed is predominantly plain brickwork. As such there would be no significant harm to, or concealment of, the important architectural and historic features of this heritage asset.
- 10.10 In response to Members, The Victorian Society's and Leeds Civic Trust's comments regarding the massing of the building towards the Hillary Place side of the site, the proposal has been pulled back approximately 2.5 metres from the back of the Hillary Place footway, to allow the building to line in with the outer most projections of the buildings on the former Trinity St David's church site. In addition the mass has been further reduced by dropping the building to 4 storeys where it fronts Hillary Place, and by the use of an open podium level, housing broad entrance steps beneath the two upper floors. Further to this the elevation of these upper floors would be detailed both horizontally and vertically, with recessed slot windows, to further break up the appearance of the mass to this frontage.
- 10.11 In response to Members and Leeds Civic Trust's comments regarding the mix of materials and elevational treatments and the need for an equal design quality to both the Woodhouse Lane and the Hillary Place elevations, the palette of materials has been reconsidered and refined to produce a more consistent approach to all elevations. As a result the principal elevational material will be Portland stone, detailed with recessed shadow joints at each floor level to create subtle banding. This stone will be combined with large areas of clear glazing, allowing a substantial amount of natural light to penetrate the building on all elevations, and carefully positioned arrangements of metal fins/louvres. The

fins/louvres will serve to conceal the plant area, address matters of solar gain and provide further cohesion to the design approach now taken to all elevations.

- 10.12 In addition to the large glazed areas in the building frontages, a number of feature windows are proposed. These would be angled projecting bays to the 1st, 2nd and 3rd floor levels facing on to the former Emmanuel Church, as well as a further row of projecting bay windows to the 3rd floor level facing south, with views across Hillary Place and beyond.
- 10.13 Members expressed that the building may benefit from being taller and slimmer. Due to the nature of the proposed use there is a requirement for the floor plates of the building to be deep, to allow for the required book stack and study areas. As such it is not practical for the building to be increased physically in height. Therefore architectural features have been introduced to add vertical emphasis and give the building presence on the skyline.
- 10.14 The plant area has been consolidated and placed on the top of the building. This plant area is visually integrated into the main elevations by the use of the metal fins/louvres which project up above the demise of the plant. In addition, to the south eastern corner of the building the vertical glazed slot and stone work is taken up the building and into the plant area zone on the elevation. This treatment is also used on the south western corner, where the Portland Stone has been taken up to the top of the building. Positioned between the two, along the southern face of the plant area, are a bank of high level photovoltaic panels, which add a further sustainable and visually interesting, means of screening the plant area on this elevation.
- 10.15 In addition the central glazed atrium with a stone and fin/louvre wall to its west face has been projected some 4.2 metres up and out of the top of the building, to create a skyline lantern feature, again adding visual height to the development.
- 10.16 The overall design of the scheme would result in a crisp, high quality, contemporary addition that would sit comfortably within the context of the existing nearby listed and university buildings, and the Woodhouse Lane - University Precinct Conservation Area.
- 10.17 **Do Members consider the design refinements to be acceptable?**
- 10.18 Demolition and the merit of the existing buildings
- 10.19 Consideration has been given as to whether the proposed demolition of the former bank building (183 Woodhouse Lane) most recently being used as security offices, and an adjacent smaller flat roofed building is acceptable, or whether the buildings have any significant architectural or historical merit. The buildings in question are not listed but do sit within the boundary of the Woodhouse Lane - University Precinct Conservation Area, to the north-west corner of the site.
- 10.20 The former bank building, which was built circa the 1930s, is a simple red brick building with an Art Deco Portland stone façade where it fronts on to Woodhouse Lane. The adjacent architecturally plainer flat roofed red brick building is of later construction. Both buildings are modest in stature, with the frontage of the former bank building having some architectural detailing and design which echoes that of the nearby Grade II Listed Parkinson Building. Whilst the former bank building does have some architectural merit, this is only in respect of its street facing façade, with the remainder of the building, and the adjacent simpler red brick building, both

being very utilitarian in design. As such it is only this one face of the former bank building that can be said to make a positive contribution to the character of the Conservation Area.

10.21 The Victorian Society and Leeds Civic Trust have questioned the loss of this undesignated heritage asset and whether this former bank building can be reused or retained. Discussions during the design process have explored whether or not the principal façade of the former bank building could be retained and incorporated into the scheme, however, levels changes and differences between the proposed design and the existing architectural style have meant this can not be possible. As such, it can be argued that, on balance, the benefits that will be brought forward by the proposed high quality scheme, outweigh the loss of these existing buildings. Therefore, the demolition of these non designated buildings, to allow the site to be redeveloped with a building of high design quality, which would ensure a viable and appropriate use of the site, is considered to be acceptable and the proposal complies with the requirements of Paragraph 133 of the National Planning Policy Framework 2012.

10.22 **Do Members agree that the demolition of the existing buildings is acceptable?**

10.23 Vehicle parking provision and relocation

10.24 The existing site is currently largely in use as a surface car park with 75 parking spaces, including 23 VIP spaces and 2 spaces for disabled users. The scheme does not propose to accommodate any car parking within the site boundary. In addition, some on-street car parking along Hillary Place will also be lost to allow for servicing bays to be created, with the addition of an off-street servicing area to the south eastern corner of the development site. The Applicant has advised that it is their intention to encourage more sustainable means of transport, such as walking, cycling and using public transport, to and from the campus to reduce the reliance on car use. The site is well served by existing public transport being on a primary bus route and in the future the New Generation Transport (NGT) trolley bus will also run adjacent to the site, along Woodhouse Lane. However, Officers are in discussion with the Applicant with regard to the relocation of some VIP and disabled car parking, and whether the scheme requires any associated Traffic Regulation Order works.

10.25 The University currently has a total of circa 1,520 cycle spaces available for use within the campus by both students and staff. The existing Velocampus Leeds provides support to staff and students cycling to the University and is situated within the campus, approximately 150 metres to the southwest of the site. The Applicant is in discussions with Officers with regard to agreeing the number of cycle parking spaces and this matter will be reported verbally to Members at Plans Panel.

10.26 There is one existing Car Club space on the surface car park operating on this site and this will be relocated to a new bay to be created on Hillary Place. The amendments to the Travel plan requested by TravelWise are currently being worked up to be resubmitted.

10.27 **Do Members have comments at this stage with regard to arrangements for the relocation of car parking in advance of further details being provided?**

10.28 Landscaping and public realm

10.29 Due to the required footprint of the building the landscaping, whilst being an integral part of the design, is characterised by the site edges. As such new public realm landscaping is proposed to both the Woodhouse Lane & Hillary Place ends of the site. A high quality main entrance plaza to the Woodhouse Lane frontage is to be formed, incorporating new seating (some sculptural) and planting, creating a place for people to meet and rest. Because of the manner in which the building is set back into the site this area of new public realm would have a depth ranging from some 7.5 to 12.5 metres from the back edge of the existing footpath on Woodhouse Lane. This is in addition to the existing pedestrian pavement area, and combined with this existing pedestrian footpath, gives a depth range from the building to the existing kerb of some 10 to 15.5 metres. Cycle parking would be provided close to the main entrance on the north-eastern corner of the site.

10.30 The new landscaping would also wrap around the proposed building to the north-west, fronting on to the side of the former Emmanuel church. Here maintenance access is required to an existing plant area for the former church building. However this area will be occupied by seating which will be incorporated into the existing stone boundary wall to the former Emmanuel Church. A green screen of Pleached Hornbeam Trees and hedging is proposed to screen the levels difference between the site and the adjacent former church and its grounds. This boundary treatment would ensure that only those areas requiring screen are concealed with the more interesting and important features of the east face of the former Emmanuel church remaining visible.

10.31 To the Hillary Place side of the site the building has been pulled back some 2.5 metres from the back edge of the footpath, creating an area of new stone paving which will wrap around the building to create an enhanced, shared space to the adjacent Workshop Theatre's access area. This gives a total new footway width of some 4.8 metres from the building to the existing kerb. The existing stone walls of the former churches to each side will be retained and repaired where they meet the new public realm spaces.

10.32 4 existing mature trees and a number of juvenile and semi mature trees, plus existing small areas of shrubbery on site, will need to be removed to allow this proposal to be constructed. As such this loss needs to be mitigated against. Therefore, in addition to the Pleached Hornbeams and box hedging proposed, 7 more new trees are to be introduced around the Woodhouse Lane frontages of the proposed building and the former Emmanuel Church. In addition, a further 2 new trees will be planted in the existing green area to the south of the Workshop Theatre building. Potential tree species for this would be *Pyrus salicifolia*, *Corylus colurna* and *Sorbus intermedia*, although full detail of all landscaping would be required to be submitted under planning conditions.

10.33 The design of the scheme also aims to have areas of green roof, most likely over the lower roof areas, to provide improved views for its users as well as encouraging bio-diversity.

10.34 **Do Members consider the loss of the existing trees and the proposed tree replacement plans and other landscaping to be acceptable?**

10.35 Sustainability

- 10.36 The submitted Sustainability Statement indicates that the proposal is intended to achieve BREEAM Excellent and a CO² reduction Target Emission Rate of 36 kgCO²/m² per annum. A number of economic, social and environmental objectives are proposed including;
- All 3 library facilities (the proposal, Brotherton and Edward Boyle) would be within 5 minutes walking distance of each other.
 - The new library will utilise the waste heat from the existing university CHP plant.
 - Photovoltaic cells will be installed to the south face of the building's high level plant area.
 - The building is to have a very low air leakage rate to conserve heat with the use of lobbies to all entrances.
 - The building would use low energy high efficiency lighting.
 - All the main spaces within the building have access to natural light, with the central atrium also providing natural light to rooms in the centre of the building.
 - The provision of green roofs on some levels of the building.

10.37 Section 106 Legal Agreement – Heads of Terms

10.38 A legal test for the imposition of planning obligations was introduced by the Community Infrastructure Levy Regulations 2010. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -

- (a) necessary to make the development acceptable in planning terms,
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

10.39 A Section 106 Legal Agreement including obligations to secure the following requirements has been proposed:

- A Travel Plan monitoring and evaluation fee of £2,500.00.
- A contribution of £10,000.00 towards the provision of a 'Live' bus information display at nearby bus stop 11388 on Woodhouse Lane.
- Agreement of publicly accessible areas.
- The employment and training of local people.

10.40 The proposed obligation has been considered against the legal tests and is considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly this can be taken into account in any decision to grant planning permission for the proposals.

11.0 CONCLUSION

11.1 In conclusion, the proposal would result in the redevelopment of a brownfield site to allow the creation of a new purpose built, yet flexible undergraduate library for the University of Leeds. It is considered that the proposal is a fitting use, design and architectural form for this location As such the proposed library building would be a high quality, contemporary addition which would sit comfortably within the context of the surrounding area.

Background Papers:

University of Leeds Strategic Development Framework (May 2008 Revision C)
Strategic Development Framework - Transport Summary Statement (December 2007)

PREAPP/11/01185
Planning Application 12/04663/FU
Conservation Area Application 12/04664/FU

Appendix 1

Minutes of the 27 September 2012 Plans Panel City Centre regarding PREAPP/11/01185

11 Pre - Application - Preapp/11/01185 - Proposed Undergraduate Library Building at the University of Leeds Car Park adjacent to Emmanuel Church, Hillary Place, Leeds

The report of the Chief Planning Officer introduced a pre-application presentation in relation to a proposed undergraduate Library Building at the University of Leeds car park adjacent to Emmanuel Church, Hillary Place, Leeds.

The following representatives attended and addressed the meeting:-

- Steve Gilley – Applicant – University of Leeds
- Joe Morgan – ADP Architecture

Members were shown detailed plans and photographs of the scheme and had previously visited the site prior to the meeting. The presentation highlighted the following key areas:-

- The height, Form and Massing of the building
- The relationship to neighbouring buildings
- Appearance on the street scene and skyline
- The design and appearance of the proposed new building
- The proposals for landscaping and tree loss
- The car parking implications

The Chair then invited questions and comments from Members on the specific proposals of the pre-application. In summary, specific reference was made to the following issues:-

- Concerns there was a huge massing to the rear of the building “looks blocky, boxy”
- Missing an opportunity, does not make best use of the site
- Suggestion that the building be more refined, more delicate
- Rear and front of the building need to be of equal strength, require quality on a small site
- Welcome proposal for use of Portland stone
- Pleased with BREEAM status
- Concerns at the loss of 2 trees in a Conservation area

In concluding discussions, the Chair put forward the following specific matters for Members consideration:-

Are the height, form and massing of the building acceptable?

- Look again at the issues around massing, suggestion that the building be made taller and slimmer onto Hillary Place

Does the scheme respond well to the historical context (particularly in respect of neighbouring listed buildings and the conservation area) and campus context?

- Further consideration of the design and appear of the building was required

Are the design and appearance principles of the scheme acceptable?

- Further consideration of the design and appearance of the building was required as above

Was the removal of the unlisted former bank building acceptable?

- Yes

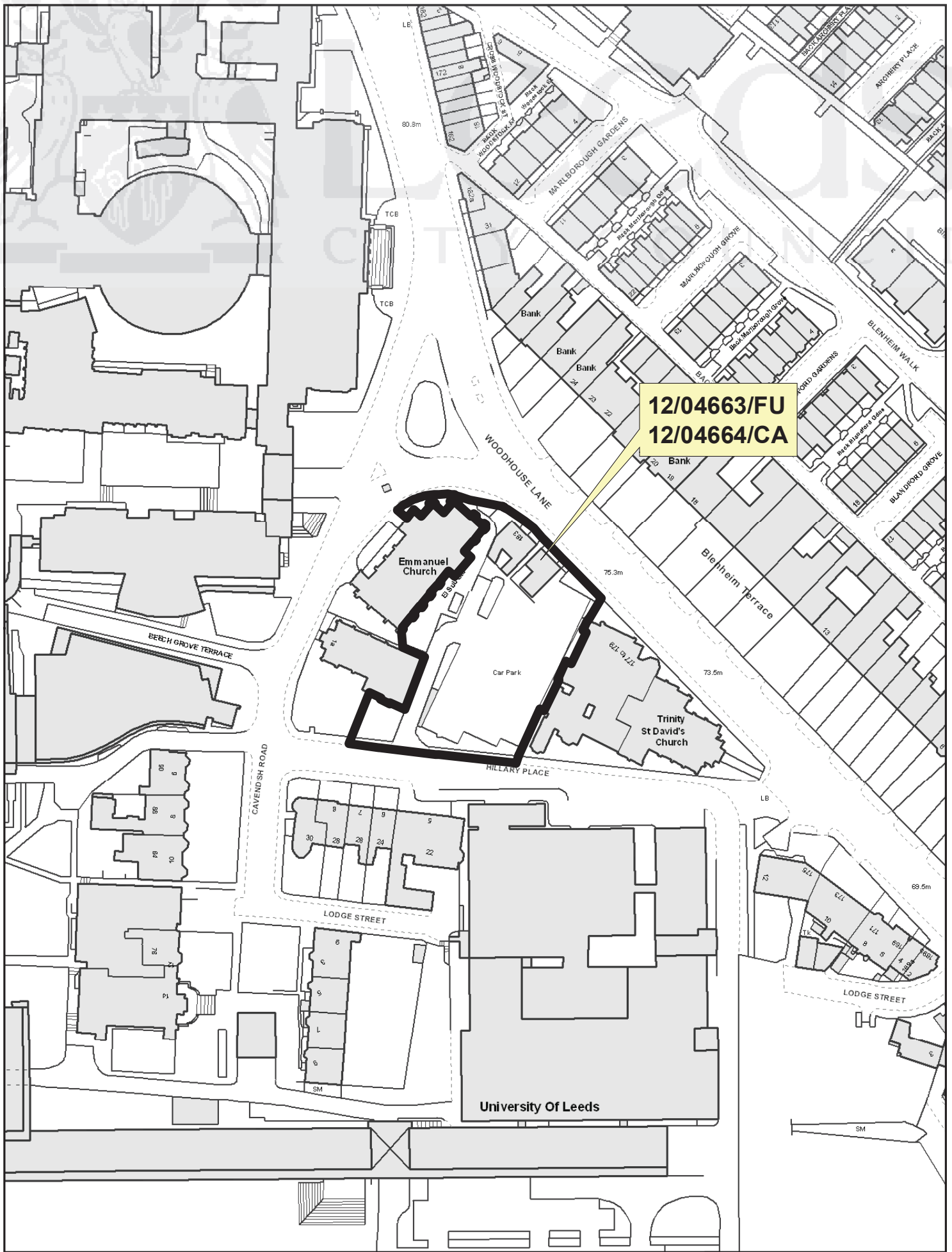
Are the landscaping scheme proposals appropriate and acceptable?

- There was a need to address the loss of the existing trees with appropriate replacement planting

Was the loss of car parking on site and the proposed mitigation for this acceptable?

- More information was required on what happens to the displaced car parking

RESOLVED – That the report and pre- application presentation be noted.



12/04663/FU
12/04664/CA

CITY PLANS PANEL



Originator: Carol
Cunningham
Tel: 0113 247 7998

Report of the Chief Planning Officer

PLANS PANEL

Date: 13th December 2012

Subject: POSITION STATEMENT for Demolition of existing buildings and erection of A1 foodstore, five retail units (A1, A2, A3, A4 or A5), a new club building for the Leeds Postal Sports Association Club, a community centre, improved public realm, and associated car parking, servicing landscaping and access improvements at the junction of Commercial Road/ Kirkstall Lane/Kirkstall Hill, Kirkstall Leeds

APPLICANT

Tesco Stores Ltd

DATE VALID

8 October 2012

TARGET DATE

7th January 2013

Electoral Wards Affected:

Kirkstall

Yes

(Ward Members consulted referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Members are asked to note the contents of the report and are requested to comment on a number of matters set out in the report

1.0 INTRODUCTION:

- 1.1 A position statement regarding this development was forwarded to West Panel in December last year. Members of that panel had concerns regarding that proposal which are discussed in the report. Since that Panel officers have been negotiating on the revised scheme. The application previously presented to Panel has been withdrawn and a new planning application has been submitted. This is a position statement to inform Panel of the development and to invite any comments on the proposal at this stage.
- 1.2 There are significant changes between the previous planning application and this current one which are explained in detail below. However, to summarise the main differences between the two applications are.

- The height has been reduced from 30 metres to 19 metres above Commercial Road level. The 30 metres height was set back 54 metres from Commercial Road whereas the 19 metres height is now at ground level on Commercial Road. It has also gone from 5 stories to 3.
- The floorspace of the supermarket has been reduced by 714 square metres in terms of net retail floorspace.
- The scheme has been brought down to street level on Commercial Road rather than there being an area of landscaping at street level on Commercial Road and the building being set back from the pavement by 42 metres.
- The retail units have been moved from the upper end of Kirkstall Lane to Commercial Road.
- The car park is on top of the main store where the previous scheme was the store on top of a decked car park.
- The store will still be accessed off Commercial Road for customers.
- The service yard will be accessed off Commercial Road where the previous scheme was off Kirkstall Hill.

1.3 The Chief Planning Officer considers that this application should be referred to the Plans Panel as it is a substantial development for the redevelopment of the former Kirkstall District Centre which will have significant impact in the wider area.

2.0 PROPOSAL:

2.1 The application is for the redevelopment of a parcel of land which is surrounded by four roads these being Commercial Road, Kirkstall Lane, Kirkstall Hill and Beecroft Street in Kirkstall. All the buildings that are currently on the site will be demolished. The site slopes very significantly from the bottom of the site on Commercial Road to the top of the site on Kirkstall Lane and also from Kirkstall Lane up to the junction of Kirkstall Hill and Beecroft Street. This results in the highest part of the site being the junction of Kirkstall Hill and Beecroft Street and the lowest, the junction of Kirkstall Lane and Commercial Street.

2.2 The previous scheme was five stories high at the Commercial Road end of the site and three storeys at the top end onto Kirkstall Hill. This development comprised the following:

- A new supermarket which has a gross floorspace of 9,230 square metres and a net sales area of 5,667 square metres. This will comprise 3,066 square metres of convenience goods and 2,601 square metres of comparison goods.
- This supermarket will be on the top floor of a proposed 5 storey building and will be two storeys high. The sales area will all be on one floor with a mezzanine floor occupying the western end of the building for staff facilities.
- Underneath this supermarket will be a three storey car park to house 639 car parking spaces. There will be two floors of car parking that are completely covered with the third level having some open car parking at the western side of the building with the rest under the store.
- There will be 7 smaller retail units at single storey height with their frontage onto Kirkstall Lane with a combined floorspace of 1,008 square metres.

- A new community centre located next to the 7 smaller retail units.
- A replacement Post Office Workers Club.
- The vehicular access to the site involves a new junction on Commercial Road next to Beecroft Street. There will be a second access off Beecroft Street from the Kirkstall Hill side of the site. The service yard is located to the rear of the building alongside Kirkstall Hill and the access to this service yard will be off Kirkstall Hill.

2.3 The current scheme involves the following:

- A new supermarket which will have a gross floorspace of 8,421 square metres with a net sales floorspace of 4,953 square metres. This is a reduction in floorspace of 714 square metres from the previous application.
- Five small retail units along with a new Post Office Workers Club which will have the frontage onto Commercial Road
- One store, café and community facility on Kirkstall Lane.

2.4 This scheme involves a building that it approximately three storeys (19 metres in height from ground level on Commercial Road) on the front elevation and its at street level to the rear of the site on Kirkstall Hill. Due to levels on the site the proposed development will be constructed on three levels with each level having more floorspace than the previous proposal.

2.5 The first level will be at ground floor on Commercial Road and will comprise five retail units and the ground floor of a residential unit linked to the new Post Office Workers Club. The total floorspace for the retail units will be 4,720 square feet. These will be set between 8 and 12 metres back from the edge of pavement which allows for a wide pavement in front of these units. This level will project out beyond the line of the upper floors.

2.6 The next level will be the storage areas for the retail units and the new post office workers club. Behind this level will be a covered service road for these shops and the post office workers club. This road will be one way and will be accessed off the new road off Commercial Road while vehicles will leave onto Kirkstall Lane. There will also be a small club car park off this service yard with 8 spaces. The entrance for the new post office club will be off Kirkstall Lane and will be at street level in this location.

2.7 The next level will be the store itself and the store café which due to levels on the site will be at ground level on Kirkstall Lane. This level will also have the service yard and the covered dot com yard which is the home deliveries. Both of these will be accessed off the new road into the site off the new junction on Commercial Road. The store itself will be accessed by pedestrians from Kirkstall Lane and a lobby with travelators will be located on this Kirkstall Lane elevation.

2.8 The last level will be the car park which will be at street level on Kirkstall Hill and will also cover the roof of the proposed store to allow for 523 car parking spaces. The car park will generally be accessed off the new access from Commercial Road but there will be a second access off Beecroft Street. Vehicles entering off Beecroft Street will gain access from the Kirkstall Hill end of Beecroft Street as the current entry off Commercial Road onto Beecroft Street will closed. There will also be a community facility at the upper end of the site on Kirkstall Lane. This building will be single storey

2.9 On the corner of the building at the Commercial Road/Kirkstall Lane junction will be a tower which will house the stairs and lifts to give access from Commercial Road level upto the car park level through the proposed supermarket. There will also be two

similar towers at the other end of the building on both Commercial Road and Kirkstall Lane. These again will be stairs and lifts to take you through the development from the street level at this points to the car park on the roof.

- 2.10 The two main elevations of the proposed development will be the elevations facing Commercial Road and Kirkstall Lane. The elevation facing Commercial Lane will be 19.4 metres in height. This will have an attached tower at each edge which gives access to all the levels of the proposal. The tower on the junction off Commercial Road and Kirkstall Lane will be lower in height at 18.4 metres with the one on the junction of Commercial Road and Beecroft Street being 21 metres in height. The Commercial Road elevation design will have elements of red brick, glazing and larch cladding.
- 2.11 The elevation facing Kirkstall Lane will be mainly red brick and large elements of glazing. There is another lift tower at the upper end of the site which will match the other lift towers. This lift tower will be 18.4 metres in height. On the Beecroft Street elevation the materials will consist of red brick and larch cladding. There will also be a louvered screen to the perimeter of the parking area.
- 2.12 The rear elevation of the supermarket facing Kirkstall Hill will be composite metal faced cladding panel system with a light grey finish. The height in this location will be 6.7 metres in height. This scheme involves less excavation works than the previous scheme and makes use of the significant difference in levels.

3.0 SITE AND SURROUNDINGS:

- 3.1 The lower part of the site is an existing retail development which is now in a poor state with only a few of the buildings occupied. The upper part of the site contained a number of industrial and commercial buildings, some of which have since been demolished. The main characteristic of the site is its topography. The site rises sharply both from Commercial Road and Kirkstall Lane. From Commercial Road to Kirkstall Hill the difference in ground level is 21.5 metres. The difference from Kirkstall Lane to Beecroft Street is 10 metres. Overall therefore there is fall of over 30 metres across the site.
- 3.2 The site is surrounded by the roads of Commercial Road, Kirkstall Lane, Kirkstall Hill and Beecroft Street. There is a parade of two storey shops on the Commercial Road frontage which will be demolished for the highway works required. The rest of the frontage onto Commercial Road is landscaped.
- 3.3 To the opposite side of Commercial Road are some two storey stone buildings used for retail and behind this the retail development which includes Morrison's supermarket. The traffic light junction for access into the Morrisons retail park is on Commercial Road. The major junction of Commercial Road, Kirkstall Lane is on the corner of the site. Kirkstall Leisure Centre is also on this junction on the opposite side of Kirkstall Lane. The other buildings on Kirkstall Lane are two storey and are mainly residential and corner shops.
- 3.4 On the opposite side of Beecroft Street is Milford Sports Club and Jacobs Court which is a grade II listed building now used for residential flats.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 24/54/96/OT – retail development approved August 1997

24/198/00/RE – renewed in November 2000

24/572/05/OT – Outline application for mixed use including residential, retail, community facilities, public open space, parking and access (Espalier scheme).

Refused Jan 2008 for two reasons:

1. No affordable housing provision
2. Traffic generation

An appeal was withdrawn.

- 4.2 11/04253/FU – Application for demolition of existing buildings and erect retail A1 foodstore, with 3 level covered car parking areas, 7 retail units (Use Classes A1, A2, A4, A4 and A5), a community centre and replacement Post Office Workers Club, with public realm, associated servicing, landscaping and access improvements. Withdrawn 08/10/2012

11/03274/FU – Metric Properties at Bridge Road, Kirkstall – Members agreed in principle and deferred and delegated approval to the Chief Planning Officer at Panel on 10th November 2012 for a redevelopment scheme of the existing BHS site with 16,620 sq m of retail consisting of a range of larger retail units and some smaller food and drink uses – includes a limit on food retailing of 706 sq m gross internal area. This site is also within the S2 centre at Kirkstall on the south side of Commercial Road and follows approval on appeal of a similar scheme back in 2008.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Officers have been negotiating on this scheme since February 2011. There have been numerous pre application meetings including design workshops to try and establish whether a large store could be accommodated on the site satisfactorily in design terms. The City Architect has also been involved in these discussions.
- 5.2 In relation to the withdrawn scheme officers had raised concerns about the scale of the proposal and its potential impact from the outset. Members at Panel in December 2011 also raised concerns regarding highway capacity, building not fitting for the area and was more suited to an out of town development., general consensus that the scheme presented due to its size, scale and impact would be out of character and detrimental, concern about pedestrian access arrangements, concern regarding the siting and detail of Children’s play area, concern of some Members about the demolition of the existing terrace of commercial premises on the Commercial Road frontage.
- 5.3 Since that time officers have been working with the developers on a complete revision to the proposal which has resulted in the plans that are in front of you today.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Leeds Civic Trust have noted that there are improvements with this scheme stating the rearrangement of the cross section of the building so that car parking is at the top level directly off Kirkstall Hill means that the overall bulk of the building have been reduced and the proposal to put the small shops onto Commercial Road frontage goes a little way towards consolidating a still fragmented District centre. However they still have objections to the scheme including:
- external design of the building particularly the Commercial Road and Beecroft Street frontages is unattractive and overbearing. The main corner of the building at

the junction of Commercial Road and Kirkstall Lane fails to make the most of such a prominent location.

- Planting should be extended to the whole of the parking area.
- fails to take opportunities available for improving the character and quality of the area in which it is located.

West Yorkshire archaeology Advisory Service – The north western part of the site is the location of a historic foundry and two historic tanneries. Condition required so that appropriate level of archaeological and architectural recording prior to and during groundworks.

West Park Residents Association object to the application for the following reasons:

- Inadequate provision being made to deal with the increased traffic movements which feed the proposed new store
- Any approval should have a pedestrian crossing on the top of Butchers Hill, several crossings on Spen Lane together with measures to curtail/slow traffic on West Park Drive

One letter of objection has been received which states:

- Concerned regarding potential for on street parking and impact on residents parking in area
- Consider that there should be parking permits for the residents

Two letters of comment received stating:

- Smaller shops moving to Commercial Road is a mistake as very inconvenient for older people to use as there is a steep hill to climb
- Area of land been dreadful eyesore, large store would offer much needed employment as well as improving the appearance of the place
- Will impact on traffic network but price we have to pay for employment opportunities
- Any of the shops and supermarket wanting to sell beverages and food will need licensing

One objection from agents acting on behalf of Morrison's concerned regarding both the submitted Retail Impact Assessment and the Transport Assessment.

Retail Impact Assessment

- The catchment area is too small and excludes a number of Town Centres
- Uses shopping surveys that are not robust and out of date, doesn't include a number of Nettos which are now Asdas, New Waitrose at Meanwood, new Tesco on Burley Road and the proposed Aldi's at Kirkstall and Bramley
- Doesn't assess impact on proposed supermarket in Armley

Transport Assessment

- Significantly under estimates the impact of proposal on local highway network
- Local highway network is already congested at peak times and the development will generate further delays and queues at all local junctions including access to Morrison's store and impact on the effectiveness to the Quality Bus Corridor
- Need to submit traffic surveys now Quality Bus Corridor is complete
- Transport Assessment has underestimated the likely traffic growth on the local highway network

- Committed developments only include Kirkstall Forge and BHS, what about Woodside Quarry and Clariant
- Traffic flows for Kirkstall Forge are significantly less than the flows within the Transport Assessment included in the Kirkstall Forge application
- Traffic generation is based on surveys of four existing Tesco stores round the country. Should be using the TRICS database for traffic generation.
- Our own assessment produces a higher traffic rate than the submitted Transport Assessment.
- New trips assumptions are also incorrect
- Model outputs do not accurately reflect the current operation of the local highway network
- Level of car parking will be insufficient at peak times.
- Road safety concerns regarding the left turn out of Beecroft Street with the signalised left turn out from the new store.
- As traffic predictions have been underestimated the length of right turn lane at the Kirkstall Hill proposals may not be sufficient which will result in the queue of right turning vehicles blocking ahead/left turning traffic.

One letter of support stating benefits of the proposal:

- regeneration benefits
- jobs
- competition and choice for the consumer

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory

Environment Agency – Conditional approval

Non statutory

Highways – No objections in principle to the development of this site for this type and scale of use. The modelling submitted with the application is still being assessed. Further information has also been requested in relation to the following matters:

- Minor internal and external highway layout changes
- Stage 1 Road Safety Audit of external and internal layouts
- Submission of a plan showing the proposed extent of highway adoption and retaining structures
- Removal of turning head on Beecroft Street
- Confirmation of bus stop improvements
- Detailed plans of Beecroft Street/Kirkstall Hill signal system
- Clarification on status and surfacing materials of widened footways on Commercial Road and Kirkstall Lane
- Details of numbers, type and location of cycle parking facilities
- Agreed Travel plan

Travelwise – Amendments needed to the travel plan. Fee required for monitoring of travel plan should be obtained through a section 106 agreement.

Access officer – No comments to date

Contaminated Land Officer – Conditional approval

Ecology Officer – conditional approval for the supermarket, however, the proposed enhancement of the LNA needs to be obtained through a section 106 agreement.

Main Drainage – Conditional Approval

Architectural Liason Officer – No detrimental comments to make.

PROW – A claimed footpath crosses the site which needs to be taken into account.

English Heritage – Do not wish to offer any comments

8.0 POLICIES

8.1 National Guidance on retail policy is provided in the National Planning Policy Framework NPPF (March 2012) Paragraphs 23- 27 deal with ensuring the vitality of town centres. There is also guidance in relation to requiring good design and promoting sustainable transport. The NPPF includes a presumption in favour of sustainable development and para 14 sets out how that should be applied in decision making.

8.2 Relevant policies in the UDP are as follows;

SA2 - Developments in sustainable locations

SA5 - Range of shops in accessible locations

SA7 - Promoting physical and economic regeneration of urban land and buildings taking account needs and aspirations of local people

SP7 - Priority given to maintenance and enhancement of City Centre and town centres

GP5 - Detailed planning considerations

N12 - Priorities of urban design

N13 - Design of new buildings to be of high quality and have regard to character and appearance of their surroundings

T2 - Transport implications of new development

S2 - Vitality and viability of town centres (Kirkstall is named) maintained and enhanced to serve all sections of community and meet wide variety of retailing and other related services. Retail development will be encouraged and permitted within the centre unless there is an adverse impact on other centres or if would adversely affect the range of services and functions provided within the centre and subject to other UDP policies and detailed planning matters

S3 - Enhancement and maintenance of S2 centres

A4 - Safe and secure environment

BD2 – New buildings complementing existing vistas, skylines and landmarks

BD5 – Amenity considerations of new buildings

LD1 - Landscape scheme requirements

8.3 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. 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. On 7th November 2012 Executive Board approved the proposed pre-submission changes to the Publication Draft of the Leeds Development Framework Core Strategy. Executive Board also resolved to recommend that Council approve the Publication Draft Core Strategy and the sustainability report for the purposes of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Some weight can now be attached to this document.

The following policies are relevant:

Spatial Policy 2 – hierarchy of centres and spatial approach to retailing, offices, intensive leisure and culture

Spatial Policy 8 – economic development priorities part vii) developing the city centre and town/local centres as the core location for new development

Policy P2 – acceptable uses in and on the edge of Town centres – includes shops, supermarkets and superstores

Policy P5 – approach to accommodating new food stores across Leeds. States that a number of town centres could perform more successfully if they include a major food store and Armley is mentioned.

Policy P6 – approach to accommodate new comparison shopping in town and local centres

Policy P8 – sequential and impact assessments for town centre uses

9.0 MAIN ISSUES FOR CONSIDERATION

1. Principle of development including retail impact
2. Impact on the Kirkstall area
3. Highways and Transport Matters
4. Impact on the listed buildings
5. Design and place making
6. Residential amenity
7. Job creation and section 106 requirements
8. Pedestrian safety

1. Principle of development

- 9.1 The lower half of the site is within the town centre of Kirkstall so retail development on this part of the site is considered acceptable in policy terms. The upper end of the site is not within the town centre and not allocated for either retail or any other use. The majority of the retail units themselves are within this town centre designation with the car park being outside.
- 9.2 The site has been used for retail development for a number of years and its condition is poor. The application is an opportunity to regenerate a key site along the A65 corridor which will have a positive impact on the area in terms of the economy and visually.
- 9.3 Officers are generally supportive of a redevelopment of this site and the positive impacts it will have on the area.

Members may wish to comment at this stage on the principal of development on the site.

2. Impact on Kirkstall and the wider area

- 9.4 The landmark buildings within the Kirkstall area are Kirkstall Abbey, St Stephens Church and the tower blocks on Argie Avenue – they are all prominent in the area in terms of height but the footprint is small compared to the curtilage they are all set within. There are other developments within the area which involve a large footprint such as the retail park off Commercial Road and the new development proposed at the BHS site but they are low developments in terms of their height and situated in the valley floor. The previous scheme proposed would have introduced a high building with a large footprint which dominated most of its curtilage. This could be seen as being out of character and could have a detrimental impact on the wider area in terms of visual amenity. This scheme still involves a large building but it has

been brought down the hill to be at street level on the Commercial Road elevation. The building is lower in height than the previous scheme so its impact in the area has been reduced in bulk.

- 9.5 The proposed store is of such a size that in order to accommodate it on the site in a single floorplate on a steeply sloping site with its required car parking inevitably results in a building of substantial bulk and massing which will have a significant impact on the character and appearance of the locality. However, the development has been designed to be compatible with the character of the area. The site is in the heart of Kirkstall but is difficult and challenging because of its topography and very visible from surrounding arterial roads and in wider views from across the valley.
- 9.6 This scheme now has the retail properties at street level on Commercial Road and also has the supermarket, cafe and community facility on Kirkstall Hill. This ensures that there are two active frontages for the development proposed. The shops on Commercial Road also link the development to other retail units within the Town Centre so that the development interacts with the commercial centre of Kirkstall which the previous scheme did not achieve.

Members may wish to comment at this stage on the impact of the store on the character and appearance of the centre of Kirkstall.

3. Highway and Transport Matters

- 9.7 The proposed development involves some significant changes to the highway network on the roads which surround the site. Commercial Road and Kirkstall Lane will be widened to accommodate additional lanes. Beecroft Street will also be widened as well as closed to traffic off Commercial Road. There will be additional traffic lights on Commercial Road and the junction of Beecroft Street and Kirkstall Hill. All these amendments to the highway network have resulted from negotiations with officers during the pre application process. These highway works are currently being assessed by officers and further advice and information in relation to this matter will be provided for Members at a later date.
- 9.8 The main access into the development will be off Commercial Road at a new set of traffic lights just after the existing right turn into Beecroft Street. This access will be for deliveries both to the supermarket and other retail units, the vans for the dot.com service (home deliveries) and cars visiting the supermarket, other retail units and the post office workers club. There will be another access to the car park off Beecroft Street which is accessed via Kirkstall Hill and not Commercial Road. The access for both servicing and shopping vehicles off Commercial Road is a change from the scheme submitted last year. That involved a delivery yard to the rear of the site which was accessed via Beecroft Street from the Kirkstall Hill end. The servicing yard now being accessed off Commercial Road reduces the amount of traffic that would have had to travel around the loop alongside the Morrison's complex, along Bridge Road and up Kirkstall Lane onto Kirkstall Hill. This scheme will reduce the additional number of vehicles at all the junctions through this route over the approved scheme. This has to be a benefit in terms of traffic numbers and capacity at all these junctions.
- 9.9 A transport assessment has been submitted for the development which details the traffic generation created by the development, the impact on the highway network and any mitigation measures. This information is currently being assessed and officer's conclusions will be provided for members at a later date.

- 9.10 There are 523 car parking spaces provided on one level which is over the store and at street level on the Kirkstall Hill side. The car park is also proposed to be a car park available to serve the Kirkstall District Centre as a whole so opening hours and access to the car park needs to accommodate this. This level of car parking is lower than the UDP maximum, however information submitted with the application will show that Saturday afternoon will be the peak of car parking and as it is in a local centre this level of parking is considered acceptable.
- 9.11 The development will require a financial contribution to public transport in line with the Councils SPD. This figure is being calculated and will be obtained through a section 106 agreement. A green travel plan will also be required not only for the supermarket but for the other uses on the site as well. There will also be a fee required for the monitoring of the approved Green Travel Plan (s) and again this will be controlled through a section 106 agreement.
- 9.12 Until the full impact of the proposal on the local highway network has been assessed it is difficult for Members to comment at this stage

4. Impact on the setting of a listed building

- 9.13 The previous scheme due to its height and bulk had the potential to impact on the setting and visibility from Kirkstall Abbey. This scheme has been significantly reduced in height and moved down the hill to be level with the street scene on Commercial Road. This ensures that this building will not be visible in views of the Kirkstall Abbey. There is a listed building on the opposite side of Beecroft Street which is currently used as residential. The site is also close to the conservation area. The scale and design of the proposal have been changed so that its impact on the adjacent listed building has been reduced. English Heritage have been consulted on the application and have made no comments.

Members may wish to comment on the impact of the proposed development on the listed building

5. Design, scale and place making

- 9.14 The building for the supermarket and the retail units whilst lower in height than the previous proposal is still very large up to four storeys in height. The bulk of the building has been reduced and the building has been lowered down to street level on Commercial Road. This should ensure that the development will now not be visible from long distance views especially from land the opposite side of the valley. The building is modern in design using red brick which is relevant for this part of Leeds, glazing and larch panelling. These changes in materials add interest to the external appearance and the use of extensive glazing allows views into the development and break up the external appearance.
- 9.15 The building also has three towers at the edge of the development on the two important frontages which add features and interest to the development. Officers have expressed concern about the proposed colour of these towers which is currently blue so the towers have the potential to look like advertisement totem poles. Revisions into the colour and material used for these towers have been submitted which show the towers to now be faced with natural stone which is considered acceptable.

- 9.16 The elevation facing Beecroft Street has no active frontage but with the service yard and dot com cages on this side there will be some activity. This elevation shall be red brick, larch cladding and louvred screen which gives some design to what is the rear elevation. The corner on Beecroft Street and Commercial Road is important due to views for this corner off the A65. Officers are currently working with the applicant to improve the design of this important corner.
- 9.17 A key element in considering this scheme will be the contribution it makes to place making and creating a new heart for Kirkstall. Officers and Members have worked hard to try and achieve this in the previous scheme which was considered on the site and which could not be delivered but the aim of producing a high quality piece of townscape in the heart of Kirkstall remains. Context, character, mix of uses, building form, landscape, permeability and connections are all critical to this and will need to be carefully assessed. The previous scheme was not well connected with other parts of the district centre as the elevation onto Commercial Road was not located onto Commercial Road and had no active frontage. This scheme having retail units at street level connects the development with the retail units on the opposite side of Commercial Road so it well integrated with the existing centre at Kirkstall.

Members comments on the design and scale of the proposal and contribution to place making are requested at this stage

6.Residential amenity

- 9.18 The site is separated from other uses by the four roads which surround the site. There are some residential properties on the streets the other side of Kirkstall Hill and further along Kirkstall Hill. There is also a residential conversion of a listed building on the opposite side of Beecroft Street. The location of the proposal is within a very busy area in terms of volume of traffic and other noise generation uses such as Milford Sports Club and Kirkstall Leisure Centre. The application is for 24 hour use and 24 hour delivery during the week and at a weekend. The comings and goings of cars from the car park on Beecroft Street and the comings and goings from lorries to the service yard could impact on residential amenity during late evening, overnight and early morning when the background noise in the area has reduced. This is especially true in relation to the flats on Beecroft Street which are opposite one of the entrances to the car park. The residential properties are 36 metres away from this car park entrance but also have a leisure centre and club located nearby. A noise report has been submitted and is currently being assessed by officers. Further advice and information regarding this will be reported to Members at a later date. Although the numbers of residential properties directly impacted are limited.

Members may wish to comment on the impact of the development on residential amenity at this stage.

7 Job creation

- 9.19 Tesco has stated that there will be approximately 400 jobs created for the local area, not including the number of jobs that there will be for the construction of the supermarket. Tesco will use local labour and are happy for a section 106 agreement ensuring that the jobs will be provided for local people. Tesco have a good track record in providing jobs for local people and relevant training initiatives. The need to deliver sustainable development on this site and to contribute to economic recovery are key issues which must be considered as part of the scheme and will be important

to local people. Tesco are also looking to improve part of the Wildlife Corridor link on the other side of Commercial Road which is welcomed and a scheme can be delivered through a section 106 agreement.

Members may wish to comment on the impact of the development on the local economy and the importance of the redevelopment of this site for the future of Kirkstall.

8 Pedestrian access and safety

- 9.20 The previous scheme had concerns regarding the safety of pedestrians on certain parts of the development. The landscaped area, play area and climbing wall on the western part of the development have no natural surveillance as there is no active frontage on this part of the site. There was also concern for pedestrians using the development from Beecroft Street. The pedestrian access was either through one of the car parking levels which is not ideal with potential conflict with cars driving around plus does not have natural surveillance especially when the store is at quieter parts of the day. The other route from Beecroft Street was to the front of the car park down an access that has the outside wall of the car park on one side and a retaining wall on the other. This would not have been overlooked and presented a dangerous route for pedestrians. However, this scheme ensures that there is pedestrian permeability into the development from the entrances on Commercial Road and Kirkstall Lane. Pedestrians can also enter the development from Beecroft Street and walk over the proposed car park. This car park is open and will be well lit and have comings and goings at all time. This presents no concerns regarding the safety of pedestrians visiting the store from Beecroft Street.

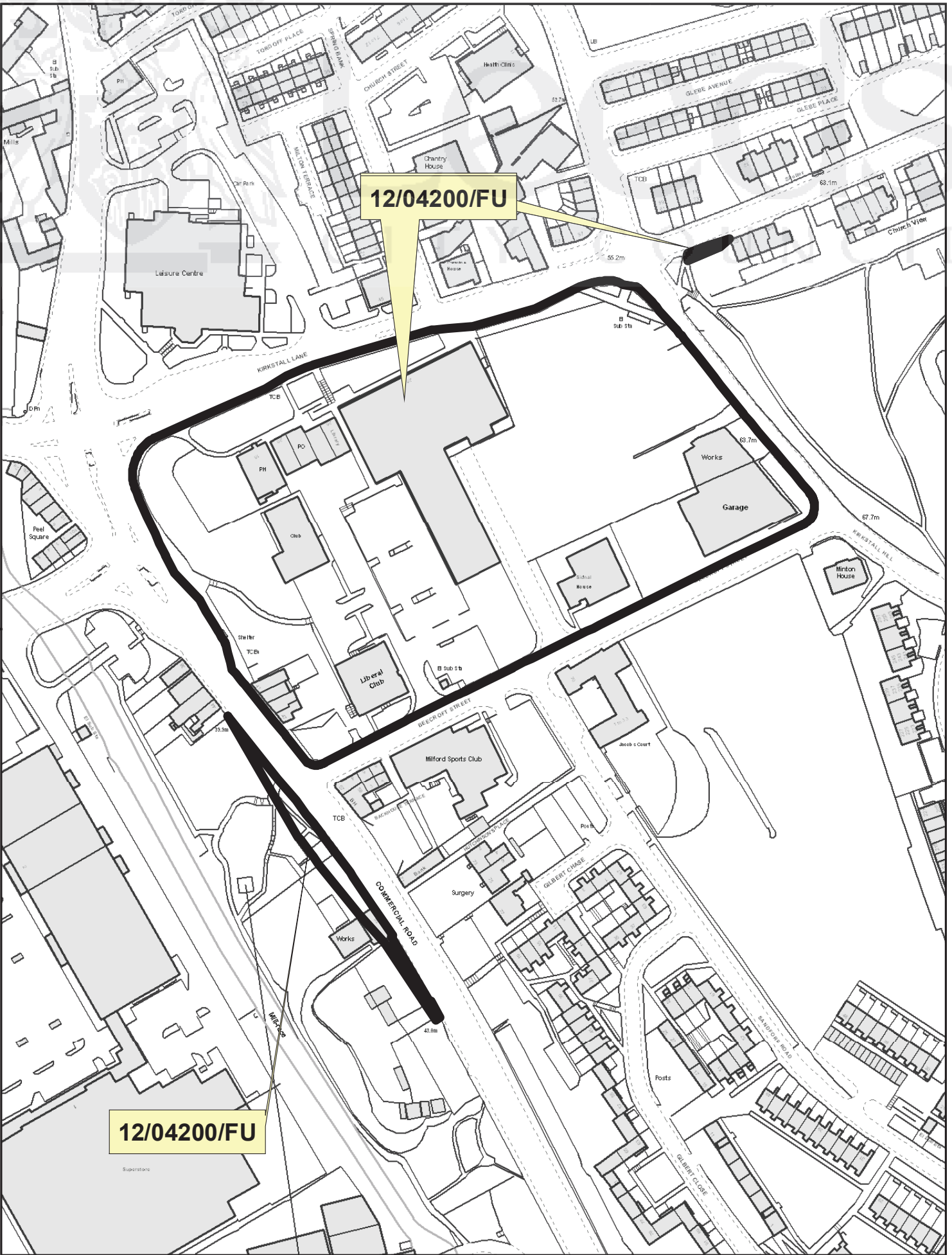
Members may wish to comment on pedestrian access to the development.

10 CONCLUSION:

- 10.1 This report has detailed in outline the proposals for a substantial supermarket, other retail development and a replacement postal workers club at Commercial Road and Kirkstall Hill. The scheme for part of Kirkstall District Centre is on a brownfield site where there is a clear need for future development to regenerate the area.
- 10.2 At this stage members are invited to note the contents of the report and comment on the following:-
- Impact on character and appearance
 - Design, scale and place making
 - Impact on residential amenity
 - Impact on local economy
 - Pedestrian access and safety

Background Papers:

Application files 12/04200/FU



12/04200/FU

12/04200/FU

CITY PLANS PANEL



Originator: David Jones
Tel: 247 8000

Report of the Chief Planning Officer

PLANS PANEL CITY

Date: 13th December 2012

Subject: POSITION STATEMENT : APPLICATION 10/04597/OT, 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, LAND OFF WAKEFIELD ROAD, GILDERSOME

APPLICANT
C Clifford-Jones

DATE VALID
27 October 2010

TARGET DATE
26 January 2011

Electoral Wards Affected: Morley North

YES

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

POSITION STATEMENT

Members are requested to note this progress of this report and to give views in relation to a number of issues set out in the report to aid progression of the application.

1.0 INTRODUCTION:

1.1 This application is a substantial application for commercial uses on land allocated for employment use in Gildersome. The application has been subject of extensive negotiations, especially in respect of technical highways issues and the impact on Junction 27 of the M62. Although there are outstanding issues, Officers consider it is appropriate to seek Members views on the key issues, such as highways safety, sustainability of the site and flooding considerations.

1.2 The planning application is subject of a Holding Direction by the Highways Agency, which is currently in place until 12th December 2012. Discussions are on-going in respect of the scope and costs of works necessary at Junction 27, the effectiveness and suitability of the Travel Plan and public transport measures and commuted sums, and the extent off-site highways works. Member's views on these measures are sought.

1.3 Councillor Leadley requests the application to be considered by Plans Panel, for determination after a site visit. The purpose of the site visit would be to allow members to appreciate the relationship between the proposed development and the houses on the opposite side of the A650.

2.0 PROPOSAL

2.1 The development comprises of an employment led scheme 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. In addition to the principle of development, approval is sought for the site access, layout and scale of development, with all other matters reserved for future approval.

2.2 The amount of proposed employment floorspace which is being applied within this outline planning application is as follows:

The overall total floorspace of 11, 716 sq.m comprising of:

Class B1 (b)/ B1(c).B2 Industrial/ Class B8 Distribution/Warehousing: 7478 sq.m
Gross Floor Area maximum

Pub/restaurant:738 sq. m. Gross Floor Area maximum

Hotel 3500 sq m Gross Floor Area maximum

Associated infrastructure, informal landscaped green space.

2.3 The following elements will be determined during the Reserved Matters stage;

- Appearance
- Landscaping

Access

2.4 A new signalised access junction is proposed to serve the site, located 200m east of the northern M62 Junction 27 roundabout on Wakefield Road. The access incorporates facilities to maintain access to the residential properties on the north side of the A650. Within the site, a 4-arm mini-roundabout junction is proposed to serve the various sections of the internal access. A 3.0m wide cycle/footpath is proposed along the whole site frontage with the A650.

2.5 Footpaths are to be provided throughout the estate and various crossing points are also proposed within the development.

2.6 A total of 278 car parking spaces are proposed, including 26 spaces for persons with disabilities. A total of 32 cycle spaces and 5 motorcycle spaces are also proposed.

Layout/Scale

2.7 The access roads divide the site in four areas. Unit 1 (2 storey pub/restaurant) and Unit 2 (Proposed 4 storey hotel) are proposed to be located adjacent to the Wakefield Road frontage, to the western corner of the site, with Unit 1 abutting the approach to the M62 Junction.

2.8 Unit 4 (Industrial Unit) fronts onto Wakefield Road, at the eastern end of the frontage. Units 3 and 5 (Industrial Units) abut the embankment to the M621 slip road, at the southern end of the site.

2.9 The spaces between the buildings are occupied by access roads, car parking, and service yards, mainly and with some landscaping, comprising existing and proposed vegetation.

- 2.10 The application has been submitted with Draft Heads of Terms for the Section 106 Agreement.
The Section 106 covers:
The provision of a public transport contribution (£48 979)
Contribution to off-site improvement works at Junction 27 (£44 971)
Improvements to local bus stop (£10 000)
The implementation of the travel plan (to be agreed) and monitoring fee
Local employment opportunities

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is an undeveloped site of approximately 3.23 hectares (8 acres). The application site comprises a largely open and undeveloped area of land to the south east of J27 between Wakefield Road and the M621. There are trees on the Wakefield Road frontage which are subject to Tree Preservation Order. The land slopes down gently towards the M621 slip road to the south, where the land then rises to form an embankment to the motorway.
- 3.2 There are residential properties on the north side of Wakefield Road opposite the site, and to the east adjacent to the site is industrial and newly constructed office development. Immediately to the west is a segment of land between the Gildersome roundabout and the site, which is open and undeveloped. The motorway network is to the south and west.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 23/2/95/OT: Outline planning permission for offices. Granted 27 February 1997.
- 4.2 23/308/99/RE: Renewal of outline planning permission 23/2/95/OT. Approval dated 18 July 2000.
- 4.3 23/360/03/RE: Renewal of outline permission to erect office development. Approval dated 10 September 2007.

Relevant application in the locality

- 4.4 12/02470/OT - Planning application of relevance, which is in the vicinity (off A62 and Asquith avenue, Gildersome), and contributes traffic to the local highway network - Outline application to layout 96000 sq m business units (suitable for research and development purposes or light industrial uses), general industrial uses and for warehousing/storage and distribution units (provided for by use classes B1 (b), B1(c), B2 and B8) on land off Asquith avenue, Gelderd Road A62, Gildersome. This application is also on the Panel agenda as a Position Statement.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 There have been ongoing negotiations with the Highways Agency regarding the impact on the highway network and the extent of works required. These considerations are dealt with in the appraisal below.
- 5.2 A bus stop has been retained within the A650 site frontage, with a line of trees being proposed to the site frontage.
- 5.3 A public transport contribution of £48 979 has been negotiated towards public transport enhancements

- 5.4 A contribution of £44 971 towards the improvement works at Junction 27 has been negotiated.
- 6.0 PUBLIC/LOCAL RESPONSE:**
- 6.1 Site notices for a major development were originally posted on 29th October 2010 and in the press on 17th November 2010. Representations have been received from the following:
- 6.2 Councillor Tom Leadley objects to the proposal on the following grounds:
- 6.3 There is no compelling case to justify an out of town location for the pub/restaurant and hotel. Allowing them would undermine the viability and vitality of established centres, including Morley and Leeds.
- 6.4 The density of the development is considered excessive and there should be greater set-back of buildings on the frontage to allow more planting, opposite which are houses which would be adversely impacted upon because of the closeness of the buildings and disturbance generated by their use.
- 6.5 Concerns that traffic flows generated by the development would erode any spare capacity on the adjoining highway network, especially in the morning and evening peaks.
- 6.6 Councillor Leadley requests the application to be considered by Plans Panel, for determination after a site visit. The purpose of the site visit would be to allow members to appreciate the relationship between the proposed development and the houses on the opposite side of the A650.
- 6.7 2 letters of objection from Morley households, and one letter of general support (but with an issue regarding access), from a resident opposite the site on the following grounds:
- 6.8 Whilst generally in favour of the development, in the form proposed, with the traffic island and traffic lights sited immediately opposite the house, then the resident would be unable to gain access to or egress from the property with a caravan without causing hold-ups to traffic on the A650. The only way to get round this problem, to improve access onto and off the A650 and to avoid any potential traffic problems would be for the drive access to be widened from its present 3.00m to 5.00m. This will also assist highway safety and traffic management. The resident would like these necessary works to be considered as a condition on the developer and be included within the Section 106 works.
- 6.9 Concern that the proposal will add to congestion on the motorway network
There are already plenty of hotels in the Morley area (The Brickworks, The Village Hotel, The Woodlands, The Vicarage, and The Travelodge.
There are large numbers of vacant commercial units in close proximity of the site.
The site would be accessible by car only, as bus services are poor, and the train station is a considerable distance from the site.
The site would destroy greenfields, and Morley is currently losing large numbers of such sites to development.
Given the size of the development there should be a public meeting.
- 6.10 Drighlington Conservation Group -
Traffic entering and exiting would seriously effect the already very busy A650.
There are many vacant industrial units in the near locality.
Presently there are 4 hotels/public houses/restaurants within approximately 3 miles of this location.

- 6.11 The application was advertised upon the receipt of additional information on 10th May 2011. The following representations were received:
2 letters of objection, reiterating previous objections.
- 6.12 Further revised plans were received on 26th November 2012, and these have been readvertised. Any further representations will be reported to Plans Panel.
- 6.13 Morley Town Council
- 6.14 Although the site is in Gildersome, Morley Town Council decided to make representations as it is close to the boundary, and would affect Morley in terms of traffic flow and competition for town centre businesses.
- 6.15 The pub/restaurant and hotel are town centre uses, and could possibly undermine the viability/vitality of Morley town centre.
- 6.16 Traffic onto the A650 should have careful assessment, and concern is raised at the lack of information on traffic flows.
- 6.17 It is considered that that the proposal constitutes overdevelopment.

7.0 CONSULTATIONS RESPONSES:

Statutory:

- 7.1 Highways Agency – The planning application is subject of a Holding Direction by the Highways Agency, which is currently in place until 12th December 2012. Discussions are on-going in respect of the scope and costs of works necessary at Junction 27, the effectiveness and suitability of the Travel Plan.
- 7.2 Highways Development Control – The internal road layout is acceptable in terms of the amount of car parking and the geometry of the layout. The proposed signal controlled junction is acceptable.
- 7.3 It is accepted that buses do not currently run on this section of A650 Wakefield Road. With the overall development of this area of Gildersome with the other development sites, then there is the potential for bus services to be reintroduced along this section of the A650. As a result, Highways Officers consider that the bus stop needs to remain as part of the proposals or, at the very least, the land reserved for future conversion to a bus stop.
- 7.4 Environment Agency: No objections, subject to conditions.

Non-statutory:

- 7.5 Public Transport Infrastructure Contributions – A contribution has been requested, and is currently under negotiation.
- 7.6 Public Rights of Way – No objections in principle, although details to be submitted under reserved matters will require proper consideration.
- 7.7 Neighbourhoods & Housing – This Department has no objection in principle to the proposed development. If planning permission is granted, planning conditions are recommended in respect of maximum noise levels, lighting restrictions, provision of facilities for storage and disposal of litter, and details of extract ventilation system including filters.
- 7.8 Yorkshire Water – no comments received.
- 7.9 Metro – Do not object to the development, and have made the following detailed comments:
- 7.10 Public Transport

There are several bus services running next to the development serving various locations including; Leeds, Morley, Cleckheaton, Huddersfield etc. There are also more services nearby.

7.11 Infrastructure

Future visitors/employees would benefit if one of Metro's new 'live' bus information displays were to be erected at bus stop number 10353 at a cost of approximately £10,000 (including 10 years maintenance) to the developer.

7.12 Flood Risk Management (FRM) – no objections subject to conditions. the surface water discharges proposed from the site would be generally consistent with the present Greenfield runoff to the Howden Clough balancing pond and this would be acceptable from the flood risk management prospective.

7.13 West Yorkshire Archaeology Service – no objections

7.14 City Services – the refuse collection facilities are acceptable.

7.15 Kirkless Council – any comments will be reported.

8.0 PLANNING POLICIES:

Development Plan

8.1 The Development Plan for the area consists of the Regional Spatial Strategy and the adopted Unitary Development Plan Review, 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. Following consideration of representations received, the Council now 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. Some weight can now be attached to this document.

8.2 Core Strategy Spatial Policy 8: Economic Development Priorities requires the safeguarding and provision of a sufficient supply of housing land. This policy supports training and job creation initiatives via S106 Agreements and supports employment proposals which have high levels of accessibility and infrastructure.

8.3 Core Strategy Spatial Policy 9 : Provision For Employment Land requires the provision of a minimum of 493 hectares of employment land across the whole of the district.

8.4 The Leeds Employment Land Review (August 2011) provides the evidence base to the Core Strategy for assessing the overall employment need within Leeds. The Review outlines that the application site should be retained for employment use, as the site is identified in 'Appendix C: Employment sites with recommendation to 'retain' in the employment land portfolio'.

The Regional Spatial Strategy

8.5 Policy LCR1 promotes Leeds City Region by developing the role of Leeds as a Regional City, by accommodating significant growth in jobs and homes.

Unitary Development Plan Review

8.6 Under the UDP the application site (3.23 hectares) forms part of a larger site (6.25 hectares) allocated (under Policy E3B97) for industry/warehousing and ancillary offices, subject to:

(A) provision of a satisfactory system of drainage for the whole site'

(B) provision of satisfactory means of access capable of serving the whole site' and
(C) an appropriate scheme of landscaping and tree planting.

8.7 Part of the site, abutting the A650 frontage, formally occupied by a now demolished houses is unallocated for any particular purpose. This part of the site is approximately where the hotel is proposed to be located.

8.8 The following policies are relevant for consideration of this application;

SA2 – Encourage development in locations that reduce the need for travel and promote use of sustainable transport forms.

SA4 – Promote and strengthen the economic base of Leeds by identifying a balanced range of sites for development.

SA7 – Promote physical and economic regeneration of urban land and buildings within the urban areas.

SP3 – New development will be concentrated largely within or adjoining the main urban areas and settlements on sites that are or can be well served by public transport.

SP6 – Distribution of employment land is based on principles of providing jobs close to homes and anticipating likely market demand.

GP5 – General planning considerations.

GP7 – Use of planning obligations.

GP11 – Development to meet sustainable design principles.

GP12 – Provision of sustainability assessments for major developments.

N12 – Urban design principles.

N13 – Building design principles.

N23 – Design of incidental open space around developments.

N24 – Proposal abutting open land should provide for suitable assimilation into the landscape.

N38B – Planning applications to be accompanied by a Flood Risk Assessment where needed.

N39A – Incorporation of sustainable drainage principles.

N49 – Protection of wildlife and habitat resources

N50 – Protection of SSSI, LNR, SEGI

N51 – Enhancement of wildlife habitats

T2 – Highway issues.

T2B – Provision of Transport Assessments.

T2C – Provision of Travel Plans.

T2D – Developer contributions towards public transport.

T24 – Parking provision.

S2 – Designation of town centres

E7 – consideration of alternative proposals on employment sites.

LD1 – Provision of suitable landscaping scheme.

8.9 Relevant supplementary guidance –

Leeds Street Design Guide - gives advice on design of roads and parking layouts.

Public Transport Improvements and Developer Contributions SPD – sets out circumstances under which a contribution is required for public transport improvements.

Travel Plans SPD – gives advice and guidance on the use of travel plans.

Sustainable Construction SPD.

8.10 Government Planning Policy

National Planning Policy Framework

8.11 The National Planning Policy Framework (NPPF 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.

8.12 The NPPF includes policy guidance on sustainable development, economic growth, transport, design, and climate change.

8.13 Paragraph 24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

8.14 Paragraph 26. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment on such schemes. This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability.

8.15 Paragraph 27. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

8.16 Section 7 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:

- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimising the potential of the site to accommodate development;
- Respond to local character and history;
- Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments; and
- Development to be visually attractive as a result of good architecture and appropriate landscaping.

- 8.17 Noise Policy Statement for England (March 2010)
- 8.18 Good Practice Guide for Tourism (2006) – Paragraph 4.9 encourages the provision of elements of tourism to be included in large scale proposals, such as mixed use and regeneration schemes.
- 8.19 In respect of hotel proposals, the practice guide also states that town centre sites are the most sustainable in planning terms, since they allow greater access by public transport, contribute to urban vitality and regeneration, and allow visitors to easily access other town centre facilities and attractions. Where proposals for major hotel facilities come forward outside the development plan process, their location should be assessed in line with the policies in PPS6 (now NPPF) and the sequential approach to site selection.

9.0 MAIN ISSUES

1. Principle of development
2. Highway and access issues
3. Design & Landscaping
4. Residential amenity
5. Section 106 Agreement and CIL Regulations

10.0 APPRAISAL

Principle of development and sustainability

Development Plan – employment uses

- 10.1 The application site forms part of a larger area allocated for employment uses and forms a natural extension of the existing Turnberry Park office development immediately to the east, on the remainder of the allocation. 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. As the site is allocated for employment in the development plan, the starting point would be that the employment uses are acceptable in principle, but that material considerations need to be taken into consideration.
- 10.2 Furthermore, recent guidance from the Government highlights the need to provide for economic growth. The National Planning Policy Framework makes it clear that the Government expects that development and growth should be approved unless it compromises key sustainable development principles set out in national planning policy. Appropriate weight should be given to the need to support economic recovery and applications that secure sustainable economic growth, such as this application, should be treated favourably.

Development Plan – town centre uses

- 10.3 The proposal includes 7500 sq m of industrial/warehouse development which is consistent with the allocation for the site and is therefore supported. The proposed employment is welcomed particularly given the previous permission for a town centre use on the site, with no industrial or warehousing use element.
- 10.4 A lesser but not insignificant further 4200 sq m has been proposed for a hotel and public house/restaurant which are town centre uses and such development should be directed towards town centre locations in the first instance. The applicant has

undertaken a sequential test but Officers do not accept that the approach taken considers all appropriate sites (including city centre sites which meet even the criteria applied by the applicant, and have been ignored) or establishes that this element of the development could not be located in sequentially preferable locations. Plans Panel East, however, accepted that the Village Hotel at Capitol Park business park could not be accommodated in Morley due to its size. There is limited hotel accommodation in Morley and this hotel would add to the range of accommodation available in the area. It is considered that to allow such a development would not prejudice the development of hotels in Morley, as they would be much smaller in scale. In addition, the applicant has however stated that the employment uses could not be funded without this element being brought forward on the site.

- 10.5 The site is contained between the proposed employment development and the adjacent road network. The hotel, therefore would be in a prominent location on the site, and would promote the employment site allocation. Such a building is likely to be of a higher quality building than the standard shed type industrial building, if the site were to be developed all as industrial. The site is easily accessible by car given its location adjacent to a major road junction, which provides access to a number of major roads and the M62. A bus stop is proposed to the site frontage, and a 3.0m wide footpath and cycle way is proposed along the full width of the site frontage. The site, therefore, would be reasonably sustainable, and a Green Travel Plan would improve upon this.
- 10.6 In addition, the proposed hotel would make a significant contribution to the local economy, in particular, it is expected that the hotel and public house/restaurant would provide up to 112 FTE jobs arising, of which 26 would be new.
- 10.7 In conclusion, the hotel proposal represents a number of positives including bringing forward an allocated employment site, the majority of which, for employment uses which may have otherwise not been viable. Officers do not accept however that the hotel/public house element strictly satisfies the sequential test set out in the NPPF though does provide the necessary infrastructure to bring forward the majority of the site for 'employment' use units. Given the substantial costs associated with the drainage, land stabilisation/tunnel works, and level changes required to bring this site forward for development, the applicant has stated that a higher value land use (i.e. hotel and associated facilities) is required on part of the site. However, the majority of the site will be developed for Use Class B1(c), B2 and B8 uses. In this instance, and carefully balancing all the issues, a question exists as to whether the hotel is acceptable in planning terms, as the overall scheme includes industrial units, and the hotel will provide employment, and a higher quality development in a reasonably sustainable location.
- 10.8 However, there are potential concerns that there should be a mechanism to ensure that the employment buildings are delivered, and not only the hotel (& associated infrastructure). Officers are currently giving consideration as to a whether the Section 106 Agreement should include clauses whereby at least one of the industrial units is delivered, possibly prior to the first occupation of hotel and pub/restaurant. Panel will be up-dated on this issue when the application is back for determination at a future date.
- 10.9 In the circumstances, do Members consider a hotel use to be appropriate to this site, if tied to the delivery of employment use on the site?**

Loss of employment land

10.10 The area proposed as the public house/restaurant is a non-employment use, and this part of the proposal needs to be considered against Policy E7 of the UDP. In terms of the tests, the site is not allocated as a key employment site, and the Council's overall employment land strategy would not be impacted upon. It is estimated that between 53 and 76 years employment land exists. As it is considered that there would be no adverse environmental / amenity / traffic issues, it is considered that the criteria of Policy E7 would be met.

10.11 Do Members consider there to be any concern in principle at loss of the part of the site allocated as employment to pub/restaurant?

Highway and Access Issues

10.12 A new signalised access junction is proposed to serve the site, located 200m east of the northern M62 Junction 27 roundabout on Wakefield Road. The access incorporates facilities to maintain access to the residential properties on the north side of the A650. These arrangements are essentially the same as those previously approved for the now expired office park permission.

10.13 Highways Officers are satisfied with the details of the access. Revised plans show the provision of a bus stop on the site frontage of the A650. The lay-by will enable buses to pull off the main carriageway, so that traffic flows approaching Junction 27 are not disrupted.

10.14 Highways are considering whether it is necessary and feasible to widen the width of the access of the house opposite, to facilitate improved manoeuvring onto the A650 (see 6.8 above).

10.15 The development will be required to contribute towards an improvement scheme at the J27 roundabout (with other contributions coming from the Taylor Wimpey residential development on Bruntcliffe Road and Gelderd Road employment site). Highways would also like to secure the implementation of MOVA control at the A650 / Howden Clough Road (Angel) signals.

10.16 Do Panel Members consider the extent of the access arrangements to be sufficient to deal with the anticipated level of traffic?

Design & Landscaping

10.17 The final design and external appearance of the buildings would be subject to reserved matters approval. The layout and scale, however, are under consideration. The scale of the buildings would be in keeping with the industrial and office buildings to the east and the Gildersome Spur development to the north of the A650. The buildings will be considerably larger in terms of height and scale compared to the housing opposite, especially the four storey hotel, but, as noted below, the site is set down from the north side of the A650, and existing mature vegetation will be retained where possible.

10.18 The hotel would occupy the site frontage, and be at the greatest height, would need to be of a good design, to comply with UDP and NPPF guidance, and especially given the prominent siting and position opposite housing. The three buildings on the site frontage would have a similar building line, set behind a landscaped frontage, with the buildings to the rear accessed off a central landscaped access road. In terms of urban design, this arrangement is satisfactory, subject to landscaping considerations.

10.19 UDP Policy requires an 'appropriate scheme of landscaping and planting'. The existing trees are covered by a Tree Preservation Order (TPO). Seven trees are

proposed to be removed for arboricultural reasons (trees with disease, cavities, etc) and 7 trees and 8 groups of smaller trees to facilitate the development. Importantly, the significant group of larger trees at the western end of the site, abutting Junction 27 are all to be retained. The trees outside the site, to the western boundary of the site, which provide a screen from Junction 27 are all to be retained. In addition, the significant group of trees within the central part of the site are to be retained, and protected during construction. Similarly, the mature groups of trees running north-south along Langley Lane, are also to be retained, as are the trees on the M621 slip road embankment to the south.

10.20 To mitigate against the loss of trees within the site, and to provide the required landscaped setting, space has been allowed on the site frontage to plant trees. The restaurant/pub would be screened by existing trees, whilst the proposed hotel would be screened by a belt of trees on an embankment. Similarly, trees are proposed to the front of Unit 4, although the close proximity of Unit 4 to the A650 at its western end will constrain substantial planting at that particular point.

10.21 Other tree and shrub planting is planted within the site, adjacent to access roads and within car parks. On balance, it is considered that there is adequate scope within the site to provide an adequate landscaped setting.

10.22 Do Panel Members consider the extent of the landscaping proposals to be sufficient to allow the development to proceed?

Residential amenity

10.23 Residential properties are located to the north side of the A650, and consideration needs to be given of any impacts on these residents.

10.24 In terms of dominance, overlooking and overshadowing, the following comments are made:

(i) The proposed two storey pub/restaurant would be set down 2.65m from the adjoining footpath to the north, and would be screened from the street by existing mature tree planting. The two storey houses opposite are close to the back edge of the highway, but would be 45m from the pub/restaurant. Although the proposal is outline only, the schematic section shows that a two storey development, set down into the site and screened by trees would have no adverse impact on the houses;

(ii) The proposed four storey hotel would be set down 3.5m from the adjoining footpath to the north. The houses opposite are set back further into the site so they would be 50 – 55m from the front face of the hotel. Although the proposal is outline only, the schematic section shows that a four storey development, set down into the site and screened by proposed trees would have no adverse impact on the houses;

(iii) The proposed industrial unit (No.4) would be set down 2.05m from the adjoining footpath to the north. The house opposite is set back into the site so it would be 35m from the front face of the industrial unit. Although the proposal is outline only, the schematic section shows that an industrial unit, set down into the site and screened by proposed trees would have no adverse impact on the house opposite.

10.25 In respect of potential noise, odour and other potential disturbance to residents opposite, Environmental Health Officers raise no objection in principle to the proposed development, but request the following conditions are recommended:

(i) Submission of a Noise Report shall be submitted prior to commencement of development ;

(ii) Lighting restrictions;

(iii) Provision of facilities for storage and disposal of litter;

(iv) Details of extract ventilation system including filter.

10.26 Do Panel Members consider the development to be harmful to residential amenity?

Section 106 Agreement

10.27 The Section 106 covers:

The provision of a public transport contribution (to be agreed)

Contribution to off-site improvement works at Junction 27 (£44 971)

Improvements to local bus stop (£10 000)

The implementation of the travel plan (to be agreed) and monitoring fee

Local employment opportunities

Potential delivery of an employment building upon the commencement of use of the hotel.

CIL Regulations

10.28 According to the draft guidance issued for consultation in March 2010, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make development acceptable in planning terms. The planning obligations offered by the developer are set out above.

10.29 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 meets all of the following:

(i) necessary to make the development acceptable in planning terms. Planning obligations should be used to make acceptable development which would otherwise be unacceptable in planning terms.

(ii) 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.

(iii) 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.

10.30 The proposal is likely to have a significant travel impact and the travel plan framework will help to ensure that relevant government and local policies relating to the use of public transport are met. UDP Policy T2C requires the submission of a Travel Plan, and Policy T2D requires contributions to be made to make enhancements to public transport.

10.31 Training and employment initiatives are covered under UDP Policy GP7 as a type of community benefit where it is appropriate to seek a legal agreement. The draft S106 Agreement requires details of job opportunities to be made available to the local Jobs and Skills Service. An obligation on the developer in the circumstances is policy compliant and reasonable.

10.32 Do Panel members have any comments on the scope of the Section 106 Agreement?

Other matters

10.33 A sustainability statement would be requested via condition to address the design of the buildings and the construction phases. The Sustainable Construction SPD has recently been adopted, and a suitable condition would ensure that the latest approaches are utilised. Similarly a condition requiring that 10% of the energy usage be from renewable or low carbon sources would be recommended to ensure that the proposal helps to minimise the impact on the local environment.

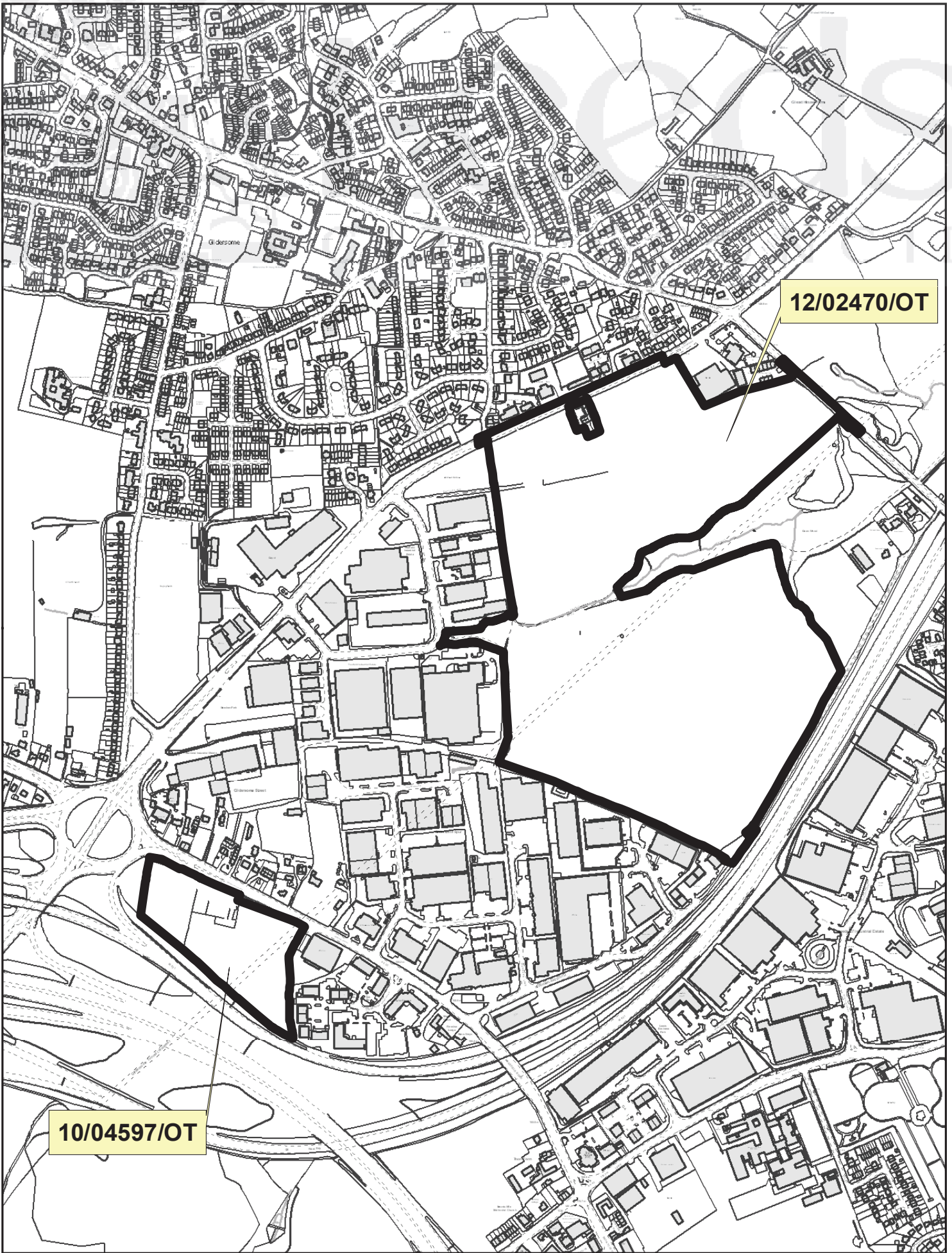
11.0 CONCLUSION

- 11.1 The proposed development fulfils an allocation policy within the adopted UDP and will bring employment and other commercial uses into Morley and Gildersome, allowing the area to sustain economic growth. There are recognised concerns about congestion on the local highway infrastructure, however, planning conditions and obligations, contained within a Section 106 Agreement, are under negotiation to mitigate against these concerns.
- 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:
- (i) **Do Members consider town centre uses to be appropriate to this site?**
 - (ii) **Do Members consider there to be any concern in principle at loss of the part of the site allocated as employment to pub/restaurant?**
 - (iii) **Do Panel Members consider the extent of the access arrangements to be sufficient to deal with the anticipated level of traffic?**
 - (iv) **Do Panel Members consider the extent of the landscaping proposals to be sufficient to allow the development to proceed?**
 - (v) **Do Panel Members consider the development to be harmful to residential amenity?**
 - (vi) **Are there other issues which need to be addressed?**

Background Papers:

Application and history files

Certificate of Ownership: Site owned by Joseph Rowntree Trust

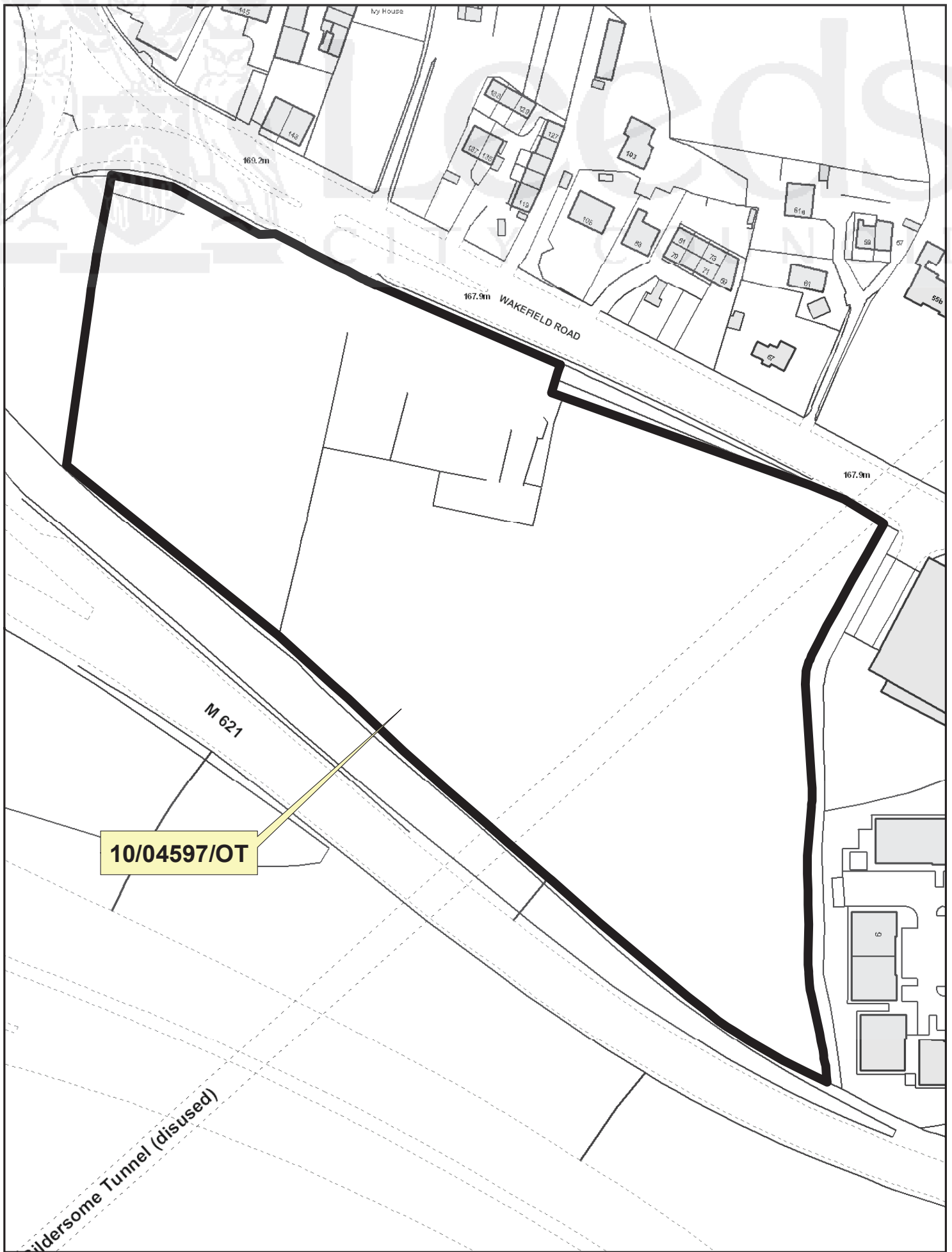


12/02470/OT

10/04597/OT

CITY PLANS PANEL





CITY PLANS PANEL



| |
|-------------------------|
| Originator: David Jones |
| Tel: 247 8000 |

Report of the Chief Planning Officer

PLANS PANEL CITY

Date: 13th December 2012

Subject: POSITION STATEMENT : APPLICATION 12/02470/OT, 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

| APPLICANT | DATE VALID | TARGET DATE |
|---|-------------------|--------------------|
| COMMERCIAL DEVELOPMENT PROJECTS LTD | 01.06.12 | 31.08.12 |

| | |
|--|--|
| Electoral Wards Affected: Morley North & Morley South | |
| <input type="checkbox"/> | YES Ward Members consulted (referred to in report) |

| | |
|-----------------------------------|--------------------------|
| Specific Implications For: | |
| Equality and Diversity | <input type="checkbox"/> |
| Community Cohesion | <input type="checkbox"/> |
| Narrowing the Gap | <input type="checkbox"/> |

POSITION STATEMENT

Members are requested to note this progress report and to give views in relation to a number of issues set out in the report to aid progression of the application.

1.0 INTRODUCTION:

1.1 This application is a substantial application for employment uses on land allocated for employment use between Morley and Gildersome. The application is a complex application, and has been subject to similar unresolved applications in recent years. The application has been subject of extensive negotiations, especially in respect of technical highways issues. Although there are outstanding issues, Officers consider it is appropriate to seek Members views on the key issues, such as highways safety, sustainability of the site and flooding considerations.

- 1.2 The planning application is subject of a Holding Direction by the Highways Agency, which is currently in place until 14th December 2012. Discussions are on-going in respect of the scope and costs of works necessary at Junction 27, the effectiveness and suitability of the Travel Plan and public transport measures and commuted sums, and the extent of off-site highways works. Member's views on these measures are sought.
- 1.3 Morley Town Council has requested a Plans Panel site visit prior to determination of the application, as Plans Panel East members previously visited the site in connection with earlier proposals on the site.

2.0 PROPOSAL

- 2.1 The development comprises of an employment led scheme of business units (suitable for research and development purposes or light industrial uses), general industrial uses and for warehousing/storage and distribution units (provided for by use classes B1 (b), B1(c), B2 and B8). Site access, structural landscaping and amount of development will be brought forward as part of the application with all other matters reserved for future approval.
- 2.2 The amount of employment floorspace proposed by the outline planning application is as follows:
The overall total floorspace not exceeding the given amount of 96,148sq.m comprising of:
Class B1 (b)/ B1(c).B2 Industrial: Up to 28,445sq.m Gross Floor Area
Class B8 Distribution/Warehousing: Up to 82,253sq.m Gross Floor Area
Associated infrastructure, formal and informal landscaped green space.
- 2.3 In addition to the principle of development, the application seeks approval for the following matters;
- Access
 - Structure landscaping
- 2.4 The following elements will be determined during the Reserved Matters stage;
- Appearance
 - Scale
 - Layout
 - Plot landscaping

Access

- 2.5 The outline planning application proposes two vehicular access points into the application site at Gelderd Road and Asquith Avenue. The location of a proposed road bridge crossing within the application site over Dean Beck, which will enable full access over the entire site, is also shown on submitted plans.
- 2.6 These access arrangements and improvements including extended pedestrian footpaths, traffic lights and crossing are included as part of the current outline proposals.
- 2.7 Pedestrian access to the site will be also provided from Gelderd Road and Asquith Avenue in tandem with the proposed vehicular access points. The outline application also proposes to upgrade public footpaths and rights of way through the site and at Stone Pits Lane and from Nepshaw Lane. The paths will also be made available and upgraded to accommodate the provision of cycle routes which will link to other existing cycle ways adjacent the site.

Landscaping

- 2.8 Structural landscaping around the perimeters of the site and adjacent to Dean Wood is included as part of the current application to enable this to be planted and established for amenity purposes ahead of future building phases. Dean Wood is owned by the applicant.

Draft Section 106 Agreement

- 2.9 The application has been submitted with Draft Heads of Terms for the Section 106 Agreement. These take account of the previous applications submitted for the site and include for the following (subject to confirmation and agreement with Leeds City Council including compliance with CIL Regulations 2010 and the National Planning Policy Framework):

Travel Plan – Monitoring fee

Highway and transport mitigation measures – As set out in the Transport Assessment

Local Traffic Regulation Orders

Drainage –Off site flood alleviation works; drainage works to Gildersome tunnel

Provision for Local Training and Employment Initiatives - construction

Woodland Management Plan - for woodland within applicants ownership

- 2.10 A public transport contribution is also required to comply with up-to-date SPD guidance. The sum is under negotiation, but is calculated at £316,016.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is an undeveloped site of approximately 28.3 hectares (70 acres). The site is characterised by open fields, used recently for grazing with Dean Woods lying centrally on the site. The fields are separated by Dean Woods and Dean Beck. A public right of way (PROW) cuts centrally across the site from Nepshaw Lane to Stone Pitts Lane public footpath which runs down the western site boundary.

- 3.2 The site is undulating in nature, reflecting the nature of the sites previous use for opencast coal extraction with significant gradients to Dean Beck in the woodland area. Trees and woodlands are present on some of the boundaries of the site and centrally on the site in woodland known as Dean Woods. The larger part of Dean Woods is outside of the applicant's ownership. A local watercourse, Dean Beck, runs through the site from the west, adjacent Treefields Industrial Estate, through Dean Woods and towards Asquith Avenue to the east of the site.

- 3.3 The site is to the south of mainly residential properties with some commercial properties and a petrol filling station along Gelderd Road. To the west and south of the site are industrial estate developments of Treefields Industrial Estate and Gildersome Spur with allotment gardens to the far west corner above Treefields and along Gelderd Road. To the east side is Asquith Avenue and where it adjoins the site is characterised by woodland and with some residential properties served off this road. To the south east, served off Nepshaw Lane North/Asquith Avenue, are some larger residential properties and a commercial caravan storage business.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The site has previously been part of a larger site used for opencast coal mining in the 1980's, and has been restored to grassland with some tree planting to the boundary.

- 4.2 In the 1986 Morley Local Plan, the site (and adjoining sites) formed part of a buffer between Morley and Gildersome.
- 4.3 Draft UDP
- 4.3.1 In the draft UDP, the only part of the site allocated for employment was a 200m wide strip of land abutting Gildersome Spur, as 'rounding off' the existing industrial estate. The UDP Inspector, however, stated that the whole site should be allocated to provide a suitable range of employment sites. The Inspector noted that the site was well located for employment uses, being close to an existing industrial area, a centre of population and the motorway corridor. At the time, the site was served by buses along Asquith Avenue and Gelderd Road.
- 4.3.2 It was considered that the separation of Morley and Gildersome could be adequately maintained by the M621 motorway and Dean Wood, which itself would be little changed by the proposal. The Inspector stated that the proposed Green Belt boundary had no physical definition along its long northern boundary, and considered Asquith Avenue would be the nearest satisfactory physical feature, and would be a strong and defensible long term boundary. It was also considered that the site was quite well contained visually.
- 4.3.3 Finally, the Inspector stated that highways and drainage works did not appear to be 'insuperable in either cost or technical terms'.
- 4.3.4 The UDP Inspector recommended that the whole site should become an employment allocation, and since the adoption of the UDP in 2001, the site has been allocated for this purpose.
- 4.4 Planning applications
- 4.4.1 Three planning applications were submitted, between them covering the whole employment allocation. The applications are:
- 4.4.2 23/35/01/OT
Outline application to layout access and erect business park – land off Nepshaw Lane North, Gildersome
- 4.4.3 23/60/03/OT
Outline application to erect business industrial and storage and distribution development - Gelderd Road & Asquith Avenue, Gildersome
- 4.4.4 23/248/04/OT
Outline application to layout access road and erect distribution centre - Treefields Industrial Estate, Off Gelderd Road, Gildersome
- 4.5 Plans Panel (East) on the 14th July 2011 considered Position Statements for all three applications, and raised the following key issues:
- 4.6 • Travel Plan Framework and site accessibility – Members considered that the site was poorly served by public transport and that there were no bus stops within reasonable walking distance of most of the site. Lack of service on the A62 and A650 was a concern. The accessibility issues would encourage the use of cars. Members were of the opinion that more work needed to be undertaken to make the site sustainable including the mitigation fund.
- 4.7 • Where primary office development was proposed Members were of the view that the applicant would need to undertake a sequential test to aid the consideration of this element.

- 4.8 • The proposed developments would generate significant traffic including private cars and HGV's and the mitigation measures did not go far enough. Further information was required before a view could be reached as to whether the off site highway works were sufficient. An updated Traffic Assessment would need to be submitted.
- 4.9 • Members expressed major concerns about the flood risk, especially for residents at Old Close. It was considered that the developer would need to do more to ease Members concerns:
- There should be no increase in flood risk downstream.
 - It was the opinion of Members that the £300k contribution was not sufficient to address flooding issues.
 - In light of the comments made above Members, were not satisfied with the Heads of Terms of the Section 106 Agreement.
 - An appropriate landscaping scheme was required for the site boundaries and within the site itself, including within parking areas. Further information requires submitting in respect of a scheme to secure pedestrian safety and access along Nepshaw Lane which should be gated (beyond the access to the Moorfields site).
- 4.10 The schemes were not progressed by the applicants and legal agreements were not completed to deal with the concerns raised. As such the three applications were refused on the grounds that there were no measures in place to deliver sustainable transport measures, and flood alleviation measures, and there was no strategy in place to deal with transportation issues.
- 4.11 Subsequently, single site ownership has now been secured by CDP Ltd across the whole site area and therefore full control is now in place over the delivery of the site.
- Relevant application in the locality
- 4.12 10/04597/OT - Planning application of relevance, which is in the vicinity, and contributes traffic to the local highway network - 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 at Wakefield Road, Gildersome. This application is also on the Panel agenda as a Position Statement.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 There have been ongoing negotiations with the Highways Agency regarding the impact of the site and the extent of works required. These considerations are dealt with in the appraisal below.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Site notices for a major development affecting a right of way were originally posted on 14th June 2012 and in the press on 22nd June 2012. Representations have been received from the following:
- 6.2 Councillor Gettings objects to the application. This piece of land is the only green space between Gildersome and the densely populated Town of Morley. If localism is to mean anything then local views must be taken into account. If we are to have a "child friendly city" then the environment in which our children grow and develop is important. I strongly oppose this development personally –this is strongly objected to by local residents –for all the reasons previously stated.

6.3 78 letters of objection from local households on the following grounds

Increase in noise pollution

Increase in air pollution

Introduction of light pollution

Visual intrusion

Adverse impact on wildlife in the fields and adjoining woodland

There are large numbers of vacant units on adjoining estates. No need for these units in the current economic climate.

Existing businesses would be affected by the proposal.

Any benefits of the proposal would be massively outweighed by the harm.

Increase in traffic and hazards to road safety.

Increase in HGVs in the village would be extremely harmful to the village. Extra commercial traffic would be harmful to the five local schools.

Branch End junction is already over capacity.

Junction 27 has been improved, but the traffic generated by this proposal would result in congestion and nuisance.

Parking on Gelderd Road, and accessing houses would become problematic.

Loss of green fields, which are a vital local green resource.

Will lead to coalescence of Gildersome and Morley.

Loss of strategic green field site.

Site should be used by schools/community groups as resource, rather than being developed.

UDP should be reviewed and land returned to Green Belt, rather than employment allocation.

Brownfield sites should be regenerated rather than developing green fields.

The development is not in accordance with the UDP, as no access is proposed via Nepshaw Lane.

Major adverse impact on residential amenity, especially Belle Vue Terrace, which would be surrounded by development, with loss of privacy and overshadowing from large warehouse units.

The pleasant PROW through the site would be harmed.

Vibration of houses from HGVs.

Houses would be prone to flooding, and the development would exacerbate existing drainage difficulties, locally, and further down the watercourse into Leeds.

Proposal contrary to Local Agenda 21, in that it would be an unsustainable development.

The proposal would not be acceptable in North Leeds, but sites close to new section of M1 should be considered.

Due to coal mining on the site, there is a possibility of subsidence.

Decrease in value of property.

- 6.4 Morley Town Council (MTC) objects to the proposal, and make the following comments:
- 6.5 This application from new owners covers land entirely in Gildersome, but the site is close to the Morley boundary and will have significant effects on traffic flows within the town, so Morley Town Council Planning Committee members decided, at their meeting on 20th November, to update their comments.
- 6.6 Former Plans Panel East visited the CDP site earlier this year; as this and the Joseph Rowntree site are now under City Plans Panel, which has different membership, another site visit would be appropriate. In general terms, like Green Belt to the east of Asquith Avenue, this seventy acre site is important in maintaining a green gap between Morley and Gildersome. It was unfortunate that the UDP Inspector decided to grant what was in effect a large extension of the Treefield and Gildersome Spur employment estates, to take in most of the block bounded by Wakefield Road (A650), Gelderd Road (A62), Asquith Avenue and the M621.
- 6.7 If there is to be development, the Asquith Avenue frontage should be planted thickly and to considerable depth with trees, to give an illusion of a northward extension of Dean Wood. The narrow tree barrier shown on layouts, which admittedly are indicative, would not be enough. Similarly, there should be generous planting on the Gelderd Road frontage to mask new buildings and to give protection from noise and visual intrusion to Belle Vue Terrace.
- 6.8 There would be no vehicular access by Nepshaw Lane north to Wakefield Road or elsewhere through the existing industrial estate; the largest new access would be onto Gelderd Road between Belle Vue Terrace and the northern apex of the site, with a lesser access to Asquith Avenue. We are not convinced that this lesser access would be suitable for the size and number of vehicles visiting the big shed warehouses shown on indicative layouts.
- 6.9 There are no bus services on the Gelderd Road frontage, and Asquith Avenue has limited services which are likely to be reduced early in 2013 should Metro withdraw support for evening and Sunday journeys on the Arriva 205 Dewsbury-Morley-Pudsey route. Westerly parts of the site would be a long way from the nearest bus stops, and there is little in the travel plan to show that the development would be other than highly car-dependent.
- 6.10 Commuter traffic flows would be important. Gildersome Roundabout (M62 J27) works far more freely and safely since the installation of traffic signals, but it often seems at or near capacity, as do sections of the local highway network. Asquith Avenue and Wakefield Road (A650) seem overloaded in the morning and evening peaks, with long queues at junctions such as Branch End and The Angel crossroads. It would not be acceptable for local highways to become saturated, or for J27 to return to being pushed beyond its capacity. When J27 became overloaded, drivers caused congestion elsewhere, for example by rat-running through Gildersome village; we would not want this to reoccur. We note that a Highways Agency holding notice is in place and is being renewed monthly. Lifting it would depend on a three-way agreement being reached with regard to the CDP development at Gildersome, the Barratts housing proposal on the A650 at Street Farm in Morley, and the Joseph Rowntree site near J27. Highways Agency should be satisfied in full that all three developments can take place without overloading the highway network.
- 6.11 MTC still have fears about flood risk. Quick run-off in wet weather northwards from a watershed roughly defined by the line of the A650, including the application site, can flood houses at Old Close immediately north of Churwell railway viaduct, parts of the Millshaw industrial estate and the Leeds Outer Ring Road near Sulzer Pumps and the Drysalters public house. As well as causing loss and distress to householders and businesses, such flooding would cause traffic chaos throughout Morley and

South Leeds, including the White Rose Shopping Centre, if it affected the Outer Ring Road. We are not convinced that the flow attenuation and watercourse improvement and maintenance shown by the applicants would be enough; also, some of the works would be on third party land and so dependent on the goodwill and cooperation of those landowners.

6.12 We do not believe that the noise assessment gave enough regard to nearby householders; there was little account of the effect on Belle Vue Terrace, and there seemed to be an assumption that College Road top, College Court and Hadleys Court were affected by traffic noise already, so a bit more noise from the new development hardly would be noticed.

6.13 Despite the passing of nearly twelve years under different development banners, MTC do not believe that a comprehensive and fully acceptable account has yet been made showing how this land could be developed without causing unacceptable harm, so we would object to any grant of planning permission for the application as it stands.

6.14 Gildersome Parish Council objects strongly to the proposal. A Public meeting was held by the Parish Council on 18th July 2012, and attended by approximately 100 residents, local Ward members and LCC Officers, the following objections being raised:

The cottages on Belle Vue Terrace would be overshadowed and surrounded by industrial development. Noise and disruption to residents.

Existing flooding difficulties.

Preponderance of empty commercial premises within a three mile radius. Should these units come back into use, there would be a huge increase in HGVs and traffic on local roads.

The Highways Agency has carried out significant improvements at Junction 27. The road system would go back to being congested if this development was allowed.

The access onto Asquith Avenue is not supported as the road is very busy, and a Primary school is located at the southern end of Asquith Avenue. Any highways assessment of traffic should be carried out in term time.

Children in the area must be kept safe. There are two primary schools in the village, and commercial vehicles would drive through the village to avoid congestion on the primary routes.

Serious flooding and drainage issues need to be addressed.

The valued open green space would be lost forever, to an industrial eye-sore, and is not appropriate in a rural village environment.

6.15 The application was more recently advertised upon the receipt of additional information, on 26th October 2012. The following representations were received:

A further 41 letters of objection, including a letter from Councillor Gettings, reiterating previous objections.

6.16 Pre-application Consultation

Methodology:

6.17 The pre application process for undertaking the consultation was developed having regard to the Council's adopted Statement of Community Involvement (SCI) and to the nature of the proposals. The methodology is set out as below:

- Meeting with Morley Town Council / Gildersome Parish Council to discuss proposal and pre app consultation programme (e.g. to identify any other bodies/interest groups).

• Letter and leaflet - by post to:

- residents and businesses in frontage properties nearest to site boundaries
- to objectors identified from previous planning proposals as per Leeds Council Public Access records on the web
- to the MP and Ward Councillors of both the wards of Morley North and Morley South,
- Morley Town Council
- Gildersome Parish Council

• Site Notices - notices posted around site boundaries to direct residents/business with details of proposal, contact address and website

• Website - for further information (as per leaflet/site notice) and with comments form for on line or by post comments with the Website to be made available to tie into adverts/leaflet distribution.

Letters were sent to the MP, Councillors, Parish and Town Council for their formal comments and for their awareness of potential interest/contact from those receiving the letter/leaflet or from the site notices.

Pre application Consultation process

6.18 A meeting was held with Morley Town Council and Gildersome Parish Council on the 30th March at Morley Town Hall and a representative from CDP Ltd. David Jones from Leeds City Council was also present. Information that was to be provided in the leaflets was presented together with details of the pre application consultation process to be undertaken. Formal views of the Parish and Town Council were to be sought by letter and the informal views of those present at the meeting were noted.

6.19 Letters were sent out on the 4th April by first class post and the site notices were posted and website available from the 5th April. The consultation gave 14 days for comments thereby ending on the 17th April. Comments were requested by post or by email.

Feedback and Analysis of comments

6.20 A total of 153 individual letters to residents/previous objectors were sent out in addition to those sent to the MP, Ward Councillors, Parish and Town Council. Site notices were posted in prominent locations around the site as shown in Appendix 2. A total of 95 letters or email comments were received with further letters of objection were also received from Morley Town Council, Gildersome Parish Council and Councillor Gettings. These formal letters reiterated the informal views previously obtained from the meeting.

6.21 A total of 98 letters/comments were received with all but 1 letter objecting to the proposed development/application.

Key reasons for objections to *No. of comments*
proposed development are given below

Principle

| | |
|---------------------------------|----|
| Loss of fields/greenfield site | 30 |
| Merger of Gildersome and Morley | 27 |
| Green belt | 8 |
| Leave area as it is | 7 |
| Use brownfield sites | 4 |

7.0 CONSULTATIONS RESPONSES:

Statutory:

- 7.1 Highways Agency – The planning application is subject of a Holding Direction by the Highways Agency, which is currently in place until 14th December 2012. Discussions are on-going in respect of the scope and costs of works necessary at Junction 27, the effectiveness and suitability of the Travel Plan.
- 7.2 Highways Development Control – Revised information was submitted late October and Highways comments on this revised information is set out below. The application cannot be supported, and revised plans and assessment are required. The secondary access onto Gelderd Road is not supported as currently proposed. A cumulative impact study is required taking into account other committed and pending development in the area. Further improvement works are required to the local footway network. A public transport contribution will be required. A Stage 1 Road Safety Audit is required of all access junctions and off site works. Of the four internal layout options put forward, A, B and C could be acceptable with some tweaking. Option D would not be acceptable.
- 7.3 It is noted that the capacity modelling of the mini-roundabouts at the southern end of Asquith Avenue show a detrimental impact as a result of development traffic. This is considered further in the appraisal section.
- 7.4 Environment Agency: No objections. The proposed development will only be acceptable if the measures detailed in the Flood Risk Assessment dated July 2008 & the subsequent addendum dated 27 April 2009 submitted with the current application are implemented and secured by way of planning conditions. It is our understanding that a contribution of £300,000 from the developer has been offered to Leeds City Council to help alleviate flooding problems further downstream.
- ### Non-statutory:
- 7.5 Public Transport Infrastructure Contributions – A contribution has been requested, and is currently under negotiation.
- 7.6 Public Rights of Way – No objections in principle, although details to be submitted under reserved matters will require proper consideration.
- 7.7 Neighbourhoods & Housing – The proposed development consists of an area of green fields in a semi rural location at the edge of Morley. The site currently appears to be used as grazing for horses and is bounded by the M621 motorway, commercial units and a number of residential properties.
- 7.8 The proposed uses have the potential for significant disturbance to nearby residential occupiers from plant and activity noise, emissions to atmosphere, and vehicles passing in close proximity. However, due to the outline nature of the application many of the issues cannot be determined at this time. For example, the hours of operation or deliveries to and from the site is not stated on the application. In addition, there are a number of different site layouts proposed.
- 7.9 The applicant has submitted a noise report with the application. The proposed criteria for plant and industrial noise are unacceptable. The report does not seem to

include an assessment of noise from external areas, such as service yards. Although there is a statement within the discussion to suggest that the use of reversing bleeeper's should be minimized. One option is for large warehouse distribution centres. These often have large numbers of HGV's leaving throughout the quiet night time period. Although it is indicated that the area has a high background noise level, the night time disturbance (peak levels) caused by the wagons passing near to residential bedroom windows does not seem to have been adequately considered.

- 7.10 A revised Noise Assessment was submitted in October 2012, and is currently under consideration.
- 7.11 Yorkshire Water – no objections subject to conditions
- 7.12 Metro – Do not object to the development in principle but feel the application has not fully addressed the accessibility of the site particularly by public transport.
- 7.13 Metro support developments that make use of the existing core bus network as identified in the LTP. In addition Metro support the council in applying local accessibility policy criteria, in this instance, the accessibility policy contained in the Council's 'Core Strategy Publication Draft'. This site benefits from 5 buses per hour passing the site in each direction. This level of service is considered acceptable for this development.
- 7.14 The size of the site inevitably means that parts of it will not be located within the desired walking distance of 400 metres of existing bus stops. Metro note that the developer has suggested that additional bus stops will be provided with shelters and RTI displays and upgrades to the existing stops will be provided. Whilst this is welcomed, further assessments of the proposed locations will be necessary to ensure the spacing remains a reasonable distance apart. Metro's guidance recommends stops in urban areas should be between 200 and 300 metres apart.
- 7.15 Two new shelters are proposed on Asquith Avenue. Metro recommend that the current north bound stop (11487) should be relocated closer to the site entrance with a new stop provided on southbound side. This would cost £20,000 for the shelters and a further £20,000 for the RTI displays. Metro also recommend that kerbing and bus stop clearway signage and lining be provided.
- 7.16 Shelter upgrades are proposed for stop numbers 11488 and 12245. Metro are satisfied that 12245 will be able to have the upgrade but are concerned that the narrow footpath width will restrict a shelter at stop 11488.
- 7.17 Even with the new bus stop, large parts of the site are still outside the 400 metre threshold. Metro therefore recommend that the higher density development types should be situated closest to existing and proposed stops with the less dense development type (i.e. warehousing) towards the less accessible areas.
- 7.18 The developer has indicated that they have had discussions with operators to divert services into the site. Unfortunately no commitments have been given to divert services. This is not unexpected as operators will generally only divert services when there is a clear demand established. It is not clear if the developer has offered a 'pump prime' deal to the operator to pay for the diversion in the short terms or if the developer was as asked to make the diversion on a commercial basis from day one? The operators may be more amenable to divert a service if an initial contribution was made to the cost of the change of route. This should be provided by the developer.
- 7.19 Metro recommends that any route diversion should be procured through Metro as opposed to a direct agreement with the operator. This procurement method allows Metro to monitor the performance of the diversion and manage any issues should the service not operate to timetable for instance. Should a diversion be achieved, the developer would also have to fund the associated bus stop infrastructure within the site.

- 7.20 Metro would support the Council in the application of the Public Transport SPD for this site.
In summary Metro require the following from the development:
Dense development types located closer to the exiting public transport services;
Bus Shelter and Real Time Information Displays at stops 12245, 11487 and new shelter on Asquith;
Raised kerbs and bus stop clearway at the shelters listed;
Developer contribution towards the diversion of bus service(s) into the site (cost to be confirmed);
SPD contribution.
- 7.21 Flood Risk Management (FRM) – no objections subject to conditions. The applicant has confirmed the intention to carry through the off-site agreements with regard to protecting the old railway cutting and the contribution of £300k towards the necessary flood mitigation scheme downstream of the site. Therefore in principle FRM would not object to these proposals, however it is an outline application and FRM do not have sufficient detail to determine whether the on-site balancing is sufficient to meet the requirements of their proposals. Therefore, FRM would request that the design of these and the surrounding development is conditioned. The implementation of their proposed drainage should be made a condition of any approval.
- 7.22 Public Rights of Way (PROW)
- 7.23 Morley Byway No.52 & Adopted Highway
This Byway appears to be obstructed by landscaping at the SE corner of the site. The Byway should not be obstructed and should remain open and available for use at all times, the public rights of way section would strongly object to any proposals to extinguish this Byway. A revised landscape scheme has been submitted, and the comments of PROW are being sought.
- 7.24 Morley Footpath No.43
This footpath appears unaffected. It should remain open and available for use at all times. If works require closure for public safety a Traffic Regulation Order (TRO) would be required for the duration of the work taking place. Landscaping adjacent to the footpath should not be allowed to encroach onto or reduce the width of the footpath in any way.
- 7.25 Morley Footpath No.51
No objection in principle to the diversion of this footpath. However, approval would be required from the Public Rights of Way Section. Orders should be made and confirmed before work commences on site where it affects the line of the footpath. A Traffic Regulation Order will be required during construction. It is not clear if the footpath goes under or over the bridge, further clarification is required. Footpath No.51 continues SE through plot E which is not shown in the submitted plans. If this line is affected a Diversion Order would be required. Details of how this section of footpath is affected need clarifying before any diversions are approved and work commences on site. Currently it appears that the proposed landscaping obstructs this footpath. If the footpath is not proposed for diversion in this location the landscaping should not obstruct the footpath. A revised landscape scheme has been submitted, and the comments of PROW are being sought.
- 7.26 Unrecorded Footpath
A route is shown from Footpath No.51 to Asquith Avenue. This is not a recorded public right of way, but public rights may exist and the developer indicates that it is

currently in use. As this is not affected the rights of way section has no objections. However, it would not be considered acceptable to divert Footpath No.51 onto this line as it would be considered to be an extinguishment.

7.27 Coal Authority

7.28 The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Geo-Environmental Desk Study Report (May 2012), which accompanies this planning application. The Geo-Environmental Desk Study Report correctly identifies that the application site has been subject to past coal mining activity. The Coal Authority records indicate that the site has been subject to both recorded and likely historic unrecorded underground coal mining at shallow depth, past surface (opencast) mining, and contains a number of recorded mine entries.

7.29 The Geo-Environmental Desk Study Report has been informed by an appropriate range of sources of information; including a Coal Mining Report, a range of previous reports of ground conditions for the site, BGS geological mapping, historic OS mapping, and mine abandonment plans. Based on this review of existing sources of geological and mining information, the Report concludes that coal mining legacy poses a potential risk to the proposed development.

7.30 Accordingly, appropriate recommendations are included for intrusive site investigation works prior to development in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified.

8.0 **PLANNING POLICIES:**

Development Plan

8.1 The Development Plan for the area consists of the Regional Spatial Strategy and the adopted Unitary Development Plan Review, 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. Following consideration of representations received, the Council now 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. Some weight can now be attached to this document.

8.2 Core Strategy Spatial Policy 8: Economic Development Priorities requires the safeguarding and provision of a sufficient supply of housing land. This policy supports training and job creation initiatives via S106 Agreements and supports employment proposals which have high levels of accessibility and infrastructure.

8.3 Core Strategy Spatial Policy 9 : Provision For Employment Land requires the provision of a minimum of 493 hectares of employment land across the whole of the district.

8.4 The Leeds Employment Land Review (August 2011) provides the evidence base to the Core Strategy for assessing the overall employment need within Leeds. The Review outlines that the application site should be retained for employment use, as the site is identified in 'Appendix C: Employment sites with recommendation to 'retain' in the employment land portfolio'.

The Regional Spatial Strategy

8.5 Policy LCR1 promotes Leeds City Region by developing the role of Leeds as a Regional City, by accommodating significant growth in jobs and homes.

Unitary Development Plan Review

- 8.6 Under the UDP the application site forms the large part (28.3 hectares) of the 41.0ha site designated under E4 (14) for employment use, subject to:
- i. PROVISION OF SATISFACTORY MEANS OF ACCESS, WITH AT LEAST TWO POINTS OF ACCESS, AT NEPSHAW LANE AND GELDERD ROAD;
 - ii. CREATION OF A HIGH QUALITY ENVIRONMENT THROUGH THE USE OF QUALITY MATERIALS AND THE APPROPRIATE DESIGN OF BUILDINGS AND THEIR SETTINGS;
 - iii. ESTABLISHMENT OF A SATISFACTORY LANDSCAPE FRAMEWORK, INCLUDING BELTS OF STRUCTURE PLANTING;
 - iv. PROTECTION OF THE AMENITY OF OCCUPANTS OF NEARBY DWELLINGS;
 - v. ANY NECESSARY LEGAL AGREEMENTS;
 - vi. PREPARATION OF A PLANNING AND DEVELOPMENT BRIEF TO GUIDE DEVELOPMENT, IN PARTICULAR, LOCATION OF ACCESS POINTS AND ANY OFF-SITE WORKS, ENHANCEMENT AND PROTECTION OF DEAN WOOD LNA, AND PROTECTION OF ADJOINING RESIDENTIAL PROPERTIES.
- 8.7 The areas excluded from the allocation in this application are the area used for caravan storage off Nephshaw Lane and Dean Wood.
- 8.8 The supporting UDP text states:
The site has largely been restored to agricultural use following open cast coal mining. The site is proposed for employment use as an extension to the existing Gildersome Spur industrial estate, thus helping to consolidate employment opportunities in the area. Development of this site will be subject to a Traffic Impact Assessment with regard, in particular, to the impact on the M621/M62/A650/A62 junctions. Careful consideration would need to be given to Dean Wood, a designated Local Nature Area. Opportunities for environmental improvements, including woodland creation, will be sought under Policy N41B. Policy N24 will also apply. These and other details, including means of protecting adjoining residential properties, will be dealt with through a Planning and Development Brief.
- 8.9 The following policies are relevant for consideration of this application;
- SA2 – Encourage development in locations that reduce the need for travel and promote use of sustainable transport forms.
- SA4 – Promote and strengthen the economic base of Leeds by identifying a balanced range of sites for development.
- SA7 – Promote physical and economic regeneration of urban land and buildings within the urban areas.
- SP3 – New development will be concentrated largely within or adjoining the main urban areas and settlements on sites that are or can be well served by public transport.

SP6 – Distribution of employment land is based on principles of providing jobs close to homes and anticipating likely market demand.

GP5 – General planning considerations.

GP7 – Use of planning obligations.

GP11 – Development to meet sustainable design principles.

GP12 – Provision of sustainability assessments for major developments.

N10 – Development not permitted where it adversely affects a Public Right of Way.

N12 – Urban design principles.

N13 – Building design principles.

N23 – Design of incidental open space around developments.

N24 – Proposal abutting open land should provide for suitable assimilation into the landscape.

N37A – All new development in the countryside should have regard to character of the landscape and contribute positively to it.

N38B – Planning applications to be accompanied by a Flood Risk Assessment where needed.

N39A – Incorporation of sustainable drainage principles.

N49 – Protection of wildlife and habitat resources

N50 – Protection of SSSI, LNR, SEGI

N51 – Enhancement of wildlife habitats

T2 – Highway issues.

T2B – Provision of Transport Assessments.

T2C – Provision of Travel Plans.

T2D – Developer contributions towards public transport.

T24 – Parking provision.

8.10 Relevant supplementary guidance –

Leeds Street Design Guide - gives advice on design of roads and parking layouts.

Public Transport Improvements and Developer Contributions SPD – sets out circumstances under which a contribution is required for public transport improvements.

Travel Plans SPD – gives advice and guidance on the use of travel plans.

Sustainable Construction SPD.

8.11 Government Planning Policy

National Planning Policy Framework

8.12 The National Planning Policy Framework (NPPF 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.

- 8.13 The NPPF includes policy guidance on sustainable development, economic growth, transport, design, and climate change. Paragraph 32 states:
All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.14 Paragraph 100 states that ‘Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.’
- 8.15 Section 7 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:
- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - Optimising the potential of the site to accommodate development;
 - Respond to local character and history;
 - Reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - Create safe and accessible environments; and
 - Development to be visually attractive as a result of good architecture and appropriate landscaping.
- 8.16 Noise Policy Statement for England (March 2010)

9.0 MAIN ISSUES

1. Principle of development and sustainability
2. Highway and access issues
3. Urban Design and Landscaping
4. Ecological interests
5. Flood risk management
6. Section 106 Agreement and CIL Regulations

10.0 APPRAISAL

Principle of development and sustainability

Development Plan

- 10.1 The application site forms the vast majority of a larger area allocated for employment uses and forms a natural extension of the existing Treefield and Gildersome Spur industrial estates on the edge of Morley Town. 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. As the site is allocated for employment in the development plan, the starting point would be that the proposal is acceptable in principle, but that material considerations need to be taken into consideration.

- 10.2 Furthermore, recent guidance from the Government highlights the need to provide for economic growth. The National Planning Policy Framework makes it clear that the Government expects that development and growth should be approved unless it compromises key sustainable development principles set out in national planning policy. Appropriate weight should be given to the need to support economic recovery and applications that secure sustainable economic growth, such as this application, should be treated favourably.

10.3 Do Panel members raise issues concerning the principle of development?

Highways and access issues

- 10.4 Previous Highways comments dated 13th July 2012 set out that 'while it is considered that the site has a only a reasonable public transport offer at best, it would be difficult to object on this basis based on the current policy context.' This position has not changed.

Accessibility

- 10.5 Bus services run along the Asquith Avenue frontage giving a combined frequency of five buses per hour, four of which head into Leeds. The applicant is proposing to fund new bus stops close to the Asquith Avenue access, but even with these in place a significant proportion of the site would be over 400m from these bus services. The furthest units are likely to be some 800m walk distance from the nearest bus stops.

- 10.6 The public transport SPD sets out that 'the centre of a site' should be within 400m of a bus stop offering a 15 minute frequency to a major transport interchange. The draft Core Strategy states that 'industrial and distribution / warehousing to be located within 10 minute walk of a bus stop'. Therefore while it is considered that the site has only a reasonable public transport offer at best, it would be difficult to object on this basis based on the current policy context.

- 10.7 The developer has made some enquiries with the bus operators regarding diversion through the site. It is not clear what, if any, offer was made to subsidise such a diversion or whether Metro were involved. The applicant has offered to fund bus stops within the site should any service divert at a future date. The infrastructure has been designed to accommodate HGVs and therefore is also capable of accommodating public transport. Metro has requested improvements to local bus stops and requested developer contributions towards diverting bus services through the site, as set out in sections 7.12 – 7.20 above.

- 10.8 The site is liable for a significant public transport contribution under the SPD, however options to spend this money on local services should be explored in consultation with Metro.

10.9 Do Members consider that the applicant's proposals to improve accessibility to be appropriate to this site?

- 10.10 A new footway is proposed along the Gelderd Road frontage where none currently exists. This will tie in to the existing footways to the east, but does not extend far enough to the west. Highways have requested that the new footway must be extended along the grass verge to meet the access point of the Treefields Industrial estate and existing footway. It is not considered acceptable to have a footway adjacent to a major road in a mixed residential / commercial area simply end at the start of a muddy footpath. While movements on this length may be low, there will certainly be some demand, and some of that will be associated with the proposed development.

- 10.11 The site is liable for a public transport contribution under the SPD, which has been calculated at £316,016 for the full development. This will require refinement to allow for the flexibility in permission sought and phased build out. Appendix 1 of the SPD, updated in December 2011, contains a number of schemes that would be relevant to the site. These include:
- UTMC Spruce and traffic light bus priority system (city wide)
 - Public Transport Hubs – Morley is one of those proposed to be taken forward
 - A62 Gelderd Road bus priority
 - A643 Leeds – Morley bus corridor
- 10.12 In terms of cycling, discussions on the Travel Plan are still ongoing and the cycle access strategy will be linked to that. Comments are provided below on the junctions layouts – it should be noted that it is the policy of Leeds Highways not to introduce pedestrian refuge islands where kerb to kerb widths are less than 4m, unless in exceptional circumstances. The access junction designs need revisions to accommodate this. The Cycling Officer has stated that the Leeds Core Cycle Network Route proposes to use Nepshaw Lane. This requires resurfacing and being accessible to cycles at both ends. Internal access roads should also be connected to Nepshaw Lane and other access roads in the area by cycle track to create some connectivity through the area. Nepshaw Lane is a key pedestrian and cycle link to the site and therefore some contribution to improvements along its length would be expected from this development.

VEHICULAR ACCESS:

- 10.13 Three vehicular access points are proposed to the development, two off Gelderd Road and the other off Asquith Avenue. Previous applications at the site included an access to the A650 via Nepshaw Lane which is now not proposed, and the current proposal has an access onto Asquith Avenue, which wasn't proposed on the earlier applications.
- 10.14 It is noted that the UDP allocation for the site states that development is subject to: *'Provision of satisfactory means of access, with at least two points of access, at Nepshaw Lane and Gelderd Road.'*
- 10.15 From a Highways perspective there is merit in making the site as permeable as possible to reduce trip distances and impacts on local junctions. An access onto Nepshaw Lane and the A650 is likely to reduce development related traffic through the centre of Morley. It should be noted that the trip distribution agreed, without prejudice to preferred additional access to Nepshaw Lane, as part of the pre-application process was on the basis of no access to Nepshaw Lane, and for obvious reasons this distribution would change if an access was implemented towards the A650.
- 10.16 Notwithstanding the above, if it is demonstrated that the proposed access solution via Gelderd Road and Asquith Avenue works in terms of capacity and highway safety on the local network then it would be difficult to justify an objection on the lack of an access to Nepshaw Lane. Therefore, at this stage, this issue has been put to one side and the application assessed as submitted. Only once has it been confirmed that the full development can operate safely and within acceptable network impacts can the issue of the Nepshaw Lane access be resolved. In this context, it is noted that the development does have a detrimental impact at the mini-roundabouts at the southern end of Asquith Avenue which may need to be mitigated (see below).

- 10.17 An independent Stage 1 Road Safety Audit will be required of all the access junctions and off-site works prior to determination of the application

Gelderd Road Access Points

- 10.18 A signalised junction is proposed onto Gelderd Road which will serve as the main access point. The layout of this junction has now been corrected to take account of actual road widths. The further surveys at the Gelderd Road junction with College Road show that the right turn lane can be shortened and this is accepted.
- 10.19 The option of island narrowing was explored to improve alignment through the junction. The revised layout as shown, however, is not acceptable with the straight across crossing operating in different stages – read through issues are likely to be picked up at Safety Audit and Leeds would not accept such a layout. Advice is awaited from UTC on this, but Highways consider that the pedestrian facilities should be removed from this arm as they are provided on the eastern arm of the junction.
- 10.20 The Linsig modelling for the primary access, Treefield estate access and Branch End / Gelderd Road / Asquith Avenue junction has now been sent to UTC for comment. This was not done previously due to comments in relation to junction layout and site access locations.
- 10.21 It is noted that relocation of the secondary access point on Gelderd Road further away from the PFS access points. This resolves the issue of junction spacing but leaves an unsatisfactory set of lane widths, with running lanes of 3m and a right turn lane of just 2m. This is not adequate for a site of this size served off an A-road. The minimum should be 3.35m running lanes and a 2.5m right turn lane. The Council will only accept kerb to kerb widths of less than 4m to an pedestrian refuge in exceptional circumstances to cater for cyclists. It is noted that the width of the existing highway verge and footway to the east would allow for some carriageway widening in this location.

Asquith Avenue access

- 10.22 There are outstanding issues relating to the right turn lane, however, these are not vital issues given the junction is shown to operate well within capacity. Therefore, the conclusion that this junction operates within capacity is accepted.
- 10.23 Highways have previously raised issues regarding the level difference between Asquith Avenue and the site and Highways have concerns that without an appropriate control mechanism, this access is unlikely to ever be implemented. Given its importance in permeability of the site and relief at the nearby signalised junction this is of concern. The applicant sets out that this issue will be taken care of by way of land remodelling, but given the outline application includes access Highways consider that more detailed plans showing levels, retaining structures and long / cross sections are provided in this location. In addition, Highways would be seeking to have a condition applied to any permission restricting the level of development to an appropriate scale until both access points (Gelderd Road and Asquith Avenue) and associated link road are constructed.
- 10.24 Do Panel Members consider the extent of the access arrangements to be sufficient to deal with the anticipated level of traffic?**

TRANSPORT ASSESSMENT

- 10.25 The TA and subsequent analysis takes no account of other committed / pending applications in the area and comments in this regard from the original Highways consultation have not been taken on board. The Highways Agency, through their

own work, have considered the cumulative impact of development on J27, and the required mitigation. The Bruntcliffe Road development has considered the cumulative impact at the A650 / Howden Clough Road junction and identified the introduction of MOVA as appropriate mitigation. This mitigation scheme will also be required of this development. The Rowntrees application has considered the Gelderd Road scheme in a previous TA. Given that the site access and Treefields access are shown to operate well within capacity, the only junction still requiring a cumulative impact assessment is the Gelderd Road / Branch End / Asquith Avenue junction. The applicant should undertake a cumulative impact assessment of this junction.

- 10.26 The modelling, impact and mitigation scheme at J27 has been agreed. This set of highway works should be secured via a Grampian condition, to be implemented prior to an appropriate level of development. As with other phasing issues, this will require further consideration.
- 10.27 The recent submission has included assessment of the Gelderd Road / College Road junction and the Victoria Road mini-roundabouts at the bottom of Asquith Avenue. The modelling has been checked and is acceptable for use. However the applicant's conclusions are not accepted. The mini-roundabouts, will be operating over capacity in 2019 and the development adds to the queues and delays. It is accepted that the level of development traffic through these junctions is not large, but the impact remains. The current setup of two mini-roundabouts makes any improvement difficult without a radical rethink and redesign of the two junctions. Resources and focus may be better expended in ensuring the site is as well linked as possible for walk and cycle trips, the implementation of a comprehensive and robust travel plan with targets and default mechanisms, and that all access options have been properly considered, which is not yet the case. The case for direct mitigation at this junction will need to be considered in light of the above.

INTERNAL LAYOUT / SERVICING / BINS

- 10.28 The previous comments relating to the four indicative layout plans remain despite some minor tweaks. Options A to C could be made to work, but D is not acceptable. These internal issues however can be resolved through any future reserved matters application.
- 10.29 The employment land off Nepshaw Lane which forms part of the employment allocation, and excluded from this application as it is in third party ownership does not have adequate access to either Nepshaw Lane or Asquith Avenue suitable for commercial uses. Therefore, the option must be maintained, without a ransom, of access through the rest of the allocation which is subject to the current application.

TRAVEL PLAN

- 10.30 Some progress has been made on the Travel Plan, but it is not yet at a stage where it is acceptable. The travel plan is a critical element of the scheme given the scale of development, capacity issues at some nearby junctions, and previous Plans Panels resolutions regarding development at the site.

OFF SITE HIGHWAY WORKS

- 10.31 Off-site highway works are proposed at junction 27, the site access points and along the Gelderd Road frontage. The introduction of MOVA control at the A650 / Howden Clough Road will also be required, if not already implemented by other development in the area.

- 10.32 Both public consultation and the LCC Traffic team have requested that 20mph zones are developer funded in the vicinity of Gildersome Primary and Morley Victoria Primary schools, to help mitigate against increased levels of traffic past these school sites. Highways have requested details of costing that could be incorporated into a S106 agreement. Also, requests have been made to fund a HGV ban through the centre of Gildersome Village, again with costs to be forwarded in due course. These traffic management schemes are fully supported by Highways and considered necessary to help mitigate the development impact.

ROAD SAFETY

- 10.33 A Stage 1 Road Safety Audit covering all access points and off-site works will be required prior to determination of the planning application.
- 10.34 Conditions will be required to:
- Secure the off-site works and access arrangements
 - Secure the provision and adoption of the through route at an appropriate stage (to be agreed)
 - Provide further details on the proposed bridge across the beck
 - Standard conditions relating to parking and servicing areas
 - Ensure acceptable gradients at the site access points (and internal layout)
- 10.35 The Section 106 should cover:
- Provision of an adoptable link to the edge of the Lindley land (with no ransom strip)
 - The provision of a public transport contribution (to be agreed)
 - The implementation of the travel plan (to be agreed) and monitoring fee
 - On and off-site bus stop improvements
 - HGV movement restrictions
 - Local 20 mph schemes
- 10.36 The details and wording of the conditions and planning obligations would need to be discussed in further detail should the application move forward to an approval.

CONCLUSION

- 10.37 There are no objections in principle to the development, but there are many outstanding matters of detail in respect of accessibility, assessment of access points, cumulative impact and Travel Plan details. The application cannot be supported from a highways standpoint as submitted and amendments / further work are required.
- 10.38 Do Panel members have any comments on the scope of the highways conditions and the Section 106 Agreement?**

Urban Design and Landscaping

- 10.39 The application proposes large scale development. The visual impact of the large industrial units and their service yards on views from the M621, Gelderd Road and Asquith Avenue are significant issues currently under consideration. The location and size of buildings, and the widths and locations of structure planting to reduce the impact of the development will be important to mitigate against adverse impacts.

Proposed scheme development principles:

- 10.40 The applicant has identified the most important factors are considered to be:
- (i) the impact and scale of the proposals in relation to residential properties along Gelderd Road
 - (ii) the existing trees and woodland in and around the site

- (iii) highway considerations and provision of deliverable and achievable access points on Gelderd Road and Asquith Avenue
- (iv) land ownership and deliverability
- (v) drainage requirements of existing and proposed properties
- (vi) site topography and location of Dean Beck watercourse
- (vii) maximising development areas for employment use of the allocated site.

- 10.41 The proposal is for outline planning permission with details provided of the means of access and structural / boundary landscaping. The parameters Masterplan provides the scale parameters for future applications and specifies the maximum floorspace thresholds for the development as a whole and within defined plot areas.
- 10.42 Maximum and minimum floorspace measurements for future buildings are also provided within the plot areas. The detailed layout of the proposed development is not specified as part of the application however indicative plans are included with the planning submission to illustrate how future development may be accommodated on the site within the parameters set out. This assists in providing the maximum and minimum heights, widths and lengths of units within the identified plot areas.
- 10.43 The proposed scheme parameters and arrangements set out above and in the application details allow a smaller, more domestic relationship from the proposed units to residential properties along Gelderd Road whilst maximizing the development potential and opportunities for a wide range of commercial industrial and warehousing units on the application site dependent upon further reserved matters applications.
- 10.44 The provision of perimeter landscaping also sets parameters for the future location of buildings beyond these areas with particular regard being paid to the residential properties at Belle Vue Terrace. Structural landscape zones have been positioned adjacent potentially sensitive areas such as site boundaries in accordance with the Landscape Masterplan One option presented provides mounds on which landscaping is placed. The issue if structural landscaping will be key to the success of the scheme. The access points to the site will be taken from Gelderd Road and Asquith Avenue with a central bridge crossing point over Dean Beck. The bridge crossing location has been assessed by the applicant as providing the most practical location available whilst minimising tree loss due to the land available, location of Dean Beck for the drainage outfall and the topography of the site. All these points put by the applicant are under consideration.
- 10.45 The detailed appearance of the buildings will be the subject of future planning applications. The indicated scale of the proposals and the proposed uses that the development will bring forward together with the use of modern building techniques. The detailed appearance of the building will be subject to reserved matters approval.

Landscape

- 10.46 Indicative landscape proposals being put forward on the Masterplan. The proposal involves the retention of Dean Wood within the central part of the site. The wood would be augmented by a band of 'structured' landscaping, which is likely to take the form of additional woodland planting. Dean Wood is a designated Leeds Nature Area (LNA) and part of the wood has been identified as Ancient Replanted

Woodland. Any reserved matter scheme would be required to have no direct impact on the woodland.

10.47 A landscaping Parameter Plan has been submitted, which outlines how the perimeter of the entire application site will be treated. This includes; Gelderd Road to have a tree planting mound with shrub planting below, along with a low knee rails with mown grass strips and gravel edge intended to form a neat, pedestrian scale to the roadside. Asquith Avenue and Nepshaw Lane to be fronted by new tree planting with shrub planting below, along with low knee rail and mown grass strip. Visual screening from existing footpaths bordering the western side of the site is already provided by the existing plantation within this location. This will be enhanced by shrub planting at the edges of the plantation and hedge planting. Landscaping around the proposed site will provide a variety of berry, nut bearing and flowering trees offering year round interest for a range of invertebrates, and as such providing feeding opportunities for the local bat population.

10.48 A Woodland Management Plan would be subject of a Section 106 Agreement. The woodland straddles boundary of all three application sites, therefore the Plan would provide some consistency for dealing with woodland management issues and how detailed proposals would address the woodland area.

10.49 The impact of the development on views from housing nearby, and wider areas is currently under consideration.

10.50 Do Panel Members consider the extent of the landscaping proposals to be sufficient to allow the development to proceed?

Nature Conservation interests

10.51 The main nature conservation concerns relate to the loss of an area of young woodland and part of the Dean Beck at the expense of the largest storm water pond. From an ecological standpoint, the storm water ponds should be located outside of areas of existing nature conservation value, as are the other two ponds. If a case is put forward to justify the proposed location of this storm water pond there must be significant compensation to offset this loss i.e. an equal width of scrub and woodland planting (to that lost) around the storm water pond to ensure habitat connectivity, and appropriate detailed design of the pond to benefit wildlife.

10.52 The design of the road over Dean Beck must be designed in a way to minimize disruption to beck and associated vegetation i.e. a wide span with no concrete footings close to the beck that flows underneath.

10.53 The overall impacts of the development on nature conservation are significant and will therefore require addressing through a Section 106 Agreement - to ensure long-term positive management of retained and created wildlife features is carried out under an agreed Landscape & Ecology Management Plan.

10.54 The Phase 1 Habitat Survey and Protected Species Assessment dated May 2012 identifies that there will be an impact on a number of nature conservation features and that further survey work is required prior to determination of this application.

10.55 Further surveys for bats in relation to both the woodland edges and open grassland areas will be required to fully understand the potential impacts on foraging and commuting bats. Page 13 Section 4.3 of the Habitat Survey and Protected Species Assessment refers to the good quality foraging and commuting habitat features along the edges of the woodland and the need for further surveys prior to commencement of works – but this should be carried out prior to determination as bats are a protected species and therefore a material consideration (no bat surveys

have been carried out to date – only a scoping assessment). Lighting will have an adverse impact on bats where this is on commuting/foraging corridors such as along the woodland edges and beck – so will need to be designed sensitively.

- 10.56 The Phase 1 walkover survey was carried out in mid-February and therefore did not identify patches of semi-improved grassland that occur across much of the southern and south-eastern parts of the site (with Meadow Foxtail, Crested Dog's Tail, Bent grasses, Yorkshire Fog, Meadow Vetch being observed in June – together with Lesser Whitethroat, Blackcap, Chiffchaff in patches of Hawthorn scrub around the edges of the site and Curlew and Swallow feeding activity on patches of damp grassland, indicating a good invertebrate biomass).
- 10.57 A clearer assessment of the ecological features that will be lost is needed in order to fully understand the potential impacts and agree a suitable level of mitigation – a qualitative and quantitative impact assessment is recommended i.e. 1 hectare of semi-improved grassland will be lost that will be offset by 0.5 hectares of wildflower meadow created and positively managed through an ecological management plan. Loss of open habitats may be best off-set through considering the use of roof spaces designed to benefit ground nesting birds and invertebrates and retaining existing areas of grassland value around the edges of the site.
- 10.58 If one of the water features is to be created at the expense of an area of woodland then there will need to be a significant mitigation package – such as improving sections of the water course through denaturalizing any engineered features (converted sections) and backside management to benefit species such as water voles (which could be encouraged to re-colonise in the future). Any features that are designed to provide open water should consider measures to retain some open water throughout the year, and details shown in relation to how they will connect to the beck and not become shaded from adjacent trees or new planting.
- 10.59 The landscaping plan should consider planting native shrubs (excluding Dogwood) along any woodland edges and then creating or retaining semi-improved grassland to allow a graded edge to the retained woodland areas (grassland/scrub/woodland interfaces will benefit a wider range of wildlife).
- 10.60 A key aspect of this application will be assessing the level of impacts and agreeing suitable mitigation, and developing the content of an ecological management plan to positively manage retained and created ecological features. These matters are all currently under consideration, and would need to be addressed before a decision can be made on the determination of the application.

10.61 Do Panel Members consider the impact on interests of nature conservation to be of significant concern?

Flood Risk management

- 10.62 The applicant has resubmitted the detailed Flood Risk Assessment (FRA) submitted with application 23/248/04/OT, submitted in July 2008 (and subsequent addendum in 2009) which was acceptable to Environment Agency and FRM, subject to the mitigation measures identified in the FRA being carried out.
- 10.63 The application now being submitted by CDP Limited is consistent with the previous modelling assumptions, development density and provides the same on site attenuation measures. The flood risk modelling thus remains entirely valid and forms the basis of the FRA submitted. The assessment of surface runoff and exceedance flows from the site and potential impacts of the development has been undertaken using Microdrainage modelling of the Dean Beck and Farnley Wood Beck

catchments, including food depths in this area. An assessment of the flows spilling into the Gildersome tunnel cutting has also been made.

10.64 The modelling addendum was accepted by the Environment Agency in May 2009, and the Environment Agency has suggested a planning condition to support the mitigation measures set out in the FRA.

10.65 The results of this assessment suggest the following:
The proposed flood storage basin has the effect of attenuating flows, introducing lag into the flows from Dean Beck.

Peak flows in both Dean Beck and Farnley Wood Beck are lower following development of the site.

Within the development sites all design flows up to the 1 in 100 year event are contained without any flooding to the site. In addition the accident event shows that for the plot considered, flooding arising from the 1 in 200 year accident event can be contained on site.

The flows from Tree fields Industrial Estate (pre and post development) are small (less than 10%) compared to the total Farnley Wood Beck catchments flows.

The post development flows indicate lower peak flows entering the high flood risk areas of Old close and Millshaw industrial estate.

A significant proportion of the proposed attenuated site runoff does not enter the watercourse until after all other inflows have returned to base flows.

Flood depths in the Old Close and Millshaw areas are reduced for the post development case, and flood volumes are reduced by up to 2889m³ for the 100 year event.

Flows spill into the Gildersome tunnel cutting for both the pre and post development scenarios. The overall volume spilling into this area is higher for the pre development case at high return periods, but higher for the post development case at low return periods.

The reduction in peak flows and levels observed on Farnley Wood Beck occurs with or without the spillage of flow into the Gildersome tunnel cutting, showing that the development is not reliant on the storage currently occurring at this location.

The overall impact of the proposed development is a reduction in flooding at the critical flood risk locations on Farnley Wood Beck.

10.66 The overall scheme has fully considered the implications of flooding and flood mitigation has been designed into the whole development site to provide wider sustainability benefits and flood risk mitigation works which benefit the downstream community.

10.67 In conclusion a detailed Flood Risk Assessment has been carried out in accordance with the National Planning Policy Framework and the application submitted is consistent with the previous modelling assumptions, development density and provides for onsite attenuation measures accepted on the previous planning proposals for the site.

10.68 Do Panel Members consider the extent of the drainage improvements to be sufficient to allow the development to proceed?

Section106 Agreement and CIL Regulations

10.69 According to the draft guidance issued for consultation in March 2010, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make development acceptable in planning terms. The planning obligations offered by the developer include the following:-

- (i) Travel Plan
- (ii) Public transport infrastructure. Calculated at £316,016, and under negotiation.
- (iii) Contribution to Metro towards funding improvements to the relevant bus shelters.
- (iv) Local Traffic Regulation Orders (HGV movement restrictions, Local 20 mph schemes)
- (v) Flood Alleviation Contribution
- (vi) Training and Employment Initiatives
- (vii) Woodland Management Plan

10.70 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 meets all of the following:

(i) necessary to make the development acceptable in planning terms. Planning obligations should be used to make acceptable development which would otherwise be unacceptable in planning terms.

(ii) 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.

(iii) 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.

10.71 The proposal is likely to have a significant travel impact and the travel plan framework will help to ensure that relevant government and local policies relating to the use of public transport are met. UDP Policy T2C requires the submission of a Travel Plan, and Policy T2D requires contributions to be made to make enhancements to public transport.

10.72 There are existing flooding difficulties within the local catchment area, and the proposal has the potential to exacerbate that situation. UDP policy N38B states that where flood alleviation works are required the developer will be required to fund these. A contribution is reasonable in the circumstances.

10.73 Training and employment initiatives are covered under under UDP Policy GP7 as a type of community benefit where it is appropriate to seek a legal agreement. The draft S106 Agreement requires details of job opportunities to be made available to the local Jobs and Skills Service. An obligation on the developer in the circumstances is policy compliant and reasonable.

10.74 The proposed development could therefore bring about financial benefits for the local area and it is considered that the Council is justified in seeking such contributions.

Other matters

10.75 A sustainability statement would be requested via condition to address the design of the buildings and the construction phases. The Sustainable Construction SPD has recently been adopted, and a suitable condition would ensure that the latest approaches are utilised. Similarly a condition requiring that 10% of the energy usage be from renewable or low carbon sources would be recommended to ensure that the proposal helps to minimise the impact on the local environment.

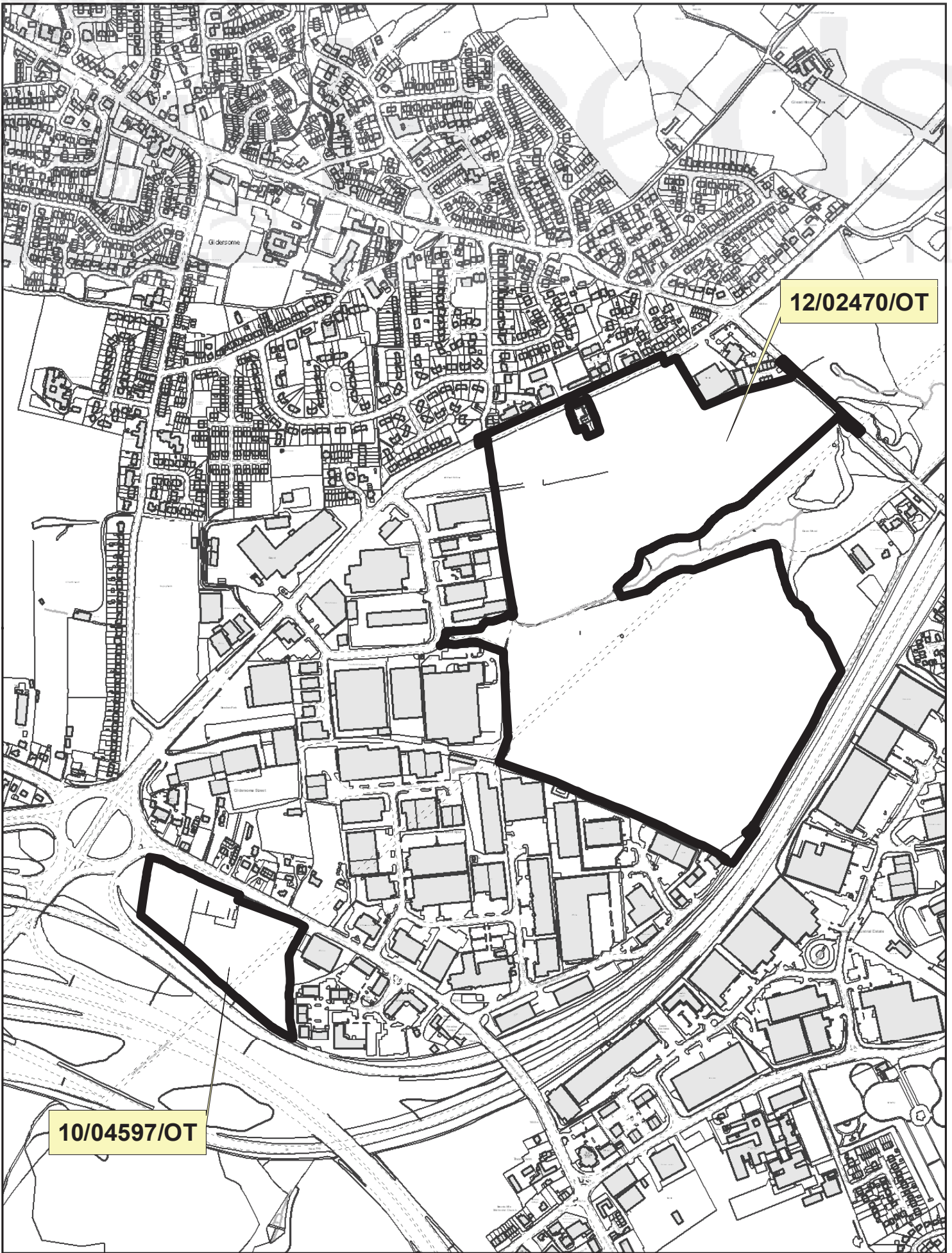
11.0 CONCLUSION

- 11.1 The proposed development fulfils an allocation policy within the adopted UDP and will bring employment uses into Morley and Gildersome, allowing the area to sustain economic growth. There are recognised concerns about congestion on the local highway infrastructure and existing flooding problems within the local catchment, however, planning conditions and obligations, contained within a Section 106 Agreement, are under negotiation to mitigate against 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:
- (i) **Do Panel members raise issues concerning the principle of development?**
 - (ii) **Do Members consider that the applicant's proposals to improve accessibility to be appropriate to this site?**
 - (iii) **Do Panel Members consider the extent of the access arrangements to be sufficient to deal with the anticipated level of traffic?**
 - (iv) **Do Panel Members have any comments regarding the scope of the Highways assessment?**
 - (v) **Do Panel members have any comments on the scope of the highways conditions and the Section 106 Agreement?**
 - (vi) **Do Panel Members consider the extent of the landscaping proposals to be sufficient to allow the development to proceed?**
 - (vii) **Do Panel Members consider the impact on interests of nature conservation to be of significant concern?**
 - (viii) **Do Panel Members consider the extent of the drainage improvements to be sufficient to allow the development to proceed?**
 - (ix) **Are there other issues which need to be addressed?**

Background Papers:

Application and history files

Certificate of Ownership:



12/02470/OT

10/04597/OT

CITY PLANS PANEL





12/02470/OT

CITY PLANS PANEL



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Originator: Sarah McMahon

Tel: 2478171

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 13 DECEMBER 2012

Subject: PREAPP/10/00300 - An update presentation for alterations and amendments to the approved Eastgate and Harewood Quarter Development scheme, at Land bounded By New York Road (Inner Ring Road A64) To The North, Bridge Street And Millgarth Street To The East, George Street And Dyer Street To The South And Vicar Lane And Harewood Street To The West, Leeds, LS2.

Electoral Wards Affected:

City & Hunslet

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 The Developer has requested to present to City Plans Panel with regard to the progression of some of the detailed reserved matters of the approved Outline scheme for the development of the Eastgate and Harewood Quarter. This is brought to allow Members to consider and comment on the manner in which the scheme is being advanced. Particular focus will be given on the details of the proposed first phase of the development.
- 1.2 Members will recall that the original scheme was submitted as an Outline Application for a major redevelopment, including demolition, involving mixed use to provide retail stores, restaurants, bars and offices (A1, A2, A3, A4, A5 and B1 Use Classes), gym use (D2 Use Class), medical centre, crèche, multi-faith prayer room (D1 Use Classes), changing places toilet facilities; with new squares and public realm,

landscaping, car parking and associated highway works. Members resolved to grant outline planning permission on the 7 July 2011.

- 1.3 Members will also call to mind that a Section 73 Application for amendments to the mix of uses, to change the approved Gym Use (D2) to a larger scale Leisure Use (D2) and to introduce Casino Use (Sui Generis), was brought to Plans Panel, on 27 September 2012, where Members resolved to grant outline planning permission.

2.0 PROPOSAL:

- 2.1 The presentation now to be made will inform Members how the Developer proposes to layout and detail Phase 1 of the development. Phase 1 will comprise the area of the site to the south of Eastgate, covering the Union Street car park to George Street to its south, as well as spanning from Vicar Lane and Harewood Street to the west, across to Millgarth Street to the East. The future plans for the development of the Millgarth Police Station site to the east will also start to be explored as part of this presentation.
- 2.2 The Developer has re-examined the design principles to be applied, the locations of particular uses, the layout and connectivity around and through the site, the public realm and landscaping provision, car parking provision requirements and the possibilities of creating new arcades within the scheme.
- 2.3 The Developer aims to produce a high quality regenerative development. The proposed attributes of the scheme aim to ensure its effective integration into the City Centre, creating an extended, enhancement to the Prime Shopping Quarter, with strong physical and character links to both Kirkgate Market and the Victoria Quarter. The proposed refinements and details would allow the development proposal to make better use of the available space on the Phase 1 part of the site, whilst improving connections in, through and around the scheme.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site extends to approximately 6.9 hectares in size and forms the north east quadrant of Leeds City Centre. It is defined by New York Road (Inner Ring Road A58M/A64M) to the north, Bridge Street to the east, George Street and Dyer Street to the south and Harewood Street and Vicar Lane to the west. Millgarth Police Station, Millennium Fountain (former Appleyards petrol filling station) and the Ladybeck Close area are all now excluded from the amended proposals site boundary. Ground levels fall by approximately 14m from the north west (former ABC site) to the south east corner (bus station) of the site.
- 3.2 The site contains a varied mix of property and land uses. However, a significant land use is surface car parking (2.26 hectares). Lady Lane, Edward Street, Union Street, Templar Street, Templar Lane and on-street car parking accounts for approximately 1080 surface parking spaces. Existing buildings on site are commonly three or four storeys in height, typically retail (A1) or food and drink (A3 and A4) uses at ground floor level and mainly office (B1) or residential uses above. However, an increased number of these existing buildings have become vacant since the consent was granted for the previous original outline scheme in August 2007.
- 3.3 North central segment

Saxon Hawke House (Lyon Works) is a former clothing factory constructed in 3 phases between 1914 (northern end adjacent to Templar Street) and 1937 (southern end adjacent to Lady Lane). To the west of Templar Lane, Templar House is a Grade II Listed Building constructed as a chapel in 1840. The building has been unoccupied for some time and is in a very poor structural condition with no remaining internal features of interest. To the south, 34 Lady Lane is one of the few buildings on the site dating from before 1900 although it was remodelled in the 1930's. The building is encompassed within the northern Eastgate terrace.

3.4 North west segment

The north-western frontage of the site abuts Vicar Lane. The former ABC cinema was demolished during 2006. Templar Hotel, at the junction with Templar Street, is a mid-late 19th Century building used as a public house. 100-104 Vicar Lane originally formed part of the West Yorkshire Bus Station but is now in a variety of commercial uses.

3.5 Central spine and southern segment

In 1924 a scheme to demolish the properties on the north side of the Headrow to create a new, grand, street running from the Town Hall to Mabgate Circus was agreed. In order to achieve a unifying theme, Sir Reginald Blomfield was appointed to design the buildings that would face onto the new street. 90-94 Vicar Lane is located at the junction with Eastgate. The building is grade II listed and is one of the four similar corner blocks (only 3 were completed) at this junction designed by Blomfield. However, few of the buildings within Eastgate were ultimately designed by Blomfield.

3.6 1-5 Eastgate forms part of the same block as 90-94 Vicar Lane. The building is a post-war interpretation of its neighbour. The northern Eastgate terrace (7-31 Eastgate) is situated to the east of this block beyond a staircase leading down to Lady Lane and Edward Street. The terrace, stepping down from west to east, is 130m in length. 7-27 (1953) Eastgate generally follows the outline plan and is clearly inspired by Blomfield. 29-31 Eastgate (1930-33) was designed by Blomfield.

3.7 The terrace on the southern side of Eastgate is a similar length and height to that on the northern side. The majority of the run (10-42 Eastgate) dates from the late 1950's. 44-46 Eastgate, the southern 'bookend' is similar to its northern counterpart. Beyond the open car parks and the police headquarters (outside the site) part of Leeds Central Bus Station is located within the application site boundary.

3.8 The Millennium Fountain, whilst outside the demise of the current proposal, is of importance still and is located within a Blomfield designed building located at the intersection of Eastgate (west), Eastgate (north-east) and St Peter's Street. The grade II listed building was constructed as a petrol station in 1932. The surrounding railings were listed grade II as having group value as part of the composition with the filling station.

4.0 **RELEVANT PLANNING HISTORY:**

4.1 The original outline planning permission for the previous Eastgate and Harewood Quarter Development scheme (06/03333/OT) was granted consent on 24th August 2007 and permission was extended on 9 July 2010 (10/01477/EXT).

- 4.2 Subsequently a revised scheme was submitted under outline planning application 11/0100/OT for major redevelopment, including demolition, involving mixed use to provide retail stores, restaurants, bars and offices (A1, A2, A3, A4, A5 and B1 Use Classes), gym (D2 Use Class), medical centre, crèche, multi-faith prayer room (D1 Use Classes), changing places toilet facilities, with new squares and public realm, landscaping, car parking and associated highway works, at the Eastgate And Harewood Quarter, Leeds, LS2 . This was approved on 6 September 2011 A Non Material Amendment planning reference 12/9/00055/MOD to amend the description to refer to leisure use (D2 use class) instead of gym (D2 use class) was approved on 4 April 2012.
- 4.3 A subsequent Section 73, Variation of Condition application, planning reference 12/03002/OT, was submitted seeking the variation of condition 3 of planning permission 11/01000/OT to allow for Leisure Use (D2 use class) and Casino Use (sui generis) as part of a retail-led mixed use development. This application was approved on 30 October 2012. A Non Material Amendment planning reference 12/9/00098/MOD to amend the description to add in Casino Use (Sui Generis) was also submitted in parallel to the Variation of Condition application (12/03002/OT) and this was approved on 2 October 2012.
- 4.4 Other applications of relevance are:
- 4.5 11/01003/LI - Listed Building Application for works to renovate and repair external fabric of Templar House, at Templar House, Lady Lane was approved on 21 July 2011.
- 4.6 09/05538/LI - Listed building application for the demolition of the railings at the former Appleyards Filling Station. Following referral to the Secretary of State this application was granted a five year consent on 31 March 2010 subject to conditions requiring the railings be repaired and reused within the Eastgate and Harewood Quarter development.
- 4.7 09/04368/LI – A Listed building application to repair and renovate the external fabric of Templar House, Lady Lane was approved 2 December 2009.
- 4.8 11/01194/FU – An application for the demolition of all buildings and the erection of a Low Carbon Energy Centre, primary substation, transformers and a gas meter unit; and associated landscaping, means of enclosure and highway works including the realignment of Ladybeck Close, was approved on 14 July 2011.
- 4.9 11/02884/FU – An application for part demolition of school, construction of new church, with youth hall, meeting rooms, cafe and toilets, including extension of part of remaining school to form crèche, kindergarten, auditorium, games room, teaching rooms, meeting rooms, offices and kitchen, with car parking and landscaping and laying out of new access, at the Agnes Stewart site, was approved on 5 October 2011.
- 4.10 07/02508/FU – Permission was granted for the laying out of access road and erection of new auditorium and youth hall, with new car parking area to form church and community facilities for the relocation of the Bridge Street Pentecostal Church to the Agnes Stewart school site on 29 June 2010.
- 4.11 Whilst not strictly part of the planning history, it should be noted that on 19th April 2006 Executive Board authorised the making of a Compulsory Purchase Order

(CPO). The Leeds City Council (Eastgate and Harewood Quarter, Leeds) Compulsory Purchase Order 2007 was subsequently made on 18th April 2007. The Public Inquiry into the CPO took place between November 2007 and February 2008. The CPO was confirmed by the Secretary of State for Communities and Local Government in June 2008 and the associated Stopping Up Order for the original consented scheme was confirmed by the Secretary of State for Transport in July 2008. The CPO has been implemented by way of notices to treat served on the 7th of April 2011. Accordingly, the site assembly process to enable the proposal to be implemented (if planning permission is granted) is well advanced.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The overall scheme has been the subject of detailed discussions between the Applicants, their Architects and Local Authority Officers for a considerable number of months, and was presented to Members at the Plans Panel of 22 July 2010. Members commented on the proposals and the scheme was brought back to Plans Panel on 16 September 2010 for a further pre-application presentation. Further comments were made by Members to be taken into account in the subsequently submitted outline planning application.
- 5.2 The original outline application was then brought to Panel as a Position Statement on 12 May 2011 and Members again made comments which informed the manner in which the proposal was to be brought forward. The original outline application was brought back to Plans Panel for determination on 7 July 2011 where Members resolved to grant outline planning permission. The application was subsequently approved, following completion of the Section 106 Legal Agreement, on 6 September 2011.
- 5.3 The scheme returned to Plans Panel on 27 September 2012 with a Section 73 Outline Planning Application to vary Condition 3 and a Non Material Amendment submission to alter the description, such that a new use, Casino Use (Sui Generis) could be introduced, and the approved Gym Use (D2) could be amended to a broader Leisure Use (D2) with a potentially large floor space. Members resolved to grant outline planning permission at this Panel. The application was subsequently approved, following completion of the Section 106 Legal Agreement, on 30 October 2012.

6.0 POLICY BACKGROUND:

- 6.1 The National Planning Policy Framework 2012 (NPPF) was adopted in March 2012 and sets out the Government's planning policies and how they expect them to be applied. This national planning policy document is likely to be of relevance in considering the schemes proposed progression.
- 6.2 A wide range of Leeds Unitary Development Plan Review 2006 (UDPR 2006) policies are likely to be applicable in the appraisal of the amended scheme. These would cover such matters as urban design, transport, economy, shopping, urban regeneration, access, waste, archaeology, leisure and tourism, landscaping, the defined City Centre, the Prime Shopping Quarter and shopping frontages, and any relevant Proposal Areas (Area 15 - Kirkgate Market Areas and Area 16 Templar Street).

- 6.3 In addition applicable strategic guidance is provided in the form of the Leeds Growth Strategy – Getting Leeds Working. This is a statement of intent about the opportunities and priorities the city will pursue to deliver growth and get Leeds working to its fullest capacity. Further planning guidance is given in the Supplementary Planning Documents the Leeds City Centre Urban Design Strategy (September 2000), Eastgate and Harewood Supplementary Planning Document (October 2005), Public Transport Improvements and Developer Contributions (July 2008), the draft Travel Plans (September 2012) and Tall Buildings Design Guide (April 2010).
- 6.4 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 7th November 2012 Executive Board approved the proposed pre-submission changes to the Publication Draft of the Leeds Development Framework Core Strategy. Executive Board also resolved to recommend that Council approve the Publication Draft Core Strategy and the sustainability report for the purposes of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. The Core Strategy is likely to be of relevance in considering the schemes proposed progression.

7.0 PROPOSALS:

7.1 The presentation now brought to Members focuses on the following key areas:

7.2 Layout and Uses

The proposal is to amend the layout to Phase 1 such that routes through and around the scheme become more permeable whilst making effective use of the land. The intention is that Phase 1 would accommodate an appropriate spread and type of units, housing a mixture of the approved uses whilst still ensuring the dominance of retail use, in line with the requirements of the Prime Shopping Quarter. The proposed changes also aim to ensure that the relationship between the anchor store and the other blocks of units is enhanced in terms of views, connectivity and character.

7.3 Integration, Public Realm and Connectivity

The proposed layout amendments also aim to further assimilate the design concepts of the scheme into the wider City Centre with the emulation of, and connection to, existing street patterns. The attributes and location of proposed public realm is also being considered, with a view to ensuring that a high quality useable series of spaces and routes is created. Highways enhancement works to Vicar Lane and George Street are proposed, to create more pedestrian friendly environments that strengthen the linkages of the development to the Victoria Quarter and Kirkgate Market.

7.4 Arcades

In reconsidering the manner in which the scheme is set out for Phase 1 the Developer is seeking to create two new arcades running east –west across the site from Harewood Street to the proposed Blomfield Street which would front onto the anchor store's west facing elevation. These would be contemporary arcades with glazed roofs, but would echo and reflect some of the principles of the existing historic arcades across Leeds City Centre. The aim is to further integrate the scheme into the existing City Centre's urban character and grain by introducing this design element.

7.5 Car Parking Provision

As previously stated the scheme will come forward in a Phased manner. It is the case that the approved car parking provision will form part of Phase 2 of the wider development. In addition, the development for Phase 1 of the scheme will result in the loss of the existing Union Street car park (which has 325 spaces). Therefore, there is a requirement to address this loss and any possible interval in the bringing forward of the Phase 2 car parking provision. The Developer proposes a split deck car park to be positioned adjacent to the anchor store, on the site soon to be vacated by Millgarth Police Station. The car park would provide in the region of 600 parking spaces. Due to the proposed location of the car park there would be a requirement to realign the New Generation Transport (NGT) such that it would be moved from Millgarth Street to a position along the line of the culverted beck running under the Millgarth Police Station site.

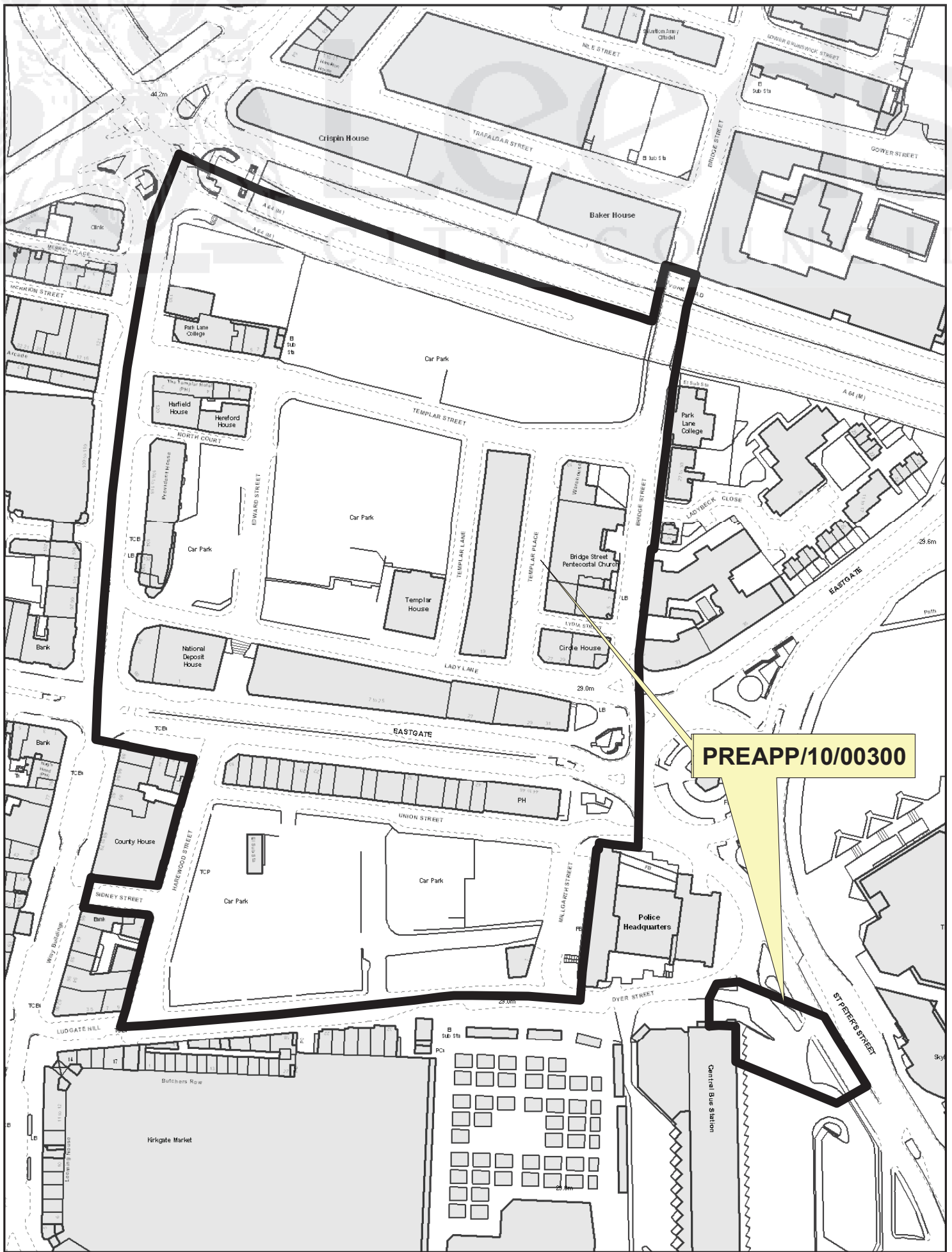
8.0 **ISSUES:**

The key issues Members will have to consider include the following:

1. Are the proposed amendments to the layout of Phase 1 acceptable?
2. Do Members consider that Phase 1 of the scheme effectively integrates and connects with the existing City Centre and in particular with Kirkgate Market and the Victoria Quarter?
3. Is the introduction of the contemporary arcades to the Phase 1 part of the overall development acceptable?
4. Is the level and location of car parking provision acceptable?

Background Papers:

Planning Application 06/03333/OT
Listed Building Application 06/03334/LI
Listed Building Application 09/05538/LI
Listed Building Application 09/04368/LI
Non Material Amendment 09/9/00291/MOD
PREAPP/10/00300
Planning Application 10/01477/FU
Planning Application 11/01000/OT
Planning Application 11/01003/LI
Planning Application 11/01194/FU



PREAPP/10/00300

CITY PLANS PANEL